

**From:** John Quintero <[quinterojohn@hotmail.com](mailto:quinterojohn@hotmail.com)>  
**Sent:** Saturday, March 26, 2022 6:33 PM  
**To:** Cynthia Atanazio <[catanazio@dids.nv.gov](mailto:catanazio@dids.nv.gov)>  
**Subject:** public comment for next hearing of Dept. of Indigent Services

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To whom it may concern,  
I'm concerned this public body has restricted it's "jurisdiction" only to rural counties. And I'm concerned the public body is restricting it's data collection activities to the professional class of defense attorneys. The collections of data need to include the empirical data from the records of indigent class defendants post-conviction and make deductions from the effects of a systemic maladministration in both rural and urban settings. I'm attaching a reply brief to Nevada Supreme Court regarding alleged misconduct of obstructive withholding of records to assist indigent convicts in alleging ineffective assistance of Public Defenders.

Thank you for your consideration,  
John Quintero

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY CLARKE,  
Appellant,

No 82903-COA

VS.

CR 19-1352

THE STATE OF NEVADA; AND JOHN  
L. ARRASCADA, WASHOE COUNTY  
PUBLIC DEFENDER,  
RESPONDENTS.

REPLY BRIEF

Both the ~~conflicted~~ prosecutor defending the ~~conflicted~~ tax-paid Public Defender of the indigent in Washoe County, manifests it's intrinsic conflict - of-interest all through the answering brief.

The conflict of interest motivates the use of misrepresentations, biase generalities, and propositions that neglect any specificity as to facts or locations in the record. In addition this August Supreme Court did not provide me a copy of the Appendix received, and the prosecutor - defendant <sup>er</sup> abused it's power by not serving the prisoner an Index of the Appendix so that the <sup>citizen</sup> ~~man~~ <sup>incarceratee</sup> ~~incarcerated~~ cannot know how to <sup>answer</sup> ~~such~~ references as "RA at V2 47-60."

The abuse is motivated <sup>by desire for</sup> ~~for~~ victory by placing the weight of official sophistic weaponry on the scales of true justice.

The appellant faces a an organizational criminal system of Washoe justice which operates on a basis of legal connivance between the prosecutors and intellectually and morally indigent tax-paid "defenders" under the color of law and tricky schemes that make a mockery of true justice,

I reply and object as follows.

I. Reply To Issues Presented for Review.

A. The tax paid Defender misrepresents "Primary Issues"

This is not a government appeal; but it hits the indigent citizen incarcerated in his skull with the butt steel pen-- by mistaking the true primary issue.

The issue is not merely whether legal custody of control "excludes mere possession or access to records created by another entity" as allegedly pronounced by the Nevada Legislature. That legislative material referred to was not placed in the district court records due to lack of trial or evidentiary hearing and the case should be remanded for that reason.

The parties agree: the determination of the issue is of statewide importance. But the issue must be framed in the manner addressing the circumstances of the case in reference to duty, not rights.

The Court must not wring it's hands in deference to the "rights" of the public defender to use the alleged desires of the legislature as a pretext to deny turning over requested documents as specifically stated in the appeal's Informal Brief at pg 4.

The true question before the Court is whether the Public Defenders of the State have the duty to turn over and procure those specific items. The answering brief does not address these specifically but in a global statement, which deprives this Court any basis for an adequate informed decision. For that reason the matter should be remanded for a true fact finding process.

B. THE LEGAL QUESTION of Appropriate VEHICLE

Since the enabling act for an action stated in NRS 239.011 is ambiguously stated "the requester may apply to the district court." The manner of the application should not be used as a pretext for a tax-paid government entity to shirk its duty to the public

Public Defender with NRS 239 provisions; this action for sanction is required by misprision and NRS 239.340 (1); the District Court, again conniving at the occlusive aiding and abetting his court-room soldiers, refused to make a determination; the motion and the prosecution's response, may not have been sent with Record on Appeal; the appeal; the appellant has been deprived of knowledge required for a full and fair hearing by state's failure to serve Appellant a copy of the Appendix, the Washoe County Public Defender does not conform to law because it has not appointed a Public Information Officer as required, among other things Appellant is acting quo warranta to issue government entities do what is they are supposed to do; the Appellant wishes an order of the Appellate Court mandating a hearing and disposition by District Court.

For these reasons the remand should issue with instructions for the District Court hold the respondent accountable for not complying to the Public Records Act.

Respectfully submitted

Anthony Clarke

CERTIFICATE OF SERVICE 3/10/22 Anthony Clarke

I, Anthony Clarke certify that on this date I did serve a true and correct copy of the foregoing Reply Brief, via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to

Attorney General  
100 N. Carson St  
Carson City NV 89701

Washoe County District Attorney  
CHRISTOPHER J. HICKS  
One S. Sierra St.  
Reno, NV 89501

Dated this 10 day of March, 2022

By Anthony Clarke  
Anthony Clarke

It is a tacit meeting of minds between prosecutor and tax-paid defenders. The Order of District Court was written by the Public Defender as prevailing party and signed by his good buddy, the prosecutor.

The statement is a formal logical error of assuming the consequence: the government is always right, the government is speaking, therefore the government is right. The controversy does not disappear--none of the state records have been supplied and are still being withheld, and now relies on the Supreme Court to approve of the secret government in Washoe County. This will deepen the information block-out which the state's policy is designed to prevent through its NFRA and other open-government laws.

E. THE RECORDS OF THE LEGISLATURE NOT PERMITTED AS THEY WERE NOT PRESENTED IN RECORD

BELOW

The state government prosecutor argues over and over about a 2019 Bill Draft. This is problematic. First, the documentary evidence was not served on appellant during proceedings below, depriving him of notice and opportunity to challenge. Second, it is doubtful if the Bill Draft was not served on appellant it was not placed in the Appendix of the record below. The appellant was not served a copy of Appendix so he cannot know, and requests this Court to announce a new rule to this County Prosecutor that it must always serve a copy of the Appendix of Record.

In addition, I have read the past 2019 text of final Post-2019-Bill Draft law published, and nothing about the "possession" controversy appears. A Bill Draft is not law but a proposal of law. For these reasons, the remand with instructions should issue.

F. ALLEGATIONS OF IMPROPER CAUSES CONCEALS GRAVITY OF GOVERNMENT ENTITIES MISCONDUCT

The Appellant asks for the Supreme Court review of the omissions of the District Court, who refused to rule on Appellant's Motion for Order To Show Cause why civil penalties should not be imposed for failure to create procedural rules, and otherwise

wearing <sup>of</sup> two hats of the prosecutor against a person he is supposed to have the best interest of. The judge appears to be in connivance with his cohorts in the system of justice.

Lastly, there is harm to appellant which was caused by the lack of hearing. If there would have been a hearing it would have come out that e-mails and video-conferences engaged in by the Public Defender and appellant were not disclosed by sheriff as "confidential" attorney-client records. The Public Defender likewise refused disclosure of those records. For these reasons this Court should remand.

#### D. THE ERROR OF FINDING MUDTNESS BY DISTRICT COURT

The District Court adopts the twisted, self-serving rights based logic of the prosecutor - Public Defender tag-team, saying "no live controversy exists." This is a cramped and oppressive proposition based on the legal fiction that states have rights to do what it wants arbitrarily and capriciously. This indicates that the local judge agrees and that he is too beholden to the executive branches election money to be able to stand up to them and declare what the law is regarding their legal duty is in relation to indigent defendants. The District Court's statement is "no live controversy exists because the Public Defenders Office provided all responsive documents. How does she know? No hearing was held to allow the confrontation of the proposition. The Court is conniving with the conniving executive branch agents of the criminal system.

good of legal assistance of poor people protecting their liberty interest as defined by ADK T 411, at the state and local levels. The Public Defender has no right to <sup>invoke</sup> the niceties of proper form; it has a duty to follow the duties it is paid to do: assist indigent citizens. For that agency to turn its back on former clients, and push the ex-clients to the necessity of legal enforcement in court under NPRA to make defendants do what they should be happy to do, speaks volumes as to the corruption of that office and its obsequious subservience to the prosecutor. This makes a sham of Nevada's Criminal justice system. For this reason this matter should be returned to state court with instructions for specific findings regarding requested items.

### C. WHETHER HEARING WAS REQUIRED

The Court's dismissal of the "application" whether a hearing also speaks volumes about the state of affairs of the county administration of justice. The Nevada Constitution and the Supreme Court rules provide some guidance. SCR part IX rules governing appearance by audiovisual technology states at A(A) Rule 2 indicates the Nevada public policy "to improve access to courts, which shall permit" the use of said technology. In addition Public Records Act raises strong burdens on State government presuming the goodness of open government. For example NRS 239.013 states that where there is an "issue in a judicial proceeding" such as whether the government has "legal custody or control of the book or record" the burden of proof shifts to the government. The Court erred by not holding a hearing to hold the government accountable. This failure raises to the level of Public Concern since the parties are in effect obstructing access to records Appellant seeks in the interest of his physical liberty. The obstruction is done in concert by both the prosecutor and Public Defender, both tax-paid public entities. The Judge's decision without a hearing makes him appear to have become an unwitting principal to the <sup>Public Defenders</sup> ~~facilitate~~ <sup>smell</sup> of the

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