

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

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RODERICK STEPHEN SKINNER,

Petitioner,

vs.

Sup. Ct. Case No. 88296

Case No. CR14-0644

Dept. 8

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

Respondents.

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RECORD ON APPEAL

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

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

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CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

## CONTINUED TO

11/22/2022  
HONORABLE  
BARRY  
BRESLOW  
DEPT. NO. 8  
A. DeGayner  
(Clerk)  
C. Eisenberg  
(Reporter)

**STATUS HEARING**

*All parties were present via Zoom.  
Deputy District Attorney Kevin Naughton represented the State.  
Defendant was present, in custody, unrepresented.*

*The Court Clerk contacted the Conflict Group Administrator who  
advised that the Conflict Group has not identified an attorney who will  
accept the case, the Conflict Group is sending the matter to the  
Department of Indigent Defense Services (DIDS) to find out of county  
counsel to accept.*

12/29/2022  
9:00 a.m.  
Status Hearing  
(in-person)

**COURT ORDERED:** Matter CONTINUED to **Thursday, December 29, 2022 at 9:00 a.m.**, in-person, in Department 8. If counsel has not appeared in the case, a representative of the Conflict Group to be present at the continued Status Hearing. Defendant is directed to not file anything else in this matter. Defendant's recent filings will not be stricken, the Court will wait to see how new counsel wants to proceed. The State's time to respond to the recent filing by the Defendant is tolled pending further directive of the Court. Defendant remained in the custody of the Nevada Department of Corrections.

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2022-12-27 13:55:38.408.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2022-12-27 13:55:38.049.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2022-12-27 13:55:37.58.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2022-12-27 13:55:36.736.  
**JOHN PETTY, ESQ.** - Notification received on 2022-12-27 13:55:35.893.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2022-12-27 13:55:35.346.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2022-12-27 13:55:37.127.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

12-27-2022:13:54:44

**Clerk Accepted:**

12-27-2022:13:55:15

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

\*\*\*Minutes

**Filed By:**

Court Clerk ADeGayne

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**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

SEAN NEAHUSAN, 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.):

SEAN NEAHUSAN ESQ.  
State Bar No. 11224  
Neahusan Law  
443 Marsh Ave.  
Reno, Nevada 89509  
Telephone: (775) 420-5142  
Email: Sean@Neahusanlaw.com

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

STATE OF NEVADA,	)	
	)	
Plaintiff,	)	Case No. CR14-0644
	)	
v.	)	Dept. No. 8
	)	
RODERICK STEPHEN SKINNER,	)	
	)	
Defendant.	)	

**NOTICE OF APPEARANCE OF COUNSEL**

**COMES NOW**, SEAN NEAHUSAN, ESQ. of Neahsuan Law, and hereby respectfully submits this Notice of Appearance of Counsel in the above-entitled case.

SEAN NEAHUSAN has been hired as counsel to represent her in all matters pertaining to this case.

**DATED** this 28th day of December, 2022

NEAHUSAN LAW

/s/ Sean Neahusan  
Sean Neahusan, Esq.  
Attorney for Defendant

**AFFIRMATION**  
**Pursuant to NRS 239.B.030**

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

**DATED** this 28th day of December, 2022

NEAHUSAN LAW

/s/ Sean Neahusan  
Sean Neahusan, Esq.  
Attorney for Defendant

\* \* \* \* \*

**CERTIFICATE OF MAILING**

Pursuant to NRCP 5 (b) I hereby certify that I am an employee of Neahusan Law, and that on this 28th day of December, 2022, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Washoe County District Atty.  
Attn: Kevin Naughton

/s/ Sean Neahusan  
Sean Neahusan, Esq.  
NEAHUSAN LAW



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

**JENNIFER NOBLE, ESQ.** - Notification received on 2022-12-29 08:13:17.139.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2022-12-29 08:13:15.701.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2022-12-29 08:13:15.045.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2022-12-29 08:13:14.154.  
**JOHN PETTY, ESQ.** - Notification received on 2022-12-29 08:13:13.076.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2022-12-29 08:13:12.732.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2022-12-29 08:13:14.654.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

12-28-2022:17:10:14

**Clerk Accepted:**

12-29-2022:08:12:48

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Notice of Appearance

**Filed By:**

Sean A Neahusan

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**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

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1 CODE No. 1260

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

8 \*\*\*

9 RODERICK STEPHEN SKINNER, #1126964

10 Petitioner,

Case No. CR14-0644

11 v.

Dept. No. 8

12 THE STATE OF NEVADA,

13 Respondent.

14 APPLICATION FOR ORDER TO PRODUCE PRISONER

15 COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS,  
16 District Attorney of Washoe County, by KEVIN NAUGHTON, Appellate Deputy, and  
17 alleges as follows:

18 1. That the Defendant, RODERICK STEPHEN SKINNER, #1126964, is  
19 presently incarcerated at the Northern Nevada Correctional Center, Carson City,  
20 Nevada.

21 2. That the above RODERICK STEPHEN SKINNER, #1126964, is scheduled for a  
22 status hearing before the Second Judicial District Court on April 11, 2023, at 11:00 a.m.

23 / / /

24 / / /

3. Zoom Meeting Information: <https://www.washoecourts.com/OnlineHearings>

WHEREFORE, Applicant prays that an Order be made ordering the audio/visual appearance of the said RODERICK STEPHEN SKINNER, #1126964, before the Second Judicial District Court, and from time to time thereafter at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises and directing the execution of said Order by the Warden of the Northern Nevada Correctional Center, Carson City, Nevada.

AFFIRMATION

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

DATED: January 12, 2023.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ KEVIN NAUGHTON  
KEVIN NAUGHTON  
Appellate Deputy

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on January 12, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Sean Neahusan, Esq.  
Attorney for the Petitioner

/s/ KAITLIN SNYDER  
KAITLIN SNYDER

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-01-12 13:53:25.14.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-01-12 13:53:23.312.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-01-12 13:53:21.078.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-01-12 13:53:17.406.  
**JOHN PETTY, ESQ.** - Notification received on 2023-01-12 13:53:14.781.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-01-12 13:53:13.062.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-01-12 13:53:19.422.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

01-12-2023:13:52:24

**Clerk Accepted:**

01-12-2023:13:52:48

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Application Produce Prisoner

**Filed By:**

Kevin Naughton

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NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER



CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

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1 CODE No. 1250

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

8 \*\*\*

9 RODERICK STEPHEN SKINNER, #1126964

10 Petitioner,

Case No. CR14-0644

11 v.

Dept. No. 8

12 THE STATE OF NEVADA,

13 Respondent.

14 \_\_\_\_\_/

15 APPLICATION FOR SETTING

16 TYPE OF ACTION: Post-Conviction

17  
18 MATTER TO BE HEARD: Status Hearing

19  
20 DATE OF APPLICATION: January 12, 2023

21  
22 COUNSEL FOR PETITIONER: Sean Neahusan, Esq.

23  
24 COUNSEL FOR RESPONDENT: Kevin Naughton, Appellate Deputy

25  
26 Setting at 11:00 a.m., April 11, 2023, audio/visual.

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-01-12 13:59:17.801.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-01-12 13:59:17.487.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-01-12 13:59:17.188.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-01-12 13:59:16.374.  
**JOHN PETTY, ESQ.** - Notification received on 2023-01-12 13:59:15.39.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-01-12 13:59:15.031.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-01-12 13:59:16.687.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

01-12-2023:13:58:34

**Clerk Accepted:**

01-12-2023:13:58:55

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Application for Setting

**Filed By:**

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:**

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, 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 No. 3370  
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 \*\*\*

9 RODERICK STEPHEN SKINNER, #1126964

10 Petitioner,

Case No. CR14-0644

11 v.

Dept. No. 8

12 THE STATE OF NEVADA,

13 Respondent.  
14 \_\_\_\_\_/

15 ORDER TO PRODUCE PRISONER BY AUDIO-VISUAL MEANS  
16

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

21 NOW, THEREFORE, IT IS HEREBY ORDERED that the Warden of the Northern  
22 Nevada Correctional Center, Carson City, Nevada, with cooperative assistance from the  
23 Nevada System of Higher Education, bring the said RODERICK STEPHEN SKINNER  
24 #1126964, before the Second Judicial District Court via simultaneous audio/visual

transmission means on April 11, 2023, at 11:00 a.m., for a status hearing in the above-entitled action.

IT IS FURTHER ORDERED that it is not necessary for said RODERICK STEPHEN SKINNER #1126964, to be physically located in Washoe County, Nevada, during the post-conviction review hearing.

IT IS FURTHER ORDERED that the Warden of the Northern Nevada Correctional Center, Carson City, Nevada, shall provide and make available a telephone for the duration of the post-conviction hearing to allow RODERICK STEPHEN SKINNER #1126964 and his defense counsel SEAN NEAHUSAN, ESQ., the ability to speak privately during the hearing.

DATED this 12<sup>th</sup> day of January, 2023.

  
DISTRICT JUDGE

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-01-12 15:38:31.036.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-01-12 15:38:28.411.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-01-12 15:38:26.379.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-01-12 15:38:24.067.  
**JOHN PETTY, ESQ.** - Notification received on 2023-01-12 15:38:20.457.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-01-12 15:38:18.629.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-01-12 15:38:25.192.



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

**PROOF OF SERVICE OF ELECTRONIC FILING**

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

01-12-2023:15:34:59

**Clerk Accepted:**

01-12-2023:15:37:46

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord to Produce Prisoner

**Filed By:**

Court Clerk ADeGayne

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

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, 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.):

CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

## CONTINUED TO

12/29/2022  
HONORABLE  
BARRY  
BRESLOW  
DEPT. NO. 8  
A. DeGayner  
(Clerk)  
L. Stubbs  
(Reporter)

**STATUS HEARING**

Deputy District Attorney Kevin Naughton represented the State.  
Defendant was present, in custody, represented by DATY Sean Neahusan.

**04/11/2023**  
**11:00 a.m.**  
**Status Hearing**

The Court addressed recent filings by the Defendant.  
DATY Neahusan advised that he has not received the recent filings in the Defendant's other cases as he was only appointed in this matter. DATY Neahusan advised that he is still receiving discovery in this case and needs additional time to prepare and review new filings. DATY Neahusan further advised that he should be able to file any supplements at the beginning to middle of March, the workload is high at the conflict group.

DDA Naughton advised that DATY Neahusan's position on timing is reasonable.

Defendant addressed the Court on his own behalf. Defendant confirmed that he will not file anything until he meets with counsel.

**COURT ORDERED:** Counsel to file supplemental briefing within 90 days. DATY Neahusan can seek authority to work on the Defendant's other cases. Parties are directed to stand down and deadlines are tolled pending further order of the Court. Matter CONTINUED to **April 11, 2023 at 11:00 a.m.** for Status Hearing.

Defendant remanded to the custody of the Nevada Department of Corrections.

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-03-29 11:39:06.325.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-03-29 11:39:06.044.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-03-29 11:39:05.731.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-03-29 11:39:04.932.  
**JOHN PETTY, ESQ.** - Notification received on 2023-03-29 11:39:04.276.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-03-29 11:39:03.885.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-03-29 11:39:05.356.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

03-29-2023:11:38:26

**Clerk Accepted:**

03-29-2023:11:38:47

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

\*\*\*Minutes

**Filed By:**

Court Clerk ADeGayne

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

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-

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KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

FILED

APR 27 2023

ALICIA L. LERUD, CLERK  
By: [Signature]  
DEPUTY CLERKRODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

Movant, In Proper Person

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

Plaintiff/Movant

vs.

WARDEN BREITENBACH N.N.C. et alSTATE OF NEVADA Defendant/RespondentCase No.: CR14-0644Dept. No.: 8REQUEST FOR SUBMISSION

COMES NOW, RODERICK SKINNER, in proper person, and respectfully requests submission of his pleading, to wit: PETITION FOR WRIT OF HABEAS CORPUS (POST-CONV.), filed in this court on 15<sup>TH</sup> NOVEMBER 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 17<sup>TH</sup> day of APRIL, 2023.

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 5TH SIERRA ST

RENO N.V. 89501

Dated this 17<sup>TH</sup> day of APRIL, 2023.

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.

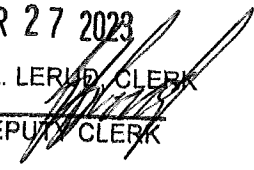
17<sup>TH</sup> APRIL 2023  
(Date)

Rod Skinner  
(Signature)



FILED

APR 27 2023

ALICIA L. LERUD, CLERK  
By:  DEPUTY CLERK

RODERICK SKINNER

(Name)

1126964

(I.D. No.)

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

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 BREITENBACH NNCC et al.

STATE OF NEVADA Defendant/Respondent

Case No.: CR14-0644

PETITIONER'S REQUEST THAT  
THIS COURT ORDER THE STATE  
TO RESPOND TO HIS 'PETITION FOR  
WRIT OF FACTUAL INNOCENCE'  
FILED ON 03<sup>RD</sup> NOVEMBER 2022.

COMES NOW, RODERICK SKINNER, in proper person and herein  
above respectfully moves this Honorable Court for a(n) ORDER THAT THE STATE  
RESPOND TO HIS 'PETITION FOR WRIT OF FACTUAL INNOCENCE' FILED ON  
03<sup>RD</sup> NOVEMBER 2022.

The instant motion 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

PETITIONER SKINNER FILED HIS 'PETITION FOR WRIT OF FACTUAL INNOCENCE' ON 03<sup>RD</sup> NOVEMBER 2022. THE STATE HAS NOT RESPONDED TO THIS PETITION. THE PETITION CALLS INTO SERIOUS QUESTION THE CREDIBILITY OF THE POLICE EXPERT WITNESS IN THE CASE, FORMER SGT DENNIS CARRY, AND POSITS THAT HE IMPROPERLY FABRICATED THE CR14-0644 CRIMINAL CASE AGAINST PETITIONER SKINNER OR AT LEAST HAD NO LEGITIMATE CAUSE TO CHARGE THE PETITIONER WITH THE OFFENSES THAT WERE ALLEGED.

PETITIONER HAS SATISFIED THE STATUTORY PLEADING REQUIREMENTS FOR HIS FACTUAL INNOCENCE PETITION. ACCORDINGLY NRS 34.970(3) REQUIRES THAT THE DISTRICT COURT ORDER A HEARING ON THE PETITION. EXPERT TESTIMONY OF TAMI L. LOEHR, A COMPUTER FORENSICS EXPERT AT LOEHR + ASSOCIATES LLC (FORMERLY LAW 2000 INC.), HAS CONTROVERTED THE STATES CASE AGAINST PETITIONER, AND THEREBY CALLS INTO FURTHER QUESTION THE BASIS OF THE STATES CASE.

### CONCLUSION:

THIS COURT SHOULD ORDER THE STATE TO RESPOND TO PETITIONER'S FACTUAL INNOCENCE PETITION, AND THEREAFTER CONDUCT AN EVIDENCIARY HEARING.

Dated this 17<sup>TH</sup> day of APRIL, 2023.

Rod Skinner

RODERICK SKINNER

**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

2ND JUDICIAL DISTRICT COURT

75 COURT ST RENO NV. 89501

AND

WASHOE COUNTY DISTRICT ATTORNEY

1 STH SIERRA ST

RENO NV 89501

Dated this 17<sup>TH</sup> day of APRIL, 2023.

By: Rod Skinner  
RODERICK SKINNER,  
 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.

17<sup>TH</sup> APRIL 2023  
 (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

APR 27 2023

ALICIA L. LEBLANC, CLERK  
By: [Signature]  
DEPUTY CLERK

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

RODERICK SKINNER  
Plaintiff/Movant

vs.

WARDEN BREITENBACH NNCC et al.  
STATE OF NEVADA Defendant/Respondent

Case No.: CR14-0644  
Dept. No.: 8

REQUEST FOR SUBMISSION

COMES NOW, RODERICK SKINNER, in proper person, and respectfully  
requests submission of his pleading, to wit: MOTION FOR CORRECTION OF SENTENCE, filed  
in this court on 01<sup>ST</sup> NOVEMBER 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 17<sup>TH</sup> day of APRIL, 2023.

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  
15TH SIERRA ST  
RENO N.V. 89501

Dated this 17<sup>TH</sup> day of APRIL, 2023.

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.

17<sup>TH</sup> APRIL 2023  
 (Date)

Rod Skinner  
 (Signature)

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: April 28, 2023.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ Kevin Naughton  
KEVIN NAUGHTON  
Appellate Deputy

**CERTIFICATE OF MAILING**  
**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Second Judicial District Court on April 28, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Sean Neahusan, Esq.

/s/ Renee Kelly  
RENEE KELLY

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 Modify Sentence, filed on November 1, 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: April 28, 2023.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ Kevin Naughton  
KEVIN NAUGHTON  
Appellate Deputy



**CERTIFICATE OF MAILING**  
**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Second Judicial District Court on April 28, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Sean Neahusan, Esq.

/s/ Renee Kelly  
RENEE KELLY

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-04-28 10:10:16.15.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-04-28 10:10:15.009.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-04-28 10:10:13.9.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-04-28 10:10:11.556.  
**JOHN PETTY, ESQ.** - Notification received on 2023-04-28 10:10:09.884.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-04-28 10:10:09.587.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-04-28 10:10:12.916.

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

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

04-28-2023:10:09:16

**Clerk Accepted:**

04-28-2023:10:09:39

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Request for Submission  
Request for Submission

**Filed By:**

Kevin Naughton

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

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**The following people were served electronically:**

KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

CODE: 2280  
 SEAN NEAHUSAN, Esq.  
 State Bar No. 11224  
 Neahusan Law  
 443 Marsh Ave  
 Reno, Nevada 89509  
 Telephone: (775) 420-5142

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

**IN AND FOR THE COUNTY OF WASHOE**

RODERICK STEPHEN SKINNER,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	<b>Case No.: CR14-0644</b>
STATE OF NEVADA	)	
	)	<b>Dept. No. 8</b>
Respondent.	)	

**MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

**COMES NOW**, defendant RODERICK STEPHEN SKINNER, by and through his attorney of record, SEAN NEAHUSAN, Esq., and hereby moves this Honorable Court to allow Mr. Neahusan to withdraw as counsel of record.

Defense Counsel Sean Neahusan has taken a new position with another law firm and will not be practicing criminal law any longer. With the new position, Mr. Neahusan no longer carries the necessary insurance bond required on appointed matters. As such, Mr. Neahusan requests that this matter be returned to the Attorney Conflict Group for reassignment.

**DATED** this 8th day of May, 2023.

/s/ Sean Neahusan  
 SEAN NEAHUSAN, Esq.  
 Attorney for Petitioner,

**AFFIRMATION**  
**Pursuant to NRS 239.B.030**

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

**DATED** this 8th day of May, 2023.

/s/ Sean Neahusan  
\_\_\_\_\_  
SEAN NEAHUSAN, Esq.  
Attorney for Petitioner,

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5 (b) I hereby certify that I am an employee of Sean Neahusan, Esq., and that on this 20th day of April, 2023, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Washoe County District Attorney's Office  
Attn: Kevin P. Naughton, Esq.

/s/ Sean Neahusan  
\_\_\_\_\_  
SEAN NEAHUSAN, Esq.

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-05-09 07:40:46.67.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-05-09 07:40:46.232.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-05-09 07:40:45.748.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-05-09 07:40:44.936.  
**JOHN PETTY, ESQ.** - Notification received on 2023-05-09 07:40:44.17.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-05-09 07:40:43.857.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-05-09 07:40:45.326.

**\*\*\*\*\* 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:**

05-08-2023:18:25:54

**Clerk Accepted:**

05-09-2023:07:40:28

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Motion

**Filed By:**

Sean A. Neahusan

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

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STEPHEN SKINNER

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



JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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

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

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

WARDEN OLSEN, NNCC, STATE OF  
NEVADA, ET AL.,

Respondents.  
\_\_\_\_\_ /

**ORDER GRANTING MOTION TO DISMISS SECOND PETITION AND  
DISMISSING THIRD PETITION**

Before the Court are Petitioner Skinner's *Petition for Writ of Habeas Corpus (Post-Conviction)* (hereinafter "*Second Petition*") filed April 4, 2022, Petitioner Skinner's *Petition for Writ of Habeas Corpus (Post-Conviction)* (hereinafter "*Third Petition*") filed November 15, 2022, and the State's *Motion to Dismiss Second Petition* (hereinafter "*Motion*") filed April 22, 2023.

Upon review of the *Petition*, the *Motion*, relevant authority, and the record in its entirety, the Court finds good cause to **GRANT** the State's *Motion*, **DISMISS** the *Second Petition* and **DISMISS** the *Third Petition*.

**PROCEDURAL BACKGROUND**

Pursuant to a guilty plea memorandum signed by Petitioner Skinner, a *Judgment of Conviction* was entered on September 11, 2014, adjudicating Petitioner Skinner guilty of the crime of Promotion of a Sexual Performance of a Minor, Age 14

or Older, a violation of NRS 200.720 and NRS 200.750, a felony. Petitioner Skinner was sentenced to imprisonment in the Nevada Department of Corrections for an imprisonment term of life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

On October 7, 2014, Petitioner Skinner, by and through his then counsel of record John Petty, Esq., filed a direct appeal of his conviction arguing the Court abused its discretion by sentencing him to prison rather than suspending his sentence and placing him on probation. The Nevada Court of Appeals rejected this argument and affirmed his conviction. *See* Order of Affirmance, *Skinner v. State*, 66666-COA, July 24, 2015. The *Remittitur* issued on August 18, 2015.

On July 13, 2016, Petitioner Skinner filed his first *Petition for Writ of Habeas Corpus Post-Conviction*) (hereinafter “*First Petition*”) pro per. Petitioner Skinner perfected his *First Petition* on October 7, 2016, with a verified petition. At the direction of the Court, the State filed an answer on November 22, 2016. Pursuant to Petitioner Skinner’s *Application for Appointment of Counsel*, the Court appointed counsel on February 16, 2017. Appointed Counsel Edward Reed, Esq., filed a *Supplemental Petition for Writ of Habeas Corpus (Post Conviction)* (hereinafter “*First Supplemental Petition*”) on January 12, 2018, to which the State answered on February 26, 2018.

The Court held an evidentiary hearing on the *First Petition* and the *First Supplemental Petition* on September 26, 2019. Thereafter, the Court entered an *Order Denying Petition for Writ of Habeas Corpus* on October 9, 2019, which Petitioner Skinner appealed, by and through Counsel Reed, on November 4, 2019. The Nevada Court of Appeals affirmed this Court’s decision on October 9, 2019. *See* Order of Affirmance, *Skinner v. Baca*, 79981-COA, February 8, 2021. Petitioner Skinner sought review from the Nevada Supreme Court, but the petition for review was denied on June 25, 2021. *See* Order Denying Petition for Review, *Skinner v. Baca*, 79981, June 30, 2021.

On March 29, 2022, Petitioner Skinner filed pro per his *Second Petition* and re-filed the same on April 4, 2022.<sup>1</sup> On April 14, 2022, Petitioner Skinner filed a *Motion for Appointment of Counsel*. On April 22, 2022, the State filed a *Motion to Dismiss Second Petition* and an *Opposition to Motion for Appointment of Counsel*. On April 22, 2022, Petitioner Skinner submitted his *Motion for Appointment of Counsel*<sup>2</sup> and his counsel of record, Mr. Reed, filed a *Notice of Withdrawal of Attorney*.

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On December 28, 2022, Sean Neahusan, Esq. filed a *Notice of Appearance* on behalf of Petitioner Skinner. The Court held a status hearing on December 29, 2022, wherein the Court ordered Counsel Neahusan to file supplemental briefing within ninety (90) days. No supplemental briefing was filed and on April 27, 2023, Petitioner Skinner submitted his *Third Petition* the matter pro per<sup>3</sup> and the State

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re-submitted the *Second Petition* and its *Motion* on April 28, 2023.

### LEGAL AUTHORITY

A petitioner is only entitled to an evidentiary hearing on a post-conviction habeas petition if they assert specific factual allegations that, if true, would warrant relief and are not belied or repelled by the record. *Hargrove v. State*, 100 Nev. 498, 502–03 (1984); *Nika v. State*, 124 Nev. 1272 (2008). There is no right to an evidentiary hearing when the issue before the court is a legal issue and not a factual issue. *Whitman v. Warden*, 90 Nev. 434, 436 (1974) (citations omitted). “[A]bsent a showing a good cause for delay, a petition challenging the validity of a judgment or sentence must be filed within one year after this court issues its remittitur on direct appeal.” *State v. Eighth Judicial Dist. Ct. (Riker)*, 121 Nev. 225, 231 (2005); NRS 34.726(1). To show good cause for a delay, a Petitioner must demonstrate that the delay was not their fault and they would be unduly prejudiced by dismissal. *Riker*, 121 Nev. at 231. The Court’s determination on the applicability of procedural bars “may eliminate the need for or narrow the scope of any discovery or evidentiary hearing.” *Id.* at 235.

Specifically, to demonstrate good cause, a petitioner “must show that an impediment external to the defense prevented him or her from complying with the state procedural default rules.” *Hathaway v. State*, 119 Nev. 248, 252 (2003) (internal citations omitted). This is demonstrated by “a showing ‘that the factual or legal basis for a claim was not reasonably available to counsel, or that ‘some interference by officials,’ made compliance impracticable.’” *Id.* (quoting *Murray v. Carrier*, 477 U.S. at 488 (1986) (internal citations omitted)); see also *Phelps v. Dir. Nev. Dept. of Prisons*, 104 Nev. 656, 660 (1988) (holding that “limited intelligence” or reliance on an inmate law clerk unschooled in the law do not constitute good cause sufficient to overcome procedural bars) (*superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 181 (2003)). With respect to prejudice, a petitioner may demonstrate they would be unduly prejudiced if

they make a showing “not merely that the errors [complained of] created a possibility of prejudice, but that they worked to [the petitioner's] actual and substantial disadvantage, in affecting the state proceeding with error of constitutional dimensions.” *Hogan v. Warden*, 109 Nev. 952, 960 (1993) (quoting *United States v. Frady*, 456 U.S. 152, 170 (1982)).

The Court shall dismiss a petition without a hearing if the Court determines the petitioner is not entitled to relief and an evidentiary hearing is not required. NRS 34.770. The Court shall also dismiss a petition if it determines the “petitioner’s conviction was the result of a trial and the grounds for the petition could have been... [r]aised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief.” NRS 34.810(1)(b)(2). Further, the Court shall dismiss a second or successive petition if the Court “determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the [Court] finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.” NRS 34.810(2). The Court has discretion to dismiss a petition for delay in filing if a “period exceeding 5 years between the filing of a judgment of conviction, an order imposing a sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the filing of a petition challenging the validity of a judgment of conviction creates a rebuttable presumption of prejudice to the State.” NRS 34.800(2). The State must specifically plead laches in its motion to dismiss the petition for a petition to be dismissed on that prejudice. *Id.*

### DISCUSSION

The Court finds the *Second Petition* and the *Third Petition* are procedurally barred and therefore the Court need not consider Petitioner Skinner’s claims on the merits. The *Second Petition* was first filed on March 29, 2022 and the November 15, 2022, both filed over six years after the *Remittitur* issued.

The *Second Petition* sets forth two grounds of relief, ineffective assistance of trial counsel and ineffective assistance of appellate counsel. While Petitioner Skinner argues good cause existed for his delay because he was unable to raise these claims until the Nevada Supreme Court released its decision in *Gonzales v. State*, 137 Nev. 398 (2021), the Court is unconvinced. The Court adopts the argument as set forth in the State's *Motion* with respect to *Gonzales*. The Court does not find *Gonzales* created a new rule which would constitute good cause in Petitioner Skinner's delay. Therefore, the Court finds the *Second Petition* is untimely and Petitioner Skinner fails to demonstrate good cause for the delay as the arguments presented in the *Second Petition* were available to him at the time of the issuance of the *Remittitur*. Further, the Court has discretion to dismiss the *Second Petition* under NRS 34.800(2) because a period substantially succeeding five years has passed since the issuance of the *Remittitur*. The Court finds the State sufficiently pled laches in its *Motion* and the significant time elapsed created a rebuttable presumption of prejudice against the State, which Petitioner Skinner failed to rebut.

While the State did not respond to the *Third Petition*, the Court does not find Petitioner Skinner presented good cause for the delay and does not require a responsive pleading from the State. Petitioner Skinner argues his constitutional rights are being denied by the alleged errors in his Presentence Investigation Report ("PSI") which was created prior to his conviction. The Court does not find that Petitioner Skinner has demonstrated good cause for the delay in filing his *Third Petition* as the arguments presented in the *Third Petition* with respect to alleged errors in his PSI were available to him at the time of sentencing. Therefore, the Court finds the *Third Petition* is untimely and Petitioner Skinner did not present good cause to overcome this procedural bar.

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**CONCLUSION**

The *Motion* is **GRANTED**, the *Second Petition* is **DISMISSED**, and the *Third Petition* is **DISMISSED** absent a motion from the State. Petitioner Skinner's *Petitions* are untimely, he has failed to assert good cause as to why he was unable to comply with the one-year deadline to file said *Petitions*, and the doctrine of laches applies to the *Second Petition*.

**IT IS SO ORDERED.**

**DATED** this 9<sup>th</sup> day of June, 2023.



---

BARRY L. BRESLOW  
District Judge



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 9th day of June, 2023, 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:

KEVIN NAUGHTON, ESQ. for STATE OF NEVADA

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

Further, I certify that on the 9th day of June, 2023, 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 (ID: 1126964)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

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

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.

WARDEN FRANKLIN, NNCC,  
STATE OF NEVADA, ET AL.,  
Respondents.

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**ORDER DENYING MOTION FOR CORRECTION OF SENTENCE**

Before the Court is Petitioner Skinner's *Motion for Correction of Sentence* (hereinafter "*Motion*") filed pro per on November 1, 2022.<sup>1</sup> The State filed its *Opposition to Motion for Correction of Sentence* on November 14, 2022. Petitioner Skinner filed his *Reply to "Opposition to Motion for Correction of Sentence"* on November 28, 2022. A *Second Recommendation and Order Appointing Counsel (Post-Conviction)* was filed on November 28, 2022, and Sean Neahusan, Esq., filed a *Notice of Appearance* on December 28, 2022.

The Court held a status hearing on December 29, 2022, wherein the Court ordered Counsel Neahusan to file supplemental briefing within ninety (90) days. No supplemental briefing was filed and on April 27, 2023, Petitioner Skinner submitted

<sup>1</sup> Prior to Petitioner Skinner filing his *Motion*, this Court entered an *Order Appointing Conflict Counsel* on October 26, 2022.

the matter pro per.<sup>2</sup> The State filed a *Request for Submission* for “the Motion to Modify Sentence, filed November 1, 2022,” which the Court finds to be a duplicate request for submission for the instant *Motion*.

### PROCEDURAL BACKGROUND

Pursuant to a guilty plea memorandum signed by Petitioner Skinner, a *Judgment of Conviction* was entered on September 11, 2014, adjudicating Petitioner Skinner guilty of the crime of Promotion of a Sexual Performance of a Minor, Age 14 or Older, a violation of NRS 200.720 and NRS 200.750, a felony. Petitioner Skinner was sentenced to imprisonment in the Nevada Department of Corrections for an imprisonment term of life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

### LEGAL AUTHORITY

Generally, the district court lacks jurisdiction to suspend or modify a sentence after a defendant begins to serve the sentence. *Passanisi v. State*, 108 Nev. 318, 322 (1992), overruled on other grounds by *Harris v. State*, 130 Nev. 435, 447 (2014). However, the district court may consider a motion to modify or correct a sentence in limited circumstances. *Id.* A motion to correct an illegal sentence “presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition of sentence.” *See Edwards v. State*, 112 Nev. 704, 708 (1996) (citing *Allen v. United States*, 495 A.2d 1145, 1149 (D.C. 1985)).

A motion to modify a sentence is very limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment such that it amounts to a due process violation. *Edwards v. State*, 112 Nev. 704, 708 (1996); *State v. District Court*, 100 Nev. 90, 97

<sup>2</sup> The Court notes that Counsel Neahusan filed a *Motion to Withdraw as Counsel of Record* on May 8, 2023, as he took a new position with a different law firm and no longer intends to practice criminal law.

(1984). Other courts have held “[t]he cases implicitly recognize ... a due process violation arises only when the errors result in ‘materially untrue’ assumptions about a defendant’s record.” *State v. District Court*, 100 Nev. at 97 (quoting *Townsend v. Burke*, 334 U.S. 736, 741 (1948)) (emphasis added); *see also Staley v. State*, 106 Nev. 75, 79 (1990). When a motion to correct an illegal sentence or modify a sentence raises issues outside of its very narrow scope, the motion should be summarily denied. *Edwards*, 112 Nev. at 708–09 n.2.

### DISCUSSION

Petitioner Skinner argues the sentencing District Court erred by not considering his objections to the manner in which the Division of Parole and Probation scored him in his Presentence Investigation Report (hereinafter “PSI”). Petitioner Skinner asserts his sentence must be vacated and his case remanded for resentencing because he believes he should have been entitled to probation and the now the scoring in his PSI is preventing him from getting parole.<sup>3</sup> The Court finds the alleged mistakes in the PSI exceed the narrow scope of a motion to modify a sentence because the alleged errors did not result in materially untrue assumptions about Petitioner Skinner’s record.

Accordingly, the Court **DENIES** the *Motion*.

**IT IS SO ORDERED.**

**DATED** this 9<sup>th</sup> day of June, 2023.



\_\_\_\_\_  
BARRY L. BRESLOW  
District Judge

<sup>3</sup> The Court notes Petitioner Skinner’s argument that he should have been granted probation has already been rejected by the Nevada Court of Appeals. *See Order of Affirmance, Skinner v. State*, 66666-COA, July 14, 2015.

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 9th day of June, 2023, 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:

KEVIN NAUGHTON, ESQ. for STATE OF NEVADA

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

Further, I certify that on the 9th day of June, 2023, 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 (ID: 1126964)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

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

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-06-09 12:34:34.659.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-06-09 12:34:34.19.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-06-09 12:34:33.846.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-06-09 12:34:33.096.  
**JOHN PETTY, ESQ.** - Notification received on 2023-06-09 12:34:32.342.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-06-09 12:34:31.967.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-06-09 12:34:33.518.

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

06-09-2023:12:32:13

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06-09-2023:12:34:06

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ord Granting Mtn  
Ord Denying Motion

**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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**The following people were served electronically:**

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

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

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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



**CODE 2540**

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

**STATE OF NEVADA,**

**Plaintiff,**

**Case No: CR14-0644**

**vs.**

**Dept. No: 8**

**RODERICK SKINNER,**

**Defendant.**

\_\_\_\_\_ /

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that on June 9, 2023, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

Dated June 12, 2023.

\_\_\_\_\_  
ALICIA LERUD

Clerk of the Court

\_\_\_\_\_  
/s/N. Mason

N. Mason-Deputy Clerk

**CERTIFICATE OF SERVICE**

Case No. CR14-0644

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court; that on June 12, 2023, I electronically filed the Notice of Entry of Order with the Court System which will send a notice of electronic filing to the following:

DIV. OF PAROLE & PROBATION  
JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA  
SEAN NEAHUSAN, ESQ. for RODERICK STEPHEN SKINNER  
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

I further certify that on June 12, 2023, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

Attorney General's Office  
100 N. Carson Street  
Carson City, NV 89701-4717

Roderick Skinner (#1126964)  
N. Nevada Correctional Center  
P. O. Box 7000  
Carson City, Nevada 89702

The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding document does not contain the personal information of any person.

Dated June 12, 2023.

/s/N. Mason  
N. Mason- Deputy Clerk

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOERODERICK SKINNER,  
Petitioner,  
Case No.: CR14-0644  
Dept. No.: 8

vs.

WARDEN OLSEN, NNCC, STATE OF  
NEVADA, ET AL.,Respondents.  
\_\_\_\_\_/**ORDER GRANTING MOTION TO DISMISS SECOND PETITION AND  
DISMISSING THIRD PETITION**

Before the Court are Petitioner Skinner's *Petition for Writ of Habeas Corpus (Post-Conviction)* (hereinafter "*Second Petition*") filed April 4, 2022, Petitioner Skinner's *Petition for Writ of Habeas Corpus (Post-Conviction)* (hereinafter "*Third Petition*") filed November 15, 2022, and the State's *Motion to Dismiss Second Petition* (hereinafter "*Motion*") filed April 22, 2023.

Upon review of the *Petition*, the *Motion*, relevant authority, and the record in its entirety, the Court finds good cause to **GRANT** the State's *Motion*, **DISMISS** the *Second Petition* and **DISMISS** the *Third Petition*.

**PROCEDURAL BACKGROUND**

Pursuant to a guilty plea memorandum signed by Petitioner Skinner, a *Judgment of Conviction* was entered on September 11, 2014, adjudicating Petitioner Skinner guilty of the crime of Promotion of a Sexual Performance of a Minor, Age 14

or Older, a violation of NRS 200.720 and NRS 200.750, a felony. Petitioner Skinner was sentenced to imprisonment in the Nevada Department of Corrections for an imprisonment term of life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

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Specifically, to demonstrate good cause, a petitioner “must show that an impediment external to the defense prevented him or her from complying with the state procedural default rules.” *Hathaway v. State*, 119 Nev. 248, 252 (2003) (internal citations omitted). This is demonstrated by “a showing ‘that the factual or legal basis for a claim was not reasonably available to counsel, or that ‘some interference by officials,’ made compliance impracticable.’” *Id.* (quoting *Murray v. Carrier*, 477 U.S. at 488 (1986) (internal citations omitted)); *see also Phelps v. Dir. Nev. Dept. of Prisons*, 104 Nev. 656, 660 (1988) (holding that “limited intelligence” or reliance on an inmate law clerk unschooled in the law do not constitute good cause sufficient to overcome procedural bars) (*superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 181 (2003)). With respect to prejudice, a petitioner may demonstrate they would be unduly prejudiced if

they make a showing “not merely that the errors [complained of] created a possibility of prejudice, but that they worked to [the petitioner's] actual and substantial disadvantage, in affecting the state proceeding with error of constitutional dimensions.” *Hogan v. Warden*, 109 Nev. 952, 960 (1993) (quoting *United States v. Frady*, 456 U.S. 152, 170 (1982)).

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### DISCUSSION

The Court finds the *Second Petition* and the *Third Petition* are procedurally barred and therefore the Court need not consider Petitioner Skinner’s claims on the merits. The *Second Petition* was first filed on March 29, 2022 and the November 15, 2022, both filed over six years after the *Remittitur* issued.

The *Second Petition* sets forth two grounds of relief, ineffective assistance of trial counsel and ineffective assistance of appellate counsel. While Petitioner Skinner argues good cause existed for his delay because he was unable to raise these claims until the Nevada Supreme Court released its decision in *Gonzales v. State*, 137 Nev. 398 (2021), the Court is unconvinced. The Court adopts the argument as set forth in the State's *Motion* with respect to *Gonzales*. The Court does not find *Gonzales* created a new rule which would constitute good cause in Petitioner Skinner's delay. Therefore, the Court finds the *Second Petition* is untimely and Petitioner Skinner fails to demonstrate good cause for the delay as the arguments presented in the *Second Petition* were available to him at the time of the issuance of the *Remittitur*. Further, the Court has discretion to dismiss the *Second Petition* under NRS 34.800(2) because a period substantially succeeding five years has passed since the issuance of the *Remittitur*. The Court finds the State sufficiently pled laches in its *Motion* and the significant time elapsed created a rebuttable presumption of prejudice against the State, which Petitioner Skinner failed to rebut.

While the State did not respond to the *Third Petition*, the Court does not find Petitioner Skinner presented good cause for the delay and does not require a responsive pleading from the State. Petitioner Skinner argues his constitutional rights are being denied by the alleged errors in his Presentence Investigation Report ("PSI") which was created prior to his conviction. The Court does not find that Petitioner Skinner has demonstrated good cause for the delay in filing his *Third Petition* as the arguments presented in the *Third Petition* with respect to alleged errors in his PSI were available to him at the time of sentencing. Therefore, the Court finds the *Third Petition* is untimely and Petitioner Skinner did not present good cause to overcome this procedural bar.

///

///



**CONCLUSION**

The *Motion* is **GRANTED**, the *Second Petition* is **DISMISSED**, and the *Third Petition* is **DISMISSED** absent a motion from the State. Petitioner Skinner's *Petitions* are untimely, he has failed to assert good cause as to why he was unable to comply with the one-year deadline to file said *Petitions*, and the doctrine of laches applies to the *Second Petition*.

**IT IS SO ORDERED.**

**DATED** this 9<sup>th</sup> day of June, 2023.



---

BARRY L. BRESLOW  
District Judge

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 9th day of June, 2023, 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:

KEVIN NAUGHTON, ESQ. for STATE OF NEVADA

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

Further, I certify that on the 9th day of June, 2023, 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 (ID: 1126964)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

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

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-06-12 09:39:43.096.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-06-12 09:39:42.736.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-06-12 09:39:42.393.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-06-12 09:39:41.252.  
**JOHN PETTY, ESQ.** - Notification received on 2023-06-12 09:39:40.58.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-06-12 09:39:40.299.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-06-12 09:39:41.924.

**\*\*\*\*\* 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:**

06-12-2023:09:38:57

**Clerk Accepted:**

06-12-2023:09:39:20

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Notice of Entry of Ord

**Filed By:**

Deputy Clerk NMason

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:**

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

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

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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

CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

## CONTINUED TO

04/11/2023  
HONORABLE  
BARRY  
BRESLOW  
DEPT. NO. 8  
A. DeGayner  
(Clerk)  
L. Stubbs  
(Reporter)

**STATUS HEARING**

Deputy District Attorney Kevin Naughton represented the State.  
Defendant was present, in custody, represented by Sean Neahusan, Esq.

DATY Neahusan addressed and advised the Court that he does not intend to supplement any briefing. DATY Neahusan further advised that the defense does have a proposed resolution that he needs to discuss with the State.  
DDA Naughton suggested that the case continues to proceed with briefing on the Motion to Dismiss and, if there is a resolution, the parties can notify the Court. DDA Naughton requested that the Court formally lift the stay and the State will submit on the Motion to Dismiss.

**The Court** is not inclined to appoint Sean Neahusan, Esq. on the Defendants other matters.

DATY Neahusan advised that the Defendant is better equipped to respond than any attorney, he is unsure that the Defendant is even requesting appointment of counsel in the other matters and the defense believes all matters can be resolved.

Defendant addressed the Court on his own behalf.

**COURT ORDERED:** Stay lifted. Request for Submission to be filed for any fully briefed matters. Parties shall promptly finish briefing on any other filed matters. Each side has 20 additional days to file responses, followed by 20 days to reply and submit.

Court stood in recess.

Defendant remanded to the custody of the Nevada Department of Corrections.

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-06-22 14:04:51.333.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-06-22 14:04:50.895.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-06-22 14:04:50.192.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-06-22 14:04:48.989.  
**JOHN PETTY, ESQ.** - Notification received on 2023-06-22 14:04:47.348.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-06-22 14:04:46.598.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-06-22 14:04:49.489.

**\*\*\*\*\* 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:**

06-22-2023:14:02:04

**Clerk Accepted:**

06-22-2023:14:04:24

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

\*\*\*Minutes

**Filed By:**

Court Clerk ADeGayne

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:**

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

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



JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

**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, Nevada 89702

FILED

2023 JUN 23 PM 12:10

IN THE 2<sup>ND</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

ALICIA L. LERUD  
CLERK OF DISTRICT COURT  
DEPUTY

RODERICK SKINNER

Petitioner/Plaintiff,

vs.

WARDEN BREITENBACH et al

STATE OF NEVADA

Respondent/Defendant

Case No.: CR 14-0644

Dept. No. 8

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that I, RODERICK SKINNER appeal the  
Judgment / Order entered on the NINTH day of JUNE, 20 23 by this  
court.

Dated this 15<sup>TH</sup> day of JUNE, 20 23.

Rod Skinner.

(Signature)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCF Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 15<sup>TH</sup> day of JUNE, 2023, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

1. WASHOE County District Attorney  
1 SOUTH SIERRA ST RENO NV. 89501
2. CLERK OF THE COURT  
SECOND JUDICIAL DISTRICT COURT  
75 COURT ST RENO N.V. 89501

Rod Skinner.

(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

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

15<sup>TH</sup> JUNE 2023  
(Date)

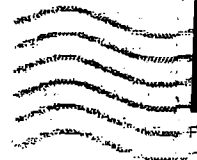
Rod Skinner.  
(Signature)

V10. 1660

RODERICK SKINNER  
INCC #1126964  
P.O. BOX 7000  
ARSON CITY N.V. 89702

RENO NV 895

21 JUN 2023 PM 3 T



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

LEGAL MAIL  
CONFIDENTIAL

RECEIVED  
JUN 23 2023  
MAIL DEPT

8950131982

V10. 1660

RODERICK SKINNER, 1126964  
 Northern Nevada Correctional Center  
 P.O. Box 7000  
 Carson City, Nevada 89702  
 Appellant, In Proper Person

FILED  
 2023 JUN 23 PM 12:10  
 APPELLANT  
 CLERK OF THE COURT  
 BY *[Signature]*  
 DEPUTY

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

RODERICK SKINNER

Appellant,

Vs.

WARDEN BREITENBACH NNCC et al  
STATE OF NEVADA  
 Respondent.

CASE No. CR14-0644

DEPT. No. 8

Dkt. No. \_\_\_\_\_

**DESIGNATION OF RECORD ON APPEAL**

Please take notice that RODERICK SKINNER Appellant, and in his proper person, hereby files this Designation of Record on Appeal in the above entitled action, pursuant to NRAP 10(b); and respectfully herein asks this Honorable Court to designate the record on appeal, to be certified by the Clerk of the District Court and transcribed to the Clerk of the Nevada Court of Appeals: All motions, pleadings, judgments and transcripts.

DATED this 15<sup>TH</sup> day of JUNE, 2023.

RESPECTFULLY SUBMITTED,

Rod Skinner

Appellant, In Propria Persona

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCF Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 15<sup>TH</sup> day of JUNE, 2023, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

1. WASHOE County District Attorney  
1 SOUTH SIERRA ST RENO NV. 89501
2. CLERK OF THE COURT  
SECOND JUDICIAL DISTRICT COURT  
75 COURT ST RENO N.V. 89501

Rod Skinner.

(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

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

15<sup>TH</sup> JUNE 2023  
(Date)

Rod Skinner.  
(Signature)

1 Code 1310  
2  
3  
4

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

8 **RODERICK SKINNER,**

9 **Petitioner,**

**Case No. CR14-0644**

10 **vs.**

**Dept. No. 8**

11 **WARDEN FRANKLIN, NNCC,**  
12 **STATE OF NEVADA ETAL,**

13 **Respondents.**  
14 \_\_\_\_\_/

15 **CASE APPEAL STATEMENT**

16 This case appeal statement is filed pursuant to NRAP 3(f).

- 17 1. Appellant is Roderick Skinner.  
18 2. This appeal is from an order entered by the Honorable Judge Barry L. Breslow.  
19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's  
20 address is:  
21 Roderick Skinner (ID: 1126964)  
22 Northern Nevada Correctional Center  
23 P.O. Box 7000  
Carson City, NV 89702  
24 4. Respondent is the State of Nevada. Respondent is represented by the Washoe  
25 County District Attorney's Office:  
26 Jennifer P. Noble, Esq., SBN: 9446  
27 P.O. Box 11130  
Reno, Nevada 89520  
28 5. Respondent's attorney is not licensed to practice law in Nevada: NA

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information filed on May 2<sup>nd</sup>, 2014.
10. This is a criminal proceeding and the Appellant is appealing the Order Granting Motion to Dismiss Second Petition and Dismissing Third Petition and Order Denying For Correction of Sentence filed on June 9<sup>th</sup>, 2023.
11. The case has been the subject of a previous appeal to the Supreme Court.  
Supreme Court No.: 66666, 79981, and 84894.
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 26th day of June, 2023.

Alicia L. Lerud  
Clerk of the Court  
By: /s/ azamora  
Amanda Zamora  
Deputy Clerk



1 Code 1350  
2  
3

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

6 **RODERICK SKINNER,**

7  
8 **Petitioner,**

**Case No. CR14-0644**

9 **vs.**

**Dept. No. 8**

10 **WARDEN FRANKLIN, NNCC,**  
11 **STATE OF NEVADA ETAL,**

12 **Respondents.**  
13 \_\_\_\_\_/

14 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

15 I certify that I am an employee of the Second Judicial District Court of the State of  
16 Nevada, County of Washoe; that on the 26th day of June, 2023, I electronically filed the  
17 Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

20 Dated this 26<sup>th</sup> day of June, 2023.

21 Alicia L. Lerud  
22 Clerk of the Court  
23 By /s/azamora  
24 Amanda Zamora  
25 Deputy Clerk  
26  
27  
28

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-06-26 10:47:45.174.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-06-26 10:47:44.486.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-06-26 10:47:43.158.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-06-26 10:47:40.439.  
**JOHN PETTY, ESQ.** - Notification received on 2023-06-26 10:47:39.658.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-06-26 10:47:39.39.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-06-26 10:47:41.689.

**\*\*\*\*\* 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:**

06-26-2023:10:46:52

**Clerk Accepted:**

06-26-2023:10:47:15

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Case Appeal Statement

Certificate of Clerk

**Filed By:**

Deputy Clerk AZamora

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:**

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

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

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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

RODERICK SKINNER # 1126964  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada, 89702

FILED

2023 JUN 26 AM 11:17

In Propria Persona

ALICIA L. LERUD  
CLERK OF THE COURT  
BY [Signature]  
DEPUTY

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

RODERICK SKINNER

Plaintiff,

Vs.

WARDEN N.N.C.C.

Defendant.

CASE No. CR14-0644

DEPT. No. 8

Dkt. No. \_\_\_\_\_

NOTICE OF APPEAL

Please take notice that RODERICK SKINNER, Defendant, and in his proper person, hereby appeals to the Nevada Court of Appeals / Nevada Supreme Court, the judgment(s) in the above-entitled action(s) entered in this Honorable Court on or about the NINTH day of 09<sup>TH</sup> JUNE, 2023.

This notice of Appeal is timely filed pursuant to NRAP 4(b).

DATED this 21<sup>ST</sup> day of JUNE, 2023.

RESPECTFULLY SUBMITTED,

Rod Skinner  
In Propria Persona

**CERTIFICATE OF MAILING**

I, RODERICK SKINNER, certify under the penalties of perjury, that service was made of this NOTICE OF APPEAL & DESIGNATION OF RECORD ON APPEAL, pursuant to NRCP 5(b), by placing same in the United States mail, postage prepaid and addressed as follows:

KEVIN NAUGHTON  
\_\_\_\_\_  
District Attorney  
1 SOUTH SIERRA ST  
\_\_\_\_\_  
RENO N.V. 89501  
\_\_\_\_\_

(Copy to)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED this 21<sup>ST</sup> day of JUNE, 2023

BY: Rod Skinner

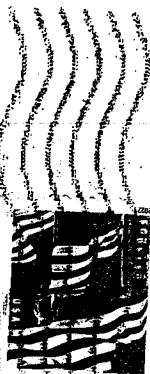
Appellant, In Proper Person

RODERICK SKINNER  
N.N.C.C. #1126964  
P.O. BOX 7000  
CARSON CITY N.N. 89702

**LEGAL MAIL**  
CONFIDENTIAL

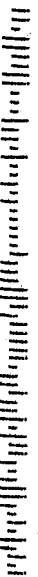
CLERK OF THE COURT  
SECOND JUDICIAL DISTRICT COURT  
75 COURT ST  
RENO N.V. 89501

RENO NV 895  
22 JUN 2023 PM 3 T



JUN 26 2023

0350181582



RODERICK SKINNER # 1126964  
 Northern Nevada Correctional Center  
 P.O. Box 7000  
 Carson City, Nevada 89702  
 Appellant, In Proper Person

FILED

2023 JUN 26 AM 11:17

Alicia L. Leland  
 CLERK OF THE COURT  
 BY [Signature]  
 DEPUTY

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

RODERICK SKINNER

Appellant,

Vs.

WARDEN N.N.C.C.

Respondent.

CASE No. CR14-0644DEPT. No. 8

Dkt. No. \_\_\_\_\_

**DESIGNATION OF RECORD ON APPEAL**

Please take notice that RODERICK SKINNER, Appellant, and in his proper person, hereby files this Designation of Record on Appeal in the above entitled action, pursuant to NRAP 10(b); and respectfully herein asks this Honorable Court to designate the record on appeal, to be certified by the Clerk of the District Court and transcribed to the Clerk of the Nevada Court of Appeals / Nevada Supreme Court: All motions, pleadings, judgments and transcripts.

DATED this 21<sup>ST</sup> day of JUNE, 2023.

RESPECTFULLY SUBMITTED,

Rod Skinner

Appellant in pro se



**CERTIFICATE OF MAILING**

I, RODERICK SKINNER, certify under the penalties of perjury, that service was made of this NOTICE OF APPEAL & DESIGNATION OF RECORD ON APPEAL, pursuant to NRCP 5(b), by placing same in the United States mail, postage prepaid and addressed as follows:

KEVIN NAUGHTON  
\_\_\_\_\_  
District Attorney  
1 SOUTH SIERRA ST  
\_\_\_\_\_  
RENO N.V. 89501  
\_\_\_\_\_

(Copy to)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED this 21<sup>ST</sup> day of JUNE, 2023

BY: Rod Skinner

Appellant, In Proper Person

1 Code 1310

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

6 IN AND FOR THE COUNTY OF WASHOE

7

8 **RODERICK SKINNER,**

9 **Petitioner,**

**Case No. CR14-0644**

10 **vs.**

**Dept. No. 8**

11 **WARDEN FRANKLIN, NNCC,**

12 **STATE OF NEVADA ETAL,**

13 **Respondents.**

14 \_\_\_\_\_/

15 **CASE APPEAL STATEMENT**

16 This case appeal statement is filed pursuant to NRAP 3(f).

- 17 1. Appellant is Roderick Skinner.
- 18 2. This appeal is from an order entered by the Honorable Judge Barry L. Breslow.
- 19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
- 20 address is:
- 21 Roderick Skinner #1126964
- 22 Northern Nevada Correctional Center
- 23 P.O. Box 7000
- 24 Carson City, NV 89702
- 25 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
- 26 County District Attorney's Office:
- 27 Jennifer P. Noble, Esq., SBN: 9446
- 28 P.O. Box 11130
- Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: NA

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information filed on May 2<sup>nd</sup>, 2014.
10. This is a criminal proceeding and the Appellant is appealing the Order Denying Motion for Correction of Sentence and the Order Granting Motion to Dismiss Second Petition and Dismissing Third Petition, both filed June 9<sup>th</sup>, 2023
11. The case has been the subject of a previous appeal to the Supreme Court. Supreme Court No.: 66666, 79981, and 84894.
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 26th day of June, 2023.

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

1 Code 1350  
2  
3

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

7 **RODERICK SKINNER,**

8 **Petitioner,**

**Case No. CR14-0644**

9 **vs.**

**Dept. No. 8**

10 **WARDEN FRANKLIN, NNCC,**  
11 **STATE OF NEVADA ETAL,**

12 **Respondents.**  
13 \_\_\_\_\_/

14 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

15 I certify that I am an employee of the Second Judicial District Court of the State of  
16 Nevada, County of Washoe; that on the 26th day of June, 2023, I electronically filed the  
17 Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

20 Dated this 26<sup>th</sup> day of June, 2023.

21 Alicia L. Lerud  
22 Clerk of the Court  
23 By /s/Y.Viloria  
24 Y.Viloria  
25 Deputy Clerk  
26  
27  
28

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-06-26 15:56:44.191.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-06-26 15:56:43.941.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-06-26 15:56:43.722.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-06-26 15:56:43.269.  
**JOHN PETTY, ESQ.** - Notification received on 2023-06-26 15:56:42.753.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-06-26 15:56:42.519.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-06-26 15:56:43.503.

**\*\*\*\*\* 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:**

06-26-2023:15:56:13

**Clerk Accepted:**

06-26-2023:15:56:23

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Case Appeal Statement  
Certificate of Clerk

**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:**

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

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

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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

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

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.

**Supreme Court No. 86846**  
District Court Case No. CR140644

KYLE OLSEN, WARDEN; NNCC; AND THE  
STATE OF NEVADA,  
Respondents.

**RECEIPT FOR DOCUMENTS**

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

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

06/28/2023      Appeal Filing Fee Waived. Criminal. (SC)

06/28/2023      Filed Notice of Appeal/Proper Person. Appeal docketed in the  
Supreme Court this day. (SC)

DATE: June 28, 2023

Elizabeth A. Brown, Clerk of Court  
ds



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

RODERICK STEPHEN SKINNER,  
Petitioner,

**Supreme Court No. 86839**  
District Court Case No. CR140644

vs.

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

**RECEIPT FOR DOCUMENTS**

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

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

06/28/2023      Petition Filing Fee Waived. Criminal. (SC)

06/28/2023      Filed Proper Person Petition for Writ. (SC)

DATE: June 28, 2023

Elizabeth A. Brown, Clerk of Court  
ds

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-06-30 11:26:16.015.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-06-30 11:26:15.171.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-06-30 11:26:14.156.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-06-30 11:26:12.203.  
**JOHN PETTY, ESQ.** - Notification received on 2023-06-30 11:26:10.624.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-06-30 11:26:09.312.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-06-30 11:26:12.797.

**\*\*\*\*\* 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:**

06-30-2023:11:25:21

**Clerk Accepted:**

06-30-2023:11:25:40

**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  
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.

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CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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

Code 2586

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

vs.

Dept. No. 8

WARDEN FRANKLIN, NNCC,  
STATE OF NEVADA ET AL,

SCN: 86839

Respondents.

NOTICE OF WRIT FILED IN NEVADA SUPREME COURT

**PETITION FOR WRIT OF MANDAMUS**

Affirmation pursuant to NRS 239B.030 / 603A.040: The undersigned hereby affirms that this document does not contain the personal information of any person.

Dated: June 30, 2023

ALICIA L. LERUD

Clerk of the Court

By: /s/YViloria

Deputy Clerk

RODERICK SKINNERN.N.C.C.#1126964P.O. BOX 7000 CARSON CITYNEVADA 89702.

NO. 86839  
**FILED**  
 JUN 28 2023  
 ELIZABETH A. BROWN  
 CLERK OF SUPREME COURT  
 BY D. Smith  
 DEPUTY CLERK

IN 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 )

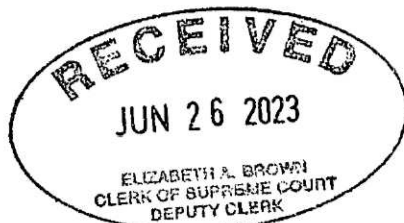
Case No. CR14-0644Dept. No. 8

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 2<sup>ND</sup> JUDICIAL DISTRICT COURT, to reverse and vacate his order,  
 and/or actions in denying Petitioner/Plaintiff HABEAS CORPUS RELIEF

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).

STATEMENT OF FACTS

1 THIS PETITION FOR WRIT OF MANDAMUS IS SOUGHT IN ORDER  
 2 TO REMEDY AN ARBITRARY OR CAPRICIOUS EXERCISE OF  
 3 DISCRETION BY THE SECOND JUDICIAL DISTRICT COURT (DEPT. 8),  
 4 WHEN IT ISSUED AN ORDER GRANTING THE STATE'S MOTION  
 5 TO DISMISS PETITIONER'S SECOND PETITION FOR WRIT OF  
 6 HABEAS CORPUS (POST-CONVICTION)<sup>1</sup>. BY THE SAME ORDER,  
 7 THE COURT ALSO DISMISSED PETITIONER'S THIRD PETITION FOR  
 8 WRIT OF HABEAS CORPUS (POST-CONVICTION)<sup>2</sup>, AND HIS  
 9 MOTION FOR CORRECTION OF SENTENCE.

10  
 11 THE COURT'S EXERCISE OF DISCRETION WAS ARBITRARY OR  
 12 CAPRICIOUS BECAUSE:

- 13 1. IT COMPLETELY PRECEDED — AND THEREFORE BYPASSED — APPOINTED  
 14 COUNSEL'S SUPPLEMENTAL BRIEFING ORDERED BY THE COURT.
- 15 2. WAS MADE WITH FULL KNOWLEDGE THAT APPOINTED COUNSEL  
 16 HAD FAILED TO FILE THE SUPPLEMENTAL BRIEFING ORDERED  
 17 BY THE COURT.
- 18 3. IT DID NOT COMPEL APPOINTED COUNSEL TO FILE THE COURT  
 19 ORDERED SUPPLEMENTAL BRIEFING.
- 20 4. IT DID NOT FIND COUNSEL IN CONTEMPT.
- 21 5. IT DID NOT REAPPOINT REPLACEMENT COUNSEL.
- 22 6. IT DID NOT BASE ITS ORDERS ON ADEQUATE INFORMATION,  
 23 GIVEN THAT NO SUPPLEMENTAL BRIEFING HAD BEEN  
 24 PROVIDED BY COUNSEL AS ORDERED.
- 25 7. IT DID NOT TIMELY OR AT ALL NOTIFY PETITIONER THAT  
 26 HE WAS NO LONGER REPRESENTED BY COUNSEL, OR THAT  
 27 COUNSEL TOOK EMPLOYMENT WITH ANOTHER LAW FIRM  
 28 WHICH DID NOT PRACTICE CRIMINAL LAW.

FOOTNOTES 1. SECOND PETITION FILED PURSUANT TO GONZALES v STATE 492P.3.1556(2021)  
 2. THIRD " " " " VASQUEZ v STATE No 79409 COA(2020)



MEMORANDUM OF POINTS AND AUTHORITIES

ON 28<sup>TH</sup> NOVEMBER 2022, THE SECOND JUDICIAL DISTRICT COURT (DEPT. 8) ORDERED APPOINTMENT OF COUNSEL IN CASE CR14-0644 SKINNER V WARDEN N.N.C.C.

ON 28<sup>TH</sup> DECEMBER 2022, COUNSEL SEAN NEAHUSAN ESQ. ENTERED A NOTICE OF APPEARANCE IN CR14-0644.

ON 29<sup>TH</sup> DECEMBER 2022, JUDGE BRESLOW SECOND JUDICIAL DISTRICT COURT (DEPT. 8), ORDERED COUNSEL NEAHUSAN TO FILE A SUPPLEMENT BRIEFING WITHIN 90-DAYS AS TO THE PETITION FOR WRIT OF HABEAS CORPUS FILED ON 4<sup>TH</sup> APRIL 2022 (HEREINAFTER "SECOND PETITION"). THE COURT TOLD COUNSEL THAT HE SHOULD REVIEW PETITIONER'S CURRENT FILINGS AND DETERMINE IF THEY ARE ALL RELATED TO THE SECOND PETITION — SO THAT THE COURT COULD DECIDE IF THOSE FILINGS SHOULD RECEIVE THE ATTENTION OF APPOINTED COUNSEL.

ON 11<sup>TH</sup> APRIL 2023 THE COURT HELD A (VIDEO) STATUS HEARING WHEREIN PETITIONER WAS REPRESENTED BY COUNSEL NEAHUSAN WHO HAD NOT AT THAT TIME FILED ANY SUPPLEMENTAL BRIEF AS TO PETITIONER'S SECOND PETITION; NO DISCUSSION ABOUT COUNSEL'S FAILURE TO COMPLY WITH THE COURT'S ORDER OCCURRED, BUT THE COURT INDICATED TO PROSECUTOR NAUGHTON THAT IT WANTED HIM "TO NEGOTIATE WITH" PETITIONER. WHEN THE JUDGE WENT OFFLINE, PROSECUTOR NAUGHTON STATED HE WAS NOT GOING TO NEGOTIATE BECAUSE "THAT WOULDN'T BE IN THE INTERESTS OF JUSTICE".

ON 14<sup>TH</sup> APRIL 2023, PETITIONER HAD AN ATTORNEY/CLIENT CONSULTATION WITH COUNSEL BY VIDEO LINK. PETITIONER THEREAFTER FILED REQUESTS FOR SUBMISSION ON HIS "FACTUAL INNOCENCE PETITION", AND "THIRD PETITION FOR WRIT

MEMORANDUM OF POINTS AND AUTHORITIES

OF HABEAS CORPUS" FILED ON 15<sup>TH</sup> NOVEMBER 2022, AND A  
"MOTION FOR CORRECTION OF SENTENCE" FILED ON 01<sup>ST</sup> NOVEMBER 2022.  
ALL EXCEPT FOR THE "FACTUAL INNOCENCE PETITION" WERE  
CONSIDERED DUPLICATE FILING, NOTWITHSTANDING THAT COUNSEL  
HAD ONLY BEEN APPOINTED TO THE 'SECOND PETITION'.

ON 8<sup>TH</sup> MAY 2023 ATTORNEY NEAHUSAN FILED A MOTION TO WITHDRAW  
AS COUNSEL OF RECORD, UNBEKNOWN TO PETITIONER.

ON 9<sup>TH</sup> JUNE 2023, THE COURT ISSUED AN ORDER DISMISSING THE  
SECOND PETITION, THE THIRD PETITION, AND THE MOTION FOR  
CORRECTION OF SENTENCE. THIS OUTCOME IS A MANIFEST  
INJUSTICE SINCE COUNSEL HAD EFFECTIVELY ABANDONED  
PETITIONER AND THE COURT TOOK NO ACTION TO PROTECT  
PETITIONER'S DUE PROCESS RIGHTS.

CONCLUSION: THE COURT KNEW ATTORNEY NEAHUSAN HAD FAILED  
TO PROVIDE SUPPLEMENTAL BRIEFING AS ORDERED, AND THEN  
ABANDONED PETITIONER. THE COURT NEVERTHELESS THEN MADE  
ORDERS BASED ON AN INCOMPLETE OR INACCURATE RECORD.  
PETITIONER RESPECTFULLY REQUESTS THIS HONORABLE COURT  
REVERSE THE DISTRICT COURT'S ORDERS, ORDER THE DISTRICT  
COURT TO APPOINT NEW COUNSEL TO REPLACE NEAHUSAN ESQ,  
AND PERMIT NEW COUNSEL TO PROVIDE THE SUPPLEMENTAL  
BRIEFING THAT WAS ORIGINALLY ORDERED BY THE DISTRICT COURT.

CONCLUSION

Wherefore, all of the above stated reasons, Petitioner/Plaintiff respectfully requests this Honorable Court to Order THE SECOND JUDICIAL DISTRICT COURT to REVERSE ITS ORDERS MADE ON 9<sup>TH</sup> JUNE 2023.

within a reasonable amount of time as required by N.R.S. 34.830.

DATED this 16<sup>TH</sup> day of JUNE, 2023

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 16<sup>TH</sup> day of JUNE, 2023, I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the NORTHERN NEVADA CORRECTIONAL CENTER

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

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

DISTRICT ATTY  
1 SOUTH SIERRA ST  
RENO NV 89501

DATED this 16<sup>TH</sup> day of JUNE, 2023

Rod Skinner

Petitioner/Plaintiff

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-06-30 12:01:38.029.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-06-30 12:01:37.06.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-06-30 12:01:35.966.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-06-30 12:01:33.45.  
**JOHN PETTY, ESQ.** - Notification received on 2023-06-30 12:01:32.091.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-06-30 12:01:31.685.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-06-30 12:01:34.591.

**\*\*\*\*\* 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:**

06-30-2023:12:00:39

**Clerk Accepted:**

06-30-2023:12:01:07

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Notice of Writ

**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.

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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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STEPHEN SKINNER

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

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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

## IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
KYLE OLSEN, WARDEN; NNCC; AND  
THE STATE OF NEVADA,  
Respondents.

No. 86846

FILED

JUL 05 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

## ORDER

On June 28, 2023, appellant filed a notice of appeal which appears to challenge a district court order dismissing his post conviction petitions for writs of habeas corpus. On June 29, 2023, appellant filed another notice of appeal which appears to challenge a district court order denying appellant's motion to modify or correct an illegal sentence. The clerk of this court erroneously docketed the June 29 notice of appeal as a second notice of appeal in the instant case. Accordingly, the clerk of this court shall remove the notice of appeal erroneously docketed in this case on June 29, 2023, from the docket of this case, and docket it as a separate appeal.

It is so ORDERED.

*Shiglin*, C.J.

cc: Hon. Barry L. Breslow, District Judge  
Roderick Stephen Skinner  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.

**Supreme Court No. 86893**  
District Court Case No. CR140644

KYLE OLSEN, WARDEN; NNCC; AND THE  
STATE OF NEVADA,  
Respondents.

**RECEIPT FOR DOCUMENTS**

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

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

07/06/2023 Appeal Filing Fee Waived. Criminal. (SC)

07/05/2023 Filed Notice of Appeal/Proper Person. Appeal docketed in the  
Supreme Court this day. (SC)

DATE: July 06, 2023

Elizabeth A. Brown, Clerk of Court  
ds



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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-07-11 10:22:47.412.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-07-11 10:22:46.256.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-07-11 10:22:45.414.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-07-11 10:22:42.537.  
**JOHN PETTY, ESQ.** - Notification received on 2023-07-11 10:22:38.444.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-07-11 10:22:37.475.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-07-11 10:22:43.647.

**\*\*\*\*\* 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:**

07-11-2023:10:20:17

**Clerk Accepted:**

07-11-2023:10:22:12

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Supreme Court Order

Supreme Court Receipt for Doc

**Filed By:**

Deputy Clerk AZamora

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.

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STEPHEN SKINNER

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NEVADA

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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


## IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
Respondent,  
and  
WARDEN OF THE NORTHERN  
NEVADA CORRECTIONAL CENTER,  
Real Party in Interest.

No. 86839

**FILED**

JUL 14 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

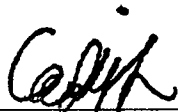
*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This pro se original petition for a writ of mandamus challenges a district court order denying postconviction petitions for a writ of habeas corpus. Having considered the petition, we are not persuaded that writ relief is warranted because petitioner has a plain, speedy, and adequate remedy available to him by way of his pending appeal in Docket No. 86846. 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). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Stiglich

, C.J.



Cadish

, J.



Herndon

, J.

<sup>1</sup>We direct the clerk to modify the caption in this matter to conform to this order.

cc: Roderick Stephen Skinner  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

## IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Appellant,

vs.

KYLE OLSEN, WARDEN; NNCC; AND  
THE STATE OF NEVADA,  
Respondents.

No. 86846

RODERICK STEPHEN SKINNER,  
Appellant,


vs.

KYLE OLSEN, WARDEN; NNCC; AND  
THE STATE OF NEVADA,  
Respondents.

No. 86893

**FILED**

JUL 13 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK*ORDER CONSOLIDATING APPEALS, DIRECTING TRANSMISSION  
OF RECORD, AND REGARDING BRIEFING*

Docket No. 86846 is a pro se notice of appeal from a district court order dismissing postconviction petitions for writs of habeas corpus. Docket No. 86893 is a pro se notice of appeal from a district court order denying a motion to modify or correct an illegal sentence. In the interest of judicial economy, these appeals are consolidated for all appellate purposes. *See* NRAP 3(b)(2).

Having reviewed the documents on file in these pro se appeals, this court has concluded that its review of the complete record is warranted. *See* NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of these appeals. *See* NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a

sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Within 120 days, appellant may file either (1) a single brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, these consolidated appeals may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP 46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

                    *Stiglin*                    , C.J.

cc: Roderick Stephen Skinner  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-07-18 11:48:20.806.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-07-18 11:48:19.713.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-07-18 11:48:18.431.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-07-18 11:48:16.119.  
**JOHN PETTY, ESQ.** - Notification received on 2023-07-18 11:48:14.291.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-07-18 11:48:13.447.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-07-18 11:48:17.244.



**\*\*\*\*\* 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:**

07-18-2023:11:47:33

**Clerk Accepted:**

07-18-2023:11:47:49

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Supreme Court Order Denying  
Supreme Ct Order Directing

**Filed By:**

Deputy Clerk YViloria

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

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-

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**The following people were served electronically:**

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

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

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, 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

In Proper Person

FILED  
2023 JUL 20 PM 12:12

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 BREITENBACH NNCC et al,  
STATE OF NEVADA Defendant/Respondent

Case No.: CR14-0644

MOTION FOR JUDICIAL ACTION  
ON PETITION

COMES NOW, RODERICK SKINNER, in proper person and herein  
above respectfully moves this Honorable Court TO TAKE JUDICIAL ACTION BY  
RENDERING A DECISION IN THE MATTER OF HIS "PETITION FOR  
WRIT OF FACTUAL INNOCENCE" FILED ON 26<sup>TH</sup> OCTOBER 2022.

The instant motion 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).

BACKGROUND:

PETITIONER FILED A "PETITION FOR WRIT OF FACTUAL INNOCENCE" ON 26<sup>TH</sup> OCTOBER 2022 AS TO HIS CONVICTION BY THE STATE OF NEVADA, PER NEGOTIATED GUILTY PLEA, IN CASE NO. CR14-0644.

THE SECOND JUDICIAL DISTRICT COURT HAS NOT RESPONDED TO THIS PETITION OR TAKEN ANY JUDICATORY ACTION IN RELATION TO IT.

ARGUMENT:

IT IS NOW 9-MONTHS SINCE THE FILING OF PETITIONER'S "PETITION FOR WRIT OF FACTUAL INNOCENCE". ALTHOUGH OTHER ACTIVITY HAS OCCURRED IN THE CASE, THE ABSENCE OF JUDICATORY ACTION CONCERNING THIS WRIT PETITION IS PREVENTING TIMELY HIGHER REVIEW OF THE PETITION, IF IT IS DENIED AT THE DISTRICT COURT LEVEL.

NO LEGITIMATE INTEREST IS SERVED BY A DELAY IN ADDRESSING A FACTUAL INNOCENCE PETITION, PARTICULARLY IF A GIVEN PETITIONER IS INDEED FACTUALLY INNOCENT. WITH THIS IN MIND, PETITIONER SKINNER RESPECTFULLY ASKS THE COURT TO RENDER A DECISION IN THE MATTER OF HIS PETITION FOR WRIT OF FACTUAL INNOCENCE.

RESPECTFULLY SUBMITTED.

Dated this 18<sup>TH</sup> day of JULY, 2023.

PETITIONER IN PRO-PER

Rod Skinner.

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 COURTSECOND JUDICIAL DISTRICT COURT75 COURT STRENO N.V. 89501

AND

DISTRICT ATTORNEY1 SOUTH SIERRA STRENO N.V. 89501

Dated this 18<sup>TH</sup> day of JULY, 2023.

By: Rod Skinner

RODERICK SKINNER  
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.

18<sup>TH</sup> JULY 2023  
(Date)

Rod Skinner  
(Signature)

Code 1350

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**

**vs.**

**Dept. No. 8**

**WARDEN FRANKLIN, NNCC,  
STATE OF NEVADA ET AL,**

**SCN. No. 86846**

**86893**

**Respondents.**

**CERTIFICATE OF CLERK AND TRANSMITTAL – RECORD ON APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 28th day of July, 2023, I electronically filed Volumes 1 through 9 of the Record on Appeal in the above entitled matter to the Nevada Supreme Court and deposited Volumes 10 through 16 containing sealed documents addressed to the Nevada Supreme Court 201 S. Carson Street, Suite 201, Carson City, Nevada 89701 in the Washoe County mailing system for postage and mailing in the United States Postal Service in Reno, Nevada.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court in accordance NRAP 11(2)(b).

Dated this 28th day of July, 2023.

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

1 Code 1350  
2  
3  
4

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

7 **RODERICK SKINNER,**

8 **Petitioner,**

**Case No. CR14-0644**

9 **vs.**

**Dept. No. 8**

10 **WARDEN FRANKLIN, NNCC,**  
11 **STATE OF NEVADA ET AL,**

**SCN. No. 86846**

**86893**

12 **Respondents.**  
13 \_\_\_\_\_/

14 **CERTIFICATE OF CLERK AND TRANSMITTAL – RECORD ON APPEAL**

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16 Nevada, County of Washoe; that on the 28th day of July, 2023, I electronically filed  
17 Volumes 1 through 9 of the Record on Appeal in the above entitled matter to the Nevada  
18 Supreme Court and deposited Volumes 10 through 16 containing sealed documents  
19 addressed to the Nevada Supreme Court 201 S. Carson Street, Suite 201, Carson City,  
20 Nevada 89701 in the Washoe County mailing system for postage and mailing in the United  
21 States Postal Service in Reno, Nevada.

22 I further certify that the transmitted record is a true and correct copy of the original  
23 pleadings on file with the Second Judicial District Court in accordance NRAP 11(2)(b).

24 Dated this 28th day of July, 2023.

25 Alicia L. Lerud  
26 Clerk of the Court  
27 By /s/Y.Viloria  
28 Y.Viloria  
Deputy Clerk

V10. 1712

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**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-07-28 11:10:53.987.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-07-28 11:10:53.206.  
**JOHN PETTY, ESQ.** - Notification received on 2023-07-28 11:10:52.518.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-07-28 11:10:52.096.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-07-28 11:10:53.612.

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

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

07-28-2023:11:10:18

**Clerk Accepted:**

07-28-2023:11:10:33

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Certificate of Clerk

**Filed By:**

Deputy Clerk YViloria

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

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NEVADA

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, 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.):

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

RODERICK STEPHEN SKINNER,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA,  
Respondent,  
and  
WARDEN OF THE NORTHERN NEVADA  
CORRECTIONAL CENTER,  
Real Party in Interest.

**Supreme Court No. 86839**  
District Court Case No. CR140644

**NOTICE IN LIEU OF REMITTITUR**

TO THE ABOVE-NAMED PARTIES:

The decision and Order of the court in this matter having been entered on July 14th, 2023, and the period for the filing of a petition for rehearing having expired and no petition having been filed, notice is hereby given that the Order and decision entered herein has, pursuant to the rules of this court, become effective.

DATE: August 08, 2023

Elizabeth A. Brown, Clerk of Court

By: Elyse Hooper  
Administrative Assistant

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

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-08-14 14:44:51.305.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-08-14 14:44:49.868.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-08-14 14:44:48.774.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-08-14 14:44:46.461.  
**JOHN PETTY, ESQ.** - Notification received on 2023-08-14 14:44:44.758.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-08-14 14:44:44.024.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-08-14 14:44:48.071.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

08-14-2023:14:44:03

**Clerk Accepted:**

08-14-2023:14:44:20

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Supreme Ct Not/Lieu/Remittitur

**Filed By:**

Deputy Clerk KOliphant

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

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**The following people were served electronically:**

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STEPHEN SKINNER

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

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, 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.):

## IN THE SUPREME COURT OF THE STATE OF NEVADA

CR14-0644 D8

RODERICK STEPHEN SKINNER,  
Appellant,

No. 86846

vs.

KYLE OLSEN, WARDEN; NNCC; AND  
THE STATE OF NEVADA,  
Respondents.

No. 86893

RODERICK STEPHEN SKINNER,  
Appellant,

FILED

vs.

KYLE OLSEN, WARDEN; NNCC; AND  
THE STATE OF NEVADA,  
Respondents.

SEP 13 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL*

These are pro se appeals from a district court order denying appellant's second and third postconviction petitions for a writ of habeas corpus. Appellant was represented by appointed counsel with respect to the second petition in the proceedings below. This court remands this appeal to the district court for the limited purpose of securing counsel for appellant. The district court shall have 30 days from the date of this order to appoint counsel for appellant. Within 7 days from the date of appointment, the district court clerk shall transmit to the clerk of this court a copy of the district court's written or minute order appointing appellate counsel.

Briefing of this appeal is suspended pending further order of this court.

It is so ORDERED.<sup>1</sup>

*Shiglin*, C.J.

<sup>1</sup>Given this order, appellant's pro se motion for the appointment of counsel is denied as moot.



cc: Hon. Barry L. Breslow, District Judge  
Roderick Stephen Skinner  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-09-15 13:35:28.467.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-09-15 13:35:27.779.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-09-15 13:35:27.295.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-09-15 13:35:25.779.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-09-15 13:35:23.605.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-09-15 13:35:26.53.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

09-15-2023:13:34:49

**Clerk Accepted:**

09-15-2023:13:35:01

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Supreme Court Ord Remanding

**Filed By:**

Deputy Clerk YViloria

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CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, 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.):

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

**Address:** JOHN REESE PETTY,  
ESQ.  
P.O. Box 11130  
Reno, NV 89520

CODE 3242

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

v.

WARDEN FRANKLIN, NNCC,  
STATE OF NEVADA, ET AL.,

Respondents. /

ORDER APPOINTING COUNSEL

This Court is in receipt of the Nevada Supreme Court's *Order of Limited Remand for Appointment of Counsel*, filed September 13, 2023, wherein the Nevada Supreme Court remanded the matter to the district court on a limited basis and directed the Court to appoint counsel for Petitioner regarding Petitioner's *Petition for Writ of Habeas Corpus (Post-Conviction)*(also known as Petitioner's *Second Petition*, filed April 4, 2022).

///

///

///

Consistent with the *Order of Limited Remand for Appointment of Counsel*, this matter is referred to the Administrator of the Court-Appointed Counsel for appointment of counsel to assist Petitioner with his *Petitions*. Counsel shall be appointed within fourteen calendar days of this Order.<sup>1</sup>

**IT IS SO ORDERED.**

DATED this 27th day of September 2023.



---

BARRY L. BRESLOW  
District Judge

<sup>1</sup> The Court notes Counsel Neahusan filed a *Motion to Withdraw as Attorney of Record* on May 8, 2023, however, it does not appear the *Motion* has been submitted to the Court for decision.

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 27th day of September 2023, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

KEVIN NAUGHTON, DDA


SEAN NEAHUSAN, ESQ.

DIVISION OF PAROLE & PROBATION

PATRICK MCGINNIS, ESQ.

Further, on this 27th day of September 2023, 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 (ID: 1126964)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

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

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-09-27 14:07:54.762.  
**SEAN NEAHUSAN, ESQ.** - Notification received on 2023-09-27 14:07:54.262.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-09-27 14:07:53.481.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-09-27 14:07:51.652.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-09-27 14:07:49.184.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-09-27 14:07:53.012.



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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

09-27-2023:14:06:38

**Clerk Accepted:**

09-27-2023:14:07:11

**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. JBarrett

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**The following people were served electronically:**

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KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

SEAN NEAHUSAN, 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.):

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

**Address:** JOHN REESE PETTY,  
ESQ.  
P.O. Box 11130  
Reno, NV 89520

1 Code 1350  
2  
3  
4

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

8 **RODERICK SKINNER,**

**Case No. CR14-0644**

9 **Petitioner,**

**Dept. No. 8**

10 **Vs,**

**SCN: 86846, 86893**

11 **WARDEN FRANKLIN, NNCC,**  
12 **STATE OF NEVADA, ET AL.,**

13 **Respondents.**  
14 \_\_\_\_\_/

15 **CERTIFICATE OF CLERK AND TRANSMITTAL**

16 I certify that I am an employee of the Second Judicial District Court of the State of  
17 Nevada, County of Washoe. On the 28th day of September, 2023, I electronically filed to  
18 the Supreme Court the Order Appointing Counsel filed September 27<sup>th</sup>, 2023. The order is  
19 transmitted pursuant to the Supreme Court's Order of Limited Remand for Appointment of  
20 Counsel filed September 13<sup>th</sup>, 2023.

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

23 Dated this 28th day of September, 2023.  
24

25 Alicia L. Lerud  
26 Clerk of the Court  
27 By /s/Y.Viloria  
28 Y.Viloria  
Deputy Clerk

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-09-28 10:35:25.383.  
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**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-09-28 10:35:24.086.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-09-28 10:35:22.755.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-09-28 10:35:21.63.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-09-28 10:35:23.318.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

09-28-2023:10:34:33

**Clerk Accepted:**

09-28-2023:10:34:53

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Certificate of Clerk

**Filed By:**

Deputy Clerk YViloria

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NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

SEAN NEAHUSAN, ESQ. for RODERICK  
STEPHEN SKINNER

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STEPHEN SKINNER

**Address:**

JOHN REESE PETTY,  
ESQ.

P.O. Box 11130

Reno, NV 89520

1 CODE 2715  
2  
3  
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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 Petitioner,

Case No. CR14-0644

10 vs.

Dept. No. 8

11 WARDEN FRANKLIN, NNCC  
12 STATE OF NEVADA, ET AL.,

Respondent.  
-----/

13 **RECOMMENDATION AND ORDER APPOINTING COUNSEL**  
14

15 On September 13, 2023, the Nevada Supreme Court issued an Order of  
16 Limited Remand for Appointment of Counsel, directing the district court to appoint  
17 Roderick Skinner, Petitioner, counsel. The District Court referred the matter to the  
18 Washoe County Appointed Conflict Administrator, Patrick McGinnis, to secure counsel  
19 for Roderick Skinner, Petitioner, pursuant to the Nevada Supreme Court Order ADKT  
20 411 and the Second Judicial District Court's Amended Model Plan. The Appointed  
21 Counsel Administrator makes the following recommendations:

22 IT IS HEREBY RECOMMENDED that Karla Butko, Esq., be appointed to  
23 represent Roderick Skinner, Petitioner, where counsel will be paid pursuant to NRS  
24 7.115 through NRS 7.165.  
25  
26

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

3 Dated this 2nd day of October 2023.

4  
5 /s/ P McGinnis  
6 PATRICK MCGINNIS  
7 APPOINTED COUNSEL ADMINISTRATOR

8 **ORDER TO APPOINT COUNSEL**

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

12 IT IS HEREBY ORDERED pursuant to the recommendations of the  
13 Administrator, Karla Butko, Esq., shall be appointed to represent Roderick Skinner,  
14 Petitioner, in this matter.

15 DATED this 2nd day of October, 2023.

16   
17 **CHIEF DISTRICT JUDGE**



**CERTIFICATE OF SERVICE**

I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT;  
that on the 3rd day of October, 2023, I electronically filed the foregoing with the Clerk  
of the Court system which will send a notice of electronic filing to the following:

KARLA BUTKO, ESQ.  
KEVIN NAUGHTON, ESQ.  
JENNIFER NOBLE, ESQ.  
CHRISTOPHER FREY, ESQ.  
CHRISTINE BRADY, 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:

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-10-03 09:37:57.048.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-10-03 09:37:58.11.  
**KARLA BUTKO, ESQ.** - Notification received on 2023-10-03 09:37:57.657.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-10-03 09:37:58.783.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-10-03 09:37:56.079.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-10-03 09:37:59.22.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

-

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

10-03-2023:09:37:11

**Clerk Accepted:**

10-03-2023:09:37:35

**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.

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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:**

KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF  
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CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

KARLA BUTKO, 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 1350  
2  
3  
4

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

8 **RODERICK SKINNER,**

**Case No. CR14-0644**

9 **Petitioner,**

**Dept. No. 8**

10 **Vs,**

**SCN: 86893**

11 **WARDEN FRANKLIN, NNCC**  
12 **STATE OF NEVADA, ET AL,**

13 **Respondents.**  
14 \_\_\_\_\_/

15 **CERTIFICATE OF CLERK AND TRANSMITTAL**

16 I certify that I am an employee of the Second Judicial District Court of the State of  
17 Nevada, County of Washoe. On the 4th day of October, 2023, I electronically filed to the  
18 Supreme Court the Recommendation and Order Appointing Counsel filed October 3, 2023.  
19 The order is transmitted pursuant to the Supreme Court's Order of Limited Remand for  
20 Appointment of Counsel filed September 13, 2023.

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

23 Dated this 4th day of October, 2023.

24  
25 Alicia L. Lerud  
26 Clerk of the Court  
27 By /s/Y.Viloria  
28 Y.Viloria  
Deputy Clerk

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

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-10-04 12:03:50.539.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-10-04 12:03:51.742.  
**KARLA BUTKO, ESQ.** - Notification received on 2023-10-04 12:03:51.071.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-10-04 12:03:52.336.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2023-10-04 12:03:49.414.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-10-04 12:03:52.914.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

10-04-2023:12:03:19

**Clerk Accepted:**

10-04-2023:12:03:31

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Certificate of Clerk

**Filed By:**

Deputy Clerk YViloria

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:**

KEVIN P. NAUGHTON, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

KARLA BUTKO, 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

STATE OF NEVADA,

Case No.: CR14-0644

Plaintiff,

Dept. No.: 8

v.

RODERICK STEPHEN SKINNER,

Defendant.  
\_\_\_\_\_ /**ORDER: 1) HOLDING PETITION IN ABEYANCE; 2) DIRECTING STATE  
TO RESPOND; AND 3) STRIKING REQUEST FOR SUBMISSION**

Before the Court is Petitioner Roderick Stephen Skinner's *Motion for Judicial Action on Petition* filed July 20, 2023, in response to his *Petition for Writ of Factual Innocence* filed on November 3, 2022. Petitioner prematurely submitted this matter for review on September 23, 2023, given the matter is currently held in abeyance by the Nevada Supreme Court.

Having considered the pleadings on file, the Court hereby **STRIKES** Petitioner's *Request for Submission* filed September 22, 2023, and **HOLDS IN ABEYANCE** Petitioner's *Motion for Judicial Action on Petition*.

Additionally, the State is **DIRECTED** to respond to Petitioner's *Petition for Writ of Factual Innocence*, filed November 3, 2022, within forty (40) days of the filing of this Order. Petitioner will then have thirty (30) days to respond to the State's filing.

Further, IT IS SO ORDERED that the Clerk of the Court of the Second Judicial District Court shall strike the September 22, 2023 *Request for Submission* from the record.

**IT IS SO ORDERED.**

**DATED** this 21st day of November, 2023.



---

BARRY L. BRESLOW  
District Judge

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 21st day of November, 2023, 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:

KARLA BUTKO, ESQ.  
KEVIN NAUGHTON, ESQ.  
JENNIFER NOBLE, ESQ.  
CHRISTOPHER FREY, ESQ.  
CHRISTINE BRADY, ESQ.  
DIV. OF PAROLE & PROBATION

Further, I certify that on the 21st day of November, 2023, 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 Stephen Skinner  
ID No. 1126964  
Northern Nevada Correctional Center  
Post Office Box 7000  
Carson City, NV 89702

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

## Return Of NEF

### Recipients

**JENNIFER NOBLE, ESQ.** - Notification received on 2023-11-21 14:02:15.9.  
**KEVIN NAUGHTON, ESQ.** - Notification received on 2023-11-21 14:02:16.696.  
**KARLA BUTKO, ESQ.** - Notification received on 2023-11-21 14:02:16.275.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2023-11-21 14:02:17.056.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2023-11-21 14:02:17.415.

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

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

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

11-21-2023:14:01:37

**Clerk Accepted:**

11-21-2023:14:01:55

**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

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JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

KARLA BUTKO, 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.):

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

**Address:**

CHRISTOPHER FREY,  
ESQ.

Washoe County Public  
Defender

P. O. 30083

Reno, NV 89520