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CASE NO.: 10CR01790
DEPT.: A

PAHRUMP JUSTICE COURT
Alper
2010 MAY 24 AM 9:45
RECEIVED & FILED

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

AMENDED ORDER

DAVID BORUCHOWITZ

Defendant /

On May 20, 2010 around 5: pm, Michael Inglinski, Esq., approached the window clerk at Pahrump Justice Court with a criminal complaint, drafted by Conrad Claus, Esq., presenting himself as a "Special Deputy District Attorney" for Nye County District Attorney Robert Beckett. The criminal complaint was captioned State of Nevada v. David Boruchowitz. The clerk filed the complaint, as required by law.

The next judicial day, the court reviewed the complaint and accompanying warrant of arrest. Under NRS 171.106, the court is obligated to issue a warrant of arrest if by the complaint filed there is probable cause to believe a crime was committed and the named defendant committed the crime. The standard for probable cause is miniscule. Historically, the court issues summonses when criminal complaints are filed, to avoid the pandemonium that would incur issuing

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warrants for the approximate 2,500 non-traffic criminal complaints filed annually.
In the instant case, there were specific instructions that a warrant issue.

On the afternoon of May 21, 2010 and after the filing of the complaint and issuance of the warrant of arrest, a Motion to Strike Complaint was filed in proper person by the named defendant, David Boruchowitz. Defendant's motion raises serious doubt as to the validity of the appointment of Attorney Claus and his standing to file a felony criminal complaint.

Research by the court of Nevada law has produced no evidence of authority for the District Attorney to appoint his own Special Prosecutor, as there are precise steps outlined that need to be followed for a Special Prosecutor to be appointed and is so appointed, by a District Court Judge upon petition of the Board of County Commissioners.

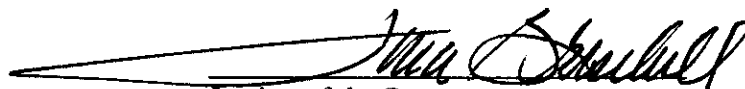
If the District Attorney wishes to re-file the complaint over his own signature or that of a statutorily authorized Deputy District Attorney, he is certainly free to do so.

Good cause appearing therefor,

IT IS HEREBY ORDERED that the criminal complaint filed by Attorney Claus is hereby ordered to be withdrawn.

IT IS FURTHER ORDERED that the warrant of arrest issued be recalled and voided and that any record of the arrest of the defendant be expunged.

DATED this 24th day of May 2010.


Justice of the Peace