

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

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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.

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RECORD ON APPEAL

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APPELLANT

Roderick Skinner #1126964  
N.N.C.C.  
PO Box 7000  
Carson City, Nevada 89702

RESPONDENT

Washoe County District  
Attorney's Office  
Jennifer P. Noble, Esq. #9446  
P.O. Box 30083  
Reno, Nevada 89502-3083

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

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RODERICK STEPHEN SKINNER vs WARDEN OLSEN, ET AL  
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A filing has been submitted to the court RE: CR14-0644

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

01-12-2018:18:13:33

Clerk Accepted:

01-16-2018:09:06:50

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Supplemental Petition

- \*\*Continuation
- \*\*Continuation
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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

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02-06-2018:18:08:56

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02-07-2018:08:47:21

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ex-Parte Mtn

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

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

IN AND FOR THE COUNTY OF WASHOE

\* \* \*

RODERICK STEPHEN SKINNER,

Petitioner,

v.

Case No. CR14-0644

ISIDRO BACA, WARDEN, NORTHERN  
NEVADA CORRECTIONAL CENTER

Dept. No. 8

Respondent.

\_\_\_\_\_ /

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

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

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

///

///

///

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: Feb 26, 2018.

CHRISTOPHER J. HICKS  
District Attorney

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

**CERTIFICATE OF SERVICE**

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

Edward T. Reed, Esq.

/s/ MARGARET FORD  
MARGARET FORD

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**Judge:**

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02-26-2018:09:11:39

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02-26-2018:10:11:47

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Answer

**Filed By:**

Terrence McCarthy

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
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JOHN REESE PETTY, ESQ. for RODERICK  
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MICHAEL BOLENBAKER, ESQ. for STATE OF  
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EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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1 **CODE : 2777**  
2  
3  
4  
56 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 \* \* \*

10 RODERICK SKINNER,

11 Petitioner,

Case No. : CR14-0644

12 vs.

Dept. No. : 8

13 THE STATE OF NEVADA,

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

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

3 Dated this 28 day of Feb, 2018.

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

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

10 IT IS HEREBY ORDERED that the recommendations of the Administrator are  
11 hereby confirmed, approved and adopted as to the amount of \$ 4,502<sup>00</sup>. This  
12 amount may not be the same as the Recommendation. Counsel is notified that  
13 they may request a prove-up hearing for the non-approved amounts before the  
14 Chief Judge of the District.

15 Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada  
16 Public Defender's Office fees in the amount of \$ 4,502<sup>00</sup>.

17 DATED this 23 day of March, 2018.

18  
19   
20 CHIEF DISTRICT JUDGE  
21  
22  
23  
24  
25  
26  
27



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**ZELALEM BOGALE, ESQ.** - Notification received on 2018-03-23 12:41:12.93.  
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**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

03-23-2018:12:40:09

**Clerk Accepted:**

03-23-2018:12:40:41

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord Approving

**Filed By:**

Judicial Asst. BAnderson

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RODERICK STEPHEN SKINNER

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

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

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

Petitioner,

Case No. CR14-0644

vs.

Dept. No. 8

ISIDRO BACA, WARDEN, NORTHERN  
NEVADA CORRECTIONAL CENTER.

Respondent.

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

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

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

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

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

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

22 DATED this 10<sup>th</sup> day of April, 2018.

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

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CERTIFICATE OF SERVICE

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

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

DATED this 10<sup>th</sup> day of April, 2018.

/s/ Edward T. Reed

Edward T. Reed

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

04-10-2018:10:46:26

**Clerk Accepted:**

04-10-2018:11:33:24

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Request for Submission

**Filed By:**

Edward Torrance Reed

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

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-

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MATTHEW LEE, ESQ. for STATE OF NEVADA

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NEVADA

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA



CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

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

///

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

5 IT IS SO ORDERED.

6 DATED this 4<sup>TH</sup> day of June, 2018.

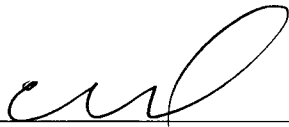
7   
8 BARRY L. BRESLOW  
9 District Judge

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 4 day of June, 2018, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Edward T. Reed, Esq.

Terrance McCarthy, Esq.

  
\_\_\_\_\_  
Judicial Assistant

**Return Of NEF****Recipients**

**ZELALEM BOGALE, ESQ.** - Notification received on 2018-06-04 09:29:24.965.

**JOHN PETTY, ESQ.** - Notification received on 2018-06-04 09:29:25.136.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-06-04 09:29:25.105.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-06-04 09:29:25.183.

**CHRISTINE BRADY, ESQ.** - Notification received on 2018-06-04 09:29:24.98.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2018-06-04 09:29:25.074.

**EDWARD REED, ESQ.** - Notification received on 2018-06-04 09:29:25.058.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2018-06-04 09:29:24.933.

**MATTHEW LEE, ESQ.** - Notification received on 2018-06-04 09:29:25.027.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2018-06-04 09:29:25.011.

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

06-04-2018:09:28:10

**Clerk Accepted:**

06-04-2018:09:28:53

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord to Set

**Filed By:**

Judicial Asst. CKuhl

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ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

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

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

\* \* \*

RODERICK STEPHEN SKINNER,

Petitioner,

v.

Case No. CR14-0644

THE STATE OF NEVADA

Dept. No. 8

Respondent.

NOTICE OF RESPONSIBLE ATTORNEY FOR THE STATE

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

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 19<sup>th</sup> day of June, 2018.

CHRISTOPHER J. HICKS  
District Attorney  
Washoe County, Nevada

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



1 CODE 1250

2  
3  
4  
5  
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE

8 RODERICK STEPHEN SKINNER \*

9 Plaintiff,

10 vs.

Case No. CR14-0644 \*

11 THE STATE OF NEVADA \*

Dept. No. 8

12 Defendant.

13  
14 **APPLICATION FOR SETTING**

15 TYPE OF ACTION: POST-CONVICTION

MATTER TO BE HEARD: EVIDENTIARY HEARING

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

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

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

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

20 ☐ Jury Demanded by (Name): \_\_\_\_\_

21 ☒ No Jury Demanded by (Name): \_\_\_\_\_

22 Estimated Duration of Trial: 1 DAY

23 Edward T. Reed, Esq.

Joseph R. Plater, Appellate Deputy

24 via telephone

via telephone

25 Attorney(s) for Plaintiff

Attorney(s) for Defendant

26 Evidentiary Hrg

9:00 am

8th

January

2019

27 Motion - No.

Setting at

on the

day of

20

28 Trial - No.

Setting at

on the

day of

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

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

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

**CHRISTOPHER FREY, ESQ.** - Notification received on 2018-06-19 14:03:15.298.

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

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

06-19-2018:13:44:47

**Clerk Accepted:**

06-19-2018:14:02:34

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Application for Setting

**Filed By:**

Joseph Plater

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

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RODERICK STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

MATTHEW LEE, ESQ. for STATE OF NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

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

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

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

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

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

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

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

06-19-2018:13:42:28

**Clerk Accepted:**

06-19-2018:14:21:23

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Notice of Change of Attorney

**Filed By:**

Joseph Plater

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-

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RODERICK STEPHEN SKINNER

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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

**Return Of NEF****Recipients**

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

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

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

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

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

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



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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

07-09-2018:11:49:26

Clerk Accepted:

07-09-2018:12:45:13

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Ex-Parte Mtn

Filed By:

Edward Torrance Reed

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RODERICK STEPHEN SKINNER

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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

1 **CODE : 2777**  
2  
3  
4  
5

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

9 \*\*\*

10 RODERICK SKINNER,

11 Petitioner,

Case No. : CR14-0644

12 vs.

Dept. No. : 8

13 THE STATE OF NEVADA,

14 Respondent.  
15

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

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


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

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

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

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

Dated this 12 day of July, 2018.

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

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

IT IS HEREBY ORDERED that the recommendations of the Administrator are hereby confirmed, approved and adopted as to the amount of \$1,122<sup>29</sup>. This amount may not be the same as the Recommendation. Counsel is notified that they may request a prove-up hearing for the non-approved amounts before the Chief Judge of the District.

Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada Public Defender's Office fees in the amount of \$ 1,122<sup>29</sup>.

DATED this 19<sup>th</sup> day of July, 2018.

  
CHIEF DISTRICT JUDGE

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

07-19-2018:15:29:16

Clerk Accepted:

07-19-2018:15:30:01

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Ord Approving

Filed By:

Judicial Asst. BWard

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

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RODERICK STEPHEN SKINNER

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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

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

7 *ATTORNEY FOR PETITIONER*

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

10  
11 RODERICK STEPHEN SKINNER,

12  
13 Petitioner,

Case No. CR14-0644

14 vs.

Dept. No. 8

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

18 Respondent.  
19 \_\_\_\_\_/

20 **MOTION FOR ORDER PERMITTING DISCOVERY**

21 The Petitioner, RODERICK STEPHEN SKINNER, by and through his counsel  
22 Edward T. Reed, Esq., hereby moves for an order permitting discovery, to wit: the  
23 deposition of Dennis Carry of the Washoe County Sheriff's Department. This motion is  
24 based on the attached memorandum of points and authorities, and the declaration of  
25 Edward T. Reed, made a part hereof by this reference.  
26  
27  
28



1                                    **MEMORANDUM OF POINTS AND AUTHORITIES**

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

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

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

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

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

3 **CONCLUSION**

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

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

9 DATED this 22<sup>nd</sup> day of August, 2018.

11 /s/ Edward T. Reed  
12 EDWARD T. REED, ESQ.  
13 EDWARD T. REED, PLLC  
14 Nevada State Bar No. 1416  
15 P.O. Box 34763  
16 Reno, NV 89533-4763  
17 (775) 996-0687  
18 *ATTORNEY FOR PETITIONER*  
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**DECLARATION OF EDWARD T. REED**

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

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

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

Dated this 22<sup>nd</sup> day of August, 2018.

/s/ Edward T. Reed  
EDWARD T. REED

CERTIFICATE OF SERVICE

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

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

DATED this 22<sup>nd</sup> day of August, 2018.

/s/ Edward T. Reed  
Edward T. Reed

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

-

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

08-22-2018:09:55:12

Clerk Accepted:

08-22-2018:09:59:10

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Mtn for Discovery

Filed By:

Edward Torrance Reed

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

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

-

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

**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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

**Return Of NEF****Recipients**

**JOHN PETTY, ESQ.** - Notification received on 2018-08-23 12:19:58.299.

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

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

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

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

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



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

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

08-23-2018:12:00:07

**Clerk Accepted:**

08-23-2018:12:19:23

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Application Produce Prisoner

**Filed By:**

Joseph Plater

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

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

-

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

**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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

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

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

9 \*\*\*

10 RODERICK STEPHEN SKINNER,

11 Petitioner,

12 v.

Case No. CR14-0644

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

Dept. No. 8

15 Respondent.  
16 \_\_\_\_\_/

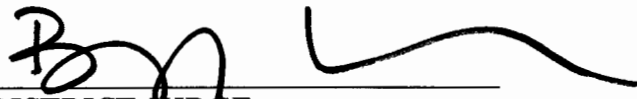
17 ORDER TO PRODUCE PRISONER

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

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

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

3  
4 DATED this 24 day of August, 2018.

5  
6   
7 DISTRICT JUDGE

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

08-24-2018:10:10:40

**Clerk Accepted:**

08-24-2018:10:11:21

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord to Produce Prisoner

**Filed By:**

Judicial Asst. CKuhl

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

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**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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

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

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

10 RODERICK STEPHEN SKINNER,

11 Petitioner,

Case No. CR14-0644

12 vs.

Dept. No. 8

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

16 Respondent.  
17 \_\_\_\_\_ /

18 **REQUEST FOR SUBMISSION OF MOTION FOR ORDER PERMITTING**  
19 **DISCOVERY**

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

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

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

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CERTIFICATE OF SERVICE

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

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

DATED this 6th day of September, 2018.

/s/ Edward T. Reed  
Edward T. Reed

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

09-06-2018:10:20:36

**Clerk Accepted:**

09-06-2018:10:28:06

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Request for Submission

**Filed By:**

Edward Torrance Reed

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

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**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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

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

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

vs.

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

**ORDER PERMITTING DISCOVERY**

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

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

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

//

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

7 **IT IS SO ORDERED.**

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

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11 BARRY L. BRESLOW  
12 District Judge  
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 7 day of September, 2018, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Joseph R. Plater, III, Esq.

Christine Brady, Esq.

Christopher Frey, Esq.

John R. Petty, Esq.

Edward T. Reed, Esq.

The Division of Parole & Probation

  
CHRISTINE KUHL  
Judicial Assistant



**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

09-07-2018:15:00:18

**Clerk Accepted:**

09-07-2018:15:00:49

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord Granting

**Filed By:**

Judicial Asst. CKuhl

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

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**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

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

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

7  
8 *ATTORNEY FOR PETITIONER*

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

11 RODERICK STEPHEN SKINNER,

12  
13 Petitioner,

Case No. CR14-0644

14 vs.

Dept. No. 8

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

18 Respondent.  
19 \_\_\_\_\_/

20 **NOTICE OF DEPOSITION**

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

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

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

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

DATED this 2nd day of October, 2018.

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

CERTIFICATE OF SERVICE

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

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

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

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

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

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

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

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

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

DATED this 2<sup>nd</sup> day of October, 2018.

/s/ Edward T. Reed  
Edward T. Reed

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

10-02-2018:14:33:53

**Clerk Accepted:**

10-02-2018:15:29:12

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Notice

**Filed By:**

Edward Torrance Reed

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

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**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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



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

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

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

11 RODERICK STEPHEN SKINNER,

12 Petitioner,

Case No. CR14-0644

13 vs.

Dept. No. 8

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

16 Respondent.  
17 \_\_\_\_\_/

18 **STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE NOTICE**  
19 **OF DEPOSITION**

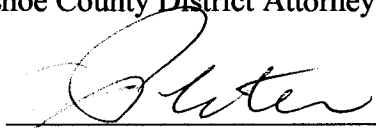
20 Petitioner RODERICK STEPHEN SKINNER, by and through his court-appointed  
21 counsel Edward T. Reed, Esq., and the Respondent, by and through his counsel Joseph  
22 Plater, Esq., Appellate Deputy, Washoe County District Attorney's Office, hereby  
23 stipulate to allow Petitioner's counsel an extension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

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

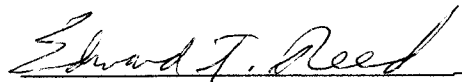
4 **Pursuant to NRS 239B.030**, the undersigned do hereby affirm that the preceding  
5 document does not contain the social security number of any person.

6 DATED this 27<sup>th</sup> day of September, 2018.  
7

8 Christopher Hicks  
9 Washoe County District Attorney

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

17 **ATTORNEY FOR RESPONDENT**

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

18 **ORDER**

19 IT IS SO ORDERED this 27<sup>th</sup> day of October, 2018.  
20

21   
22 DISTRICT JUDGE  
23  
24  
25  
26  
27  
28

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

10-08-2018:14:27:53

**Clerk Accepted:**

10-08-2018:14:28:58

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Stip and Order

**Filed By:**

Judicial Asst. CKuhl

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

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

-

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

**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

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

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

11-20-2018:15:13:58

**Clerk Accepted:**

11-20-2018:16:20:47

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ex-Parte Mtn

**Filed By:**

Edward Torrance Reed

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

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

-

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

**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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



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

1 **CODE : 2777**  
2  
3  
4  
56 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 \*\*\*

10 RODERICK SKINNER,

11 Petitioner,

Case No. : CR14-0644

12 vs.

Dept. No. : 8


13 THE STATE OF NEVADA,

14 Respondent.  
15 \_\_\_\_\_/16 **RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES**  
17 **(POST CONVICTION)**18 The Administrator, having reviewed the Claim for Compensation submitted  
19 by Edward T. Reed, Esq., for the representation of Petitioner, who has been  
20 previously declared indigent, and the Court having previously entered an Order  
21 finding this case to be appropriate for waiver of the \$750.00 statutory cap pursuant  
22 to NRS 7.125(4),23 This Administrator recommends that the Chief Judge of the Second Judicial  
24 District Court find that the time expended was necessary and reasonable to handle  
25 the recent issues in this matter and represent Petitioner's interests.26 This Administrator, having reviewed the Motion filed herein, finding that  
27 Defendant is indigent, and Ordering that transcripts be paid for at public expense.

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

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

Dated this 3 day of Dec., 2018.

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

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

IT IS HEREBY ORDERED that the recommendations of the Administrator are hereby confirmed, approved and adopted as to the amount of \$ 2,553<sup>62</sup>. This amount may not be the same as the Recommendation. Counsel is notified that they may request a prove-up hearing for the non-approved amounts before the Chief Judge of the District.

Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada Public Defender's Office fees in the amount of \$ 2,553<sup>62</sup>.

DATED this 20<sup>th</sup> day of December, 2018.

  
CHIEF DISTRICT JUDGE

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

12-20-2018:13:59:57

**Clerk Accepted:**

12-20-2018:14:00:36

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord Approving

**Filed By:**

Judicial Asst. BWard

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

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

-

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

**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

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

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

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

11 RODERICK STEPHEN SKINNER,

12 Petitioner,

Case No. CR14-0644

13 vs.

Dept. No. 8

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

16 Respondent.  
17 \_\_\_\_\_/

18 **STIPULATION AND ORDER FOR CONTINUATION OF HEARING**

19 Petitioner RODERICK SKINNER, by and through his court-appointed counsel  
20 Edward T. Reed, Esq., and the Respondent, by and through his counsel Joseph Plater,  
21 Esq., Appellate Deputy, Washoe County District Attorney's Office, hereby stipulate to  
22 continue and reset the evidentiary hearing in this matter currently set for January 8, 2018.  
23 This continuation is necessary because in late November the expert employed by the  
24 Petitioner, Tami Loehrs, informed counsel for the Petitioner that she had a family  
25 medical emergency and would therefore not be available for the hearing on January 8,  
26  
27  
28

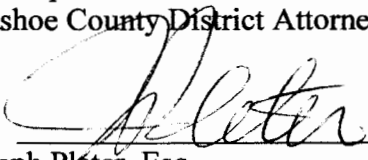
2019. Therefore, it is necessary to continue the hearing to a later date convenient to all the parties and witnesses.

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

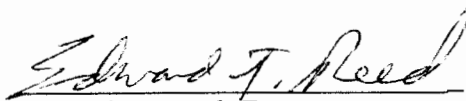
Pursuant to NRS 239B.030, the undersigned do hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 11<sup>th</sup> day of December, 2018.

Christopher Hicks  
Washoe County District Attorney

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

ATTORNEY FOR RESPONDENT

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

**ORDER**

IT IS SO ORDERED this 20<sup>th</sup> day of December, 2018.

  
DISTRICT JUDGE



**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

12-20-2018:14:25:52

**Clerk Accepted:**

12-20-2018:14:26:30

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Stip & Ord to Continue

**Filed By:**

Judicial Asst. CKuhl

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

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

-

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

**The following people were served electronically:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

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

CODE No. 1250

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

IN AND FOR THE COUNTY OF WASHOE

RODERICK STEPHEN SKINNER,

Petitioner,

v.

Case No. CR14-0644

ISIDRO BACA, WARDEN, NORTHERN  
NEVADA CORRECTIONAL CENTER

Dept. No. 8

Respondent.

\_\_\_\_\_ /

APPLICATION FOR SETTING

TYPE OF ACTION: Post-Conviction

MATTER TO BE HEARD: Evidentiary Hearing

DATE OF APPLICATION: January 8, 2019

COUNSEL FOR PETITIONER: Edward T. Reed, Esq.

COUNSEL FOR RESPONDENT: Joseph R. Plater, Appellate Deputy

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

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

01-08-2019:13:17:00

Clerk Accepted:

01-08-2019:13:54:50

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Application for Setting

Filed By:

Joseph Plater

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

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

-

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

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

**Return Of NEF****Recipients**

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

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

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

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

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

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



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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

02-07-2019:15:30:40

Clerk Accepted:

02-07-2019:16:27:03

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Ex-Parte Mtn

Filed By:

Edward Torrance Reed

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

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

-

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

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

1 CODE : 3000  
2  
3  
4  
56 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 \*\*\*

10 RODERICK SKINNER,

11 Petitioner,

Case No.: CR14-0644

12 vs.

Dept. No.: 8

13 THE STATE OF NEVADA,

14 Respondent.  
1516 **RECOMMENDATION AND ORDER GRANTING TRANSCRIPT AT PUBLIC EXPENSE**  
17 **(POST CONVICTION)**18 Upon review of the Motion For Transcripts filed by Petitioner, who has been  
19 previously declared indigent, by and through counsel Edward T. Reed, Esq., wherein  
20 counsel has requested that transcripts be prepared and provided at public  
21 expense.22 The Administrator, having reviewed the Motion filed herein and Ordering that  
23 transcripts be paid for at public expense, and good cause appearing;  
2425 IT IS HEREBY RECOMMENDED that the above transcripts be prepared and  
26 provided to Counsel, such expense to be paid by the State Public Defender's  
27 Office.  
28Dated this 24th day of February, 2019.  
COTTER C. CONWAY, ESQ.  
APPOINTED COUNSEL ADMINISTRATOR

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

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

9  
10 DATED this 20<sup>th</sup> day of March, 2019.

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CHIEF DISTRICT JUDGE

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

03-20-2019:09:59:56

**Clerk Accepted:**

03-20-2019:10:00:29

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord Trial Transcript/Public\$

**Filed By:**

Judicial Asst. BWard

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

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

-

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

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

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

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

**Return Of NEF****Recipients**

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

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

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

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

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

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



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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

05-28-2019:11:28:37

Clerk Accepted:

05-28-2019:11:50:05

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Ex-Parte Mtn

Filed By:

Edward Torrance Reed

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

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

-

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

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

1 **CODE : 2777**  
2  
3  
4  
56 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 \*\*\*

10 RODERICK SKINNER,

11 Petitioner,

Case No. : CR14-0644

12 vs.

Dept. No. : 8

13 THE STATE OF NEVADA,

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

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

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

Dated this 19<sup>th</sup> day of June, 2019.

  
COTTER C. CONWAY, ESQ.,  
APPOINTED COUNSEL ADMINISTRATOR

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

IT IS HEREBY ORDERED that the recommendations of the Administrator are hereby confirmed, approved and adopted as to the amount of \$ 1,143<sup>60</sup>. This amount may not be the same as the Recommendation. Counsel is notified that they may request a prove-up hearing for the non-approved amounts before the Chief Judge of the District.

Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada Public Defender's Office fees in the amount of \$ 1,143<sup>60</sup>.

DATED this 20<sup>th</sup> day of June, 2019.

  
CHIEF DISTRICT JUDGE

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

06-26-2019:11:47:55

**Clerk Accepted:**

06-26-2019:11:48:53

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord Approving

**Filed By:**

Judicial Asst. BWard

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STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

1 4065  
2 EDWARD T. REED, ESQ.  
3 EDWARD T. REED, PLLC  
4 Nevada State Bar No. 1416  
5 P.O. Box 34763  
6 Reno, NV 89533-4763  
7 (775) 996-0687  
8 ATTORNEY FOR PETITIONER

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

10 **IN AND FOR THE COUNTY OF WASHOE**

11 RODERICK STEPHEN SKINNER,

12 Petitioner,

Case No. CR14-0644

13 vs.

Dept. No. 8

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

16 Respondent.  
17 \_\_\_\_\_/

18 **SUBPOENA**

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

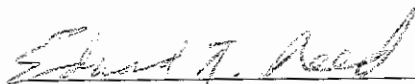
20 YOU ARE COMMANDED pursuant to Nevada Rule of Civil Procedure 45, all  
21 and singular business and excuse being laid aside, to attend and appear at the  
22 evidentiary hearing in the above-referenced matter set on Tuesday, January 8, 2019,  
23 at 9:00 a.m., in the courtroom of Department 8 of the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

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



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

3        DATED this 26<sup>th</sup> day of July, 2018.

4  
5        

6        EDWARD T. REED, ESQ.  
7        EDWARD T. REED, PLLC  
8        Nevada State Bar No. 1416  
9        P.O. Box 34763  
10        Reno, NV 89533-4763  
11        (775) 996-0687  
12        Fax (775) 333-0201  
13        ATTORNEY FOR PETITIONER  
14  
15  
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17  
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## NEVADA RULES OF CIVIL PROCEDURE, RULE 45(c) AND 45(d)

**(c) Protection of Persons Subject to Subpoena.**

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

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

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

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

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

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

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

[As amended; effective January 1, 2005.]

**(d) Duties in Responding to Subpoena.**

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

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

[As amended; effective January 1, 2005.]

DECLARATION OF PERSONAL SERVICE

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

STATE OF NEVADA

COUNTY OF WASHOE

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

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

Subpoena

upon Dennis Cery, at the following address:

Washoe County Sheriff's Office

on the 30<sup>th</sup> day of July, 2018.

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

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

Kristen Seward  
(Signature of person who completed service)

**V5. 666****RE: SETTING SKINNER HEARING FOR SEPT. 26-27**

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

To: etreed53@yahoo.com

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

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

---

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

Hi Detective Carry,

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

Edward T. Reed

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

**Return Of NEF****Recipients**

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

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

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

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

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

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

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PROOF OF SERVICE OF ELECTRONIC FILING

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

09-13-2019:09:46:12

**Clerk Accepted:**

09-13-2019:09:48:39

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Subpoena

**Filed By:**

Edward Torrance Reed

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STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

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

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

11 RODERICK STEPHEN SKINNER,

12  
13 Petitioner,

Case No. CR14-0644

14 vs.

Dept. No. 8

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

17 Respondent.  
18 \_\_\_\_\_ /

19 **NOTICE OF EXPERT WITNESS**

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

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



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

DATED this 13<sup>th</sup> day of September, 2019.

/s/ Edward T. Reed

EDWARD T. REED, ESQ.  
EDWARD T. REED, PLLC  
Nevada State Bar No. 1416  
P.O. Box 34763  
Reno, NV 89533-4763  
(775) 996-0687  
Fax (775) 333-0201  
Attorney for Petitioner

CERTIFICATE OF SERVICE

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

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

DATED this 13<sup>th</sup> day of September, 2019.

/s/ Edward T. Reed  
Edward T. Reed

**Return Of NEF****Recipients**

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

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

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

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

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

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

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

PROOF OF SERVICE OF ELECTRONIC FILING

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

09-13-2019:10:25:53

**Clerk Accepted:**

09-13-2019:10:26:33

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Notice of Witnesses

**Filed By:**

Edward Torrance Reed

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STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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

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

IN AND FOR THE COUNTY OF WASHOE

\* \* \*

RODERICK STEPHAN SKINNER,

Petitioner,

Case No. CR14-0644

v.

ISIDRO BACA, WARDEN OF NNCC,  
AND NEVADA ATTORNEY GENERAL

Dept. No. 8

Respondents.

\_\_\_\_\_ /

STATE'S BENCH MEMORANDUM REGARDING EVIDENTIARY HEARING

**I. Introduction**

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

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

## **II. Procedural History**

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

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

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

2. Negotiations and Plea.

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

///

///



### 3. Three Sentencing Hearings

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

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

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

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

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

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

#### 4. Direct Appeal

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

#### 5. Ineffective Assistance of Counsel Authority

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

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

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

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

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

*Means v. State, supra; Riley, supra.*

### **III. The Original Petition**

#### **1. Ground One**

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

#### **2. Ground Two**

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

#### **3. Ground Three**

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

///

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

4. Ground Four

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

5. Ground Four (A)

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

6. Ground Five

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

7. Ground Six

This ground simply repeats the same arguments from Ground Five.

///

#### 8. Ground Seven

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

#### 9. Ground Eight

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

#### 10. Ground Nine

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

## 11. Ground Ten

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

## 12. Ground Eleven

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

## 13. Ground Twelve

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

## 14. Ground Thirteen

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



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

#### 15. Ground Fourteen

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

### **IV. The Supplemental Petition**

#### 1. Ground One

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

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

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

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

## 2. Ground Two

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

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

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

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

#### **V. State's Witnesses**

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

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AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: September 24, 2019.

CHRISTOPHER J. HICKS  
District Attorney

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

By /s/ KEVIN NAUGHTON  
KEVIN NAUGHTON  
Appellate Deputy

**CERTIFICATE OF SERVICE**

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

Edward T. Reed, Esq.

/s/ Margaret Ford

MARGARET FORD

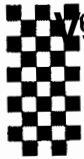
**INDEX OF EXHIBITS**

Exhibit 1, Criminal Complaint, 13 pages

**EXHIBIT 1**

**EXHIBIT 1**





FILED  
JANINE BAKER, CLERK  
SPARKS JUSTICE COURT

FEB - 5 2014

By P. Lacy  
DEPUTY CLERK

DA #14-7319

WCSO WC14-000485 and SPD 13-6743

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No.: 14-SCR-00173

v.

Dept.No.: 2

RODERICK STEPHEN SKINNER ,

Defendant

CRIMINAL COMPLAINT

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

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

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

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

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

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

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

20 That the said defendant RODERICK STEPHEN SKINNER, on or  
21 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
22 Sparks Township, within the County of Washoe, State of Nevada, did  
23 willfully and unlawfully promote, or distribute a performance of a  
24 minor where the minor engages in, or simulates sexual conduct or  
25 where the minor is the subject of a sexual portrayal, by means of  
26 file sharing software, to wit: an image of a nude female child,

1 believed to be eleven to thirteen years of age, with her wrists and  
2 ankles bound with yellow rope, laying on a bed with her legs spread  
3 apart, and her vagina exposed to the photographer's camera.

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

8 That the said defendant RODERICK STEPHEN SKINNER, on or  
9 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
10 Sparks Township, within the County of Washoe, State of Nevada, did  
11 willfully and unlawfully promote, or distribute a performance of a  
12 minor where the minor engages in, or simulates sexual conduct or  
13 where the minor is the subject of a sexual portrayal, by means of  
14 file sharing software, to wit: an image of a female child, who is a  
15 known and identified victim from the United States, believed to be  
16 nine to thirteen years of age, who is holding an adult male's penis  
17 against her tongue as her body is located between his legs.

18  
19 COUNT V: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE  
20 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,  
21 in the manner following, to wit:

22 That the said defendant RODERICK STEPHEN SKINNER, on or  
23 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
24 Sparks Township, within the County of Washoe, State of Nevada, did  
25 willfully and unlawfully promote, or distribute a performance of a  
26 minor where the minor engages in, or simulates sexual conduct or

1 where the minor is the subject of a sexual portrayal, by means of  
2 file sharing software, to wit: an image of a female child, who is  
3 believed to be nine to eleven years of age, who is holding an adult  
4 male's penis in her hand while kissing another female person on a  
5 bed.

6 COUNT VI: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE  
7 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,  
8 in the manner following, to wit:

9 That the said defendant RODERICK STEPHEN SKINNER, on or  
10 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
11 Sparks Township, within the County of Washoe, State of Nevada, did  
12 willfully and unlawfully promote, or distribute a performance of a  
13 minor where the minor engages in, or simulates sexual conduct or  
14 where the minor is the subject of a sexual portrayal, by means of  
15 file sharing software, to wit: an image of a female child, believed  
16 to be five years of age, where the child is leaning down over a  
17 seated adult male and has the adult male's penis in her mouth.

18  
19 COUNT VII: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE  
20 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,  
21 in the manner following, to wit:

22 That the said defendant RODERICK STEPHEN SKINNER, on or  
23 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
24 Sparks Township, within the County of Washoe, State of Nevada, did  
25 willfully and unlawfully promote, or distribute a performance of a  
26 minor where the minor engages in, or simulates sexual conduct or

1 where the minor is the subject of a sexual portrayal, by means of  
2 file sharing software, to wit: an close-up image of a female child's  
3 vagina, where the child is believed to be four to six years of age.

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

8 That the said defendant RODERICK STEPHEN SKINNER, on or  
9 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
10 Sparks Township, within the County of Washoe, State of Nevada, did  
11 willfully and unlawfully promote, or distribute a performance of a  
12 minor where the minor engages in, or simulates sexual conduct or  
13 where the minor is the subject of a sexual portrayal, by means of  
14 file sharing software, to wit: an image of a female child, believed  
15 to be six to nine years of age, where the child is laying on a bed  
16 with her vagina exposed, and her wrists are duct-taped to her legs,  
17 making her legs stay apart, in a location which could be a child  
18 brothel.

19  
20 COUNT IX: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE  
21 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,  
22 in the manner following, to wit:

23 That the said defendant RODERICK STEPHEN SKINNER, on or  
24 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
25 Sparks Township, within the County of Washoe, State of Nevada, did  
26 willfully and unlawfully promote, or distribute a performance of a

1 minor where the minor engages in, or simulates sexual conduct or  
2 where the minor is the subject of a sexual portrayal, by means of  
3 file sharing software, to wit: an image of a male or female child,  
4 believed to be two or three years of age, where the child is looking  
5 into the camera, and holding an adult male penis close to his or her  
6 mouth.

7  
8 COUNT X: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE 13  
9 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony, in  
10 the manner following, to wit:

11 That the said defendant RODERICK STEPHEN SKINNER, on or  
12 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
13 Sparks Township, within the County of Washoe, State of Nevada, did  
14 willfully and unlawfully promote, or distribute a performance of a  
15 minor where the minor engages in, or simulates sexual conduct or  
16 where the minor is the subject of a sexual portrayal, by means of  
17 file sharing software, to wit: an image of a nude female child,  
18 believed to be eight to eleven years of age, who appears to be  
19 grimacing in pain, where the child is straddling an adult male and  
20 he is inserting his penis into the child's vagina or anus.

21  
22 COUNT XI: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON  
23 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
24 in the manner following, to wit:

25 That the said defendant RODERICK STEPHEN SKINNER, on or  
26 about and between 5th of May, 2013 and the 28th day of June, 2013, at

1 Sparks Township, within the County of Washoe, State of Nevada, did  
2 knowingly and willfully have in his possession for any purpose any  
3 film, photograph, or other visual presentation depicting a person  
4 under the age of sixteen years as the subject of a sexual portrayal,  
5 or engaging in or simulating, or assisting others to engage in or  
6 simulate sexual conduct, to wit: an image of a female child, believed  
7 to be five to seven years of age, with her mouth open while an adult  
8 male ejaculates into her mouth  
9

10 COUNT XII: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON  
11 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
12 in the manner following, to wit:

13 That the said defendant RODERICK STEPHEN SKINNER, on or  
14 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
15 Sparks Township, within the County of Washoe, State of Nevada, did  
16 knowingly and willfully have in his possession for any purpose any  
17 film, photograph, or other visual presentation depicting a person  
18 under the age of sixteen years as the subject of a sexual portrayal,  
19 or engaging in or simulating, or assisting others to engage in or  
20 simulate sexual conduct, to wit: an image of a nude female child,  
21 believed to be eleven to thirteen years of age, with her wrists and  
22 ankles bound with yellow rope, laying on a bed with her legs spread  
23 apart, and her vagina exposed to the photographer's camera.

24 ///

25 ///

26 ///

1           COUNT XIII: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON  
2           UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
3           in the manner following, to wit:

4           That the said defendant RODERICK STEPHEN SKINNER, on or  
5           about and between 5th of May, 2013 and the 28th day of June, 2013, at  
6           Sparks Township, within the County of Washoe, State of Nevada, did  
7           knowingly and willfully have in his possession for any purpose any  
8           film, photograph, or other visual presentation depicting a person  
9           under the age of sixteen years as the subject of a sexual portrayal,  
10          or engaging in or simulating, or assisting others to engage in or  
11          simulate sexual conduct, to wit: an image of a female child, who is a  
12          known and identified victim from the United States, believed to be  
13          nine to thirteen years of age, who is holding an adult male's penis  
14          against her tongue as her body is located between his legs.

15  
16          COUNT XIV: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON  
17          UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
18          in the manner following, to wit:

19          That the said defendant RODERICK STEPHEN SKINNER, on or  
20          about and between 5th of May, 2013 and the 28th day of June, 2013, at  
21          Sparks Township, within the County of Washoe, State of Nevada, did  
22          knowingly and willfully have in his possession for any purpose any  
23          film, photograph, or other visual presentation depicting a person  
24          under the age of sixteen years as the subject of a sexual portrayal,  
25          or engaging in or simulating, or assisting others to engage in or  
26          simulate sexual conduct, to wit: an image of a female child, who is



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1 known and identified victim from the United States, believed to be  
2 nine to thirteen years of age, who is holding an adult male's penis  
3 against her tongue as her body is located between his legs.  
4

5 COUNT XV: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON

6 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
7 in the manner following, to wit:

8 That the said defendant RODERICK STEPHEN SKINNER, on or  
9 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
10 Sparks Township, within the County of Washoe, State of Nevada, did  
11 knowingly and willfully have in his possession for any purpose any  
12 film, photograph, or other visual presentation depicting a person  
13 under the age of sixteen years as the subject of a sexual portrayal,  
14 or engaging in or simulating, or assisting others to engage in or  
15 simulate sexual conduct, to wit: an image of a female child, who is  
16 believed to be nine to eleven years of age, who is holding an adult  
17 male's penis in her hand while kissing another female person on a  
18 bed.  
19

20 COUNT XVI: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON

21 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
22 in the manner following, to wit:

23 That the said defendant RODERICK STEPHEN SKINNER, on or  
24 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
25 Sparks Township, within the County of Washoe, State of Nevada, did  
26 knowingly and willfully have in his possession for any purpose any

V5. 703

V5.704

1 film, photograph, or other visual presentation depicting a person  
2 under the age of sixteen years as the subject of a sexual portrayal,  
3 or engaging in or simulating, or assisting others to engage in or  
4 simulate sexual conduct, to wit: an image of a female child,  
5 believed to be five years of age, where the child is leaning down  
6 over a seated adult male and has the adult male's penis in her mouth.  
7

8 COUNT XVII: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON  
9 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
10 in the manner following, to wit:

11 That the said defendant RODERICK STEPHEN SKINNER, on or  
12 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
13 Sparks Township, within the County of Washoe, State of Nevada, did  
14 knowingly and willfully have in his possession for any purpose any  
15 film, photograph, or other visual presentation depicting a person  
16 under the age of sixteen years as the subject of a sexual portrayal,  
17 or engaging in or simulating, or assisting others to engage in or  
18 simulate sexual conduct, to wit: an close up image of a female  
19 child's vagina, where the child is believed to be four to six years  
20 of age.  
21

22 COUNT XVIII: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON  
23 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
24 in the manner following, to wit:

25 That the said defendant RODERICK STEPHEN SKINNER, on or  
26 about and between 5th of May, 2013 and the 28th day of June, 2013, at

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1 Sparks Township, within the County of Washoe, State of Nevada, did  
2 knowingly and willfully have in his possession for any purpose any  
3 film, photograph, or other visual presentation depicting a person  
4 under the age of sixteen years as the subject of a sexual portrayal,  
5 or engaging in or simulating, or assisting others to engage in or  
6 simulate sexual conduct, to wit: an image of a female child,  
7 believed to be six to nine years of age, where the child is laying on  
8 a bed with her vagina exposed, and her wrists are duct-taped to her  
9 legs, making her legs stay apart in a location which could be a child  
10 brothel.

11  
12 COUNT XIX: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON  
13 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
14 in the manner following, to wit:

15 That the said defendant RODERICK STEPHEN SKINNER, on or  
16 about and between 5th of May, 2013 and the 28th day of June, 2013, at  
17 Sparks Township, within the County of Washoe, State of Nevada, did  
18 knowingly and willfully have in his possession for any purpose any  
19 film, photograph, or other visual presentation depicting a person  
20 under the age of sixteen years as the subject of a sexual portrayal,  
21 or engaging in or simulating, or assisting others to engage in or  
22 simulate sexual conduct, to wit: an image of a male or female child,  
23 believed to be two or three years of age, where the child is looking  
24 into the camera, and holding an adult male penis close to his or her  
25 mouth.

V5. 706

1                   COUNT XX: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON

2                   UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,  
3                   in the manner following, to wit:

4                   That the said defendant RODERICK STEPHEN SKINNER, on or  
5                   about and between 5th of May, 2013 and the 28th day of June, 2013, at  
6                   Sparks Township, within the County of Washoe, State of Nevada, did  
7                   knowingly and willfully have in his possession for any purpose any  
8                   film, photograph, or other visual presentation depicting a person  
9                   under the age of sixteen years as the subject of a sexual portrayal,  
10                  or engaging in or simulating, or assisting others to engage in or  
11                  simulate sexual conduct, to wit: an image of a nude female child,  
12                  believed to be eight to eleven years of age, who appears to be  
13                  grimacing in pain, where the child is straddling an adult male and  
14                  he is inserting his penis into the child's vagina or anus.

15  
16                  COUNT XXI: MISUSE OF ENCRYPTION, a violation of NRS

17                  205.486, a gross misdemeanor, in the manner following, to wit:

18                  That the said defendant RODERICK STEPHEN SKINNER, on or  
19                  about the 28th day of June, 2013, at Sparks Township, within the  
20                  County of Washoe, State of Nevada, did willfully use or attempt to  
21                  use encryption, directly or indirectly, to commit, facilitate,  
22                  further or promote a criminal offense, and/or to aid, assist, or  
23                  encourage another person to commit a criminal offense, or to conceal  
24                  the commission of a criminal offense, or to conceal or protect the  
25                  identity of a person who has committed an criminal offense, or to  
26                  delay, hinder , or obstruct the administration of the law, to wit: in

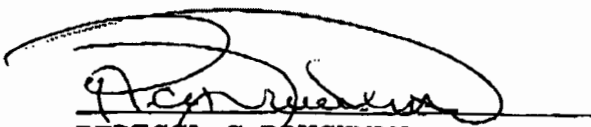
V5. 706

1 that the said defendant did use TRUECRYPT encryption software to  
2 attempt to conceal Child Pornography and/or to conceal his promotion  
3 or distribution of Child Pornography by means of his file sharing  
4 software, and/or to conceal or protect the identities of other  
5 persons using his files on the internet, and/or to obstruct, hinder  
6 or delay the administration of justice and delay law enforcement's  
7 forensic location of Child Pornography on his computer.

8 AFFIRMATION PURSUANT TO NRS 239B.030

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

11  
12 DATED this 5 day of February, 2014.

13  
14   
15 REBECCA C DRUCKMAN  
16 DEPUTY DISTRICT ATTORNEY  
17  
18  
19  
20  
21  
22

23 PCN: WASO0032327C-SKINNER

24 Custody: X  
25 Bailed:  
26 Warrant:

\*

District Court Dept: D15  
District Attorney: DRUCKMAN  
Defense Attorney:  
Bail To be set in Court by Judge  
Restitution:

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2019-09-24 16:02:24.537.

**JOHN PETTY, ESQ.** - Notification received on 2019-09-24 16:02:24.397.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-09-24 16:02:23.055.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2019-09-24 16:02:23.008.

**EDWARD REED, ESQ.** - Notification received on 2019-09-24 16:02:24.49.

**CHRISTINE BRADY, ESQ.** - Notification received on 2019-09-24 16:02:24.443.

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

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

09-24-2019:15:59:24

**Clerk Accepted:**

09-24-2019:16:01:18

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Memorandum

- \*\*Continuation

**Filed By:**

Jennifer Patricia Noble

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

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

-

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

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

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



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

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

9 RODERICK SKINNER,

10 Petitioner,

Case No. CR14-0644

11 vs.

Dept. No. 8

12  
13 ISIDRO BACA, WARDEN, NORTHERN  
14 NEVADA CORRECTIONAL CENTER,

15 Respondent.  
16 \_\_\_\_\_/

17 **PETITIONER'S HEARING MEMORANDUM FOR EVIDENTIARY**  
18 **HEARING**

19 Petitioner Roderick Skinner, by and through his appointed counsel  
20 Edward T. Reed, Esq., hereby files this Hearing Memorandum to cover the  
21 pertinent legal and factual issues for the evidentiary hearing in this case and  
22 to respond to matters in the State's Bench Memorandum Regarding  
23 Evidentiary Hearing.

24 One of the primary issues at the hearing will be the destruction of the  
25 forensic evidence by Dennis Carry after receiving an "Evidence Release"  
26 from the District Attorney's Office. This evidence release will be submitted  
27 to the Court pursuant to a stipulation of the parties. The evidence release is  
28 also attached hereto as **Exhibit 1**. When the undersigned counsel first

1 contacted Chief Deputy District Attorney Terry McCarthy, Esq., in October,  
2 2017, who was the State's attorney in this matter at the time, to arrange to  
3 have the Petitioner's expert on forensic computer analysis, Tami Loehrs,  
4 inspect and review the forensic evidence from Mr. Skinner's computers and  
5 hard drive, Mr. McCarthy checked with Sgt. Dennis Carry of the Washoe  
6 County Sheriff's Office about this matter. See Exhibit 2 to Supplemental  
7 Petition. Mr. McCarthy told the undersigned counsel in an email dated  
8 December 7, 2017, that "[h]e does not have the computer or any component  
9 of the computer."

10 In a deposition approved by this Court, the transcript of which is  
11 attached hereto as **Exhibit 2**, Sgt. Carry stated that upon receiving an  
12 evidence release from the District Attorney's Office, that he had disposed of  
13 this evidence. See page 8-12 of deposition transcript. The attorney for the  
14 State, Deputy District Attorney Joe Plater, stated at the deposition that he  
15 would provide a copy of this evidence release. See page 10 of **Exhibit 2**.  
16 This release was subsequently emailed to the undersigned by Mr. Plater and  
17 is attached as **Exhibit 1**. Because it could not be determined who had signed  
18 the release because D.D.A. Mike Bolenbaker stated he did not sign it despite  
19 his signature line being on the release, Mr. Plater agreed to stipulate simply  
20 that a deputy district attorney had signed it, as did Ms. Noble, the current  
21 attorney for the State.

22 In the State's Bench Memorandum Regarding Evidentiary Hearing,  
23 it talks about the "alleged destruction" of the evidence. It should be clear  
24 based on Mr. McCarthy's emails and Sgt. Carry's statements that this is not  
25 "alleged" but is an actual destruction. If counsel for the State is alleging it  
26 was not destroyed, she should bring the evidence into court on the day of the  
27 hearing to allow the Petitioner's expert to examine it. However, the State is  
28

1 estopped from claiming the evidence was not destroyed based on the above  
2 statements, and the fact that the assertion that the evidence had been  
3 destroyed was in the Supplemental Petition filed on or about January 12,  
4 2018, and that nothing was filed thereafter opposing this statement or  
5 claiming that this evidence still existed.

6 The State contends on page 13 of the bench memo that the  
7 Supplemental Petition does not offer any authority that would require the  
8 State to maintain evidence after a criminal defendant has plead guilty and  
9 been sentenced. This issue may be one of first impression, and there may  
10 not be any cases on it. However, there is nothing in the cases cited by the  
11 Petitioner on pages 6 and 7 of the Supplemental Petition that limit these  
12 holdings to trial cases and preclude habeas corpus cases.

13 Basic considerations of due process and fairness in the criminal justice  
14 system should require that evidence be preserved if a criminal defendant still  
15 has remedies available under the law. The State does not offer any  
16 authority that the State is allowed to just destroy evidence after a criminal  
17 conviction and before a defendant has had the opportunity to proceed with a  
18 habeas corpus action. A habeas corpus action is one that a defendant has a  
19 right to pursue under Nevada law in chapter 34 of the Nevada Revised  
20 Statutes as well as under federal law. If a defendant alleges actual  
21 innocence, then clearly he should have access to evidence to prove this.

22 The evidence pertaining to alleged child pornography and a file  
23 sharing program on Mr. Skinner's computer is relevant to several of his  
24 grounds for relief in his habeas corpus petition. He alleges he was misled  
25 by his counsel Mr. Frey and that his counsel did not adequately review the  
26 evidence. If the forensic evidence were still available and after an  
27 examination by the Petitioner's expert it were demonstrated that Mr. Carry  
28

1 was inaccurate in his investigation and that there really was no child  
2 pornography or file sharing program on his computer, then that would prove  
3 the first ground in his habeas corpus petition, lack of a corpus delicti. It  
4 would also demonstrate and provide evidence that his counsel was ineffective  
5 in his investigation into this matter. However, whether or not it supported his  
6 habeas corpus petition, the destruction of the evidence is an affront to basic  
7 considerations of fairness and due process and totally hamstring Mr. Skinner  
8 in pursuing his habeas corpus rights to such an extent that it requires the  
9 dismissal of his conviction.

10 **PETITIONER'S WITNESSES**

11 **1.** Tami Loehrs, expert witness.

12 **2.** Roderick Skinner, Petitioner.

13 **3.** Dennis Carry.

14 Mr. Carry, who will be called first, has been subpoenaed and the subpoena  
15 has been filed with the court. After Mr. Carry was served with a subpoena  
16 in July of 2018 for the hearing set for January of 2019, when the hearing was  
17 continued to September 26, Mr. Carry was notified and agreed to the new  
18 date. See email attached to subpoena. He has further been notified by the  
19 undersigned counsel through his former captain, Russell Pedersen, that he is  
20 expected at the hearing on September 26 as well as through correspondence.  
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1           **Pursuant to NRS 239B.030**, the undersigned does hereby affirm  
2 that the preceding document does not contain the social security number  
3 of any person.

4           Respectfully submitted this 25<sup>th</sup> day of September, 2019.

7                               /s/ EDWARD T. REED, ESQ.  
8                               EDWARD T. REED, PLLC  
9                               Nevada State Bar No. 1416  
10                              P.O. Box 34763  
11                              Reno, NV 89533-4763  
12                              (775) 996-0687  
13                              Fax (775) 333-0201  
14                              *ATTORNEY FOR PETITIONER*

1

2 **CERTIFICATE OF SERVICE**

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

7  
8 Jennifer Noble  
9 Washoe County District Attorney's Office

10 DATED this 25<sup>th</sup> day of September, 2019.

11 /s/ Edward T. Reed  
12 Edward T. Reed

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**EXHIBIT 1**

**EXHIBIT 1**

**WASHOE COUNTY DISTRICT ATTORNEY  
EVIDENCE RELEASE**

May 24, 2016

TO WASHOE COUNTY SHERIFFS OFFICE and SPARKS POLICE DEPARTMENT **EVIDENCE CUSTODIAN**

**AGENCY CASE NUMBER:** WC14-000485 and

**DA #:** 14-7319 / 13-175580

**DEFENDANT:** RODERICK STEPHEN SKINNER

**COURT CASE NUMBER:** CR14-0644; CR13-1601

YOU ARE HEREBY NOTIFIED THAT THIS OFFICE NO LONGER REQUIRES THE RETENTION OF THE FOLLOWING EVIDENCE WHICH MAY BE RELEASED PURSUANT TO YOUR AGENCY'S POLICY:

**Complete Release**

**Photograph prior to release (NRS 52.385)**

Pursuant to NRS 52.385, the evidence may be released to the person listed below unless your agency has been advised of a competing claim of ownership:\*

(please print name and address)

Please refer to attached list identifying owners and specific properties.

**Partial Release**

**Photograph prior to release (NRS 52.385)**

Pursuant to NRS 52.385, the following items of evidence may be released to the person listed below unless your agency has been advised of a competing claim of ownership:\*

(please print name and address)

Refer to Control # where possible. If money, state exact amount

Please refer to attached list identifying owners and specific properties. The remainder of the evidence is to be held until further disposition.

**Owners(s) Unknown:** Based upon insufficient information available to identify or locate an owner, you may dispose of the property in conformance with your agency's policy.

**Narcotics Destruction:** All narcotics and paraphernalia may be destroyed.

**Weapons Disposition:** Disposition may be made pursuant to NRS 202.340 and in conformance with your agency's policy.

**Pawnbroker Notice:**

Name and Address:

Notice is hereby given that the property listed herein will be released to the claimed owner identified above at the conclusion of 7 days from the date of this release unless you submit to us and we receive a claim to such property in writing prior to that date.

☒ Dispose of all remaining evidence pursuant to your department policy.

Other

**\*In the event of competing claims, you should hold the property until you receive a court order or a release of claim. Please consult with counsel for your agency.**

  
MICHAEL BOLENBAKER  
DEPUTY DISTRICT ATTORNEY



**EXHIBIT 2**

**EXHIBIT 2**

**In the Matter Of:**

Skinner vs State

**DENNIS CARRY**

*November 05, 2018*

*Job Number: 501219*

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

3  
4  
5   RODERICK STEPHEN SKINNER,            )  
6    )   Case No. CR14-0644  
7    )   Dept No. 8  
8    )  
9   vs.                                       )  
10   )  
11   ISIDRO BACA, WARDEN, NORTHERN       )  
12   NEVADA CORRECTIONAL CENTER.        )  
13   )  
14   )  
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23   )  
24   )  
25   )

DEPOSITION OF DENNIS CARRY

Taken on Monday, November 5, 2018

At 1:30 p.m.

At Sunshine Litigation Services

151 Country Estates Circle

Reno, Nevada

REPORTED BY: NICOLE J. HANSEN, CCR NO. 446

JOB NO.: 501219

1 APPEARANCES:

2

For the Petitioner:

3

EDWARD T. REED, ESQ.

4

Edward T. Reed, PLLC

5

P.O. Box 34763

6

Reno, Nevada 89533-4763

7

8

For the Respondent:

9

JOSEPH PLATER, ESQ.

10

Washoe County District Attorney's Office

11

1 South Sierra Street #7

12

Reno, Nevada 89501

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WITNESS:

Dennis Carry

EXAMINATION

PAGE

By Mr. Reed

4

1 DENNIS CARRY,  
2 having been first duly sworn, was  
3 examined and testified as follows:  
4

5 EXAMINATION

6 BY MR. REED:

7 Q Now, would you please state your full name  
8 and spell it for the court reporter?

9 A Dennis Carry: D-E-N-N-I-S. C-A-R-R-Y.

10 Q What is your business, profession, or  
11 occupation?

12 A I'm a sergeant with the Washoe County  
13 Sheriff's Office.

14 Q How long have you been in that position?

15 A I've been with the sheriff's office for  
16 nearly 23 years, and as a sergeant since December 2011.

17 Q What are your duties there?

18 A I supervise the Cyber Crime Unit, which is a  
19 regional investigator unit that includes Internet Crimes  
20 Against Children Task Force. And I also have other  
21 responsibilities, as far as a being a supervisor of the  
22 detective division also.

23 Q What specific training have you had to do the  
24 type of work you do, which is in the cyber crimes unit?

25 A Over a thousand hours of training concerning

1 instant response, computer forensics, and over a thousand  
2 hours of training, as far as child exploitation  
3 investigations.

4 Q Are you ENCASE certified?

5 A ENCASE? No.

6 Q Do you have the CCFE certification?

7 A The certifications I have, I have a GCFE,  
8 GCFA, GASF, and also CHFI.

9 Q Do you have the ACE?

10 A Those are the only certifications right  
11 there.

12 Q Okay. Thank you. Now, when you received the  
13 case involving Roderick Skinner, as far as the  
14 examination of evidence, do you recall what evidence you  
15 received?

16 A I do recall because we received whatever the  
17 evidence was at the time -- I don't remember the  
18 specifics -- but we received it from the Sparks Police  
19 Department.

20 Q Do you recall examining a laptop computer?

21 A I do. It was a laptop, and I believe an  
22 external hard drive, and probably a few other devices.

23 Q Now, do you recall if you examined more than  
24 one device? Because there were several devices that were  
25 obtained through the search warrant of Mr. Skinner's

1 apartment.

2 A For all of the devices we received, they all  
3 would have been examined. When I say "examined," it's  
4 more specifically what I would call previewed, because  
5 there was never a full analysis ever completed. He pled  
6 guilty before that happened. But there were multiple  
7 devices. Every device that we were provided, we would  
8 have previewed.

9 Q So, as far as you recall, all you did on any  
10 of these devices was preview them?

11 A Preview them to an extent that we have a good  
12 understanding of the facts of the case, what we were  
13 investigating specifically, to determine whether or not  
14 there is enough evidence for probable cause arrest, which  
15 is what we did do. And then it was, I guess, shelved, is  
16 the best way to explain it, until we would see what the  
17 outcome of the case would be.

18 Q Now, this case, I'll represent you probably  
19 remember that you did examine the Toshiba laptop  
20 computer?

21 A Okay.

22 Q And when you searched the contents of this  
23 laptop, what procedure did you follow?

24 A So when we conduct a forensic exam, one of  
25 the first things is to document the condition of the



1 device itself. And then, if the device has a hard drive,  
2 we remove the hard drive, perform what's called a  
3 forensic image of the hard drive. And then our  
4 examination, what we work with is off of that image, not  
5 the actual original device at that point.

6 And then we would look -- or I did, at least,  
7 look at the contents, look at ownership information,  
8 determine if we have a device that we believe to be from  
9 the person we're investigating and any relevant evidence.

10 Q So you remove the hard drive, and then you  
11 make, basically, a copy of it?

12 A Essentially. It's called a forensic image,  
13 but it's a copy.

14 Q And so when you perform your examination or  
15 preview, or whatever you call it, you look at the copy,  
16 essentially?

17 A Yes.

18 Q And how many copies do you make?

19 A Two copies, typically. Sometimes only one.

20 Q Do you recall, in this case, if you made one  
21 or two?

22 A I don't remember. In this case, more than  
23 likely, it would have, at the time, it would have more  
24 than likely been one copy, and then we would have copied  
25 that copy and stored it on a server.

1           Q     In any event, you make at least one copy of  
2 everything?

3           A     Yes.

4           Q     What is the procedure as to how long you  
5 maintain this computer forensic evidence?

6           A     We disposed of the evidence after receiving  
7 an evidence disposition from the District Attorney's  
8 Office.

9           Q     Oh, you did?

10          A     Yes.

11          Q     When did you receive that?

12          A     I don't remember, but I believe it was  
13 sometime in 2016. I'm fairly positive it was sometime in  
14 2016.

15          Q     Do you ever make that determination yourself,  
16 or do you have to get someone from the District  
17 Attorney's Office?

18          A     It depends on the case. We're a regional  
19 unit. We work cases that are federal, we work cases that  
20 are state, and also cases that end up in multiple other  
21 state jurisdictions. They all have their own different  
22 procedures and policies.

23                 When we receive evidence, we hold onto it,  
24 typically, for a minimum of two years. That's typically  
25 what we would keep it. But it kind of depends. If we're

1 told we can destroy data or destroy evidence, and if the  
2 case is either adjudicated or the person is not appealing  
3 or anything, it will be usually within or just after ten  
4 days of giving up their appellate rights. And that's  
5 usually in a federal proceeding. If it is state, we wait  
6 until we receive an evidence disposition.

7 **Q Do you recall who, in the District Attorney's**  
8 **Office, would have signed that evidence disposition?**

9 A I do not. And this case was a little more  
10 unique because it was a case that started with the Sparks  
11 Police Department where their original seizure of  
12 evidence and then transfer it to us and then actually  
13 transfer it into our task force. But at some point,  
14 regardless, I know we received an evidence disposition,  
15 and I'm positive it was in 2016.

16 **Q When did you review the evidence disposition?**

17 A Huh?

18 **Q When did you last review that evidence**  
19 **disposition?**

20 A Shortly after you contacted me.

21 **Q Me or my investigator, Mr. Grate?**

22 A No. You.

23 **Q When I contacted you?**

24 A Uh-huh.

25 **Q As far as serving you the notice of**

1 disposition or --

2 A Just to look into what the case was about and  
3 saw the evidence disposition.

4 Q Okay. Can I ask you if you would provide a  
5 copy of it to me?

6 A That one would have to come from the DA's  
7 Office. It's their record.

8 MR. REED: Okay. Can I get a copy?

9 MR. PLATER: Sure.

10 Q (BY MR. REED:) Okay. So that was in 2016.  
11 Do you ever make your own determination of just disposing  
12 of forensic evidence?

13 A We do, depending upon the circumstances of  
14 the case. For example, if it's a case that we had no  
15 federal -- no desire to prosecute federally, then we may  
16 dispose of the evidence, possibly after the statute of  
17 limitations on the case, if it succeeded the statute of  
18 limitations.

19 Our evidence is more unique than other  
20 evidence, evidence that would typically be in like, say,  
21 the sheriff's office or the police department in most  
22 circumstances. Our evidence usually contains contraband  
23 that we can't give it back anyway. It's illegal for it  
24 to go back, so it will be destroyed. It's just the  
25 timing all depends on the case circumstances.

1                   There's no statute of limitations to  
2   prosecute a case federally, so we do have some items that  
3   we have a desire to prosecute the person still that we've  
4   maintained.

5                   **Q     Do you ever recall telling my investigator,**  
6   **Mr. Grate, who is here today, that you, when asked about**  
7   **the destruction of the evidence, he just got rid of it**  
8   **sort of in the course of periodically disposing of**  
9   **evidence and that, along those lines?**

10                  A     Yes. We would have -- we hold onto evidence,  
11   and every now and then, we do a, I guess, a cleaning of  
12   our evidence room, and we look for evidence that we don't  
13   need anymore. It's past the time we can get rid of it,  
14   and then we do, more or less, quarterly or semi-annually  
15   disposal.

16                  **Q     But if you told him that, then that seems to**  
17   **contradict what you just told me about getting a**  
18   **disposition from the District Attorney's Office.**

19                  A     No. We got a disposition. But just because  
20   we get a disposition, we don't stop what we're doing and  
21   go destroy the evidence.

22                         We do it every now and then quarterly when we  
23   need room in the evidence room, but we don't just get a  
24   form, go in the room and go destroy it. It doesn't work  
25   that way because we recycle -- we pull the hard drives,

1 but we recycle a lot of the electronics. And all of that  
2 requires us to like schedule a truck to come or something  
3 like that.

4 Q Well, in this case, several pieces of  
5 equipment that was recovered from Mr. Skinner, the laptop  
6 and several hard drives, was all of that disposed of not  
7 only, say, the laptop, but also the forensic images? It  
8 was all disposed of?

9 A The forensic images would have been disposed  
10 of at different times. The original evidence is held  
11 until we're told to dispose of it. The forensic images,  
12 depending upon the storage location, they may be stored  
13 longer.

14 As far as Mr. Skinner's case goes, his what  
15 we would call the backup of the backup was stored on a  
16 server array that we don't even have anymore. We've  
17 replaced it twice since then. That would have been the  
18 backup of the backup, but all of the other stuff would  
19 have been gone sometime ago.

20 Q Okay. So do you know if all of it would have  
21 been destroyed at the same time?

22 A No, it probably would not have been.

23 Q But you've checked, and it's all been  
24 destroyed?

25 A Yes.

1           Q    And how is this destroyed? Is it just thrown  
2 away in the garbage?

3           A    No. We rip hard drives out of -- if it's a  
4 laptop, we take the hard drive out. We either obliterate  
5 it or we wipe it. And if it's other items, say, like  
6 something that's usable for an external USB drive that  
7 might be usable for us, we'll destroy the data by wiping  
8 it numerous times and then placing it into service.

9           Q    Were you ever made aware that there was  
10 pending litigation in the case, that a habeas corpus  
11 petition had been filed?

12          A    I knew at one point that there was something  
13 happening, but that was prior to us receiving a notice to  
14 get rid of the evidence. So after that, I have no idea  
15 what the status was. We don't follow every case.

16          Q    But you saw no reason not to obey the notice  
17 from the District Attorney's Office that you could  
18 dispose of the evidence?

19          A    Correct. And it's more common than not in a  
20 case where somebody pleads guilty that we will destroy  
21 the evidence sooner after receiving a disposition than a  
22 case that we know to be litigated. In a case -- if we  
23 know a case to be under litigation, we'll usually hold  
24 onto it longer. But there's no rhyme or reason, as far  
25 as how long.

1           Q     So when you got this notice or this  
2 memorandum, whatever it was from the District Attorney's  
3 Office, you saw no reason to question that you could go  
4 ahead and dispose of the evidence?

5           A     No, not in specifically a guilty-plea case,  
6 but receiving a notice of evidence, sometimes it's a  
7 process that just comes in where we just receive it. And  
8 often, when we're just trying to clean out our evidence  
9 section, we look at cases and contact the District  
10 Attorney's Office to obtain evidence dispositions if it's  
11 been a long time, for example.

12          Q     But in this case, when you went to dispose of  
13 the evidence, you'd already received this disposition  
14 notice?

15          A     The evidence would have been disposed just at  
16 some point after receiving that. It just gets moved to a  
17 -- when we know we can destroy something, it just gets  
18 moved to an area that we know we can destroy it, and then  
19 it just sits there until we do that.

20          Q     So essentially, you would not have conferred  
21 with anybody: Is it okay to throw this away? You  
22 already had the notice?

23          A     We already had the notice.

24          Q     Under the certifications that you have, I  
25 think you said you did have a CCFE certification?



1           A     No. It's different. The certifications are  
2 all -- some companies have some certifications. Some  
3 companies have different certifications. They're all  
4 generically the same thing.

5           Q     In your training or education when you  
6 received any of these certifications, were you told you  
7 were supposed to hang onto this while there was any  
8 pending litigation?

9           A     That is up to -- any one of those times, that  
10 is up to whatever the circumstance of the case were. We  
11 got rid of it when we were told to get rid of it or that  
12 we may.

13          Q     But at this point in time, you know it was  
14 sometime in 2016 that it was disposed of?

15          A     2016, when we received the disposition. I  
16 don't know offhand when we got rid of it. We take in a  
17 tremendous amount of evidence and dispose of a tremendous  
18 amount of evidence, so I don't really remember the exact  
19 time.

20                I just know we move it to a disposable area.  
21 But there's no consistency, as far as when we call a  
22 truck, when we take a day of not working cases to start  
23 pulling hard drives and wiping devices.

24          Q     Now, do you keep a record of when this type  
25 of evidence is disposed of?

1           A     At that time, we may or may not have had --  
2     I would have to look. We may or may not have had a  
3     system. I think we're on our third different evidence  
4     tracking system, so I'm not sure what we would have.

5           Q     Would you mind checking?

6           A     I can check. Yes.

7           Q     But you know that you received a notice in  
8     2016?

9           A     Yes, I'm fairly certain.

10          Q     Do you know approximately how long after that  
11     that it would have been that you would have destroyed the  
12     evidence?

13          A     No. No.

14          Q     Could have been a year or two years?

15          A     As far as the actual destruction, yes. It  
16     could have been.

17          Q     Now, were you aware that the evidence on the  
18     computer had been previously -- or that this particular  
19     computer had been owned previously by another individual  
20     named Mike?

21          A     I believe I did know that. Yes, sir.

22          Q     Do you have any personal knowledge that  
23     Mr. Skinner knew about the downloaded files on the  
24     computer?

25          A     Based on what I previewed, I had absolutely

1 no doubt whatsoever that Mr. Skinner was responsible for  
2 the files, based on everything that I previewed, or I  
3 would not have arrested him on the charges, whether he --  
4 if he had chosen to not plead guilty, we would have not  
5 analyzed the devices further.

6 But I still have no doubt in any mind, based  
7 on my experience, the amount of cases I've worked, that  
8 he was absolutely responsible for the files and the  
9 activity.

10 Q But this was just a -- did you call it an  
11 initial preview?

12 A Yes.

13 Q And what further -- if you had to go and do a  
14 further examination, what would you have done?

15 A We would have looked at more of the dates  
16 than we looked at. I would have looked at more of the  
17 dates and what we call user attribution data, essentially  
18 doing more work to put him behind the keyboard, as  
19 needed. But certainly, my preview, I had no problem  
20 being confident that he was responsible, based on the  
21 dates and times.

22 Q Now, when you say that, you mean that the  
23 dates and times corresponded to when he was in the United  
24 States or in Sparks?

25 A There were dates and times from files -- if I

1 remember correctly for Mr. Skinner, he had files backed  
2 up from other times also. He had a lot of personal  
3 files, as you'd say, and the personal files were often  
4 mixed with the child pornography files. But the dates  
5 all varied.

6 If this was a case that had proceeded to  
7 trial, that would have been laid out in far more detail.  
8 Some of the more common things we would look at would be  
9 the user attribution data, the dates and times for the  
10 account information, and I guess you could say indicia  
11 information, so information that would corroborate child  
12 exploitation activity with personal activity. That could  
13 be checking e-mail or other things like that.

14 Q So, in other words, you would be able to  
15 determine what dates and times he was, say, checking  
16 e-mails?

17 A Yes, potentially, depending upon what  
18 activity is on there.

19 Q And that would correspond to the times that  
20 you saw these files being downloaded?

21 A Well, files being downloaded, but that's also  
22 only one component of it. We would look for times the  
23 file is accessed and viewed.

24 There are many artifacts that are created on  
25 a computer when you like view it in a media player, for

1 example, or when you double-click on something, or when  
2 you delete something, many artifacts are created, and we  
3 would look at those artifacts in more depth.

4 Q Would the fact that somebody else had  
5 previously owned the computer, is it possible that he  
6 didn't know about some of these downloaded files?

7 A In my experience and training, absolutely  
8 not.

9 Q Do you have any personal knowledge of whether  
10 these files were ever opened or viewed?

11 A What do you mean by "personal knowledge"?

12 Q Well, I mean -- well, okay. Let me rephrase  
13 that. Is there any possibility he didn't know about that  
14 some of these files had been downloaded?

15 A That's pretty subjective, so I don't really  
16 know how I would answer that.

17 MR. PLATER: That's a really tough question  
18 for him to ask him to speculate.

19 THE WITNESS: Yeah.

20 Q (BY MR. REED:) Do you have any knowledge or  
21 what knowledge do you have that Mr. Skinner knew that  
22 there was a file-sharing program running on his computer?

23 A If he knew?

24 Q Yes.

25 A Any user who -- any person who owns that

1 computer and uses it to engage in child pornography  
2 activity would have known. It requires specific search  
3 terms to be entered. It requires the execution of the  
4 program to actually run on the computer.

5 And when it runs, it's in front of you and  
6 requires a person to enter the search terms. It requires  
7 a person to take an overt action and click download. It  
8 doesn't come by accident. Nothing comes automatically or  
9 accident. It takes a user action every time to click  
10 something and make it happen.

11 So, in my investigation of child  
12 pornographers, child exploitation individuals, every  
13 single one of them that have engaged in peer activity  
14 would have absolutely known what they were doing on the  
15 computer.

16 Whether they know they're sharing or things  
17 like that, or how the program works, that's all dependent  
18 upon a knowledge that usually we look at through an  
19 interview and then corroborate with the evidence. So in  
20 this case, I didn't interview him.

21 **Q So you would have been able to see, for**  
22 **example, when he might have clicked on a search term.**  
23 **Would you be able to determine that?**

24 **A** When a specific search term was run in the  
25 program?

1 Q Yes.

2 A No. No, not a specific search term. When he  
3 double-clicked on a file to download, that's very easy to  
4 determine those times.

5 Q And with regard to the files that you found  
6 or that you allegedly found on his computer, are you able  
7 to definitely determine the date that those were  
8 downloaded?

9 A We would have been able or we were able to  
10 determine the date and time that those were downloaded to  
11 the computer through the creation times, the modified  
12 times, but also the program settings. But that's only  
13 one component of it.

14 Computer time can be manipulated, and it's  
15 all based on what time you tell the computer it is. So  
16 we look for artifacts that corroborate that the clock  
17 hasn't been changed or is also set to the accurate time.  
18 So dates and times are only one small component of a  
19 computer investigation.

20 Q Could these files that you found on  
21 Mr. Skinner's laptop have been recovered without forensic  
22 tools?

23 A What do you --

24 Q I mean, let's say Mr. Skinner wanted to go in  
25 and look at a file that allegedly had been on his laptop

1 prior to that time. What would it take for him to get  
2 into that? Would he need some sort of a --

3 A Well, for anything that resides on a  
4 computer, it's usually viewable in a user's account. You  
5 can't necessarily view files in another person's account  
6 on the computer unless there are permissions that are  
7 granted.

8 In this one in particular, there were  
9 multiple user accounts, including, I believe, the Mike  
10 name that you mentioned. But there was a Rod one also,  
11 and Sophie accounts. So you could look at what's on the  
12 computer within your storage area.

13 As far as forensic tools to recover something  
14 that has been deleted, there is software out there that  
15 people can buy that's not technically forensic. And  
16 there are file undeleters or file recoverers that they  
17 can be bought online or at some stores.

18 MR. REED: I'm going to read you something  
19 from -- it's contained in the declaration of our expert,  
20 Tami Loehrs, and --

21 MR. PLATER: Hold on a minute. Is that  
22 attached to your supplement?

23 MR. REED: Yes. It's --

24 MR. PLATER: Do you mind if I get there?

25 MR. REED: Sure.



1 MR. PLATER: Are you going to show the  
2 witness this?

3 MR. REED: I was going to read it. I can  
4 show it to him, certainly. It's paragraph 15 on page  
5 five. I'm going to read you, starting with the fifth  
6 line down starting with "Knowing." Let's see. I'll just  
7 read it, I guess.

8 "Knowing receipt, possession, or distribution  
9 can only be determined through an in-depth analysis of  
10 the entire piece of media to determine 1: The original  
11 source of the data; 2: The context in which it was  
12 copied, saved, or downloaded; 3: The path the data took  
13 through the system to arrive at its present location; 4:  
14 Dates and times the data was created, modified, and  
15 accessed. 4: Whether the data was ever opened or  
16 viewed. Five: And who may have been at the keyboard  
17 during the activity.

18 In order to make the determinations, the  
19 defense examination and analysis includes, but is not  
20 limited to 1: Recovery of deleted data, 2: Advanced  
21 searching processes and a review of thousands of search  
22 results; 3: Locating, reviewing, testing, and  
23 understanding various installed software applications.  
24 4: Locating, reviewing, testing, and understanding  
25 various viruses, Trojans, and malware present.

1 Five: Locating, reviewing, testing, and  
2 understanding Internet files and how they relate to  
3 various users and Internet activities. 6: Extracting  
4 and reviewing registry files, log files, HTM files,  
5 etcetera."

6 Would you agree with most of that?

7 MR. PLATER: Hold on. I don't know if this  
8 witness can answer that question, but let me lodge an  
9 objection.

10 This statement is asking for a legal  
11 conclusion about what constitutes knowing receipt,  
12 possession, or distribution. That's not for this witness  
13 to answer. And frankly, we think you ought to follow the  
14 statutory definition and not the one that she wants to  
15 make up as her expert wants to do.

16 But if you understand that, you can try to  
17 answer it.

18 THE WITNESS: Well, I was going to say I  
19 agree with that. And I disagree with what she wrote  
20 here, which is very, very consistent with what I've seen  
21 in her writings before anyway.

22 But no, that is not the only way this can be  
23 determined. It's determined by many factors, including  
24 interviews, including other corroborating evidence.

25 For a final analysis to prove something in

1 court, it also has a different burden than a  
2 probable-cause standard. But no. Many of these items  
3 that she's listing, some of them may be absolutely  
4 relevant. Every one of them may be absolutely relevant.  
5 But to go as far as going to knowing receipt, possession,  
6 distribution, that's based on a multitude of factors to  
7 include other items also.

8 Q With regard to what you found in your  
9 preview -- and I don't know if you looked at your report,  
10 which is many pages long. I've got it here if you want  
11 to see the first few pages of it.

12 A It should actually -- it shouldn't be too  
13 long because it wasn't a full analysis.

14 Q Actually, there's, you know, you have a  
15 column for date and time.

16 A Uh-huh.

17 Q And then file name or number or whatever, and  
18 then -- but with regard to that, is that basically what  
19 you recovered, or did you actually see images on a  
20 computer?

21 MR. PLATER: I don't understand your  
22 question: Is that what you recovered? Are you referring  
23 to what he listed in his report?

24 MR. REED: Well, the report that's got  
25 several columns. Have you seen that one?

1 MR. PLATER: No. Maybe we have it, but I  
2 don't have it in front of me now, I suppose.

3 MR. REED: Okay.

4 THE WITNESS: There was absolutely child  
5 pornography on the computer because I described it in the  
6 reports for the probable cause. And I described -- I  
7 would have described what was depicted in the images or  
8 videos.

9 Q (BY MR. REED:) Well, let me ask you this.  
10 When you go into the computer and you find a  
11 file number and maybe some, you know, or the date and  
12 time of the download -- and then I guess there's also a  
13 description of some kind. When you go in there, do you  
14 find that file name and number only, or can you actually  
15 see an image, or how does that work?

16 A Through the forensic process, it's found  
17 multiple ways. One, often or sometimes by file name. If  
18 it appears to be a video file, for example, the majority  
19 of child pornography files that we find on individual's  
20 computers engaging in peer-to-peer, they're very graphic,  
21 very explicit file names, so we would see those. And  
22 then we would play the video or open up the image to see  
23 what it depicts.

24 But there are also processes where we would  
25 search only for videos and images and display those and

1 then work backwards to determine where that picture or  
2 video is residing on the computer and when it got there  
3 and whose account it may be in and other information.

4 Q Okay. So you can go in there and actually  
5 see the image or play a video?

6 A Yes.

7 Q I may have asked this before, and this is  
8 actually my final question. How do you confirm that on  
9 specific dates, file sharing was running with a child  
10 porn file available for distribution?

11 A Multiple ways. One way is we actually  
12 download it for Mr. Skinner. We downloaded files from  
13 him so we know that the computer was up and running when  
14 those files were downloaded.

15 But two, peer-to-peer programs are very good  
16 at creating file dates. And the final dates -- and I  
17 should say creating file dates and times and then the  
18 final date and time, it shows us when the file was first  
19 initiated to be downloaded and when the file was actually  
20 finished being downloaded. And ultimately, it was now  
21 fully residing on the computer.

22 So those dates and times of those files, as  
23 long as they're a shareable file -- because just because  
24 if somebody has child pornography, for example, on an  
25 external USB drive doesn't make it a shareable file. We

1 look within the peer-to-peer program to see if it's a  
2 shareable file, if it's in the shared directory, or if  
3 it's marked as shareable or if we downloaded it.

4 Q And that would be in the file-sharing  
5 program, the dates and times that --

6 A Those would be with the -- well, it depends  
7 on the program, because it could reside in the program.  
8 But they would typically be with the -- it would be the  
9 metadata associated with that specific file. So the file  
10 creation, modified, last written time, all dependent upon  
11 what version of Windows they have and whether or not  
12 their clock is accurately set.

13 Q And that's what you used in this case to  
14 determine the date and time that it was downloaded?

15 A Yes. I always look for date and time of the  
16 computer, whether it's correctly set, any evidence of  
17 clock manipulation because that gives me a starting point  
18 of the other files that reside on the computer if they're  
19 accurate on their dates and times.

20 MR. REED: Can I have a five-minute break?

21 (Recess.)

22 Q (BY MR. REED:) I just have one follow-up  
23 question. Was there any way for you to determine, in  
24 looking at the laptop, if this was the original hard  
25 drive in that computer?

1           A     If it was the original hard drive in that  
2     computer?

3           Q     Yes.

4           A     No, I would have no idea to say that right  
5     now if it was or not. I don't recall the brand or model  
6     or anything from it. And then even in that case, the  
7     computer that ships, the manufacturer may keep track of  
8     the hard drive, but you can swap out the same brand hard  
9     drive and not know.

10           MR. REED: All right. Thank you. That's all  
11     I have.

12           MR. PLATER: I don't have any questions.  
13     Thank you.

14           (The deposition concluded at 2:18 p.m.)

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## 1 CERTIFICATE OF REPORTER

2

3 I, Nicole J. Hansen, Certified Court Reporter,  
4 State of Nevada, do hereby certify:

5 That I reported the deposition of Dennis Carry,  
6 commencing on Monday, November 5, 2018, at 1:30 p.m.

7 That prior to being deposed, the witness was  
8 duly sworn by me to testify to the truth. That I  
9 thereafter transcribed my said shorthand notes into  
10 typewriting and that the typewritten transcript is a  
11 complete, true and accurate transcription of my said  
12 shorthand notes. That prior to the conclusion of the  
13 proceedings, the reading and signing was requested by the  
14 witness or a party.

15 I further certify that I am not a relative or  
16 employee of counsel of any of the parties, nor a relative  
17 or employee of the parties involved in said action, nor a  
18 person financially interested in the action.

19 In witness whereof, I hereunto subscribe my  
20 name at Reno, Nevada, this 12th day of November, 2018.

21

Nicole J. Hansen

22

23

NICOLE J. HANSEN, CCR NO. 446

24

25



1 ERRATA SHEET

2

3

4

5 I declare under penalty of perjury that I have read the

6 foregoing \_\_\_\_\_ pages of my testimony, taken

7 on \_\_\_\_\_ (date) at

8 \_\_\_\_\_ (city), \_\_\_\_\_ (state),

9

10 and that the same is a true record of the testimony given

11 by me at the time and place herein

12 above set forth, with the following exceptions:

13

14 Page Line Should read: Reason for Change:

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**Judge:**

HONORABLE BARRY L. BRESLOW

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09-25-2019:15:54:18

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Trial Statement - Plaintiff

- \*\*Continuation

- \*\*Continuation

**Filed By:**

Edward Torrance Reed

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STEPHEN SKINNER

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STEPHEN SKINNER

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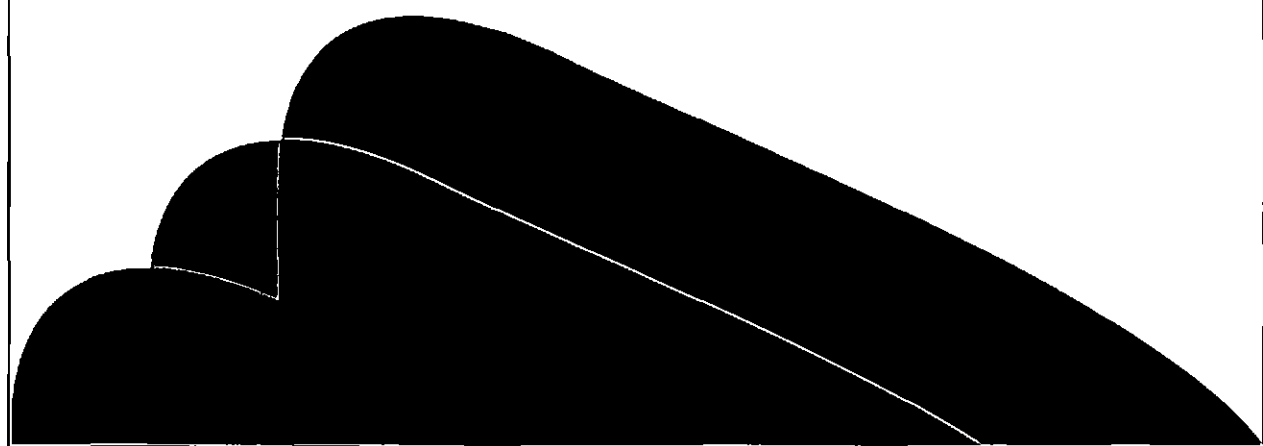
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Skinner vs State

DENNIS CARRY

*November 05, 2018*

*Job Number: 501219*



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

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4  
5       RODERICK STEPHEN SKINNER,       )  
6               Petitioner,       )   Case No. CR14-0644  
7       vs.       )   Dept No. 8  
8       ISIDRO BACA, WARDEN, NORTHERN )  
9       NEVADA CORRECTIONAL CENTER.   )  
10               Respondent.       )  
11

12               DEPOSITION OF DENNIS CARRY  
13  
14               Taken on Monday, November 5, 2018  
15  
16               At 1:30 p.m.  
17  
18               At Sunshine Litigation Services  
19  
20               151 Country Estates Circle  
21               Reno, Nevada

22  
23  
24       REPORTED BY:   NICOLE J. HANSEN, CCR NO. 446  
25       JOB NO.:       501219

DENNIS CARRY - 11/05/2018

Page 3

## 1 I N D E X

2

WITNESS:

Dennis Carry

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4 EXAMINATION

PAGE

5 By Mr. Reed

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1 instant response, computer forensics, and over a thousand  
2 hours of training, as far as child exploitation  
3 investigations.

4 Q Are you ENCASE certified?

5 A ENCASE? No.

6 Q Do you have the CCFE certification?

7 A The certifications I have, I have a GCFE,  
8 GCFA, GASF, and also CHFI.

9 Q Do you have the ACE?

10 A Those are the only certifications right  
11 there.

12 Q Okay. Thank you. Now, when you received the  
13 case involving Roderick Skinner, as far as the  
14 examination of evidence, do you recall what evidence you  
15 received?

16 A I do recall because we received whatever the  
17 evidence was at the time -- I don't remember the  
18 specifics -- but we received it from the Sparks Police  
19 Department.

20 Q Do you recall examining a laptop computer?

21 A I do. It was a laptop, and I believe an  
22 external hard drive, and probably a few other devices.

23 Q Now, do you recall if you examined more than  
24 one device? Because there were several devices that were  
25 obtained through the search warrant of Mr. Skinner's

1 device itself. And then, if the device has a hard drive,  
2 we remove the hard drive, perform what's called a  
3 forensic image of the hard drive. And then our  
4 examination, what we work with is off of that image, not  
5 the actual original device at that point.

6 And then we would look -- or I did, at least,  
7 look at the contents, look at ownership information,  
8 determine if we have a device that we believe to be from  
9 the person we're investigating and any relevant evidence.

10 Q So you remove the hard drive, and then you  
11 make, basically, a copy of it?

12 A Essentially. It's called a forensic image,  
13 but it's a copy.

14 Q And so when you perform your examination or  
15 preview, or whatever you call it, you look at the copy,  
16 essentially?

17 A Yes.

18 Q And how many copies do you make?

19 A Two copies, typically. Sometimes only one.

20 Q Do you recall, in this case, if you made one  
21 or two?

22 A I don't remember. In this case, more than  
23 likely, it would have, at the time, it would have more  
24 than likely been one copy, and then we would have copied  
25 that copy and stored it on a server.

1 told we can destroy data or destroy evidence, and if the  
2 case is either adjudicated or the person is not appealing  
3 or anything, it will be usually within or just after ten  
4 days of giving up their appellate rights. And that's  
5 usually in a federal proceeding. If it is state, we wait  
6 until we receive an evidence disposition.

7 Q Do you recall who, in the District Attorney's  
8 Office, would have signed that evidence disposition?

9 A I do not. And this case was a little more  
10 unique because it was a case that started with the Sparks  
11 Police Department where their original seizure of  
12 evidence and then transfer it to us and then actually  
13 transfer it into our task force. But at some point,  
14 regardless, I know we received an evidence disposition,  
15 and I'm positive it was in 2016.

16 Q When did you review the evidence disposition?

17 A Huh?

18 Q When did you last review that evidence  
19 disposition?

20 A Shortly after you contacted me.

21 Q Me or my investigator, Mr. Grate?

22 A No. You.

23 Q When I contacted you?

24 A Uh-huh.

25 Q As far as serving you the notice of

1           There's no statute of limitations to  
2     prosecute a case federally, so we do have some items that  
3     we have a desire to prosecute the person still that we've  
4     maintained.

5           Q     Do you ever recall telling my investigator,  
6     Mr. Grate, who is here today, that you, when asked about  
7     the destruction of the evidence, he just got rid of it  
8     sort of in the course of periodically disposing of  
9     evidence and that, along those lines?

10          A     Yes. We would have -- we hold onto evidence,  
11     and every now and then, we do a, I guess, a cleaning of  
12     our evidence room, and we look for evidence that we don't  
13     need anymore. It's past the time we can get rid of it,  
14     and then we do, more or less, quarterly or semi-annually  
15     disposal.

16          Q     But if you told him that, then that seems to  
17     contradict what you just told me about getting a  
18     disposition from the District Attorney's Office.

19          A     No. We got a disposition. But just because  
20     we get a disposition, we don't stop what we're doing and  
21     go destroy the evidence.

22                 We do it every now and then quarterly when we  
23     need room in the evidence room, but we don't just get a  
24     form, go in the room and go destroy it. It doesn't work  
25     that way because we recycle -- we pull the hard drives,

1           Q     And how is this destroyed? Is it just thrown  
2 away in the garbage?

3           A     No. We rip hard drives out of -- if it's a  
4 laptop, we take the hard drive out. We either obliterate  
5 it or we wipe it. And if it's other items, say, like  
6 something that's usable for an external USB drive that  
7 might be usable for us, we'll destroy the data by wiping  
8 it numerous times and then placing it into service.

9           Q     Were you ever made aware that there was  
10 pending litigation in the case, that a habeas corpus  
11 petition had been filed?

12          A     I knew at one point that there was something  
13 happening, but that was prior to us receiving a notice to  
14 get rid of the evidence. So after that, I have no idea  
15 what the status was. We don't follow every case.

16          Q     But you saw no reason not to obey the notice  
17 from the District Attorney's Office that you could  
18 dispose of the evidence?

19          A     Correct. And it's more common than not in a  
20 case where somebody pleads guilty that we will destroy  
21 the evidence sooner after receiving a disposition than a  
22 case that we know to be litigated. In a case -- if we  
23 know a case to be under litigation, we'll usually hold  
24 onto it longer. But there's no rhyme or reason, as far  
25 as how long.

1           A     No. It's different. The certifications are  
2 all -- some companies have some certifications. Some  
3 companies have different certifications. They're all  
4 generically the same thing.

5           Q     In your training or education when you  
6 received any of these certifications, were you told you  
7 were supposed to hang onto this while there was any  
8 pending litigation?

9           A     That is up to -- any one of those times, that  
10 is up to whatever the circumstance of the case were. We  
11 got rid of it when we were told to get rid of it or that  
12 we may.

13          Q     But at this point in time, you know it was  
14 sometime in 2016 that it was disposed of?

15          A     2016, when we received the disposition. I  
16 don't know offhand when we got rid of it. We take in a  
17 tremendous amount of evidence and dispose of a tremendous  
18 amount of evidence, so I don't really remember the exact  
19 time.

20                I just know we move it to a disposable area.  
21 But there's no consistency, as far as when we call a  
22 truck, when we take a day of not working cases to start  
23 pulling hard drives and wiping devices.

24          Q     Now, do you keep a record of when this type  
25 of evidence is disposed of?

1 no doubt whatsoever that Mr. Skinner was responsible for  
2 the files, based on everything that I previewed, or I  
3 would not have arrested him on the charges, whether he --  
4 if he had chosen to not plead guilty, we would have not  
5 analyzed the devices further.

6 But I still have no doubt in any mind, based  
7 on my experience, the amount of cases I've worked, that  
8 he was absolutely responsible for the files and the  
9 activity.

10 Q But this was just a -- did you call it an  
11 initial preview?

12 A Yes.

13 Q And what further -- if you had to go and do a  
14 further examination, what would you have done?

15 A We would have looked at more of the dates  
16 than we looked at. I would have looked at more of the  
17 dates and what we call user attribution data, essentially  
18 doing more work to put him behind the keyboard, as  
19 needed. But certainly, my preview, I had no problem  
20 being confident that he was responsible, based on the  
21 dates and times.

22 Q Now, when you say that, you mean that the  
23 dates and times corresponded to when he was in the United  
24 States or in Sparks?

25 A There were dates and times from files -- if I

1 example, or when you double-click on something, or when  
2 you delete something, many artifacts are created, and we  
3 would look at those artifacts in more depth.

4 Q Would the fact that somebody else had  
5 previously owned the computer, is it possible that he  
6 didn't know about some of these downloaded files?

7 A In my experience and training, absolutely  
8 not.

9 Q Do you have any personal knowledge of whether  
10 these files were ever opened or viewed?

11 A What do you mean by "personal knowledge"?

12 Q Well, I mean -- well, okay. Let me rephrase  
13 that. Is there any possibility he didn't know about that  
14 some of these files had been downloaded?

15 A That's pretty subjective, so I don't really  
16 know how I would answer that.

17 MR. PLATER: That's a really tough question  
18 for him to ask him to speculate.

19 THE WITNESS: Yeah.

20 Q (BY MR. REED:) Do you have any knowledge or  
21 what knowledge do you have that Mr. Skinner knew that  
22 there was a file-sharing program running on his computer?

23 A If he knew?

24 Q Yes.

25 A Any user who -- any person who owns that



1 Q Yes.

2 A No. No, not a specific search term. When he  
3 double-clicked on a file to download, that's very easy to  
4 determine those times.

5 Q And with regard to the files that you found  
6 or that you allegedly found on his computer, are you able  
7 to definitely determine the date that those were  
8 downloaded?

9 A We would have been able or we were able to  
10 determine the date and time that those were downloaded to  
11 the computer through the creation times, the modified  
12 times, but also the program settings. But that's only  
13 one component of it.

14 Computer time can be manipulated, and it's  
15 all based on what time you tell the computer it is. So  
16 we look for artifacts that corroborate that the clock  
17 hasn't been changed or is also set to the accurate time.  
18 So dates and times are only one small component of a  
19 computer investigation.

20 Q Could these files that you found on  
21 Mr. Skinner's laptop have been recovered without forensic  
22 tools?

23 A What do you --

24 Q I mean, let's say Mr. Skinner wanted to go in  
25 and look at a file that allegedly had been on his laptop

1 MR. PLATER: Are you going to show the  
2 witness this?

3 MR. REED: I was going to read it. I can  
4 show it to him, certainly. It's paragraph 15 on page  
5 five. I'm going to read you, starting with the fifth  
6 line down starting with "Knowing." Let's see. I'll just  
7 read it, I guess.

8 "Knowing receipt, possession, or distribution  
9 can only be determined through an in-depth analysis of  
10 the entire piece of media to determine 1: The original  
11 source of the data; 2: The context in which it was  
12 copied, saved, or downloaded; 3: The path the data took  
13 through the system to arrive at its present location; 4:  
14 Dates and times the data was created, modified, and  
15 accessed. 4: Whether the data was ever opened or  
16 viewed. Five: And who may have been at the keyboard  
17 during the activity.

18 In order to make the determinations, the  
19 defense examination and analysis includes, but is not  
20 limited to 1: Recovery of deleted data, 2: Advanced  
21 searching processes and a review of thousands of search  
22 results; 3: Locating, reviewing, testing, and  
23 understanding various installed software applications.  
24 4: Locating, reviewing, testing, and understanding  
25 various viruses, Trojans, and malware present.

1 court, it also has a different burden than a  
2 probable-cause standard. But no. Many of these items  
3 that she's listing, some of them may be absolutely  
4 relevant. Every one of them may be absolutely relevant.  
5 But to go as far as going to knowing receipt, possession,  
6 distribution, that's based on a multitude of factors to  
7 include other items also.

8 Q With regard to what you found in your  
9 preview -- and I don't know if you looked at your report,  
10 which is many pages long. I've got it here if you want  
11 to see the first few pages of it.

12 A It should actually -- it shouldn't be too  
13 long because it wasn't a full analysis.

14 Q Actually, there's, you know, you have a  
15 column for date and time.

16 A Uh-huh.

17 Q And then file name or number or whatever, and  
18 then -- but with regard to that, is that basically what  
19 you recovered, or did you actually see images on a  
20 computer?

21 MR. PLATER: I don't understand your  
22 question: Is that what you recovered? Are you referring  
23 to what he listed in his report?

24 MR. REED: Well, the report that's got  
25 several columns. Have you seen that one?

1 then work backwards to determine where that picture or  
2 video is residing on the computer and when it got there  
3 and whose account it may be in and other information.

4 Q Okay. So you can go in there and actually  
5 see the image or play a video?

6 A Yes.

7 Q I may have asked this before, and this is  
8 actually my final question. How do you confirm that on  
9 specific dates, file sharing was running with a child  
10 porn file available for distribution?

11 A Multiple ways. One way is we actually  
12 download it for Mr. Skinner. We downloaded files from  
13 him so we know that the computer was up and running when  
14 those files were downloaded.

15 But two, peer-to-peer programs are very good  
16 at creating file dates. And the final dates -- and I  
17 should say creating file dates and times and then the  
18 final date and time, it shows us when the file was first  
19 initiated to be downloaded and when the file was actually  
20 finished being downloaded. And ultimately, it was now  
21 fully residing on the computer.

22 So those dates and times of those files, as  
23 long as they're a shareable file -- because just because  
24 if somebody has child pornography, for example, on an  
25 external USB drive doesn't make it a shareable file. We

1           A     If it was the original hard drive in that  
2     computer?

3           Q     Yes.

4           A     No, I would have no idea to say that right  
5     now if it was or not. I don't recall the brand or model  
6     or anything from it. And then even in that case, the  
7     computer that ships, the manufacturer may keep track of  
8     the hard drive, but you can swap out the same brand hard  
9     drive and not know.

10               MR. REED: All right. Thank you. That's all  
11     I have.

12               MR. PLATER: I don't have any questions.  
13     Thank you.

14               (The deposition concluded at 2:18 p.m.)

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1 ERRATA SHEET

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5 I declare under penalty of perjury that I have read the

6 foregoing \_\_\_\_\_ pages of my testimony, taken

7 on \_\_\_\_\_ (date) at

8 \_\_\_\_\_ (city), \_\_\_\_\_ (state),

9

10 and that the same is a true record of the testimony given

11 by me at the time and place herein

12 above set forth, with the following exceptions:

13

14 Page Line Should read:

Reason for Change:

15

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