

Code 1350

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Mar 15 2024 09:45 AM
Elizabeth A. Brown
Clerk of Supreme Court

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

RODERICK STEPHEN SKINNER,

Case No. CR14-0644

Petitioner,

Dept. No. 8

Vs,

SCN: 86846, 86893

**WARDEN OLSEN, NNCC,
NEVADA ATTORNEY GENERAL, ETAL,**

Respondents.

CERTIFICATE OF CLERK AND TRANSMITTAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe. On the 15th day of March, 2024, I electronically filed to the Supreme Court the Response to Order filed March 15th, 2024. The response is transmitted pursuant to the Supreme Court's Order filed March 1, 2024.

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

Dated this 15th day of March, 2024.

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

Code 3880

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

RODERICK STEPHEN SKINNER,

Appellant,

Vs,

**KYLE OLSEN, WARDEN; NNCC; and THE STATE OF
NEVADA,**

Respondents.

Case No. CR14-0644

Dept. No. 8

SCN: 85846

86883

RESPONSE TO ORDER

COMES NOW, the Clerk of the Court for the Second Judicial District Court of the State of Nevada (hereinafter "the Clerk") and hereby responds to the Order of the Supreme Court, filed on March 1, 2024, ordering the Clerk to "...inform this Court, in writing, which of the documents included in volumes 10-16 of the sealed record were filed under seal in the district court. For any documents that were filed under seal in the district court, the clerk shall provide this court with a copy of any district court order sealing those documents or inform this court of the basis for sealing those documents. For any documents in the sealed volumes of the record on appeal that were not sealed in the district court, the clerk shall provide this court with the basis for filing the documents in this court under seal." Skinner v. Olsen, *et al* (2022 & 2023) 2 Nev.

Below is an itemized list of the sealed documents contained within volumes 10-16, filed with the Supreme Court, with the basis for sealing said records:

- Presentence investigation report filed 7/11/14: Confidential pursuant to NRS 176.156 and the Policy For Handling Filed, Lodged, And Presumptively Confidential Documents Rule 2, Section 5(a)(25) [vol. 10].
- Psychosexual evaluation filed 8/6/14: Confidential pursuant to NRS 176.156 and the Policy For Handling Filed, Lodged, And Presumptively Confidential Documents Rule 2, Section 5(a)(22) [vol. 10].
- Memorandum In Support of Probation filed 8/20/14: The lead document, as well as the Exhibits, were set to “sealed” by the filer, Christopher Frey, Esq., at the time of electronic filing. A copy of the hearing transcript for the hearing held on 8/21/14 is attached hereto as **Exhibit 1** (see pages 4 – 5) wherein the District Court briefly addresses the sealing of this document [vols. 10 & 11].
- Motion for Leave to Proceed In Forma Pauperis filed 7/13/16: Confidential per the Policy For Handling Filed, Lodged, And Presumptively Confidential Documents Rule 2, Section 5(a)(18) [vol. 11].
- Petition for Writ of Habeas Corpus filed 7/13/16: Only Exhibit 36 is marked as confidential in the District Court’s record as it contains personal medical information and was set to confidential per the Policy For Handling Filed, Lodged, And Presumptively Confidential Documents Rule 2, Section 5(a)(22) [vols. 11, 12, & 13].
- Petition for Writ of Habeas Corpus filed 10/7/16: Only Exhibit 36 is marked as confidential in the District Court’s record as it contains personal medical information was set to confidential per the Policy For Handling Filed, Lodged, And Presumptively Confidential Documents Rule 2, Section 5(a)(22) [vols. 13, 14, 15, & 16].
- Ex Parte Motion to Employ Investigator filed 6/20/17: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].

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- Ex Parte Claim for Attorney Compensation filed 6/30/17: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Recommendation and Order Granting Investigative Fees filed 7/3/17: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Motion for Authorization of Expert Witness Fees filed 8/17/17: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Claim for Attorney Compensation filed 10/25/17: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Claim for Attorney Compensation filed 2/6/18: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Claim for Attorney Compensation filed 7/9/18: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Application for Order to Produce Prisoner filed 8/23/18: This document was set to “confidential” by the filer, Joseph R. Platter, III, Esq., at the time of electronic filing [vol. 16].
- Ex Parte Claim for Attorney Compensation filed 11/20/18: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Motion for Transcripts at Public Expense filed 2/7/19: Confidential per the Policy For Handling Filed, Lodged, And Presumptively Confidential Documents Rule 2, Section 5(a)(3), (16), (18) [vol. 16].

- Ex Parte Claim for Attorney Compensation filed 5/28/19: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Claim for Attorney Compensation filed 10/21/19: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Motion for Transcripts at Public Expense filed 11/13/19: Confidential per the Policy For Handling Filed, Lodged, And Presumptively Confidential Documents Rule 2, Section 5(a)(3), (16), (18) [vol. 16].
- Ex Parte Motion for Transcripts at Public Expense filed 3/18/20: Confidential per the Policy For Handling Filed, Lodged, And Presumptively Confidential Documents Rule 2, Section 5(a)(3), (16), (18) [vol. 16].
- Ex Parte Claim for Attorney Compensation filed 5/7/20: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Recommendation for Payment of Interim Attorney Fees filed 5/18/20: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Claim for Attorney Compensation filed 7/30/20: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Recommendation for Payment of Interim Attorney Fees filed 8/21/20: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].
- Ex Parte Claim for Attorney Compensation filed 3/24/21: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].

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- Recommendation for Payment of Interim Attorney Fees filed 4/3/21: Sealed pursuant to ADKT 411 The Second Judicial District Court – Indigent Defense Report Amended Model Plan 2019 (attorney-client privilege) [vol. 16].

Dated this 15th day of March, 2024.

Respectfully submitted,

Alicia L. Lerud
Clerk of the Court
By /s/Yvonne Vilorio
Deputy Clerk

EXHIBIT 1

Code No. 4185

IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE
THE HONORABLE DAVID A. HARDY

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

RODERICK STEPHEN SKINNER,

Defendant.

)
)
) Case Nos. CR13-1601
) CR14-0644
)
) Dept. No. 15
)
)
)
)

TRANSCRIPT OF PROCEEDINGS

Sentencing

August 21, 2014

RENO, NEVADA

Reported By:

RANDI LEE WALKER, CCR # 137

1 APPEARANCES:

2
3 FOR THE STATE:

4 WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE
5 By: REBECCA DRUCKMAN, DDA.
6 1 SOUTH SIERRA STREET
7 RENO, NV. 89520

8 FOR THE DEFENDANT:

9 WASHOE COUNTY PUBLIC DEFENDER'S OFFICE
10 By: CHRISTOPHER FREY, DPD.
11 350 S. CENTER STREET
12 RENO, NV. 89520

13 Parole and Probation:

14 ERIN LUKL
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INDEX OF EXAMINATIONS

| | | | | | |
|-------------------|----|----|------|------|----|
| STATE'S WITNESSES | DR | CR | REDR | RECR | VD |
| DEFT'S WITNESSES | DR | CR | REDR | RECR | VD |
| ROBIN WELLNER | 13 | 30 | 39 | | |

1 **RENO, NEVADA, AUGUST 21, 2014, 9:00 A.M.**

2 -oOo-

3
4 THE COURT: Are you ready to go on Skinner?

5 MS. DRUCKMAN: Your Honor, I need to bring to
6 the Court's attention one of the problems the State
7 encountered concerning the defendant's memorandum in
8 support of probation.

9 I was provided a copy of it this morning, but
10 apparently Mr. Frey's office filed it under seal
11 yesterday, the 20th, and it's about 400 pages long. I
12 haven't had a chance to see the memorandum. I have not
13 had much of a chance to look at the remaining documents
14 that were attached thereto.

15 THE COURT: Well, let me comment, for a moment.
16 If it was filed under seal, then I want to know more,
17 because there was a motion to file it under seal -- did
18 I sign an order granting that motion?

19 MS. DRUCKMAN: Apparently so, Your Honor. I can
20 indicate to the Court -- I have a copy of the --

21 THE COURT: My clerk is telling me that I did
22 not sign an order.

23 MS. DRUCKMAN: Well, I can just show the Court
24 what I printed yesterday. I would ask this be marked as

1 State's Exhibit 1.

2 THE COURT: Is the defendant here?

3 MR. FREY: Yes.

4 THE CLERK: Exhibit 1, marked for
5 identification.

6 (Exhibit 1 was marked.)

7 MS. DRUCKMAN: When I attempted to look at it in
8 eFlex yesterday, I had a message that the Court could
9 read that said: "Security level exceeded." So I was
10 not able to review counsel's pleadings yesterday,
11 because of the nature of the way it was --

12 THE COURT: Let me comment in reflection to what
13 I just heard. There was an incredible amount of time
14 spent preparing that mitigation statement. And in many
15 respects it's persuasive, as it distinguishes P&P's
16 probability assessment.

17 Some of the P&P's assessment is driven by
18 objective criteria; and other is subjective criteria.
19 And Mr. Frey has focused on that subjective criteria;
20 which, if Mr. Frey is accurate, might change P&P's
21 recommendation. If it doesn't change their
22 recommendation, it certainly helps me better understand
23 the full scope.

24 So I want you to be prepared to match what Mr.

1 Frey has done. If he's filed it in a way that you
2 haven't seen it until this morning, I'm not going to put
3 you at a disadvantage.

4 Let me also tell you that I think we have
5 somebody from Australia. Is she here?

6 MR. FREY: Yes, we do, Your Honor.

7 THE COURT: And we have somebody that's ready to
8 talk on the phone.

9 So are you talking about that you need another
10 hour this morning? Or are you talking about that you
11 want to reset?

12 MS. DRUCKMAN: What I would suggest, Your Honor,
13 is that we begin sentencing hearing, and then we take
14 all of the persons who are here, and then we continue it
15 perhaps a week, to give me an opportunity to go through
16 his document that was provided to me this morning. It
17 is probably about 300 or 400 pages long.

18 THE COURT: But of it -- I printed off
19 everything except the medical records. And it's very,
20 very manageable without the medical records. And I
21 would even give you my copy. But most of it's
22 photographs. There's a letter, a very lengthy letter
23 from an attorney in Australia. And so I was able to
24 read it in well under an hour, if I excluded the medical

1 records.

2 MR. FREY: Your Honor, I think that's exactly
3 right. The bulk of the exhibits are really in the
4 nature of photographs, certificates of completion of the
5 police academy, documents that really merit a quick
6 perusal.

7 The medical documentation is just here to
8 substantiate some of the medical claims that we've made.
9 They do not require any more than a quick review.

10 MS. DRUCKMAN: Here's the State's position, Your
11 Honor, and I just have to be blunt.

12 MR. FREY: Please.

13 MS. DRUCKMAN: You know, the State has been very
14 accommodating to the defense concerning the date of
15 sentencing. I have continued it with them to obtain the
16 people from Australia; I have allowed the people to
17 testify by phone; I have accommodated the defense.

18 This sentencing has been set for quite a while.
19 I fully understand that Mr. Frey is busy. But the
20 State's position here is that I'm completely willing to
21 go forward partially on sentencing today, to accommodate
22 all of the things that we have put in place, but I think
23 it's unfair to the State to hand 400 pages to the person
24 literally on the morning of the sentencing, and file it

1 in such a way that it -- actually, you know, I could
2 make an argument here under Rule 13 that it was
3 improperly served on me in advance of this hearing, and
4 that it should be stricken. I'm not making that
5 argument. But I could, because of the way it's been
6 filed.

7 THE COURT: Ms. Druckman, I agree with you. The
8 question is whether you need an hour, or you need a
9 couple of days. That's the question for me.

10 MS. DRUCKMAN: I would like a couple of days,
11 Your Honor. I think it's appropriate, especially if
12 we're going to invade the provision of P&P and challenge
13 their findings. And the Court has indicated it's
14 somewhat persuasive.

15 THE COURT: It is. And, in fact, if I go to
16 probation, it won't be because he has a child; it won't
17 be because he has a child; it won't be because his
18 daughter has come from Australia. It will be because
19 the P&P recommendation is impeached. That's why.

20 MS. DRUCKMAN: So I would like some chance to
21 actually review that, in-depth. I don't feel I can do
22 it in an hour.

23 THE COURT: So I need to do something quickly,
24 so I'm going to leave the courtroom for about five

1 minutes.

2 I do have people here, and I want to make as
3 much time as necessary today. And then I will allow you
4 to review; and if you think you need to put something in
5 writing or call people, or however it is, I agree that
6 receiving it on the morning of the sentencing shifts the
7 fairness against the State. And we won't do that.

8 (A short recess was taken.)

9 THE COURT: Are you ready to go?

10 MR. FREY: Your Honor, can I put a couple of
11 matters on the record?

12 THE COURT: Yes, sir.

13 MR. FREY: Number one, my request to continue
14 last time was as a result of two things: Number one, I
15 was very disappointed in the recommendation of the
16 Division, and I wanted to investigate the criteria they
17 used to arrive at that recommendation.

18 Number two, the psychosexual evaluation had been
19 completed, but yet was not supplied to us. And that
20 psychosexual evaluation was actually referenced in the
21 PSI.

22 So that was something we didn't have going into
23 sentencing. And that was the second reason why I
24 requested to continue it.

1 It wasn't simply by the grace of the State that
2 that continuance was granted, it was a continuance that
3 had merit because there was a need for a psychosexual as
4 well as the underlying documentation.

5 The psychosexual note under the Court's docket
6 was not filed before sentencing, it was only filed post
7 that sentencing date; hence the reason to continue.

8 So I know the State's been accommodating; but as
9 I noted in my memorandum, we have also been equally
10 accommodating, from our standpoint.

11 I'd also note that I understand that you may
12 rule and continue the case, but I don't believe that
13 that's merited, unless the State's really willing to
14 contest Mr. Skinner's Crohn's Disease, cancer, bilateral
15 amputation. Those are, frankly, plain, from the
16 surgical scar on his neck, and his wheelchair. It
17 doesn't seem like that merits a week of preparation
18 time.

19 I say that only because I have Robin Wellner
20 here. She's from Australia. She flew in, and she's
21 going to fly out tomorrow. So that's why I wanted to
22 put those concerns on the record.

23 THE COURT: And if the State had received the
24 statement in mitigation sometime before this morning, we

1 wouldn't be having this conversation.

2 MR. FREY: I understand. We did our best. I
3 expected that they would get it. I didn't get notice
4 that they didn't get it until this morning. I served
5 them with a courtesy copy personally and by e-mail. I
6 wish they would have gotten it yesterday, but apparently
7 because of our sealing of the document, that didn't
8 occur.

9 THE COURT: There are two things I would like
10 this morning: First, there is some suggestion or
11 understanding by the defense, that upon my decree Mr.
12 Skinner can just get on an airplane and return to
13 Australia under supervised probation.

14 Is it as easy as that, Ms. Lukl? Because state-
15 to-state we have a lot of compacted time-delay issues.

16 THE DIVISION: I don't believe so. I haven't
17 done one out of the country, so to speak. But just
18 state-to-state, I agree, Your Honor, it requires a
19 little bit more documentation, verification, and then
20 also, then, ultimately the approval from the receiving
21 country in this case.

22 THE COURT: Right. Second, there is talk behind
23 the judicial curtain about the P&P probability
24 matrices -- the forms that are used. So much so, that

1 we had a presentation from P&P, I think just last week
2 or the week before, in which the forms were given to us,
3 there were explanations as to how different conclusions
4 were reached, and there was some acknowledgment of the
5 imprecision of some of the subjective components.

6 The State's free to argue here. You're not
7 concurring. But when the State and the Division
8 disagree, it's relevant to me.

9 Right now there's not a disagreement. But I
10 don't know if Mr. Frey is going to demonstrate that P&P
11 is wrong, or should reconsider based upon his analysis
12 of that probability motion.

13 So when this matter is continued, I want the
14 actual author present, available to respond to Mr.
15 Frey's specific attack upon the recommendation. Because
16 if in light of that recommendation the recommendation
17 would be the same, it's very important for me to know,
18 because then I've got the State and P&P telling me the
19 same thing.

20 Somebody is here from out of country, and I very
21 much want her time to be used, so that she doesn't fly
22 without being heard. So at the very least, let's allow
23 her to address the Court.

24 MR. FREY: Thank you, Your Honor. We would like

1 to call Ms. Robin Wellner, please.

2 THE COURT: When we reset this, I want, Ms.
3 Clerk, it to be more towards the back end of the
4 criminal calendar.

5
6 ROBIN WELLNER,
7 called as a witness by the State,
8 who, first having been duly sworn,
9 was examined and testified as follows:

10
11 MR. FREY: Thank you, Your Honor.

12 THE COURT: I should note, I have read her
13 somewhat lengthy letter/report.

14 MR. FREY: Wonderful.

15 DIRECT EXAMINATION.

16 BY MR. FREY:

17 Q. Ma'am, please state your name, and spell your
18 last name for the record.

19 A. My full name is Robin A. Wellner: W-e-l-l-n-e-r.

20 Q. Thank you. Ms. Wellner, do you know Roderick
21 Skinner?

22 A. Yes, I do.

23 Q. How do you know Roderick Skinner?

24 A. Roderick was introduced to me and my husband,

1 who is also an attorney, which -- if you don't mind,
2 Your Honor, my office opened up at 2:00 o'clock this
3 morning to take a telephone call from Courtney. Is it
4 possible for the telephone evidence --

5 THE COURT: No. You're on. I'd like to hear
6 you right now, please. I can reschedule a telephone at
7 any time, but I have a live witness.

8 MR. FREY: That's fine, Your Honor.

9 BY MR. FREY:

10 Q. So, Ms. Wellner, you were describing how you
11 knew Roderick Skinner.

12 A. About late-2005, a client by the name of Kevin
13 McTaggart, said that he was going to recommend Mr.
14 Skinner to come to our office as a possible potential
15 client for his family-law issue. I think I met him
16 around about just before the Christmas of 2005, or
17 early-2006.

18 Q. Now, what do you do for a living?

19 A. I'm a lawyer.

20 Q. How long have you been a lawyer?

21 A. Since 1997.

22 Q. Are you currently licensed as such?

23 A. Yes.

24 Q. What do you practice, ma'am?

1 A. Family law, property law, deceased's estates.
2 Q. What country do you practice in?
3 A. Queensland, Australia.
4 Q. Did you make a flight very recently to come to
5 Reno to testify?
6 A. I did. I arrived Reno time, Tuesday afternoon.
7 Q. Was that at your own personal expense?
8 A. In part.
9 Q. When do you plan to leave?
10 A. Tomorrow afternoon.
11 Q. Now, approximately how long have you known Mr.
12 Skinner?
13 A. Since late-2005, early-2006.
14 Q. Was it always a professional relationship with
15 him? Or did you guys become personal friends?
16 A. We became friends, as well.
17 Q. And throughout the course of your friendship,
18 what can you say about Mr. Skinner's character?
19 A. He's an honest man. He's very caring for his
20 children, and caring for people around him.
21 It took a while to get to know Rod, because in
22 the past he's had some issues in the family court where
23 he became very despondent with the legal profession. So
24 he had to get comfortable with us, before he became

1 friendly, to make sure that we weren't going to be what
2 he thought was bad people out to get him, and that we
3 were there to help him with his issues.

4 Q. Do you understand Rod to have a family?

5 A. He does.

6 Q. Who does his family consist of?

7 A. His little daughter, Courtney, is currently 23;
8 he has a son, Broderick, who is 19; and he has a small
9 child, Sophie, who is turning three this week sometime.

10 Q. How would you describe his relationship with his
11 daughter, Courtney?

12 A. Very close. They're very good friends. They're
13 very close. They talk, chat a lot on the internet.

14 Rod, as part of his visa requirements for living
15 in the States, I believe, he has to go home every three
16 months or thereabouts. He's spent that time at home,
17 with his daughter.

18 Q. How would you describe his relationship with his
19 son, Broderick?

20 A. I don't think Mr. Skinner has seen Broderick for
21 some time, because of the family-law issues.

22 Q. And his relationship with his daughter, Sophie,
23 can you speak to that?

24 A. I saw Sophie for the first time in April of

1 2013, with Rod, when he proudly brought his cute little
2 girl over to visit. Sophie loves her dad. She was all
3 over him.

4 Dad was there to teach her, if he saw something
5 new. She was learning to speak. Her favorite word was
6 "bird."

7 At my place, I have chickens, I have finches,
8 we've got lady birds flying around in the garden.
9 Outside, she's learning the names of the birds.

10 I've got cats. She had to go and talk to my
11 cats.

12 And Rod was helping with the words, and trying
13 to formulate names of every one, as well.

14 Q. I'm going to approach you now with a photograph.
15 Do you recognize what I'm handing you?

16 A. That's Sophie. That's Sophie taken with -- I'm
17 presuming -- Lynn, before I met her. But --

18 Q. Who else is the photograph?

19 A. That's the father, Rod Skinner.

20 MR. FREY: Your Honor, I'd move to admit the
21 photograph of Mr. Skinner with his daughter, Sophie.

22 MS. DRUCKMAN: I have no objection.

23 THE COURT: Thank you. It will be admitted.

24 (Whereupon, the exhibit was admitted into

1 evidence.)

2 BY MR. FREY:

3 Q. Where is Sophie now?

4 A. In Australia, living with Courtney.

5 Q. And what sort of living environment are they
6 living in right now?

7 A. I haven't been to Courtney's place, but I know
8 that she's just recently moved to a house in Oxley,
9 which is a suburb of Brisbane, the outer skirts of
10 Brisbane. It's on the mainland, whereas she was living
11 on an island off the Queensland coastline.

12 She's moved to the house partly and especially
13 with her father coming home, so he's got quick access to
14 medical facilities, should he need them.

15 Q. Is there anything about the house that's
16 equipped especially for Mr. Skinner?

17 A. I haven't seen the house. All I know is it's a
18 single-level property. It does have ramps.

19 Q. And that's to accommodate his wheelchair; is
20 that right?

21 A. Yes.

22 Q. Now upon Mr. Skinner's return to Australia,
23 should he be granted the privilege of probation here,
24 can you describe what kind of resources he would have

1 available to him?

2 A. He has his police pension, which I believe he
3 gets paid about \$3,000 a month from his 3.00 police
4 pension.

5 Once he becomes a resident of Australia, he will
6 then be entitled to his Medicare card. And he may be
7 able to access some Disability and Pension. Medicare is
8 kind of a Disability Pension, and if not paid in
9 dollars, will certainly be paid in lieu, by giving him a
10 pension card, which then it gives him cheaper
11 medication. And he will have free medical.

12 Q. He has a family-law attorney; correct?

13 A. Yes.

14 Q. How extensive would that Medicare coverage be
15 with respect to Rod? What would that cover for him?

16 A. It would cover GP -- general practitioners -- as
17 in a normal family doctor. It would cover any
18 hospitalization he'd require. It would cover, in part,
19 specialists' fees, if he had to go to a specialist, say,
20 for his Crohn's Disease. Some of the specialists don't
21 just take the Medicare rebate, they may require
22 additional funds on top of that. Other specialists like
23 the money up front; and then Rod can make a claim
24 against the government for a refund, in part, of the

1 fees.

2 Q. What's Rod's circle of family and friends like
3 back in Queensland?

4 A. I only know Kevin McTaggart and his family. But
5 from Courtney's telling me, they have a very extensive
6 family friendship.

7 And the friends that Rod has are also friends of
8 Courtney's, and they have all told her that they support
9 her, and Rod upon his return.

10 Q. Now, you understand the nature of the charge
11 that he pled guilty to; correct.

12 A. I do.

13 Q. I imagine his family understands that as well?

14 A. They do.

15 Q. What's the emotional toll that it's taken on
16 you? Can you describe that?

17 A. Courtney, in particular, she thinks of nothing
18 else. She feels as though she's a bit of a failure,
19 because she hasn't been able to help her dad, as much as
20 she would have liked.

21 Not that we can do that much in Australia. It's
22 a different jurisdiction over here. You have different
23 laws.

24 For instance, we're trying to source a new

1 wheelchair for him, because his original wheelchair
2 broke, also in detention. The chair that he's using at
3 the moment, I believe, is provided by the detention
4 center. It's not suitable for a double amputee.

5 We found one of his wheelchair manufacturers,
6 who's also a double amputee, in Redcliff, which is north
7 of Brisbane. He was attempting to get it prepared and
8 ready so I could bring it with me on Tuesday, but
9 unfortunately we didn't have enough time, because each
10 chair for a double amputee has special specifications to
11 that amputee. That's taken a long time.

12 Getting money onto the jail's ATM, so that she
13 can have e-mail correspondence with her father, has been
14 difficult. Funds leaves Australia, but it seems to take
15 forever to get into the system. So there are lengthy
16 periods of time when Courtney can't correspond with her
17 father.

18 I have attempted to get a jail ATM account
19 going, and I just simply couldn't even get past first
20 base. I put in a password, and then it just crashed
21 down on me, time and time and time again.

22 For me, Courtney spends a lot of time in my
23 office working through issues, trying to understand
24 what's happened here, trying to understand your

1 legislation, reading your laws.

2 I've spent a lot of time with Courtney, trying
3 to get Sophie back. Interpreting between the American
4 Consulate and the American public person who's looking
5 after Sophie -- the prosecution.

6 Q. Child Protective Services?

7 A. Child Protection Services. And now Children
8 Services. The difference in the legal language caused
9 issues, caused confusion. The American side was asking
10 for something, the Australian side was saying, "This is
11 what you've got."

12 And it was only after I researched this and
13 that, that I could work out what they were really after.
14 It was finally all sorted out, and hen everyone was
15 happy.

16 It turned out we were working towards the same
17 thing, but thing terminology, so it caused issues there.
18 I helped with the Children's Services in Brisbane,
19 between the American child protection people and them,
20 because of different terminology again.

21 So for me, it's taken many, many hours of my
22 office time, and out-of-office time.

23 Q. Robin, you didn't have to make the trip to Reno,
24 but you did. Why did you feel it was important to come

1 here and be present?

2 A. I felt that -- Rod's a friend. I wouldn't say
3 he's a best friend, but he's a good friend. He's a good
4 mate. He's ended up in a bad space, and he needs as
5 much support as he can.

6 Q. Would he get more of that support in Australia,
7 if he was to be returned there?

8 A. Sure.

9 Q. Let me ask you a couple of questions: Knowing
10 what you know of Rod over the course of your
11 relationship, is Rod employable?

12 A. He's an intelligent man. He can be trained to
13 do anything.

14 Q. You said he has a police pension; is that right?

15 A. Yes.

16 Q. Is that as the result of early retirement from
17 the Queensland Police Force?

18 A. Yes.

19 Q. That's as a result of him going through that
20 horrific accident, that took his leg?

21 A. Actually, no. After he had the accident and he
22 went back to work with the Queensland Police, he became
23 a driver trainer, so he was training -- they call them
24 rookies -- the young policemen how to drive the cars and

1 whatever. I forget the period of time he was doing it
2 for. It was for a few years. And then he was medically
3 discharged as unfit, because he developed paranoia.

4 Q. The pension you described, is that adequate to
5 cover his cost of living?

6 A. It's more than what our pensioners would
7 receive.

8 Q. Is it fair to say that if Rod didn't need to
9 work, he wouldn't necessarily have to, because of the --

10 A. He doesn't need to work, no.

11 Q. You mentioned his family, which consists
12 Courtney --

13 A. Courtney, 23; Broderick, 19; Sophie, 3.

14 Q. And Mr. Skinner, was he married at one point?

15 A. He's been married twice.

16 Q. So he has, obviously, two "ex's." Let's talk
17 about the first "ex."

18 A. That's Lynn.

19 Q. Lynn. Has she reached out to the family at all,
20 or to Rod?

21 A. Lynn and Rod had a very acrimonious break up.
22 They really didn't like each other.

23 Courtney has been with her -- or talking about
24 Rod's situation with her mother, Lynn, who has

1 remarkably put a hand up and said that she's prepared to
2 assist Rod as much as she can, as well, because she
3 doesn't believe the charges. And to Courtney's
4 astoundment, she's helping out.

5 She's helping Courtney with Sophie. They go
6 over there weekly. And she was prepared to make a
7 statement. However, I didn't have a chance to go and
8 put a statement together right before the Court.

9 Q. She was actually ready to make a statement on
10 Rod's behalf?

11 A. Yes.

12 Q. This is the ex-wife that he had an acrimonious
13 separation with?

14 A. That's right.

15 Q. Would you consider police academy training to be
16 education?

17 A. Education? Yes.

18 Q. Is Mr. Skinner kind of a life-long learner? Is
19 he one of those folks that are always soaking up
20 information?

21 A. Yes.

22 Q. Did Mr. Skinner ever serve in the military?

23 A. In the military? Not to my knowledge.

24 Q. Are you familiar with the Army Reserves?

1 A. Yes.

2 Q. Would you consider that to be training for
3 education?

4 A. Yes.

5 Q. As a family-law attorney, I imagine you deal
6 with some pretty tense situations between families and
7 within families; is that right.

8 A. I do.

9 Q. How important is it in your experience, through
10 the course of your career, is it for people who can be
11 together, to be together?

12 A. I'm sorry?

13 Q. How important is it, for example, for a father
14 to be with his daughter?

15 A. The little one, or both? Both?

16 Q. Both.

17 A. For little Sophie, it's very important that she
18 live with her father, because her mother abandoned her
19 when she was about two weeks of age.

20 It's important that Sophie knows that she has a
21 dad who loves her. She tells -- she gets upset and
22 tells Courtney that she wants to talk to daddy now, on
23 the telephone.

24 She makes little Lego men at my office of little

1 men on wheels, and calls them "Daddy."

2 She needs to have a family around her. She
3 needs to know that her dad is there, he loves her, and
4 is there to support her.

5 Courtney loves her dad dearly, and misses him
6 dreadfully, and needs to have him back.

7 Q. Robin, is there anything you want to say?
8 Anything else you want to say in addition to what you've
9 said already, in addition to your letter, that you would
10 like His Honor to hear?

11 A. Your Honor, he's a good man. He would no sooner
12 break the law knowingly or intentionally.

13 When he stayed over for dinner some nights, he
14 and my husband get along very well. They have a lot
15 to -- they talk politics. And sometimes the political
16 talks came around to police corruption.

17 And Rod was very -- in the more recent past --
18 very much against police corruption. Very much against
19 police putting people into a position to make them look
20 guilty, sometimes. He abhors people that break the law.

21 THE COURT: I want to ask about that, because
22 you're giving a great presentation about one part of
23 him. Have you read the presentence-investigation
24 report?

1 THE WITNESS: No.

2 THE COURT: Okay. I'll summarize it. And then
3 I want you to help me reconcile what I've read, versus
4 what you're telling me.

5 This is a gentleman who might have masturbated
6 himself in the presence of his young daughter, while on
7 his lap; that he might have touched neighbor girls
8 inappropriately, in inappropriate places; and might have
9 downloaded and viewed pornography involving underaged
10 children 10 times in a span of two months; and a man who
11 is deflecting responsibility for that and saying,
12 essentially, that he bought a used computer, and there's
13 some horrible child pornography that's been downloaded
14 into unallocated hard drive space, and he really had
15 nothing to do with it.

16 And, finally, Dr. Nielson, who said hat he's not
17 taking responsibility for his conduct, but he might,
18 through the therapeutic interventions after
19 adjudication. How can you --

20 MR. FREY: I can help you reconcile that right
21 now, Your Honor.

22 THE COURT: Well, I've got a witness telling me
23 that he abhors criminal conduct; that he talks about
24 people being unfairly treated; and I'm only going to

1 have her for a second. I'm going to have your arguments
2 even today or later. I wonder if she knows all of this,
3 as she's describing him.

4 THE WITNESS: I haven't read the pre-sentence
5 report. I've read his charges, and I read his plea of
6 memorandum. That's all I've read.

7 THE COURT: At the right time -- either today or
8 later -- you'll help me understand why there are 10
9 downloads that the State's expert is willing to talk
10 about.

11 Do you have any questions for this witness?

12 MS. DRUCKMAN: I do, if Mr. Frey is done.

13 THE COURT: Excuse me. Are you done?

14 BY MR. FREY:

15 Q. Is there anything else, Robin, that you want to
16 say to the Court?

17 A. Nothing that I can think of. You have to bear
18 with me, though. I'm very tired.

19 MR. FREY: I will follow up, to the extent that
20 I think it's necessary, after Ms. Druckman.

21
22
23 (Next page, please.)
24

1 CROSS EXAMINATION

2 BY MS. DRUCKMAN:

3 Q. Are you familiar with the years that the
4 defendant wasn't living in Australia?

5 A. He left in about 2008.

6 Q. And do you know where he went?

7 A. He went to Vietnam for a while; and then went to
8 Thailand, I think.

9 Q. And both of those places are areas where there's
10 a lot of sex trafficking; correct?

11 A. Yes.

12 Q. And both of those are places that it's not
13 uncommon for people who have the desire to have sex with
14 children, to go on sex holidays with children; correct?

15 A. If you read -- that's the knowledge, yes.

16 Q. Now, concerning the child, Sophie, did you know
17 the defendant's Vietnamese wife?

18 A. No.

19 Q. You never had an occasion to meet her or know
20 how young she was?

21 A. I met her on Skype, when Rod was visiting us in
22 Brisbane, three years ago, I think -- maybe more than
23 that. I think her little boy is now five. And I can't
24 recall her name. She's about 15 years his junior. I

1 didn't think that unusual, because I'm 16 years junior of
2 my husband.

3 Q. The child, Sophie, you indicated that the
4 mother, after giving birth, abandoned Sophie and the
5 defendant?

6 A. That's right.

7 Q. And do you know where she went?

8 A. She went back to Vietnam.

9 Q. And for people who are in Vietnam and they have
10 children who are not Vietnamese but are a mixed race,
11 those children are not accepted there; correct?

12 A. No. No. No. No. Your Asian children -- I can
13 only speak for the Philippines, because my husband's
14 brother used to live in the Philippines before he passed
15 away. Your Asian children are -- I can't think of the
16 word -- guapo: beautiful. They're held not in high
17 esteem, but they're very special, pretty, male or
18 female.

19 So if that answers your question? But I'm only
20 speaking for thing Philippines.

21 Q. That's actually not the case in Vietnam?

22 A. I don't know.

23 Q. Those children are discriminated against?

24 A. I don't know.

1 MR. FREY: Your Honor, she's asking questions
2 beyond the scope of her expertise.

3 MS. DRUCKMAN: I'll move on, Your Honor.

4 MR. FREY: She can argue it, if she wants.

5 BY MS. DRUCKMAN:

6 Q. Concerning the allegations that have been shared
7 with you by the Judge, you're aware that there are two
8 child witnesses -- I believe ages seven and eight -- who
9 reported the conduct that they observed the defendant
10 doing?

11 A. I'm not aware of that, because it's not in the
12 charged sheet that I've read, and it's not in the
13 memorandum.

14 Q. That's the open-and-gross-lewdness charge, which
15 is being dismissed.

16 Do you understand that --

17 MR. FREY: Your Honor, I don't think there's a
18 question there.

19 THE COURT: You know, I disagree. I think that
20 the State is probing the witness's knowledge.

21 BY MS. DRUCKMAN:

22 Q. Do you understand that these two children were
23 basically not with any other adults, but were in the
24 defendant's house, and their stated purpose was that

1 they were there to play with Sophie, who was two at the
2 time?

3 A. I have no knowledge.

4 Q. Being aware that these two children --

5 A. I'm not aware.

6 Q. Well, okay. But --

7 A. I'm unaware, because you're telling me now.

8 Q. You're giving us your opinion of his good
9 character, and his good character around children.

10 A. Uh-huh.

11 Q. Does the fact that an investigation was
12 conducted, and facts were shown that the defendant was
13 seen watching adult pornography on a computer,
14 masturbating himself, holding his two-year-old child on
15 the arm of his wheelchair, in the presence of a seven-
16 and eight-year-old child, does that fact change your
17 opinion about his potential dangerousness or his
18 character concerning --

19 A. Well, that sounds.

20 MR. FREY: Before the witness answers, I would
21 like to lodge an objection.

22 That case was the subject of some litigation,
23 and there was a factual dispute in that case about the
24 accuracy of those observations. So presenting this to

1 the witness as if it was fact, I think, is misleading.
2 And to call the question here, is to opine on his
3 dangerousness. And I think we had a psychosexual
4 evaluator opine on that very issue, and he said he's not
5 a high risk.

6 THE COURT: Well, then to what extent is this
7 witness relevant to me? Because if the witness is
8 relevant to tell me everything that's good about this
9 man, I want to know what she knows about him and this
10 event.

11 I know that she knew him for three years,
12 between the time they met. She's just told me wonderful
13 things about him. I think it's appropriate that the
14 State probe whether she knows some of the allegations
15 the State initially made, and existed before there were
16 plea negotiations.

17 MR. FREY: Understood. And I like your
18 characterization.

19 I think that the prosecutor should be framing
20 this not as fact, but as an allegation: Ms. Wellner,
21 are you aware of this allegation? Because when she
22 presents it as a factual matter --

23 THE COURT: I think that's fair.

24 ///

1 BY MS. DRUCKMAN:

2 Q. With those categorizations that counsel has just
3 made, do you understand that -- you're giving us a good
4 opinion. Would that change your current opinion?

5 A. The allegations that were made against Mr.
6 Skinner are out of character to the Mr. Skinner I know.

7 Q. Now it's fair to say that it's been several
8 years since you really had a close relationship with Mr.
9 Skinner; correct?

10 A. He would -- when he came back to Australia on
11 his visa requirements, probably every second time he
12 would come over to visit us.

13 Q. But you haven't seen him day-to-day, for several
14 years?

15 A. No.

16 Q. And in between the time that you spent personal
17 one-on-one time, having a relationship where he was a
18 friend, he went away to Vietnam, and you think Thailand,
19 and then he came to the United States, you have not been
20 with him personally --

21 A. No.

22 Q. -- for a significant period of time since he
23 moved away from Australia?

24 A. That's correct.

1 Q. So it's fair to say people change, based on
2 their needs; correct?

3 A. They do.

4 Q. In this instance, based on the volume of child
5 pornography -- Did you read the original charges?

6 A. I read the 32 -- or 23 charges, yes.

7 Q. And you're aware of how hard-core the
8 pornography was that was located on his computer?

9 A. No. I haven't seen the photos.

10 Q. But through the description, I mean?

11 A. The description, yes.

12 Q. Is quite hard-core; would you agree?

13 A. Yes.

14 Q. And would you also agree that the fact that
15 there were downloads occurring over time, and he's the
16 only person using the computer, would you agree that
17 that fact indicates that he has a problem in this area?

18 MR. FREY: Your Honor, beyond the scope.

19 THE WITNESS: It's a fact I can't agree or
20 disagree, because --

21 THE COURT: Overruled.

22 BY MS. DRUCKMAN:

23 Q. So based on that course of conduct, that's been
24 shown to you, and that you have read the charges, does

1 that in any way change your opinion about the problems
2 that Mr. Skinner has, impacting his ability to be around
3 children, including Sophie, and the community?

4 A. The charges don't match up with the man I know.
5 I know him to be a good and proper, upright citizen.
6 The charges simply don't match up.

7 MR. FREY: I think that's all the witness can
8 say, Your Honor.

9 BY MS. DRUCKMAN:

10 Q. Is it fair to say that if this conduct was
11 conducted in front of you -- where you actually saw it
12 occur -- your opinion would be different of Mr. Skinner?

13 MR. FREY: Your Honor, again, I don't think
14 that's a fair question.

15 THE COURT: Overruled.

16 THE WITNESS: Yes.

17 BY MS. DRUCKMAN:

18 Q. Yes?

19 A. I would think he would not be a fit citizen to
20 be around children.

21 Q. As a lawyer in family court, and other types of
22 actions, is it fair to say that when you call a
23 character witness, you call somebody who is going to
24 speak well of your client; correct?

1 A. Yes.

2 Q. And that people don't tend to commit crimes in
3 front of their character witnesses, do they?

4 MR. FREY: Your Honor, I'd object to that
5 question.

6 THE WITNESS: With respect -- I saw Rod last,
7 and I presume --

8 THE COURT: Hold on, ma'am.

9 MR. FREY: We're talking about committing crimes
10 in front of character witnesses. I think it's gone way
11 far afield.

12 THE COURT: Ms. Druckman is attempting to
13 impeach or explain the vigor of your client, and this
14 witness's positive character opinion of your client. I
15 think it's appropriate to examine the parameters.

16 MR. FREY: I think it's a hypothetical, because
17 there's no crime committed in front of Ms. Wellner. I
18 can ask her what she would feel if there was a murder
19 committed in her presence, and I could anticipate what
20 the answer would be.

21 I don't think that's a useful or constructive
22 line of questioning at all.

23 THE COURT: It appears to me that -- well, the
24 witness has traveled a great distance, at her expense

1 and somebody else's expense, to provide favorable
2 perspective of your client. I think that's appropriate.

3 It's also appropriate for the Court to
4 understand the source of that favorable opinion.

5 And it appears to me that this witness has
6 provided favorable opinion testimony without fully
7 knowing the allegations that exist in this case.

8 I don't really need to know more than that. We
9 don't need to dredge up what the allegations were:
10 they're not proven; they were negotiated away. But it's
11 just important for me to know that the child pornography
12 downloads that occurred to his computer, while he
13 possessed the computer, was not known to the witness
14 who, I presume, is an esteemed family-law lawyer in
15 Australia. And she's, I think, answered the questions
16 to my satisfaction.

17 MS. DRUCKMAN: Thank you.

18 THE COURT: Do you have any --

19 MR. FREY: Yes, I do I have follow-up questions.

20 REDIRECT EXAMINATION

21 BY MR. FREY:

22 Q. Thailand and Vietnam, both very common vacation
23 destinations for those in Australia; correct?

24 A. Very much so.

1 Q. In fact, those two countries are in close
2 proximity to one another?

3 A. They're not very far to fly to either one.

4 Q. So when you want a vacation, a holiday for any
5 reason, Vietnam is on the list; correct?

6 A. A lot of people go to Vietnam, a lot of people
7 go to Thailand, a lot of people go to Singapore. And
8 those that wish to go further afield in the Asian
9 sector, go to China and Japan.

10 Q. So southeast Asia, and Asia proper, both in
11 close proximity to Australia; correct?

12 A. Yes.

13 Q. Very common to go there, for whatever reason?

14 A. Yes.

15 Q. All types of Australians go there?

16 A. Yes.

17 Q. Lawyers go there?

18 A. Yes.

19 Q. Doctors go there?

20 A. Yes.

21 Q. Dignitaries go there?

22 A. I think one of the conventions -- one of the
23 legal conventions, was recently -- or is to be held in,
24 I think, Singapore next year or the year after.

1 Q. Very close international ties with those
2 countries that have been referenced here today --
3 Vietnam and Thailand -- at least with respect to
4 vacationing?

5 A. I don't think -- there's no visa requirements.
6 I don't think you need to get a visa to go in there for
7 more than three weeks. If you just go for a three-week
8 holiday and have your return trip, you don't have to get
9 a special visa.

10 Q. Is that Thailand, or Vietnam, or both?

11 A. Certainly the Philippines. I think it's the
12 same in Thailand. I'm not a hundred percent certain on
13 Vietnam, because I haven't traveled to Thailand or
14 Vietnam.

15 Q. So your understanding of that visa waiver, would
16 it be that because the travel is so frequent between
17 Australia and those countries, that those countries have
18 agreed to waive the visa requirement?

19 A. I couldn't comment. I can't say.

20 Q. A visa is required for, let's say, Australians
21 to travel to the United States?

22 A. Yes.

23 Q. Or to Italy; correct?

24 A. I recently flew to Germany, in 2005 -- not so

1 recent -- and I didn't need a visa, because I was only
2 staying for under three weeks. So I think you will find
3 that the new countries might have sort of similar
4 requirements.

5 When I was in Germany visiting family, I moved
6 from Germany, to France, and back, without visas.

7 Q. Now, Ms. Wellner, if you learned that a
8 credentialed, professional, seasoned, experienced
9 psychosexual evaluator assessed Mr. Skinner and came to
10 the conclusion that he was not a high risk to re-offend,
11 and did not present a danger -- an active danger to
12 others, would you tend to believe that that's consistent
13 with who you know Mr. Skinner to be?

14 A. I would.

15 Q. Now in Australia, is it your understanding that
16 there's a body of law that governs sex offenders in that
17 country?

18 A. There is.

19 Q. And that that body of law requires registration?

20 A. If a person is charged in -- each state,
21 probably much like you have here, Your Honor, each state
22 has their own legislation, and then there's also some
23 federal legislation that they tend to base their state
24 legislation on.

1 In Queensland, it's not mandatory that someone
2 who is charged and convicted of a sexual offense goes
3 onto the sexual offenders' register.

4 If it's a Category II offense, which is what Rod
5 is being charged with -- pornography, child
6 pornography -- it's called a Category 2 offense; it's up
7 to the Judge's discretion whether he also puts the
8 accused on the register.

9 So if he's had no previous offenses, there's
10 only been the one charge, it's a Category II, it's at
11 the Judge's discretion as to whether he wants him to go
12 onto the register.

13 Or if he's convicted -- if he's sentenced but no
14 conviction is recorded, he won't go into the register on
15 it.

16 The register is a national register. And the
17 act -- the Queensland Act is: The Dangerous Prisoners
18 of Sexual Offenders Act.

19 MR. FREY: Can I approach the witness, briefly?

20 THE COURT: Yes.

21 BY MR. FREY:

22 Q. Now, Ms. Wellner, I'm handing you body materials
23 there. And do you recognize that to be --

24 MS. DRUCKMAN: Your Honor, I'm going to object

1 on the grounds that this wasn't covered in counsel's
2 Direct.

3 THE COURT: So it's on the Redirect.

4 What is it that you just handed to the witness?

5 MR. FREY: I have handed her, Your Honor,
6 literature regarding sex-offender registration,
7 notification requirements, as they apply in Australia.

8 THE COURT: Here's the Court's opinion: When we
9 reconvene, it will be very difficult for me to even
10 consider probation, unless I know exactly what it means
11 between two countries.

12 I have experience with probation compacted into
13 other states. Somebody is going to have to provide that
14 information, either through P&P, or some international
15 probation expert.

16 MR. FREY: We will have the Consulate appear.
17 I'm serious. We will patch in to the Australian
18 Consulate in San Francisco, and we'll talk with Meagan,
19 the Consular officer working on this case, and we will
20 verify to you that this is an international deportable
21 offense.

22 THE COURT: So the information you're eliciting
23 from this witnesses is critical for me. I don't know
24 that this is the right witness to provide that.

1 MR. FREY: That's fine. We can do it through
2 other means, and provide the verification to the Court.

3 I was just following up on the State's attempt
4 to elicit from Ms. Wellner that somehow Mr. Skinner
5 would be a danger to others.

6 And I wanted to establish that while evening
7 assuming he presented a high risk -- and he doesn't --
8 there are controls in place in Australia, such as
9 supervision, notification, reporting requirements,
10 etcetera, that really mirror our laws here.

11 So if we're worried about Mr. Skinner
12 re-offending, I just wanted to give Your Honor piece of
13 mind that there are controls in place in his home
14 country.

15 THE COURT: As we anticipate the next hearing,
16 one of the things -- whether it's through the Consulate
17 over not -- one of the things I'm interested in is a
18 comparison between the levels of supervision.

19 And I'm not foreshadowing that this is a
20 probation case; I'm just open to all arguments.

21 Because you referred to Dr. Nielson's conclusion
22 that he's low-to-moderate. But I think that Dr. Nielson
23 also says: "If this gentleman has access to a computer,
24 everybody's at risk."

1 And so I wouldn't send this gentleman to
2 Australia, unless I knew that somebody was going to be
3 in his back pocket, making sure he never had access to a
4 computer.

5 I have to take Dr. Nielson's report in its
6 entirety. And it's not as clean to me as -- You haven't
7 had an opportunity to argue all of Dr. Nielson's report,
8 but there are some components that are troubling to me.

9 MR. FREY: We are fully prepared to address
10 those to the satisfaction of the Court.

11 THE COURT: Here's what I want to do today: I
12 was told -- and there's no fault -- I was told this
13 would be about a 20- to 30-minute sentencing.

14 I'm in the middle of a jury trial right now.
15 I'm now an hour and three minutes late from my
16 last-scheduled settling-of-jury-instructions meeting.

17 I have a work meeting that starts at 11:50, and
18 I have a jury coming back at 1:30.

19 Recognizing the commitment -- this witness's
20 need to be here, I wanted to hear from her. But
21 everything else, I think I need to push off.

22 So if we're done with this witness, then we're
23 done for the day with Mr. Skinner.

24 MR. FREY: I think that's appropriate. We have

1 Courtney ready to take a call. I can contact her and
2 try to reschedule her.

3 THE COURT: You'll have to reschedule her.

4 MR. FREY: It's 2:00 a.m. in Brisbane, but she
5 can repeat that experience, unfortunately, in the
6 future, at the next setting.

7 THE COURT: Express the Court's regret at her
8 inconvenience, but it is what it is.

9 MR. FREY: I think we're concluded, then.

10 THE COURT: All right. Let's set a date.

11 How much time will you need, Ms. Druckman?

12 MS. DRUCKMAN: I think it would be appropriate,
13 Your Honor, for me to have at least a week, given that
14 we're going to be subpoenaing the Parole & Probation
15 Officer who wrote the report, and to look into the
16 questions about Australia supervision.

17 THE COURT: So I have just obtained a senior
18 judge to try Schoner. And I'm trying a five-day civil
19 case that's scheduled the entire week.

20 There will be a time next week when I can fit
21 two hours in, or two and a half to three hours in. I
22 just don't know exactly when. So let me just look at
23 the calendar.

24 I know at some point there will be

1 deliberations, and lawyers will be out preparing
2 instructions --

3 MS. DRUCKMAN: Judge, I would indicate that I'm
4 going to be gone starting Wednesday of next week, and
5 returning the -- I will be back in town the 2nd of
6 September, and back in at work on the 3rd of September.

7 THE COURT: It's either before Wednesday, or the
8 week after Labor Day.

9 MS. DRUCKMAN: Correct.

10 MR. FREY: We prefer next Tuesday.

11 MS. DRUCKMAN: I believe I will be here on
12 Wednesday.

13 THE COURT: Do I have a criminal calendar next
14 Tuesday?

15 THE CLERK: Yes.

16 THE COURT: How big is it?

17 THE CLERK: There's 11 matters, most of which
18 are arraignments.

19 THE COURT: You and I will talk privately about
20 whether there are any sentencings that capture my
21 attention. If there are not, I want to move the entire
22 criminal calendar.

23 How early are you prepared to begin, counsel?
24 Can you go at 8:15?

1 MR. FREY: I would be in trial in another
2 department, so I think that's probably appropriate,
3 assuming it's a 9:00 start time.

4 THE COURT: Oh, you have a senior judge with
5 Schoner. And I can coordinate. It's Senior Judge
6 Manoukian.

7 MR. FREY: I haven't had the pleasure, but I'm
8 looking forward to it.

9 THE COURT: It will be a pleasure.

10 Let's set this at 8:20, Tuesday morning.

11 All right. Ms. Lukl?

12 THE DIVISION: I was going to state that I'll
13 make sure the supervisor and the writer knows. I don't
14 know how long that takes, but I will relay that
15 information.

16 THE COURT: Thank you, ma'am, for your
17 testimony, and for being here.

18 (The witness was excused.)

19 THE COURT: All right, we'll be in recess.

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1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

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

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

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

16 DATED: At Reno, Nevada, this 16th day of
17 September, 2014.

18
19 /s/ Randi Lee Walker
20 RANDI LEE WALKER, CCR #137
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