

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed  
Mar 27 2024 11:22 AM  
Docket No. 86846 / 86893  
Elizabeth A. Brown  
Clerk of Supreme Court

D. Ct. CR14-0644

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APPEAL FROM JUDGMENT OF  
THE HONORABLE BRUCE BRESLOW

SECOND JUDICIAL DISTRICT COURT

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APPELLANT'S SUPPLEMENTAL APPENDIX

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5 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF WASHOE

7 BEFORE THE HONORABLE DAVID A. HARDY

8 oOo

9 State of Nevada,

10 Plaintiff,

11 vs.

Case Nos. CR13-1601  
CR14-0644

12 RODERICK STEPHEN SKINNER,

Dept. No. 15

13 Defendant. /

14  
15  
16  
17 CONTINUED SENTENCING

18 Tuesday, August 26, 2014

19 Reno, Nevada

20  
21  
22  
23 REPORTED BY: MICHELLE BLAZER  
24 CCR #469 (NV) - CSR #3361 (CA)



1 Reno, Nevada, Tuesday, August 26, 2014

2 8:24 o'clock, a.m.

3 oOo

4 BE IT REMEMBERED that the above-entitled matter  
5 was noticed for sentencing on Tuesday, August 26, 2014,  
6 at the hour of 8:20 a.m. of said day, before the  
7 HONORABLE DAVID A. HARDY, District Judge.

8 The Plaintiffs were represented in court by  
9 Rebecca Druckman, Deputy District Attorney, Washoe County  
10 District Attorney, Reno, Nevada.

11 The Defendants were represented by Christopher  
12 Frey, Assistant Public Defender of Washoe County Public  
13 Defender, Reno, Nevada 89501.

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## I N D E X

## WITNESSES FOR THE DEFENDANT

PAGE

COURTNEY SKINNER (Via Telephone)

Direct Examination By Mr. Frey:

6

Cross Examination By Ms. Druckman:

19

ooo

1 Reno, Nevada, Tuesday, August 26, 2014

2 8:24 o'clock, a.m.

3 oOo

4  
5 THE COURT: All right. Ms. Reporter, we are on  
6 the record.

7 This is the continuation sentencing involving  
8 Mr. Roderick Stephen Skinner. He is present in custody  
9 with his attorney, Mr. Frey. Ms. Druckman is present on  
10 behalf of the State. P & P Officer Benzler is present.  
11 Mr. Frey, when you are ready, you may continue.

12 MR. FREY: Thank you, your Honor. I think that  
13 we left off last time with the discussion about the PSI  
14 scoring instrument and the recommendation against  
15 probation. We had set it out, I believe at the State's  
16 request so they could respond to some of the pleadings  
17 that I had filed. I am hopeful that they have had enough  
18 time. We are prepared to address those matters at this  
19 point.

20 But in fairness to the witness that we have in  
21 Australia I'd like to begin the proceedings with  
22 contacting her, if I could, and I would need just a brief  
23 moment to use a calling card to reach out to her if I  
24 could do that.

1 THE COURT: Are you in trial?

2 MR. FREY: I am.

3 THE COURT: What time do you start?

4 MR. FREY: 9:30, but I have an appearance in  
5 Department 10 on a murder arraignment at 9:00 o'clock.

6 THE COURT: I am in trial today. I have asked  
7 the jury to be ready to go with the medical doctor at  
8 9:15. So carry on with the call.

9 MR. FREY: Thank you.

10 COURTNEY SKINNER,

11 Via Telephone,

12 called as a witness in said case,  
13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FREY:

16 A Hello.

17 Q Hello. This is Chris Frey, and we are here on  
18 the record in the matter of State of Nevada versus  
19 Roderick Skinner. Who am I speaking with?

20 A Courtney.

21 Q Hi Courtney. Your voice is being projected into  
22 court right now. How are you?

23 A Okay.

24 Q Can you hear me okay?

1 A Sorry?

2 THE COURT: You can stand over the phone if you  
3 like, Mr. Frey.

4 BY MR. FREY:

5 Q Can you hear me okay?

6 A Yes. It sounds like you are in the distance,  
7 but it's okay.

8 Q Well, I am in a big courtroom and maybe my voice  
9 is echoing a little bit.

10 A Yeah, a little bit.

11 Q So present with me, Courtney, is the judge, the  
12 clerk, the court reporter, the prosecutor, Ms. Druckman  
13 and your dad; okay? We are all here.

14 Okay? Courtney did you catch that?

15 A Yes, yes. I heard that.

16 Q Courtney, I am going to ask you a few questions;  
17 all right?

18 A Okay.

19 Q Okay. For our record, can you state your name  
20 and spell your last name, please?

21 A My name is Courtney Skinner. Last name spelled  
22 S-k-i-n-n-e-r.

23 Q Courtney, do you know Roderick Skinner?

24 A Sorry, what was that?

1 Q Do you know Roderick Skinner?

2 A Yes.

3 Q And how do you know him?

4 A That's my dad.

5 Q Now, Courtney, you understand what charge your  
6 dad has pled guilty to; correct?

7 A Yes.

8 Q And what we'd like today is your thoughts about  
9 his character, and I am going to ask you a couple of  
10 questions about some other topics, too; all right?

11 A Okay.

12 Q In general, how would you describe your father's  
13 character?

14 A I'd characterize him as he's honest, he's  
15 loving, he is the best dad, if I could say. I wouldn't  
16 ask for another dad. He's loyal, he's -- he's dedicated.  
17 He wants to be the best dad that he can be to me and  
18 that's what he's been. So --

19 Q Can you give me a particular -- Courtney, can  
20 you give me a particular instance in which he's been just  
21 a great dad to you?

22 A An instance where what, sir?

23 Q Where he's been just a great father to you. Is  
24 there a moment that stands out in your mind?

1           A     Do I have to name one? There is lots. I guess  
2 he used to take us to Dreamworld all the time when we  
3 were kids, and that was always cool. He's always been  
4 there for me. Doesn't matter what it is, if I am -- if I  
5 have done something well or if I am in trouble, or if  
6 just growing up as a kid, he's always been there for me  
7 and supported me through anything. I can go to him no  
8 matter what it was. I didn't have to worry about telling  
9 dad. I can always tell dad and he would give me the best  
10 advice he could on, on whatever situation it was.

11                   He is a good role model as a dad, and I miss him  
12 a lot.

13           Q     Courtney, was your father a member of the  
14 Queensland Police Force?

15           A     Yes, he was.

16           Q     Courtney, what are you doing in your life right  
17 now?

18           A     I just recently sent my entry exam for the  
19 Queensland Police Force. I am awaiting to become or be  
20 invited to start the Queensland Police Academy at Oxford.

21           Q     Was there anything about your dad that led you  
22 to that decision to join the police force?

23           A     It's all because of my dad that I am wanting to  
24 be a police officer. So he was the role model that led

1 me to want to do that as a career. I have wanted to do  
2 that for a long time, though I was never decided, you  
3 know, yeah. Now that I am a lot older and I have lived  
4 my life a little bit more and I have decided I want to do  
5 that and that's because of my dad, to do what he didn't  
6 have a chance to finish.

7 Q Right. And is that because of his amputation?

8 A Yes. He didn't get to fulfill his dream after  
9 he had his accident. And I think to be part of why  
10 I want to do it, I want to do what he didn't get the  
11 chance to do and keep the legacy going, I suppose.

12 Yeah, it's because of my dad that I want to do  
13 that.

14 Q Courtney, does your opinion of your dad's  
15 character and your view of him as a father change, or has  
16 it changed as a result of you coming to learn about this  
17 charge?

18 A Not at all. Not in any way has it affected what  
19 I think of my dad. In no way. He is still my dad. I  
20 don't think any less of him or anything. He is my dad.  
21 If anything, I think I love him because he's been able to  
22 survive this so far, you know.

23 So I'm -- I don't think anything less of him as  
24 my dad. He's my dad.

1 Q Courtney, is there anything about your dad's  
2 condition that makes being incarcerated particularly  
3 intense for him and difficult?

4 A I think that -- would be a start, I suppose  
5 being in a wheelchair, I am not in a wheelchair, but I  
6 have seen my dad, for my whole life my dad's been in a  
7 wheelchair. And that's affected him in several ways.  
8 But he, he does -- he is paranoid sometimes, you know,  
9 about things. Some bad things have happened in his life.  
10 So he's got the right to be paranoid. And, you know,  
11 people are against him or, you know, life's against him  
12 and that kind of thing. He's got Crohn's disease as  
13 well, and that would affect him hugely, I would think,  
14 you know.

15 Q Courtney, did you say -- did you say Crohn's  
16 Disease?

17 A He is affected --

18 Q Did you say Crohn's Disease? Courtney, did you  
19 hear what I said?

20 A No, I didn't.

21 Q Did you say Crohn's Disease?

22 A Crohn's Disease, yes. I also suffer from  
23 Crohn's Disease. It's a genetic disease, passed down  
24 from --

1 Q Courtney, are you there? Courtney? Courtney?  
2 Hello?

3 THE COURT: It appears the telephone has been  
4 disconnected.

5 MR. FREY: Your Honor, can I reinitiate the  
6 call? I think it was a quick process last time. I am  
7 going to see if I can do it again. You have an incoming  
8 call.

9 BY MR. FREY:

10 Q Hello.

11 THE COURT: Mr. Markham, I am in trial this  
12 week. I have moved all of my hearings somewhere.

13 MR. MARKHAM: You have moved them somewhere? I  
14 wasn't so notified, your Honor. Good morning.

15 BY MR. FREY:

16 A Hello?

17 Q Courtney?

18 A Hi. Sorry. Must have just cut out.

19 Q Okay. Courtney, we are going to have to get  
20 through some questions here; okay? You ready to --

21 A Okay.

22 Q -- to do this with me? Ready?

23 A Yes.

24 Q Okay. Courtney, tell me about what you have

1 done to provide resources to your dad should he be able  
2 to return to Australia.

3 A Well, recently I have just moved from where we  
4 were to pretty much Oxley, which is close to where the  
5 police academy is as well as the hospital. So if he  
6 needed any medical treatment or some specialists, or  
7 doctors, he can access that within five minutes from our  
8 house.

9 The house is wheelchair accessible and there is  
10 a ramp out the back. So he's got access. It's all paved  
11 around the house so he doesn't have to go on the grass,  
12 which is a pain for him.

13 He's -- inside the house he's got seats where he  
14 can access toilet, showers, that kind of thing. All the  
15 doorways are wide enough for his chair to go through.  
16 Everything. The benches are low, he can access the  
17 kitchen, that kind of thing. We have no big furniture  
18 blocking any access to any rooms or anything like that.  
19 He's able to function in the whole house without any  
20 trouble.

21 Basically, he can go to and from. Everything is  
22 very close to where we are, so -- and I will be able to,  
23 to drive him anywhere he needs, and to and from doctors  
24 or appointments, anything like that.

1 Q Courtney --

2 A Yes.

3 Q -- have you -- Do you understand that if your  
4 dad comes home, he may not be able to access the  
5 internet?

6 A That's fine. We don't actually have internet  
7 connected at our house. So I don't -- I don't use the  
8 internet at home. I use it outside if I need to go to  
9 the library or something at the moment, or I can use it  
10 on my phone. But at this point I don't have use for it,  
11 it's not at the house and won't get it turned on if  
12 that's a requirement.

13 Q Now, should your dad come home, and should he be  
14 under supervision by the authorities in Queensland, would  
15 you make your house available for inspection if that need  
16 arose?

17 A Yes, 100 percent. It's already available for  
18 inspection by Queensland Police due to my application, so  
19 it's not an issue.

20 Q Would you be fully cooperative with any form of  
21 supervision that your dad may have?

22 A Yes.

23 Q And would you be there to help him through that  
24 process?

1 A Definitely. 100 percent.

2 Q Courtney, did you bring that list of references  
3 I told you to bring?

4 A Yes, I have them. I have written the names  
5 down. I think that was what you meant, your request.

6 Q Yes, Courtney. What I want you to do --

7 A So I have them.

8 Q -- what I want you to do is I want you -- well,  
9 let me ask you this: Are those references people that  
10 support your dad?

11 A Yes. All these people will support my dad, and  
12 further reference as required by you or the Court.

13 Q And have you had contact with these people?

14 A Yes.

15 Q Okay. And can you read their names into the  
16 record please, if you could do that quickly?

17 A Yes. Former Inspector John Fox, which he has a  
18 reference for already. John Andrews. Janice Campbell.  
19 Tony Jays. Tony Lee. Lynn Priestly, who is my mom.  
20 Robin Welner, Bruce Welner. Kevin McTagget, Matt  
21 McTagget, McHale McTagget.

22 Q Courtney, Courtney, Courtney. Please slow down  
23 just a little bit. The court reporter's fingers are  
24 burning here.

1           A     Sorry. I will go a little bit slower. Do you  
2 know how far I got?

3           Q     No, no, no.

4           A     Okay. Former inspector John Fox. John Andrews.  
5 Janice Campbell. Tony Jay. Tony Lee. Lynn Priestly,  
6 who is my mum. Robin Welner. Bruce Welner. Kevin  
7 McTagget. Matt McTagget. McHale McTagget. Robin  
8 Pierce, and Dr. Luke Cadaharness. You also have a  
9 reference for him. Carolyn Ball. Kris Ball. And  
10 Samantha Croucher, Kim Croucher. Deveen Hernenden and  
11 family.

12                     And at this stage that's, that's my list.

13          Q     Okay.

14          A     I also have other people who have not known dad  
15 personally, but are on board to help with, with getting  
16 him back into society and that kind of thing as well.

17          Q     Wonderful, Courtney. I have two questions.

18          A     This is the list of people that know him. So --

19          Q     And we appreciate that. Two further questions  
20 for you.

21          A     Yes.

22          Q     One second. Is Dr. Luke your dad's physician?

23          A     Yes, he is.

24          Q     Okay. Has anybody reached out to you from the

1 State of Nevada about information related to your dad  
2 besides --

3 A What do you mean by that?

4 Q I mean besides me, has anybody contacted you  
5 asking questions about your father from the State of  
6 Nevada here in the states? Has the Division --

7 A Not sure.

8 Q Okay. Has the Division of Parole and Probation  
9 contacted you?

10 A No.

11 Q Okay.

12 A No, they haven't.

13 Q Courtney, my last question is this: What else,  
14 if anything, do you have to say that you want the judge  
15 to hear about your dad? And this is going to be your  
16 last opportunity.

17 A The man in that room that you are seeing in  
18 there is my dad. I know my dad, and I have known my dad  
19 my whole life, and he's raised me from when my parents  
20 separated. He raised me from then onwards. And I  
21 refused to go with my mum, I wanted to live with my dad.  
22 And he's been the best dad possible.

23 To this day, regardless of the plea that has  
24 been entered into, I still believe with the hopes that my

1 dad's innocent and the only reason he would have signed  
2 that is because of ownership of the computer.

3 And he's not -- he wouldn't have, with intent or  
4 knowingly done what he's been accused of, and it's not  
5 fair. He -- he should be able to come home and see, see  
6 me and Sophie, see me hopefully graduate as a police  
7 officer, and see Sophie. And it's her birthday today.  
8 So we are -- we are going on without dad.

9 Q Does Sophie miss her dad?

10 A Very much.

11 Q Does she say anything about her dad?

12 A Oh, all the time.

13 Q What does she say?

14 A She is always wanting to see dad and she's been  
15 going to -- she sees other kids with their parents, and  
16 she wants to know where dad is. And she asking where is  
17 dad, where is dad, you know, and we explain it to her,  
18 you know, where he lives.

19 And she wants to see dad. And she wants to be  
20 painting with dad and she wants to show dad things that  
21 she is doing. And she whistled for the first time today  
22 and she told me she wanted to show dad.

23 So, she wants to see her dad, and I think  
24 everyone deserves to grow up with their dad. And why

1 shouldn't she? This isn't fair.

2 Q Well, Courtney, I really appreciate you speaking  
3 with us. You know, the rules here now allow the  
4 prosecutor to ask you questions if she wants to, and the  
5 judge can ask you questions as well.

6 But for right now, I am going to conclude with  
7 you, okay, Courtney, unless I have any followup  
8 questions.

9 A Okay. Thank you.

10 CROSS EXAMINATION

11 BY MS. DRUCKMAN:

12 Q Hi, Courtney.

13 A Hey.

14 Q Hi Courtney. This is Rebecca Druckman of the  
15 Washoe County District Attorney's office. I just have a  
16 few questions for you; okay?

17 A Okay.

18 Q Earlier you stated that your father was  
19 paranoid. What did you mean by that?

20 A It's -- there are so many things that have  
21 happened in his life where things have gone wrong. And,  
22 for instance, you know, when he was living in Thailand,  
23 he was -- he was paranoid somebody was going to steal  
24 Sophie. And he wants the best life for her and the best

1 life for me and the best life for my brother. And the  
2 last thing he'd want is Sophie to be stolen away from  
3 him. And he'd do anything in his power to not have any  
4 harm come to us, especially.

5 And I think paranoia played a part in that. So  
6 he would do anything to avoid -- he would never break the  
7 law or anything, you know, he would avoid any situation  
8 that would jeopardize me, Sophie or my brother and our  
9 safety. And that's what I meant by that.

10 Q When you state that he was paranoid, do you mean  
11 that he was diagnosed by a mental doctor or just that --

12 A That -- did I mean what? Sorry.

13 Q Did you mean that he had gone to a mental health  
14 professional and received a diagnosis?

15 A No, not that I know of.

16 Q Okay. So it's just your impression that he  
17 believes that people are against him?

18 A Yes.

19 Q And plotting --

20 A Because with all bad things that have happened I  
21 would be paranoid as well, if I had as many bad things  
22 happen to me.

23 Q But he believes people are against him and  
24 plotting against him; correct?

1 A Yes.

2 Q Now, where is Sophie's biological mother?

3 A As far as I am aware she lives in Vietnam.

4 Q Do you know why she left the baby and your  
5 father?

6 A No.

7 Q So you have no idea what that was about?

8 A I -- No, I don't know. I couldn't tell the  
9 facts of that situation, no. I just know that she was  
10 abandoned or abandoned Sophie at a young age and dad took  
11 over the responsibilities of caring for Sophie and did a  
12 really good job.

13 Q In terms of your beliefs about the plea, do you  
14 understand that there were two other children present  
15 that reported your father masturbating in their presence?

16 A What was the question? Sorry.

17 Q I said do you understand that how this matter  
18 came to the police officials' knowledge is that there  
19 were two children who were like eight and seven or eight  
20 and nine years of age who reported they saw your father  
21 masturbating in their presence?

22 A I was under the impression that was the -- one  
23 of the first, or the first child, of open and gross  
24 lewdness that that was involved in, and thrown out, I

1 believe, from what I have been told.

2 Q It's part of the circumstances of how the  
3 computer was found.

4 A Okay.

5 Q And it is part of the plea bargain that's been  
6 dismissed in exchange for his plea to the felony, but you  
7 understand that the underlying circumstances involved him  
8 masturbating in front of two children with Sophie on the  
9 arm of his wheelchair, and that the police then did a  
10 search warrant to search the computer and found this  
11 pornography; do you understand that?

12 A I understand that. I don't know the facts of  
13 that, and --

14 Q As a -- as a person who's admitted to the police  
15 academy, if this wasn't your father but was a case you  
16 were investigating, would you take that evidence  
17 seriously?

18 A Can you rephrase that, please?

19 Q As a police cadet entering the academy, if this  
20 was your case, would you take that evidence seriously in  
21 determining whether or not a crime had occurred?

22 A It would depend on the facts of that case.

23 Q Correct. Would you take the facts seriously?

24 A It would depend on the specific facts of that

1 case. And if it was relating specifically to this case,  
2 then there, there are many other details involving that I  
3 couldn't just say that that would make any difference  
4 whatsoever.

5 Q Do you understand that --

6 A There is much more to it than just that. And --

7 Q Do you understand that your father has entered a  
8 plea of guilty in this case?

9 A Yes.

10 Q Do you understand that he has a problem in this  
11 area?

12 A No. I think that he pled guilty because of  
13 ownership of the computer. I don't think he pled guilty  
14 because of the charge.

15 Q Do you understand --

16 A I 100 percent stand by my dad and say that he is  
17 innocent in all of this and the only reason he pled  
18 guilty was because of ownership to that computer.

19 Q Do you understand the difficulty with trusting  
20 you as a person to help monitor the defendant if you do  
21 not accept that he has a problem in this area, and do not  
22 believe that his plea of guilty indicates he has a  
23 problem?

24 A I don't think he has a problem in this area, but

1 I'm -- I'm willing to be there as a support person if  
2 there is a problem that is established to rectify that  
3 and make that better in the future.

4 Q But --

5 A If the problem is established, I can be there to  
6 help him through that. But at this point I don't think  
7 he has a problem, no.

8 Q So nothing that this Court does or the plea of  
9 the defendant as guilty will convince you he actually has  
10 a problem, so you are not a person that could actually  
11 help him in terms of this information?

12 MR. FREY: Your Honor, that's asked and answered  
13 by the --

14 THE COURT: It's overruled.

15 BY MS. DRUCKMAN:

16 Q I mean, the first step to any person receiving  
17 help is to admit they have a problem and the people  
18 around them recognize they have a problem.

19 And what I am hearing you state to this Court is  
20 that you don't believe a problem exists?

21 A I don't think he has a problem, no. All that I  
22 have seen is that the charges, the charges that are  
23 online under his mug shot photo, and what they state, and  
24 what you have told me today is -- is basically the

1 details of as much as I know.

2 And to me, as his daughter, I don't think he has  
3 a problem. But if I am needed to support my dad in the  
4 future I will do that. If somebody tells me that there  
5 is a problem here, we need to sort this out with whatever  
6 resource he needs to get better.

7 But as his daughter, I don't think he has a  
8 problem, no.

9 Q Do you understand that you are on a speaker  
10 phone in the middle of a courtroom at a sentencing for a  
11 serious sexual felony?

12 A Yes, I understand that.

13 Q And so do you understand that that pretty much  
14 establishes that your dad has a problem?

15 MR. FREY: Your Honor, I am going to object  
16 because the acceptance of the responsibility is relevant  
17 only as it relates to my client. She is pushing and  
18 pushing and pushing Courtney to acknowledge that her dad  
19 has a problem.

20 If Courtney is in denial, then that's Courtney's  
21 issue. But this has gone way far afield, your Honor.  
22 Way far afield.

23 THE COURT: Well, I overruled the objection as  
24 it relates to the propriety of the questions and the

1 nature of this proceeding; however, I have heard enough  
2 in terms -- in that direction.

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

4 THE COURT: All right. Ms. Skinner, this is  
5 Judge David Hardy. We are going to hang up the phone  
6 now. Thank you for your participation.

7 THE WITNESS: Thank you very much, your Honor.

8 MR. FREY: Thank you, Courtney.

9 THE COURT: Mr. Frey?

10 MR. FREY: Your Honor.

11 THE COURT: I am going to say or ask something  
12 because it may help you tailor your comments.

13 MR. FREY: Thank you.

14 THE COURT: I am really struggling with this  
15 idea that he has been compelled to plead guilty.

16 Now, I am putting voice to a theme that is both  
17 in the PSI and Dr. Nielsen's report, and to our two  
18 witnesses. That he's pled guilty because it's a better  
19 option than facing trial, but he hasn't done anything  
20 wrong.

21 MR. FREY: Uh-huh.

22 THE COURT: I'd like an answer to this question  
23 please, Ms. Benzler. If you look at page five of the  
24 PSI, offense synopsis, it refers to ten days. Now, those

1 dates say 2014. That may be in error and it's 2013?

2 MS. BENZLER: Yes, your Honor, it is in error.

3 THE COURT: Okay. Is my inference appropriate;  
4 that is, that on ten occasions between May and June of  
5 2013 he downloaded and viewed child pornography? Is that  
6 the Divisions' position?

7 MS. BENZLER: Yes, your Honor. That was the  
8 information that was contained in the police report.

9 THE COURT: Okay. Mr. Frey?

10 MR. FREY: Your concern is one of  
11 responsibility, I think. Because I think that you are  
12 getting a sense from the PSI and from Courtney's remarks  
13 that Mr. Skinner is not accepting responsibility. I can  
14 tell you here and now that he absolutely is. Absolutely.

15 The psychosexual evaluation notes that in a  
16 circumstance like this when somebody has never been in  
17 trouble with the law before and confronted with very  
18 embarrassing details about what they do with their  
19 private time that sometimes there is difficulty in  
20 accepting that this has now been exposed. It's now  
21 public. That now you are branded with this for the rest  
22 of your life, and you can only hope to salvage the  
23 connections that you once had.

24 He obviously still has a connection with his

1 daughter, but, you know, it violently disrupts someone's  
2 life. And there are, I think, steps to accepting  
3 responsibility, and I think the psychosexual evaluator  
4 recognized that when he noted --

5 THE COURT: Hold on a second.

6 Ladies and Gentlemen, if you are here for  
7 Department 15, the calendar has been moved to Department  
8 10. It starts in Department 10 in three minutes. That  
9 is -- deputy, provide some assistance. That's on the  
10 third or fourth floor, I am not sure which.

11 THE BAILIFF: Fourth.

12 THE COURT: I'm sorry, Mr. Frey.

13 MR. FREY: The psychosexual evaluator noted  
14 that, your Honor, in his concluding paragraph that there  
15 was a denial by Mr. Skinner but, quote, "much of this  
16 defense is defensive posturing to avoid admission of  
17 guilt or social ostracism."

18 And I think that's what he's facing.

19 So I want to be clear that Mr. Skinner is  
20 accepting responsibility for the contents of the  
21 computer. He is accepting responsibility for his guilty  
22 plea despite what his daughter may say. And I know she  
23 is struggling with this. I know because I have been  
24 talking to her for over the course of a year. It's hard

1 to accept this about your dad who you held on a pedestal,  
2 who you once admired, and you still do. To, I think to  
3 his credit, as a father, you still do. It is difficult  
4 to process this information, it really is.

5 But he takes -- he takes absolutely full  
6 responsibility for the contents of the computer. So I  
7 want to be clear about that, judge.

8 THE COURT: What about -- what about the  
9 presence of the two girls?

10 MR. FREY: That is something that Mr. Skinner  
11 was initially challenging. It's part of the negotiations  
12 in this case to dismiss that and not put the two young  
13 girls through a cross-examination in front of a jury and  
14 make that a memory that they have.

15 THE COURT: So there is some acknowledgement  
16 that the girls were present while he viewed or  
17 masturbated?

18 MR. FREY: Well, the State -- The State  
19 proceeded with only one of them. I think the other,  
20 having looked at the forensic interviews, one of the  
21 girls couldn't really substantiate the claim. The other  
22 girl was clear in her description of what had occurred,  
23 but not crystal clear.

24 I mean, these aren't -- these aren't absolutely

1 100 percent certain facts just like in any case. But  
2 that's a case that Mr. Skinner decided that, you know, he  
3 didn't want to press forward with that case if he could  
4 find some reasonable middle ground in this case. Because  
5 he was initially facing multiple, multiple life counts.

6 And he felt that he did find reasonable ground  
7 with the State under the circumstances. So that case is  
8 going to be dismissed. And Courtney was incorrect, it  
9 wasn't thrown out. But it's going to be dismissed  
10 pursuant to negotiations.

11 The second issue I wanted to address, your  
12 Honor, goes to the scoring of the PSI. You know, the  
13 scoring of the PSI, we have the documents and we kind of  
14 saw what the criteria were in the scoring of the  
15 criteria. And I would note that, you know, it would  
16 appear, based upon the testimony of Robin Welner, who  
17 flew out here from Australia, that Mr. Skinner is  
18 employable. Mr. Skinner has aptitudes beyond just doing  
19 the physical. I mean, this is a man that can apply  
20 himself. And he was even employed without legs as a  
21 driving instructor at one time teaching new recruits how  
22 to drive when he had prosthetic limbs.

23 And this is a man that can find a place in  
24 society. Society has a place for him. So a score of

1     zero, I think, doesn't accurately reflect his aptitudes.  
2     Doesn't reflect his employability.

3             And we know, we took evidence on that very issue  
4     that a person who knows him well, a person that lives in  
5     Australia in his home community says that this man is  
6     employable.

7             And even though the question wasn't asked of Ms.  
8     Welner, I don't believe that she was contacted by the  
9     Division. I know it's difficult to do that because you  
10    have to cross an ocean to make contact with people, but  
11    that's what I have been trying to do on Mr. Skinner's  
12    behalf so that your Honor has a sense of where he should  
13    fall in the objective criteria..

14            And I think that he actually falls, on the  
15    merits, in the category of probation, based upon the  
16    employability score and based upon the availability of  
17    resources. I mean, I can't imagine a person who is more  
18    connected to resources than Mr. Skinner.

19            He has MediCare, he has free prescription drugs.  
20    He has proximity to everything that he needs. He has --  
21    he will be living with a daughter who is a police  
22    officer, I hope, if she passes her exam.

23            He will be living within a home that's  
24    wheelchair equipped, that accommodates his disability.

1 He will be living at home with his daughter who's pledged  
2 that, you know, internet access won't be a part of our --  
3 of our life. It's not even equipped for internet access  
4 now.

5 My review of the Australian law also requires a  
6 prohibition on internet access. It's very, very similar  
7 to the requirements here.

8 The difference in the sex offender registration  
9 laws between here and there is that while we have Megan's  
10 Law and there is notification, public notification system  
11 and a public registry, the registry's not public. It's  
12 upon request from an employer, they can receive  
13 notification. Or if there is any sort of deviation from  
14 supervision and there is a proactive report from law  
15 enforcement.

16 For example, if it comes about that Mr. Skinner  
17 is in a relationship with a woman with a child, then they  
18 will report to the woman that Mr. Skinner is a registered  
19 sex offender and suffered a conviction of this nature in  
20 the United States. That's a proactive report. That's a  
21 difference between notification of registration in  
22 Australia versus here.

23 But nevertheless, it's a system that they have  
24 that's established that's codified and that's enforced on

1 a routine basis.

2 I have done my absolute best to coordinate,  
3 before today, through the Australian consulate in San  
4 Francisco to contact the Australian Federal Police for  
5 precisely the conditions that Mr. Skinner will face upon  
6 return. Unfortunately, I got this response: From Shane  
7 Ianna, last name spelled I-a-n-n-a, Detective Senior  
8 Constable, Child Protection Offender Registry, Child  
9 Safety and Sexual Crimes Group, State Crime Command,  
10 Queensland Police Service, where Mr. Skinner would  
11 return. His home state. Unfortunately he says to me, "I  
12 won't get approval to give an appropriate response until  
13 9:00 a.m. tomorrow Australian time."

14 I don't have the response right now with me,  
15 your Honor. Not from him because they are working on an  
16 official response. But I have a response from the  
17 Australian Federal Police through the consulate who says  
18 this: "Upon an offender's return to Australia the  
19 Department of Immigration and Border Protection would  
20 notify local authorities, in this case, the Queensland  
21 Police. The U.S.-based Australian Federal Police liaison  
22 would also contact and notify Queensland Police prior to  
23 the offender's return. The relevant area in Queensland  
24 police would then do a risk assessment and an interview

1 with the subject, Mr. Skinner. This would then  
2 categorize him as high risk, medium or low risk."

3 Very similar to the tier system here in Nevada,  
4 your Honor.

5 "The risk assessment and his criminal history  
6 and a summary of his offending in the USA would then be  
7 uploaded on the Australian National Child Offender  
8 Register." Acronym is ANCOR, A-N-C-O-R. It would be  
9 uploaded on that database. Supervision would flow from  
10 that.

11 That's coming from the Australian consulate by  
12 way of the Australian Federal Police. I think that we  
13 can be assured that Mr. Skinner is going to be facing  
14 appreciable supervision. Concrete conditions. And we  
15 are going to have those controls in place that I  
16 referenced last time that I would hope would give your  
17 Honor some assurances that the risk, whatever he  
18 presents, whatever type of risk he presents would be  
19 minimized.

20 THE COURT: Mr. Frey, I don't even have  
21 confidence that I understand how supervision occurs in  
22 Truckee, California.

23 Once a defendant leaves, the carnate individuals  
24 that I see, there is a legal cosmos in my mind, it just

1 flows around without any real meaning.

2           You are asking that I send a man who has  
3 committed a very serious crime to another country, and I  
4 guess I should wait until I hear more from the State or  
5 from P & P.

6           Should I grant your request, how do I ensure  
7 compliance with terms and conditions, and how do I bring  
8 him back upon violation of parole?

9           MR. FREY: Addressing the first concern, he  
10 signed a voluntary departure. He has paved his way to  
11 exit the country. And my experience with ICE is that  
12 they are going to expedite that removal.

13           So I believe that it is going to be a transition  
14 from custody to Federal immigration custody to  
15 deportation. Then the reporting will take place that I  
16 just described. The home jurisdiction will be notified,  
17 a risk assessment will be conducted, he will be placed on  
18 supervision, and then going forward, he will live life as  
19 a sex offender in Australia.

20           That's essentially what will happen.

21           THE COURT: Without any continuing jurisdiction  
22 from this Court?

23           MR. FREY: No.

24           MS. DRUCKMAN: Correct.

1 MR. FREY: Jurisdiction in his home Court.  
2 Because once the conviction is, in essence, domesticated,  
3 and that's what I am waiting on here. The person from --  
4 Shane Ianna, from the Detective Senior Consulate, he  
5 wanted to see the complaints, he wanted to do a side by  
6 side elements comparison. So that he knew exactly,  
7 exactly how supervision would occur. But it is going to  
8 be domesticated, in essence. There will be a submission  
9 from the prosecutor. Once a prosecutor is notified in  
10 the home jurisdiction the submission to the Court will be  
11 that he has suffered a sex offense, a conviction abroad.  
12 And then supervision will flow from that.

13 It's not as if you are just cutting ties and Mr.  
14 Skinner is going to be out there doing whatever he wants.  
15 That's not my understanding at all, and I have been  
16 diligent about following up on that. That's why I am  
17 representing this to the Court with confidence, through  
18 the consulate, through the Australian Federal Police.

19 THE COURT: Are you going to request more time  
20 to receive a response from Ianna?

21 MR. FREY: Mr. Ianna. I can certainly do that,  
22 your Honor. I reached out to the prosecutor for this  
23 very reason to see if we could push it. But she wanted  
24 to get it done, so to speak. So we are in this position

1 where we don't have the kind of official response on  
2 official letterhead about conditions. And that's  
3 something that I have been trying to gather for the  
4 Court. Something I don't have with you today, but I have  
5 something. And the alternative, which is the e-mail from  
6 the Australian consulate, which memorializes the  
7 Australian Federal Police's understanding of the  
8 supervision.

9 THE COURT: It's 9:10. You have to be somewhere  
10 else at 9:00. I have a jury in the jury deliberation  
11 room and a medical doctor scheduled to go.

12 Ms. Druckman, can you do everything you need to  
13 do in the next five minutes?

14 MS. DRUCKMAN: Of course not, your Honor. I  
15 have people here as well.

16 THE COURT: Let's talk about the probability  
17 matrix from P & P.

18 MS. DRUCKMAN: Your Honor, I have the following  
19 persons present: I have Katie Benzler, the writer. I  
20 have her supervisor, Laura Pappas, to discuss the lack of  
21 any international contact for supervision for conditions  
22 of probation. And she is here to describe that for the  
23 Court. I have the mothers of both of the little girls  
24 that were present, who wanted to make an impact

1 statement. Those are the people I have present today.

2 And I believe that if we set this over for  
3 sentencing, we should probably set it over for about,  
4 based on the length of this proceeding so far, two hours.

5 THE COURT: Will your trial be over Thursday,  
6 Mr. Frey?

7 MR. FREY: Yes.

8 MS. DRUCKMAN: And your Honor, I will be in Los  
9 Angeles on Thursday and Friday, and Monday and Tuesday.

10 THE COURT: What time do you leave for Los  
11 Angeles?

12 MS. DRUCKMAN: I leave for Los Angeles on  
13 Thursday night; however, I am off on Thursday. I can  
14 come in.

15 THE COURT: Can or cannot?

16 MS. DRUCKMAN: I can come in if the Court wants.

17 THE COURT: I want to do this this week because  
18 I can't do it in bites and it's time. I can only retain  
19 information for so long because of the voluminous  
20 information that penetrates my skull.

21 Tomorrow or Thursday, counsel. I need two  
22 hours. My preference is from -- am I doing the criminal  
23 calendar on Thursday?

24 THE CLERK: Yes.

1 THE COURT: My preference is from 10:00 to 12:00  
2 on Thursday, but based upon --

3 MS. DRUCKMAN: I will be here.

4 THE COURT: Well, let me -- I believe in  
5 vacations as well, Ms. Druckman. And so if you can  
6 arrange all your people, I think we will have time  
7 tomorrow afternoon as well, depending upon Mr. Frey's  
8 availability.

9 MS. DRUCKMAN: I can't tomorrow afternoon  
10 because I am covering, we have people in Grand Jury, we  
11 have two deputies in trial. So Thursday would have to be  
12 the day.

13 MR. FREY: I'd prefer Thursday, your Honor.

14 THE COURT: We'll do Thursday at 10:00 and we  
15 will take as long as it needs, until I am done.

16 MR. FREY: Thank you.

17 THE COURT: All right. Court will be in recess.  
18 Thank you, everybody.

19 THE BAILIFF: All rise.

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24

1 STATE OF NEVADA )  
2 ) ss.  
3 COUNTY OF WASHOE )

4 I, MICHELLE BLAZER, a Certified Court Reporter  
5 in and for the State of Nevada, do hereby certify:  
6

7 That I was personally present for the purpose of  
8 acting as Certified Court Reporter in the matter entitled  
9 herein;  
10

11 That said transcript which appears hereinbefore  
12 was taken in verbatim stenotype notes by me and  
13 thereafter transcribed into typewriting as herein appears  
14 to the best of my knowledge, skill and ability and is a  
15 true record thereof.  
16  
17  
18

19 MICHELLE BLAZER, CCR #469 (NV) CSR #3361 (CA)

20 BONANZA REPORTING - RENO  
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22  
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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of Karla K. Butko, Ltd., P. O. Box 1249, Verdi, NV 89439, and that on this date I caused the foregoing document to be delivered to all parties to this action by

X E-Flex delivery service of the Nevada Supreme Court (D.A.'s office)

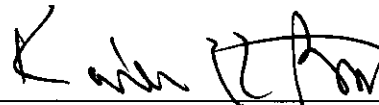
X mailing, First Class Mail, a true copy thereof through the United States Postal Service at Reno, Nevada. (Client)

addressed as follows:

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DATED this 27th day of March, 2024.



KARLA K. BUTKO, ESQ.