

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 9 OF 16

DOCUMENTS

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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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SUPREME COURT NO: 86846, 86893
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1 CODE #3340
CHRISTOPHER J. HICKS
2 #7747
One South Sierra Street
3 Reno, Nevada 89501
(775) 328-3200
4 districtattorney@da.washoecounty.gov
Attorney for Plaintiff
5

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

7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR14-0644

11 v.

Dept. No. 8

12 RODERICK STEPHEN SKINNER,

13 Defendant.
14 _____/

15 ORDER TO PRODUCE PRISONER FOR IN PERSON HEARING

16 IT APPEARING to the satisfaction of the above-entitled Court that it is necessary
17 that the Defendant above named, RODERICK STEPHEN SKINNER #1126964,
18 presently incarcerated in the Northern Nevada Correctional Center, Carson City,
19 Nevada, be brought before the Second Judicial District Court for an in-person status
20 hearing in the above-entitled action.

21 NOW, THEREFORE, IT IS HEREBY ORDERED that the Warden of the Northern
22 Nevada Correctional Center, Carson City, Nevada, bring the said RODERICK STEPHEN
23 SKINNER #1126964 before the Second Judicial District Court on December 29, 2022, at
24 9:00 a.m., for an in-person status hearing in the above-entitled action, and from time to

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

3
4 DATED this 23rd day of November, 2022.

5 
6 _____
DISTRICT JUDGE

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-11-23 14:39:06.441.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-11-23 14:39:07.55.
DIV. OF PAROLE & PROBATION - Notification received on 2022-11-23 14:39:05.941.
JOHN PETTY, ESQ. - Notification received on 2022-11-23 14:39:04.722.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-11-23 14:39:04.066.
EDWARD REED, ESQ. - Notification received on 2022-11-23 14:39:07.957.
CHRISTINE BRADY, ESQ. - Notification received on 2022-11-23 14:39:06.988.

***** 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:

11-23-2022:14:38:33

Clerk Accepted:

11-23-2022:14:38:44

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:

Court Clerk ADeGayne

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:

DIV. OF PAROLE & PROBATION

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

JENNIFER P. NOBLE, 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

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

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

RODERICK SKINNER
(Name)
1126964
(I.D. No.)
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702
Petitioner, In Proper Person

FILED
2022 NOV 28 AM 9:11
ALICIA L LEROUD
CLERK OF THE COURT
BY [Signature]

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

RODERICK SKINNER
Plaintiff/Petitioner
vs.
WARDEN FRAZIER N.N.C.C. et al.
STATE OF NEVADA Defendant/Respondent

Case No.: CR14-0644

REPLY TO "OPPOSITION TO
MOTION FOR CORRECTION OF
SENTENCE"

COMES NOW, RODERICK SKINNER, in proper person and herein
above respectfully moves this Honorable Court for a(n) ORDER GRANTING HIS MOTION
FOR CORRECTION OF SENTENCE AND SUCH OTHER RELIEF AS THE
COURT DEEMS FIT AND PROPER.

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

MEMORANDUM OF POINTS AND AUTHORITIES

IN HER ARGUMENT, PROSECUTOR NOBLE cites EDWARDS v STATE, 112 Nev. 704 918 P.2d 321 (1996) FOR THE PROPOSITION THAT "A MOTION TO CORRECT AN ILLEGAL SENTENCE MAY ONLY ADDRESS THE FACIAL LEGALITY OF THE SENTENCE..."

See, 'OPPOSITION TO MOTION FOR CORRECTION OF SENTENCE' at page 3 lines 8-9.

HOWEVER THIS POTENTIALLY MISLEADS THE COURT BY OMITTING THAT THE EDWARDS COURT GOES ON TO STATE THAT A MOTION TO MODIFY SENTENCE IS LIMITED IN SCOPE TO SENTENCES BASED ON MISTAKEN ASSUMPTIONS ABOUT A DEFENDANT'S CRIMINAL RECORD WHICH WORK TO THE DEFENDANT'S EXTREME DETRIMENT. EDWARDS v STATE, 112 Nev. at 708, 918 P.2d at 324.

FURTHERMORE, PROSECUTOR NOBLE FAILS TO ADDRESS THE SUBSTANCE OF MY ARGUMENT, WHICH IS THAT IN LIGHT OF VASQUEZ v STATE 2020 Nev. App. UNPUB LEXIS 657: 468 P.3d 886 No. 79409-COA, THE DISTRICT COURT NEVER RESOLVED MY OBJECTIONS CONCERNING THE DIVISION OF PAROLE AND PROBATION'S SCORING IN MY CASE.

"A DEFENDANT HAS THE RIGHT TO OBJECT TO FACTUAL OR METHODOLOGICAL ERRORS IN SENTENCING FORMS, SO LONG AS HE OR SHE OBJECTS BEFORE SENTENCING".

BLANKENSHIP v STATE, 132 Nev. 500, 508, 375 P.3d 407, 412 (2016). MR SKINNER DID TIMELY OBJECT, YET NO RESOLUTION OCCURRED.

CONCLUSION

THE NEVADA SUPREME COURT HAS LONG RECOGNIZED THAT
COURTS HAVE THE POWER AND JURISDICTION TO MODIFY A SENTENCE;
STALEY V STATE, 787 P.2d 396, 106 Nev. 75 (1990).

ACCORDINGLY, AND IN LIGHT OF VASQUEZ V STATE (2020) supra,
THIS COURT HAS AN ADEQUATE LEGAL BASIS TO GRANT MY MOTION
FOR CORRECTION OF SENTENCE AND IT IS PROPER IN ALL THE
CIRCUMSTANCES OF THIS CASE TO DO SO.

Dated this 17TH day of NOVEMBER, 2022.

By: Rod Skinner.

CERTIFICATE OF SERVICE

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

CLERK OF THE COURT
SECOND JUDICIAL DISTRICT COURT
75 COURT ST
RENO N.V. 89501

AND

JENNIFER NOBLE
DISTRICT ATTORNEYS OFFICE
ONE SOUTH SIERRA ST
RENO N.V. 89501

Dated this 17TH day of NOVEMBER, 2022.

By: Rod Skinner

Petitioner, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

17TH NOVEMBER 2022
 (Date)

Rod Skinner
 (Signature)

1 CODE 2715
2
3
4

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

6
7 IN AND FOR THE COUNTY OF WASHOE

8 RODERICK STEPHEN SKINNER,

9 Petitioner,

10 vs.

Case No. CR14-0644

11 THE STATE OF NEVADA,

Dept. No. 8

12 Respondent.
-----/

13 **SECOND RECOMMENDATION AND ORDER APPOINTING COUNSEL**
14 **(Post-Conviction)**

15 The Petitioner was granted Forma Pauperis Status as he is currently in custody
16 and the District Court Judge previously found him indigent and determined there was a
17 basis to appoint counsel for Petitioner. Edward Torrance Reed was appointed as
18 counsel, but he was relieved in an Order dated October 26, 2022 and the Court has
19 requested new counsel be appointed to represented Petitioner. This Administrator
20 makes the following recommendations:
21

22 IT IS HEREBY RECOMMENDED that Sean Neahusan, Esq., be appointed to
23 continue to represent Petitioner on his Petition for Writ of Habeas Corpus (Post-
24 Conviction), and that counsel be paid pursuant to NRS 7.115 through NRS 7.165 by
25 the State Public Defender/Department of Indigent Defense (DIDS) in an amount
26 recommended by the Conflict Administrator and then approved by the Court.

calendar.

Affirmation

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

Dated this 27th day of November, 2022.

/s/ Kmeier
KRISTA MEIER, ESQ.
APPOINTED COUNSEL ADMINISTRATOR

SECOND ORDER TO APPOINT 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 interests of justice,

IT IS HEREBY ORDERED the recommendations of the Administrator are confirmed, approved and adopted. As such, Sean Neahusan shall be appointed to continue to represent Petitioner on his Petition for Writ of Habeas Corpus (Post-Conviction).

DATED this 28th day of November, 2022.


CHIEF DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify I am an employee of THE SECOND JUDICIAL DISTRICT COURT; and on the 28th day of November, 2022, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

JENNIFER NOBLE, ESQ.

JOHN PETTY, ESQ.

CHRISTINE BRADY, ESQ.

CHRISTOPHER FREY, ESQ.

SEAN NEAHUSAN, ESQ.

KEVIN NAUGHTON, ESQ.

DIV. OF PAROLE & PROBATION

And, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true and correct copy of the attached document addressed as follows:

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-11-28 09:42:04.28.
SEAN NEAHUSAN, ESQ. - Notification received on 2022-11-28 09:42:03.655.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-11-28 09:42:03.03.
DIV. OF PAROLE & PROBATION - Notification received on 2022-11-28 09:42:02.062.
JOHN PETTY, ESQ. - Notification received on 2022-11-28 09:42:00.78.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-11-28 09:42:00.327.
CHRISTINE BRADY, ESQ. - Notification received on 2022-11-28 09:42:02.577.

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

PROOF OF SERVICE OF ELECTRONIC FILING

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

11-28-2022:09:41:04

Clerk Accepted:

11-28-2022:09:41:34

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Appointing Counsel

Filed By:

Judicial Asst. HLonge

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JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

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

CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/25/2022
HONORABLE
BARRY
BRESLOW
DEPT. NO. 8
A. DeGayner
(Clerk)
P. Hoogs
(Reporter)

HEARING ON MOTION TO WITHDRAW

All parties were present via Zoom.

Deputy District Attorney Jennifer Noble represented the State.
Defendant was present, in custody, represented by Edward Torrance
Reed, Esq.

11/22/2022
2:00 p.m.
Status Hearing
(Zoom)

2:42 p.m. – Court convened with Court, counsel and Defendant
present.

DATY Reed advised the Court that he is still seeking to withdraw as
counsel for Defendant.

DDA Noble offered no objection to the Motion to Withdraw and
advised that the State does not believe that the Defendant is entitled
to appointment of counsel.

Defendant advised that it is not his intention to prolong this matter.

DATY Reed argued that it would be proper to appoint new counsel.

COURT ORDERED: A Hearing on Motion to Withdraw as Counsel of
Record was held on October 25, 2022. Defense Counsel presented
information demonstrating that there exists a conflict, IT IS HEREBY
ORDERED that Edward Torrance Reed, Esq. is hereby RELIEVED
as counsel of record. IT IS FURTHER ORDERED that pursuant to
order of the Nevada Supreme Court regarding representation of
indigent defendants, ADKT 411 (2008), and the plan developed for
the Second Judicial District Court to meet the requirements set forth
therein, the matter of appointment of counsel is hereby referred to
the Conflict Counsel/Attorney Administrator. IT IS FURTHER
ORDERED that a Status Hearing is set for **November 22, 2022 at
2:00 p.m.** in Department 8.

Defendant remained in the custody of the Nevada Department of
Corrections.

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-12-27 13:40:56.524.
SEAN NEAHUSAN, ESQ. - Notification received on 2022-12-27 13:40:53.821.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-12-27 13:40:51.883.
DIV. OF PAROLE & PROBATION - Notification received on 2022-12-27 13:40:47.211.
JOHN PETTY, ESQ. - Notification received on 2022-12-27 13:40:42.226.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-12-27 13:40:40.21.
CHRISTINE BRADY, ESQ. - Notification received on 2022-12-27 13:40:49.257.

******* 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:

12-27-2022:13:39:33

Clerk Accepted:

12-27-2022:13:40:06

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk ADeGayne

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:

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

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

CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/22/2022
HONORABLE
BARRY
BRESLOW
DEPT. NO. 8
A. DeGayner
(Clerk)
C. Eisenberg
(Reporter)

STATUS HEARING

All parties were present via Zoom.

Deputy District Attorney Kevin Naughton represented the State.

Defendant was present, in custody, unrepresented.

The Court Clerk contacted the Conflict Group Administrator who advised that the Conflict Group has not identified an attorney who will accept the case, the Conflict Group is sending the matter to the Department of Indigent Defense Services (DIDS) to find out of county counsel to accept.

12/29/2022
9:00 a.m.
Status Hearing
(in-person)

COURT ORDERED: Matter CONTINUED to **Thursday, December 29, 2022 at 9:00 a.m.**, in-person, in Department 8. If counsel has not appeared in the case, a representative of the Conflict Group to be present at the continued Status Hearing. Defendant is directed to not file anything else in this matter. Defendant's recent filings will not be stricken, the Court will wait to see how new counsel wants to proceed. The State's time to respond to the recent filing by the Defendant is tolled pending further directive of the Court. Defendant remained in the custody of the Nevada Department of Corrections.

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-12-27 13:55:38.408.
SEAN NEAHUSAN, ESQ. - Notification received on 2022-12-27 13:55:38.049.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-12-27 13:55:37.58.
DIV. OF PAROLE & PROBATION - Notification received on 2022-12-27 13:55:36.736.
JOHN PETTY, ESQ. - Notification received on 2022-12-27 13:55:35.893.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-12-27 13:55:35.346.
CHRISTINE BRADY, ESQ. - Notification received on 2022-12-27 13:55:37.127.

******* 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:

12-27-2022:13:54:44

Clerk Accepted:

12-27-2022:13:55:15

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk ADeGayne

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

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

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

SEAN NEAHUSAN ESQ.
State Bar No. 11224
Neahusan Law
443 Marsh Ave.
Reno, Nevada 89509
Telephone: (775) 420-5142
Email: Sean@Neahusanlaw.com

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

STATE OF NEVADA,

Plaintiff,

v.

RODERICK STEPHEN SKINNER,

Defendant.

Case No. CR14-0644

Dept. No. 8

NOTICE OF APPEARANCE OF COUNSEL

COMES NOW, SEAN NEAHUSAN, ESQ. of Neahsuan Law, and hereby respectfully submits this Notice of Appearance of Counsel in the above-entitled case.

SEAN NEAHUSAN has been hired as counsel to represent her in all matters pertaining to this case.

DATED this 28th day of December, 2022

NEAHUSAN LAW

/s/ Sean Neahusan

Sean Neahusan, Esq.
Attorney for Defendant

AFFIRMATION
Pursuant to NRS 239.B.030

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

DATED this 28th day of December, 2022

NEAHUSAN LAW

/s/ Sean Neahusan
Sean Neahusan, Esq.
Attorney for Defendant

* * * * *

CERTIFICATE OF MAILING

Pursuant to NRCP 5 (b) I hereby certify that I am an employee of Neahusan Law, and that on this 28th day of December, 2022, 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:

Washoe County District Atty.
Attn: Kevin Naughton

/s/ Sean Neahusan
Sean Neahusan, Esq.
NEAHUSAN LAW

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-12-29 08:13:17.139.
SEAN NEAHUSAN, ESQ. - Notification received on 2022-12-29 08:13:15.701.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-12-29 08:13:15.045.
DIV. OF PAROLE & PROBATION - Notification received on 2022-12-29 08:13:14.154.
JOHN PETTY, ESQ. - Notification received on 2022-12-29 08:13:13.076.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-12-29 08:13:12.732.
CHRISTINE BRADY, ESQ. - Notification received on 2022-12-29 08:13:14.654.

******* 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:

12-28-2022:17:10:14

Clerk Accepted:

12-29-2022:08:12:48

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Notice of Appearance

Filed By:

Sean A Neahusan

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

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

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

1 CODE No. 1260
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 ***

9 RODERICK STEPHEN SKINNER, #1126964

10 Petitioner,

Case No. CR14-0644

11 v.

Dept. No. 8

12 THE STATE OF NEVADA,

13 Respondent.
14 _____/

APPLICATION FOR ORDER TO PRODUCE PRISONER

15 COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS,
16 District Attorney of Washoe County, by KEVIN NAUGHTON, Appellate Deputy, and
17 alleges as follows:

18 1. That the Defendant, RODERICK STEPHEN SKINNER, #1126964, is
19 presently incarcerated at the Northern Nevada Correctional Center, Carson City,
20 Nevada.

21 2. That the above RODERICK STEPHEN SKINNER, #1126964, is scheduled for a
22 status hearing before the Second Judicial District Court on April 11, 2023, at 11:00 a.m.

23 / / /

24 / / /

3. Zoom Meeting Information: <https://www.washoecourts.com/OnlineHearings>

WHEREFORE, Applicant prays that an Order be made ordering the audio/visual appearance of the said RODERICK STEPHEN SKINNER, #1126964, before the Second Judicial District Court, and from time to time thereafter at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises and directing the execution of said Order by the Warden of the Northern Nevada Correctional Center, Carson City, Nevada.

AFFIRMATION

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

DATED: January 12, 2023.

CHRISTOPHER J. HICKS
District Attorney

By /s/ KEVIN NAUGHTON
KEVIN NAUGHTON
Appellate Deputy

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on January 12, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Sean Neahusan, Esq.
Attorney for the Petitioner

/s/ KAITLIN SNYDER
KAITLIN SNYDER

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-01-12 13:53:25.14.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-01-12 13:53:23.312.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-01-12 13:53:21.078.
DIV. OF PAROLE & PROBATION - Notification received on 2023-01-12 13:53:17.406.
JOHN PETTY, ESQ. - Notification received on 2023-01-12 13:53:14.781.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-01-12 13:53:13.062.
CHRISTINE BRADY, ESQ. - Notification received on 2023-01-12 13:53:19.422.

******* 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:

01-12-2023:13:52:24

Clerk Accepted:

01-12-2023:13:52:48

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:

Kevin Naughton

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

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

-

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

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, 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 No. 1250

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

8 ***

9 RODERICK STEPHEN SKINNER, #1126964

10 Petitioner,

Case No. CR14-0644

11 v.

Dept. No. 8

12 THE STATE OF NEVADA,

13 Respondent.

14 _____/

15 APPLICATION FOR SETTING

16 TYPE OF ACTION: Post-Conviction

17
18 MATTER TO BE HEARD: Status Hearing

19
20 DATE OF APPLICATION: January 12, 2023

21
22 COUNSEL FOR PETITIONER: Sean Neahusan, Esq.

23
24 COUNSEL FOR RESPONDENT: Kevin Naughton, Appellate Deputy

25
26 Setting at 11:00 a.m., April 11, 2023, audio/visual.

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-01-12 13:59:17.801.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-01-12 13:59:17.487.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-01-12 13:59:17.188.
DIV. OF PAROLE & PROBATION - Notification received on 2023-01-12 13:59:16.374.
JOHN PETTY, ESQ. - Notification received on 2023-01-12 13:59:15.39.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-01-12 13:59:15.031.
CHRISTINE BRADY, ESQ. - Notification received on 2023-01-12 13:59:16.687.

******* 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:

01-12-2023:13:58:34

Clerk Accepted:

01-12-2023:13:58:55

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:

Kevin Naughton

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

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

-

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

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, 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 No. 3370
2
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 ***

9 RODERICK STEPHEN SKINNER, #1126964

10 Petitioner,

Case No. CR14-0644

11 v.

Dept. No. 8

12 THE STATE OF NEVADA,

13 Respondent.
14 _____/

15 ORDER TO PRODUCE PRISONER BY AUDIO-VISUAL MEANS
16

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

21 NOW, THEREFORE, IT IS HEREBY ORDERED that the Warden of the Northern
22 Nevada Correctional Center, Carson City, Nevada, with cooperative assistance from the
23 Nevada System of Higher Education, bring the said RODERICK STEPHEN SKINNER
24 #1126964, before the Second Judicial District Court via simultaneous audio/visual

transmission means on April 11, 2023, at 11:00 a.m., for a status hearing in the above-entitled action.

IT IS FURTHER ORDERED that it is not necessary for said RODERICK STEPHEN SKINNER #1126964, to be physically located in Washoe County, Nevada, during the post-conviction review hearing.

IT IS FURTHER ORDERED that the Warden of the Northern Nevada Correctional Center, Carson City, Nevada, shall provide and make available a telephone for the duration of the post-conviction hearing to allow RODERICK STEPHEN SKINNER #1126964 and his defense counsel SEAN NEAHUSAN, ESQ., the ability to speak privately during the hearing.

DATED this 12th day of January, 2023.


DISTRICT JUDGE

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-01-12 15:38:31.036.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-01-12 15:38:28.411.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-01-12 15:38:26.379.
DIV. OF PAROLE & PROBATION - Notification received on 2023-01-12 15:38:24.067.
JOHN PETTY, ESQ. - Notification received on 2023-01-12 15:38:20.457.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-01-12 15:38:18.629.
CHRISTINE BRADY, ESQ. - Notification received on 2023-01-12 15:38:25.192.

******* 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:

01-12-2023:15:34:59

Clerk Accepted:

01-12-2023:15:37:46

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:

Court Clerk ADeGayne

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

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

-

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

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

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

CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE
 OFFICERS OF
 COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/29/2022
 HONORABLE
 BARRY
 BRESLOW
 DEPT. NO. 8
 A. DeGayner
 (Clerk)
 L. Stubbs
 (Reporter)

STATUS HEARING

Deputy District Attorney Kevin Naughton represented the State.
 Defendant was present, in custody, represented by DATY Sean
 Neahusan.

04/11/2023
11:00 a.m.
Status Hearing

The Court addressed recent filings by the Defendant.
 DATY Neahusan advised that he has not received the recent filings in
 the Defendant's other cases as he was only appointed in this matter.
 DATY Neahusan advised that he is still receiving discovery in this case
 and needs additional time to prepare and review new filings. DATY
 Neahusan further advised that he should be able to file any
 supplements at the beginning to middle of March, the workload is high
 at the conflict group.

DDA Naughton advised that DATY Neahusan's position on timing is
 reasonable.

Defendant addressed the Court on his own behalf. Defendant
 confirmed that he will not file anything until he meets with counsel.

COURT ORDERED: Counsel to file supplemental briefing within 90
 days. DATY Neahusan can seek authority to work on the Defendant's
 other cases. Parties are directed to stand down and deadlines are
 tolled pending further order of the Court. Matter CONTINUED to
April 11, 2023 at 11:00 a.m. for Status Hearing.

Defendant remanded to the custody of the Nevada Department of
 Corrections.

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-03-29 11:39:06.325.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-03-29 11:39:06.044.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-03-29 11:39:05.731.
DIV. OF PAROLE & PROBATION - Notification received on 2023-03-29 11:39:04.932.
JOHN PETTY, ESQ. - Notification received on 2023-03-29 11:39:04.276.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-03-29 11:39:03.885.
CHRISTINE BRADY, ESQ. - Notification received on 2023-03-29 11:39:05.356.

******* 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:

03-29-2023:11:38:26

Clerk Accepted:

03-29-2023:11:38:47

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk ADeGayne

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:

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

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

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

FILED

APR 27 2023

ALICIA L. LERUD, CLERK
By: [Signature]
DEPUTY CLERKRODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

Movant, In Proper Person

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

Plaintiff/Movant

vs.

WARDEN BREITENBACH N.N.C. et alSTATE OF NEVADA Defendant/RespondentCase No.: CR14-0644Dept. No.: 8REQUEST FOR SUBMISSION

COMES NOW, RODERICK SKINNER, in proper person, and respectfully requests submission of his pleading, to wit: PETITION FOR WRIT OF HABEAS CORPUS (POST-CONV.), filed in this court on 15TH NOVEMBER 2022, for adjudication on the merits.

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

Respectfully submitted this 17TH day of APRIL, 20 23.

By: Rod Skinner

CERTIFICATE OF SERVICE

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

CLERK OF THE COURT

SECOND JUDICIAL DISTRICT COURT

75 COURT ST

RENO N.V. 89501

AND

WASHOE COUNTY DISTRICT ATTORNEY

1 5TH SIERRA ST

RENO N.V. 89501

Dated this 17TH day of APRIL, 2023.

By: Rod Skinner

Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

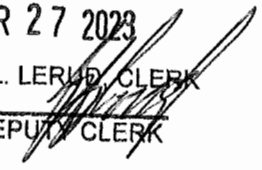
** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

17TH APRIL 2023
(Date)

Rod Skinner
(Signature)

FILED

APR 27 2023

ALICIA L. LERUD, CLERK
By:  DEPUTY CLERKRODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

In Proper Person

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

Plaintiff/Petitioner

vs.

WARDEN BREITENBACH NNCC et al.
STATE OF NEVADA Defendant/RespondentCase No.: CR14-0644PETITIONER'S REQUEST THAT
THIS COURT ORDER THE STATE
TO RESPOND TO HIS 'PETITION FOR
WRIT OF FACTUAL INNOCENCE'
FILED ON 03RD NOVEMBER 2022.COMES NOW, RODERICK SKINNER, in proper person and herein
above respectfully moves this Honorable Court for a(n) ORDER THAT THE STATE
RESPOND TO HIS 'PETITION FOR WRIT OF FACTUAL INNOCENCE' FILED ON
03RD NOVEMBER 2022.The instant motion is made and based upon all papers and pleadings on file herein as well
as the following Memorandum of Points and Authorities and attached exhibits (where
applicable).

MEMORANDUM OF POINTS AND AUTHORITIES

PETITIONER SKINNER FILED HIS 'PETITION FOR WRIT OF FACTUAL INNOCENCE' ON 03RD NOVEMBER 2022. THE STATE HAS NOT RESPONDED TO THIS PETITION. THE PETITION CALLS INTO SERIOUS QUESTION THE CREDIBILITY OF THE POLICE EXPERT WITNESS IN THE CASE, FORMER SGT DENNIS CARRY, AND POSITS THAT HE IMPROPERLY FABRICATED THE CR14-0644 CRIMINAL CASE AGAINST PETITIONER SKINNER OR AT LEAST HAD NO LEGITIMATE CAUSE TO CHARGE THE PETITIONER WITH THE OFFENSES THAT WERE ALLEGED.

PETITIONER HAS SATISFIED THE STATUTORY PLEADING REQUIREMENTS FOR HIS FACTUAL INNOCENCE PETITION. ACCORDINGLY NRS 34.970(3) REQUIRES THAT THE DISTRICT COURT ORDER A HEARING ON THE PETITION. EXPERT TESTIMONY OF TAMI L. LOEHRS, A COMPUTER FORENSICS EXPERT AT LOEHRS + ASSOCIATES LLC (FORMERLY LAW 2000 INC.), HAS CONTROVERTED THE STATES CASE AGAINST PETITIONER, AND THEREBY CALLS INTO FURTHER QUESTION THE BASIS OF THE STATES CASE.

CONCLUSION:

THIS COURT SHOULD ORDER THE STATE TO RESPOND TO PETITIONER'S FACTUAL INNOCENCE PETITION, AND THEREAFTER CONDUCT AN EVIDENCIARY HEARING.

Dated this 17TH day of APRIL, 2023.

Rod Skinner

RODERICK SKINNER

CERTIFICATE OF SERVICE

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

CLERK OF THE COURT

2ND JUDICIAL DISTRICT COURT

75 COURT ST RENO NV. 89501

AND

WASHOE COUNTY DISTRICT ATTORNEY

1 STH SIERRA ST

RENO NV 89501

Dated this 17TH day of APRIL, 2023.

By: Rod Skinner
RODERICK SKINNER,
In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

17TH APRIL 2023
(Date)

Rod Skinner
(Signature)

RODERICK SKINNER
(Name)
1126964
(I.D. No.)
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

Movant, In Proper Person

FILED

APR 27 2023

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

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

RODERICK SKINNER
Plaintiff/Movant

vs.

WARDEN BREITENBACH NNCC et al.
STATE OF NEVADA Defendant/Respondent

Case No.: CR14-0644
Dept. No.: 8

REQUEST FOR SUBMISSION

COMES NOW, RODERICK SKINNER, in proper person, and respectfully
requests submission of his pleading, to wit: MOTION FOR CORRECTION OF SENTENCE, filed
in this court on 01ST NOVEMBER 2022, for adjudication on the merits.

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

Respectfully submitted this 17TH day of APRIL, 2023.

By: Rod Skinner.

CERTIFICATE OF SERVICE

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

CLERK OF THE COURT
SECOND JUDICIAL DISTRICT COURT
75 COURT ST
RENO N.V. 89501

AND

WASHOE COUNTY DISTRICT ATTORNEY
18TH SIERRA ST
RENO N.V. 89501

Dated this 17TH day of APRIL, 2023.

By: Rod Skinner

Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

17TH APRIL 2023
(Date)

Rod Skinner
(Signature)

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

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

* * *

RODERICK SKINNER,

Petitioner,

Case No. CR14-0644

v.

Dept. No. 8

WARDEN OLSEN, NNCC,
NEVADA ATTY GENERAL, ET AL.,

Respondents.

_____ /

REQUEST FOR SUBMISSION

It is requested that the Motion to Dismiss Second Petition, filed on April 22, 2022, be submitted to the Court for decision.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: April 28, 2023.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy

CERTIFICATE OF MAILING
CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on April 28, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Sean Neahusan, Esq.

/s/ Renee Kelly
RENEE KELLY

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

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

* * *

RODERICK SKINNER,

Petitioner,

Case No. CR14-0644

v.

Dept. No. 8

WARDEN OLSEN, NNCC,
NEVADA ATTY GENERAL, ET AL.,

Respondents.

_____ /

REQUEST FOR SUBMISSION

It is requested that the Motion to Modify Sentence, filed on November 1, 2022, be submitted to the Court for decision.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: April 28, 2023.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy

CERTIFICATE OF MAILING
CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on April 28, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Sean Neahusan, Esq.

/s/ Renee Kelly
RENEE KELLY

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-04-28 10:10:16.15.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-04-28 10:10:15.009.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-04-28 10:10:13.9.
DIV. OF PAROLE & PROBATION - Notification received on 2023-04-28 10:10:11.556.
JOHN PETTY, ESQ. - Notification received on 2023-04-28 10:10:09.884.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-04-28 10:10:09.587.
CHRISTINE BRADY, ESQ. - Notification received on 2023-04-28 10:10:12.916.

******* 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:

04-28-2023:10:09:16

Clerk Accepted:

04-28-2023:10:09:39

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Request for Submission
Request for Submission

Filed By:

Kevin Naughton

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

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

-

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

The following people were served electronically:

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

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

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

CODE: 2280
SEAN NEAHUSAN, Esq.
State Bar No. 11224
Neahusan Law
443 Marsh Ave
Reno, Nevada 89509
Telephone: (775) 420-5142

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

RODERICK STEPHEN SKINNER,)	
)	
Petitioner,)	
)	
vs.)	
)	Case No.: CR14-0644
STATE OF NEVADA)	
)	Dept. No. 8
Respondent.)	
)	

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW, defendant RODERICK STEPHEN SKINNER, by and through his attorney of record, SEAN NEAHUSAN, Esq., and hereby moves this Honorable Court to allow Mr. Neahusan to withdraw as counsel of record.

Defense Counsel Sean Neahusan has taken a new position with another law firm and will not be practicing criminal law any longer. With the new position, Mr. Neahusan no longer carries the necessary insurance bond required on appointed matters. As such, Mr. Neahusan requests that this matter be returned to the Attorney Conflict Group for reassignment.

DATED this 8th day of May, 2023.

/s/ Sean Neahusan
SEAN NEAHUSAN, Esq.
Attorney for Petitioner,

AFFIRMATION
Pursuant to NRS 239.B.030

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

DATED this 8th day of May, 2023.

/s/ Sean Neahusan
SEAN NEAHUSAN, Esq.
Attorney for Petitioner,

CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b) I hereby certify that I am an employee of Sean Neahusan, Esq., and that on this 20th day of April, 2023, 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:

Washoe County District Attorney's Office
Attn: Kevin P. Naughton, Esq.

/s/ Sean Neahusan
SEAN NEAHUSAN, Esq.

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-05-09 07:40:46.67.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-05-09 07:40:46.232.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-05-09 07:40:45.748.
DIV. OF PAROLE & PROBATION - Notification received on 2023-05-09 07:40:44.936.
JOHN PETTY, ESQ. - Notification received on 2023-05-09 07:40:44.17.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-05-09 07:40:43.857.
CHRISTINE BRADY, ESQ. - Notification received on 2023-05-09 07:40:45.326.

******* 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:

05-08-2023:18:25:54

Clerk Accepted:

05-09-2023:07:40:28

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Motion

Filed By:

Sean A. Neahusan

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

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

The following people were served electronically:

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

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

RODERICK SKINNER,

Case No.: CR14-0644

Petitioner,

Dept. No.: 8

vs.

WARDEN OLSEN, NNCC, STATE OF
NEVADA, ET AL.,

Respondents.

**ORDER GRANTING MOTION TO DISMISS SECOND PETITION AND
DISMISSING THIRD PETITION**

Before the Court are Petitioner Skinner's *Petition for Writ of Habeas Corpus (Post-Conviction)* (hereinafter "*Second Petition*") filed April 4, 2022, Petitioner Skinner's *Petition for Writ of Habeas Corpus (Post-Conviction)* (hereinafter "*Third Petition*") filed November 15, 2022, and the State's *Motion to Dismiss Second Petition* (hereinafter "*Motion*") filed April 22, 2023.

Upon review of the *Petition*, the *Motion*, relevant authority, and the record in its entirety, the Court finds good cause to **GRANT** the State's *Motion*, **DISMISS** the *Second Petition* and **DISMISS** the *Third Petition*.

PROCEDURAL BACKGROUND

Pursuant to a guilty plea memorandum signed by Petitioner Skinner, a *Judgment of Conviction* was entered on September 11, 2014, adjudicating Petitioner Skinner guilty of the crime of Promotion of a Sexual Performance of a Minor, Age 14

or Older, a violation of NRS 200.720 and NRS 200.750, a felony. Petitioner Skinner was sentenced to imprisonment in the Nevada Department of Corrections for an imprisonment term of life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

On October 7, 2014, Petitioner Skinner, by and through his then counsel of record John Petty, Esq., filed a direct appeal of his conviction arguing the Court abused its discretion by sentencing him to prison rather than suspending his sentence and placing him on probation. The Nevada Court of Appeals rejected this argument and affirmed his conviction. *See* Order of Affirmance, *Skinner v. State*, 66666-COA, July 24, 2015. The *Remittitur* issued on August 18, 2015.

On July 13, 2016, Petitioner Skinner filed his first *Petition for Writ of Habeas Corpus Post-Conviction*) (hereinafter “*First Petition*”) pro per. Petitioner Skinner perfected his *First Petition* on October 7, 2016, with a verified petition. At the direction of the Court, the State filed an answer on November 22, 2016. Pursuant to Petitioner Skinner’s *Application for Appointment of Counsel*, the Court appointed counsel on February 16, 2017. Appointed Counsel Edward Reed, Esq., filed a *Supplemental Petition for Writ of Habeas Corpus (Post Conviction)* (hereinafter “*First Supplemental Petition*”) on January 12, 2018, to which the State answered on February 26, 2018.

The Court held an evidentiary hearing on the *First Petition* and the *First Supplemental Petition* on September 26, 2019. Thereafter, the Court entered an *Order Denying Petition for Writ of Habeas Corpus* on October 9, 2019, which Petitioner Skinner appealed, by and through Counsel Reed, on November 4, 2019. The Nevada Court of Appeals affirmed this Court’s decision on October 9, 2019. *See* Order of Affirmance, *Skinner v. Baca*, 79981-COA, February 8, 2021. Petitioner Skinner sought review from the Nevada Supreme Court, but the petition for review was denied on June 25, 2021. *See* Order Denying Petition for Review, *Skinner v. Baca*, 79981, June 30, 2021.

On March 29, 2022, Petitioner Skinner filed pro per his *Second Petition* and re-filed the same on April 4, 2022.¹ On April 14, 2022, Petitioner Skinner filed a *Motion for Appointment of Counsel*. On April 22, 2022, the State filed a *Motion to Dismiss Second Petition* and an *Opposition to Motion for Appointment of Counsel*. On April 22, 2022, Petitioner Skinner submitted his *Motion for Appointment of Counsel*² and his counsel of record, Mr. Reed, filed a *Notice of Withdrawal of Attorney*.

On May 4, 2022, Petitioner Skinner submitted his *Second Petition* to the Court for decision and filed an *Opposition to State's Motion to Dismiss Second Petition*. On May 9, 2022, the State filed a *Reply in Support of the State's Motion to Dismiss Second Petition* and submitted the matter to the Court. On June 10, the Court entered an *Order Granting Motion for Appointment of Counsel and Holding All Other Submitted Documents in Abeyance. A Recommendation and Order Appointing Counsel (Post-Conviction)* was entered on June 28, 2022. A subsequent *Order Appointing Conflict Counsel* was filed on October 26, 2022, relieving Mr. Reed as counsel of record. Petitioner Skinner filed his *Third Petition* on November 15, 2022, to which the State did not respond.

On December 28, 2022, Sean Neahusan, Esq. filed a *Notice of Appearance* on behalf of Petitioner Skinner. The Court held a status hearing on December 29, 2022, wherein the Court ordered Counsel Neahusan to file supplemental briefing within ninety (90) days. No supplemental briefing was filed and on April 27, 2023, Petitioner Skinner submitted his *Third Petition* the matter pro per³ and the State

¹ The Court notes Petitioner Skinner filed requests for submission simultaneously both times he filed his *Second Petition*, which were stricken.

² Petitioner filed a *Reply to State's Opposition to Motion for Appointment of Counsel* on May 5, 2022, after submitting the matter.

³ The Court notes that Counsel Neahusan filed a *Motion to Withdraw as Counsel of Record* on May 8, 2023, as he took a new position with a different law firm and no longer intends to practice criminal law.

re-submitted the *Second Petition* and its *Motion* on April 28, 2023.

LEGAL AUTHORITY

A petitioner is only entitled to an evidentiary hearing on a post-conviction habeas petition if they assert specific factual allegations that, if true, would warrant relief and are not belied or repelled by the record. *Hargrove v. State*, 100 Nev. 498, 502–03 (1984); *Nika v. State*, 124 Nev. 1272 (2008). There is no right to an evidentiary hearing when the issue before the court is a legal issue and not a factual issue. *Whitman v. Warden*, 90 Nev. 434, 436 (1974) (citations omitted). “[A]bsent a showing a good cause for delay, a petition challenging the validity of a judgment or sentence must be filed within one year after this court issues its remittitur on direct appeal.” *State v. Eighth Judicial Dist. Ct. (Riker)*, 121 Nev. 225, 231 (2005); NRS 34.726(1). To show good cause for a delay, a Petitioner must demonstrate that the delay was not their fault and they would be unduly prejudiced by dismissal. *Riker*, 121 Nev. at 231. The Court’s determination on the applicability of procedural bars “may eliminate the need for or narrow the scope of any discovery or evidentiary hearing.” *Id.* at 235.

Specifically, to demonstrate good cause, a petitioner “must show that an impediment external to the defense prevented him or her from complying with the state procedural default rules.” *Hathaway v. State*, 119 Nev. 248, 252 (2003) (internal citations omitted). This is demonstrated by “a showing ‘that the factual or legal basis for a claim was not reasonably available to counsel, or that ‘some interference by officials,’ made compliance impracticable.’” *Id.* (quoting *Murray v. Carrier*, 477 U.S. at 488 (1986) (internal citations omitted)); *see also Phelps v. Dir. Nev. Dept. of Prisons*, 104 Nev. 656, 660 (1988) (holding that “limited intelligence” or reliance on an inmate law clerk unschooled in the law do not constitute good cause sufficient to overcome procedural bars) (*superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 181 (2003)). With respect to prejudice, a petitioner may demonstrate they would be unduly prejudiced if

they make a showing “not merely that the errors [complained of] created a possibility of prejudice, but that they worked to [the petitioner's] actual and substantial disadvantage, in affecting the state proceeding with error of constitutional dimensions.” *Hogan v. Warden*, 109 Nev. 952, 960 (1993) (quoting *United States v. Frady*, 456 U.S. 152, 170 (1982)).

The Court shall dismiss a petition without a hearing if the Court determines the petitioner is not entitled to relief and an evidentiary hearing is not required. NRS 34.770. The Court shall also dismiss a petition if it determines the “petitioner’s conviction was the result of a trial and the grounds for the petition could have been... [r]aised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief.” NRS 34.810(1)(b)(2). Further, the Court shall dismiss a second or successive petition if the Court “determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the [Court] finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.” NRS 34.810(2). The Court has discretion to dismiss a petition for delay in filing if a “period exceeding 5 years between the filing of a judgment of conviction, an order imposing a sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the filing of a petition challenging the validity of a judgment of conviction creates a rebuttable presumption of prejudice to the State.” NRS 34.800(2). The State must specifically plead laches in its motion to dismiss the petition for a petition to be dismissed on that prejudice. *Id.*

DISCUSSION

The Court finds the *Second Petition* and the *Third Petition* are procedurally barred and therefore the Court need not consider Petitioner Skinner’s claims on the merits. The *Second Petition* was first filed on March 29, 2022 and the November 15, 2022, both filed over six years after the *Remittitur* issued.

The *Second Petition* sets forth two grounds of relief, ineffective assistance of trial counsel and ineffective assistance of appellate counsel. While Petitioner Skinner argues good cause existed for his delay because he was unable to raise these claims until the Nevada Supreme Court released its decision in *Gonzales v. State*, 137 Nev. 398 (2021), the Court is unconvinced. The Court adopts the argument as set forth in the State's *Motion* with respect to *Gonzales*. The Court does not find *Gonzales* created a new rule which would constitute good cause in Petitioner Skinner's delay. Therefore, the Court finds the *Second Petition* is untimely and Petitioner Skinner fails to demonstrate good cause for the delay as the arguments presented in the *Second Petition* were available to him at the time of the issuance of the *Remittitur*. Further, the Court has discretion to dismiss the *Second Petition* under NRS 34.800(2) because a period substantially succeeding five years has passed since the issuance of the *Remittitur*. The Court finds the State sufficiently pled laches in its *Motion* and the significant time elapsed created a rebuttable presumption of prejudice against the State, which Petitioner Skinner failed to rebut.

While the State did not respond to the *Third Petition*, the Court does not find Petitioner Skinner presented good cause for the delay and does not require a responsive pleading from the State. Petitioner Skinner argues his constitutional rights are being denied by the alleged errors in his Presentence Investigation Report ("PSI") which was created prior to his conviction. The Court does not find that Petitioner Skinner has demonstrated good cause for the delay in filing his *Third Petition* as the arguments presented in the *Third Petition* with respect to alleged errors in his PSI were available to him at the time of sentencing. Therefore, the Court finds the *Third Petition* is untimely and Petitioner Skinner did not present good cause to overcome this procedural bar.

///

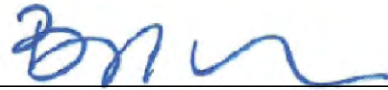
///

CONCLUSION

The *Motion* is **GRANTED**, the *Second Petition* is **DISMISSED**, and the *Third Petition* is **DISMISSED** absent a motion from the State. Petitioner Skinner's *Petitions* are untimely, he has failed to assert good cause as to why he was unable to comply with the one-year deadline to file said *Petitions*, and the doctrine of laches applies to the *Second Petition*.

IT IS SO ORDERED.

DATED this 9th day of June, 2023.



BARRY L. BRESLOW
District Judge

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 9th day of June, 2023, 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:

KEVIN NAUGHTON, ESQ. for STATE OF NEVADA

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

Further, I certify that on the 9th day of June, 2023, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Roderick Skinner (ID: 1126964)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702



Judicial Assistant

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

RODERICK SKINNER,

Case No.: CR14-0644

Petitioner,

Dept. No.: 8

vs.

WARDEN FRANKLIN, NNCC,
STATE OF NEVADA, ET AL.,Respondents.
_____/**ORDER DENYING MOTION FOR CORRECTION OF SENTENCE**

Before the Court is Petitioner Skinner's *Motion for Correction of Sentence* (hereinafter "*Motion*") filed pro per on November 1, 2022.¹ The State filed its *Opposition to Motion for Correction of Sentence* on November 14, 2022. Petitioner Skinner filed his *Reply to "Opposition to Motion for Correction of Sentence"* on November 28, 2022. A *Second Recommendation and Order Appointing Counsel (Post-Conviction)* was filed on November 28, 2022, and Sean Neahusan, Esq., filed a *Notice of Appearance* on December 28, 2022.

The Court held a status hearing on December 29, 2022, wherein the Court ordered Counsel Neahusan to file supplemental briefing within ninety (90) days. No supplemental briefing was filed and on April 27, 2023, Petitioner Skinner submitted

¹ Prior to Petitioner Skinner filing his *Motion*, this Court entered an *Order Appointing Conflict Counsel* on October 26, 2022.

the matter pro per.² The State filed a *Request for Submission* for “the Motion to Modify Sentence, filed November 1, 2022,” which the Court finds to be a duplicate request for submission for the instant *Motion*.

PROCEDURAL BACKGROUND

Pursuant to a guilty plea memorandum signed by Petitioner Skinner, a *Judgment of Conviction* was entered on September 11, 2014, adjudicating Petitioner Skinner guilty of the crime of Promotion of a Sexual Performance of a Minor, Age 14 or Older, a violation of NRS 200.720 and NRS 200.750, a felony. Petitioner Skinner was sentenced to imprisonment in the Nevada Department of Corrections for an imprisonment term of life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

LEGAL AUTHORITY

Generally, the district court lacks jurisdiction to suspend or modify a sentence after a defendant begins to serve the sentence. *Passanisi v. State*, 108 Nev. 318, 322 (1992), overruled on other grounds by *Harris v. State*, 130 Nev. 435, 447 (2014). However, the district court may consider a motion to modify or correct a sentence in limited circumstances. *Id.* A motion to correct an illegal sentence “presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence.” *See Edwards v. State*, 112 Nev. 704, 708 (1996) (citing *Allen v. United States*, 495 A.2d 1145, 1149 (D.C. 1985)).

A motion to modify a sentence is very limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment such that it amounts to a due process violation. *Edwards v. State*, 112 Nev. 704, 708 (1996); *State v. District Court*, 100 Nev. 90, 97

² The Court notes that Counsel Neahusan filed a *Motion to Withdraw as Counsel of Record* on May 8, 2023, as he took a new position with a different law firm and no longer intends to practice criminal law.

(1984). Other courts have held “[t]he cases implicitly recognize ... a due process violation arises only when the errors result in ‘materially untrue’ assumptions about a defendant’s record.” *State v. District Court*, 100 Nev. at 97 (quoting *Townsend v. Burke*, 334 U.S. 736, 741 (1948)) (emphasis added); *see also Staley v. State*, 106 Nev. 75, 79 (1990). When a motion to correct an illegal sentence or modify a sentence raises issues outside of its very narrow scope, the motion should be summarily denied. *Edwards*, 112 Nev. at 708–09 n.2.

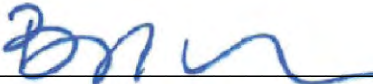
DISCUSSION

Petitioner Skinner argues the sentencing District Court erred by not considering his objections to the manner in which the Division of Parole and Probation scored him in his Presentence Investigation Report (hereinafter “PSI”). Petitioner Skinner asserts his sentence must be vacated and his case remanded for resentencing because he believes he should have been entitled to probation and the now the scoring in his PSI is preventing him from getting parole.³ The Court finds the alleged mistakes in the PSI exceed the narrow scope of a motion to modify a sentence because the alleged errors did not result in materially untrue assumptions about Petitioner Skinner’s record.

Accordingly, the Court **DENIES** the *Motion*.

IT IS SO ORDERED.

DATED this 9th day of June, 2023.


BARRY L. BRESLOW
District Judge

³ The Court notes Petitioner Skinner’s argument that he should have been granted probation has already been rejected by the Nevada Court of Appeals. *See Order of Affirmance, Skinner v. State*, 66666-COA, July 14, 2015.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 9th day of June, 2023, 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:

KEVIN NAUGHTON, ESQ. for STATE OF NEVADA

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

Further, I certify that on the 9th day of June, 2023, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Roderick Skinner (ID: 1126964)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702



Judicial Assistant

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-06-09 12:34:34.659.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-06-09 12:34:34.19.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-06-09 12:34:33.846.
DIV. OF PAROLE & PROBATION - Notification received on 2023-06-09 12:34:33.096.
JOHN PETTY, ESQ. - Notification received on 2023-06-09 12:34:32.342.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-06-09 12:34:31.967.
CHRISTINE BRADY, ESQ. - Notification received on 2023-06-09 12:34:33.518.

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

Judge:

HONORABLE BARRY L. BRESLOW

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06-09-2023:12:32:13

Clerk Accepted:

06-09-2023:12:34:06

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Granting Mtn
Ord Denying Motion

Filed By:

Judicial Asst. JBarrett

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

The following people were served electronically:

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

CODE 2540

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

STATE OF NEVADA,

Plaintiff,

Case No: CR14-0644

vs.

Dept. No: 8

RODERICK SKINNER,

Defendant.

/

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on June 9, 2023, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

Dated June 12, 2023.

ALICIA LERUD

Clerk of the Court

/s/N. Mason

N. Mason-Deputy Clerk

CERTIFICATE OF SERVICE

Case No. CR14-0644

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court; that on June 12, 2023, I electronically filed the Notice of Entry of Order with the Court System which will send a notice of electronic filing to the following:

DIV. OF PAROLE & PROBATION
JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA
SEAN NEAHUSAN, ESQ. for RODERICK STEPHEN SKINNER
KEVIN P. NAUGHTON, 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

I further certify that on June 12, 2023, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

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

Roderick Skinner (#1126964)
N. Nevada Correctional Center
P. O. Box 7000
Carson City, Nevada 89702

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

Dated June 12, 2023.

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

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

RODERICK SKINNER, Case No.: CR14-0644
Petitioner, Dept. No.: 8
vs.

WARDEN OLSEN, NNCC, STATE OF
NEVADA, ET AL.,

Respondents.
_____ /

**ORDER GRANTING MOTION TO DISMISS SECOND PETITION AND
DISMISSING THIRD PETITION**

Before the Court are Petitioner Skinner's *Petition for Writ of Habeas Corpus (Post-Conviction)* (hereinafter "*Second Petition*") filed April 4, 2022, Petitioner Skinner's *Petition for Writ of Habeas Corpus (Post-Conviction)* (hereinafter "*Third Petition*") filed November 15, 2022, and the State's *Motion to Dismiss Second Petition* (hereinafter "*Motion*") filed April 22, 2023.

Upon review of the *Petition*, the *Motion*, relevant authority, and the record in its entirety, the Court finds good cause to **GRANT** the State's *Motion*, **DISMISS** the *Second Petition* and **DISMISS** the *Third Petition*.

PROCEDURAL BACKGROUND

Pursuant to a guilty plea memorandum signed by Petitioner Skinner, a *Judgment of Conviction* was entered on September 11, 2014, adjudicating Petitioner Skinner guilty of the crime of Promotion of a Sexual Performance of a Minor, Age 14

or Older, a violation of NRS 200.720 and NRS 200.750, a felony. Petitioner Skinner was sentenced to imprisonment in the Nevada Department of Corrections for an imprisonment term of life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

On October 7, 2014, Petitioner Skinner, by and through his then counsel of record John Petty, Esq., filed a direct appeal of his conviction arguing the Court abused its discretion by sentencing him to prison rather than suspending his sentence and placing him on probation. The Nevada Court of Appeals rejected this argument and affirmed his conviction. *See* Order of Affirmance, *Skinner v. State*, 66666-COA, July 24, 2015. The *Remittitur* issued on August 18, 2015.

On July 13, 2016, Petitioner Skinner filed his first *Petition for Writ of Habeas Corpus Post-Conviction*) (hereinafter “*First Petition*”) pro per. Petitioner Skinner perfected his *First Petition* on October 7, 2016, with a verified petition. At the direction of the Court, the State filed an answer on November 22, 2016. Pursuant to Petitioner Skinner’s *Application for Appointment of Counsel*, the Court appointed counsel on February 16, 2017. Appointed Counsel Edward Reed, Esq., filed a *Supplemental Petition for Writ of Habeas Corpus (Post Conviction)* (hereinafter “*First Supplemental Petition*”) on January 12, 2018, to which the State answered on February 26, 2018.

The Court held an evidentiary hearing on the *First Petition* and the *First Supplemental Petition* on September 26, 2019. Thereafter, the Court entered an *Order Denying Petition for Writ of Habeas Corpus* on October 9, 2019, which Petitioner Skinner appealed, by and through Counsel Reed, on November 4, 2019. The Nevada Court of Appeals affirmed this Court’s decision on October 9, 2019. *See* Order of Affirmance, *Skinner v. Baca*, 79981-COA, February 8, 2021. Petitioner Skinner sought review from the Nevada Supreme Court, but the petition for review was denied on June 25, 2021. *See* Order Denying Petition for Review, *Skinner v. Baca*, 79981, June 30, 2021.

On March 29, 2022, Petitioner Skinner filed pro per his *Second Petition* and re-filed the same on April 4, 2022.¹ On April 14, 2022, Petitioner Skinner filed a *Motion for Appointment of Counsel*. On April 22, 2022, the State filed a *Motion to Dismiss Second Petition* and an *Opposition to Motion for Appointment of Counsel*. On April 22, 2022, Petitioner Skinner submitted his *Motion for Appointment of Counsel*² and his counsel of record, Mr. Reed, filed a *Notice of Withdrawal of Attorney*.

On May 4, 2022, Petitioner Skinner submitted his *Second Petition* to the Court for decision and filed an *Opposition to State's Motion to Dismiss Second Petition*. On May 9, 2022, the State filed a *Reply in Support of the State's Motion to Dismiss Second Petition* and submitted the matter to the Court. On June 10, the Court entered an *Order Granting Motion for Appointment of Counsel and Holding All Other Submitted Documents in Abeyance. A Recommendation and Order Appointing Counsel (Post-Conviction)* was entered on June 28, 2022. A subsequent *Order Appointing Conflict Counsel* was filed on October 26, 2022, relieving Mr. Reed as counsel of record. Petitioner Skinner filed his *Third Petition* on November 15, 2022, to which the State did not respond.

On December 28, 2022, Sean Neahusan, Esq. filed a *Notice of Appearance* on behalf of Petitioner Skinner. The Court held a status hearing on December 29, 2022, wherein the Court ordered Counsel Neahusan to file supplemental briefing within ninety (90) days. No supplemental briefing was filed and on April 27, 2023, Petitioner Skinner submitted his *Third Petition* the matter pro per³ and the State

¹ The Court notes Petitioner Skinner filed requests for submission simultaneously both times he filed his *Second Petition*, which were stricken.

² Petitioner filed a *Reply to State's Opposition to Motion for Appointment of Counsel* on May 5, 2022, after submitting the matter.

³ The Court notes that Counsel Neahusan filed a *Motion to Withdraw as Counsel of Record* on May 8, 2023, as he took a new position with a different law firm and no longer intends to practice criminal law.

re-submitted the *Second Petition* and its *Motion* on April 28, 2023.

LEGAL AUTHORITY

A petitioner is only entitled to an evidentiary hearing on a post-conviction habeas petition if they assert specific factual allegations that, if true, would warrant relief and are not belied or repelled by the record. *Hargrove v. State*, 100 Nev. 498, 502–03 (1984); *Nika v. State*, 124 Nev. 1272 (2008). There is no right to an evidentiary hearing when the issue before the court is a legal issue and not a factual issue. *Whitman v. Warden*, 90 Nev. 434, 436 (1974) (citations omitted). “[A]bsent a showing a good cause for delay, a petition challenging the validity of a judgment or sentence must be filed within one year after this court issues its remittitur on direct appeal.” *State v. Eighth Judicial Dist. Ct. (Riker)*, 121 Nev. 225, 231 (2005); NRS 34.726(1). To show good cause for a delay, a Petitioner must demonstrate that the delay was not their fault and they would be unduly prejudiced by dismissal. *Riker*, 121 Nev. at 231. The Court’s determination on the applicability of procedural bars “may eliminate the need for or narrow the scope of any discovery or evidentiary hearing.” *Id.* at 235.

Specifically, to demonstrate good cause, a petitioner “must show that an impediment external to the defense prevented him or her from complying with the state procedural default rules.” *Hathaway v. State*, 119 Nev. 248, 252 (2003) (internal citations omitted). This is demonstrated by “a showing ‘that the factual or legal basis for a claim was not reasonably available to counsel, or that ‘some interference by officials,’ made compliance impracticable.’” *Id.* (quoting *Murray v. Carrier*, 477 U.S. at 488 (1986) (internal citations omitted)); see also *Phelps v. Dir. Nev. Dept. of Prisons*, 104 Nev. 656, 660 (1988) (holding that “limited intelligence” or reliance on an inmate law clerk unschooled in the law do not constitute good cause sufficient to overcome procedural bars) (*superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 181 (2003)). With respect to prejudice, a petitioner may demonstrate they would be unduly prejudiced if

they make a showing “not merely that the errors [complained of] created a possibility of prejudice, but that they worked to [the petitioner's] actual and substantial disadvantage, in affecting the state proceeding with error of constitutional dimensions.” *Hogan v. Warden*, 109 Nev. 952, 960 (1993) (quoting *United States v. Frady*, 456 U.S. 152, 170 (1982)).

The Court shall dismiss a petition without a hearing if the Court determines the petitioner is not entitled to relief and an evidentiary hearing is not required. NRS 34.770. The Court shall also dismiss a petition if it determines the “petitioner’s conviction was the result of a trial and the grounds for the petition could have been... [r]aised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief.” NRS 34.810(1)(b)(2). Further, the Court shall dismiss a second or successive petition if the Court “determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the [Court] finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.” NRS 34.810(2). The Court has discretion to dismiss a petition for delay in filing if a “period exceeding 5 years between the filing of a judgment of conviction, an order imposing a sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the filing of a petition challenging the validity of a judgment of conviction creates a rebuttable presumption of prejudice to the State.” NRS 34.800(2). The State must specifically plead laches in its motion to dismiss the petition for a petition to be dismissed on that prejudice. *Id.*

DISCUSSION

The Court finds the *Second Petition* and the *Third Petition* are procedurally barred and therefore the Court need not consider Petitioner Skinner’s claims on the merits. The *Second Petition* was first filed on March 29, 2022 and the November 15, 2022, both filed over six years after the *Remittitur* issued.

The *Second Petition* sets forth two grounds of relief, ineffective assistance of trial counsel and ineffective assistance of appellate counsel. While Petitioner Skinner argues good cause existed for his delay because he was unable to raise these claims until the Nevada Supreme Court released its decision in *Gonzales v. State*, 137 Nev. 398 (2021), the Court is unconvinced. The Court adopts the argument as set forth in the State's *Motion* with respect to *Gonzales*. The Court does not find *Gonzales* created a new rule which would constitute good cause in Petitioner Skinner's delay. Therefore, the Court finds the *Second Petition* is untimely and Petitioner Skinner fails to demonstrate good cause for the delay as the arguments presented in the *Second Petition* were available to him at the time of the issuance of the *Remittitur*. Further, the Court has discretion to dismiss the *Second Petition* under NRS 34.800(2) because a period substantially succeeding five years has passed since the issuance of the *Remittitur*. The Court finds the State sufficiently pled laches in its *Motion* and the significant time elapsed created a rebuttable presumption of prejudice against the State, which Petitioner Skinner failed to rebut.

While the State did not respond to the *Third Petition*, the Court does not find Petitioner Skinner presented good cause for the delay and does not require a responsive pleading from the State. Petitioner Skinner argues his constitutional rights are being denied by the alleged errors in his Presentence Investigation Report ("PSI") which was created prior to his conviction. The Court does not find that Petitioner Skinner has demonstrated good cause for the delay in filing his *Third Petition* as the arguments presented in the *Third Petition* with respect to alleged errors in his PSI were available to him at the time of sentencing. Therefore, the Court finds the *Third Petition* is untimely and Petitioner Skinner did not present good cause to overcome this procedural bar.

///

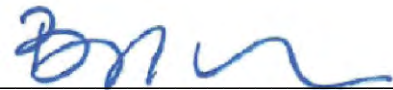
///

CONCLUSION

The *Motion* is **GRANTED**, the *Second Petition* is **DISMISSED**, and the *Third Petition* is **DISMISSED** absent a motion from the State. Petitioner Skinner's *Petitions* are untimely, he has failed to assert good cause as to why he was unable to comply with the one-year deadline to file said *Petitions*, and the doctrine of laches applies to the *Second Petition*.

IT IS SO ORDERED.

DATED this 9th day of June, 2023.



BARRY L. BRESLOW
District Judge

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 9th day of June, 2023, 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:

KEVIN NAUGHTON, ESQ. for STATE OF NEVADA

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

Further, I certify that on the 9th day of June, 2023, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Roderick Skinner (ID: 1126964)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702



Judicial Assistant

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-06-12 09:39:43.096.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-06-12 09:39:42.736.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-06-12 09:39:42.393.
DIV. OF PAROLE & PROBATION - Notification received on 2023-06-12 09:39:41.252.
JOHN PETTY, ESQ. - Notification received on 2023-06-12 09:39:40.58.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-06-12 09:39:40.299.
CHRISTINE BRADY, ESQ. - Notification received on 2023-06-12 09:39:41.924.

******* 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:

06-12-2023:09:38:57

Clerk Accepted:

06-12-2023:09:39:20

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Notice of Entry of Ord

Filed By:

Deputy Clerk NMason

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

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

-

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

The following people were served electronically:

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/11/2023
HONORABLE
BARRY
BRESLOW
DEPT. NO. 8
A. DeGayner
(Clerk)
L. Stubbs
(Reporter)

STATUS HEARING

Deputy District Attorney Kevin Naughton represented the State.
Defendant was present, in custody, represented by Sean Neahusan,
Esq.

DATY Neahusan addressed and advised the Court that he does not
intend to supplement any briefing. DATY Neahusan further advised
that the defense does have a proposed resolution that he needs to
discuss with the State.
DDA Naughton suggested that the case continues to proceed with
briefing on the Motion to Dismiss and, if there is a resolution, the
parties can notify the Court. DDA Naughton requested that the Court
formally lift the stay and the State will submit on the Motion to
Dismiss.

The Court is not inclined to appoint Sean Neahusan, Esq. on the
Defendants other matters.

DATY Neahusan advised that the Defendant is better equipped to
respond than any attorney, he is unsure that the Defendant is even
requesting appointment of counsel in the other matters and the
defense believes all matters can be resolved.

Defendant addressed the Court on his own behalf.

COURT ORDERED: Stay lifted. Request for Submission to be filed
for any fully briefed matters. Parties shall promptly finish briefing on
any other filed matters. Each side has 20 additional days to file
responses, followed by 20 days to reply and submit.

Court stood in recess.

Defendant remanded to the custody of the Nevada Department of
Corrections.

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-06-22 14:04:51.333.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-06-22 14:04:50.895.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-06-22 14:04:50.192.
DIV. OF PAROLE & PROBATION - Notification received on 2023-06-22 14:04:48.989.
JOHN PETTY, ESQ. - Notification received on 2023-06-22 14:04:47.348.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-06-22 14:04:46.598.
CHRISTINE BRADY, ESQ. - Notification received on 2023-06-22 14:04:49.489.

******* 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:

06-22-2023:14:02:04

Clerk Accepted:

06-22-2023:14:04:24

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk ADeGayne

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

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

-

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

The following people were served electronically:

SEAN NEAHUSAN, ESQ. for RODERICK
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KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

RODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

FILED

2023 JUN 23 PM 12:10

IN THE 2ND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 IN AND FOR THE COUNTY OF WASHOE

ALICIA L. LERUD
 CLERK OF DISTRICT COURT
 DEPUTY

RODERICK SKINNER

Petitioner/Plaintiff,

vs.

WARDEN BREITENBACH et alSTATE OF NEVADA

Respondent/Defendant

Case No.: CR 14-0644Dept. No. 8NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that I, RODERICK SKINNER appeal the
 Judgment / Order entered on the NINTH day of JUNE, 20 23 by this
 court.

Dated this 15TH day of JUNE, 20 23.

Rod Skinner.

(Signature)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCp Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 15TH day of JUNE, 2023, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

1. WASHOE County District Attorney
1 SOUTH SIERRA ST RENO NV. 89501
2. CLERK OF THE COURT
SECOND JUDICIAL DISTRICT COURT
75 COURT ST RENO N.V. 89501

Rod Skinner.

(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

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

15TH JUNE 2023
(Date)

Rod Skinner.
(Signature)

RODERICK SKINNER
INCC #1126964
P.O. BOX 7000
ARSON CITY N.V. 89702

RENO NV 895

21 JUN 2023 PM 3 T



CLERK OF THE COURT
SECOND JUDICIAL DISTRICT COURT
75 COURT ST
RENO N.V. 89501

LEGAL MAIL
CONFIDENTIAL

RECEIVED
JUN 23 2023
MAIL ROOM

RODERICK SKINNER, 1126964
 Northern Nevada Correctional Center
 P.O. Box 7000
 Carson City, Nevada 89702
 Appellant, In Proper Person

FILED
 2023 JUN 23 PM 12:10
 ANDREA LERUD
 CLERK OF THE COURT
 BY *[Signature]*
 DEPUTY

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

RODERICK SKINNER

Appellant,

Vs.

WARDEN BREITENBACH NNCC et al
STATE OF NEVADA
 Respondent.

CASE No. CR14-0644

DEPT. No. 8

Dkt. No. _____

DESIGNATION OF RECORD ON APPEAL

Please take notice that RODERICK SKINNER Appellant, and in his proper person, hereby files this Designation of Record on Appeal in the above entitled action, pursuant to NRAP 10(b); and respectfully herein asks this Honorable Court to designate the record on appeal, to be certified by the Clerk of the District Court and transcribed to the Clerk of the Nevada Court of Appeals: All motions, pleadings, judgments and transcripts.

DATED this 15TH day of JUNE, 2023.

RESPECTFULLY SUBMITTED,

Rod Skinner

Appellant, In Propria Persona

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCF Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 15TH day of JUNE, 2023, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

1. WASHOE County District Attorney
1 SOUTH SIERRA ST RENO NV. 89501
2. CLERK OF THE COURT
SECOND JUDICIAL DISTRICT COURT
75 COURT ST RENO N.V. 89501

Rod Skinner.

(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

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

15TH JUNE 2023
(Date)

Rod Skinner.
(Signature)

1 Code 1310
2
3
4

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

8 **RODERICK SKINNER,**

9 **Petitioner,**

Case No. CR14-0644

10 **vs.**

Dept. No. 8

11 **WARDEN FRANKLIN, NNCC,**
12 **STATE OF NEVADA ETAL,**

13 **Respondents.**
14 _____ /

15 **CASE APPEAL STATEMENT**

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

- 17 1. Appellant is Roderick Skinner.
18 2. This appeal is from an order entered by the Honorable Judge Barry L. Breslow.
19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
20 address is:
21 Roderick Skinner (ID: 1126964)
22 Northern Nevada Correctional Center
23 P.O. Box 7000
Carson City, NV 89702
24 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
25 County District Attorney's Office:
26 Jennifer P. Noble, Esq., SBN: 9446
27 P.O. Box 11130
Reno, Nevada 89520
28 5. Respondent's attorney is not licensed to practice law in Nevada: NA

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information filed on May 2nd, 2014.
10. This is a criminal proceeding and the Appellant is appealing the Order Granting Motion to Dismiss Second Petition and Dismissing Third Petition and Order Denying For Correction of Sentence filed on June 9th, 2023.
11. The case has been the subject of a previous appeal to the Supreme Court. Supreme Court No.: 66666, 79981, and 84894.
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 26th day of June, 2023.

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

1 Code 1350
2
3

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

7 **RODERICK SKINNER,**

8 **Petitioner,**

Case No. CR14-0644

9 **vs.**

Dept. No. 8

10 **WARDEN FRANKLIN, NNCC,**
11 **STATE OF NEVADA ETAL,**

12 **Respondents.**
13 _____/

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

15 I certify that I am an employee of the Second Judicial District Court of the State of
16 Nevada, County of Washoe; that on the 26th day of June, 2023, I electronically filed the
17 Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

20 Dated this 26th day of June, 2023.

21 Alicia L. Lerud
22 Clerk of the Court
23 By /s/azamora
24 Amanda Zamora
25 Deputy Clerk
26
27
28

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-06-26 10:47:45.174.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-06-26 10:47:44.486.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-06-26 10:47:43.158.
DIV. OF PAROLE & PROBATION - Notification received on 2023-06-26 10:47:40.439.
JOHN PETTY, ESQ. - Notification received on 2023-06-26 10:47:39.658.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-06-26 10:47:39.39.
CHRISTINE BRADY, ESQ. - Notification received on 2023-06-26 10:47:41.689.

******* 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:

06-26-2023:10:46:52

Clerk Accepted:

06-26-2023:10:47:15

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Case Appeal Statement
Certificate of Clerk

Filed By:

Deputy Clerk AZamora

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

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-

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

The following people were served electronically:

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

RODERICK SKINNER # 1126964
 Northern Nevada Correctional Center
 P.O. Box 7000
 Carson City, Nevada, 89702

FILED

2023 JUN 26 AM 11:17

In Propria Persona

ALICIA L. LERUD
 CLERK OF THE COURT
 BY [Signature]
 DEPUTY

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

RODERICK SKINNER

Plaintiff,

Vs.

WARDEN N.N.C.C.

Defendant.

CASE No. CR14-0644DEPT. No. 8

Dkt. No. _____

NOTICE OF APPEAL

Please take notice that RODERICK SKINNER, Defendant, and in his proper person, hereby appeals to the Nevada Court of Appeals / Nevada Supreme Court, the judgment(s) in the above-entitled action(s) entered in this Honorable Court on or about the NINTH day of 09TH JUNE, 2023.

This notice of Appeal is timely filed pursuant to NRAP 4(b).

DATED this 21ST day of JUNE, 2023.

RESPECTFULLY SUBMITTED,

Rod Skinner
 In Propria Persona

CERTIFICATE OF MAILING

I, RODERICK SKINNER, certify under the penalties of perjury, that service was made of this NOTICE OF APPEAL & DESIGNATION OF RECORD ON APPEAL, pursuant to NRCP 5(b), by placing same in the United States mail, postage prepaid and addressed as follows:

KEVIN NAUGHTON

District Attorney
1 SOUTH SIERRA ST

RENO N.V. 89501

(Copy to)

DATED this 21ST day of JUNE, 2023

BY: Rod Skinner

Appellant, In Proper Person

V9. 1691

RODERICK SKINNER
N.N.C.C #1126964
P.O. BOX 7000
CARSON CITY N.V. 89702

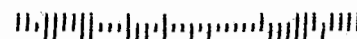
RENO NV 895

22 JUN 2023 PM 3 T

CLERK OF THE COURT
SECOND JUDICIAL DISTRICT COURT
75 COURT ST
RENO N.V. 89501

LEGAL MAIL
CONFIDENTIAL

8950131982



RODERICK SKINNER # 1126964
 Northern Nevada Correctional Center
 P.O. Box 7000
 Carson City, Nevada 89702
 Appellant, In Proper Person

FILED

2023 JUN 26 AM 11:17

AJICIA L. LERID
 CLERK OF THE COURT
 BY [Signature]
 DEPUTY

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

RODERICK SKINNER

Appellant,

Vs.

WARDEN N.N.C.C.

Respondent.

CASE No. CR14-0644DEPT. No. 8

Dkt. No. _____

DESIGNATION OF RECORD ON APPEAL

Please take notice that RODERICK SKINNER, Appellant, and in his proper person, hereby files this Designation of Record on Appeal in the above entitled action, pursuant to NRAP 10(b); and respectfully herein asks this Honorable Court to designate the record on appeal, to be certified by the Clerk of the District Court and transcribed to the Clerk of the Nevada Court of Appeals / Nevada Supreme Court: All motions, pleadings, judgments and transcripts.

DATED this 21ST day of JUNE, 2023.

RESPECTFULLY SUBMITTED,

Rod Skinner

Appellant in pro se

CERTIFICATE OF MAILING

I, RODERICK SKINNER, certify under the penalties of perjury, that service was made of this NOTICE OF APPEAL & DESIGNATION OF RECORD ON APPEAL, pursuant to NRCP 5(b), by placing same in the United States mail, postage prepaid and addressed as follows:

KEVIN NAUGHTON

District Attorney
1 SOUTH SIERRA ST

RENO N.V. 89501

(Copy to)

DATED this 21ST day of JUNE, 2023

BY: Rod Skinner

Appellant, In Proper Person

1 Code 1310
2
3
4

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

8 **RODERICK SKINNER,**

9 **Petitioner,**

Case No. CR14-0644

10 **vs.**

Dept. No. 8

11 **WARDEN FRANKLIN, NNCC,**
12 **STATE OF NEVADA ETAL,**

13 **Respondents.**
14 _____/

15 **CASE APPEAL STATEMENT**

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

- 17 1. Appellant is Roderick Skinner.
18 2. This appeal is from an order entered by the Honorable Judge Barry L. Breslow.
19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
20 address is:
21 Roderick Skinner #1126964
22 Northern Nevada Correctional Center
23 P.O. Box 7000
24 Carson City, NV 89702
25 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
26 County District Attorney's Office:
27 Jennifer P. Noble, Esq., SBN: 9446
28 P.O. Box 11130
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: NA

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information filed on May 2nd, 2014.
10. This is a criminal proceeding and the Appellant is appealing the Order Denying Motion for Correction of Sentence and the Order Granting Motion to Dismiss Second Petition and Dismissing Third Petition, both filed June 9th, 2023
11. The case has been the subject of a previous appeal to the Supreme Court. Supreme Court No.: 66666, 79981, and 84894.
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 26th day of June, 2023.

Alicia L. Lerud
Clerk of the Court
By: /s/ Y.Viloria
Y.Viloria
Deputy Clerk

1 Code 1350
2
3

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

7 **RODERICK SKINNER,**

8 **Petitioner,**

Case No. CR14-0644

9 **vs.**

Dept. No. 8

10 **WARDEN FRANKLIN, NNCC,**
11 **STATE OF NEVADA ETAL,**

12 **Respondents.**
13 _____/

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

15 I certify that I am an employee of the Second Judicial District Court of the State of
16 Nevada, County of Washoe; that on the 26th day of June, 2023, I electronically filed the
17 Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

20 Dated this 26th day of June, 2023.

21 Alicia L. Lerud
22 Clerk of the Court
23 By /s/Y.Viloria
24 Y.Viloria
25 Deputy Clerk
26
27
28

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-06-26 15:56:44.191.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-06-26 15:56:43.941.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-06-26 15:56:43.722.
DIV. OF PAROLE & PROBATION - Notification received on 2023-06-26 15:56:43.269.
JOHN PETTY, ESQ. - Notification received on 2023-06-26 15:56:42.753.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-06-26 15:56:42.519.
CHRISTINE BRADY, ESQ. - Notification received on 2023-06-26 15:56:43.503.

******* 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:

06-26-2023:15:56:13

Clerk Accepted:

06-26-2023:15:56:23

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Case Appeal Statement
Certificate of Clerk

Filed By:

Deputy Clerk YViloria

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

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

-

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

The following people were served electronically:

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

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

RODERICK STEPHEN SKINNER,
Appellant,
vs.

Supreme Court No. 86846
District Court Case No. CR140644

KYLE OLSEN, WARDEN; NNCC; AND THE
STATE OF NEVADA,
Respondents.

RECEIPT FOR DOCUMENTS

TO: Alicia L. Lerud, Washoe District Court Clerk
Roderick Stephen Skinner
Washoe County District Attorney \ Jennifer P. Noble

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

06/28/2023 Appeal Filing Fee Waived. Criminal. (SC)

06/28/2023 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day. (SC)

DATE: June 28, 2023

Elizabeth A. Brown, Clerk of Court
ds

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

RODERICK STEPHEN SKINNER,
Petitioner,
vs.

Supreme Court No. 86839
District Court Case No. CR140644

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

RECEIPT FOR DOCUMENTS

TO: Alicia L. Lerud, Washoe District Court Clerk
Roderick Stephen Skinner
Washoe County District Attorney \ Jennifer P. Noble

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

06/28/2023 Petition Filing Fee Waived. Criminal. (SC)

06/28/2023 Filed Proper Person Petition for Writ. (SC)

DATE: June 28, 2023

Elizabeth A. Brown, Clerk of Court
ds

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-06-30 11:26:16.015.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-06-30 11:26:15.171.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-06-30 11:26:14.156.
DIV. OF PAROLE & PROBATION - Notification received on 2023-06-30 11:26:12.203.
JOHN PETTY, ESQ. - Notification received on 2023-06-30 11:26:10.624.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-06-30 11:26:09.312.
CHRISTINE BRADY, ESQ. - Notification received on 2023-06-30 11:26:12.797.

******* 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:

06-30-2023:11:25:21

Clerk Accepted:

06-30-2023:11:25:40

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Supreme Court Receipt for Doc
Supreme Court Receipt for Doc

Filed By:

Deputy Clerk YViloria

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

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

-

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

The following people were served electronically:

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

1 Code 2586
2
3
4

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

8 RODERICK SKINNER,

9 Petitioner,

Case No. CR14-0644

10 vs.

Dept. No. 8

11 WARDEN FRANKLIN, NNCC,
12 STATE OF NEVADA ET AL,

SCN: 86839

13 Respondents.
14 _____ /

15
16 NOTICE OF WRIT FILED IN NEVADA SUPREME COURT
17

18 **PETITION FOR WRIT OF MANDAMUS**

19 Affirmation pursuant to NRS 239B.030 / 603A.040: The undersigned hereby affirms that this document does
20 not contain the personal information of any person.

21 Dated: June 30, 2023
22

23 ALICIA L. LERUD

24 Clerk of the Court

25 By: /s/YViloria

26 Deputy Clerk
27
28

RODERICK SKINNERN.N.C.C.#1126964P.O. BOX 7000 CARSON CITYNEVADA 89702.NO. 86839
FILED

JUN 28 2023

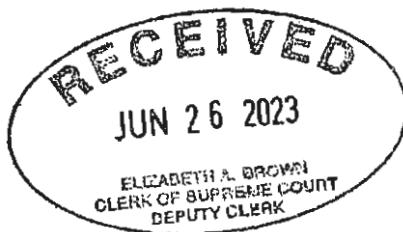
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY J. Smith
DEPUTY CLERK**IN THE SUPREME COURT OF THE STATE OF NEVADA**RODERICK SKINNER)

Petitioner/Plaintiff,)

v.)

The SECOND Judicial District)
Court of the State Of Nevada, In and)
For the County of WASHOE)Respondent/Defendant)Case No. CR14-0644Dept. No. 8

Docket No. _____

PETITION FOR WRIT OF MANDAMUSComes now, Petitioner/Plaintiff, RODERICK SKINNER, pro per, Andrespectfully moves this Honorable Court to issue a Petition for Writ of Mandamus, being filed
contemporaneously herewith, directing 2ND JUDICIAL DISTRICT COURT, to reverse and vacate his order,
and/or actions in denying Petitioner/Plaintiff HABEAS CORPUS RELIEFThis motion is made and based pursuant to the supporting Points and Authorities attached hereto,
N.R.S. 34.150 through N.R.S. 34.310, N.R.A.P. Rule 21, as well as all papers, pleadings, and documents
on file herein.

II. LEGAL ARGUMENT

1 Petitions for Extraordinary Writs are addressed to the sound discretion of the Supreme Court of
2 Nevada and may issue when there is no plain, speedy, and adequate remedy at law,. See, State v. Second
3 Judicial District Court ex. Rel. County of Washoe. 116 Nev. 953, 11 P.3d 1209 (2000).

4 A writ of mandamus is issued to compel performance of an act which the law especially enjoins as a
5 duty resulting from an office, trust or station. See, Lewis v. Stewart , 96 nev. 846, 619 P.2d 1212 (1980).

6 A writ of mandamus may issue to control arbitrary or capricious exercise of discretion. See, Barnes v.
7 Eighth Judicial District Court of the State of Nevada, in and for Clark County , 103 Nev. 679,
8 748 P.2d 483 (1987).

9 This Court has also held that the action being sought to be compelled must be one already required
10 By law. See, Mineral County v. State Department of Conservation and Natural Resources. 117 Nev. 235
11 , 20 P.3d 800 (2001).

12 Mandamus is the appropriate vehicle for challenging contested orders entered by the District Court.
13 See, Angell v. Eighth judicial District Court In and For the County of Clark, 18 Nev. 923,
14 839 P.2d 1329, (1992).

15 It has also been held that a writ of mandamus is proper when the petitioner raises urgent and
16 important issues(s) of law requiring clarification by the Supreme Court. See, Falcke v. Douglas County,
17 116 Nev. 583, 3 P.3d 661 (2000).

STATEMENT OF FACTS

1 THIS PETITION FOR WRIT OF MANDAMUS IS SOUGHT IN ORDER
 2 TO REMEDY AN ARBITRARY OR CAPRICIOUS EXERCISE OF
 3 DISCRETION BY THE SECOND JUDICIAL DISTRICT COURT (DEPT. 8),
 4 WHEN IT ISSUED AN ORDER GRANTING THE STATE'S MOTION
 5 TO DISMISS PETITIONER'S SECOND PETITION FOR WRIT OF
 6 HABEAS CORPUS (POST-CONVICTION)¹. BY THE SAME ORDER,
 7 THE COURT ALSO DISMISSED PETITIONER'S THIRD PETITION FOR
 8 WRIT OF HABEAS CORPUS (POST-CONVICTION)², AND HIS
 9 MOTION FOR CORRECTION OF SENTENCE.

10
 11 THE COURT'S EXERCISE OF DISCRETION WAS ARBITRARY OR
 12 CAPRICIOUS BECAUSE:

13 1. IT COMPLETELY PRECEDED — AND THEREFORE BYPASSED — APPOINTED
 14 COUNSEL'S SUPPLEMENTAL BRIEFING ORDERED BY THE COURT.

15 2. WAS MADE WITH FULL KNOWLEDGE THAT APPOINTED COUNSEL
 16 HAD FAILED TO FILE THE SUPPLEMENTAL BRIEFING ORDERED
 17 BY THE COURT.

18 3. IT DID NOT COMPEL APPOINTED COUNSEL TO FILE THE COURT
 19 ORDERED SUPPLEMENTAL BRIEFING.

20 4. IT DID NOT FIND COUNSEL IN CONTEMPT.

21 5. IT DID NOT REAPPOINT REPLACEMENT COUNSEL.

22 6. IT DID NOT BASE ITS ORDERS ON ADEQUATE INFORMATION,

23 GIVEN THAT NO SUPPLEMENTAL BRIEFING HAD BEEN

24 PROVIDED BY COUNSEL AS ORDERED.

25 7. IT DID NOT TIMELY OR AT ALL NOTIFY PETITIONER THAT

26 HE WAS NO LONGER REPRESENTED BY COUNSEL, OR THAT

27 COUNSEL TOOK EMPLOYMENT WITH ANOTHER LAW FIRM

28 WHICH DID NOT PRACTICE CRIMINAL LAW.

FOOTNOTES 1. SECOND PETITION FILED PURSUANT TO GONZALES v STATE 492P.3.1556 (2021)

2. THIRD " " " " VASQUEZ v STATE NO 79409 COA (2020)

MEMORANDUM OF POINTS AND AUTHORITIES

ON 28TH NOVEMBER 2022, THE SECOND JUDICIAL DISTRICT COURT (DEPT. 8) ORDERED APPOINTMENT OF COUNSEL IN CASE CR14-0644 SKINNER V WARDEN N.N.C.C.

ON 28TH DECEMBER 2022, COUNSEL SEAN NEAHUSAN ESQ. ENTERED A NOTICE OF APPEARANCE IN CR14-0644.

ON 29TH DECEMBER 2022, JUDGE BRESLOW SECOND JUDICIAL DISTRICT COURT (DEPT. 8), ORDERED COUNSEL NEAHUSAN TO FILE A SUPPLEMENT BRIEFING WITHIN 90-DAYS AS TO THE PETITION FOR WRIT OF HABEAS CORPUS FILED ON 4TH APRIL 2022 (HEREINAFTER "SECOND PETITION"). THE COURT TOLD COUNSEL THAT HE SHOULD REVIEW PETITIONER'S CURRENT FILINGS AND DETERMINE IF THEY ARE ALL RELATED TO THE SECOND PETITION — SO THAT THE COURT COULD DECIDE IF THOSE FILINGS SHOULD RECEIVE THE ATTENTION OF APPOINTED COUNSEL.

ON 11TH APRIL 2023 THE COURT HELD A (VIDEO) STATUS HEARING WHEREIN PETITIONER WAS REPRESENTED BY COUNSEL NEAHUSAN WHO HAD NOT AT THAT TIME FILED ANY SUPPLEMENTAL BRIEF AS TO PETITIONER'S SECOND PETITION; NO DISCUSSION ABOUT COUNSEL'S FAILURE TO COMPLY WITH THE COURT'S ORDER OCCURRED, BUT THE COURT INDICATED TO PROSECUTOR NAUGHTON THAT IT WANTED HIM "TO NEGOTIATE WITH" PETITIONER. WHEN THE JUDGE WENT OFFLINE, PROSECUTOR NAUGHTON STATED HE WAS NOT GOING TO NEGOTIATE BECAUSE "THAT WOULDN'T BE IN THE INTERESTS OF JUSTICE".

ON 14TH APRIL 2023, PETITIONER HAD AN ATTORNEY/CLIENT CONSULTATION WITH COUNSEL BY VIDEO LINK. PETITIONER THEREAFTER FILED REQUESTS FOR SUBMISSION ON HIS "FACTUAL INNOCENCE PETITION", AND "THIRD PETITION FOR WRIT

MEMORANDUM OF POINTS AND AUTHORITIES

OF HABEAS CORPUS" FILED ON 15TH NOVEMBER 2022, AND A
"MOTION FOR CORRECTION OF SENTENCE" FILED ON 01ST NOVEMBER 2022.
ALL EXCEPT FOR THE "FACTUAL INNOCENCE PETITION" WERE
CONSIDERED DUPLICATE FILING, NOTWITHSTANDING THAT COUNSEL
HAD ONLY BEEN APPOINTED TO THE 'SECOND PETITION'.

ON 8TH MAY 2023 ATTORNEY NEAHUSAN FILED A MOTION TO WITHDRAW
AS COUNSEL OF RECORD, UNBEKNOWN TO PETITIONER.

ON 9TH JUNE 2023, THE COURT ISSUED AN ORDER DISMISSING THE
SECOND PETITION, THE THIRD PETITION, AND THE MOTION FOR
CORRECTION OF SENTENCE. THIS OUTCOME IS A MANIFEST
INJUSTICE SINCE COUNSEL HAD EFFECTIVELY ABANDONED
PETITIONER AND THE COURT TOOK NO ACTION TO PROTECT
PETITIONER'S DUE PROCESS RIGHTS.

CONCLUSION: THE COURT KNEW ATTORNEY NEAHUSAN HAD FAILED
TO PROVIDE SUPPLEMENTAL BRIEFING AS ORDERED, AND THEN
ABANDONED PETITIONER. THE COURT NEVERTHELESS THEN MADE
ORDERS BASED ON AN INCOMPLETE OR INACCURATE RECORD.
PETITIONER RESPECTFULLY REQUESTS THIS HONORABLE COURT
REVERSE THE DISTRICT COURT'S ORDERS, ORDER THE DISTRICT
COURT TO APPOINT NEW COUNSEL TO REPLACE NEAHUSAN ESQ,
AND PERMIT NEW COUNSEL TO PROVIDE THE SUPPLEMENTAL
BRIEFING THAT WAS ORIGINALLY ORDERED BY THE DISTRICT COURT.

CONCLUSION

Wherefore, all of the above stated reasons, Petitioner/Plaintiff respectfully requests this Honorable Court to Order THE SECOND JUDICIAL DISTRICT COURT to REVERSE ITS ORDERS MADE ON 9TH JUNE 2023.

within a reasonable amount of time as required by N.R.S. 34.830.

DATED this 16TH day of JUNE, 2023

Respectfully submitted,

Rod Skinner

Petitioner/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/Plaintiff in the foregoing Petition for Writ of Mandamus, and that on this 16TH day of JUNE, 2023, I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the NORTHERN NEVADA CORRECTIONAL CENTER

To deposit in the U. S. Mail, sealed in an envelope, postage pre-paid, and addressed as follows:

CLERK OF THE COURT
2ND JUDICIAL DISTRICT COURT
75 COURT ST
RENO NV 89501

DISTRICT ATTY
1 SOUTH SIERRA ST
RENO NV 89501

DATED this 16TH day of JUNE, 2023

Rod Skinner

Petitioner/Plaintiff

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-06-30 12:01:38.029.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-06-30 12:01:37.06.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-06-30 12:01:35.966.
DIV. OF PAROLE & PROBATION - Notification received on 2023-06-30 12:01:33.45.
JOHN PETTY, ESQ. - Notification received on 2023-06-30 12:01:32.091.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-06-30 12:01:31.685.
CHRISTINE BRADY, ESQ. - Notification received on 2023-06-30 12:01:34.591.

******* 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:

06-30-2023:12:00:39

Clerk Accepted:

06-30-2023:12:01:07

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Notice of Writ

Filed By:

Deputy Clerk YViloria

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

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

-

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

The following people were served electronically:

SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,
Appellant,
vs.
KYLE OLSEN, WARDEN; NNCC; AND
THE STATE OF NEVADA,
Respondents.

No. 86846

FILED

JUL 05 2023

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

ORDER

On June 28, 2023, appellant filed a notice of appeal which appears to challenge a district court order dismissing his post conviction petitions for writs of habeas corpus. On June 29, 2023, appellant filed another notice of appeal which appears to challenge a district court order denying appellant's motion to modify or correct an illegal sentence. The clerk of this court erroneously docketed the June 29 notice of appeal as a second notice of appeal in the instant case. Accordingly, the clerk of this court shall remove the notice of appeal erroneously docketed in this case on June 29, 2023, from the docket of this case, and docket it as a separate appeal.

It is so ORDERED.

Stigler, C.J.

cc: Hon. Barry L. Breslow, District Judge
Roderick Stephen Skinner
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

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

RODERICK STEPHEN SKINNER,
Appellant,
vs.

Supreme Court No. 86893
District Court Case No. CR140644

KYLE OLSEN, WARDEN; NNCC; AND THE
STATE OF NEVADA,
Respondents.

RECEIPT FOR DOCUMENTS

TO: Alicia L. Lerud, Washoe District Court Clerk
Roderick Stephen Skinner
Washoe County District Attorney \ Jennifer P. Noble

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

07/06/2023 Appeal Filing Fee Waived. Criminal. (SC)

07/05/2023 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day. (SC)

DATE: July 06, 2023

Elizabeth A. Brown, Clerk of Court
ds

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-07-11 10:22:47.412.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-07-11 10:22:46.256.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-07-11 10:22:45.414.
DIV. OF PAROLE & PROBATION - Notification received on 2023-07-11 10:22:42.537.
JOHN PETTY, ESQ. - Notification received on 2023-07-11 10:22:38.444.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-07-11 10:22:37.475.
CHRISTINE BRADY, ESQ. - Notification received on 2023-07-11 10:22:43.647.

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

-

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

07-11-2023:10:20:17

Clerk Accepted:

07-11-2023:10:22:12

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Supreme Court Order
Supreme Court Receipt for Doc

Filed By:

Deputy Clerk AZamora

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

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-

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SEAN NEAHUSAN, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

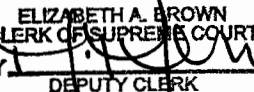
IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
Respondent,
and
WARDEN OF THE NORTHERN
NEVADA CORRECTIONAL CENTER,
Real Party in Interest.

No. 86839

FILED


JUL 14 2023

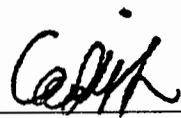
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

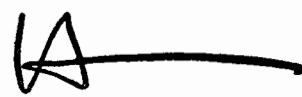
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This pro se original petition for a writ of mandamus challenges a district court order denying postconviction petitions for a writ of habeas corpus. Having considered the petition, we are not persuaded that writ relief is warranted because petitioner has a plain, speedy, and adequate remedy available to him by way of his pending appeal in Docket No. 86846. See NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (writ relief is proper only when there is no plain, speedy, and adequate remedy at law). Accordingly, we

ORDER the petition DENIED.¹


_____, C.J.
Stiglich


_____, J.
Cadish


_____, J.
Herndon

¹We direct the clerk to modify the caption in this matter to conform to this order.

cc: Roderick Stephen Skinner
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,
Appellant,

vs.

KYLE OLSEN, WARDEN; NNCC; AND
THE STATE OF NEVADA,
Respondents.

No. 86846

RODERICK STEPHEN SKINNER,
Appellant,


vs.

KYLE OLSEN, WARDEN; NNCC; AND
THE STATE OF NEVADA,
Respondents.

No. 86893

FILED

JUL 13 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK*ORDER CONSOLIDATING APPEALS, DIRECTING TRANSMISSION
OF RECORD, AND REGARDING BRIEFING*

Docket No. 86846 is a pro se notice of appeal from a district court order dismissing postconviction petitions for writs of habeas corpus. Docket No. 86893 is a pro se notice of appeal from a district court order denying a motion to modify or correct an illegal sentence. In the interest of judicial economy, these appeals are consolidated for all appellate purposes. *See* NRAP 3(b)(2).

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

sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Within 120 days, appellant may file either (1) a single brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, these consolidated appeals may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP 46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

 Higlin , C.J.

cc: Roderick Stephen Skinner
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-07-18 11:48:20.806.
SEAN NEAHUSAN, ESQ. - Notification received on 2023-07-18 11:48:19.713.
KEVIN NAUGHTON, ESQ. - Notification received on 2023-07-18 11:48:18.431.
DIV. OF PAROLE & PROBATION - Notification received on 2023-07-18 11:48:16.119.
JOHN PETTY, ESQ. - Notification received on 2023-07-18 11:48:14.291.
CHRISTOPHER FREY, ESQ. - Notification received on 2023-07-18 11:48:13.447.
CHRISTINE BRADY, ESQ. - Notification received on 2023-07-18 11:48:17.244.

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

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

07-18-2023:11:47:33

Clerk Accepted:

07-18-2023:11:47:49

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Supreme Court Order Denying
Supreme Ct Order Directing

Filed By:

Deputy Clerk YViloria

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STEPHEN SKINNER

KEVIN P. NAUGHTON, 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

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

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

RODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

In Proper Person

FILED

2023 JUL 20 PM 12:12

ALICIA L. LERMA
CLERK OF THE COURT
BY

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

RODERICK SKINNER

Plaintiff/Petitioner

vs.

WARDEN BREITENBACH NNCC et al,

STATE OF NEVADA Defendant/Respondent

Case No.: CR14-0644

MOTION FOR JUDICIAL ACTION
ON PETITION

COMES NOW, RODERICK SKINNER, in proper person and herein
above respectfully moves this Honorable Court TO TAKE JUDICIAL ACTION BY
RENDERING A DECISION IN THE MATTER OF HIS "PETITION FOR
WRIT OF FACTUAL INNOCENCE" FILED ON 26TH OCTOBER 2022.

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

BACKGROUND:

PETITIONER FILED A "PETITION FOR WRIT OF FACTUAL INNOCENCE" ON 26TH OCTOBER 2022 AS TO HIS CONVICTION BY THE STATE OF NEVADA, PER NEGOTIATED GUILTY PLEA, IN CASE NO. CR14-0644.

THE SECOND JUDICIAL DISTRICT COURT HAS NOT RESPONDED TO THIS PETITION OR TAKEN ANY JUDICATORY ACTION IN RELATION TO IT.

ARGUMENT:

IT IS NOW 9-MONTHS SINCE THE FILING OF PETITIONER'S "PETITION FOR WRIT OF FACTUAL INNOCENCE". ALTHOUGH OTHER ACTIVITY HAS OCCURRED IN THE CASE, THE ABSENCE OF JUDICATORY ACTION CONCERNING THIS WRIT PETITION IS PREVENTING TIMELY HIGHER REVIEW OF THE PETITION, IF IT IS DENIED AT THE DISTRICT COURT LEVEL.

NO LEGITIMATE INTEREST IS SERVED BY A DELAY IN ADDRESSING A FACTUAL INNOCENCE PETITION, PARTICULARLY IF A GIVEN PETITIONER IS INDEED FACTUALLY INNOCENT. WITH THIS IN MIND, PETITIONER SKINNER RESPECTFULLY ASKS THE COURT TO RENDER A DECISION IN THE MATTER OF HIS PETITION FOR WRIT OF FACTUAL INNOCENCE.

RESPECTFULLY SUBMITTED.

Dated this 18TH day of JULY, 2023.

PETITIONER IN PRO-PER
Rod Skinner.

CERTIFICATE OF SERVICE

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

CLERK OF THE COURT

SECOND JUDICIAL DISTRICT COURT

75 COURT ST

RENO N.V. 89501

AND

DISTRICT ATTORNEY

1 SOUTH SIERRA ST

RENO N.V. 89501

Dated this 18TH day of JULY, 2023.

By: Rod Skinner
RODERICK SKINNER
In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

18TH JULY 2023
(Date)

Rod Skinner
(Signature)

- -