

REQUEST FOR INVESTIGATION

September 21, 1993

TO: Tom Woolsey

FROM: Mark Cichoski

CASE: State v. Curtis Lundy Downing

PD# F-93-3477

CHARGE: BU, SADW(3), ROWD

CASE NO. C114390X

RETURN DATE: October 22, 1993

TRIAL DATE: 11/29/93

CALENDAR CALL: 11/24/93

Tom, a short synopsis of this case is as follows:

The victim says she was sleeping in her bed in the middle of the night when a person came in with gloves and a mask on, took her into her living room, tied her up, taped her eyes, and committed three acts of sexual assault upon her. The defendant's version of what happened is we were sipping wine coolers and had consensual sex. The only thing that ties the defendant to the scene of the crime is a partial palm print on the seal of one of the windows.

I'm requesting that you interview the following individuals in this case:

Abbey Finley. She lives at 3883 Silver Dollar, Apt. 6, 89102. Telephone #247-9755. Ms. Finley is the defendant's girlfriend and would presumably testify that she was with him at the time of the alleged crime.

Not done

The defendant's mother. I do not know the mother's name, where she lives, her phone number, or anything else about her. However, she presumably was with the defendant at the time of the alleged crime also. You should be able to find out that information from Ms. Finley.

Mike Downing, his phone is 656-9219. His mother's name is Lynn. The defendant told the polygrapher that two boys use to play with the defendant's nephew (Mike Downing). And that these three boys should have seen the defendant come in and out of the victim's apartment at various times during the day. We'll need to track down Mike Downing and see if we can find the other two boys and see if any of them can testify to the fact that he was coming in and out of the apartment in question previous to the alleged sexual assault.

Not done

(EXHIBIT "A")
64 B 77

On the Information there is a name of Barton W. Butterbaugh, M.D. I assume this is the man who performed the rape kit test on the victim. If you can contact him and see what it's going to take for us to get the results of any of the tests that he did on this woman.

Also in the file there is a request to the lab to match the prints found on the window sill with either Curtis Downing or Richard Butler. The person who made this request is Officer L. Miller. I'm very curious as to why Officer Miller asked for the lab to run this palm print on either Curtis Downing or Richard Butler. I mean, why did he pick these two people. The file shows the DR No. that he was using when he was asking to run the print. The DR No. was 9306010256. I'm asking that we get a copy of all police reports that have to do with that incident. I'm also asking that we could possibly get a hold of Miller and ask why he was so hot on Downing.

The defendant was given six months on a strange case which had to do with coercion and being accused of trying to sell somebody into slavery, a second degree kidnapping charge. If you could pull the police reports on that one, I'm going to need that too. That's DR No. 910110-1768.

He's also on parole for a robbery with use case which he is currently up in the Indian Springs Prison facility for. We need to pull that file if it's ours or find the police reports on that one. The SCOPE gives the DR number. I don't know if this is really a DR number, but it just shows 83-46491.

If you can think of anything I'm missing, please let me know.

/lld

cc: John Lucero

REPORT OF INVESTIGATION

JULY 5

94

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STATE VS. CURTIS LUNDY DOWNING

CHARGE: BU: SADW (3); ROWD

PD# _____ JC# _____ DC# C114390X DA# _____

TO: MARK CICHOSKI

FROM: JACKIE MCDANIEL

On 6/30/94 I went to three different locations of Tanning Salons of Nevada to ascertain if any of their personnel who knew Christie Childs had ever seen the victim and defendant together. I made contact with Stacy Rockvam, who is the District Manager and who knew Christie the best, and she told me she had never seen them together.

On 7/5/94 I canvassed all the apartments surrounding 4738 O'Bannon, Apt #B, but found no one who had ever seen Curtis around this apartment as he had claimed.

I then went to see Abigail Finley, residing at 1828 N. Decatur, Apt #101, and interviewed her. When asked if Curtis was with her on the night of 1/21/93, as he had claimed, she said he was arrested in June, 1993 and she couldn't remember 5 months back as to that particular night. She said that the Downing family has been threatening her since his arrest. She said that Mike Downing, Curtis's brother, had molested her 3-year-old daughter and that she had filed a report on it.

She seemed concerned that the Downing family would learn her whereabouts through me and I assured her this would not happen. She appeared to be surprised that I had located her.

I also talked with Edna Downing, Curtis' mother and asked her to have Mike call me after he got off work today. As of the end of the day, he hasn't called.

cc: Lucero
Thompson

She did testify for State. Something happened between her and my brother Michael, which caused a break down in our relationship. See letters right after this page. I also believe the dates of investigation on this report to be incorrect. (See Report of Investigation March 14, 1995, as a basis for this belief).

REPORT OF INVESTIGATION

TO: Kevin Williams
FROM: Jackie McDaniel
DATE: March 14, 1995
CASE: State vs Curtis Downing
CHARGE: BU/SADW/RODW CASE NO. C114390X

On 3/9/95 a contact visit was made to Curtis Downing at CCDC. Present were attorneys Kevin Williams and Mark Cichoski along with investigator Jackie McDaniel. Kevin directed the meeting, telling Curtis that he could use one of two defenses: (1) He was not there; (2) there was consent.

Curtis said that he was not there and did not do what he was charged with. He said he previously had had sexual relations with the victim (Childs) with her consent.

The following are alibi witnesses for the Childs case:

- (1) Edna Downing
6660 Coral Falls Circle
Las Vegas, NV 89108
Phone 656-9219
- (2) Abigail Finley
3883 Silver Dollar #6
Las Vegas, NV 89102
No Phone

The above witnesses can place him somewhere else at the time of the crime.

- (3) Mike/Josh
Lived directly above victim's apartment (Mike)
Lived caddy-corner to victim's apartment (Josh)
(4738 O'Bannon Apt #B is apartment)

Kevin made a note that we need to sub the apartment lease for the victim.

- (4) Lynn Vincent
(same address as Edna Downing)

Kevin informed Curtis that if Mark Cichoski made a motion on this case and it was denied, he could always appeal it. Kevin said he would talk more about that with him when he returned for another visit on 3/14/95.

Kevin then went on to talk about the Zold case. Curtis said he had no witnesses to sub. He said he had no Discovery on this case and further that he wants a copy of the DNA evidence in this case.

He complained to Curtis that being held locally at CCDC is hard on him as he is only allowed 45 minutes a day in the law library as opposed to the time allotted to him at Indian Springs. Kevin said he would make a motion on his behalf to correct this.

Curtis also requested the first four (4) pages out of a steno notebook which is being held with his property. He also needs extra paper and/or a notebook. He wants the minutes of the court proceedings for 1/9/95. Kevin told him that this would take some time and Curtis told him that Clerk Sheila (#39) is able to get legal documents for Indian Springs inmates very quickly.

Kevin told Curtis that the trial is now set for 5/22/95 and he would be going over a list of Motions with him.

cc: Justice
Thompson