

1 CASE NO. C-093713

2 DEPT. NO. \_\_\_\_\_

FILED

FEB 11 3:00 PM '03

*Shirley B. Piquero*  
CLERK

6 IN THE 8<sup>th</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF CLARK

FEB 14 2003

8 \* \* \* \* \*

9 Kevin Brooks,

Appellant

11 vs.

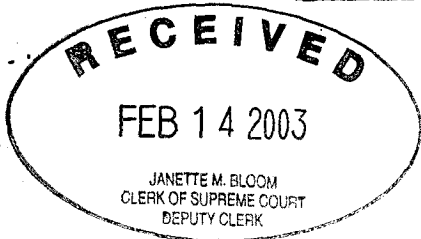
13 STATE OF NEVADA

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY A. Alvarado  
DEPUTY CLERK

No. 40941  
NOTICE OF APPEAL

15 Notice is hereby given that, Kevin Brooks,  
16 Appellant in the above entitled action, hereby appeals to the  
17 Nevada Supreme Court from the District Court's Order denying  
18 MOTION TO VACATE OR CORRECT ILLEGAL Sentence <sup>NRS. 176.555</sup>, entered in  
19 this action on the 27<sup>th</sup> day of JANUARY, 2003.

20 DATED this 9<sup>th</sup> day of FEBRUARY, 2003.



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Kevin Brooks  
KEVIN BROOKS  
#33384, IN PRO PER  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301

/// RECEIVED

/// FEB 11 2003

/// COUNTY CLERK

IN THE 8<sup>TH</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

\*\*\*\*\*

KEVIN BROOKS  
Appellant

vs.

DESIGNATION OF RECORD  
ON APPEAL

STATE OF NEVADA

COMES NOW, Kevin Brooks, Petitioner/Appellant in  
the above entitled action and hereby designates the following as  
the Record on Appeal.

Each and every Transcript, Document, Return, Pleading, and  
Paper. Including, but not limited to; Transcript of Sentencing and  
Transcript of Plea Negotiations, as well as any and all other  
documents heretofore filed with the Clerk of the Court in Case  
Number C-93713 Department Number \_\_\_\_\_.

DATED this 9<sup>TH</sup> day of February, 2003.

Kevin Brooks  
KEVIN BROOKS  
33384 IN PRO PER  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301

///

FILED

ASTA

District Court 2003 FEB 11 PM 3:53  
Clark, County, Nevada

*Shirley B. Lingen*  
CLERK

Case No. C093713

Department XVIII

THE STATE OF NEVADA,

Plaintiff,

vs.

KEVIN BROOKS,

Defendant(s),

**CASE APPEAL STATEMENT**

1. Appellant(s): KEVIN BROOKS

2. Judge: NANCY SAITTA

3. All Parties, District Court:

Plaintiff, THE STATE OF NEVADA

Defendant(s), KEVIN BROOKS

4. All Parties, Appeal:

Appellant(s), KEVIN BROOKS

Respondent, THE STATE OF NEVADA

5. Appellate Counsel: Proper Person, KEVIN BROOKS,

PO BOX 1989 ELY NV 89301, Appellant

THE STATE OF NEVADA, David Roger, District Attorney, 200 South Third

Street, Las Vegas, Nevada 89155 (702) 455-4711, Counsel for Respondent

1 6. District Court, N/A

2 7. On Appeal, N/A

3 8. Forma Pauperis: GRANTED

4 9. Date Commenced in District Court: 03/28/1990

5  
6 DATED this 11 day of February, 2003.

7 SHIRLEY B. PARRAGUIRRE  
8 CLARK COUNTY CLERK

9 By

10 MANUEL RIVAS, DEPUTY CLERK  
11 200 South Third Street  
12 PO Box 551601  
13 Las Vegas, Nevada 89155-1601  
14 (702) 455-4409  
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DATE: 02/11/03  
CASE NO. 90-C-093713-C

I N D E X

TIME 3:28 PM  
JUDGE:Saitta, Nancy M

STATE OF NEVADA

[ ] vs Burney, Fred W

[E]

001 D1 Fred W Burney

Pro Se

003 D Kevin Brooks  
P O Box 659  
Ely, NV 89301

Pro Se

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	03/28/90	ARRN/INITIAL ARRAIGNMENT	AL		04/03/90	
0005	05/22/90	SENT/SENTENCING	001	GR	05/25/90	
0007	12/11/90	PET /PROPER PERSON MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD	003		12/24/90	
0008	12/11/90	AFFD/AFFIDAVIT OF	003			
0009	12/19/90	NOTC/NOTICE OF TRANSCRIPTS	AL			
0010	01/08/91	ORDR/ORDER DENYING MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD	003		01/08/91	
0011	01/11/91	PET /PROPER PERSON MOTION TO ACT AS HIS OWN COUNSEL	003		01/29/91	
0012	01/22/91	CASO/CASE (RE)ACTIVATED ON				
0013	02/07/91	PET /PROPER PERSON MOTION TO PROCEED IN FORMA PAUPERIS	003	DF	03/04/91	
0014	02/07/91	PET /PROPER PERSON MOTION FOR POST CONVICTION RELIEF	003	DN	03/04/91	
0015	04/05/90	INFO/AMENDED INFORMATION	003		04/05/90	
0016	12/26/90	PET /PROPER PERSON MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD		DN	12/26/90	
0018	03/06/91	MOT /MOTION TO WITHDRAW AS COUNSEL AND ALLOW DEFENDANT TO PROCEED IN FORMA PAUPERIS	001		03/18/91	
0019	03/06/91	AFFD/AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS	001			
0020	03/06/91	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS				
0021	03/06/91	MEMO/MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE JUDICIAL NOTICE FOR WITHDRAWAL OF ATTORNEY OF RECORD				Y
0022	03/06/91	MOT /ALL PENDING MOTIONS (3-4-91)	003		03/04/91	
0023	03/13/91	ORDR/ORDER DISMISSING MOTION FOR POST-CONVICTION RELIEF ETC	AL		03/12/91	
0024	03/14/91	RSPN/RESPONSE TO MOTION TO WITHDRAW AS COUNSEL AND TO ALLOW DEFENDANT TO PROCEED IN FORMA PAUPERIS, AND MOTION TO WITHDRAW PLEA	S S			Y
0025	03/18/91	MOT /ALL PENDING MOTIONS (3/18/91)			03/18/91	
0026	03/22/91	ORDR/ORDER re WITHDRAWAL OF ATTORNEY AND PLEA	001		03/22/91	
0027	03/29/91	MOT /PRO PER MOTION TO PROCEED IN FORMA PAUPERIS (DEPT VIII)	003	DN	04/10/91	
0028	03/28/91	NOTC/NOTICE OF APPEAL	001			
0029	04/12/91	ORDR/ORDER re MOTION TO PROCEED IN FORMA PAUPERIS	001		04/11/91	
0030	04/17/91	PET /PROPER PERSON PETITION FOR POST CONVICTION RELIEF	001	DN	05/20/91	
0031	04/18/91	PET /PROPER PERSON MOTION TO PROCEED IN FORMA PAUPERIS	001	DN	05/20/91	

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0032	04/17/91	MEMO/MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF POST CONVICTION RELIEF	001 001			
0034	05/09/91	MOT /ALL PENDING MOTIONS (05-8-91)	001		05/20/91	
0035	05/10/91	PET /PROPER PERSON MOTION TO APPOINT COUNSEL	001	DN	05/20/91	
0036	05/08/91	ANSW/ANSWER IN OPPOSITION TO PETITION FOR POST-CONVICTION RELIEF	S S			
0037	05/21/91	MOT /ALL PENDING MOTIONS 5/20/91	001	DN	05/20/91	
0038	10/17/91	PET /PETITION FOR POST CONVICTION RELIEF LTR 10-15-91	003 003		12/16/91	
0039	10/18/91	MOT /PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD	003 003	GR	11/13/91	
0040	10/18/91	MOT /PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	003 003	GR	11/13/91	
0041	10/18/91	PET /PRO PER MOTION FOR TRANSFER OF RECORDS	003	GR	11/13/91	
0042	10/18/91	PET /PRO PER MOTION FOR ORDER TO STAY PENDING POST CONVICTION RELIEF	003 003	DN	10/28/91	
0043	10/22/91	ORDR/ORDER FINDINGS OF FACT AND CONCLUSIONS OF LAW	001 001		10/22/91	
0044	10/24/91	NOTC/NOTICE OF ENTRY OF ORDER	001		10/24/91	
0045	10/25/91	ANSW/STATES ANSWER IN OPPOSITION TO DEFENDANTS PETITION FOR POST CONVICTION RELIEF AND MOTION TO STAY POST CONVICTION RELIEF	S S		10/25/91	Y
0046	10/29/91	MOT /ALL PENDING MOTIONS 10/28/91	003		10/28/91	
0047	10/25/91	JUDG/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - REVERSED AND REMANDED	003 003		09/30/91	
0048	11/14/91	MOT /ALL PENDING MOTIONS 11/13/91	003		11/13/91	
0049	11/14/91	OCAL/FURTHER PROCEEDINGS	003		12/11/91	
0050	12/13/91	MOT /ALL PENDING MOTIONS 12/16/91	003		12/16/91	
0051	12/18/91	HEAR/HEARING: PETITION FOR POST CONVICTION HEARING	003 003		03/09/92	
0052	01/31/92	JUDG/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED OR REVERSED	003 003		12/20/91	
0053	03/04/92	PET /PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME	003 003		03/09/92	
0054	03/09/92	MOT /ALL PENDING MOTIONS 3/9/92	003		03/09/92	
0055	03/09/92	HEAR/HEARING JUDGE'S DECISION	003	DN	03/16/92	
0056	11/10/93	CASO/CASE (RE)ACTIVATED ON				
0057	11/10/93	ASSG/REASSIGNMENT OF JUDGE CHRISTENSEN TO JUDGE MAUPIN				
0058	11/10/93	PET /PROPER PERSON MOTION FOR PRODUCTION OF TRANSCRIPTS	003 003	OC	11/22/93	
0059	12/03/93	PET /PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	003 003	GR	12/20/93	
0060	12/03/93	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS			12/20/93	
0061	12/03/93	CRTF/FINANCIAL CERTIFICATE			12/20/93	
0062	12/03/93	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND SUPPORTING DECLARATION			12/20/93	
0063	06/29/94	HEAR/AT REQUEST OF DEFENDANT	003	GR	07/08/94	
0064	07/21/94	ORDR/ORDER	003			
0065	08/12/94	NOAS/DESIGNATION OF RECORD ON APPEAL	003			
0066	08/12/94	NOTC/NOTICE OF APPEAL	003	AP		

(Continued to page 3)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0067	12/01/94	NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED	003 003	GR	12/01/94	
0068	03/30/90	INFO/INFORMATION	AL		03/30/90	
0071	04/09/99	MEMO/SUPPLEMENTAL MEMORANDUM	003			
0072	04/09/99	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS	003 003			
0073	04/09/99	CRTF/FINANCIAL CERTIFICATE	003			
0074	04/20/99	CASO/CASE (RE)ACTIVATED ON				
0075	04/20/99	ASSG/REASSIGNMENT OF JUDGE Maupin TO JUDGE Pavlikowski				
0076	04/09/99	PET /DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS	003 003	DN	06/22/99	
0077	04/09/99	MOT /DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	003 003	GR	06/22/99	
0078	04/20/99	ORDR/ORDER	003		06/22/99	
0079	05/24/99	RSPN/STATES RESPONSE TO DEFENDANT KEVIN BROOKS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	003 003			Y
0080	06/15/99	MOT /DEFT'S PRO PER MOTION FOR EXTENSION OF TIME	003 003	DN	06/22/99	
0081	06/15/99	MOT /DEFT'S PRO PER MOTION FOR CLARIFICATION	003	DN	06/22/99	
0082	06/25/99	MOT /ALL PENDING MOTIONS 6/22/99	003		06/22/99	
0083	07/19/99	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	003 003		07/19/99	
0084	07/21/99	NOTC/NOTICE OF ENTRY OF ORDER	003		07/21/99	
0085	07/23/99	NOAS/NOTICE OF APPEAL	003	AP		
0086	07/23/99	NOAS/DESIGNATION OF RECORD ON APPEAL	003			
0087	07/23/99	STAT/CASE APPEAL STATEMENT	003			
0088	09/23/99	ASSG/Reassign Case From Judge Pavlikowski TO Judge Gibbons				
0089	12/07/99	PET /PETITION FOR WRIT OF HABEAS CORPUS	003			
0090	12/07/99	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	003 003			
0091	12/07/99	CRTF/FINANCIAL CERTIFICATE	003			
0092	12/07/99	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS	003 003			
0093	12/07/99	MEMO/SUPPLEMENTAL MEMORANDUM	003			
0094	12/07/99	ORDR/ORDER TRANSFERRING HABEAS PETITION TO COURT OF CONVICTION	003 003			
0095	12/07/99	PET /DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS	003 003	DN	02/08/00	
0096	12/07/99	MOT /DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS	003 003	GR	02/08/00	
0097	12/08/99	ORDR/ORDER RE PETITION FOR WRIT OF HABEAS CORPUS	003 003	HG	02/08/00	
0098	01/14/00	OPPS/STATES OPPOSITION TO DEFENDANTS WRIT OF HABEAS CORPUS POST CONVICTION	003 003			
0099	04/03/90	INFO/AMENDED INFORMATION	001		04/03/90	
0100	04/04/90	REQT/MOTION AND NOTICE OF MOTION TO AMEND INFORMATION	003 003		04/05/90	
0101	04/05/90	ORDR/ORDER TO AMEND INFORMATION	003		04/05/90	
0102	04/13/90	ORDR/ORDER FOR TRANSCRIPT	001		04/12/90	

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0103	05/29/90	REQT/MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT	003 003		06/12/90	
0104	05/29/99	NOTC/NOTICE OF MOTION	003		06/12/90	
0105	05/30/90	ROC /RECEIPT OF COPY	003			
0106	06/25/90	JUDG/JUDGMENT OF CONVICTION - PLEA	001		06/25/90	
0107	06/28/90	ORDR/ORDER FOR PRODUCTION OF INMATE	003		06/28/90	
0108	07/03/90	LIST/JURY LIST	003			
0109	07/09/90	INST/INSTRUCTIONS TO THE JURY	003			
0110	07/09/90	VER /VERDICT - COUNT I	003		07/09/90	
0111	07/09/90	VER /VERDICT - COUNT II	003		07/09/90	
0112	08/03/90	REQT/MOTION AND NOTICE OF MOTION TO AMEND INFORMATION	003 003		08/15/90	
0113	08/03/90	MEMO/MEMORANDUM AND EXHIBITS IN SUPPORT OF HABITUAL CRIMINAL SENTENCE	003 003			
0114	08/07/90	SUPP/SUPPLEMENTAL EXHIBITS NO. 9 AND 10 IN SUPPORT OF HABITUAL CRIMINAL SENTENCE	001 001			
0115	08/15/90	INFO/SECOND AMENDED INFORMATION	003		08/15/90	
0116	09/12/90	OPPS/DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO AMEND INFORMATION	003 003			
0117	09/13/90	ROC /RECEIPT OF COPY	003			
0118	10/03/90	NOAS/NOTICE OF APPEAL	003			
0119	10/03/90	ROC /RECEIPT OF COPY	003			
0120	10/03/90	NOTC/NOTICE OF MOTION	003		10/15/90	
0121	10/03/90	REQT/MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT	003 003		10/15/90	
0122	10/03/90	ROC /RECEIPT OF COPY	003			
0123	10/05/90	JUDG/JUDGMENT OF CONVICTION JURY TRIAL	003 003		10/05/90	
0124	10/18/90	ORDR/ORDER FOR TRANSCRIPT	003		10/17/90	
0125	10/29/90	ORDR/ORDER	003		10/24/90	
0126	10/22/90	NOAS/DESIGNATION OF CONTENTS OF RECORD ON APPEAL	003 003			
0127	10/24/90	ORDR/ORDER	003		10/23/90	
0128	10/24/90	ORDR/ORDER	003		10/23/90	
0129	10/24/90	EXPT/EX PARTE MOTION TO EXTEND TIME TO SUBMIT RECORD ON APPEAL	003 003			
0130	11/09/90	SUBT/DEFENDANTS CONSTITUTIONAL RIGHT TO ACT AS HIS OWN COUNSEL	003 003			
0131	05/10/91	REQT/REQUEST FOR SUBMISSION	001			
0132	05/10/91	NOTC/NOTICE OF MOTION	001		05/15/91	
0133	04/17/91	AFFD/AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS	001 001			
0134	01/31/00	RSPN/PETITIONERS RESPONSE TO STATES OPPOSITION TO PETITIONERS WRIT OF	003 003			Y
HABEAS CORPUS GENERAL PROVISIONS PURSUANT TO NRS 34.500						
0135	02/08/00	MOT /ALL PENDING MOTIONS 2-8-00	003		02/08/00	
0136	02/28/00	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	003 003	HG	02/28/00	
0137	03/01/00	NOTC/NOTICE OF ENTRY OF ORDER	003		03/01/00	
0138	12/02/00	ASSG/Reassign Case From Judge Gibbons To Judge Saitta				
0139	04/10/01	JMNT/REMITTITUR AFFIRMED	0003		04/11/01	

(Continued to page 5)



NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER C
0140	01/15/03	MOT /DEFT'S PRO PER MTN VACATE/CORRECT ILLEGAL SENTENCE/47	003	DN	01/27/03
0141	01/22/03	RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO VACATE OR CORRECT ILLEGAL SENTENCE	001		
0142	02/03/03	ORDR/ORDER DENYING DEFENDANTS MOTION TO VACATE OR CORRECT ILLEGAL SENTENCE	003	GR	02/03/03

ORIGINAL

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FILED

2003 FEB -3 PM 5:47

*Arlene B. Ferguson*  
CLERK

1 **ORDR**  
2 **DAVID ROGER**  
3 **Clark County District Attorney**  
4 **Nevada Bar #002781**  
5 **TALEEN PANDUKHT**  
6 **Deputy District Attorney**  
7 **Nevada Bar #005734**  
8 **200 South Third Street**  
9 **Las Vegas, NV 89155-2211**  
10 **(702) 455-4711**  
11 **Attorney for Plaintiff**

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 **THE STATE OF NEVADA,**  
11 **Plaintiff,**

12 **-vs-**

13 **KEVIN BROOKS #1061224,**  
14 **aka Ralph Kevin Clark,**

15 **Defendant.**

Case No. C93713  
Dept No. XVIII

17 **ORDER DENYING DEFENDANT'S MOTION TO VACATE OR CORRECT ILLEGAL**  
18 **SENTENCE**

19 **DATE OF HEARING: 1/27/03**  
20 **TIME OF HEARING: 9:00 A.M.**

21 **THIS MATTER** having come on for hearing before the above entitled Court on the  
22 **27th day of January, 2003,** the Defendant being present, **IN PROPER PERSON,** the Plaintiff  
23 **being represented by DAVID ROGER, District Attorney, through TALEEN PANDUKHT,**  
24 **Deputy District Attorney, and the Court having heard the arguments of counsel and good**  
25 **cause appearing therefor,**

26 **///**

27 **///**

**///**

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**FEB 03 2003**

**RECEIVED**  
**COUNTY CLERK**  
**JAN 31 2003**

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IT IS HEREBY ORDERED that the Defendant's Motion to Vacate or Correct Illegal Sentence, shall be, and it is denied.

DATED this 31 day of January, 2003.

*Don Sitter*

\_\_\_\_\_  
DISTRICT JUDGE

DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

*Faleen Pandukht*

\_\_\_\_\_  
FALEEN PANDUKHT  
Deputy District Attorney  
Nevada Bar #005734

jr

## CRIMINAL COURT MINUTES

90-C-093713-C      STATE OF NEVADA      vs Burney, Fred W

---

03/18/91   09:00 AM   00   ALL PENDING MOTIONS (3/18/91)

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: NANCY DORMAIER, Relief Clerk  
PATSY SMITH, Reporter/Recorder

PARTIES: 000795 Van De Pol, Karen L.

Y

001 D1 Burney, Fred W  
PUBDEF Public Defender  
003374 Brooks, Howard S.

N

Y

Y

PUBLIC DEFENDER'S MOTION TO WITHDRAW AS COUNSEL AND ALLOW DEFENDANT TO  
PROCEED IN FORMA PAUPERIS

DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA

Mr. Brooks advised he had no opposition to any of the motions. Ms. Van De  
Pol asked if the Court had received the State's opposition to withdraw.  
COURT ORDERED, Defendant's motion to withdraw guilty plea is denied making  
the other motions moot.

CUSTODY (NSP)

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05/08/91   09:00 AM   00   ALL PENDING MOTIONS (05-8-91)

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: ELIZABETH D'ANGIOLELLA, Court Clerk  
PATSY SMITH, Reporter/Recorder

PARTIES: 003700 Christensen, Drew R.

Y

001 D1 Burney, Fred W  
PUBDEF Public Defender  
001656 Christiansen, Peter J.

Y

Y

Y

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF

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Mr. Christensen stated the response is being typed and requested a  
continuance. COURT ORDERED, continued.

CUSTODY, NSP

CONTINUED TO:   05/15/91   09:00 AM   01

## CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Burney, Fred W

CONTINUED FROM PAGE: 001

05/15/91 09:00 AM 01 ALL PENDING MOTIONS (05-8-91)

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: ELIZABETH D'ANGIOLELLA, Court Clerk

PATSY SMITH, Reporter/Recorder

PARTIES: 000370 Ponticello, Frank M.

Y

001 D1 Burney, Fred W

N

PUBDEF Public Defender

Y

001656 Christiansen, Peter J.

Y

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED INFORMA PAUPERIS

DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION TO APPOINT COUNSEL

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Mr. Christiansen stated he has not receive copies of all motions. Mr. Ponticello furnished Mr. Christiansen with a copy of pro per motion. COURT ORDERED, continued.

CUSTODY, NSP

CONTINUED TO: 05/20/91 09:00 AM 02

05/20/91 09:00 AM 00 ALL PENDING MOTIONS 5/20/91

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: SANDRA SMITH, Relief Clerk

PATSY SMITH, Reporter/Recorder

PARTIES: 003700 Christensen, Drew R.

Y

001 D1 Burney, Fred W

N

PUBDEF Public Defender

Y

003076 Hillman, Ralph R.

Y

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION TO APPOINT COUNSEL

Mr. Hillman advised Court this case is being handled by Howard Brooks, DPD who was unable to be present. Mr. Christensen stated that defendant fully and freely plead guilty and the sentence was commensurate with his prior record. In addition, there was no prejudice in this matter and State moves for denial of the Petition. COURT ORDERED: Defendant's motions are denied and State to prepare the order.

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Burney, Fred W

CONTINUED FROM PAGE: 002

CUSTODY (NSP)

## CRIMINAL COURT MINUTES

90-C-093713-C      STATE OF NEVADA      vs Brooks, Kevin

03/04/91 09:00 AM 00 ALL PENDING MOTIONS (3-4-91)

HEARD BY: Michael J. Wendell, Overflow Judge; Dept. 8

OFFICERS: RUTH REESE, Court Clerk  
PATSY SMITH, Reporter/Recorder

PARTIES: 002781 Roger, David J.

Y.

DEFENDANT'S PROPER PERSON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS;  
DEFENDANT'S PROPER PERSON PETITION FOR POST-CONVICTION RELIEF

State represented by David J. J. Roger. Deft. Kevin Brooks aka Ralph Kevin Clark, not present, in custody, Nevada State Prison, without benefit of counsel. COURT ORDERED, deferred ruling as to Defendant's Proper Person Motion for Leave to Proceed in Forma Pauperis; as to Defendant's Proper Person Petition for Post-Conviction Relief, denied, without prejudice; the Court does not have jurisdiction at this time, the matter is on Appeal to the Supreme Court; until Supreme Court rules, the Court will defer ruling on any matters.

04/10/91 09:00 AM 00 PRO PER MOTION TO PROCEED IN FORMA  
PAUPERIS (DEPT VIII)

HEARD BY: Michael J. Wendell, Overflow Judge; Dept. 8

OFFICERS: SANDRA SMITH, Relief Clerk  
TOM MERCER, Reporter/Recorder

PARTIES: 003495 Chairez, Don P.

Y

003 D Brooks, Kevin

N

003995 Gibson, Thomas J.

Y

COURT ORDERED: This matter is on appeal and the Court does not have jurisdiction to make a ruling at this time. COURT FURTHER ORDERED: Motion is denied, State to prepare the order and Mr. Gibson to mail a copy to the defendant.

CUSTODY (NSP)

## CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Brooks, Kevin

CONTINUED FROM PAGE: 001

10/28/91 09:00 AM 00 ALL PENDING MOTIONS 10/28/91

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA SMITH, Court Clerk  
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 000101 Henry, William P.

Y

HEARING: PETITION FOR POST CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

DEFENDANT'S PRO PER MOTION FOR TRANSFER OF RECORDS

DEFENDANT'S PRO PER MOTIN FOR ORDER TO STAY PENDING POST CONVICTION RELIEF

Mr. Henry advised Court that defendant's motion has already been filed and requested Court deny defendant's Motion for Order To Stay. COURT stated that defendant as indicated he needs to review all the records to properly prepare his case. COURT ORDERED: Motion for Order To Stay is denied and matter continued for hearing on defendant's remaining motions.

CUSTODY (NSP)

11/13/91 @9A.M. - DEFENDANT'S PRO PER MOTIONS

11/13/91 09:00 AM 00 ALL PENDING MOTIONS 11/13/91

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA SMITH, Court Clerk  
PARTIES: 000101 Henry, William P.

Y

003 D Brooks, Kevin  
PUBDEF Public Defender  
001231 Dejulio, Douglas P.

Y

Y

Y

HEARING: PETITION FOR POST CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

DEFENDANT'S PRO PER MOTION FOR TRANSFER OF RECORDS

Mr. Henry stated that defendant does not cite any reason why he is requesting a stay and is not entittled to an Evidentiary Hearing. Mr.

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## CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Brooks, Kevin

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DeJulio advised Court all the necessary papers will be forwarded to defendant. COURT ORDERED: Defendant's Pro Per Motions are granted except Petition For Post Conviction Relief. The Public Defender's Office may withdraw as counsel and matter continued. Defendant is not required to be present.

CUSTODY (NSP)

12/11/91 @9A.M. FURTHER PROCEEDINGS - HEARING: PETITION FOR POST CONVICTION RELIEF

12/11/91 09:00 AM 00 ALL PENDING MOTIONS 12/16/91

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: LEONE DUMIRE, Court Clerk  
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 000738 Berrett, Bill A.

Y

COURT ORDERED: MATTER IS CONTINUED FOR HEARING.

CUSTODY NSP

12/16/91 @ 9 AM - HEARING: PETITION FOR POST CONVICTION RELIEF

CONTINUED TO: 12/16/91 09:00 AM 01

12/16/91 09:00 AM 01 ALL PENDING MOTIONS 12/16/91

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA SMITH, Court Clerk  
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 003649 Kephart, William D.

Y

003 D Brooks, Kevin  
PRO SE Pro Se

Y

Y

FURTHER PROCEEDINGS / HEARING: PETITION FOR POST CONVICTION RELIEF

Defendant has requested a 90 day continuance and COURT ORDERED: Matter continued.

CUSTODY (NSP)

3/9/92 @9A.M. - HEARING: PETITION FOR POST CONVICTION RELIEF

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## CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Brooks, Kevin

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03/09/92 09:00 AM 00 ALL PENDING MOTIONS 3/9/92

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA BROUGH, Court Clerk  
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 000101 Henry, William P.

Y

003 D Brooks, Kevin  
PRO SE Pro Se

N

Y

HEARING: PETITION FOR POST CONVICTION RELIEF....DEFENDANT'S PRO PER EX PARTE  
MOTION FOR ENLARGEMENT OF TIME

State advised they have responded to deft.'s motions; the Court has continued four times per deft.'s request so he may reply to their opposition; and requests any motions for continuance be denied. COURT ORDERED, matter continued for one week for the Court's decision.

NSP....3/16/92 @ 9:00 A.M. DECISION: DEFENDANT'S PETITION FOR POST CONVICTION RELIEF.....DECISION: DEFENDANT'S PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME

03/16/92 09:00 AM 00 HEARING JUDGE'S DECISION

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA BROUGH, Court Clerk  
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 003186 James, Karen M.

Y

003 D Brooks, Kevin  
PRO SE Pro Se

N

Y

DECISION: DEFENDANT'S PETITION FOR POST-CONVICTION RELIEF....PRO PER EX  
PARTE MOTION FOR ENLARGEMENT OF TIME

Court FINDS the allegations in the petition are without merit, a justice of the peace does not have to be a lawyer by Statute and ORDERED deft.'s Petition for Post-Conviction Relief, DENIED. FURTHER this Court doesn't find there was ineffective assistance of counsel, deft.'s major contention is that he didn't get a copy of the preliminary hearing transcript; however deft.'s counsel was cognizant of all the facts, had the transcript in his possession and wasn't required to show it to the deft. and therefore ORDERED deft.'s Pro Per ExParte Motion for Enlargement of Time, DENIED. State to prepare Findings of Fact and Conclusions of Law.

NSP

CONTINUED ON PAGE: 005

## CRIMINAL COURT MINUTES

90-C-093713-C

STATE OF NEVADA

vs Brooks, Kevin

CONTINUED FROM PAGE: 004

11/22/93 08:45 AM 00 PROPER PERSON MOTION FOR PRODUCTION OF  
TRANSCRIPTS

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: DOROTHY KELLY, Relief Clerk  
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 003814 Holthus, Mary Kay

Y

Court advised Court Reporter to inquire as to what defendant wants, and  
ORDERED, matter off calendar.

CUSTODY (NDP)

12/20/93 08:45 AM 00 PRO PER MOTION FOR LEAVE TO PROCEED IN  
FORMA PAUPERIS

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA BROUGH, Court Clerk  
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 004748 Siegel, Jay

Y

003 D Brooks, Kevin  
PRO SE Pro Se

N

Y

Deft. not present and in custody at the Nevada Department of Prisons.

State advised no objection. COURT ORDERED, Deft.'s Pro Per Motion for Leave  
to Proceed in Forma Pauperis, GRANTED.

NSP

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## CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA vs Brooks, Kevin

CONTINUED FROM PAGE: 005

07/08/94 08:45 AM 00 AT REQUEST OF DEFENDANT

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: LINDA GROVES, Court Clerk  
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 004353 Pace, Barter G. Y

003 D Brooks, Kevin N  
PRO SE Pro Se Y

Defendant not present and in custody at the Nevada Dept of Prisons. Mr. Pace stated he doesn't know why this case is on calendar. Colloquy regarding the case. COURT ORDERED, motion for transcripts DENIED. Defendant to be specific as to transcripts needed and the reasons why.

NDP

06/22/99 08:30 AM 00 ALL PENDING MOTIONS 6/22/99

HEARD BY: Joseph S. Pavlikowski; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk  
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA  
006240 Brown, Philip H. N  
Y

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR EXTENSION OF TIME...DEFT'S PRO PER MOTION FOR CLARIFICATION

COURT ORDERED, based on State's response, Deft's Pro Per Petition for Writ of Habeas Corpus; Deft's Pro Per Motion for Extension of Time and Deft's Pro Per Motion for Clarification are DENIED. FURTHER, Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis is GRANTED. Court directed Mr. Brown to prepare the Order.

NDP

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## CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA vs Brooks, Kevin

CONTINUED FROM PAGE: 006

02/08/00 09:00 AM 00 ALL PENDING MOTIONS 2-8-00

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk  
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA  
005927 De La Garza, Melisa  
003 D Brooks, Kevin  
PRO SE Pro SeY  
Y  
N  
YDEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...COURT  
ORDERED, motion GRANTED.DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...Court advised he has  
reviewed the petition and the return. COURT ORDERED, petition DENIED as 1)  
it is time-barred, 2) it is successive with deft's other petitions and 3)  
this issue was raised on direct appeal and was rejected. Court stated he  
believes this petition was also denied by Judge Pavlikowski on June 22.

NDP

01/27/03 09:00 AM 00 DEFT'S PRO PER MTN VACATE/CORRECT  
ILLEGAL SENTENCE/47

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk  
Kristine Cornelius, Reporter/RecorderPARTIES: STATE OF NEVADA  
005734 Pandukht, Taleen R.Y  
YCourt stated this motion is improper procedurally, and that the issue has  
already been determined to lack merit. Motion DENIED in its entirety.

NDC

CLERK'S NOTE: A copy of this minute order mailed to the Defendant via the  
address as listed in the pleadings. /af

eff: 9/1/96

**COUNTY CLERK'S OFFICE  
NOTICE OF DEFICIENCY  
ON APPEAL TO NEVADA SUPREME COURT**

**KEVIN BROOKS #333841  
PO BOX 1989  
ELY NV 89301**

**DATE: February 11, 2003**

**CASE: C93713**

**RE CASE: STATE OF NEVADA VS KEVIN BROOKS**

NOTICE OF APPEAL FILED: 02/11/03

RULE 3(e) DOCUMENTS TRANSMITTED: 02/11/03

RULE 3(e) DOCUMENTS **NOT** TRANSMITTED/MISSING:  
***NOTICE OF ENTRY OF ORDER***

**FURTHER EXPLANATION OF  
DOCUMENTS/FEEES:**

**REFER TO:**

**PROCEDURE:**

**NOTICE OF APPEAL**

NRAP 3(a)

\$24.00 District Court Filing Fee (if applicable).

**CASE APPEAL STATEMENT**

NRAP 3(a)(1)

**To be filed with Notice of Appeal:**  
Lists information necessary for docketing in the supreme court: district court case number; party names; counsel names; trial judge; whether trial or appellate counsel was appointed; whether appellant is proceeding in forma pauperis; date the proceedings commenced in the district court {NRAP Form 2}.

MANUEL RIVAS, Deputy Clerk