

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

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Elizabeth A. Brown
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RODERICK STEPHEN SKINNER,

Petitioner,

vs.

Sup. Ct. Case No. 88296

Case No. CR14-0644

Dept. 8

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

Respondents.

RECORD ON APPEAL

VOLUME 8 OF 19

DOCUMENTS

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Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-04-22 14:23:16.615.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-04-22 14:23:16.162.
JOHN PETTY, ESQ. - Notification received on 2022-04-22 14:23:15.943.
DIV. OF PAROLE & PROBATION - Notification received on 2022-04-22 14:23:15.709.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-04-22 14:23:15.521.
CHRISTINE BRADY, ESQ. - Notification received on 2022-04-22 14:23:16.818.
EDWARD REED, ESQ. - Notification received on 2022-04-22 14:23:16.396.

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

Judge:

HONORABLE BARRY L. BRESLOW

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04-22-2022:14:22:44

Clerk Accepted:

04-22-2022:14:22:55

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Notice Withdrawal of Attorney

Filed By:

Edward Torrance Reed

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CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

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

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2022 MAY -4 PM 3: 23

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

ALICIA L LERUD
 CLERK OF THE COURT
 BY Stephane
 DEPUTY

Petitioner, In Proper Person

IN THE Second JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 IN AND FOR THE COUNTY OF Washoe

Roderick Skinner
 Plaintiff/Petitioner

vs.
Warden Olsen, NVEE
State of Nevada Et Al
 Defendant/Respondent

Case No.: CR14-0644
 Dept. No. 15

Opposition to State's Motion
to Dismiss Second Petition

COMES NOW, Roderick Skinner, in proper person and herein
 above respectfully submits this Opposition to State's Motion
to Dismiss Second Petition

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

MEMORANDUM OF POINTS AND AUTHORITIESINTRODUCTION:

PETITIONER FILED HIS SECOND PETITION FOR WRIT OF HABEAS CORPUS (HEREAFTER "PETITION") ON 4TH APRIL 2022 RAISING TWO GROUNDS FOR RELIEF:

1. TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO PRESENT EVIDENCE OF THE PETITIONER'S MENTAL HEALTH DIAGNOSIS AT THE TIME OF SENTENCING, AND
 2. APPELLATE COUNSEL WAS INEFFECTIVE FOR FAILING TO INVESTIGATE THE RECORD AND RAISE AN ISSUE RELATED TO PETITIONER'S PLEA COLLOQUY.
- SECOND PETITION, pp. 7-7A.

ARGUMENT:

MR NAUGHTON STATES THAT PETITIONER FILED HIS SECOND PETITION ON 29TH MARCH 2022 AND REQUEST FOR SUBMISSION ON THE SAME DAY. THIS IS INCORRECT. THE PETITION WAS FILED ON 4TH APRIL 2022. WHERE MR NAUGHTON CAME UP WITH MR SKINNER FILING TWO PETITIONS AND TWO REQUESTS FOR SUBMISSION IS UNCLEAR, SINCE THE RECORD WILL SHOW ONLY ONE FILING OF EACH AND ONE STRICKEN REQUEST FOR SUBMISSION, AND THAT DATE WAS 4TH APRIL 2022.

MR NAUGHTON ARGUES THAT THE GROUNDS RAISED IN MR SKINNER'S PETITION WERE AVAILABLE AT THE TIME OF MR SKINNER'S FIRST PETITION

FILING AND THE COURT "SHOULD FIND THAT THE SECOND PETITION CONSTITUTES AN ABUSE OF THE WRIT, AND MUST BE DISMISSED".

See MOTION TO DISMISS SECOND PETITION page 4, lines 13-15 (MOTION TO DISMISS).

HOWEVER, THIS IS COMPLETELY OPPOSITE OF THE POSITION HE TOOK IN HIS MOTION TO PARTIALLY DISMISS PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (MOTION TO PARTIALLY DISMISS) THAT MR NAUGHTON FILED IN CASE No. CR17-2061, CR18-0089+91, JOHN EDWARD KIRBY v STATE OF NEVADA IN THIS VERY SAME COURT. See, TRANSACTION No. 8174945. IN THE 'MOTION TO PARTIALLY DISMISS' MR NAUGHTON CONTRADICTS HIS OWN ARGUMENT AND CLAIMS THAT THE VERY SAME GROUNDS MR SKINNER RAISES ARE PROCEDURALLY BARRED. See EXHIBIT A, page 5, lines 21-24.

MR NAUGHTON CLAIMS THAT NRS 34.810(1)(a) WAS NOT A PROCEDURAL BAR TO MR SKINNER RAISING CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL AT SENTENCING AND THAT MR SKINNER'S ANALYSIS WAS FAULTY. See. MOTION TO DISMISS, page 5 lines 7-11.

ONCE AGAIN, THIS IS CONTRARY TO THE ARGUMENT MADE BY MR NAUGHTON IN MR KIRBY'S MOTION TO PARTIALLY DISMISS WHERE HE RELIES ON THE THEN NEVADA COURT OF APPEALS OPINION IN GONZALES v STATE. 136 Nev. Adv. Op 60 (NEV. App. OCT 1 2020) (GONZALES 2020) WHERE THE DISTRICT COURT ON NOVEMBER 2014 DENIED MR GONZALES'S CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL AT SENTENCING PURSUANT TO THE THEN INTERPRETATION OF NRS 34.810(1)(a).

See, EXHIBIT A page 6.

ON page 5 lines 14-20 of MR NAUGHTON'S MOTION TO DISMISS,

1 NAUGHTON IS AGAIN ATTEMPTING TO CONTINUE DOWN A PATH OF
2 DECEPTION AS HE FAILS TO INCLUDE THE COMPLETE CONTEXT
3 OF THE NEVADA SUPREME COURT'S DECISION BY OMITTING WHAT
4 CAME AFTER TOLLETT v HENDERSON, 411 U.S. 258, 267, 93 S.Ct. 1602 (1973).
5 THE OMISSION WAS:

6
7 "BUT WHERE A PETITIONER ARGUES THAT HE OR
8 SHE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL
9 AT SENTENCING, HE OR SHE COULD NOT HAVE RAISED
10 THAT CLAIM BEFORE ENTERING HIS OR HER PLEA. IT
11 IT WOULD VIOLATE THE SPIRIT OF OUR HABEAS STATUTE
12 AND PUBLIC POLICY OF THIS STATE TO PROHIBIT HIM OR
13 HER FROM EVER RAISING THAT CLAIM IN STATE COURT.
14 THEREFORE, THE DISTRICT COURT ERRED BY DECLINING
15 TO CONSIDER GONZALES'S CLAIM THAT COUNSEL
16 PROVIDED INEFFECTIVE ASSISTANCE AT SENTENCING."

17 See GONZALES v STATE, 492 P.3d 556 (JULY 29 2021) (GONZALES 2021)

18
19 MR NAUGHTON ONCE AGAIN CLAIMS "THERE WAS NO PROCEDURAL
20 BAR PRECLUDING THE PETITIONER FROM RAISING CLAIMS OF
21 INEFFECTIVE ASSISTANCE OF COUNSEL AT SENTENCING IN HIS
22 FIRST PETITION". See, MR NAUGHTON'S MOTION TO DISMISS page 6 lines 3-5.
23 HOWEVER, AT THE TIME MR SKINNER'S FIRST PETITION WAS FILED
24 STATE DISTRICT COURT PROSECUTORS RELIED HEAVILY ON THE
25 INCORRECT APPLICATION OF NRS 34.810(1)(a) AS A PROCEDURAL
26 BAR FOR DISMISSAL OF ANY CLAIMS RELATED TO INEFFECTIVE
27 ASSISTANCE OF COUNSEL AT SENTENCING OR DIRECT APPEAL
28 AND STATE DISTRICT COURTS WERE UPHOLDING THIS INCORRECT

1 APPLICATION AS A PROCEDURAL BAR AND DISMISSING THOSE
2 CLAIMS AS THOSE CLAIMS DID NOT AFFECT THE VALIDITY OF
3 THE GUILTY PLEA.

4
5 THIS IS CONTRADICTORY TO SECOND JUDICIAL DISTRICT COURT
6 JUDGE DAVID HARDY'S ORDER GRANTING PARTIAL DISMISSAL
7 AND GRANTING EVIDENCIARY HEARING (JUDGE HARDY'S ORDER)
8 IN THE JOHN KIRBY v STATE, CASE No. CR17-2061, CR18-0089
9 AND 0091 ENTERED ON FEB 2, 2021 page 3 lines 6-16 AND 25-26
10 AND FOOTNOTE #2 page 4 lines 5-7.

11 FURTHERMORE AS A MATTER OF RECORD, BRIAN HOBBS FILED A
12 PETITION FOR WRIT OF HABEAS CORPUS IN THE SECOND JUDICIAL
13 DISTRICT COURT ON APRIL 1ST 2022; MR HOBBS PETITION IS IN
14 FACT PRECISELY THE SAME LEGAL ARGUMENT AS IS PUT FORTH
15 IN MR SKINNER'S PETITION - WORD FOR WORD - AS THE TWO
16 PETITIONS WERE CREATED AT THE SAME TIME BY THE SAME
17 PREPARATION TEAM.

18 MR HOBBS' PETITION WAS FILED 11-YEARS AFTER HIS FIRST
19 PETITION AND WAS ALLOWED TO PROCEED BY JUDGE
20 CONNIE J. STEINHEIMER AT WHICH TIME JUDGE STEINHEIMER
21 ORDERED THAT THE COURT ALLOW SAID BRIAN HOBBS TO BRING
22 SUCH ACTION WITHOUT COSTS AND FILE OR ISSUE ANY
23 NECESSARY WRIT, PROCESS, PLEADING OR PAPER WITHOUT
24 CHARGE, WITH THE EXCEPTION OF JURY FEES:

25 "IT IS HEREBY FURTHER ORDERED THAT THE
26 REQUEST FOR APPOINTMENT OF COUNSEL
27 IS GRANTED. See EXHIBIT "C",
28 JUDGE STEINHEIMER'S ORDER page 2 lines 6-15.

CONCLUSION

AS DISCUSSED ABOVE, MR NAUGHTON TENDS TO CHANGE HIS ARGUMENTS ACCORDING TO WHICH WAY THE WIND IS BLOWING, REGARDLESS OF WHETHER IT IS CONSISTENT WITH THE LAW.

THE NEVADA SUPREME COURT EXPRESSED THAT IT WOULD VIOLATE THE SPIRIT OF OUR HABEAS STATUTE AND PUBLIC POLICY OF THIS STATE TO PROHIBIT HIM OR HER FROM EVER RAISING THE OF INEFFECTIVE ASSISTANCE OF COUNSEL AT SENTENCING IN STATE COURT. See, GONZALES v STATE, 492P.3d556 (JULY 29, 2021).

AS MR SKINNER HAS ARGUED THAT HE WAS PROCEDURALLY BARRED PURSUANT TO THE THEN HOLDING OF N.R.S. 34-810(1)(a) AT THE TIME HIS FIRST PETITION WAS DENIED - AS CLEARLY SHOWN IN THE PROVIDED CONTRADICTORY STATEMENTS BY MR NAUGHTON AND ORDER BY JUDGE DAVID HARDY - MR SKINNER RESPECTFULLY REQUESTS THAT THIS COURT DENY MR NAUGHTON'S "STATES MOTION TO DISMISS" MR SKINNER'S PETITION.

CERTIFICATE OF SERVICE

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

Warden Olsen
P.O. Box 7000
Carson City, NV.
89701

2 Second Judicial District Court
75 Court St
Reno, NV. 89501

AND

Attorney General
5420 Kietzke Ln^{#202}
Reno, NV. 89511

Washoe District Attorney
One S. Sierra St.
Reno, NV. 89501

Dated this 28 day of April, 2022.

By: Rod Skinner

Petitioner, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

4/28/22
(Date)

Rod Skinner
(Signature)

EXHIBIT-A

APPELLATE DEPUTY DISTRICT ATTORNEY

KEVIN NAUGHTONS "MOTION TO PARTIALLY DISMISS

PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS;"

JOHN KIRBY v STATE OF NEVADA

FILED BY MR NAUGHTON NOVEMBER 23, 2020

TRANSACTION No. 8174945

CASE NO. CR17-2061 DEPT. 15CR18-0089 " "CR18-0091 " "

1 CODE No. 2155
CHRISTOPHER J. HICKS
2 #7747
One South Sierra Street
3 Reno, Nevada 89501
(775) 328-3200
4 districtattorney@da.washoecounty.us
Attorney for Respondent

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

8 * * *

9 JOHN EDWARD KIRBY,

10 Petitioner,
11 v.

Case No. CR17-2061
CR18-0089
CR18-0091

12 THE STATE OF NEVADA,

Dept. No. 15

13 Respondent.
14 _____/

15 **MOTION TO PARTIALLY DISMISS PETITION AND SUPPLEMENAL**
16 **PETITION FOR WRIT OF HABEAS CORPUS**

17 COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS,
18 District Attorney, and Kevin Naughton, Appellate Deputy, and moves this Honorable
19 Court to dismiss the Petition for Writ of Habeas Corpus (Post-Conviction) filed by
20 Petitioner John Edward Kirby ("Petitioner"). This Motion is based on the pleadings and
papers on file with this Court, and the following points and authorities.

21 ///

22 ///

23 ///

24 ///

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Procedural History

3 The Petitioner, John Edward Kirby, pled guilty to charges in three cases: CR17-
4 2061, CR18-0089, and CR18-0091.

5 In CR17-2061, Petitioner pled guilty to Count III, Conspiracy to Violate the
6 Uniform Controlled Substances Act, a category C felony, as set forth in an Amended
7 Information filed on April 6, 2018.

8 In CR18-0089, Petitioner pled guilty to Count I, Burglary, a category B felony, as
9 set forth in an Information filed on January 16, 2018.

10 In CR18-0091, Petitioner pled guilty to Count I, Grand Larceny of Property
11 Valued at \$3,500 or Greater, a category B felony, and Count II, Possession of a Stolen
12 Motor Vehicle Valued at \$3,500 or Greater, a category B felony, as set forth in an
13 Information filed on January 16, 2018.

14 The Petitioner was sentenced to a term of imprisonment of 19 to 48 months
15 imprisonment in CR17-2061, a term of imprisonment of 28 to 72 months in CR18-0089
16 to run consecutively to CR17-2061, and 28 to 72 months on both Count I and Count II to
17 be served consecutively to one another for an aggregate term of 56 to 144 months, to be
18 served consecutively to CR18-0089. Judgment of Conviction, filed November 21, 2018,
19 in CR17-2061; Judgment of Conviction, filed November 21, 2018, in CR18-0089; and
20 Judgment of Conviction, filed November 21, 2018, in CR18-0091.

21 The Petitioner appealed his convictions alleging an abuse of discretion at
22 sentencing. The Court of Appeals entered an Order of Affirmance on September 30,
23 2019, in case number 77748-COA. Following his appeal, the Petitioner has filed a Post-
24 Conviction Motion to Withdraw Guilty Plea Pursuant to NRS 176.165 in all three cases

1 on October 4, 2019, and a Motion to Correct FTA PSI Nunc Pro Tunc to May 16, 2019
2 Filing on October 31, 2019. Both Motions were denied. Order Denying Motion to
3 Withdraw Guilty Plea filed November 5, 2019, and Order Dismissing Motion to Correct
4 FTA PSI filed January 6, 2020.

5 On December 13, 2019, the Petitioner filed a Petition for Writ of Habeas Corpus
6 (Postconviction) ("Petition") in all three cases setting forth four grounds for relief. The
7 Petitioner also filed a motion seeking the appointment of counsel on the same date.
8 Counsel was subsequently appointed and filed a Supplemental Petition for Writ of
9 Habeas Corpus (Post Conviction) ("Supplemental Petition") on October 9, 2020, setting
10 forth two grounds for relief. This Motion to Partially Dismiss follows.

11 Argument

12 i. Applicable authorities

13 A district court reviews claims of ineffective assistance of trial counsel under
14 Strickland v. Washington, 466 U.S. 668, 686-87 (1984); *see also* Kirksey v. State, 112
15 Nev. 980, 987, 923 P.2d 1102, 1107 (1996). Under Strickland, to prevail on a claim of
16 ineffective assistance of trial counsel, a defendant must establish two elements: (1)
17 counsel provided deficient performance, and (2) "the deficient performance prejudiced
18 the defense." Kirksey, 112 Nev. 987, 923 P.2d at 107. To prove deficient performance, a
19 defendant must show counsel's performance fell below an objective standard of
20 reasonableness. Id. To prove prejudice, a defendant must demonstrate "a reasonable
21 probability that, but for counsel's errors, the result of the trial would have been
22 different." Id. at 988, 923 P.2d at 1107. "A reasonable probability is a probability
23 sufficient to undermine confidence in the outcome." Strickland, 466 U.S. at 694.
24 Counsel's performance is measured by an objective standard of reasonableness which

1 takes into consideration prevailing professional norms and the totality of the
2 circumstances. Strickland, 466 U.S. at 688; *accord*, Homick v. State, 112 Nev. 304, 913
3 P.2d 1280 (1996). An insufficient showing on either element of the Strickland standard
4 requires denial of the claim. Kirksey, 112 Nev. at 988, 923 P.2d at 1107.

5 The court's view of counsel's performance must be highly deferential, with every
6 effort being taken to eliminate the distorting effects of hindsight. Strickland, 466 U.S. at
7 689, 691. In making a fair assessment of counsel's performance, the trial court must
8 reconstruct the circumstances of counsel's challenged conduct and evaluate that
9 challenged act or omission from counsel's perspective at the time, while remaining
10 perfectly mindful that counsel is "strongly presumed to have rendered adequate
11 assistance and made all significant decisions in the exercise of reasonable professional
12 judgment." *Id.* at 689-90. Accordingly, trial counsel's strategic or tactical decisions will
13 be "virtually unchallengeable absent extraordinary circumstances." Doleman v. State,
14 112 Nev. 843, 848, 921 P.2d 278, 280 (1996) *quoting* Howard v. State, 106 Nev. 713,
15 722, 800 P.2d 175, 180 (1990).

16 A petitioner must demonstrate the facts underlying a claim of ineffective counsel
17 by a preponderance of the evidence, and a district court's factual findings regarding a
18 claim of ineffective assistance of counsel are entitled to deference on appeal. Means v.
19 State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004); Riley v. State, 110 Nev. 638, 647, 878
20 P.2d 272, 278 (1994). Habeas claims must consist of more than bare allegations, and an
21 evidentiary hearing on a habeas petition is mandated only if a petitioner asserts specific
22 factual allegations not belied or repelled by the record. Hargrove v. State, 100 Nev. 498,
23 686 P.2d 222 (1984); Nika v. State, 124 Nev. 1272, 198 P.3d 839 (2008).

24 ///

1 ii. Petition Ground One and Supplemental Petition Ground One

2 In Ground One of his Petition and Supplemental Petition, the Petitioner alleges
3 that he received ineffective assistance of counsel related to the plea negotiations and
4 entry of his pleas. He asserts that counsel did not conduct any investigation prior to
5 entering his pleas. He also contends that his pleas were not validly entered as a result of
6 medication affecting his mental faculties prior to entering his pleas. The State is
7 confident that the Petitioner will not be able to establish either deficient performance or
8 prejudice pursuant to Strickland, but acknowledges that he has alleged sufficient
9 information to warrant an evidentiary hearing on this claim.

10 Ground One of the Petition also makes a vague assertion to prosecutorial
11 misconduct before alleging again that the Petitioner's plea was invalid as a result of his
12 mental status being affected by medication. The prosecutorial misconduct claim is
13 vague and unclear. The Petitioner alleges that the prosecution "knowingly allowed Mark
14 Goin statement - false testimony to incriminate the Petitioner...." The Petition fails to
15 identify at what hearing this alleged false testimony was presented. The Petition asserts
16 that this is just one of many instances of prosecutorial misconduct. The Petition fails to
17 identify or describe any of those additional alleged instances of prosecutorial
18 misconduct. Because the prosecutorial misconduct claim is a bare allegation and is
19 apparently unrelated to his pleas, it should be dismissed. Hargrove, supra; Nika, supra.

20 iii. Petition Ground Two

21 In Ground Two of his Petition, the Petitioner asserts that he received ineffective
22 assistance of appellate counsel for raising only a single issue related to sentencing and
23 for failing to move to correct his PSI. This claim is procedurally barred as a matter of
24 law and must be dismissed.

1 NRS 34.810(1)(a) requires that the court dismiss a petition if it determines that
2 “[t]he petitioner’s conviction was upon a plea of guilty... and the petition is not based
3 upon an allegation that the plea was involuntarily or unknowingly entered or that the
4 plea was entered without effective assistance of counsel.” The Nevada Court of Appeals
5 recently issued an opinion explaining that “to fall within the scope of NRS 34.810(1)(a),
6 an ineffective-assistance claim must challenge events that affected the validity of the
7 guilty plea.” *Gonzales v. State*, 136 Nev. Adv. Op. 60 (Nev. App. October 1, 2020), 2020
8 WL 5889017 at *5.

9 “The application of procedural bars is mandatory” unless a petitioner can
10 demonstrate good cause and actual prejudice, or actual innocence. *Branham v. Baca*,
11 134 Nev. 814, 815, 434 P.3d 313, 315 (Nev. App. 2018) citing *State v. Eighth Judicial*
12 *Dist. Court (Riker)*, 121 Nev., 225, 231, 112 P.3d 1070, 1074 (2005) and *Pellegrini v.*
13 *State*, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001); see also *State v. Haberstroh*, 119 Nev.
14 173, 180, 69 P.3d 676, 681 (2003).

15 The Petitioner pled guilty in all three of his cases. Therefore, as Ground Two of
16 his Petition alleges deficiencies related to sentencing and his direct appeal, it is
17 statutorily barred and must be dismissed.

18 iv. Petition Ground Three

19 Ground Three of the Petition is confusing. It alleges that the Petitioner’s PSI is
20 erroneous, that its errors are of a constitutional magnitude, and that counsel had the
21 Petitioner plead guilty to a charge he is innocent of committing. To the extent that this
22 ground alleges that he received ineffective assistance of counsel related to his plea, it
23 should proceed to an evidentiary hearing. To the extent that it alleges errors related to
24 his PSI, it is procedurally barred as explained above.

v. Petition Ground Four

Ground Four of the Petition alleges that the Petitioner is actually innocent of the Possession of a Stolen Motor Vehicle charge in CR18-0091. The State does not believe that the Petitioner will be able to present evidence sufficient to warrant withdrawal of his plea, but this claim should also proceed to an evidentiary hearing.

vi. Supplemental Petition Ground Two

Ground Two of the Supplemental Petition alleges that the Petitioner received ineffective assistance at the time of sentencing. As the Petitioner pled guilty and this claim does not allege any deficiency related to his plea, it is statutorily barred and must be dismissed. NRS 34.810(1)(a).

Conclusion

The State respectfully requests that the Court dismiss Ground Two of the Petition and Ground Two of the Supplemental Petition. The claims raised in those grounds allege that the Petitioner received ineffective assistance of counsel at the time of sentencing and on appeal. Because the Petitioner pled guilty, he is statutorily limited to raising claims of ineffective assistance of counsel related to the entry of his plea. The State also respectfully requests that the Court dismiss those portions of Grounds One and Three that do not allege ineffective assistance of counsel related to entry of his pleas.

///

///

///

///

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1 AFFIRMATION PURSUANT TO NRS 239B.030

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

4 DATED: November 23, 2020.

5 CHRISTOPHER J. HICKS
6 District Attorney

7 By /s/ Kevin Naughton
8 KEVIN NAUGHTON
9 Appellate Deputy

10 CERTIFICATE OF SERVICE

11 I hereby certify that this document was filed electronically with the Second Judicial
12 District Court on November 23, 2020. Electronic Service of the foregoing document shall
13 be made in accordance with the Master Service List as follows:

14 Lyn E. Beggs, Esq.

15 /s/ Tatyana Kazantseva
16 TATYANA KAZANTSEVA

EXHIBIT-B

SECOND JUDICIAL DISTRICT COURT JUDGE

DAVID A. HARDY'S "ORDER GRANTING PARTIAL DISMISSAL
AND GRANTING EVIDENCIARY HEARING"; IN

JOHN KIRBY v STATE OF NEVADA

FILED: FEBRUARY 2, 2021 BY JUDGE DAVID A. HARDY.

TRANSACTION NO: 8174945

CASE NO: CR17-2061

CR18-0089

CR18-0091

DEPT. NO. 15.

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

JOHN EDWARD KIRBY,

Petitioner,

vs.

STATE OF NEVADA,

Respondent.

Case No. CR17-2061
CR18-0089
CR18-0091

Dept. No. 15

**ORDER GRANTING PARTIAL DISMISSAL AND
GRANTING EVIDENTIARY HEARING**

Before this Court is Petitioner John Edward Kirby's petition for writ of habeas corpus, his supplemental petition, and the State's opposed motion to partially dismiss both. This Court has read all moving papers; it now orders as follows:

Background and Procedural History

Mr. Kirby pled guilty to charges in three cases: CR17-2061, CR18-0098, and CR18-0091. The judgments of conviction were filed on November 21, 2018, sentencing Mr. Kirby to imprisonment for 19-48 months, 28-72 months, and an aggregate term of 56-144 months. The Nevada Court of Appeals affirmed the sentence on September 30, 2019. On December 13, 2019, Mr. Kirby filed a petition for writ of habeas corpus listing four grounds for relief: 1) his pleas are invalid because of ineffective assistance of counsel during plea negotiations and entry, his mental condition and lack of medication prevented him from knowingly entering his plea, and prosecutorial misconduct; 2) ineffective assistance of counsel at sentencing and on appeal; 3) he was denied due process and equal protection because of

1 cumulative errors in his PSI and because he was not transported to the Salvation Army;¹
2 finally, 4) Mr. Kirby was denied due process and equal protection because Nevada should
3 have dismissed charges the State of California did not pursue.

4 In January 2020, this Court deemed Mr. Kirby indigent and ordered an attorney be
5 appointed for post-conviction representation. This Court's order to appoint counsel also
6 struck the submission of Mr. Kirby's Petition for Writ of Habeas Corpus directing his
7 appointed counsel to supplement or confirm the petition.

8 The supplemental petition, filed October 9, 2020, incorporated Mr. Kirby's
9 December 13, 2019 petition by reference. The State's motion to partially dismiss relies on
10 NRS 34.810(1)(a) and Gonzales v. State, 136 Nev. Adv. Op. 60 (Nev. App. 2020). The State
11 concedes certain allegations contained in grounds 1 and 3, and ground 4 of Mr. Kirby's
12 petition and supplemental petition warrant an evidentiary hearing. The State argues Mr.
13 Kirby's guilty plea procedurally precludes arguments not concerning plea negotiations
14 and entry contained in grounds 1 and 3 and mandates dismissal of ground 2. Mr. Kirby
15 opposed arguing the holding in Gonzales is not settled law, and his right to effective
16 assistance of appellate counsel was never waived and should be presented in an
17 evidentiary hearing.

18 Law Analysis

19 "A claim of ineffective assistance of counsel presents a mixed question of law and
20 fact and is therefore subject to independent review." Kirksey v. State, 112 Nev. 980, 988,
21 923 P.2d 1102, 1107 (2005). Nevada uses the test established in Strickland v. Washington,
22 466 U.S. 668, 104 S. Ct. 202, 80 L.Ed.2d. 674 (1984); two elements must be established to
23 successfully claim ineffective assistance of counsel: (1) counsel's performance was
24 deficient, and (2) the deficient performance prejudiced the defense. Kirksey, 112 Nev. at
25 987, 923 P.2d at 1107 (citing Strickland, 466 U.S. at 687). A court need not consider both
26 prongs if the defendant makes an insufficient showing on either one. Id. When a
27 conviction is the result of a guilty plea, "the defendant must show that there is a
28

¹ Mr. Kirby also alleges actual innocence.

1 reasonable probability that, but for counsel's errors, he would not have pleaded guilty and
2 would have insisted on going to trial." Kirksey, 112 Nev. at 988, 923 P.2d 1107.

3 NRS 34.810 mandates courts dismiss a petition for habeas corpus if the petitioner's
4 conviction was based on a plea and the petition "is not based upon an allegation that the
5 plea was involuntarily or unknowingly entered or that the plea was entered without
6 effective assistance of counsel." NRS 34.810(1)(a). The Nevada Court of Appeals explained
7 "an ineffective-assistance claim must challenge events that affect the validity of the guilty
8 plea." Gonzales v. State, 136 Nev. Adv. Op. 60, 476 P.3d 84, 90 (Nev. App. 2020).

9 Thus, a petitioner must allege specific facts demonstrating both
10 that counsel's advice (or failure to give advice) regarding the
11 guilty plea was objectively unreasonable and that the
12 deficiency affected the outcome of the plea negotiation process.
13 Any claim that does not satisfy this standard is outside the
14 scope of permitted claims and must be dismissed. . . Because
15 events occurring after the entry of the plea cannot have affected
16 either counsel's advice regarding entering the guilty plea or the
17 outcome of the plea negotiation process, ineffective-assistance
18 claims relating to post-plea proceedings necessarily fall outside
19 the scope of claims permitted by NRS 34.810(1)(a).

20 Id. A defendant seeking post-conviction relief is not entitled to an evidentiary hearing on
21 factual allegations belied or repelled by the record. Hargrove v. State, 100 Nev. 498, 503,
22 686 P.2d 222, 224 (1984). "The application of procedural bars is mandatory" unless a
23 petitioner can demonstrate good cause and actual prejudice, or actual innocence. Branham
24 v. Baca, 134 Nev. 814, 815, 434 P.3d 313, 315 (Nev. App. 2018) citing State v. Eighth Judicial
25 Dist. Court (Riker), 121 Nev., 225, 231, 112 P.3d 1070, 1074 (2005) and Pellegrini v. State,
26 117 Nev. 860, 887, 34 P.3d 519, 537 (2001); see also State v. Haberstroh, 119 Nev. 173, 180,
27 69 P.3d 676, 681 (2003).

28 This Court agrees under Gonzales v. State, a petitioner who pled guilty may only
challenge the validity of the plea. See NRS 34.810(1)(a); Gonzales, 136 Nev. Adv. Op. 60,
476 P.3d at 90.² Mr. Kirby pled guilty in all three of his cases. Grounds 1 and 3 are,

² Gonzales is currently binding precedent this Court must follow.

1 therefore, limited to claims challenging the validity of the plea and ineffective assistance of
2 counsel prior to and during entry.

3 Mr. Kirby may not argue the general prosecutorial misconduct mentioned in
4 ground 1 or the cumulative errors discussed in ground 3, as those allegations do not affect
5 the validity of his pleas nor his claims of ineffective assistance of counsel. Likewise,
6 ground 2, alleging deficiencies related to Mr. Kirby's sentencing and on appeal, is
7 statutorily barred and must be dismissed.

8 Conclusion

9 This Court concludes an evidentiary hearing on Mr. Kirby's petition and
10 supplemental petition as limited above is proper. Arguments for grounds 1 and 3 are
11 limited to claims of ineffective assistance of counsel and plea validity. Ground 2 of Mr.
12 Kirby's petition is dismissed.

13 Accordingly, the parties are to jointly contact the Department 15 Court Clerk at
14 Mikki.Merkouris@washoecourts.us, within ten days to set an evidentiary hearing in
15 conjunction with the Nevada Department of Corrections to ensure Mr. Kirby's availability
16 and participation.

17 **IT IS SO ORDERED**

18 Dated this 2nd day of February, 2021.

19 
20 _____
21 DISTRICT JUDGE

EXHIBIT - C

SECOND JUDICIAL DISTRICT COURT

JUDGE CONNIE J. STEINHEIMER'S ORDER IN

BRIAN HOBBS v WARDEN OLSEN

FILED: APRIL 7TH 2022 BY JUDGE STEINHEIMER

TRANSACTION No: 8987928

CASE No: CR11-1906

DEPT. No: 4

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

* * *

BRIAN HOBBS,

Petitioner,

v.

Case No. CR11-1906

WARDEN KYLE OLSEN,

Dept. No. 4

Respondent.

ORDER

On April 1, 2022, Petitioner, BRIAN HOBBS, in pro per, filed a *Petition for Writ of Habeas Corpus (Post-Conviction)* and a *Motion for Leave to Proceed in Forma Pauperis*, which included a request for appointment of counsel. On April 5, 2022, the Petitioner filed a Motion for Appointment of Counsel and formally submitted the motion to the Court for decision.

This Court having reviewed the pleadings filed herein, finds that it is appropriate to appoint counsel in this matter and further finds that Petitioner is currently serving a sentence in the Nevada Department of Corrections.

Pursuant to Nevada Supreme Court's Order ADKT No. 411, a person will be deemed 'indigent' who is unable, without substantial hardship to himself or his dependents, to obtain competent qualified legal counsel on his own. Further, there is a presumption of substantial

1 hardship which attaches to those persons currently serving a sentence in a correctional
2 institution or housed in a mental health facility.

3 Further that pursuant to NRS 171.188, Petitioner has shown to have insufficient assets
4 and/or income to proceed absent a grant of *forma pauperis* status.

5 IT IS HEREBY ORDERED Petitioner is granted leave to proceed in *forma pauperis*.

6 IT IS HEREBY FURTHER ORDERED that the Court allow said BRIAN HOBBS to bring
7 such action without costs and file or issue any necessary writ, process, pleading or paper
8 without charge, with the exception of jury fees.

9 IT IS HEREBY FURTHER ORDERED that the Sheriff or any other appropriate officer
10 within the state make personal service of any necessary writ, process, pleading or paper
11 without charge for BRIAN HOBBS.

12 IT IS HEREBY FURTHER ORDERED that the request for appointment of counsel is
13 GRANTED. The above entitled matter is referred to Krista Meier, Esq., Appointed Conflict
14 Administrator, for the selection of counsel for BRIAN HOBBS concerning the *Petition for Writ of*
15 *Habeas Corpus (Post-Conviction)* filed on April 1, 2022.

16 DATED this 7 day of April, 2022.

17
18 Connie J. Steinheimer
DISTRICT JUDGE

Roderick Skinner
Post Office Box 7000
Carson City, Nevada 89702-7000

FILED

2022 MAY -4 PM 3:23

ALICIA L LERUD
CLERK OF THE COURT
BY Scalabrin
DEPUTY

IN THE Second JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR COUNTY OF Washoe

Roderick Skinner
Plaintiff

Case No: CR14-0644

vs
Warden Olsen NCC
State of Nevada Et Al

REQUEST FOR SUBMISSION

Respondent

Comes now, Plaintiff, Roderick Skinner (hereinafter "Plaintiff"),
appearing in proper person, and files this Request for Submission, in the above entitled action.

This Request is made pursuant to District Court Rules, whereas, Plaintiff respectfully
request that his

Petition for Writ of Habeas Corpus, be
submitted to the appropriate Honorable Court for a review and a decision.

Dated this 28 day of April, 2022

Rod Skinner

Proper Persona Plaintiff

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, Request for
Submission, Petition for writ of Habeas Corpus
(Title of Document)

Filed in case number: CR14-0644

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 4/28/22

Rod Skinner

(Signature)

Roderick Skinner

(Print Name)

(Attorney for)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCR Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this 28 day of April, 20 22, I mailed a true and correct copy of the foregoing Request for Submission to the following:

Warden Olsen NVCC
P.O. Box 7000
Carson City, NV. 89701

Attorney General
5420 Kietzke Ln. #202
Reno, NV. 89511

Washoe District Attorney
15. Sierra St
Reno, NV. 89501

Second District Court
75 Court St
Reno, NV 8950

BY: Rod Skura

RODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

Petitioner, In Proper Person

FILED

2022 MAY -5 PM 1:03

ALICIA L. LEROUX
CLERK OF THE COURT
BY [Signature]

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

RODERICK SKINNER

Plaintiff/Petitioner

vs.

WARDEN OLSEN, NNCC et al

Defendant/Respondent

Case No.: CR14-0644

Reply to States Opposition
to Motion for Appointment of
Counsel.

COMES NOW, RODERICK SKINNER, in proper person and herein
above respectfully SUBMITS HIS "REPLY TO STATES OPPOSITION TO MOTION FOR
APPOINTMENT OF COUNSEL".

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

MEMORANDUM OF POINTS AND AUTHORITIES

MR SKINNER SHOULD BE APPOINTED COUNSEL BASED ON HIS CURRENT SITUATION AS AN INCARCERATED FOREIGNER. See eg., ORDER OF SECOND JUDICIAL DISTRICT COURT JUDGE STEINHEIMER IN HOBBS v WARDEN CR11-1906, TRANSACTION # 8987928 AT PAGE 1 line 26 TO PAGE 2 lines 1+2:

"FURTHER THERE IS A PRESUMPTION OF SUBSTANTIAL HARDSHIP WHICH ATTACHES TO THOSE PERSONS CURRENTLY SERVING A SENTENCE IN A CORRECTIONAL INSTITUTION..."

MR SKINNER INDISPUTEDLY SUFFERS EXTRAORDINARY HARDSHIP IN RELATION TO THE ORDINARY INCIDENTS OF PRISON LIFE; HE IS A DOUBLE LEG AMPUTEE IN A WHEELCHAIR, WITH A MYRIAD OF MEDICAL ISSUES TO CONTEND WITH SUCH AS AMPUTEE NERVE PAIN STORMS (NEUROPATHY), ANEMIA DUE TO CROHN'S DISEASE INTERNAL BLEEDING, SPINAL SCOLIOSIS WITH ACCOMPANYING PAIN, CLINICAL DEPRESSION, HIGH BLOOD PRESSURE, PLEUROSIS IN HIS RIGHT LUNG, AND MORE.

MR SKINNER WOULD BRING TO THE COURT'S ATTENTION THAT ON APRIL 1ST 2022 ONE BRIAN HOBBS FILED A PETITION FOR WRIT OF HABEAS CORPUS IN THE SECOND JUDICIAL DISTRICT COURT. MR HOBBS PETITION IS AN EXACT SAME LEGAL ARGUMENT TO MR SKINNER'S PETITION - WORD FOR WORD - AS THE TWO WERE CREATED AT THE SAMETIME BY THE SAME

PREPARATION TEAM, AND WAS FILED 11-YEARS AFTER HIS FIRST PETITION, AND WAS ALLOWED TO PROCEED BY JUDGE CONNIE J. STEINHEIMER AT WHICH TIME JUDGE STEINHEIMER ORDERED THAT THE COURT ALLOW SAID BRIAN HOBBS TO BRING SUCH ACTION WITHOUT COSTS AND FILE OR ISSUE ANY NECESSARY WRIT, PROCESS, PLEADING OR PAPER WITHOUT CHARGE, WITH THE EXCEPTION OF JURY FEES. See,

"IT IS HEREBY FURTHER ORDERED THAT THE REQUEST FOR APPOINTMENT OF COUNSEL IS GRANTED."

See, EXHIBIT-C, JUDGE STEINHEIMER'S ORDER at page 2 lines 6-15.

CONCLUSION:

MR SKINNER RESPECTFULLY REQUESTS APPOINTMENT OF COUNSEL BE GRANTED BASED UPON THE FOREGOING, AND OTHER PLEADINGS ON FILE. THE ISSUES ARE OF CONSTITUTIONAL MAGNITUDE BECAUSE OF A FUNDAMENTAL CHANGE IN NEVADA STATE LAW¹, AND COUNSEL WOULD BETTER SERVE THE COURT IN PRESENTING THE ISSUES APPROPRIATELY.

FOOTNOTE 1: MORE ACCURATELY STATED, THE INTERPRETATION OF NRS 34.810(1)(a) CHANGED PURSUANT TO GONZALES v STATE, 492 P.3d 556 (2021).

Dated this 28TH day of APRIL, 2022.

By: Rod Skinner
PETITIONER IN PRO-PER

CERTIFICATE OF SERVICE

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

CLERK OF THE COURT

SECOND JUDICIAL DISTRICT COURT

75 COURT ST

RENO NV. 89501

AND

WASHOE COUNTY DISTRICT ATTY.

1 5TH SIERRA ST RENO NV. 89501

~~428~~

Dated this 28TH day of APRIL, 2022.

By: Rod Skinner

Petitioner, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

28TH APRIL 2022
(Date)

Rod Skinner
(Signature)

CODE No. 3790
CHRISTOPHER J. HICKS
#7747
One South Sierra Street
Reno, Nevada 89501
(775) 328-3200
districtattorney@da.washoecounty.gov
Attorney for Respondent

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * *

RODERICK SKINNER,

Petitioner,

Case No. CR14-0644

v.

Dept. No. 8

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

Respondents.

_____ /

**REPLY IN SUPPORT OF THE STATE'S MOTION TO DISMISS
SECOND PETITION**

COMES NOW, the State of Nevada, by and through Kevin Naughton, Appellate Deputy, and files this Reply in support of its Motion to Dismiss Second Petition filed by Petitioner, Roderick Skinner (hereafter, "Petitioner"). This Reply is based on the pleadings and papers on file with this Court, and the following points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Argument

The Petitioner opposes the State's Motion to Dismiss by making arguments based upon the undersigned's filings in other cases before other judges at the Second Judicial

District Court. The Petitioner and his “document preparation team¹” have several mistaken beliefs: 1. That the State is obligated to argue every case in the same way; 2. That the undersigned seeks to deceive and mislead this Court; and 3. That outcomes in other district court cases are binding upon this Court.

First, the State is not required to argue every case in the same way and the Petitioner cites zero authority in support of the proposition. As a result, it should be ignored.

Second, the Petitioner claims that the undersigned has attempted to deceive this Court by arguing for the application of the procedural bar set forth at NRS 34.810(1)(a) in a different case, State v. Kirby, CR17-2061, CR18-0089, and CR18-0091, while arguing that it was not a bar in the instant case. As noted in the Motion to Dismiss, the Nevada Supreme Court’s recent decision in Gonzales clarified that NRS 34.810(1)(a) does not apply to bar claims of ineffective assistance of counsel at sentencing. 137 Nev. Adv. Op. 40, 492 P.3d 556 (Nev. July 29, 2021). Before Gonzales was issued, the undersigned had argued, as in Kirby, that NRS 34.810(1)(a) acted as such a bar. The Nevada Supreme Court explained that position was “one facially reasonable reading of the statute, but it is not the only reasonable reading” and ultimately decided that NRS 34.810(1)(a) did not act as a procedural bar to sentencing claims. 492 P.3d at 560. The

¹ The Petitioner’s “document preparation team” appear to be violating the Nevada Department of Correction’s administrative regulations governing inmates assisting one another with legal pleadings. NDOC Administrative Regulation 722.04(11) requires that “[a]ny inmate assisting in the preparation of legal documents must clearly identify themselves as an inmate and document this by writing ‘inmate’ before their name and follow with their prison identification number.” None of the Petitioner’s pleadings in support of his Second Petition bears any indication that they were prepared with the assistance of another inmate. Nevertheless, in both the Opposition to the State’s Motion to Dismiss and the Reply to State’s Opposition to Motion for Appointment of Counsel, references are made to a “document preparation team.”

undersigned is not acting contradictorily by making different arguments before and after the Nevada Supreme Court issued a clarifying opinion directly on point.

Moreover, the Gonzales court explained that it was “explicitly hold[ing] today what has been implicit in our caselaw for decades.” 492 P.3d at 562. The Petitioner should not get the benefit of his own ignorance in failing to present an available argument in his First Petition under the mistaken belief that it was procedurally barred. As the Gonzales opinion made clear, claims that counsel was ineffective at the time of sentencing have been available “for decades.” As NRS 34.810(1)(a) does not act as a bar, and has not acted as a bar “for decades,” it could not have applied to bar the Petitioner’s valid claims in his First Petition. He believes he had valid claims, he should have raised them. Nevada’s post-conviction framework does not allow for multiple trips through the process, raising issues in a piecemeal fashion. Brown v. McDaniel, 130 Nev. 565, 572-73, 331 P.3d 867, 872-73 (“The purpose of the single post-conviction remedy and statutory procedural bars is to ensure that petitions would be limited to one time through the post-conviction system.”) (quotations and citations omitted).

Finally, another district court judge’s decision to grant a different petitioner’s request for counsel in a different case is not binding in any way on this Court. *See, e.g., Camreta v. Greene*, 563 U.S. 692, 709 fn. 7, 131 S. Ct. 2020, 2033 fn. 7 (2011) (“A decision of a federal district court judge is not binding precedent in either a different judicial district, the same judicial district, or even upon the same judge in a different case.”) *citing* 18 J. Moore et al., *Moore's Federal Practice* § 134.02[1] [d], p. 134–26 (3d ed. 2011). Each case hinges upon its own facts - what might be true in Brian Hobbs’ case might not be true in the Petitioner’s, no matter that identical documents were submitted by the same “document preparation team.” District court judges enjoy coextensive and

concurrent jurisdiction. NRS 3.220. Moreover, claims of good cause to overcome procedural bars and requests for the appointment of counsel on a procedurally barred post-conviction petition are fact-intensive inquiries and must be determined individually. To suggest that because another Petitioner was able to obtain the benefit of counsel in another case says nothing of whether the Petitioner can overcome a mandatory procedural bar in this case. This Court would abrogate its responsibility to decide this case if it blindly appointed counsel because some other petitioner in some other case had counsel appointed by virtue of filing the same document.

The Petitioner's Second Petition is procedurally barred. It is untimely, it is successive, it constitutes an abuse of the writ, it fails to offer sufficient good cause to overcome the procedural bars, it is subject to the doctrine of laches, and it fails to address the prejudice to the State by its delayed filing. Nevada's statutes are designed to provide for a single trip through the post-conviction process. Through the Petitioner's own ignorance, he now seeks to obtain a second trip. His request must be denied.

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: May 9, 2022.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy
Nevada Bar No. 12834

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on May 9, 2022, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Roderick Skinner #1126964
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

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

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

* * *

RODERICK SKINNER,

Petitioner,

Case No. CR14-0644

v.

Dept. No. 8

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

Respondents.

_____ /

REQUEST FOR SUBMISSION

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

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: May 9, 2022.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on May 9, 2022, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Roderick Skinner #1126964
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-05-09 11:56:38.082.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-05-09 11:56:37.55.
JOHN PETTY, ESQ. - Notification received on 2022-05-09 11:56:37.332.
DIV. OF PAROLE & PROBATION - Notification received on 2022-05-09 11:56:36.894.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-05-09 11:56:36.41.
CHRISTINE BRADY, ESQ. - Notification received on 2022-05-09 11:56:38.347.
EDWARD REED, ESQ. - Notification received on 2022-05-09 11:56:37.8.

******* 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:

05-09-2022:11:51:09

Clerk Accepted:

05-09-2022:11:56:14

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Reply to/in Opposition
Request for Submission

Filed By:

Kevin Naughton

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

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

-

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

The following people were served electronically:

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

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

Roderick Skinner

(Name)

1126964

(I.D. No.)

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

Movant, In Proper Person

FILED

2022 MAY 10 PM 12:15

ALICIA L. LERUD
 CLERK OF THE COURT
 BY Salab Finch
 DEPUTY

IN THE Second JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 IN AND FOR THE COUNTY OF Washoe

Roderick Skinner

Plaintiff/Movant

vs.

Warden Olsen NCC
State of Nevada Et Al

Defendant/Respondent

Case No.: CR14-0644Dept. No.: 8**REQUEST FOR SUBMISSION**

COMES NOW, Roderick Skinner, in proper person, and respectfully
 requests submission of his pleading, to wit: Petition for Writ of Habeas Corpus, filed
 in this court on April 4, 2022, for adjudication on the merits.

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

Respectfully submitted this NINTH day of MAY, 20 22.

By: Rod Skinner

CERTIFICATE OF SERVICE

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

Washoe District Attorney
One Sierra St
Reno, NV. 89501

AND

Warden Olsen WCC
P.O. Box 7000
Carson City, NV 89702

Dated this NINTH day of MAY, 2022.

By: Rod Skinner

Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

NINTH MAY 2022
(Date)

Rod Skinner
(Signature)

FILED

RODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

Movant, In Proper Person

2022 MAY 16 PM 2:57

ALICIA L. LERUD
CLERK OF THE COURT
BY Saleh B. Alamein
DEPUTY

IN THE Second JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF Washoe

RODERICK SKINNER

Plaintiff/Movant

vs.

WARDEN OLSEN N.N.C.C et al.

NEVADA ATTORNEY Defendant/Respondent
GENERAL

Case No.: CR14-0644Dept. No.: 15REQUEST FOR SUBMISSION

COMES NOW, RODERICK SKINNER, in proper person, and respectfully
requests submission of his pleading, to wit: Opposition to State's Motion to Dismiss
Second Petition Filed on May 4, 2022, filed
in this court on May 4, 2022, for adjudication on the merits.

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

Respectfully submitted this EIGHTH day of MAY, 2022.

By: Rod Skinner.

CERTIFICATE OF SERVICE

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

WASHOE COUNTY DISTRICT ATTORNEY,

1 STH SIERRA ST

RENO 89501

AND

Dated this EIGHTH day of MAY, 2022.

By: Rod Skinner.

Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

08TH MAY 2022
(Date)

Rod Skinner.
(Signature)

RODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

Petitioner, In Proper Person

FILED

2022 MAY 18 PM 2:39

ALICIA L. LERUD
CLERK OF THE COURT
BY Stacy Graham
DEPUTY

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

RODERICK SKINNER

Plaintiff/Petitioner

VS.

WARDEN OLSEN N.N.C.C. et al.
NEVADA ATTY GEN. Defendant/Respondent

Case No.: CR14-0644

RESPONSE TO THE STATE'S
REPLY IN SUPPORT OF THE
STATE'S MOTION TO DISMISS
SECOND PETITION

COMES NOW, RODERICK SKINNER, in proper person and herein
above respectfully ^{Rs.} SUBMITS THIS "RESPONSE TO THE STATES REPLY
IN SUPPORT OF THE STATE'S MOTION TO DISMISS SECOND PETITION".

The ^{Rs.} RESPONSE is made and based upon all papers and pleadings on file herein as well
as the following Memorandum of Points and Authorities and attached exhibits (where
applicable).

MEMORANDUM OF POINTS AND AUTHORITIES

MR NAUGHTON'S REPLY IN SUPPORT OF THE STATE'S MOTION TO DISMISS SECOND PETITION ASKS THIS COURT TO IGNORE HIS CLEAR CONTRADICTORY ARGUMENTS BASED ON THE STATE NOT BEING REQUIRED TO ARGUE EVERY CASE IN THE SAME WAY. IF THE ISSUE IN EVERY CASE WAS THE SAME, WOULD MR NAUGHTON BE ALLOWED TO ARGUE WHAT "HE" THINKS APPLIES AT THAT TIME?

HOWEVER, MR NAUGHTON'S ASSERTIONS MUST COMPLY WITH ESTABLISHED LAW, AND HIS ARGUMENT IS CLEARLY ^{RS.} CONTRADICTORY TO THE NEVADA SUPREME COURT'S DECISION IN GONZALES v STATE, 492 P.3d 556 (2021) WHEREIN THE COURT RULED THAT:

"IT WOULD VIOLATE THE SPIRIT OF OUR HABEAS STATUTE AND THE PUBLIC POLICY OF THIS STATE TO PROHIBIT HIM OR HER FROM EVER RAISING THAT CLAIM IN STATE COURT. [UNDERLINE ADDED BY PETITIONER] THEREFORE, THE DISTRICT COURT ERRED BY DECLINING TO CONSIDER GONZALES'S CLAIM THAT COUNSEL PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL AT SENTENCING".

IN THE INTERESTS OF JUDICIAL ECONOMY, PETITIONER RESPECT-

-FULLY REQUESTS THIS HONORABLE COURT TO ORDER THAT MY PETITION MOVE FORWARD SO AS TO ALLEVIATE ANY FURTHER PROCRASTINATION BY THE PROSECUTOR, MR NAUGHTON. I WOULD LIKE TO NOTIFY THE COURT OF MY POSSIBLE INTENTION TO FILE AN EQUAL PROTECTION CLAIM UNDER THE FOURTEENTH AMENDMENT, DUE TO THE DISCRIMINATION THAT THE PROSECUTOR IN THIS CASE APPEARS TO BE COMMITTING AGAINST ME; MANY OTHER PETITIONERS HAVE RAISED THE SAME EXACT ISSUE PURSUANT TO GONZALES, AND HAVE BEEN ALLOWED TO PROCEED FORWARD.

Dated this TWELTH day of MAY, 20 22.

By: Rod Skinner.
PETITIONER IN PRO-PER.

CERTIFICATE OF SERVICE

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

CLERK OF THE COURT

SECOND JUDICIAL DISTRICT COURT

75 COURT ST

RENO N.V. 89501

AND

WASHOE COUNTY DISTRICT ATTY

1 SOUTH SIERRA ST

RENO N.V. 89501.

Dated this 12TH day of MAY, 2022.

By: Rod Skinner

Petitioner, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

12TH MAY 2022
(Date)

Rod Skinner
(Signature)

RODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

Movant, In Proper Person

FILED

2022 MAY 18 PM 2:39

ALICIA L. LERUD
 CLERK OF THE COURT
 BY Salvatore
 DEPUTY

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

RODERICK SKINNER

Plaintiff/Movant

vs.

WARDEN OLSEN N.N.C.C. et al.NEV. ATTY GEN. Defendant/RespondentCase No.: CR14-0644Dept. No.: 15REQUEST FOR SUBMISSION

COMES NOW, RODERICK SKINNER, in proper person, and respectfully
 requests submission of his pleading, to wit: RESPONSE TO THE STATE'S REPLY IN SUPPORT OF, filed
 in this court on 12TH MAY 2022, THE STATE'S MOTION TO DISMISS SECOND PETITION, for adjudication on the merits.

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

Respectfully submitted this 12TH day of MAY, 20 22.

By: Rod Skinner.

CERTIFICATE OF SERVICE

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

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

AND

WASHOE COUNTY DISTRICT ATTORNEY
1 SOUTH SIERRA ST
RENO N.V. 89501

Dated this 12TH day of MAY, 2022.

By: Rod Skinner

Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

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

12TH MAY 2022
 (Date)

Rod Skinner
 (Signature)

RODERICK SKINNER	Case No.	CR14-0644
Petitioner,	Dept. No.	8
vs.		
W. OLSEN, Warden NNCC, STATE OF NEVADA, et al.,		
Respondent.		

V8. 1332

1 **I. The Court Grants Petitioner's Motion for Appointment of Counsel**

2 Pursuant to NRS 34.750(1), the District Court has discretion to appoint
3 counsel to represent a petitioner that has filed a postconviction petition for a writ of
4 habeas corpus if the petitioner is indigent, and the petition is not summarily
5 dismissed. Additionally, the court may consider several factors when determining
6 whether to appoint counsel, such as: the Petitioner's indigency, the severity of the
7 consequences to the Petitioner, the difficulty of issues presented, whether counsel is
8 necessary to proceed with discovery, and whether the Petitioner is unable to
9 comprehend proceedings. *See* NRS 34.750.

10 In the instant case, Petitioner is facing a term of life imprisonment, with
11 parole eligibility after five years. Although a five-year minimum term may not be
12 sizeable on its face with respect to Petitioner's conviction, Petitioner could
13 potentially spend his life incarcerated, obviously a more severe consequence.

14 A *Judgment of Conviction* was entered on September 11, 2014, stating
15 Petitioner had 411 days credit for time served. During Petitioner's period of
16 incarceration, pre-sentencing, and post-sentencing, he has been unable to make a
17 living to support retainment of private counsel.

18 Where a Petitioner argues that he or she received ineffective assistance of
19 counsel at sentencing, he or she could not have raised that claim before entering a
20 plea. *Gonzales v. State*, 137 Nev. Adv. Op. 40, 492 P.3d 556, 562 (2021). Prohibiting
21 a petitioner from ever raising that claim in state court would violate "the spirit of
22 our habeas statute and the public policy of that state." *Id.*

23 Within his *Petition*, Petitioner argues trial counsel was ineffective for failing
24 to present evidence of his mental health diagnosis at the time of sentencing.
25 Therefore, the Court finds it necessary to appoint counsel to further develop this
26 claim, and to assist Petitioner with meaningful litigation of his *Petition*. *See Pearce*
27 *v. State*, 128 Nev. 924, 381 P.3d 649 (2012). Accordingly, Petitioner's *Motion to*
28 *Appoint Counsel* is **GRANTED**.

IT IS FURTHER ORDERED this matter be referred to Conflict Counsel/Attorney Administrator, Krista Meier, Esq., for selection of new counsel to assist Petitioner. Counsel must be appointed within 45 days of the filing of this Order, and a Notice of Appearance is to be filed promptly thereafter.

II. The Court Holds All Other Submitted Documents in Abeyance

Additional documents before the Court are: *Petition for Writ of Habeas Corpus*, *Motion to Dismiss Second Petition Filed April 22, 2022*, a duplicative *Petition for Writ of Habeas Corpus*, *Opposition to State’s Motion to Dismiss Second Petition Filed on May 4, 2022*, and a *Response to the State’s Reply In Support of State’s Motion to Dismiss Second Petition*.

The Court **HEREBY ORDERS** these matters be held in abeyance pending the appointment of counsel.

IT IS SO ORDERED.

DATED this 10th day of June, 2022.


BARRY L. BRESLOW
District Judge

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 10th day of June, 2022, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Roderick Skinner, #1126964
NNCC
PO BOX 7000
Carson City, NV 89702

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 10th day of June, 2022, 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:

JENNIFER NOBLE, ESQ.
KRISTA MEIER, ESQ.
DIV. OF PAROLE AND PROBATION


Judicial Assistant

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-06-10 16:47:42.968.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-06-10 16:47:42.436.
JOHN PETTY, ESQ. - Notification received on 2022-06-10 16:47:42.186.
DIV. OF PAROLE & PROBATION - Notification received on 2022-06-10 16:47:41.874.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-06-10 16:47:41.608.
CHRISTINE BRADY, ESQ. - Notification received on 2022-06-10 16:47:43.233.
EDWARD REED, ESQ. - Notification received on 2022-06-10 16:47:42.686.

******* 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:

06-10-2022:16:46:54

Clerk Accepted:

06-10-2022:16:47:16

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Granting Mtn

Filed By:

Judicial Asst. JBarrett

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

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-

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

The following people were served electronically:

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

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

RODERICK SKINNERN.N.C.C. #1126964P.O. Box 7000 CARSON CITY
NEVADA 89702

FILED

JUN 17 PM 1:15

ALICIA L. LERUD
CLERK OF THE COURTIN THE SUPREME COURT OF THE STATE OF NEVADARODERICK SKINNER

Petitioner/Plaintiff,

v.

The SECOND Judicial District
Court of the State Of Nevada, In and
For the County of WASHOE

Respondent/Defendant

Case No. CR14-0644Dept. No. 15

Docket No. _____

PETITION FOR WRIT OF MANDAMUS

Comes now, Petitioner/Plaintiff, RODERICK SKINNER, pro per, And respectfully moves this Honorable Court to issue a Petition for Writ of Mandamus, being filed contemporaneously herewith, directing 2ND JUDICIAL DISTRICT COURT, to reverse and vacate his order, and/or actions in denying Petitioner/Plaintiff A WRIT OF MANDAMUS BY NOT FILING SAID WRIT WITH COURT, AND RETURNING IT TO PETITIONER UNFILED

This motion is made and based pursuant to the supporting Points and Authorities attached hereto, N.R.S. 34.150 through N.R.S. 34.310, N.R.A.P. Rule 21, as well as all papers, pleadings, and documents on file herein.

II. LEGAL ARGUMENT

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

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

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

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

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

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

PROCEDURAL BACKGROUND

PETITIONER WAS CONVICTED IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, DEPARTMENT 15, JUDGE HARDY. PETITIONER TIMELY FILED HIS FIRST STATE HABEAS CORPUS PETITION ON JULY 13 2016 WHICH WAS REASSIGNED TO DEPARTMENT 8 WITHOUT EXPLANATION. PETITIONER'S STATE HABEAS CORPUS EVIDENCIARY HEARING WAS HELD IN DEPARTMENT 8 BEFORE JUDGE BRESLOW, VIOLATING THE SECOND JUDICIAL DISTRICT COURT LOCAL RULE 22.

PETITIONER FILED A SECOND PETITION FOR WRIT OF HABEAS CORPUS ON APRIL 4TH 2022, BASED UPON THE NEVADA SUPREME COURT'S HOLDING IN GONZALES v STATE, 492 P.3d 556 (2021). THAT PETITION WAS ASSIGNED ONCE AGAIN TO DEPARTMENT 8 JUDGE BRESLOW WITHOUT EXPLANATION.

STATEMENT OF FACTS

1 PETITIONER MAILED A PETITION FOR WRIT-OF-MANDAMUS TO THE
2 SECOND JUDICIAL DISTRICT COURT ON JUNE 1ST 2022 TO BE
3 FILED. See, ATTACHED EXHIBIT # 2- ENVELOPE REVERSE SIDE.

4
5 THE SECOND JUDICIAL DISTRICT COURT CLERK RETURNED THE
6 PETITION FOR WRIT OF MANDAMUS UNFILED ON JUNE 7TH 2022.
7 See EXHIBIT # 3 RETURN NOTICE, THAT INCLUDED ADMIN. ORDER
8 2016-4 FILED OCTOBER 12TH, 2016; See EXHIBIT # 4.

9
10 FOR THE SECOND JUDICIAL DISTRICT COURT NOT TO FILE THIS
11 PLEADING VIOLATES MY CONSTITUTIONAL RIGHT OF ACCESS TO
12 THE COURTS. See BOUNDS v SMITH, 430 U.S. 817, 828 (1977)
13 (PRISONERS HAVE A FUNDAMENTAL CONSTITUTIONAL RIGHT TO
14 ADEQUATE, EFFECTIVE, AND MEANINGFUL ACCESS TO COURTS
15 TO CHALLENGE VIOLATIONS OF CONSTITUTIONAL RIGHTS).
16 See ALSO JOHNSON v AVERY, 393 U.S. 483, 485 (1969) (PRISONERS'
17 RIGHT OF ACCESS TO COURTS MAY NOT BE DENIED OR OBSTRUCT-
18 -ED.

19
20 THE SECOND JUDICIAL DISTRICT COURT DENIED PETITIONER DUE
21 PROCESS BY IMPEDING HIS ACCESS TO THE COURT BY NOT
22 FILING HIS PETITION; EFFECTIVELY DENYING HIM DUE PROCESS
23 BY NOT COMPLYING WITH THE SECOND JUDICIAL DISTRICT COURT'S
24 OWN RULE 22, AND HEARING HIS CIVIL PETITION FOR WRIT OF
25 HABEAS CORPUS BY A DIFFERENT DEPARTMENT AND JUDGE
26 THAN HIS ORIGINAL PRESIDING JUDGE. THE COURT'S REASONING
27 FOR THIS WAS THAT DEPARTMENT 15 "SHALL NOT BE ASSIGNED NOR
28 HEAR CRIMINAL CASES UNTIL FURTHER NOTICE; AND WHEREAS, ALL

MEMORANDUM OF POINTS AND AUTHORITIES

1. PENDING CRIMINAL CASES (SEE ATTACHED LIST) SHALL BE RANDOMLY
 2. ASSIGNED FROM DEPARTMENT 15 TO THE OTHER EIGHT(8)
 3. GENERAL JURISDICTION DEPARTMENTS, EFFECTIVE OCTOBER 12 2016."
 4. See, EXHIBIT #4 PAGE 1, lines 20-24.
 5. HOWEVER HABEAS CORPUS PROCEEDINGS ARE A CIVIL PROCESS
 6. IN LAW, NOT CRIMINAL.

8. FOR THE SECOND JUDICIAL DISTRICT COURT TO SIMPLY RESPOND TO A
 9. WRIT OF MANDAMUS WITH AN ADMINISTRATIVE ORDER DATED
 10. OCTOBER 12TH 2016, WITHOUT FILING THE WRIT OF MANDAMUS NOT
 11. ONLY VIOLATES DUE PROCESS FAILS TO EXCUSE REASSIGNMENT BACK
 12. TO DEPARTMENT 15 JUDGE HARDY.

14. AN ADMINISTRATIVE ORDER DATED OCTOBER 12TH 2016 HAS NO
 15. BEARING ON A PETITION FOR WRIT OF HABEAS CORPUS FILED ON
 16. APRIL 4TH, 2022, AS EVIDENCED BY THE FACT THAT DEPARTMENT 15
 17. JUDGE HARDY IS CURRENTLY HEARING WRITS OF HABEAS CORPUS.

CONCLUSION

20. THE NEVADA SUPREME COURT SHOULD ORDER THE SECOND JUDICIAL
 21. DISTRICT COURT TO REASSIGN PETITIONER'S PETITION FOR WRIT OF
 22. HABEAS CORPUS DATED APRIL 4TH 2022 BACK TO DEPARTMENT 15,
 23. JUDGE DAVID A. HARDY, AND ORDER THE SECOND JUDICIAL DISTRICT
 24. COURT TO GRANT A NEW EVIDENCIARY HEARING IN REPLACEMENT OF
 25. THE ORIGINAL EVIDENCIARY HEARING ON 26TH SEPT. 2019 CONDUCTED
 26. BY JUDGE BREZLOW, TO BE HEARD BY DEPT. 15 JUDGE DAVID HARDY.

CONCLUSION

Wherefore, all of the above stated reasons, Petitioner/Plaintiff respectfully requests this Honorable Court to Order THE 2ND JUDICIAL DISTRICT COURT: 1) TO REASSIGN BACK TO DEPARTMENT 15 PETITIONERS WRIT OF HABEAS CORPUS DATED APRIL 4TH 2022. 2) GRANT A NEW EVIDENCIARY HEARING within a reasonable amount of time as required by N.R.S. 34.830.

DATED this 14TH day of JUNE, 2022

Respectfully submitted,

Rod Skinner

Petitioner/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/Plaintiff in the foregoing Petition for Writ of Mandamus, and that on this 14TH day of JUNE, 2022, I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the N.N.C.C. LAW LIBRARY

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

① CLERK OF THE COURT
NEVADA SUPREME COURT

③ WASHOE COUNTY D.A.
1 SOUTH SIERRA ST
RENO N.V. 89501

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

DATED this 14TH day of JUNE, 2022

Rod Skinner

Petitioner/Plaintiff

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUN 17 PM 1:17

ALICIA L. LERUD
CLERK OF THE COURT
DEPUTY

RODERICK SKINNER

Petitioner/Plaintiff

Case No. CR14-0644

Dept. No. 15

Docket No. _____

v.

The 2ND Judicial District
Court of the State of Nevada, In and
For the County of WASHOE

Respondent/Defendant

NOTICE OF MOTION

MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF
MANDAMUS

COMES NOW, Petitioner/Plaintiff, RODERICK SKINNER, pro per,

And respectfully moves this Honorable Court to waive the filing fees necessary to file a Petition for Writ of Mandamus, being filed contemporaneously herewith.

This motion is made and based pursuant to the supporting Points and Authorities Attached hereto, N.R.S. 34.150 through N.R.S. 34.310, N.R.A.P., Rule 21(e) and Rule 24, as well as all papers, pleadings, and documents on file herein.

POINTS AND AUTHORITIES
1.STATEMENT OF THE FACTS

On the 15TH day of JULY, 2016, in the above entitled case.

Petitioner/Plaintiff RODERICK SKINNER was granted leave to proceed in forma Pauperis in the District Court. See Exhibit #7, attached (~~Criminal Court Minutes~~) REGISTER OF ACTIONS,
PAGE 7 OF 12

N.R.A.P., Rule 21(e) requires that a filing fee be paid prior to this Court entertaining a Petition for Writ of Mandamus.

N.R.A.P., Rule 24, allows an indigent who has been granted leave to proceed in Forma Pauperis in the District Court to so proceed in this case.

Petitioner would offer that due to his poverty, his circumstances remaining the same, he is unable to pay the required filing fee for the Petition for Writ of Mandamus that he is filing herewith, and requests that said filing fees be waived in the Interest of Justice.

Dated this 14TH day of JUNE, 2022

CONCLUSION

WHEREFORE, all of the above stated reasons, Petitioner/Plaintiff respectfully requests this Honorable Court to waive the required filing fees.

Dated this 14TH day of JUNE, 2022

Respectfully submitted,

Rod Skinner

Petitioner/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/Plaintiff in the foregoing
Petition for Writ of Mandamus, and that on this 14TH day of JUNE,
2022, I did serve a true and correct copy of the above mentioned document, by giving it to a prison
official at the NNCC LAW LIBRARY

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

① CLERK OF THE COURT
NEVADA SUPREME COURT

③ WASHOE COUNTY D.A.
1 SOUTH SIERRA ST
RENO NV. 89501

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

DATED this 14TH day of JUNE, 2022

Rod Skinner.
Petitioner/Plaintiff

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding PETITION FOR WRIT OF
MANDAMUS

(Title of Document)

Filed in District Court Case No. CR14-0644

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-OR-

B. For the administration of a public program or

Rod Skinner.

(Signature)

14TH JUNE 2022

(Date)

EXHIBIT INDEX

EXHIBIT 1 PETITION FOR WRIT OF MANDAMUS

EXHIBIT 2 ENVELOPE MAILED TO SECOND JUDICIAL DISTRICT COURT ON
JUNE 1ST 2022. (FRONT SIDE, REAR SIDE)

EXHIBIT 3 SECOND JUDICIAL DISTRICT COURT RETURN NOTICE
DATED 6/7/2022

EXHIBIT 4 SECOND JUDICIAL DISTRICT COURT
ADMINISTRATIVE ORDER 2016-14

EXHIBIT 5 CRIMINAL CASE REASSIGNMENT LIST, 2ND JUDICIAL DISTRICT COURT.

EXHIBIT 6 RULES OF PRACTICE FOR SECOND JUDICIAL
DISTRICT COURT; RULE 22.

EXHIBIT 7 REGISTER OF ACTIONS, CASE ID CR14-0644.

EXHIBIT-1

PETITION FOR WRIT OF MANDAMUS
MAILED TO SECOND JUDICIAL DISTRICT COURT
ON 31ST MAY 2022. (6 (SIX) PAGES TOTAL)

1 RODERICK SKINNER# 1126964

2 Northern Nevada Correctional Center
3 P.O. Box 7000
4 Carson City NV. 89702

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

8 *****

10 RODERICK SKINNER

11 Petitioner,

12 vs.

13 SECOND JUDICIAL DISTRICT COURT

14 Respondent

15 : Case No.: CR14-0644
16 :
17 : PETITION FOR WRIT OF MANDAMUS
18 :
19 :
20 :
21 :
22 :
23 :
24 :
25 :
26 :
27 :
28 :

20 COMES NOW Petitioner, RODERICK SKINNER, in pro se, and
21 petitions the Court for a Writ of Mandamus.

22 This petition is brought pursuant to the writ provisions of
23 mandamus contained in NRS Chapter 34; Nev. Cons. art 6, sec.6;
24 and the following:

25 LEGAL ARGUMENT

26 Petitions for Extraordinary Writs are addressed to the
27 sound discretion of the Supreme Court of Nevada and may issue
28 when there is no plains, speedy, and adequate remedy at law,
See, State v. Second Judicial District Court ex. Rel. County

1 of Washoe. 116 Nev. 953, 11 P.3d 1209 (2000).

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

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

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

14 Mandamus is the appropriate vehicle for challenging
15 contested orders entered by the District Court. See, Angell v.
16 Eighth Judicial District Court In and For the County of Clark,
17 18 Nev. 923, 839 P.2d 1329, (1992).

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

22 PARTIES AND JURISDICTION

23 Petitioner is an inmate of the Nevada Department of
24 Corrections and resides in this jurisdiction.

25 Respondent SECOND JUDICIAL DISTRICT COURT
26
27
28

1 This is an action to compel the respondent to perform :

2 GRANT REASSIGNMENT TO DEPARTMENT 15, JUDGE DAVID A.
3 HARDY, ALL FUTURE PLEADINGS IN CASE No. CR14-0644.
4
5

6 Venue is proper this Court under the provisions of N.R.S.
7 Chapter 34 Mandamus because IT BRINGS TO THE COURT'S NOTICE, A
8 VIOLATION OF THE SECOND JUDICIAL DISTRICT COURT'S RULES OF
9 PRACTICE, NAMELY LOCAL RULE 22(5).
10

11 STATEMENT OF FACTS

12 PURSUANT TO THE RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT
13 COURT OF THE STATE OF NEVADA (COUNTY OF WASHOE) RULE 22(5):

14 "ANY WRIT FILED ON A CRIMINAL CASE AT THE DISTRICT COURT
15 LEVEL SHALL BE ASSIGNED TO THE SAME DEPARTMENT WHERE
16 THE UNDERLYING CRIMINAL CASE IS FILED. IF NO SUCH CRIMINAL
17 CASE EXISTS THE WRIT SHALL BE RANDOMLY ASSIGNED TO A
18 DEPARTMENT".

19 PETITIONER WAS CONVICTED AND SENTENCED IN DEPT. 15 BY
20 JUDGE DAVID HARDY; JUDGEMENT OF CONVICTION FILED ON
21 SEPT 11, 2014.

22 PETITIONER FILED HIS FIRST PETITION WRIT OF HABEAS CORPUS
23 (FIRST PETITION) ON JULY 13, 2016. THE SECOND JUDICIAL
24 DISTRICT COURT VIOLATED IT'S OWN RULE (SEE ABOVE) BY
25 TRANSFERRING THE PETITIONER'S WRIT OF HABEAS CORPUS
26 TO DEPT. 8 AND JUDGE BARRY BREZLOW.
27

28 PETITIONER FILED A SECOND PETITION WRIT OF HABEAS CORPUS

(SECOND PETITION) ON APRIL 4TH, 2022. HIS SECOND PETITION HAS ALSO BEEN ASSIGNED TO DEPT. 8 (JUDGE BARRY BREZLOW). ONCE AGAIN THIS IS A VIOLATION OF RULE 22(5) OF THE SECOND JUDICIAL DISTRICT COURT.

PETITIONER WAS DENIED EQUAL PROTECTION ON HIS FIRST PETITION BECAUSE AN EVIDENCIARY HEARING WAS HELD AND ORDER WAS ENTERED BY A JUDGE WHO WAS UNFAMILIAR WITH THE MINUTE DETAILS AND FACTS OF PETITIONER'S CASE, CONVICTION AND SENTENCE.

PETITIONER WILL BE PREJUDICED BY HAVING HIS SECOND PETITION ADJUDICATED BY A DIFFERENT JUDGE OTHER THAN JUDGE DAVID HARDY AND IT VIOLATES RULE 22(5) OF THE SECOND JUDICIAL DISTRICT COURT.

CONCLUSION: PETITIONER REQUESTS THIS COURT GRANT REASSIGNMENT TO DEPT. 15 FOR ALL FUTURE PLEADINGS. PETITIONER REQUESTS THIS COURT GRANT A NEW EVIDENCIARY HEARING ON HIS FIRST PETITION IN ORDER TO REMOVE THE DUE PROCESS VIOLATION THAT OCCURRED WHEN RULE 22(5) OF THE SECOND JUDICIAL DISTRICT COURT WAS VIOLATED.

Dated this 31ST day of MAY, 2022.

By: Rod Skinner.
RODERICK SKINNER
 PETITIONER IN PRO-PER.

(X)
 4.

CONCLUSION

Wherefore, all of the above stated reasons, Petitioner respectfully requests this Honorable Court to Order REASSIGNMENT TO DEPARTMENT 15 FOR ALL FUTURE PLEADINGS, AND to GRANT A NEW EVIDENCIARY HEARING ON HIS FIRST PETITION IN ORDER TO REMOVE THE DUE PROCESS VIOLATION THAT OCCURRED WHEN RULE 22(5) OF THE SECOND JUDICIAL DISTRICT COURT WAS VIOLATED. within a reasonable amount of time as required by N.R.S. 34.830

Rod Skinner.

RODERICK SKINNER.

Northern Nevada Correctional Center
P.O. BOX 7000
CARSON CITY, NEVADA 89702

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner in the foregoing PETITION FOR WRIT OF MANDAMUS, and that on this 31ST day of MAY, 2022, I did serve a true and correct copy of the above mentioned document on the following:

CLERK OF THE COURT

SECOND JUDICIAL DISTRICT COURT

75 COURT ST

RENO 89501

WASHOE COUNTY DIST. ATTY,

1 5TH SIERRA ST

RENO N.V. 89501.

DATED this 31ST day of MAY, 2022.

Rod Skinner.

Signed by

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, to wit:

1. PETITION FOR WRIT OF MANDAMUSFiled in case number: CR14-0674.☒ Document does not contain the social security number of any person
Or☐ Document contains the social security number of a person as required by:☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet

(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 31ST MAY 2022Rod Skinner

(Signature)

RODERICK SKINNER

(Print Name)

EXHIBIT-2

ENVELOPE MAILED TO SECOND JUDICIAL DISTRICT
COURT ON JUNE 01ST 2022.

- FRONT SIDE

- REAR SIDE

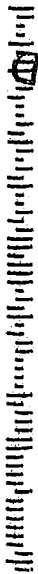
EXHIBIT 2 FRONT SIDE

LEGAL MAIL
CONFIDENTIAL

89501 \$1.962

RECEIVED
JUN - 6 2022
MAIL DESK

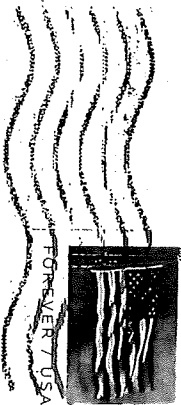
Second Judicial District Court
75 Court St
Reno, NV. 89401



Roderick Skinner 1126964
P.O. Box 7000
Carson City, NV. 89702



RENO NV 895
02 JUN 2022 PM 2 L



XHIBIT 2 REAR SIDE

JUN 01 2022
NORTHERN NEVADA CORRECTIONAL CENTER
SEC
LAW LIBRARY

EXHIBIT-3

SECOND JUDICIAL DISTRICT COURT

RETURN NOTICE DATED 6/7/2022

SECOND JUDICIAL DISTRICT COURT
75 COURT STREET
RENO, NV 89501
PHONE (775) 328-3110

RETURN NOTICE

Name: RODERICK SKINNER
Case #: CR14-0644
D.O.C. #: 1126964
Facility: NORTHERN NEVADA CORRECTIONAL CENTER

The Court is in receipt of your letter received June 7, 2022.

- ☐ If you are attempting to file a Motion or other document, it must comply with District Court Rule 10. (See enclosed copy of WDCR 10)
- ☐ Your Motion or other document has been filed with the court. To be considered a "Request for Submission" document must be filed into your case, a copy of which is enclosed for your convenience.
- ☐ Pursuant to NRS 7.285, Court Staff is not permitted to give legal advice.
- ☐ The document(s) you have requested are enclosed.
- ☐ Your file-stamped copies are enclosed.
- ☒ Other: SEE ADMINISTRATIVE ORDER 2016-14 FILED OCTOBER 12, 2016.

Date: 6/7/2022

By: Deputy Clerk assigned to Inmate
Correspondence

EXHIBIT-4

SECOND JUDICIAL DISTRICT COURT,
ADMINISTRATIVE ORDER 2016-14
(TWO PAGES TOTAL)

FILED

OCT 12 2016

JACQUELINE BRYANT, CLERK
BY *[Signature]*
DEPUTY CLERK

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

IN THE ADMINISTRATIVE MATTER OF:
DEPARTMENT 15 CRIMINAL CASE
ASSIGNMENTS.

ADMINISTRATIVE ORDER 2016-14

WHEREAS, the Second Judicial District Court Chief Judge has authority to make administrative decisions pertaining to the business of the court (WDCR 2(2), NRS 3.025(2)(c));

WHEREAS, the Chief Judge shall assign cases to each judge in the judicial district (NRS 3.025(2)(a));

WHEREAS, the Chief Judge has determined, pursuant to his statutory authority, Department 15 shall not be assigned nor hear criminal cases until further notice; and

WHEREAS, all pending criminal cases (see attached list) shall be randomly assigned from Department 15 to the other eight (8) general jurisdiction departments, effective October 12, 2016.

IT IS HEREBY ORDERED:

///

///

///

1 All pending criminal cases shall be randomly assigned from Department 15 to
2 the other eight (8) general jurisdiction departments, effective October 12, 2016 until
3 further Order of the Court.

4 **IT IS SO ORDERED.**

5 DATED this 12 day of October, 2016.

7 
8 PATRICK FLANAGAN
9 Chief District Judge

EXHIBIT-5

CRIMINAL CASE REASSIGNMENT LIST
SECOND JUDICIAL DISTRICT COURT

- See LINE 43 on PAGE ONE,
STATE VS RODERICK STEPHEN SKINNER (D. 15)

<u>Random Num.</u>	<u>Case Num.</u>	<u>Case Description</u>	<u>New Dept.</u>
1 0.009551483	CR16-0022	STATE VS. TREVOR PAUL NAU (DC)	D1
2 0.018313914	CR16-1087	STATE VS. DENNIS KEITH LOFTON (D15)	D1
3 0.035870164	CR16-0820	STATE VS. BRADLEY HUNTER SIMS (D15)	D1
4 0.038079532	CR16-0914	STATE VS. DANIEL LEE WHITE (D15)	D1
5 0.041472571	CR16-0513	STATE VS. DUSTIN JAMES HERNANDEZ (D15)	D1
6 0.055997081	CR15-1460	STATE VS. DAVID BARRETT (D15)	D1
7 0.059070887	CR15-1053	STATE VS. CLARISSA FLORES (D15)	D1
8 0.08383894	CR13-0039	STATE VS. MELVIN CRAVIN-COLLETTI (D15)	D1
9 0.0959932	CR16-0960	STATE VS. ROBERT WAYNE STARR, III (D15)	D3
10 0.102441045	CR14-1820A	STATE VS. BRADLEY RAYMOND HALSTEAD (D15)	D3
11 0.111231861	CR15-1177	STATE VS. ZULY CORAL LOPEZ-ROMERO (D15)	D3
12 0.120942424	CR13-0329	STATE VS. WILLIE EARL RUDD (D15)	D3
13 0.127680983	CR16-1128	STATE VS. JOHN ANDREW QUISANO (D15)	D3
14 0.157731428	CR14-0282	STATE VS. JOHN MARTIN RECH (D15)	D3
15 0.183831352	CR16-1165	STATE VS. ROBERT JAMES SMITH (D15)	D3
16 0.221483151	CR16-1138	STATE VS. GUSTAVO NUNEZ-LOPEZ (D15)	D3
17 0.254289582	CR15-1298	STATE VS. VANESSA POWELL (D15)	D3
18 0.296305401	CR16-0079	STATE VS. JAMES DAVID SANCHEZ, JR. (D15)	D4
19 0.357433114	CR16-0553	STATE VS. WALTER GONZALES (D15)	D4
20 0.359000202	CR13-1981	STATE VS. MARSHA JTA ALEXANDER (D15)	D4
21 0.375758897	CR14-0251	STATE VS. CHINMAY D. JOSHI (D15)	D4
22 0.390625193	CR16-1052	STATE VS. ASHLEY LYNN KENGLE (D15)	D4
23 0.395194141	CR12-1014	STATE VS. JAMIE LEE BELCHER (D15)	D4
24 0.399812694	CR13-1787	STATE VS. RONALD FRANK CORDOVA, JR (D15)	D4
25 0.650162192	CR13-1812	STATE VS. RONALD FRANK CORDOVA JR (D15)	D4
26 0.430047857	CR16-0740	STATE VS. FRANK ANTHONY HIDALGO (D15)	D6
27 0.443779245	CR14-0807	STATE VS. JAMES GAROUTTE (TN) (D15)	D6
28 0.456321428	CR15-1611	STATE VS. GARY DEAN SMITH (D15) (MHC)	D6
29 0.468986939	CR16-0958	STATE VS. DANIEL ROBERT DAUGHTERS (D15)	D6
30 0.478157794	CR15-1072	STATE VS. JOSEPH RAMIREZ CHAVEZ (D15)	D6
31 0.48609194	CR18-1171	STATE VS. JULIO CESAR CHAVEZ (D15)	D6
32 0.502536246	CR13-0428	STATE VS. THOMAS PATRICK MURPHY (TN)(D15)	D6
33 0.533382541	CR11-0750A	STATE VS. JEREMY JAMES TURNER (TN)(D15)	D6
34 0.548253162	CR16-0449	STATE VS. CRYSTAL ROSE GODKIN (TN)(D15)	D6
35 0.560613244	CR16-0471	STATE VS. JAMES WILLIAM BRADSHAW (D15)	D7
36 0.570340339	CR13-0344	STATE VS. SHAUNNA LEANN DODD (D15)	D7
37 0.590828633	CR13-2041	STATE VS. CESAR CONTRERAS-ARMAS (D15)	D7
38 0.598151407	CR13-0914	STATE VS. ANDREA DIANE WHITMORE (TN)(D15)	D7
39 0.609878503	CR15-1621	STATE VS. JUSTIN DENNIS OBRIEN (D15)	D7
40 0.818942378	CR16-1005	STATE VS. PAMELA JEANNE KIRCHER (D15)	D7
41 0.401098085	CR16-0843	STATE VS. JOSHUA MARK MONTGOMERY PERRY (D15)	D7
42 0.661059039	CR15-1969	STATE VS. DANIEL J. BRENT (DC)	D7
43 0.662289873	CR14-0644	STATE VS. RODERICK STEPHEN SKINNER (D15)	D8
44 0.671485937	CR16-0269	TONY WAWRZYNSKI VS STATE OF NEVADA (D15)	D8
45 0.673320041	CR12-1869	STATE VS. JOSHUA IAN PAICOS (D15)	D8
46 0.878299207	CR13-0386	STATE VS. JORGE LUIS PONCE (D15)	D8
47 0.887304021	CR16-1158	STATE VS. DEVON DAWN OLSON (D15)	D8
48 0.700299166	CR14-0346	STATE VS. SARA MARIE JOHNSTON (D15)	D8
49 0.704784326	CR16-1045A	STATE VS. JIMMIE DOMBECK (D15)	D8
50 0.704990203	CR16-0149	STATE VS. JONATHAN OLIVER CLAH (D15)	D8
51 0.713518873	CR15-0929	STATE VS. JOHNNIE LELAND IRONCLOUD (D15)	D8
52 0.716750679	CR16-0875	STATE VS. CHASE KENNETH PRINCE (D15)	D9
53 0.736114674	CR11-0894	STATE VS. JARVIS DEER CANTSEE (D15)	D9
54 0.747638255	CR16-0589	STATE VS. ALVERSE JEFFREY TAYLOR (D15)	D9
55 0.74870931	CR16-1056	STATE VS. RANDEN LOREN BROWN (D15)	D9
56 0.751781575	CR15-1042	STATE VS. JOHN BENNETT LEUER (D15)	D9
57 0.766435895	CR16-1183	STATE VS. CANDIDO JAMES DIAZ (D15)	D9
58 0.783830354	CR14-1282	STATE VS. MONIQUE WILLIAMS (D15)	D9

V8. 1367 0.798108434 CR14-0853 STATE VS. ALFREDO CAMARENA-MALDONADO (TN) (D15) D9

60	0.831319828	CR12-0889	STATE VS. MICHAEL E. MCNEAL (TN)(D15)	D10
61	0.853596443	CR15-0338	STATE VS. GARYONNE SYLVIA TOWNSEND (TN) (D15)	D10
62	0.912853759	CR16-1114	STATE VS. JOSEPH RANDOLPH MATTHEW FINLAY (D15)	D10
63	0.934178495	CR15-1916	STATE VS. KENNETH PAUL KNAAK (D15)	D10
64	0.952287318	CR16-0895	STATE VS. JAMES ROBERT THOMAS, SR. (D15)	D10
65	0.973950675	CR16-0868	STATE VS. PATRICK JOSEPH FAY (D15)	D10
66	0.977097338	CR16-0568	STATE VS. DOMINIQUE RENEE HOLLAND (D15)	D10
67	0.991382491	CR16-0287	STATE VS. MICHAEL LEE DANIEL HODSON (D15)	D10
68	0.992018509	CR16-1103	STATE VS. CRYSTAL ROSE SPLIVALO (D15)	D10

EXHIBIT-6

RULES OF PRACTICE FOR SECOND JUDICIAL
DISTRICT COURT;
RULE 22.

appear personally as commanded in the order to show cause, the jury commissioner shall prepare a bench warrant for the trial judge's signature.

5. Each person summoned as a trial juror, pursuant to law and this rule, shall serve for a period of time set by the court.

6. Prospective jurors who have been assigned for service in a department of the court and whose services subsequently are not required, shall be directed to return to the jury commissioner for further assignment on that day if required.

Rule 21. Sanctions for noncompliance.

LAW LIBRARY
NORTHERN NEVADA CORRECTIONAL CENTER
Post Office Box 7000
Carson City, Nevada 89702-7000

If a party or an attorney fails or refuses to comply with these rules, the court may make such orders and impose such sanctions as are just, including, but not limited to the following:

1. Hold the disobedient party or attorney in contempt of court.
2. Continue any hearing until the disobedient party or attorney has complied with the requirements imposed.
3. Require the disobedient party to pay the other party's expenses, including a reasonable attorney's fee, incurred in preparing for and attending such hearing.
4. Enter an order authorized by NRCP 37.

Rule 22. Writs of habeas corpus.

1. Each petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge shall be accompanied by a notice for the prosecutor to appear before the appropriate court department, at a specific date and time not less than 5 nor more than 10 days after filing such petition, to set the matter for hearing. The hearing on the writ shall be set within 21 days from the date the petition is filed.

2. Any other pretrial petition for writ of habeas corpus, including those alleging a delay in any of the proceedings before a magistrate or a denial of the petitioner's right to a speedy trial in justice's court or municipal court, shall contain a notice of the hearing thereof setting the matter

for hearing not less than 1 full judicial day from the date the petition is filed and served.

3. All points and authorities urged in support of the petition for writ of habeas corpus shall be served and filed at the time of the filing of the petition. The prosecutor shall serve and file a return and a response to the petitioner's points and authorities within 10 days from the receipt of a petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's rights or jurisdiction to proceed to the trial of a criminal charge (section 1 hereof). The prosecutor may serve and file a return and a response to the petitioner's points and authorities in open court at the time noticed for the hearing on a writ of habeas corpus covered under section 2 hereof.

4. Ex parte applications for extension of the 21-day period of limitation for filing writs of habeas corpus will only be entertained in the event that the transcript of the preliminary hearing or of the proceedings before the grand jury, as the case may be, is not available within 14 days after the defendant's initial appearance. Such ex parte applications shall be accompanied by a certificate of the defendant's attorney that the attorney has examined the file in the filing office and that the transcript of the preliminary hearing or the proceedings before the Washoe County Grand Jury has not been filed within the 14-day period (NRS 34.700(3)). Applications for extension of time to file writs of habeas corpus shall be for not more than 14 days, except where the ground for such application is the unavailability of the transcript, in which case the extension may be for not more than 14 days after the transcript is available. Further extensions of time will be granted only in extraordinary cases.

5. Any writ filed on a criminal case at the district court level shall be assigned to the same department where the underlying criminal case is filed. If no such previous criminal case exists the writ shall be randomly assigned to a department.

Rule 23. Appearances; substitutions; withdrawal or change of attorneys.

1. When a party has appeared by counsel, that individual cannot thereafter appear on his/her own behalf in the case without the consent of the court. Counsel who has appeared for any party shall represent that party in the case and shall be recognized by the court and by all parties as having control of the client's case, until counsel withdraws, another attorney is substituted, or until counsel is discharged by the client in writing, filed with the filing office, in accordance with SCR 46 and this rule. The court in its discretion may hear a party in open court although the party is represented by counsel.

2. Counsel in any case may be changed:

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

RODERICK STEPHEN SKINNER,
Petitioner,
vs.

Supreme Court No. 84894
District Court Case No. CR140644

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

RECEIPT FOR DOCUMENTS

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

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

06/20/2022	Petition Filing Fee waived. Criminal. (SC)
06/20/2022	Filed Proper Person Petition for Writ of Mandamus. (Exhibits attached) (SC)
06/20/2022	Filed Proper Person Motion to Waive Filing Fees for Petition for Writ of Mandamus. (SC)

DATE: June 20, 2022

Elizabeth A. Brown, Clerk of Court
lh

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-06-23 16:22:05.872.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-06-23 16:22:04.34.
JOHN PETTY, ESQ. - Notification received on 2022-06-23 16:22:03.825.
DIV. OF PAROLE & PROBATION - Notification received on 2022-06-23 16:22:03.247.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-06-23 16:22:02.434.
CHRISTINE BRADY, ESQ. - Notification received on 2022-06-23 16:22:06.732.
EDWARD REED, ESQ. - Notification received on 2022-06-23 16:22:05.154.

******* 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:

06-23-2022:16:19:08

Clerk Accepted:

06-23-2022:16:19:39

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Supreme Court Receipt for Doc

Filed By:

Deputy Clerk YViloria

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

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

-

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

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

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 2715
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 SKINNER,
9

10 Petitioner,

11 vs.

Case No. CR14-0644

12 W. OLSEN, Warden NNCC,
13 STATE OF NEVADA, et al.,

Dept. No. 8

14 Respondent.
15 -----/

16 **RECOMMENDATION AND ORDER APPOINTING COUNSEL**
17 **(Post-Conviction)**

18 The Petitioner, having been granted Forma Pauperis Status, and after the
19 District Court Judge referred this matter for the appointment of counsel, by the Order
20 filed June 10, 2022, this Administrator makes the following recommendations:

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

26 IT IS FURTHER RECOMMENDED that Petitioner's counsel shall have ten (10)
days from the date of the Court's Order to designate what portions of the Court file
counsel requests be provided to him by the Clerk of the Court.

1 IT IS FURTHER RECOMMENDED that newly appointed counsel shall be
2 placed as attorney of record in Case Number CR14-0644.

3 Petitioner shall have forty-five (45) days to supplement the Petition, and
4 Respondent shall have sixty (60) days to answer or respond to this and then submit
5 the matter for decision.

6 Affirmation Pursuant to NRS 239B.030

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

9 Dated this 27th day of June, 2022.

10 /S/Krista Meier
11 KRISTA MEIER, ESQ.
12 APPOINTED COUNSEL ADMINISTRATOR

13 ORDER APPOINTING COUNSEL FOR POST-CONVICTION

14 Pursuant to the Nevada Supreme Court Order in ADKT 411 and the Second
15 Judicial District Court's Model Plan to address ADKT 411, good cause appearing and
16 in the interests of justice, IT IS HEREBY ORDERED that the recommendations of the
17 Administrator are confirmed, approved and adopted. As such, Edward T. Reed shall
18 be appointed to represent Petitioner on his Petition for Writ of Habeas Corpus, to be
19 paid by the State Public Defender/Department of Indigent Defense (DIDS).
20

21 DATED this 28th day of June, 2022.

22 
23 CHIEF DISTRICT JUDGE
24
25
26

CERTIFICATE OF SERVICE

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

JENNIFER NOBLE, ESQ.

KEVIN NAUGHTON, ESQ.

CHRISTINE BRADY, ESQ.

CHRISTOPHER FREY, ESQ.

JOHN PETTY, ESQ.

EDWARD REED, ESQ.

DIV. OF PAROLE & PROBATION

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

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-06-28 16:15:29.682.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-06-28 16:15:29.214.
JOHN PETTY, ESQ. - Notification received on 2022-06-28 16:15:28.961.
DIV. OF PAROLE & PROBATION - Notification received on 2022-06-28 16:15:28.742.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-06-28 16:15:28.489.
CHRISTINE BRADY, ESQ. - Notification received on 2022-06-28 16:15:29.917.
EDWARD REED, ESQ. - Notification received on 2022-06-28 16:15:29.464.

***** 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:

06-28-2022:16:14:52

Clerk Accepted:

06-28-2022:16:15:10

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Appointing Counsel

Filed By:

Judicial Asst. HLonge

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

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

-

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

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

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.):

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

RODERICK SKINNER, Case No. CR14-0644
Petitioner, Dept. No. 8
vs.
W. OLSEN, Warden NNCC, STATE OF
NEVADA, et al.,
Respondent.

ORDER STRIKING REQUEST FOR SUBMISSION

Before the Court is a *Request for Submission*, filed on June 15, 2022, in which the Petitioner, RODERICK SKINNER, submits a *Writ of Mandamus* filed on May 31, 2022, for decision. A review of the docket indicates a *Writ of Mandamus* was filed on June 17, 2022. There were no filings on May 31, 2022. Moreover, the *Writ of Mandamus* was submitted to the Supreme Court of Nevada for decision, and a *Receipt for Documents* was filed by the Nevada Supreme Court's Clerk's Office on June 23, 2022.

In order to correct the record, the Court finds it necessary to direct the Clerk of the Second Judicial District Court to **STRIKE** the *Request for Submission* filed on June 15, 2022, by Petitioner, RODERICK SKINNER, from the record.

IT IS SO ORDERED.

DATED this 6th day of July, 2022.


BARRY L. BRESLOW
District Judge

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 6th day of July, 2022, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

NONE

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 6th day of July, 2022, 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.

JOHN PETTY, ESQ.


CHRISTOPHER FREY, ESQ.

CHRISTINE BRADY, ESQ.

KEVIN NAUGHTON, ESQ.

JENNIFER NOBLE, ESQ.

DIV. OF PAROLE & PROBATION



Judicial Assistant

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-07-06 13:32:11.43.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-07-06 13:32:10.555.
JOHN PETTY, ESQ. - Notification received on 2022-07-06 13:32:10.195.
DIV. OF PAROLE & PROBATION - Notification received on 2022-07-06 13:32:09.617.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-07-06 13:32:09.211.
CHRISTINE BRADY, ESQ. - Notification received on 2022-07-06 13:32:11.804.
EDWARD REED, ESQ. - Notification received on 2022-07-06 13:32:11.023.

******* 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:

07-06-2022:13:31:33

Clerk Accepted:

07-06-2022:13:31:48

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Striking

Filed By:

Judicial Asst. JBarrett

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

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-

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

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

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 W. OLSEN, Warden NNCC,
14 STATE OF NEVADA, et al.,

15 Respondent.

16 **NOTICE TO COURT THAT PETITIONER IS NOT DESIGNATING ANY PART**
17 **OF THE COURT RECORD TO BE PROVIDED BY COURT CLERK**

18 COMES NOW Petitioner RODERICK SKINNER, by and through his court-
19 appointed counsel EDWARD T. REED. ESQ., and hereby gives notice to the Court that
20 he is not designating any part of the Court's record to be provided by the Clerk of the
21 Court.

22
23 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the
24 preceding document does not contain the social security number of any person.

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Respectfully submitted this 8th day of July, 2022.

/s/ 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 represent the Petitioner in this matter and that on this date I electronically filed the foregoing with the Clerk of the Second Judicial District Court by using the Eflex system which will send a notice of electronic filing to the following:

Washoe County District Attorney's Office

DATED this 8th day of July, 2022.

/s/ Edward T. Reed
EDWARD T. REED

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-07-08 10:59:33.243.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-07-08 10:59:32.759.
JOHN PETTY, ESQ. - Notification received on 2022-07-08 10:59:32.477.
DIV. OF PAROLE & PROBATION - Notification received on 2022-07-08 10:59:32.227.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-07-08 10:59:31.962.
CHRISTINE BRADY, ESQ. - Notification received on 2022-07-08 10:59:33.524.
EDWARD REED, ESQ. - Notification received on 2022-07-08 10:59:33.024.

***** 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:

07-08-2022:10:58:43

Clerk Accepted:

07-08-2022:10:59:12

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.

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

-

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

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

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.):

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE,
Respondent.

No. 84894

FILED

JUL 29 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Yarnes
DEPUTY CLERK

ORDER DENYING PETITION

This pro se original petition for a writ of mandamus seeks to compel the district court to reassign petitioner's postconviction petition for a writ of habeas corpus to a different department and conduct a new evidentiary hearing. Having considered the petition, we are not persuaded that our extraordinary and discretionary intervention is warranted. See NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (writ relief is proper only when there is no plain, speedy, and adequate remedy at law and the petitioner bears the burden of demonstrating that writ relief is warranted). Accordingly, we

ORDER the petition DENIED.

Parraguirre, C.J.
Parraguirre

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

cc: Roderick Stephen Skinner
Washoe County District Attorney
Washoe District Court Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-08-02 15:42:35.697.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-08-02 15:42:34.978.
JOHN PETTY, ESQ. - Notification received on 2022-08-02 15:42:34.541.
DIV. OF PAROLE & PROBATION - Notification received on 2022-08-02 15:42:34.213.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-08-02 15:42:33.838.
CHRISTINE BRADY, ESQ. - Notification received on 2022-08-02 15:42:36.088.
EDWARD REED, ESQ. - Notification received on 2022-08-02 15:42:35.384.

******* 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:

08-02-2022:15:41:47

Clerk Accepted:

08-02-2022:15:42:10

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Supreme Court Order Denying

Filed By:

Deputy Clerk YViloria

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

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

-

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

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

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 W. OLSEN, Warden NNCC,
13 STATE OF NEVADA, et al.,

14 Respondent.
15 _____/

16 **MOTION FOR EXTENSION TO FILE SUPPLEMENTAL PETITION**

17 (First request)

18 COMES NOW Petitioner Roderick Skinner, by and through his court-appointed
19 counsel EDWARD T. REED, ESQ., and hereby files this motion for an extension of time
20 of 45 (forty-five) days to file the supplemental petition or notice of non-supplementation.

21 The supplemental petition is currently due on August 12, 2022. If the 45 (forty-five) day
22 extension is granted, the supplemental petition would be due on September 26, 2022.

23 This is the first motion for extension of time to file the supplemental petition and is based
24 on the attached memorandum of points and authorities.
25

26 //

27 //
28

MEMORANDUM OF POINTS AND AUTHORITIES

This motion is based on W.D.C.R. 12. The reason this extension is necessary is that additional time is needed to consult with the Petitioner Mr. Skinner about the case and to fully review all of the pleadings and papers in the case. For all the foregoing reasons, it is respectfully requested that this extension be granted.

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

Respectfully submitted this 9th day of August, 2022.

/s/ 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 represent the Petitioner in this matter and that on this date I electronically filed the foregoing with the Clerk of the Second Judicial District Court by using the eflex system which will send a notice of electronic filing to the following:

Washoe County District Attorney's Office

DATED this 9th day of August, 2022.

/s/ Edward T. Reed
EDWARD T. REED

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-08-09 08:40:04.148.
KEVIN NAUGHTON, ESQ. - Notification received on 2022-08-09 08:40:02.632.
JOHN PETTY, ESQ. - Notification received on 2022-08-09 08:40:00.773.
DIV. OF PAROLE & PROBATION - Notification received on 2022-08-09 08:39:59.648.
CHRISTOPHER FREY, ESQ. - Notification received on 2022-08-09 08:39:59.007.
CHRISTINE BRADY, ESQ. - Notification received on 2022-08-09 08:40:04.585.
EDWARD REED, ESQ. - Notification received on 2022-08-09 08:40:03.492.

******* 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:

08-09-2022:08:39:08

Clerk Accepted:

08-09-2022:08:39:33

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Mtn for Extension of Time

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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-

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

The following people were served electronically:

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NEVADA

DIV. OF PAROLE & PROBATION

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

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.):