

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

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Elizabeth A. Brown
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RODERICK STEPHEN SKINNER,

Petitioner,

vs.

Sup. Ct. Case No. 88296

Case No. CR14-0644

Dept. 8

WARDEN OLSEN, NNCC, NEVADA
ATTORNEY GENERAL, ET AL,

Respondents.

RECORD ON APPEAL

VOLUME 4 OF 19

DOCUMENTS

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APPEAL INDEX
 SUPREME COURT NO: 88296
 DISTRICT CASE NO: CR14-0644
 RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
 DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
ACKNOWLEDGMENT BY DEFENDANT OF NRS 176.0927	09-04-14	2	74
AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	09-15-15	3	381-383
ANSWER TO AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	11-22-16	3	414-416
ANSWER TO SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	02-26-18	5	551-553
APPLICATION FOR ORDER TO PRODUCE PRISONER	09-01-22	9	1452-1454
APPLICATION FOR ORDER TO PRODUCE PRISONER	11-04-22	9	1518-1520
APPLICATION FOR ORDER TO PRODUCE PRISONER	11-22-22	9	1554-1556
APPLICATION FOR ORDER TO PRODUCE PRISONER	01-12-23	10	1588-1590
APPLICATION FOR ORDER TO PRODUCE PRISONER	08-23-18	19	1647-1649
APPLICATION FOR SETTING	05-08-14	2	13
APPLICATION FOR SETTING	06-19-18	5	575
APPLICATION FOR SETTING	01-08-19	5	642
APPLICATION FOR SETTING	01-12-23	10	1594
CASE APPEAL STATEMENT	10-07-14	2	192-194
CASE APPEAL STATEMENT	11-04-19	6	918-921
CASE APPEAL STATEMENT	06-26-23	10	1663-1664
CASE APPEAL STATEMENT	06-26-23	10	1674-1675
CASE APPEAL STATEMENT	03-12-24	11	1823-1824
CERTIFICATE OF CLERK AND TRANSMITTAL	02-19-15	3	350
CERTIFICATE OF CLERK AND TRANSMITTAL	09-28-23	10	1731
CERTIFICATE OF CLERK AND TRANSMITTAL	10-04-23	10	1741
CERTIFICATE OF CLERK AND TRANSMITTAL	03-15-24	11	1888
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	10-08-14	2	213
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	11-04-19	6	928
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	06-26-23	10	1665

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	06-26-23	10	1676
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	03-12-24	11	1825
CERTIFICATE OF CLERK AND TRANSMITTAL – RECORD ON APPEAL	07-28-23	10	1710-1712
CERTIFICATE OF MAILING	09-30-16	3	406
COURT SERVICES REPORT	04-28-14	2	1-3
DEPOSITION OF DENNIS CARRY 11/5/18	09-26-19	5	756-781
DEPOSITION OF DENNIS CARRY 11/5/18	09-26-19	6	782-830
DESIGNATION OF RECORD ON APPEAL	06-23-23	10	1661-1662
DESIGNATION OF RECORD ON APPEAL	06-26-23	10	1672-1673
DESIGNATION OF RECORD ON APPEAL	03-11-24	11	1821-1822
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	06-30-17	19	1597-1601
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	10-25-17	19	1626-1634
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	02-06-18	19	1635-1651
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	07-09-18	19	1642-1646
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	11-20-18	19	1650-1656
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	05-28-19	19	1659-1664
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	10-21-19	19	1665-1671
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	05-07-20	19	1676-1685
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	07-30-20	19	1689-1691
EX PARTE CLAIM FOR ATTORNEY COMPENSATION (POST CONVICTION, PETITION FOR WRIT OF HABEAS CORPUS)	03-24-21	19	1695-1698
EX PARTE MOTION FOR AUTHORIZATION OF EXPERT WITNESS FEES	08-17-17	19	1605-1625
EX PARTE MOTION FOR AUTHORIZATION TO EMPLOY INVESTIGATOR	06-20-17	19	1594-1596
EX PARTE MOTION FOR PAYMENT OF TRANSCRIPTS AT PUBLIC EXPENSE	02-07-19	19	1657-1658

APPEAL INDEX
 SUPREME COURT NO: 88296
 DISTRICT CASE NO: CR14-0644
 RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
 DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
EX PARTE MOTION FOR PAYMENT OF TRANSCRIPTS AT PUBLIC EXPENSE	11-13-19	19	1672-1673
EX PARTE MOTION FOR PAYMENT OF TRANSCRIPTS AT PUBLIC EXPENSE	03-18-20	19	1674-1675
GUILTY PLEA MEMORANDUM	05-27-14	2	21-26
INFORMATION	05-02-14	2	7-9
JUDGMENT OF CONVICTION	09-11-14	2	75-76
MEMORANDUM IN SUPPORT OF PROBATION	08-20-14	12, 13	18-353
MINUTES – ARRAIGNMENT	05-27-14	2	30
MINUTES – ARRAIGNMENT	08-21-14	2	80-81
MINUTES – ARRAIGNMENT 5/22/14	05-22-14	2	17
MINUTES – ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE 8/28/14	09-17-14	2	138
MINUTES – ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE 8/28/14	12-09-14	3	338
MINUTES – ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE 9/4/14	12-09-14	3	339
MINUTES – HEARING ON MOTION TO WITHDRAW 10/25/22	12-27-22	9	1575
MINUTES – PETITION FOR POST CONVICTION 9/26/19	10-21-19	6	910-911
MINUTES – STATUS HEARING 11/22/22	12-27-22	10	1579
MINUTES – STATUS HEARING 12/29/22	03-29-23	10	1603
MINUTES – STATUS HEARING 4/11/23	06-22-23	10	1654
MOTION EXHIBIT 1	09-15-15	3	377-380
MOTION FOR APPOINTMENT OF COUNSEL	12-12-16	3	425-433
MOTION FOR APPOINTMENT OF COUNSEL	04-14-22	7	1254-1255
MOTION FOR CORRECTION OF SENTENCE	11-01-22	9	1489-1497
MOTION FOR EXTENSION TO FILE SUPPLEMENTAL PETITION (FIRST REQUEST)	08-09-22	8	1397-1399
MOTION FOR JUDICIAL ACTION ON PETITION	07-20-23	10	1707-1709
MOTION FOR LEAVE TO FILE UNDER SEAL	08-20-14	2	62-65

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	07-13-16	13	354-358
MOTION FOR ORDER PERMITTING DISCOVERY	08-22-18	5	590-594
MOTION FOR TRANSCRIPT(S) AT PUBLIC EXPENSE	10-07-14	2	198-200
MOTION TO DISMISS SECOND PETITION	04-22-22	7	1263-1270
MOTION TO WITHDRAW AS ATTORNEY OF RECORD	05-08-23	10	1621-1622
MOTION TO WITHDRAW AS COUNSEL OF RECORD	08-16-22	9	1403-1421
NON-OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL OF RECORD	08-19-22	9	1425-1426
NOTICE OF APPEAL	10-07-14	2	190-191
NOTICE OF APPEAL	11-04-19	6	915-917
NOTICE OF APPEAL	06-23-23	10	1658-1660
NOTICE OF APPEAL	06-26-23	10	1669-1671
NOTICE OF APPEAL	03-11-24	11	1818-1820
NOTICE OF APPEARANCE	10-01-14	2	185-186
NOTICE OF APPEARANCE	04-22-22	7	1256-1257
NOTICE OF APPEARANCE OF COUNSEL	12-28-22	10	1583-1584
NOTICE OF DEPOSITION	10-02-18	5	618-620
NOTICE OF ENTRY OF ORDER	10-09-19	6	871-903
NOTICE OF ENTRY OF ORDER	06-12-23	10	1641-1650
NOTICE OF EXPERT WITNESS	09-13-19	5	670-672
NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	09-15-15	3	373-376
NOTICE OF MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS	06-17-22	8	1345-1370
NOTICE OF RESPONSIBLE ATTORNEY FOR THE STATE	06-19-18	5	574
NOTICE OF STRICKEN DOCUMENT	08-23-22	9	1433
NOTICE OF STRICKEN DOCUMENT	09-21-22	9	1466
NOTICE OF WITHDRAWAL OF COUNSEL	04-22-22	7	1275-1277

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
NOTICE OF WRIT FILED IN NEVADA SUPREME COURT - PETITION FOR WRIT OF MANDAMUS	06-30-23	10	1685-1691
NOTICE TO COURT THAT PETITIONER IS NOT DESIGNATING ANY PART OF THE COURT RECORD TO BE PROVIDED BY COURT CLERK	07-08-22	8	1386-1388
OPPOSITION TO MOTION FOR APPOINTMENT OF COUNSEL	04-22-22	7	1258-1262
OPPOSITION TO MOTION FOR CORRECTION OF SENTENCE	11-14-22	9	1529-1532
OPPOSITION TO STATE'S MOTION TO DISMISS SECOND PETITION	05-04-22	8	1281-1304
ORDER	10-13-14	2	217
ORDER	08-16-16	3	401-402
ORDER ADDRESSING MOTION FOR WITHDRAWAL OF COUNSEL OF RECORD AND TRANSFER OF RECORDS	11-19-15	3	389-391
ORDER APPOINTING CONFLICT COUNSEL	10-26-22	9	1484-1485
ORDER APPOINTING COUNSEL	02-06-17	3	434-435
ORDER APPOINTING COUNSEL	09-27-23	10	1725-1727
ORDER APPROVING ATTORNEY'S FEES (POST CONVICTION)	05-20-20	7	1169
ORDER APPROVING ATTORNEY'S FEES (POST CONVICTION)	03-24-21	7	1192
ORDER APPROVING ATTORNEY'S FEES (POST CONVICTION)	04-05-21	7	1199
ORDER DENYING EX-PARTE MOTION FOR PAYMENT OF TRANSCRIPTS AT PUBLIC EXPENSE	03-24-20	7	1158-1159
ORDER DENYING MOTION FOR CORRECTION OF SENTENCE	06-09-23	10	1634-1637
ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS	10-09-19	6	837-867
ORDER DENYING PETITIONER'S PETITION FOR WRIT OF FACTUAL INNOCENCE PURSUANT TO NRS 34.960(2)	02-28-24	11	1801-1808
ORDER GRANTING CONTINUANCE	07-23-14	2	55
ORDER GRANTING IN FORMA PAUPERIS	07-15-16	3	395-397
ORDER GRANTING MOTION FOR APPOINTMENT OF COUNSEL AND HOLDING ALL OTHER SUBMITTED DOCUMENTS IN ABEYANCE	06-10-22	8	1332-1335
ORDER GRANTING MOTION TO DISMISS SECOND PETITION AND DISMISSING THIRD PETITION	06-09-23	10	1626-1633
ORDER PERMITTING DISCOVERY	09-07-18	5	612-614

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
ORDER SETTING HEARING ON MOTION TO WITHDRAW AS COUNSEL OF RECORD	08-26-22	9	1447-1448
ORDER STRIKING REQUEST FOR SUBMISSION	03-29-22	7	1231-1232
ORDER STRIKING REQUEST FOR SUBMISSION	04-04-22	7	1249-1250
ORDER STRIKING REQUEST FOR SUBMISSION	07-06-22	8	1381-1382
ORDER TO FILE ANSWER AND RETURN	10-11-16	3	410
ORDER TO PRODUCE PRISONER	08-24-18	5	601-602
ORDER TO PRODUCE PRISONER BY AUDIO-VISUAL MEANS	01-12-23	10	1598-1599
ORDER TO PRODUCE PRISONER FOR IN PERSON HEARING	11-23-22	9	1560-1561
ORDER TO PRODUCE PRISONER VIA SIMULTANEOUS AUDIO / VISUAL TRANSMISSION	09-16-22	9	1458-1459
ORDER TO PRODUCE PRISONER VIA SIMULTANEOUS AUDIO / VISUAL TRANSMISSION	11-07-22	9	1524-1525
ORDER TO SET	06-04-18	5	568-570
ORDER: 1) HOLDING PETITION IN ABEYANCE; 2) DIRECTING STATE TO RESPOND; AND 3) STRIKING REQUEST FOR SUBMISSION	11-21-23	10	1745-1747
PETITION FOR WRIT OF FACTUAL INNOCENCE	11-03-22	9	1498-1517
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	11-15-22	9	1536-1553
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	07-13-16	13, 14, 15	359-890
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	10-07-16	16, 17, 18, 19	891-1593
PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (NON-DEATH PENALTY)	03-29-22	7	1218-1230
PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (NON-DEATH PENALTY)	04-04-22	7	1236-1248
PETITION FOR WRIT OF MANDAMUS	06-17-22	8	1339-1344
PETITION'S REQUEST THAT THIS COURT ORDER THE STATE TO RESPOND TO HIS PETITION FOR WRIT OF FACTUAL INNOCENCE FILED ON 3 RD NOVEMBER 2022	04-27-23	10	1609-1611
PETITIONER'S HEARING MEMORANDUM FOR EVIDENTIARY HEARING	09-25-19	5	711-752
PRESENTENCE INVESTIGATION REPORT	07-11-14	12	1-9
PSYCHOSEXUAL EVALUATION	08-06-14	12	10-17

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
RECOMMENDATION AND ORDER APPOINTING COUNSEL	10-03-23	10	1735-1737
RECOMMENDATION AND ORDER APPOINTING COUNSEL (POST CONVICTION)	06-28-22	8	1375-1377
RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL (POST CONVICTION)	02-16-17	3	439-440
RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES (POST CONVICTION)	07-17-17	3	463-464
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY FEES- POST CONVICTION	12-03-19	6	945-946
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES (POST CONVICTION)	11-21-17	4	489-490
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES (POST CONVICTION)	03-23-18	5	557-558
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES (POST CONVICTION)	07-19-18	5	585-586
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES (POST CONVICTION	12-20-18	5	632-633
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES (POST CONVICTION}	06-26-19	5	657-658
RECOMMENDATION AND ORDER GRANTING INVESTIGATIVE FEES (POST CONVICTION)	07-03-17	19	1602-1604
RECOMMENDATION AND ORDER GRANTING MOTION FOR EXPERT WITNESS FEES (POST CONVICTION)	09-20-17	4	476-477
RECOMMENDATION AND ORDER GRANTING TRANSCRIPT AT PUBLIC EXPENSE (POST CONVICTION)	03-20-19	5	649-650
RECOMMENDATION FOR PAYMENT OF INTERIM ATTORNEY FEES – POST CONVICTION	05-18-20	19	1686-1688
RECOMMENDATION FOR PAYMENT OF INTERIM ATTORNEY FEES – POST CONVICTION	08-21-20	19	1692-1694
RECOMMENDATION FOR PAYMENT OF INTERIM ATTORNEY FEES – POST CONVICTION	04-03-21	19	1699-1701
REPLY IN SUPPORT OF THE STATE’S MOTION TO DISMISS SECOND PETITION	05-09-22	8	1312-1316
REPLY TO OPPOSITION TO MOTION FOR CORRECTION OF SENTENCE	11-28-22	9	1565-1568
REPLY TO STATE’S OPPOSITION TO MOTION FOR APPOINTMENT OF COUNSEL	05-05-22	8	1308-1311
REQUEST FOR SUBMISSION	12-08-16	3	420-421
REQUEST FOR SUBMISSION	04-22-22	7	1274

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
REQUEST FOR SUBMISSION	05-04-22	8	1305-1307
REQUEST FOR SUBMISSION	05-09-22	8	1317-1318
REQUEST FOR SUBMISSION	05-10-22	8	1322-1323
REQUEST FOR SUBMISSION	05-16-22	8	1324-1325
REQUEST FOR SUBMISSION	05-18-22	8	1330-1331
REQUEST FOR SUBMISSION	04-27-23	10	1607-1608
REQUEST FOR SUBMISSION	04-27-23	10	1612-1613
REQUEST FOR SUBMISSION	04-28-23	10	1614-1615
REQUEST FOR SUBMISSION	04-28-23	10	1616-1617
REQUEST FOR SUBMISSION FOR PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	11-13-15	3	384-388
REQUEST FOR SUBMISSION OF MOTION FOR ORDER PERMITTING DISCOVERY	09-06-18	5	606-608
REQUEST FOR SUBMISSION OF MOTION TO WITHDRAW AS COUNSEL OF RECORD	08-23-22	9	1437-1439
REQUEST FOR SUBMISSION OF PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS; REQUEST FOR EVIDENTIARY HEARING	04-10-18	5	562-564
REQUEST FOR TRANSCRIPT	11-14-19	6	939-941
REQUEST FOR TRANSCRIPT(S)	10-07-14	2	195-197
RESPONSE TO ORDER	03-15-24	11	1829-1884
RESPONSE TO STATE'S FILING AS ORDERED BY THIS COURT	01-31-24	11	1798-1800
RESPONSE TO THE STATE'S REPLY IN SUPPORT OF THE STATE'S MOTION TO DISMISS SECOND PETITION	05-18-22	8	1326-1329
RETURN OF NEF	04-29-14	2	4-5
RETURN OF NEF	05-02-14	2	10-12
RETURN OF NEF	05-08-14	2	14-16
RETURN OF NEF	05-23-14	2	18-20
RETURN OF NEF	05-27-14	2	27-29

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	05-27-14	2	31-33
RETURN OF NEF	07-11-14	2	34-36
RETURN OF NEF	07-14-14	2	48-50
RETURN OF NEF	07-21-14	2	52-54
RETURN OF NEF	07-23-14	2	56-58
RETURN OF NEF	08-06-14	2	59-61
RETURN OF NEF	08-20-14	2	66-68
RETURN OF NEF	09-11-14	2	77-79
RETURN OF NEF	09-12-14	2	82-84
RETURN OF NEF	09-16-14	2	135-137
RETURN OF NEF	09-17-14	2	139-141
RETURN OF NEF	09-22-14	2	182-184
RETURN OF NEF	10-01-14	2	187-189
RETURN OF NEF	10-07-14	2	201-203
RETURN OF NEF	10-07-14	2	204-206
RETURN OF NEF	10-07-14	2	207-209
RETURN OF NEF	10-07-14	2	210-212
RETURN OF NEF	10-08-14	2	214-216
RETURN OF NEF	10-13-14	2	218-220
RETURN OF NEF	10-27-14	2	222-224
RETURN OF NEF	11-09-14	3	335-337
RETURN OF NEF	12-09-14	3	340-342
RETURN OF NEF	12-09-14	3	343-345
RETURN OF NEF	02-11-15	3	347-349
RETURN OF NEF	02-19-15	3	351-353
RETURN OF NEF	05-11-15	3	355-357

APPEAL INDEX
 SUPREME COURT NO: 88296
 DISTRICT CASE NO: CR14-0644
 RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
 DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	07-24-15	3	361-363
RETURN OF NEF	08-18-15	3	370-372
RETURN OF NEF	11-19-15	3	392-394
RETURN OF NEF	07-15-16	3	398-400
RETURN OF NEF	08-16-16	3	403-405
RETURN OF NEF	09-30-16	3	407-409
RETURN OF NEF	10-11-16	3	411-413
RETURN OF NEF	11-22-16	3	417-419
RETURN OF NEF	12-08-16	3	422-424
RETURN OF NEF	02-06-17	3	436-438
RETURN OF NEF	02-16-17	3	441-443
RETURN OF NEF	05-15-17	3	446-448
RETURN OF NEF	06-20-17	3	449-451
RETURN OF NEF	06-30-17	3	452-454
RETURN OF NEF	07-03-17	3	455-457
RETURN OF NEF	07-17-17	3	460-462
RETURN OF NEF	07-17-17	3	465-467
RETURN OF NEF	08-17-17	3	468-470
RETURN OF NEF	09-13-17	4	473-475
RETURN OF NEF	09-20-17	4	478-480
RETURN OF NEF	10-26-17	4	481-483
RETURN OF NEF	11-15-17	4	486-488
RETURN OF NEF	11-21-17	4	491-493
RETURN OF NEF	01-16-18	5	545-547
RETURN OF NEF	02-07-18	5	548-550
RETURN OF NEF	02-26-18	5	554-556

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	03-23-18	5	559-561
RETURN OF NEF	04-10-18	5	565-567
RETURN OF NEF	06-04-18	5	571-573
RETURN OF NEF	06-19-18	5	576-578
RETURN OF NEF	06-19-18	5	579-581
RETURN OF NEF	07-09-18	5	582-584
RETURN OF NEF	07-19-18	5	587-589
RETURN OF NEF	08-22-18	5	595-597
RETURN OF NEF	08-23-18	5	598-600
RETURN OF NEF	08-24-18	5	603-605
RETURN OF NEF	09-06-18	5	609-611
RETURN OF NEF	09-07-18	5	615-617
RETURN OF NEF	10-02-18	5	621-623
RETURN OF NEF	10-08-18	5	626-628
RETURN OF NEF	11-20-18	5	629-631
RETURN OF NEF	12-20-18	5	634-636
RETURN OF NEF	12-20-18	5	639-641
RETURN OF NEF	01-08-19	5	643-645
RETURN OF NEF	02-07-19	5	646-648
RETURN OF NEF	03-20-19	5	651-653
RETURN OF NEF	05-28-19	5	654-656
RETURN OF NEF	06-26-19	5	659-661
RETURN OF NEF	09-13-19	5	667-669
RETURN OF NEF	09-13-19	5	673-675
RETURN OF NEF	09-24-19	5	708-710
RETURN OF NEF	09-25-19	5	753-755

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	09-26-19	6	834-836
RETURN OF NEF	10-09-19	6	868-870
RETURN OF NEF	10-09-19	6	904-906
RETURN OF NEF	10-21-19	6	907-909
RETURN OF NEF	10-21-19	6	912-914
RETURN OF NEF	11-04-19	6	922-924
RETURN OF NEF	11-04-19	6	925-927
RETURN OF NEF	11-04-19	6	929-931
RETURN OF NEF	11-12-19	6	933-935
RETURN OF NEF	11-14-19	6	936-938
RETURN OF NEF	11-14-19	6	942-944
RETURN OF NEF	12-03-19	6	947-949
RETURN OF NEF	12-08-19	7	1152-1154
RETURN OF NEF	03-18-20	7	1155-1157
RETURN OF NEF	03-24-20	7	1160-1162
RETURN OF NEF	05-07-20	7	1163-1165
RETURN OF NEF	05-18-20	7	1166-1168
RETURN OF NEF	05-20-20	7	1170-1172
RETURN OF NEF	07-30-20	7	1173-1175
RETURN OF NEF	08-24-20	7	1176-1178
RETURN OF NEF	08-24-20	7	1180-1182
RETURN OF NEF	02-11-21	7	1186-1188
RETURN OF NEF	03-24-21	7	1189-1191
RETURN OF NEF	03-24-21	7	1193-1195
RETURN OF NEF	04-05-21	7	1196-1198
RETURN OF NEF	04-05-21	7	1200-1202

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	06-30-21	7	1204-1206
RETURN OF NEF	07-01-21	7	1215-1217
RETURN OF NEF	03-29-22	7	1233-1235
RETURN OF NEF	04-04-22	7	1251-1253
RETURN OF NEF	04-22-22	7	1271-1273
RETURN OF NEF	04-22-22	8	1278-1280
RETURN OF NEF	05-09-22	8	1319-1321
RETURN OF NEF	06-10-22	8	1336-1338
RETURN OF NEF	06-23-22	8	1372-1374
RETURN OF NEF	06-28-22	8	1378-1380
RETURN OF NEF	07-06-22	8	1383-1385
RETURN OF NEF	07-08-22	8	1389-1391
RETURN OF NEF	08-02-22	8	1394-1396
RETURN OF NEF	08-09-22	8	1400-1402
RETURN OF NEF	08-16-22	9	1422-1424
RETURN OF NEF	08-19-22	9	1427-1429
RETURN OF NEF	08-23-22	9	1430-1432
RETURN OF NEF	08-23-22	9	1434-1436
RETURN OF NEF	08-23-22	9	1440-1442
RETURN OF NEF	08-25-22	9	1444-1446
RETURN OF NEF	08-26-22	9	1449-1451
RETURN OF NEF	09-01-22	9	1455-1457
RETURN OF NEF	09-16-22	9	1460-1462
RETURN OF NEF	09-21-22	9	1463-1465
RETURN OF NEF	09-21-22	9	1467-1469
RETURN OF NEF	09-21-22	9	1481-1483

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	10-26-22	9	1486-1488
RETURN OF NEF	11-04-22	9	1521-1523
RETURN OF NEF	11-07-22	9	1526-1528
RETURN OF NEF	11-14-22	9	1533-1535
RETURN OF NEF	11-22-22	9	1557-1559
RETURN OF NEF	11-23-22	9	1562-1564
RETURN OF NEF	11-28-22	9	1572-1574
RETURN OF NEF	12-27-22	9	1576-1578
RETURN OF NEF	12-27-22	10	1580-1582
RETURN OF NEF	12-29-22	10	1585-1587
RETURN OF NEF	01-12-23	10	1591-1593
RETURN OF NEF	01-12-23	10	1595-1597
RETURN OF NEF	01-12-23	10	1600-1602
RETURN OF NEF	03-29-23	10	1604-1606
RETURN OF NEF	04-28-23	10	1618-1620
RETURN OF NEF	05-09-23	10	1623-1625
RETURN OF NEF	06-09-23	10	1638-1640
RETURN OF NEF	06-12-23	10	1651-1653
RETURN OF NEF	06-22-23	10	1655-1657
RETURN OF NEF	06-26-23	10	1666-1668
RETURN OF NEF	06-26-23	10	1677-1679
RETURN OF NEF	06-30-23	10	1682-1684
RETURN OF NEF	06-30-23	10	1692-1694
RETURN OF NEF	07-11-23	10	1697-1699
RETURN OF NEF	07-18-23	10	1704-1706
RETURN OF NEF	07-28-23	10	1713-1715

APPEAL INDEX
 SUPREME COURT NO: 88296
 DISTRICT CASE NO: CR14-0644
 RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
 DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	08-14-23	10	1717-1719
RETURN OF NEF	09-15-23	10	1722-1724
RETURN OF NEF	09-27-23	10	1728-1730
RETURN OF NEF	09-28-23	10	1732-1734
RETURN OF NEF	10-03-23	10	1738-1740
RETURN OF NEF	10-04-23	10	1742-1744
RETURN OF NEF	11-21-23	10	1748-1750
RETURN OF NEF	01-02-24	11	1795-1797
RETURN OF NEF	02-28-24	11	1809-1811
RETURN OF NEF	03-08-24	11	1815-1817
RETURN OF NEF	03-12-24	11	1826-1828
RETURN OF NEF	03-15-24	11	1885-1887
RETURN OF NEF	03-15-24	11	1889-1891
RETURN OF NEF	03-18-24	11	1893-1895
RETURN OF NEF	03-21-24	11	1898-1900
SECOND RECOMMENDATION AND ORDER APPOINTING COUNSEL (POST CONVICTION)	11-28-22	9	1569-1571
SENTENCING EXHIBITS	08-21-14	2	69-73
STATE'S BENCH MEMORANDUM REGARDING EVIDENTIARY HEARING	09-24-19	5	676-707
STATE'S RESPONSE TO COURT'S ORDER: 1) HOLDING PETITION IN ABEYANCE; 2) DIRECTING STATE TO RESPOND; AND 3) STRIKING REQUEST FOR SUBMISSION	01-02-24	11	1751-1794
STIPULATION AND ORDER FOR CONTINUATION OF HEARING	12-20-18	5	637-638
STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS (FIRST REQUEST)	05-15-17	3	444-445
STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS (SECOND REQUEST)	07-17-17	3	458-459

APPEAL INDEX
SUPREME COURT NO: 88296
DISTRICT CASE NO: CR14-0644
RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS (THIRD REQUEST)	09-13-17	3	471-472
STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS (FOURTH REQUEST)	11-15-17	4	484-485
STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE NOTICE OF DEPOSITION	10-08-18	5	624-625
STIPULATION FOR ADMISSION OF EVIDENCE	09-26-19	6	831-833
STIPULATION TO CONTINUE	07-21-14	2	51
SUBPOENA	09-13-19	5	662-666
SUPPLEMENT TO MOTION TO WITHDRAW AS COUNSEL OF RECORD	09-21-22	9	1470-1480
SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	01-12-18	4	494-544
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	08-18-15	3	365
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENTS	07-01-21	7	1208
SUPREME COURT NOTICE IN LIEU OF REMITTITUR	08-25-22	9	1443
SUPREME COURT NOTICE IN LIEU OF REMITTITUR	08-14-23	10	1716
SUPREME COURT NOTICE OF TRANSFER TO COURT OF APPEALS	08-24-20	7	1179
SUPREME COURT ORDER	07-11-23	10	1695
SUPREME COURT ORDER	03-08-24	11	1812-1814
SUPREME COURT ORDER CONSOLIDATING APPEALS, DIRECTING TRANSMISSION OF RECORD, AND REGARDING BRIEFING	07-18-23	10	1702-1703
SUPREME COURT ORDER DENYING PETITION	08-02-22	8	1392-1393
SUPREME COURT ORDER DENYING PETITION FOR REVIEW	06-30-21	7	1203
SUPREME COURT ORDER DENYING PETITION FOR REVIEW	07-01-21	7	1209-1210
SUPREME COURT ORDER DENYING PETITION FOR WRIT OF MANDAMUS	07-18-23	10	1700-1701
SUPREME COURT ORDER DIRECTING TRANSMISSION OF RECORD AND REGARDING BRIEFING	03-21-24	11	1896-1897
SUPREME COURT ORDER GRANTING MOTION TO TRANSMIT PRESENTENCE INVESTIGATION REPORT AND PSYCHOSEXUAL EVALUATION	02-11-15	3	346

APPEAL INDEX
 SUPREME COURT NO: 88296
 DISTRICT CASE NO: CR14-0644
 RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL
 DATE: APRIL 1, 2024

PLEADING	DATE FILED	VOL.	PAGE NO.
SUPREME COURT ORDER OF AFFIRMANCE	07-24-15	3	358-360
SUPREME COURT ORDER OF AFFIRMANCE	08-18-15	3	366-369
SUPREME COURT ORDER OF AFFIRMANCE	02-11-21	7	1183-1185
SUPREME COURT ORDER OF AFFIRMANCE	07-01-21	7	1211-1214
SUPREME COURT ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL	09-15-23	10	1720-1721
SUPREME COURT ORDER TRANSFERRING TO COURT OF APPEALS	05-11-15	3	354
SUPREME COURT RECEIPT FOR DOCUMENTS	10-27-14	2	221
SUPREME COURT RECEIPT FOR DOCUMENTS	11-12-19	6	932
SUPREME COURT RECEIPT FOR DOCUMENTS	06-23-22	8	1371
SUPREME COURT RECEIPT FOR DOCUMENTS	06-30-23	10	1680
SUPREME COURT RECEIPT FOR DOCUMENTS	06-30-23	10	1681
SUPREME COURT RECEIPT FOR DOCUMENTS	07-11-23	10	1696
SUPREME COURT RECEIPT FOR DOCUMENTS	03-18-24	11	1892
SUPREME COURT REMITTITUR	08-18-15	3	364
SUPREME COURT REMITTITUR	07-01-21	7	1207
TRANSCRIPT OF PROCEEDINGS – ARRAIGNMENT – MAY 27, 2014	07-14-14	2	37-47
TRANSCRIPT OF PROCEEDINGS – CONTINUED SENTENCING – AUG. 26, 2014	09-22-14	2	142-181
TRANSCRIPT OF PROCEEDINGS – HEARING ON POST-CONVICTION PETITION – SEPT. 26, 2019	12-08-19	6, 7	950-1151
TRANSCRIPT OF PROCEEDINGS – SENTENCING – AUG. 21, 2014	09-16-14	2	85-134
TRANSCRIPT OF PROCEEDINGS – SENTENCING – SEPT. 4, 2014	11-09-14	3	225-334
WAIVER OF PRELIMINARY EXAMINATION	05-02-14	2	6

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

Judge:

HONORABLE BARRY L. BRESLOW

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09-13-2017:16:45:08

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09-13-2017:16:45:36

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Stip and Order

Filed By:

Judicial Asst. CKuhl

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CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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1 CODE : 2777
2
3
4
56 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 RODERICK STEPHEN SKINNER,

10 Petitioner,

Case No.: CR14-0644

11 vs.

Dept. No.: 8

12 THE STATE OF NEVADA,

13 Respondent.
14RECOMMENDATION AND ORDER GRANTING MOTION FOR EXPERT WITNESS FEES(POST CONVICTION)

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

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

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

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

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

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

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

14 IT IS HEREBY ORDERED that the recommendations of the Administrator are
15 hereby confirmed, approved and adopted as to the amount of \$ 10,000. This
16 amount may not be the same as the Recommendation. Counsel is notified that
17 they may request a prove-up hearing for the non-approved amounts before the
18 Chief Judge of the District.

19 Tami Loehrs of Loehrs and Associates shall be reimbursed by the State Of
20 Nevada Public Defender's Office fees in the amount of \$ 10,000, upon receipt
21 of invoice for services provided.

22 DATED this 20 day of SEPTEMBER, 2017.

23 
24 CHIEF DISTRICT JUDGE
25
26
27
28

Return Of NEF**Recipients**

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

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Judge:

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09-20-2017:11:48:53

Clerk Accepted:

09-20-2017:11:49:28

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. KSims

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

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

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Judge:

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10-25-2017:16:45:01

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Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ex-Parte Mtn

Filed By:

Edward Torrance Reed

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CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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OF NEVADA

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

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

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

11 RODERICK STEPHEN SKINNER,

12 Petitioner,

Case No. CR14-0644

13 vs.

Dept. No. 8

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

16 Respondent.
17 _____ /

18 **STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE**
19 **SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS**
20 (Fourth Request)

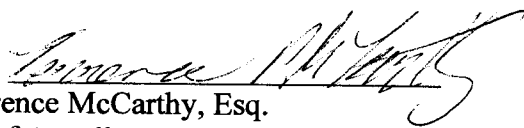
21 Petitioner RODERICK STEPHEN SKINNER, by and through his court-appointed
22 counsel Edward T. Reed, Esq., and the Respondent, by and through his counsel Terrence
23 McCarthy, Esq., Chief Appellate Deputy, Washoe County District Attorney's Office,
24 hereby stipulate to allow Petitioner's counsel an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

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

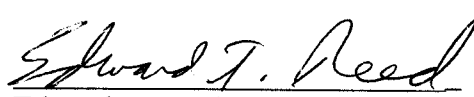
Pursuant to NRS 239B.030, the undersigned do hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 13th day of November, 2017.

Christopher Hicks
Washoe County District Attorney

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

ATTORNEY FOR RESPONDENT


Edward T. Reed, Esq.
EDWARD T. REED, PLLC
Nevada State Bar No. 1416
P.O. Box 34763
Reno, NV 89533-4763
(775) 996-0687
Fax (775) 333-0201
ATTORNEY FOR PETITIONER

ORDER

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

NO FURTHER
EXTENSIONS

WILL BE
GRANTED ABSENT
EXTRAORDINARY CAUSE.
BUT


DISTRICT JUDGE

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

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

Judge:

HONORABLE BARRY L. BRESLOW

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11-15-2017:16:51:14

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Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Stip and Order

Filed By:

Judicial Asst. CKuhl

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DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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RODERICK STEPHEN SKINNER

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1 **CODE : 2777**
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6

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

9 * * *

10 RODERICK STEPHEN SKINNER,

11 Petitioner,

Case No. : CR14-0644

12 vs.

Dept. No. : 8

13 THE STATE OF NEVADA,

14 Respondent.
15 _____/

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

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

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

24 This Administrator further recommends that the Chief Judge of the Second
25 Judicial District Court approve the payment of interim fees in the amount of FIVE
26 THOUSAND ELEVEN DOLLARS AND FIFTY TWO CENTS (\$5,011.52) made payable to
27

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

2 Dated this 7 day of Nov., 2017.

3
4 
5 ROBERT C. BELL, ESQ., ADMINISTRATOR
6 COURT APPOINTED COUNSEL

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

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

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

17 DATED this 21 day of November 2017.

18 
19 CHIEF DISTRICT JUDGE
20
21
22
23
24
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27

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2017-11-21 13:30:25.02.
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-

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

11-21-2017:13:29:25

Clerk Accepted:

11-21-2017:13:29:55

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. BAnderson

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STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

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

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EDWARD T. REED, PLLC
Nevada State Bar No. 1416
P.O. Box 34763
Reno, NV 89533-4763
(775) 996-0687

ATTORNEYS FOR PETITIONER

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

RODERICK STEPHEN SKINNER,

Petitioner,

Case No. CR14-0644

vs.

Dept. No. 8

ISIDRO BACA, WARDEN, NORTHERN
NEVADA CORRECTIONAL CENTER.

Respondent.

SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS
(Post Conviction)

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

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

3
4 **STATEMENT OF THE CASE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 **GROUND ONE OF SUPPLEMENTAL PETITION**

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

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

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

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

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

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

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

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

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

15
16 **GROUND TWO OF SUPPLEMENTAL PETITION**

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

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

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

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

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

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

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

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

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

7 8 **RIGHT TO AN EVIDENTIARY HEARING**

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

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

19 DATED this 12th day of January, 2018.

20
21 /s/ Edward T. Reed

22 EDWARD T. REED, ESQ.

23 EDWARD T. REED, PLLC

24 Nevada State Bar No. 1416

25 P.O. Box 34763

26 Reno, NV 89533-4763

27 (775) 996-0687

28 Attorney for Petitioner

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CERTIFICATE OF SERVICE

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

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

DATED this 12th day of January, 2018.

/s/ Edward T. Reed
Edward T. Reed

LIST OF EXHIBITS

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

EXHIBIT 1

EXHIBIT 1

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

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

11 RODERICK SKINNER,

12 Petitioner,

Case No. CR14-0644

13 vs.

Dept. No. 8

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

16 Respondent.

17 **DECLARATION OF RODERICK SKINNER**

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

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

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

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

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

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

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

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

12 10. When I was previously in Thailand, I had installed a used hard drive in my
13 computer in 2010. This computer had been previously owned by another
14 person, and I did not know that child pornography may have been on the
15 computer. I also did not know that a file sharing program that could
16 allegedly share child pornography may have been on this computer. I had
17 previously used a file sharing program, lime wire, for downloading music, but
18 during the time I was in Washoe County, I never downloaded any music or
19 anything else, to my knowledge. If there were any child pornography images
20 on my computer, I was not aware of them, and did not knowingly download
21 any.
22

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

24 Executed on this 12TH day of JANUARY., 2018.
25

26 Rod Skinner.
27

28 RODERICK SKINNER

EXHIBIT 2

EXHIBIT 2

V4. 511

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

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

Terry

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

Hi Terry,

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

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

Ned

V4. 512

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

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

Terry

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

Subject: Re: SKINNER CASE

Hi Terry,

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

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

Ned

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

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

Thanks Terry.

Edward T. "Ned" Reed, Esq.

EDWARD T. "NED" REED, ESQ.
EDWARD T. REED, PLLC

P.O. Box 34763
Reno, NV 89533-4763
(775) 996-0687
Fax (775) 333-0201

December 6, 2017

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

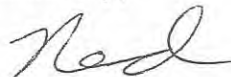
Re: Skinner v. State, CR14-0644

Dear Terry:

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

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

Sincerely,



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

Cc: Roderick Skinner

EXHIBIT 3

EXHIBIT 3

DECLARATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

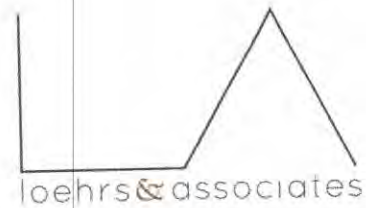
Executed on 1/12/18



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

TAMILOEHRS

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 Ofc: 520.219.6807 | Email: TL@ForensicsExpert.net



EDUCATION	University of Arizona - Business Administration Pima College - Legal Assistant Sciences University of Phoenix - Bachelor of Science, Information Systems (With Honors)
CERTIFICATIONS AND LICENSES	Licensed Private Investigator, AZ Department of Public Safety, License No. 1594838 EnCase Certified Examiner (ENCE), Guidance Software (Since 2005) Access Data Certified Examiner (ACE) (Since 2008) Computer Hacking Forensic Investigator (CHFI) (Since 2010) Certified Computer Forensic Examiner (CCFE) (Since 2011)
SPECIALIZED TRAINING	EnCase Incident Response, Forensic Analysis and Discovery Course Arizona Semi Annual Conference Computer Crimes / Internet Fraud Access Data Boot Camp Access Data Windows Forensics How to Create and Perform Effective Keyword Searches Cell Phone Forensics Email Investigations File Recovery Through Data Carving Basic Investigations of Windows Vista Reverse Engineering Malware Incident Investigations Examining the Windows Registry Investigating Linux from a Forensic and Incident Response Perspective MySpace Investigations Cyber child Exploitation I - Investigations in the Workplace Mastering Conditions Forensics File Identification and Recovery Using Black-Hashed Hash Analysis Case Study Firefox Artifacts and Unallocated Space Hacking Malware Technical Profiling for Law Enforcement and Intelligence Vista Deep Dive I - Basic Investigations of Windows Vista Vista Deep Dive III - File and Registry Virtualization Malicious Artifacts Identification and Analysis Essential Macintosh Forensics FTK Transition 1.7 to 2.0 ACE Prep Computer Forensics and Ethical Hacking IOS Forensics – A comprehensive Approach Mac OS X Lion Forensics Update Tracks Left by Covering Your Tracks What's New in Windows Forensics A Forensic Look at Windows 8 Immersive Applications: What's Behind the Tiles Smart Device App Analysis Windows 8 File History Artifacts Ares and LimeWire Pro Peer to Peer Files Sharing Software Analysis Mac OS X Delving a Little Deeper Vehicle Systems Forensics How to Catch an Insider Data Thief Forensic Testimony in Court Ubiquity Forensics – Your iCloud and You Searching in EnCase 8 with EQL

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

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

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

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

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

National Association of Public Defense (NAPD)
Organizational Membership

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

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

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

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

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

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

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Case No. CR-2015-00312

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

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

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

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

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

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

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

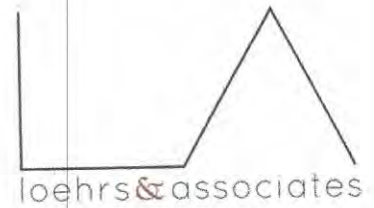
Hearing: Second Judicial District Court Weber County, Utah
Child Pornography
Attorney: Tara Isaacson
Case No. 131901792

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

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

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

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

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

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

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

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

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

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

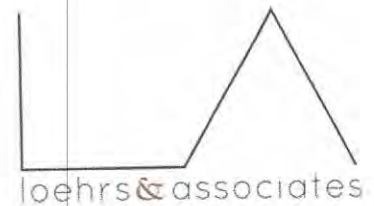
Trial: Pima County Superior Court, Arizona
Child Pornography
Attorney: Paul Skitzki
Case No. CR-20141915

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

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

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Attorney: Carolyn Gorczynski
Case No. N/A

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

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

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

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

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

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

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

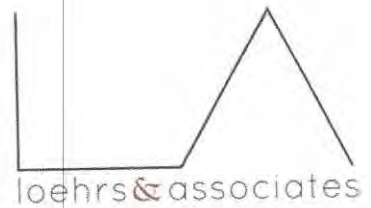
Trial: County of Bernalillo District Court, New Mexico
Homicide
Attorney: Thomas M. Clark
Case No. D-202-CR-2012-03537

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

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

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

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

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

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

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

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

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

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

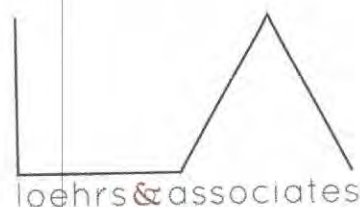
Trial: USDC, Western District of New York
Child Pornography
Attorney: Igor Niman
Case No. M-09-1129

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

Hearing: Maricopa County Superior Court, Arizona

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

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

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

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

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

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

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

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

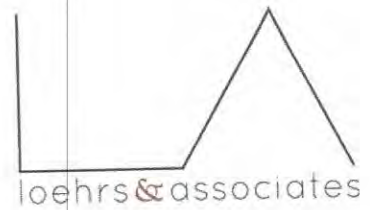
Hearing: USDC, Central District of California
Child Pornography
Attorney: Gary Dubcoff
Case No. CR 06-19 DSF

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

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

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Case No. CR201100293

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

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

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

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

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

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

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

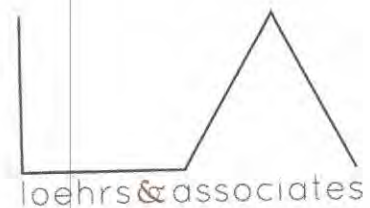
Trial: USDC, Northern District of California
Computer Fraud
Attorney: Manuel Araujo
Case No. CR05-0812 RMW

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

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

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

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

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

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

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

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

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

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

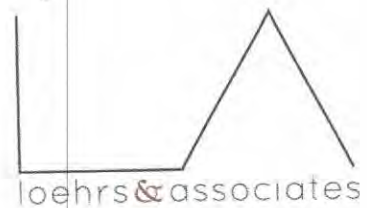
Sentencing Hearing: USDC, Northern District of Texas
Child Pornography
Attorney: Jim Burnham
Case No. 3:09-CR-339-M

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

Civil Service Hearing: State of Arizona
Unauthorized Use of Computer

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Attorney: Jeff Jacobson
Case No. C2009-8685

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

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

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

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

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

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

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

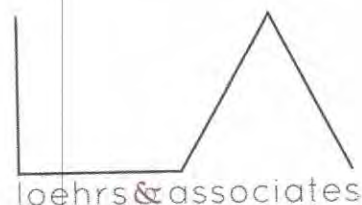
Trial: USDC, District of New Mexico
Homicide
Attorney: Barbara Mandel
Case No. 07614-RB

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

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

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

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

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

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

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

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

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

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

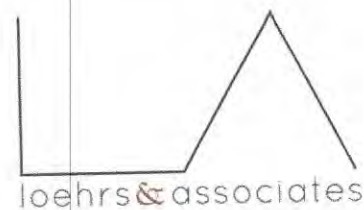
Hearing: USDC, 379th Judicial District, Bexar County Texas
Child Pornography
Attorney: Evelyn Martinez
Case No. 2006-CR-0477W

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

Trial: Coconino County Superior Court

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

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

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

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

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

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

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

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

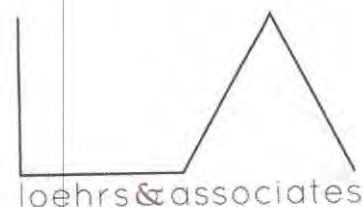
Hearing: Navajo County Superior Court
Child Pornography
Attorney: David Martin
Case No. CV2005-013148

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

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

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Case No. CR05-1049-TUC-FRZ

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

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

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

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

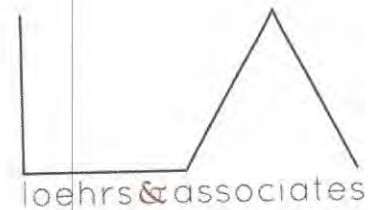
Hearing: Pima County Superior Court
Child Pornography
Attorney: David DeCosta
Case No. CR2002-0171

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

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

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Albuquerque, New Mexico

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

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

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

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

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

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

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

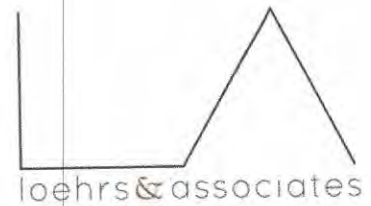
June, 2012: Speaker
Federal Community Defender for Eastern District of Pennsylvania
New Issues in Computer Forensics
Philadelphia, Pennsylvania

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

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

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

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

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

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

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

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

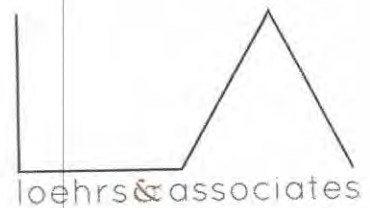
November, 2007: Speaker
Association of Legal Administrators
Region 6 Educational Conference & Exposition
E-Discovery and Potential Land Mines
Tucson, Arizona

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

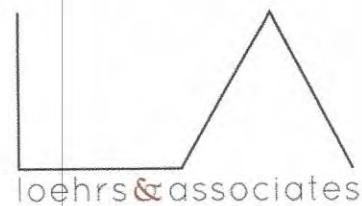


EXHIBIT 4

EXHIBIT 4

V4. 540

Evidence Section

Main Phone: (775) 328-3060

evidence@washoecounty.us

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

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

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

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

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

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

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

V4. 541

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

Examination Request Form (pictured above):

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

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

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

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

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

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

Evidence Packaging:

V4. 542

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

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

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

Acceptable Seals

- Evidence Tape
- Packaging Tape
- Heat Seal

Unacceptable Seals

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

Items Requiring Special Handling

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

V4. 543

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

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

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

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

Evidence Viewing:

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

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

V4. 544

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

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

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