

CODE NO. 2515
WASHOE COUNTY PUBLIC DEFENDER
JOHN REESE PETTY, State Bar Number 0010
One California Avenue
Reno, Nevada 89509
(775) 337-4827
Attorney for Defendant

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Electronically Filed
Nov 04 2009 09:46 a.m.
Tracie K. Lindeman

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. CR09-1325

WILLIAM JOSEPH MCCAFFREY,
Defendant.

Dept. No. 8

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that WILLIAM JOSEPH MCCAFFREY, the
defendant above named, hereby appeals to the Supreme Court of Nevada from the
judgment of conviction entered in this action on October 9, 2009. This is not a Fast
Track Appeal under NRAP 3C.

The undersigned hereby affirms, pursuant to NRS 239B.030, that this document
does not contain the social security number of any person.

DATED this 2nd day of November, 2009.

JEREMY T. BOSLER
WASHOE COUNTY PUBLIC DEFENDER

By:


JOHN REESE PETTY
Chief Deputy

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3 CERTIFICATE OF SERVICE
4

5 I hereby certify that I am an employee of the Washoe County Public Defender's Office,
6 Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing
7 document addressed to:

8 WILLIAM JOSEPH MCCAFFREY (#1042292)
9 Northern Nevada Correctional Center
10 P.O. Box 7000
Carson City, Nevada 89702

11 GARY H. HATLESTAD
12 Chief Appellate Deputy
13 Washoe County District Attorney's Office
(Court-Run / Inter Office Mail)

14 CATHERINE CORTEZ MASTRO
15 Attorney General State of Nevada
16 100 N. Carson Street
Carson City, Nevada 89701

17 DATED this 2nd day of November, 2009
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A handwritten signature in black ink, appearing to be "J. P. McCaffrey", is written over a horizontal line.

CODE NO. 1310
WASHOE COUNTY PUBLIC DEFENDER
JOHN REESE PETTY, State Bar Number 0010
One California Avenue
Reno, Nevada 89509
(775) 337-4827
Attorney for Defendant

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. CR09-1325

WILLIAM JOSEPH MCCAFFREY,

Dept. No. 8

Defendant.
_____ /

CASE APPEAL STATEMENT

1. Appellant, WILLIAM JOSEPH MCCAFFREY.

2. This appeal is from a judgment of conviction entered on October 9, 2009, by the Honorable Steven Kosach, district judge.

3. The parties below were The State of Nevada, Plaintiff and WILLIAM JOSEPH MCCAFFREY, Defendant.

4. The parties herein are WILLIAM JOSEPH MCCAFFREY, Appellant and The State of Nevada, Respondent.

5. Counsel on appeal: For the Appellant, the Washoe County Public Defender's Office and John Reese Petty, Chief Appellate Deputy; One California Avenue, Reno, Nevada 89509, (775) 337-4827; and for the Respondent, the Washoe

County District Attorney's Office, One South Sierra Street, Reno, Nevada 89501,
(775) 338-5751.

6. Appellant was represented by appointed counsel.

7. Appellant is represented by appointed counsel.

8. Not applicable.

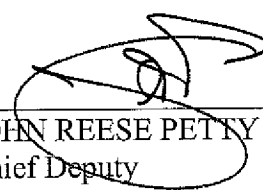
9. The Information in this case was filed on July 13, 2009.

The undersigned hereby affirms, pursuant to NRS 239B.030, that this
document does not contain the social security number of any person.

DATED this 2nd day of November, 2009.

JEREMY T. BOSLER
WASHOE COUNTY PUBLIC DEFENDER

By: _____


JOHN REESE PETTY
Chief Deputy

1
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3 CERTIFICATE OF SERVICE
4

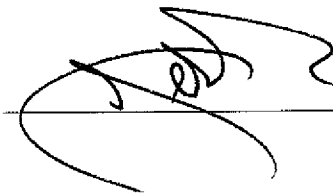
5 I hereby certify that I am an employee of the Washoe County Public Defender's Office,
6 Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing
7 document addressed to:

8 WILLIAM JOSEPH MCCAFFREY (#1042292)
9 Northern Nevada Correctional Center
10 P.O. Box 7000
Carson City, Nevada 89702

11 GARY H. HATLESTAD
12 Chief Appellate Deputy
13 Washoe County District Attorney's Office
(Court-Run / Inter Office Mail)

14 CATHERINE CORTEZ MASTRO
15 Attorney General State of Nevada
16 100 N. Carson Street
Carson City, Nevada 89701

17
18 DATED this 2nd day of November, 2009
19
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A handwritten signature in black ink, appearing to be "J. McCaffrey", written over a horizontal line.

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE

Case History - CR09-1325

DEPT. D8

HON. STEVEN R. KOSACH

Report Date & Time

11/4/2009

8:46:43AM

Case ID:	CR09-1325	Case Description:	STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)
Case Type:	CRIMINAL	Initial Filing Date:	7/2/2009

Parties

PLTF	STATE OF NEVADA - STATE
DA	Steven M. Barker, Esq. - 6897
DEFT	WILLIAM JOSEPH MCCAFFREY - @1165714
PD	John Reese Petty, Esq. - 10
PD	Sean B. Sullivan, Esq. - 7534
PD	Donald K. White, Esq. - 10467

Charges

Charge No.	Charge Code	Charge Date	Charge Description
1	F925	7/13/2009	INF PROMOTION OF SEXUAL PERFORMANCE OF A MINOR

Plea Information

Charge No.	Plea Code	Plea Date	Plea Description
1	F925	8/14/2009	PLED GUILTY

Sentences

Date	Charge No.	Charge Desc	Time Served	Sentence Text
10/7/2009	1	Life With Poss of Parole	NSP LIFE WITH PAROLE ELIGIBILITY AFTER 5 YEARS HAS BEEN SERVED; FEES; LIFETIME SUPERVISION	

Release Information

Custody Status
7/15/2009 CUSTODY - WCJ
8/14/2009 CUSTODY - WCJ DEFENDANT'S BAIL REDUCED TO \$50,000.00 BONDABLE

Hearings

<u>Dept.</u>	<u>Event Description</u>	<u>Sched. Date & Time</u>	<u>Disposition Information:</u>
1 D8	ARRAIGNMENT	7/15/2009 08:30:00	D455 7/15/2009
Extra Text:			

<u>Dept.</u>	<u>Event Description</u>	<u>Sched. Date & Time</u>	<u>Disposition Information:</u>
2 D8	ARRAIGNMENT	8/5/2009 08:30:00	D844 8/4/2009
Extra Text: Reset to 8/14/09 at 8:30			

Case ID: CR09-1325 **Case Description:** STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)
Case Type: CRIMINAL **Initial Filing Date:** 7/2/2009

	<u>Dept.</u>	<u>Event Description</u>	<u>Sched. Date & Time</u>		<u>Disposition Information:</u>
3	D8	ARRAIGNMENT	8/14/2009	08:30:00	D655 8/14/2009
Extra Text:					INFORMATION

	<u>Dept.</u>	<u>Event Description</u>	<u>Sched. Date & Time</u>		<u>Disposition Information:</u>
4	D8	SENTENCING	9/25/2009	08:30:00	D845 9/25/2009
Extra Text:					

	<u>Dept.</u>	<u>Event Description</u>	<u>Sched. Date & Time</u>		<u>Disposition Information:</u>
5	D8	SENTENCING	10/7/2009	08:30:00	D765 10/7/2009
Extra Text:					

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA404826
PC	PCN number	PCNWASO0001808C
SJ	Sparks Justice's Court	SJC09CR1348
WC	Washoe County Sheriff's Office	WC09003932

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
7/7/2009	1491	Court Services Report	
7/13/2009	4265	Waiver of Preliminary Exam	
7/13/2009	1800	Information	
7/15/2009	MIN	***Minutes	ARRAIGNMENT - Transaction 900178 - Approved By: NOREVIEW : 07-15-2009:16:13:53
8/12/2009	3370	Order ...	Order unsealing BW served on or about June 10, 2009
8/14/2009	1785	Guilty Plea Memo/Agreement	Transaction 969879 - Approved By: NOREVIEW : 08-14-2009:11:35:00
8/14/2009	MIN	***Minutes	ARRAIGNMENT - Transaction 970516 - Approved By: NOREVIEW : 08-14-2009:14:04:07
8/25/2009	4185	Transcript ...	MOTION TO CONTINUE - JULY 15, 2009 - Transaction 993731 - Approved By: TPRINCE : 08-25-2009:10:45:39
9/8/2009	4185	Transcript ...	ARRAIGNMENT - AUG. 14, 2009 - Transaction 1023070 - Approved By: TWHITE : 09-08-2009:10:58:35
9/23/2009	4500	PSI - Confidential	SEPTEMBER 11, 2009 - Transaction 1062791 - Approved By: NOREVIEW : 09-23-2009:13:55:28
10/7/2009	MIN	***Minutes	SENTENCING - Transaction 1087152 - Approved By: NOREVIEW : 10-07-2009:14:52:39
10/7/2009	NEF	Proof of Electronic Service	Transaction 1087171 - Approved By: NOREVIEW : 10-07-2009:14:55:11
10/9/2009	1850	Judgment of Conviction	10/7/09 - Transaction 1091978 - Approved By: NOREVIEW : 10-09-2009:15:25:28
10/9/2009	NEF	Proof of Electronic Service	Transaction 1092032 - Approved By: NOREVIEW : 10-09-2009:15:33:00
10/31/2009	2520	Notice of Appearance	JOHN PETTY, DEP. P.D. obo WILLIAM JOSEPH MCCAFFREY - Transaction 1129205 - Approved By: MPURDY : 11-02-2009:08:11:00
11/2/2009	2515	Notice of Appeal Supreme Court	Transaction 1130139 - Approved By: MPURDY : 11-02-2009:12:57:20

Case ID:	CR09-1325	Case Description:	STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)
		Case Type:	CRIMINAL
			Initial Filing Date: 7/2/2009

<u>11/2/2009</u>	NEF	Proof of Electronic Service	Transaction 1130249 - Approved By: NOREVIEW : 11-02-2009:13:14:49
<u>11/2/2009</u>	NEF	Proof of Electronic Service	Transaction 1129235 - Approved By: NOREVIEW : 11-02-2009:08:12:41
<u>11/2/2009</u>	NEF	Proof of Electronic Service	Transaction 1130198 - Approved By: NOREVIEW : 11-02-2009:13:00:30
<u>11/2/2009</u>	1310	Case Appeal Statement	Transaction 1130140 - Approved By: MPURDY : 11-02-2009:12:58:20
<u>11/4/2009</u>	1350	Certificate of Clerk	Transaction 1134620 - Approved By: NOREVIEW : 11-04-2009:08:40:06
<u>11/4/2009</u>	NEF	Proof of Electronic Service	Transaction 1134633 - Approved By: NOREVIEW : 11-04-2009:08:41:47
<u>11/4/2009</u>	1365	Certificate of Transmittal	Transaction 1134620 - Approved By: NOREVIEW : 11-04-2009:08:40:06

1 **CODE 1850**
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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

Case No. CR09-1325

12 **WILLIAM JOSEPH MCCAFFREY,**

Dept. No. 8

13 **Defendant.**
14 _____/

15 **JUDGMENT**

16 The Defendant, having entered a plea of Guilty, and no sufficient cause
17 being shown by Defendant as to why judgment should not be pronounced against him,
18 the Court rendered judgment as follows:

19 That William Joseph Mccaffrey is guilty of the crime of Promotion of Sexual
20 Performance of a Minor, a violation of NRS 200.720 and NRS 200.750, a felony, as
21 charged in the Information, and that he be punished by imprisonment in the Nevada State
22 Prison for a term of life with parole eligibility after a minimum of five (5) years has been
23 served, with credit for one hundred twenty (120) days time served. It is further ordered
24 that the Defendant shall pay the statutory Twenty-Five Dollar (\$25.00) administrative
25 assessment fee, the One Hundred Fifty Dollar (\$150.00) DNA testing fee, the Nine
26 Hundred Fifty Dollar (\$950.00) psychosexual evaluation fee and reimburse the County of
27 Washoe the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for legal
28 representation. Pursuant to NRS 176.0931, the Court hereby imposes a special

1 sentence of lifetime supervision to commence after any period of probation, or any term
2 of imprisonment or any period of release on parole.

3 Dated this 7th day of October, 2009.

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7 DISTRICT JUDGE
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CASE NO. CR09-1325

STATE OF NEVADA VS. WILLIAM JOSEPH MCCAFFREY

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/7/09
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
G. Glide
(Clerk)
I. Zihn
(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Steven Barker represented the State. Defendant was present with counsel, Deputy Public Defender Sean Sullivan. Probation Officer Heidi Poe was also present. Respective counsel addressed the Court. Probation Officer and the Defendant addressed the Court. Kevin McCaffrey addressed the Court. The Defendant, having entered a plea of Guilty, and no sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment as follows: That William Joseph McCaffrey is guilty of the crime of Promotion of Sexual Performance of a Minor, a violation of NRS 200.720 and NRS 200.750, a felony, as charged in the Information, and that he be punished by imprisonment in the Nevada State Prison for a term of life with parole eligibility after a minimum of five (5) years has been served, with credit for one hundred twenty (120) days time served. It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, the One Hundred Fifty Dollar (\$150.00) DNA testing fee, the Nine Hundred Fifty Dollar (\$950.00) psychosexual evaluation fee and reimburse the County of Washoe the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for legal representation. Pursuant to NRS 176.0931, the Court hereby imposes a special sentence of lifetime supervision to commence after any period of probation, or any term of imprisonment or any period of release on parole. Defendant is remanded to the custody of the Sheriff.

CASE NO. CR09-1325

STATE OF NEVADA VS. WILLIAM JOSEPH MCCAFFREY

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

8/14/09

ARRAIGNMENT

HONORABLE

Deputy District Attorney Steven Barker represented the State.

9/25/09

STEVEN R.

Defendant was present with counsel, Deputy Public Defender Sean

8:30 a.m.

KOSACH

Sullivan. Probation Officer Anita Pickerell was also present.

Sentencing

DEPT. NO. 8

TRUE NAME: WILLIAM JOSEPH MCCAFFREY. Defendant handed a copy of the Information; waived reading.

G. Glide

Defendant entered a plea of Guilty to Promotion of Sexual

(Clerk)

Performance of a Minor as contained in the Information. Plea

I. Zihn

negotiations stated.

(Reporter)

Court interrogated the Defendant, advised him of his rights, found that there was a factual basis for the plea and that the Defendant understood the elements of the offense and the possible punishment therefore; Court further found that the plea was knowing, voluntary and intelligent, that the Defendant was competent to enter the plea and accepted same.

Counsel for the Defendant moved for an O/R release or in the alternative a reduction in bail to \$25,000.00 bondable on behalf of his client; objection to release on O/R; COURT ORDERED: Defendant's bail reduced to \$50,000.00 bondable; O/R denied.

Court ordered Presentence Investigation and matter continued for entry of judgment and imposition of sentence.

Defendant is remanded to the custody of the Sheriff.

CASE NO. CR09-1325

STATE OF NEVADA VS. WILLIAM JOSEPH MCCAFFREY

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
7/15/09 HONORABLE STEVEN R. KOSACH DEPT. NO. 8 G. Glide (Clerk) I. Zihn (Reporter)	<u>ARRAIGNMENT</u> Deputy District Attorney Zach Young represented the State. Defendant was present with counsel, Deputy Public Defender Sean Sullivan. Probation Officer Laura Pappas was also present. Counsel for the Defendant moved to continue this matter; no objection; SO ORDERED. Counsel for the Defendant moved to unseal the search warrant in this case; counsel for the State requested time to speak with Steven Barker; COURT ORDERED: Motion to be submitted in writing. COURT ORDERED: Matter continued for trial by jury. Defendant is remanded to the custody of the Sheriff.	8/5/09 8:30 a.m. Arraignment

1 **1350**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **WILLIAM JOSEPH McCaffrey,**

Case No. **CV08-03415**

10 Appellant(s)

Dept. No. **4**

11 **vs.**

12 **THE STATE OF NEVADA,**

13 Respondent(s)
14 _____/

15
16 **CERTIFICATE OF CLERK**
17

18 I hereby certify that the enclosed documents are certified copies of the original pleadings
19 on file with the Second Judicial District Court, in accordance with the NRAP 3(e).
20

21 Dated: **November 4, 2009**

Howard W. Conyers, Clerk of the Court,

22
23 By: **CKEPLER**

24 **C.KEPLER/APPEALS CLERK**
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1 Code: **1365**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9
10 **WILLIAM JOSEPH McCAFFREY,**

Case No. **CV08-03415**

11 Appellant(s)

Dept. No. **4**

12 **vs.**

13 **THE STATE OF NEVADA,**

14 Respondent(s)
15 _____/

16 **CERTIFICATE OF TRANSMITTAL**
17

18 I hereby certify that the enclosed Notice of Appeal and other required documents (certified
19 copies) were E-filed from the Second Judicial District Court to the Nevada Supreme Court.
20

21 Dated: **November 4, 2009**

Howard W. Conyers, Clerk of the Court,

22
23
24 By: **C. KEPLER**.

25 **Cathy Kepler, Appeals Clerk**
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28