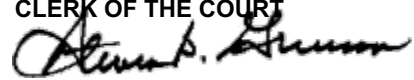


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Steven D. Grierson
CLERK OF THE COURT



DISTRICT COURT
CLARK COUNTY, NEVADA (A FOR-PROFIT CORPORATION)

THE STATE OF NEVADA,
Putative Plaintiff, Fictitious Plaintiff

Vs.

KIMBALL AUSTIN SACHS
Defendant

§
§
§
§
§
§
§
§
§

CASE NO. C-19-343540-2

DEPT NO. 8

EMERGENCY MOTION TO DISQUALIFY CHIEF DEPUTY DISTRICT ATTORNEY DENA
RINETTI FOR MALICIOUS MISCONDUCT, BAD-FAITH ABUSE OF AUTHORITY, CONFLICT
OF INTEREST, AND ETHICAL VIOLATIONS

PREFATORY STATEMENT — PROTECTION FROM SANCTIONS

1. Kimball Austin Sachs, AGENT for DEFENDANT SACHS, appearing *pro se* pending withdrawal of court-appointed counsel **Jess Marchese**, respectfully submits this **Emergency Motion to Disqualify Chief Deputy District Attorney Dena Rinetti** from further participation in this prosecution.
2. This motion is filed in good faith to preserve constitutional rights, protect the integrity of the record, and ensure compliance with Nevada statutory and ethical standards.
3. Although Attorney Marchese remains counsel of record until the hearing set for **October 20 2025**, Defendant's documented filings, specifically the **October 14 2025 Joinder to Emergency Motion to Set Aside No Contact Order** show that counsel has failed to act, refused to file required pleading, and effectively abandoned representation.
4. Defendant therefore proceeds under necessity, exercising his constitutional right of access to the courts under the **First and Fourteenth Amendments**, as recognized in *Young v. Ninth Judicial Dist. Ct.*, 107 Nev. 642 (1991) (allowing pro se filing where counsel fails to protect defendant's rights).
5. Because this motion is compelled by counsel's abandonment and seeks only to preserve the record and uphold the rule of law, **no sanctions** may properly issue for its filing.

6. This Court has inherent authority and an obligation to consider such filings on their merits when necessary to prevent manifest injustice.

INTRODUCTION

7. This case has persisted for more than six years on false charges of child neglect and abuse arising from medical injury, **iatrogenic gadolinium deposition disease**, diagnosed by **Dr. Richard Semelka** in his **January 13 2025 expert report** as caused by the hospital-administered MRI contrast dye, Gadavist, not parental misconduct.

8. Despite this exculpatory proof, **Chief Deputy District Attorney Dena Rinetti** has continued prosecution through repeated procedural manipulation: fabricating conditions of release, securing an unlawful stay, and ignoring statutory mandates.

9. From **September 5 2025** through **October 17 2025**, her conduct has included:

- (a) Obtaining a stay of trial without jurisdiction under **NRS 177.015(2)**;
- (b) Misrepresenting an expired “no-contact order” as valid, contrary to **NRS 178.4845**;
- (c) Causing the issuance of bench warrants without legal basis;
- (d) Ignoring written notices and demands for correction; and
- (e) Acting under institutional conflict to protect UMC Children’s Hospital.

10. Each act independently violates Nevada law and the **Nevada Rules of Professional Conduct 3.3, 3.8, and 8.4**; collectively and they amount to **malicious misconduct and bad-faith abuse of authority**.

11. Defense counsel Charles Goodwin and Travis Shetler failed to object or protect Defendants’ rights, leaving the record devoid of opposition to acts that deprived them of due process.

12. Defendant has meticulously documented these events through filings and materials already before this Court. The **September 24, 2025 Order Granting Stay** itself memorializes the unlawful action taken at the close of the September 5 hearing. The **October 14, 2025 Joinder** further details the misconduct and violations arising from the **September 17** and **October 1, 2025** hearings. Additional written correspondence and notices sent to Chief Deputy District Attorney Rinetti, now attached as separate exhibits to this motion, demonstrate her willful refusal to correct or even acknowledge the unlawful stay. Collectively, these materials form an unbroken record of bad-faith prosecutorial conduct, judicial acquiescence, and defense abandonment that demands full disqualification and sanctions.

13. These materials demonstrate not mistake or neglect but sustained disregard of statutory and ethical constraints, conduct inconsistent with the prosecutor’s duty “to seek justice, not merely to convict.” *Berger v. United States*, 295 U.S. 78, 88 (1935).

14. The cumulative prejudice, six years of delay, financial loss, and emotional trauma, renders further participation by Ms. Rinetti incompatible with a fair trial.

15. Accordingly, Defendant seeks immediate disqualification, referral to the State Bar of Nevada for disciplinary review, and monetary and procedural sanctions necessary to restore justice.

FACTUAL BACKGROUND

16. In April 2019, the Defendants were charged with three felony counts each of child neglect and abuse. The medical evidence **now proves** the condition of their son was **iatrogenic gadolinium deposition disease**, a toxic injury inflicted through a MRI contrast agent administered at **UMC Children's Hospital**, not by parental misconduct.

17. Despite this exculpatory medical finding, the prosecution, under **Chief Deputy District Attorney Dena Rinetti**, continued pursuing charges, ignoring material exculpatory evidence and failing to disclose or address institutional conflicts of interest.

18. On **September 5 2025**, at a pre-trial evidentiary hearing, **Judge Peterson** denied the State's motion to strike defense expert **Dr. Richard Semelka**, finding his testimony admissible. His expert report, dated **January 13 2025**, identified gadolinium deposition disease (GDD) as the true cause of the child's illness and fully exonerated the parents.

19. Immediately after that ruling, Ms. Rinetti **orally requested a stay of the trial**, claiming she intended to appeal the decision allowing Dr. Semelka's testimony. She filed **no written notice of appeal** and had **no statutory authority** to seek such a stay under **NRS 177.015(2)**.

20. Nevertheless, **Judge Peterson verbally granted the stay**, later memorialized by the **September 24 2025 Order Granting State's Oral Request for Stay**, entered **without jurisdiction** because no appeal or certification was pending.

21. Neither defense counsel Charles Goodwin nor Travis Shetler objected, allowing an unlawful stay to stand.

22. The timing and silence suggested coordination among the prosecutor and both defense attorneys to delay trial and pressure Defendants into a plea agreement under duress.

23. On **September 8 2025**, Ms. Rinetti asserted that Defendants had violated a "**no-contact order**" allegedly dating to 2019. The court record contains **no signed or filed order** of that kind.

24. Under **NRS 178.4845**, any no-contact condition of release expires automatically after 120 days unless renewed by a new written order after notice and hearing. No renewal ever occurred; any such condition therefore lapsed years earlier.

25. Nevertheless, Ms. Rinetti asked the Court to treat the expired condition as active and to issue bench warrants for its supposed violation.

26. Judge Peterson accepted those representations **without verifying the existence of any order**, focusing instead on irrelevant matters such as a "no-trespassing" sign on the Defendants' property.

27. Bench warrants then issued, branding the parents fugitives from **September 8 through September 17 2025** until the warrants were quashed.

28. The hardship compounded upon a history of financial devastation originating from the false April 2019 arrests, when each parent was subjected to an excessive **\$20,000 bail** despite having no criminal record, forcing payment of **\$3,000 non-refundable bond fees each**. Those sunk costs, combined with the renewed trauma of being branded fugitives from **September 8**

through September 17, 2025, caused further emotional distress, fear, and economic damage to an already impoverished family.

29. On **September 17 2025**, the Court quashed the warrants only after I pointed out, through the Court's Zoom chat, that **no written order existed** and any such condition had expired by operation of law.

30. Neither defense counsel objected or sought sanctions against the prosecutor for the misrepresentation.

31. At the **October 1 2025** hearing, Mr. Goodwin was relieved and replaced by **Jess Marchese**, who likewise refused to subsequently file my JOINDER, leaving me without meaningful representation.

32. Between **October 10 and October 14 2025**, Defendant served three written notices upon Ms. Rinetti, the **72-Hour Demand Letter (EXHIBIT A)**, the **Final Notice of Intent to Sue (EXHIBIT B)**, and a **Formal Public Notice (EXHIBIT C)** referencing publication of an article exposing her actions.

33. Each notice set forth controlling law, cited **NRS 177.015(2)** and **NRS 178.4845**, demanded corrective action, and warned of civil and disciplinary consequences for continued inaction.

34. Ms. Rinetti ignored every notice, filed no motion to vacate the stay, and provided no legal justification, conduct that contravenes **NRPC 3.3** (candor to the tribunal) and **NRPC 3.8(a)** (duty to prosecute only on probable cause).

35. By **October 17 2025**, six weeks after the unlawful oral stay and nearly a month after the written order, the State had still not filed any notice of appeal or certification, confirming the absence of jurisdiction for the stay.

36. As a result, the prosecution of this case remains frozen under an **unauthorized order**, causing continuing prejudice to the Defendants.

37. Defendant's **October 14 2025 Joinder**, already part of this record, details additional procedural and ethical violations: (a) fabrication of a nonexistent order; (b) collusion between defense counsel and the prosecution; (c) breach of the duty of candor; and (d) deprivation of parental and due-process rights.

38. These actions collectively show deliberate manipulation of procedure to disadvantage the defense and protect institutional interests of the County and UMC Children's Hospital.

39. The pattern of conduct since September 5 2025 constitutes **bad-faith abuse of authority**, as detailed further below, requiring this Court's immediate intervention.

40. Defendant now turns to the governing legal standards and authorities that compel disqualification and sanction.

POINTS AND AUTHORITIES

A. Legal Standard for Disqualification

41. Nevada law recognizes the special ethical obligation of prosecutors to “seek justice, not merely to convict.” See **Berger v. United States**, 295 U.S. 78, 88 (1935). When prosecutorial conduct departs from that duty and undermines the fairness or integrity of proceedings, courts must and may intervene. Nevada precedent confirms the court’s power to correct such abuses and to vacate or sanction void or bad-faith acts: **NC-DSH, Inc. v. Garner**, 125 Nev. 647, 218 P.3d 853 (2009) (relief for judgments procured by fraud); and **Emerson v. Eighth Judicial Dist. Ct.**, 127 Nev. 672, 263 P.3d 224 (2011) (affirming vacatur and sanctioning authority for bad-faith litigation conduct). These authorities together support disqualification and other remedial measures where the record demonstrates prosecutorial bad faith or conduct that casts doubt on the impartial administration of justice.

42. A prosecutor “may prosecute with earnestness and vigor—indeed he should do so. But, while he may strike hard blows, **he is not at liberty to strike foul ones.**” *Berger v. United States*, 295 U.S. 78, 88 (1935).

43. Under the **Nevada Rules of Professional Conduct (NRPC)**, prosecutors must:

- (a) Maintain candor toward the tribunal (**NRPC 3.3**);
- (b) Refrain from prosecuting unsupported charges and disclose exculpatory evidence (**NRPC 3.8(a)**, (d)); and
- (c) Avoid dishonesty, fraud, deceit, or misrepresentation (**NRPC 8.4(c)**).

44. The prosecutor is to be the “servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer.” *Berger v. United States*, 295 US 78 - Supreme Court 1935. When a prosecutor violates these duties, disqualification is not discretionary but necessary to preserve public confidence in judicial integrity.

B. Unlawful Stay and Lack of Jurisdiction under NRS 177.015(2)

45. **NRS 177.015(2)** strictly defines when the State may appeal in a criminal case. An oral request for a stay pending a nonexistent appeal falls outside those parameters and is **jurisdictionally void**.

46. Despite this, Ms. Rinetti requested and obtained a stay on **September 5 2025** after the Court denied her motion to strike the defense expert. No appeal or certification was filed, yet Judge Peterson granted the stay, memorialized in the **September 24 2025 order**.

47. Because no appellate jurisdiction existed, the district court lacked power to stay the trial. Acts taken in excess of jurisdiction are void and must be vacated.

48. Defense counsel’s failure to object cannot confer jurisdiction or validate an illegal order. Jurisdictional defects are never waived.

49. By obtaining and maintaining a stay unsupported by law, Ms. Rinetti violated both her duty of candor and her ethical obligation to pursue only lawful procedural remedies.

C. Fabricated No-Contact Order and Bench Warrant Abuse

50. On **September 8 2025**, Ms. Rinetti told the Court that a no-contact order remained active. The record contains no such order, filed, signed, or renewed.

51. **NRS 178.4845** limits any no-contact condition to 120 days unless expressly renewed in writing after notice and hearing. None was ever renewed since 2019.

52. Relying on this fiction, Ms. Rinetti urged issuance of bench warrants for “violations” of an order that did not exist, converting an expired administrative condition into a tool of coercion.

53. This misrepresentation violated **NRPC 3.3(a)(1)** and **3.8(a)**. Nevada precedent recognizes that deliberate factual misstatement to a court justifies disqualification.

54. These warrants deprived the Defendants of liberty and forced us into fugitive status for nine days, and produced tangible financial losses exceeding \$2,000.00.

55. Such use of false factual premises to obtain judicial orders constitutes both misconduct and **abuse of prosecutorial authority**.

D. Bad-Faith Abuse of Authority

56. The record shows a sustained pattern of **bad-faith abuse of authority**, intentional or reckless disregard of statutory and ethical limits for tactical advantage, producing concrete prejudice.

57. Bad faith exists when an officer of the court acts with knowledge or reckless indifference to the unlawfulness of her conduct, or persists in that conduct after being placed on notice of error. See **NC-DSH Inc. v. Garner**, 125 Nev. 647, 653–54, 218 P.3d 853 (2009).

58. Ms. Rinetti’s oral request for a stay without appeal on **September 5 2025**, and the resulting **September 24 2025 order**, demonstrate knowing disregard for **NRS 177.015(2)**.

59. Her subsequent September 8 misrepresentation of an expired no-contact order compounded the illegality, while the issuance and maintenance of bench warrants served no legitimate purpose other than coercive leverage.

60. These actions inflicted measurable harm: forced absence from jurisdiction, emotional trauma, financial loss, and continuing delay of a fair trial.

61. Her silence after receipt of the **October 10 2025 72-Hour Demand**, the **October 13 Final Notice of Intent to Sue**, and the **October 14 Public Notice** reflects a willful refusal to mitigate damage or correct the record.

62. Persistent inaction after explicit notice is the hallmark of bad faith; courts treat such conduct as grounds for sanction and disqualification.

63. The record further supplies an **institutional motive**: Dr. Richard Semelka’s expert report directly implicates medical conduct at **UMC Children’s Hospital**, which is part of **University Medical Center of Southern Nevada**, a **public hospital owned and operated by Clark County**. UMC’s Board of Trustees is appointed by the **Clark County Commission**, and the facility is publicly identified as the **only government-run hospital in southern Nevada** and the **largest public hospital in the state**. These facts are confirmed through UMC’s official publications, Clark County Commission records, and independent reporting by the American Hospital Association. **Because the Clark County District Attorney’s Office, where Ms. Rinetti serves, is the legal arm of the same county government that owns and operates UMC, her prosecutorial discretion is inherently compromised.** By obstructing trial and deflecting attention from Dr. Semelka’s exculpatory findings, which attribute the child’s condition to gadolinium toxicity caused by UMC’s own medical staff, **Ms. Rinetti has acted not as a**

minister of justice but as defense counsel for Clark County itself, protecting the hospital and its doctors from exposure and liability.

This is the heart of the conflict poisoning these proceedings: how can there ever be a fair trial when the very prosecutor charged with seeking truth is employed by the same county whose negligence stands accused? The financial and reputational interests of Clark County, UMC, and its physicians stand in direct opposition to the truth revealed in Dr. Semelka's report. In such an environment, where money, liability, and institutional image rule, impartial justice becomes impossible. This structural conflict of interest has infected every prosecutorial decision in this case, from the unlawful stay and fabricated orders to the relentless suppression of exonerating medical evidence. It is now unmistakably clear that this prosecution has never been about justice for a child, it has been about protecting Clark County's own financial and political interests at all costs. The conflict is **absolute**, the damage **irreparable**, and the continued participation of this prosecutor renders any further proceeding constitutionally **intolerable**.

64. This institutional entanglement transforms what might otherwise appear as prosecutorial error into a deliberate **bad-faith abuse of authority**. Ms. Rinetti's office is paid by the same county whose hospital stands to face civil exposure, and she has weaponized the criminal process to silence the very evidence that would hold her employer accountable. The result is not mere negligence, it is a systemic corruption of prosecutorial purpose. Her actions show a calculated effort to suppress Dr. Semelka's expert findings, to manipulate the court into granting unlawful stays, and to intimidate the defendants through fabricated bench warrants, all to delay or derail a trial that would publicly expose Clark County's medical malpractice. Such conduct obliterates any pretense of neutrality or good faith and constitutes an abuse of power so profound that it shocks the conscience.

The United States Supreme Court in *Berger v. United States*, 295 U.S. 78, 88 (1935), defined the prosecutor's duty as "not that it shall win a case, but that justice shall be done." When a prosecutor instead acts as a partisan defender of her employer's financial interests, she ceases to be a servant of justice and becomes an agent of oppression. In this case, the dual role of the Clark County District Attorney's Office, simultaneously purporting to seek justice while protecting the same county's liability, **renders impartial prosecution impossible**. Every decision made by Ms. Rinetti since the issuance of Dr. Semelka's report bears the taint of this conflict: the unlawful stay, the silence in the face of multiple formal notices, and the refusal to vacate void orders. Under these conditions, continued prosecution by Ms. Rinetti constitutes an ongoing fraud upon the court, and disqualification is not merely appropriate, **it is indispensable to restore even the appearance of lawful process**.

65. The chain of events, unlawful stay, fictitious order, ignored demands, and continuing delay, meets every criterion for bad-faith abuse of prosecutorial power.

66. The Court's remedial power encompasses disqualification, sanctions, and referral to ensure integrity of the judicial process.

67. Accordingly, the findings and relief requested herein rest firmly on the Court's inherent authority to correct bad-faith abuse of its own process.

E. Ethical Breaches

68. Ms. Rinetti's actions breached multiple provisions of the **Nevada Rules of Professional Conduct**:

- (a) **Rule 3.3(a)(1)** — presenting false factual statements to the Court;
- (b) **Rule 3.8(a) & (d)** — prosecuting without probable cause and suppressing exculpatory evidence;
- (c) **Rule 8.4(c)** — engaging in conduct involving dishonesty or misrepresentation.

69. Each of these violations independently supports disciplinary referral and disqualification.

70. The cumulative impact of all violations demonstrates deliberate disregard for the ethical framework governing prosecution in Nevada.

F. Conflict of Interest

71. Beyond procedural misconduct, Ms. Rinetti's continued participation presents a direct **conflict of interest**.

72. Her prosecutorial discretion has consistently operated to protect **UMC Children's Hospital**, the very institution whose medical negligence precipitated this case and which is insured by the same governmental entity employing her office.

73. Dr. Semelka's January 13 2025 expert report diagnosed gadolinium deposition disease resulting from UMC's treatment. The prosecutor's attempts to stay proceedings and resist that testimony directly benefited the County's institutional interests.

74. This dual loyalty constitutes a structural conflict.

75. Even the appearance of such bias requires disqualification to preserve public trust.

76. Because Ms. Rinetti's decisions align with protecting County exposure rather than impartial justice, continued participation would violate due process and erode confidence in the fairness of these proceedings.

G. Judicial Duty to Address Misconduct

77. **Nevada Code of Judicial Conduct Rule 2.15(b)** mandates that a judge who knows a lawyer has committed a serious ethical violation "shall inform the appropriate authority."

78. The record establishes repeated misconduct raising substantial questions of honesty, trustworthiness, and fitness to practice. Judicial non-action would effectively condone the violations.

79. The Court therefore has both ethical and supervisory obligations to refer the matter for disciplinary review and to impose immediate remedial measures within its jurisdiction.

REMEDIES AND CONCLUSION

80. The cumulative record establishes that Chief Deputy District Attorney Dena Rinetti has engaged in conduct constituting **malicious misconduct, bad-faith abuse of authority**,

conflicts of interest, and ethical violations that have undermined this prosecution's integrity and caused lasting harm to the Defendants.

81. This Court possesses both **inherent authority** and express statutory duty to correct abuses that corrode due process. See **NC-DSH Inc. v. Garner**, 125 Nev. 647 (2009).

82. A court's inherent authority extends to vacating orders entered without jurisdiction, disqualifying counsel whose conduct compromises fairness, and imposing sanctions for bad-faith misuse of judicial process.

83. Under this authority, the Court must act now to protect the rule of law, deter recurrence, and restore confidence in the impartial administration of justice.

84. The remedies sought here are not punitive but remedial, directed toward reestablishing lawful process and compensating tangible harm caused by prosecutorial misconduct.

85. The prejudice is clear and documented:

- (a) Defendants were unlawfully subjected to an oral stay granted without statutory jurisdiction;
- (b) Bench warrants were issued based on a nonexistent order;
- (c) The family was forced into fugitive status for nine days (September 8–17 2025);
- (d) Substantial financial loss occurred;
- (e) Exculpatory evidence (the Semelka report) has been suppressed from timely trial consideration; and
- (f) Defendants' constitutional right to a speedy trial under **Barker v. Wingo**, 407 U.S. 514 (1972), has been violated.

86. The prosecutor's continuing silence despite repeated written demands demonstrates disregard for statutory, ethical, and constitutional obligations.

87. Courts have an affirmative duty to impose consequences when officers of the court abuse authority.

88. Sanctions here serve not retribution but deterrence reaffirming that the justice system cannot tolerate deliberate or reckless disregard of its governing rules.

89. Accordingly, Defendant respectfully requests that the Court exercise its supervisory and disciplinary powers as follows:

(a) **Disqualify** Chief Deputy District Attorney **Dena Rinetti** from further participation in this matter;

(b) **Vacate** all prior orders arising from the State's unlawful oral request for stay, including the **September 24 2025 Order Granting State's Oral Request for Stay**;

(c) **Refer** Ms. Rinetti's conduct to the **Nevada State Bar, Office of Bar Counsel**, pursuant to **NRPC 3.3, 3.8, 8.4** and **Judicial Canon 2.15(b)**, for investigation and appropriate action;

(d) **Impose monetary sanctions** sufficient to reimburse Defendants for direct financial losses attributable to the unlawful stay, bench warrants, and resulting delays;

(e) **Order immediate restoration of the case to active trial status**, vacating any remaining stay and scheduling proceedings on an expedited basis; and

(f) **Enter any additional relief** the Court deems just and proper to preserve the integrity of this proceeding.

90. Defendant further requests that the Court's order reflect a finding that the conduct described herein constitutes **bad-faith abuse of prosecutorial authority**, ensuring that such finding is transmitted to the State Bar for disciplinary tracking.

91. Absent such action, the record will continue to reflect unremedied violations of law, undermining both the rights of these Defendants and public confidence in the impartial operation of Nevada's courts.

92. The Court's duty is not merely to adjudicate disputes but to safeguard the rule of law. Taking corrective action in response to clear misconduct fulfills that duty.

93. For these reasons, and based on the extensive record and authorities cited herein, Defendant respectfully prays that this Court grant the requested relief in full.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on 10/17/2025 /s/ Kimball Austin Sachs
Agent for DEFENDANT SACHS

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the attached EMERGENCY MOTION TO DISQUALIFY CHIEF DEPUTY DISTRICT ATTORNEY DENA RINETTI FOR MALICIOUS MISCONDUCT, BAD-FAITH ABUSE OF AUTHORITY, CONFLICT OF INTEREST, AND ETHICAL VIOLATIONS was e-filed on October 17, 2025 to:

Steven Wolfson, clark county district attorney
Dena Rinetti, chief deputy district attorney

EMAIL: motions@clarkcountyda.com
dena.rinetti@clarkcountyda.com

/s/ Kimball Austin Sachs
Agent for DEFENDANT SACHS

COURTESY COPY EMAILED TO:

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cadish@nvcourts.nv.gov

parraguirre@nvcourts.nv.gov

EXHIBIT A



theaustinpowers <kaustinsachs@gmail.com>

TIME SENSITIVE: Re: Unlawful Stay of Proceedings and Abuse of Prosecutorial Discretion in Case No. C-19-343540-1&2

theaustinpowers <kaustinsachs@gmail.com>

Fri, Oct 10, 2025 at 10:19 AM

To: Dena Rinetti <dena.rinetti@clarkcountyda.com>, Dena Rinetti <Dena.Rinetti@clarkcountydav.gov>

Cc: jess marchese <marcheselaw@msn.com>, Travis Shetler <travis@shetlerlawfirm.com>, Mary Chopski

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<apollo8flight@gmail.com>, Gia Sachs <randg369@yahoo.com>, richm222@hotmail.com

Bcc: theaustinpowers <kaustinsachs@gmail.com>

Ms Rinetti,

Attached is a TIME SENSITIVE letter that requires your immediate attention.

TIME IS OF THE ESSENCE.

Please acknowledge receipt of this email by close of business, Monday, October 13, 2025.

Thank you.

Mr Sachs

2 attachments



72 HOUR DEMAND LETTER TO prosecutor rinetti TO MITIGATE HER FRAUD - SACHS.pdf

79K



Eighth Judicial District Court Portal as of October 10 2025 - SACHS and ZHANG.pdf

1006K

TIME SENSITIVE: Re: Unlawful Stay of Proceedings and Abuse of Prosecutorial Discretion in Case No. C-19-343540-1&2

Ms. Rinetti,

This letter is written to formally object and place on record your unlawful and improper conduct in relation to your **oral request for a stay** of proceedings made at the conclusion of the evidentiary hearing on **September 5, 2025**, in the above-referenced matter.

At that hearing, Judge Jessica Peterson **denied your motion to strike the defense's expert witness, Dr. Richard Semelka**. You immediately made an oral motion to stay the trial, which the Court improperly granted via its subsequent written **Order Granting State's Oral Request for Stay** dated **September 24, 2025**.

Let me be absolutely clear:

I. The Law Is Not On Your Side

You are **deemed to know the law**, especially as it pertains to the **limited right of appeal** afforded to the State under **NRS 177.015(2)**. Your attempt to appeal or delay the Court's ruling on the admissibility of Dr. Semelka's testimony is not supported by statute and is a gross abuse of authority.

As you are no doubt aware, and if not, you are professionally negligent, **NRS 177.015(2)** and its authoritative annotations make crystal clear:

"Subsection 2 of this section places restrictions upon the exercise of the right of appeal, namely, that the notice of appeal must be filed with the district court clerk within two judicial days and with the Supreme Court clerk within five judicial days after a ruling by the district court..."
— *State v. Loyle*, 101 Nev. 66, 692 P.2d 516 (1985)

Furthermore, as explained in the **2024 Replacement Volume of Michie's Nevada Revised Statutes Annotated**, the statutory clock begins at the oral ruling, not the written order:

"Ruling by court begins limitation period.

The legislature intended the limitation period, provided in subsection (2) of this section for a notice of appeal from an order suppressing evidence, to begin when the district court first renders its ruling on the motion. In a case where an oral ruling is rendered by the district court, the period begins on the date the ruling is orally pronounced."
— *State v. Braidy*, 104 Nev. 669, 765 P.2d 187 (1988)

This means the time to file began on **September 5, 2025**, the date Judge Peterson orally denied your motion to strike the defense expert. Even if one attempted to invoke **Nevada Rules of Appellate Procedure Rule 4(b)(1)(B)**, which provides a 30-day window for State appeals, that rule **expressly carves out exceptions for NRS 177.015(2)**:

“Except as otherwise provided in... **NRS 177.015(2)**... the notice of appeal... shall be filed... within 30 days.”

Therefore, **Rule 4 does not apply to your attempted appeal**, and the **strict timelines under NRS 177.015(2)** govern this matter.

You failed to file a notice of appeal with the district court within **2 judicial days**, and failed to file with the Supreme Court within **5 judicial days**. Even granting you every benefit of the doubt, and assuming your delay were excusable (it is not), **30 days from September 5, 2025**, expired **October 6, 2025**. As of today, you are **well beyond any lawful deadline**.

NOTE: There is ZERO evidence of the mandatory “notice of appeal” being filed in either case as shown in the separately attached “Eighth Judicial District Court Portal as of October 10 2025 - SACHS and ZHANG.pdf”

In short, **you had no right to appeal**, did not file even a defective notice, and are now violating both statutory law and procedural rules by continuing to delay trial based on an invalid and expired appeal. **Your conduct is both legally baseless and professionally sanctionable**.

Even if you were pretending this was a legitimate appeal, it is now procedurally dead. Your continued delay constitutes willful misconduct and a fraud upon the court.

II. The Harm You Have Caused

Your improper request for a stay, and the Court’s error in granting it, has resulted in:

- Unnecessary delay of trial proceedings,
- Continued and unlawful prejudice against me and my wife, the co-defendant,
- Irreparable harm to our reputations, finances, and employment opportunities,
- Ongoing psychological distress from being indefinitely subjected to criminal prosecution without due process.

It is plainly evident that this delay serves **no legitimate legal purpose** and was pursued solely to harass the defense and **subvert a trial you were unprepared to proceed with**.

III. Duty to Mitigate Ongoing Damage

Accordingly, I demand that within **72 hours** of receipt of this correspondence, **you immediately file a motion on an Order Shortening Time (OST) to vacate the Court’s September 24, 2025 order granting your stay**. This is not a request; it is a **demand** to cease your unlawful interference with the proceedings and to **mitigate the damage you have already caused**.

If you fail to comply, I will explore all available remedies including but not limited to:

- Filing a **motion to vacate the stay myself pro se** (with a record of your misconduct included),
- Filing a **motion to disqualify you as prosecutor** based on your abuse of authority,
- Filing **formal complaints with the Nevada Commission on Judicial Discipline, the State Bar of Nevada, and other appropriate oversight bodies,**
- Seeking **civil redress for misconduct and abuse of process** in your **personal capacity**, as **fraud vitiates all immunity**.

Please be advised that a copy of this letter is being sent to both current court-appointed counsel (who has agreed in writing to withdraw but has failed to timely move for withdrawal), and to co-defendant's counsel, who has likewise failed to act on this clear miscarriage of justice despite being put on notice via multiple emails dated **September 28 and October 1, 2025**.

IV. Final Notice

You have weaponized your office, misused judicial process, and **knowingly** delayed proceedings in clear contradiction to Nevada law. **You are now on formal notice** that your conduct will not be tolerated nor go unchallenged. You must act to correct the record, or be prepared to answer for your misconduct in court and beyond.

Sincerely,

/s/ **Austin Sachs**

AGENT for Defendant, Pro Se (pending withdrawal of counsel)

EXHIBIT B



theaustinpowers <kaustinsachs@gmail.com>

TIME SENSITIVE: Re: Unlawful Stay of Proceedings and Abuse of Prosecutorial Discretion in Case No. C-19-343540-1&2

theaustinpowers <kaustinsachs@gmail.com>

Mon, Oct 13, 2025 at 8:27 PM

To: Dena Rinetti <dena.rinetti@clarkcountyda.com>, Dena Rinetti <Dena.Rinetti@clarkcountydav.gov>
Cc: jess marchese <marcheselaw@msn.com>, Travis Shetler <travis@shetlerlawfirm.com>, Mary Chopski <mary@shetlerlawfirm.com>, Alexander Falconi <admin@ournevadajudges.com>, Managing Editor <SOTNeditor1@gmail.com>, SOTN Editor <sotneditor@protonmail.com>, Richard Semelka <richardsemelka@gmail.com>, Immanuel Clinic <immanuelclinic@gmail.com>, richardcornforth@aol.com, Dessie Andrews PhD <dessie.andrews@gmail.com>, 张育霞 <cicyzhangyu@gmail.com>, Buddy Rich <fibes1@gmail.com>, Ronald Sachs <ron@ronaldsachs.com>, Ronald Sachs <sun677777@yahoo.com>, david sachs <apollo8flight@gmail.com>, Gia Sachs <randg369@yahoo.com>, richm222@hotmail.com, Jawanza Whitfield <jwhitfield@legacyarkansas.com>, "Mr. Jawanza Whitfield" <jawanza.whitfield@gmail.com>, Jody Sandberg <jodys@arkwest.com>, Martha Wall-Whitfield <martha.whitfield@legacyarkansas.com>, Martha Whitfield <legacychristian2024@gmail.com>, Henry Makow <hmakow@gmail.com>, Milesmathis <milesmathis@protonmail.com>
Bcc: theaustinpowers <kaustinsachs@gmail.com>

Subject: FINAL NOTICE OF INTENT TO SUE — Willful Refusal to Vacate Unlawful Trial Stay

To: Ms. Rinetti, Deputy District Attorney

From: Austin Sachs, Agent for Defendant, Pro Se (Pending Withdrawal of Counsel)

Date: October 13, 2025

RE: Your Willful Refusal to Vacate Unlawful Stay in Violation of NRS 177.015(2) – Formal Notice of Civil Action Pending

Ms. Rinetti,

This letter serves as **final formal notice** of my intent to initiate a civil lawsuit against you in your **personal and official capacity** arising from your **willful refusal** to move to vacate an **unlawful stay of proceedings** entered in **Case No. C-19-343540-1&2**, a stay which you improperly requested, and which was granted without lawful basis on **September 24, 2025**.

As stated in my prior letter dated **October 10, 2025**, you were placed on **clear legal notice** that:

1. Your oral request for a stay at the conclusion of the **September 5, 2025** evidentiary hearing was made without any statutory authority under **NRS 177.015(2)**;
2. You never filed the required **notice of appeal** in either the District Court or the Nevada Supreme Court within the strict statutory deadlines, 2 judicial days and 5 judicial days, respectively;
3. Even the most generous interpretation of any potentially applicable timeline (i.e., 30 days) expired **October 6, 2025**; and
4. The Court's September 24 order, which granted your stay request, is **procedurally void** and **legally unsupportable** under controlling Nevada law (*State v. Braidy*, *State v. Loyle*).

Despite receiving that formal demand and being given **72 hours** to take corrective action, you chose to do **nothing**. You did **not file** an emergency motion to vacate the unlawful stay, nor did you provide any legal basis for the continued suspension of proceedings. Your silence is not neglect, it is a **willful, knowing, and malicious refusal** to mitigate damage and comply with clearly established law.

This conduct satisfies the elements of the following civil causes of action, which I fully intend to pursue:

- **Abuse of Process**

- **Malicious Prosecution**
- **Deprivation of Constitutional Rights Under Color of Law** (42 U.S.C. § 1983)
- **Intentional Infliction of Emotional Distress**
- **Negligent Supervision and Retention** (against your office, as applicable)

These claims shall be pursued in Federal Court, and will name **you personally** as a defendant. As you should be aware, **qualified immunity does not apply** to prosecutors acting outside the scope of their lawful authority, and it is well-established that **fraud and bad faith vitiate immunity in both individual and official capacities**.

Accordingly, I hereby demand that you:

1. Immediately file a **motion on an order shortening time** to vacate the unlawful September 24 stay;
2. Immediately restore the case to active trial status;
3. Preserve all communications, records, emails, case notes, and internal correspondence relevant to this matter, including your decision not to act after October 10, 2025.

Failure to comply will result in immediate legal action without further notice.

Your inaction has caused prolonged harm, violated my right to due process, and continues to prejudice both myself and my wife. This is not a procedural oversight, it is **prosecutorial misconduct** in plain sight.

You are now on final legal notice. The record of your willful misconduct will follow you into every courtroom, bar complaint, and oversight investigation this case demands.

You will be sued. You will be held accountable.

Respectfully,

/s/ Austin Sachs

Agent for Defendant, Pro Se (Pending Withdrawal of Counsel)

[Quoted text hidden]

EXHIBIT C



theaustinpowers <kaustinsachs@gmail.com>

TIME SENSITIVE: Re: Unlawful Stay of Proceedings and Abuse of Prosecutorial Discretion in Case No. C-19-343540-1&2

theaustinpowers <kaustinsachs@gmail.com>

Tue, Oct 14, 2025 at 7:29 AM

To: Dena Rinetti <dena.rinetti@clarkcountyda.com>, Dena Rinetti <Dena.Rinetti@clarkcountydav.gov>
Cc: jess marchese <marcheselaw@msn.com>, Travis Shetler <travis@shetlerlawfirm.com>, Mary Chopski <mary@shetlerlawfirm.com>, Alexander Falconi <admin@ournevadajudges.com>, Managing Editor <SOTNeditor1@gmail.com>, SOTN Editor <sotneditor@protonmail.com>, Richard Semelka <richardsemelka@gmail.com>, Immanuel Clinic <immanuelclinic@gmail.com>, richardcornforth@aol.com, Dessie Andrews PhD <dessie.andrews@gmail.com>, 张育霞 <cicyzhangyu@gmail.com>, Buddy Rich <fibes1@gmail.com>, Ronald Sachs <ron@ronaldsachs.com>, Ronald Sachs <sun677777@yahoo.com>, david sachs <apollo8flight@gmail.com>, Gia Sachs <randg369@yahoo.com>, richm222@hotmail.com, Jawanza Whitfield <jwhitfield@legacyarkansas.com>, "Mr. Jawanza Whitfield" <jawanza.whitfield@gmail.com>, Jody Sandberg <jodys@arkwest.com>, Martha Wall-Whitfield <martha.whitfield@legacyarkansas.com>, Martha Whitfield <legacychristian2024@gmail.com>, Henry Makow <hmakow@gmail.com>, Milesmathis <milesmathis@protonmail.com>
Bcc: theaustinpowers <kaustinsachs@gmail.com>

Subject: Formal Notice of Public Exposure of Prosecutorial Misconduct – Urgent Attention Required

To: Chief Deputy District Attorney Dena Rinetti

Date: October 14, 2025

Dear Ms. Rinetti,

This is to formally place you on notice that a public article titled “**GROSS PROSECUTORIAL MISCONDUCT! Why is Chief Deputy District Attorney Dena Rinetti so criminally negligent...**” was published this morning, October 14, 2025, on *State of the Nation* and is already gaining traction.

[The link to this PUBLIC ARTICLE IS HERE:](https://stateofthenation.info/?p=37157)

<https://stateofthenation.info/?p=37157>

The article outlines in detail what is alleged to be a deliberate abuse of prosecutorial power in Case No. C-19-343540-1&2, particularly surrounding the unlawful stay of proceedings entered on September 24, 2025. It cites your failure to vacate that stay despite lacking lawful authority to request it under NRS 177.015(2), and despite being given multiple notices and deadlines to correct the record.

This publication represents only the beginning of sustained public exposure regarding the conduct of this case. I intend to continue ensuring that the truth reaches the widest possible audience, including legal oversight bodies, civil rights organizations, and major media platforms. The longer this fabricated case continues, the more scrutiny your office will face.

Given the egregious nature of these allegations and your ongoing inaction, I urge you to take immediate corrective steps, including:

1. Filing a motion to vacate the unlawful stay, on an order shortening time;
2. Moving to restore the matter to active trial status;
3. **Reconsidering the continuation of this prosecution in light of overwhelming public and legal concern.**

This is not a threat, it is a lawful and constitutional effort to expose misconduct and seek justice for the irreparable harm already caused. The public has a right to know, and your office has a duty to uphold both the law and the integrity of the justice system.

You are formally advised that public interest in this case will only increase until full accountability is achieved.

Sincerely,

/s/ Austin Sachs

Agent for Defendant (Pro Se, pending withdrawal of counsel)

[Quoted text hidden]

GROSS PROSECUTORIAL MISCONDUCT! *Why is Chief Deputy District Attorney Dena Rinetti so criminally negligent.....*

Posted on [October 14, 2025](#) by [State of the Nation](#)

Like

...in the conduct of this patently contrived case to convict provably innocent parents of what is actually a medical crime committed against a powerless child via gadolinium poisoning?

LANDMARK GADOLINIUM POISONING CASE: Innocent Parents Framed With Child Neglect & Felony Abuse Charges For Crimes Committed By Medical Mafia

Subject: FINAL NOTICE OF INTENT TO SUE — Willful Refusal to Vacate Unlawful Trial Stay

To: Ms. Rinetti, Deputy District Attorney

From: Austin Sachs, Agent for Defendant, Pro Se (Pending Withdrawal of Counsel)

Date: October 13, 2025

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Respectfully,

/s/ Austin Sachs

Agent for Defendant, Pro Se (Pending Withdrawal of Counsel)

