

Electronically Filed  
Mar 22 2010 03:12 p.m.  
Tracie K. Lindeman

No. 54873

VS.

Respondent.

## JOINT APPENDIX

ATTORNEYS FOR RESPONDENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**TABLE OF CONTENTS**

1.	Information <u>filed</u> on July 13, 2009 .....	1
2.	Guilty Plea Memorandum <u>filed</u> on August 14, 2009 .....	4
3.	Transcript of Proceedings: Arraignment <i>held</i> on August 14, 2009 .....	10
4.	Transcript of Proceedings: Sentencing <i>held</i> on October 7, 2009 .....	22
5.	Judgment <u>filed</u> on October 9, 2009 .....	45
6.	Notice of Appeal <u>filed</u> on November 2, 2009 .....	47

ORIGINAL

FILED

2009 JUL 13 AM 10:45

HOWARD W. CONYERS

BY *[Signature]*  
DEPUTY

115  
A # 404826

VCSO WC09-003932

CODE 1800

Richard A. Gammick

#001510

P.O. Box 30083

Reno, NV 89520-3083

(775) 328-3200

Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE.

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No. CR09-1325

v.

Dept. No. 8

WILLIAM JOSEPH MCCAFFREY,

Defendant.

INFORMATION

RICHARD A. GAMMICK, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above entitled Court that WILLIAM JOSEPH MCCAFFREY, the defendant above named, has committed the crime of:

PROMOTION OF SEXUAL PERFORMANCE OF A MINOR, a violation of NRS 200.720 and NRS 200.750, a felony, in the manner following:

That the said defendant on the 9th day of June A.D., 2009, or thereabout, and before the filing of this Information, at and within the County of Washoe, State of Nevada, did knowingly and unlawfully promote a performance of a minor 14 years of age or older,

1 where the minor engages in or simulates, or assists others to engage in  
2 or simulate, sexual conduct, or where the minor is the subject of a  
3 sexual portrayal, at 2286 Capurro Way, Washoe County, Nevada, to wit:  
4 the said defendant promoted over the Internet multiple images and  
5 videos of female children 14 years of age or older being vaginally and  
6 anally penetrated with an adult male's penis, performing fellatio upon  
7 an adult male's penis, rubbing their vaginas, and/or having their  
8 vaginas touched by an adult male.

9  
10 All of which is contrary to the form of the Statute in such  
11 case made and provided, and against the peace and dignity of the  
12 State of Nevada.

13  
14  
15 RICHARD A. GAMMICK  
16 District Attorney  
17 Washoe County, Nevada

18 By Steven M. Barker  
19 STEVEN M. BARKER  
20 6897  
21 Deputy District Attorney  
22  
23  
24  
25  
26

1           The following are the names and addresses of such witnesses  
2 as are known to me at the time of the filing of the within  
3 Information:

4  
5 WASHOE COUNTY SHERIFF'S OFFICE

6 DEPUTY DENNIS CARRY  
7  
8  
9  
10  
11  
12

13           The party executing this document hereby affirms that this  
14 document submitted for recording does not contain the social security  
15 number of any person or persons pursuant to NRS 239B.230.  
16

17                   RICHARD A. GAMMICK  
18                   District Attorney  
19                   Washoe County, Nevada  
20

21                   By Steven M. Barker  
22                   STEVEN M. BARKER  
23                   6897  
24                   Deputy District Attorney

25 PCN WASO0001808C

26 07084048268

ORIGINAL

FILED  
Electronically  
08-14-2009:11:27:55 AM  
Howard W. Conyers  
Clerk of the Court  
Transaction # 969879

1 CODE 1785  
2 Richard A. Gammick  
3 #001510  
4 P.O. 30083  
5 Reno, NV. 89520-3083  
6 (775)328-3200  
7 Attorney for Plaintiff

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE.

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR09-1325

15 v.

Dept. No. 8

16 WILLIAM JOSEPH MCCAFFREY,

17 Defendant.

18  
19  
20 GUILTY PLEA MEMORANDUM

21 1. I, WILLIAM JOSEPH MCCAFFREY, understand that I am  
22 charged with the offense(s) of: PROMOTION OF SEXUAL PERFORMANCE OF A  
23 MINOR, a violation of NRS 200.720 and NRS 200.750, a felony.

24 2. I desire to enter a plea of guilty to the offense(s) of  
25 PROMOTION OF SEXUAL PERFORMANCE OF A MINOR, a violation of NRS 200.720  
26 and NRS 200.750, a felony, as more fully alleged in the charge(s)  
filed against me.

3. By entering my plea of guilty I know and understand  
that I am waiving the following constitutional rights:

///  
///  
///

1           A. I waive my privilege against self-incrimination.

2           B. I waive my right to trial by jury, at which trial the  
3 State would have to prove my guilt of all elements of the offense  
4 beyond a reasonable doubt.

5           C. I waive my right to confront my accusers, that is, the  
6 right to confront and cross examine all witnesses who would testify  
7 at trial.

8           D. I waive my right to subpoena witnesses for trial on my  
9 behalf.

10           4. I understand the charge(s) against me and that the  
11 elements of the offense(s) which the State would have to prove beyond  
12 a reasonable doubt at trial are that on June 9, 2009, or thereabout,  
13 in the County of Washoe, State of Nevada, I did, knowingly and  
14 unlawfully promote a performance of a minor 14 years of age or older,  
15 where the minor engages in or simulates, or assists others to engage in  
16 or simulate, sexual conduct, or where the minor is the subject of a  
17 sexual portrayal, at 2286 Capurro Way, Washoe County, Nevada, to wit: I  
18 promoted over the Internet multiple images and videos of female  
19 children 14 years of age or older being vaginally and anally penetrated  
20 with an adult male's penis, performing fellatio upon an adult male's  
21 penis, rubbing their vaginas, and/or having their vaginas touched by an  
22 adult male.

23           5. I understand that I admit the facts which support all  
24 the elements of the offense by pleading guilty. I admit that the  
25 State possesses sufficient evidence which would result in my  
26 conviction. I have considered and discussed all possible defenses

1 and defense strategies with my counsel. I understand that I have the  
2 right to appeal from adverse rulings on pretrial motions only if the  
3 State and the Court consent to my right to appeal. In the absence of  
4 such an agreement, I understand that any substantive or procedural  
5 pretrial issue or issues which could have been raised at trial are  
6 waived by my plea.

7 6. I understand that the consequences of my plea of guilty  
8 are that I may be imprisoned for a period of life in the Nevada State  
9 Department of Corrections with parole eligibility after a minimum of  
10 5 years has been served and that I am not eligible for probation  
11 unless a psychosexual evaluation is completed pursuant to NRS 176.139  
12 which certifies that I do not represent a high risk to reoffend based  
13 upon a currently accepted standard of assessment. I may also be  
14 fined up to \$100,000.00. I further understand that I will be  
15 required to be on lifetime supervision pursuant to NRS 176.0931.

16 7. In exchange for my plea of guilty, the State, my  
17 counsel and I have agreed to recommend the following: The State will  
18 be free to argue for an appropriate sentence. The State will not  
19 file additional criminal charges resulting from the arrest in this  
20 case as to Possession of Child Pornography in violation of NRS  
21 200.730.

22 8. I understand that, even though the State and I have  
23 reached this plea agreement, the State is reserving the right to  
24 present arguments, facts, and/or witnesses at sentencing in support  
25 of the plea agreement.

26 ///



1           9. Where applicable, I additionally understand and agree  
2 that I will be responsible for the repayment of any costs incurred by  
3 the State or County in securing my return to this jurisdiction.

4           10. I understand that the State, at their discretion, is  
5 entitled to either withdraw from this agreement and proceed with the  
6 prosecution of the original charges or be free to argue for an  
7 appropriate sentence at the time of sentencing if I fail to appear at  
8 any scheduled proceeding in this matter OR if prior to the date of my  
9 sentencing I am arrested in any jurisdiction for a violation of law  
10 OR if I have misrepresented my prior criminal history. I represent  
11 that I do not have a prior criminal record. I understand and agree  
12 that the occurrence of any of these acts constitutes a material  
13 breach of my plea agreement with the State. I further understand and  
14 agree that by the execution of this agreement, I am waiving any right  
15 I may have to remand this matter to Justice Court should I later  
16 withdraw my plea.

17           11. I understand and agree that pursuant to the terms of  
18 the plea agreement stated herein, any counts which are to be  
19 dismissed and any other cases charged or uncharged which are either  
20 to be dismissed or not pursued by the State, may be considered by the  
21 court at the time of my sentencing.

22           12. I understand that the Court is not bound by the  
23 agreement of the parties and that the matter of sentencing is to be  
24 determined solely by the Court. I have discussed the charge(s), the  
25 facts and the possible defenses with my attorney. All of the  
26 foregoing rights, waiver of rights, elements, possible penalties, and

1 consequences, have been carefully explained to me by my attorney. I  
2 am satisfied with my counsel's advice and representation leading to  
3 this resolution of my case. I am aware that if I am not satisfied  
4 with my counsel I should advise the Court at this time. I believe  
5 that entering my plea is in my best interest and that going to trial  
6 is not in my best interest.

7 13. I understand that this plea and resulting conviction  
8 may have adverse effects upon my residency in this country if I am  
9 not a U. S. Citizen.

10 14. I offer my plea freely, voluntarily, knowingly and  
11 with full understanding of all matters set forth in the Information  
12 and in this Plea Memorandum. I understand everything contained  
13 within this Memorandum.

14 15. My plea of guilty is voluntary and is not the result  
15 of any threats, coercion or promises of leniency.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1 16. I am signing this Plea Memorandum voluntarily with  
2 advice of counsel, under no duress, coercion, or promises of  
3 leniency.

4 AFFIRMATION PURSUANT TO NRS 239B.030

5 The undersigned does hereby affirm that the preceding  
6 document does not contain the social security number of any person.

7 DATED this 14 day of August, 2009.

8 Will McCall  
9 DEFENDANT

10  
11 TRANSLATOR/INTERPRETER

12 Susan B. [Signature]  
13 Attorney Witnessing Defendant's Signature

14 Steven M. Barker  
15 Prosecuting Attorney  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

07084048268GPM

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE STEVEN R. KOSACH

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR09-1325

12

WILLIAM MCCAFFREY,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

Arraignment

16

August 14, 2009

17

APPEARANCES:

18

For the State:

Steve Barker

Deputy District Attorney

1 South Sierra Street

19

Reno, Nevada

20

For the Defendant:

Sean Sullivan

Deputy Public Defender

21

1 California Avenue

Reno, Nevada

22

For the Division of  
Parole and Probation:

Anita Pickrell

23

24

Reported by:

Isolde Zihn, CCR #87

1 RENO, NEVADA, FRIDAY, AUGUST 14, 2009, 8:40 A.M.

2 THE COURT: State versus William McCaffrey.

3 MR. SULLIVAN: Good morning, Your Honor.

4 Sean Sullivan on behalf of William McCaffrey.

5 He's present this morning in custody.

6 THE COURT: Are you William Joseph McCaffrey?

7 THE DEFENDANT: I am, sir.

8 THE COURT: Let the record show that William Joseph  
9 McCaffrey is present with counsel, Mr. Sean Sullivan. The  
10 State is represented by Mr. Steve Barker.

11 This is case number CR09-1325, and we're here for an  
12 arraignment.

13 Let me hand you, Mr. Sullivan, a July 13th, 2009  
14 file-stamped Information in that case number and entitlement  
15 for your review.

16 MR. SULLIVAN: Thank you, Judge.

17 We are in receipt of the Information file-stamped  
18 July 13th, 2009 in case number CR09-1325. We are familiar  
19 with the contents. We're going to waive any formal reading.

20 Your Honor, my client has indicated to me his true  
21 and correct name is listed on line number 12. It is  
22 correctly spelled.

23 Your Honor, it is my understanding that my client  
24 desires to enter a guilty plea to the single count contained

1 in Count I of the Information, promotion of sexual  
2 performance of a minor. This is a felony offense.

3 In exchange for his guilty plea in this matter, Your  
4 Honor, according to paragraph 7, the parties are going to be  
5 free to argue for the appropriate sentence. The State will  
6 not file additional criminal charges resulting from the  
7 arrest in this case as to possession of child pornography in  
8 violation of NRS 200.730.

9 I do have a copy of the executed guilty-plea  
10 memorandum, the original. If I may approach.

11 THE COURT: Is that correct, Mr. Barker?

12 MR. BARKER: It is, Judge.

13 THE COURT: Do you have any questions about the  
14 negotiations, Mr. McCaffrey?

15 THE DEFENDANT: I don't.

16 THE COURT: Do you feel like you've had enough time  
17 to discuss this case with members of the Public Defender's  
18 Office?

19 THE DEFENDANT: I have, sir.

20 THE COURT: Are you satisfied with the legal services  
21 rendered you by the Public Defender's Office?

22 THE DEFENDANT: I am, sir.

23 THE COURT: Do you understand that you do not have to  
24 change your plea from not guilty to guilty?

1           THE DEFENDANT: I believe I'm changing my plea from  
2 not guilty to guilty; is that correct? I believe I am --

3           THE COURT: That's what I said.

4           THE DEFENDANT: Okay.

5           THE COURT: Do you understand that you don't have to  
6 do that?

7           THE DEFENDANT: Yes, I do understand.

8           THE COURT: In the eyes of the law you're not guilty.

9           THE DEFENDANT: Correct.

10          THE COURT: Unless and until the district attorney  
11 proves this charge against you beyond a reasonable doubt in  
12 front of a jury. I'm pointing to the empty chairs over here  
13 where the jury would be. And so if you change your plea it  
14 would be to guilty. Do you understand that?

15          THE DEFENDANT: Yes.

16          THE COURT: Now, that was my question. Do you  
17 understand that you do not have to change your plea to  
18 guilty?

19          THE DEFENDANT: I do understand that I don't have to  
20 change, yes.

21          THE COURT: Right?

22          THE DEFENDANT: I'm --

23          THE COURT: Now, if you do change your plea to  
24 guilty, you're giving up very important constitutional

1 rights.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You're giving up your right to a jury  
4 trial.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You're giving up your rights to have an  
7 attorney represent you in front of that jury; you're giving  
8 up your rights to confront the persons that are accusing you  
9 of this crime in front of the jury; you're giving up your  
10 rights to have your attorney cross-examine those persons in  
11 front of the jury; you're giving up your rights to use the  
12 Court's power to order witnesses here for your jury trial by  
13 subpoena for your defense; and you're giving up your rights  
14 to a preliminary hearing in Justice Court on this case. A  
15 lower-court judge hears this case, bare bones I would call  
16 it, hears bare bones evidence against you presented by the  
17 State in Justice Court to determine whether or not to even  
18 send it up to District Court for a jury trial. Do you  
19 understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand that you don't have to  
22 give up those rights?

23 THE DEFENDANT: I understand that I don't have to  
24 give them up.



1 THE COURT: If you tell me that you're guilty, which  
2 you don't have to do, you are going to be incriminating  
3 yourself. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you have any questions about your  
6 constitutional rights?

7 THE DEFENDANT: No.

8 THE COURT: Has anybody made any promises to you  
9 other than what was contained in the negotiations to induce  
10 you to change your plea?

11 THE DEFENDANT: No, sir.

12 THE COURT: Anybody make any physical threats against  
13 you to get you to change your plea?

14 THE DEFENDANT: No, sir.

15 THE COURT: Do you feel that you're changing your  
16 plea freely and voluntarily?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you feel that you have a complete  
19 understanding of your constitutional rights?

20 THE DEFENDANT: I do, sir.

21 THE COURT: Do you know that matters of sentencing  
22 are up to me? I don't have to follow the negotiations. Do  
23 you understand that?

24 THE DEFENDANT: I understand, sir.

1           THE COURT: Now, you do have a right of appeal even  
2 on a guilty plea. Make sure that you talk to Mr. Sullivan  
3 about that, because any appeal must be filed within 30 days  
4 from the date of sentencing, which is the next date I'm going  
5 to give you. Do you understand?

6           THE DEFENDANT: Yes, sir.

7           THE COURT: Any questions?

8           THE DEFENDANT: No, sir.

9           THE COURT: Mr. Barker, would you please read the  
10 elements of promotion of sexual performance of a minor to Mr.  
11 McCaffrey and the maximum penalties that he is facing.

12           MR. BARKER: Mr. McCaffrey, if we had proceeded to  
13 trial, we would have gone forward on the original charge of  
14 promotion of a sexual performance of a minor. That minor  
15 would have been under the age of 14 years of age.

16           You're pleading guilty to a fictional offense today.  
17 The fictional component is the age 14 years or older. That  
18 takes the maximum possible sentence from life with 10 down to  
19 life with five. Do you understand that?

20           THE DEFENDANT: I do, sir.

21           MR. BARKER: The elements of the offense are that you  
22 did on June -- excuse me -- June the 9th, 2009, in Washoe  
23 County, Nevada, knowingly and unlawfully promote the  
24 performance of a minor 14 years of age or older, where the

1 minor engages in or simulates or assists others to engage in  
2 or simulate sexual contact -- conduct or where the minor is  
3 the subject of a sexual portrayal. You did that at 2286  
4 Capurro, C-a-p-u-r-r-o, Way, Washoe County, Nevada, in that  
5 you promoted over the internet multiple images and videos of  
6 female children 14 years of age or older being vaginally and  
7 anally penetrated with an adult male's penis, performing  
8 fellatio upon an adult male's penis, rubbing their vaginas  
9 and/or having their vaginas touched by an adult male.

10 Do you understand those elements?

11 THE DEFENDANT: I do.

12 MR. BARKER: Again, as I spoke to you initially, the  
13 maximum possible sentence to the crime you're pleading guilty  
14 to is life in the Nevada State Prison with a minimum parole  
15 eligibility after five years has been served. That you are  
16 not eligible for probation unless the psychosexual evaluation  
17 is completed pursuant to NRS 176.139 which certifies you do  
18 not risk a high risk to reoffend. You're also potentially  
19 looking at a fine up to \$100,000.

20 I will also inform you, sir, that you will be  
21 required to register as a sex offender and that you will be  
22 required to be on lifetime supervision pursuant to NRS  
23 176.0931.

24 Do you understand all of that?

1 THE DEFENDANT: I do, sir.

2 MR. SULLIVAN: Your Honor, Mr. Barker is very  
3 thorough.

4 The only other point I would add is I have discussed  
5 with my client the fact that he must register as a sex  
6 offender, be on lifetime supervision. I've discussed those  
7 requirements.

8 Also, if he violates sex offender registration  
9 requirements or the lifetime supervision requirements, my  
10 client understands that's a separate felony in and of itself  
11 to violate those requirements. My client understands that as  
12 well.

13 Nothing further.

14 THE COURT: Thank you for that.

15 You understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: What is your plea, Mr. McCaffrey, what is  
18 your plea to promotion of sexual performance of a minor?

19 THE DEFENDANT: Guilty, sir.

20 THE COURT: Are you pleading guilty to this charge  
21 because you feel you are guilty and for no other reason?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Let the record show that William Joseph  
24 McCaffrey has entered a plea of guilty to promotion of sexual

1 performance of a minor. I will accept that plea.

2 I'm going to set sentencing for Friday, September  
3 25th. Sentencing will be at 8:30.

4 Bring in \$25 cash. The judge will assess that in  
5 addition to anything else that he or she imposes that day.

6 MR. SULLIVAN: Your Honor, concerning my client's  
7 custody status, there is -- separate and apart from these  
8 negotiations, the district attorney has agreed to reduce the  
9 bail to the standard bail amount for the count which he has  
10 pled guilty to, which is \$25,000 bondable. We're going to  
11 make that request right now.

12 In addition, Your Honor, my client would like you to  
13 consider an O.R. request. I know an O.R. is a stretch on a  
14 Category A felony in which he's just been convicted.  
15 Notwithstanding that, Judge, he has absolutely no criminal  
16 history whatsoever. He's never been arrested save and except  
17 for the instant offense.

18 He's lived here over two years in the community. And  
19 he would be living with his brother, who is present in court,  
20 Kevin McCaffrey. That's his brother, if you have any  
21 questions for Mr. McCaffrey. And Kevin, I've spoken to Kevin  
22 at great length.

23 If you are considering an O.R., we ask for an O.R.  
24 with Court Services, daily Court Services supervision.

1 I'll submit it to you concerning an O.R. or the bail  
2 reduction.

3 MR. BARKER: Judge, the agreement with the State is  
4 that we would have no objection to reducing the bail to the  
5 standard bail of 25,000. We have no agreement as to an O.R.

6 He is potentially a flight risk, although he's got no  
7 criminal history.

8 I'll defer to the Court whether or not you'd be  
9 inclined to give him an O.R.

10 THE COURT: What's bail now?

11 MR. SULLIVAN: Bail is \$75,000 cash.

12 THE COURT: Mr. McCaffrey, I'm just not prone to  
13 reduce the bail even with the State agreeing. I mean, okay,  
14 you don't have a criminal history. Fine. But you could go  
15 to prison. And the judge, me, very easily could send you to  
16 prison for what you just pled guilty to.

17 I think you're wasting your money. I think you're  
18 wasting your brother's money if he wants to bail you out on  
19 something like that. That's just whistling in the dark.

20 I'll reduce the bail to \$50,000 bondable, but I'm  
21 not -- no way am I going to consider an O.R. No way.

22

23

24

1 STATE OF NEVADA )

2 COUNTY OF WASHOE )

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the  
5 Second Judicial District Court of the State of Nevada, in and  
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the  
8 above-entitled court on Friday, August 14, 2009 at the hour  
9 of 8:40 a.m. of said day, and took verbatim stenotype notes  
10 of the proceedings had upon the matter of THE STATE OF  
11 NEVADA, Plaintiff, versus WILLIAM MCCAFFREY, Defendant, Case  
12 No. CR09-1325, and thereafter reduced to writing by means of  
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1  
15 through 12, all inclusive, contains a full, true and complete  
16 transcript of my said stenotype notes, and is a full, true  
17 and correct record of the proceedings had at said time and  
18 place.

19 Dated at Reno, Nevada, this 7th day of September,  
20 2009.

21

22

23

24

/s/ Isolde Zihn  
Isolde Zihn, CCR #87

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE STEVEN R. KOSACH

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR09-1325

12

WILLIAM MCCAFFREY,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Sentencing

October 7, 2009

17

APPEARANCES:

18

For the State:

Steve Barker

Deputy District Attorney

1 South Sierra Street

19

Reno, Nevada

20

For the Defendant:

Sean Sullivan

Deputy Public Defender

21

1 California Avenue

Reno, Nevada

22

For the Division of  
Parole and Probation:

Heidi Poe

23

24

Reported by:

Isolde Zihn, CCR #87



1 RENO, NEVADA, WEDNESDAY, OCTOBER 7, 2009, 8:35 A.M.

2 THE COURT: State versus William McCaffrey.

3 MR. BARKER: Morning, Judge.

4 Steve Barker on behalf of the State.

5 THE COURT: Good morning, Mr. Barker.

6 MR. SULLIVAN: Good morning, Your Honor.

7 Sean Sullivan on behalf of William Joseph McCaffrey.

8 He's present this morning in custody.

9 THE COURT: Good morning again, Mr. Sullivan.

10 Let the record show that William Joseph McCaffrey is

11 present with counsel, Mr. Sean Sullivan. The State is

12 represented by Mr. Steve Barker. And Miss Heidi Poe is

13 representing the Division of Parole and Probation.

14 This is case number CR09-1325, and we're here for a

15 sentencing based on a plea of guilty to promotion of sexual

16 performance of a minor.

17 I've got the Division's report and recommendation

18 authored by Ms. Poe.

19 I've got the psychosexual evaluation.

20 And I was just given this morning letters on behalf

21 of the defendant by Mr. Sullivan out in the hallway on my way

22 into court, into chambers this morning.

23 I've looked at the letters, and I'm ready.

24 MR. SULLIVAN: Thank you, Your Honor.

1           We are also in receipt of the aforementioned  
2 documents, the letters; the psychosexual evaluation authored  
3 by Steven Ing; as well as the presentence investigation  
4 report which was prepared September 11, 2009.

5           I've had a chance to discuss all of these documents  
6 with my client in person. Quite frankly, I went to the jail  
7 yesterday and discussed the matter with him, including the  
8 PSI report. And I don't believe we have any factual  
9 corrections or additions to make. I've provided copies of  
10 all the documents to my client for his review. We are  
11 prepared to go forward with sentencing this morning.

12           We do have some family members to speak on my  
13 client's behalf at the appropriate time. I'll address that  
14 issue in a moment.

15           Your Honor, the first issue I want to address with  
16 this Court is the plea itself and the charge itself,  
17 promotion of a sexual performance of a minor. Myself and  
18 Mr. Barker, we entered into this plea negotiation. This is  
19 what we would consider a legal fiction in light of the  
20 children's ages on some of the videos and/or photos.

21           In addition, Your Honor, the promotion charge is what  
22 I really want to key in on, because when one hears "promotion  
23 of sexual performance," one thinks my client was actually  
24 engaged in filming or producing or just being involved with

1 touching or filming live children. And I wanted to disabuse  
2 anyone of that notion. My client simply downloaded numerous  
3 videos and/or photos, child pornography, from the internet;  
4 up to a million, according to Detective Dennis Carry's  
5 report, was found on his computer. There was also some  
6 hard-copy evidence found in my client's room.

7 But at no point in time did my client ever talk to  
8 any of these children or engage in making these movies or  
9 making these photographs. This was stuff that he simply  
10 captured on the internet and downloaded to his computer.

11 Now, Your Honor may be asking yourself: Well, why  
12 did he plead to promotion of a sexual performance of a minor?  
13 What is that charge?

14 The definition of "promotion" pursuant to statute,  
15 NRS 200.720, 200.750, the promotion element is applicable  
16 when anyone either shares this type of information over the  
17 internet or it could have been shared over the internet.

18 And the way that my client had captured these images  
19 in those still photographs from the internet, it was put into  
20 a file-sharing software program, unbeknownst to my client.  
21 My client didn't realize he was using LimeWire. He didn't  
22 realize -- he had it categorized into four or five separate  
23 folders, but he didn't realize that one of the folders could  
24 have been shared with other persons on the internet. To my

1 | knowledge, there is no evidence that my client actively  
2 | engaged in sharing these photos or videos with anyone over  
3 | the internet. Quite frankly, it was Detective Dennis Carry  
4 | who was able -- because of his computer-savvy skills,  
5 | Detective Dennis Carry was able to get online and get into my  
6 | client's files. That's how he retrieved the photos and/or  
7 | videos in question. So I just wanted to point that out to  
8 | Your Honor.

9 |         It's my understanding there is no evidence he  
10 | actually engaged in sharing this stuff; that he was speaking  
11 | in chat rooms about this stuff; that he was filming this  
12 | stuff; that he was talking to little kids. There was none of  
13 | that. We are not talking about that. This is simply images  
14 | captured from the internet and placed in the file-sharing  
15 | system that Detective Dennis Carry was able to access.

16 |         That being said, Your Honor, I want to talk about  
17 | William Joseph McCaffrey. He is 52 years of age. He was  
18 | born in Upland, California. And he spent the bulk of his  
19 | life, 19 years, raised in the greater Los Angeles area. His  
20 | father was a design engineer for Lockheed, and his mom was an  
21 | EKG technician. They raised six kids. One of his brothers,  
22 | Kevin McCaffrey, is here to speak on his behalf today.

23 |         For all intents and purposes, Your Honor, it was a  
24 | normal Catholic family. They went to church. The kids went

1 to school. There was no real issues. There was no real  
2 substance abuse issues. There was no real mental health  
3 issues. There was no domestic violence. There was -- it was  
4 a happy family.

5           If you look at Steven Ing's report, the only mental  
6 health issue that I can glean from the report is that his dad  
7 had a nervous breakdown at age 51 and ultimately died at 68  
8 of a heart attack. But other than that there was no real  
9 mental health issues.

10           There was no substance abuse issues present when the  
11 kids were growing up; but, unfortunately, the younger  
12 brother, it's my understanding, the younger brother, Sean  
13 McCaffrey, age 44, did actually have drug issues later in  
14 life. And he has served some prison and/or jail sentences  
15 due to his drug issues. But my client and the rest of his  
16 siblings had a normal, happy, healthy childhood living in the  
17 Southern California area.

18           My client himself admits to Steven Ing that he did  
19 experiment with marijuana and alcohol. But, again, no real  
20 issues. I would categorize his experimentation with alcohol  
21 and marijuana as a youthful indiscretion.

22           Today he categorizes himself as a moderate drinker,  
23 drinking one to two, possibly three drinks a day, but that's  
24 it.

1           So we don't have any real substance abuse issues to  
2 speak of. We don't have any real mental health issues to  
3 speak of, save and except for the pedophilia that Steven Ing  
4 references in his report. And I want to talk about that in a  
5 minute.

6           My client is a highly-educated man. He did receive  
7 his high school degree. He also received an AA in liberal  
8 arts. And he also received a second AA in nursing. And I  
9 want to get into his occupation and his work background at  
10 this point in time.

11           Basically, as you know, Your Honor, my client has  
12 worked 32 years in the medical field, 18 years as a  
13 registered nurse. Quite frankly, he served the last 19  
14 months working at Saint Mary's in the ER. And to my  
15 knowledge he has an impeccable nursing record. There's never  
16 been any black marks on his record. Never been even a  
17 specter of impropriety to my knowledge in his work  
18 employment, his work history. Everyone that worked with Mr.  
19 McCaffrey said he was a competent, successful RN working in  
20 the ER and did his job, and he did it well. There has never  
21 been any reports of any abuse or mishandlings of any nature.

22           So that brings us to the instant offense. And it's  
23 shocking when you look at a person like Mr. McCaffrey how he  
24 could end up before Your Honor at a sentencing for promotion

1 of a sexual performance of a minor, facing a rather serious  
2 charge.

3 Now, as Your Honor well knows, pursuant to statute,  
4 he's looking at a minimum of five years to life in prison.  
5 Now, that's not mandatory prison, Judge. He is eligible for  
6 probation. And that's based upon the psychosexual evaluation  
7 authored by Steven Ing. Because he is certified as not being  
8 a high risk to reoffend, this crime is probation-eligible.  
9 It's not mandatory prison. And we're going to be asking for  
10 probation today.

11 You can see that he has no criminal history  
12 whatsoever. No felonies, no gross misdemeanors, no  
13 misdemeanors. This is his first brush with the criminal  
14 justice system. At age 52 years of age he has lived an  
15 exemplary life.

16 Him and his brothers and sisters, save and except for  
17 the younger brother, Sean, came from a normal life in  
18 Southern California. Raised Catholic. Lived a normal life.  
19 Worked hard. Educated. Worked as an ER nurse. He got  
20 caught up in the trappings of the internet. That's what I  
21 want to talk about right now.

22 Judge, he's never been married. My client has never  
23 been married. He had a relationship in the past with a  
24 female, but nothing substantial. And all he did was work and

1 support his mother and be a friend and a brother to Kevin  
2 McCaffrey, who is here today.

3           And on his off time he would explore the internet.  
4 And being a bachelor, he -- when he was younger, he would  
5 look at normal -- what I consider normal heterosexual  
6 pornography like "Playboy" and things of the like. He's  
7 always been exposed to that. I think he took that exposure  
8 to the normal heterosexual adult pornography and took it many  
9 steps further, and for all intents and purposes he went down  
10 a dark path that he should not have went down. With the  
11 advent of the internet, it opened up doors that he should not  
12 have opened. This normal appetite or consumption for  
13 heterosexual pornography morphed into child pornography.

14           And so basically while he was online looking at the  
15 regular, what I would consider legal, heterosexual adult  
16 pornography, he would get a pop-up every now and then for  
17 child pornography. And eventually he clicked on it, and here  
18 we are today.

19           And as you see from Detective Dennis Carry's report  
20 and the PSI, up to a million photographs and/or images were  
21 captured.

22           You can see from Steven Ing's report that he is  
23 recommending counseling for this individual if he is to be  
24 released back into the community on probation. And it's not



1 | just general counseling. It's intense counseling.

2 |         And he uses the term "pedophilia" in his report. I  
3 | know Your Honor has read that. But this isn't a person that  
4 | Steven Ing or society should just lock up and throw away the  
5 | key. This is a person that is worth saving.

6 |         When looking at how do we deal with individuals that  
7 | capture this stuff on the internet and view this stuff and  
8 | have an appetite or consumption for this stuff that's out  
9 | there on the internet, how do we deal with them? Do we  
10 | simply put them in prison and hope that they get better on  
11 | their own, on their own volition? And then five years down  
12 | the road when they're released, and the internet is still  
13 | going to be there, this filth is still going to be there, we  
14 | are not really attacking the root of the problem.

15 |         My suggestion to you is, in light of the fact that he  
16 | is a decent member of society, he has skills and attributes  
17 | and training and a lot of assets to offer society, we put  
18 | him, as Steven Ing suggests, in intense psychotherapy,  
19 | intense counseling for the next five years. Put him on  
20 | probation for five years, keep him in counseling, and allow  
21 | Steven Ing to work with him and counsel him and basically get  
22 | him better, fix the problem.

23 |         This is an addiction. And I categorize this  
24 | addiction like any other addiction, like alcohol. Mr.

1 McCaffrey is never going to be able to look at any form of  
2 pornography ever again for the rest of his life. It's like  
3 that alcoholic 50 years later taking a sip of champagne at a  
4 wedding. That's going to trigger something in his mind to go  
5 down that dark road again. He is going to be 80 years of  
6 age, and he is going to see some pop-up online, and it's  
7 going to trigger something in him, and he cannot click that  
8 pop-up. Or he's going to see a "Playboy" on a news stand in  
9 an airport, and that's going to trigger something in his  
10 mind. He's going to battle this addiction until the day he  
11 dies, just like alcoholics battle their addiction till the  
12 day they die.

13           This is something that can be treated, and he can be  
14 treated back to having a normal life, back to living with his  
15 brother, Kevin, and back to living with his mother and  
16 supporting his mother.

17           So that's what I would suggest to you. This is  
18 something -- this is a person that can be treated. He has  
19 all the skills ready to be treated. And he wants to be  
20 treated for this addiction. And he readily accepts his  
21 flaws, his addiction, and he wants to be treated. He is  
22 ready for the intense psychosexual counseling that Steve Ing  
23 could offer him.

24           Judge, at this time I'd like you to hear from Mr.

1 McCaffrey's family, Kevin McCaffrey.

2 THE COURT: Good morning, Mr. McCaffrey. Thank you  
3 for coming. Please. Would you please state your name for  
4 the court reporter.

5 MR. MCCAFFREY: My name is Kevin McCaffrey.

6 Good morning, Your Honor.

7 Well, what I'd like to say right off is that  
8 Mr. Sullivan couldn't have said it better.

9 For the last four months, if you read my letter --

10 THE COURT: Yes.

11 MR. MCCAFFREY: -- I was just totally perplexed at  
12 what has happened with my brother.

13 So to make a long story short, I am definitely ready  
14 to help my brother get through this. I'm just not -- it's  
15 not just talking from the heart or anything. I've got some  
16 experience in the background.

17 I've been addicted to smoking. I got over it. As  
18 Sean said, I'm still battling that 30 years later. I know --  
19 I understand how addictions work. This is what I would  
20 consider the most serious addiction I've ever heard, studied,  
21 before in my life.

22 And so I'm prepared to work with him. I don't care  
23 how hard it is. You have read my letter. We've lived  
24 together most of our lives. I will go to every length. I

1 don't care if I have to -- I mean, not acting weird or  
2 something, but, I mean, if we've got to sit in bed together  
3 some nights and just make sure he gets to sleep without  
4 thinking of something weird, that's how far I'll go.

5           It's just -- I've seen people with serious problems.  
6 I think I indicated it in my letter, when I worked for the  
7 casinos. They're pretty tough casinos. I did make it a  
8 point to help people with psychological problems.

9           With my dad, when he had his nervous breakdown, I  
10 got to know the psychologist that he went to. For years I  
11 worked with him, I worked with my dad. I learned about all  
12 kinds of psychological problems from my dad. He worked at --  
13 he eventually worked as a biofeedback technician, and we  
14 actually built the machines, me and -- my dad and I. So I've  
15 just learned a lot in my -- just through my life just from  
16 being around psychologists. He was a good friend of mine,  
17 the owner of this clinic. And so I want to apply all that to  
18 my brother.

19           Around the clock we'll keep an eye on him. You know,  
20 if it takes -- I used to cuff people up. I'm not going to  
21 cuff him up, but it's going to be -- I'll be tough on him. I  
22 will be tough. And he knows it. I've told him.

23           THE COURT: Thank you very much, Mr. McCaffrey. The  
24 love for your brother is very, very obvious, and your caring.

1 My best to your mom.

2 MR. MCCAFFREY: Thank you, Your Honor.

3 THE COURT: Sincerely. I have an 86-year-old mom  
4 that's probably in the same mental condition as your mother.

5 MR. MCCAFFREY: Yeah.

6 THE COURT: Just so your brother knows, this is a  
7 quote from your mother, Mr. McCaffrey.

8 "Tell them that Joe was moving up in his job when  
9 they took him. He is a good boy and needs to come home to  
10 help Kevin take care of me. He should not be in prison,"  
11 end quote.

12 Thank you for that. I sincerely appreciate it.  
13 You're a good spokesman for the family.

14 MR. MCCAFFREY: Thank you, sir.

15 THE COURT: Thank you.

16 MR. SULLIVAN: Thank you, Your Honor.

17 Your Honor, we don't have any other evidence other  
18 than the letters and Kevin McCaffrey's statements to the  
19 Court to present today.

20 I would ask Your Honor to consider some of the points  
21 I've made in argument. We'd ask for probation, with all the  
22 special conditions, including lifetime supervision. Mr.  
23 McCaffrey knows that he's going to be on lifetime  
24 supervision. He's not going to be able to own a computer or

1 have internet access, have any pornography, frequent places  
2 where children frequent, all of the special conditions that  
3 encompass lifetime supervision. The State will be in Mr.  
4 McCaffrey's business for quite some time to come.

5 We're asking for probation for five years, with all  
6 the lifetime supervision and special conditions of probation.  
7 This man has no criminal history, and I think he needs to be  
8 treated rather than simply sent to prison, because I don't  
9 think prison is going to attack the root of the problem of  
10 what he's facing, which is an addiction.

11 Thank you.

12 THE COURT: Thank you.

13 Mr. Barker.

14 MR. BARKER: Judge, what I'd like to do is start off  
15 with Mr. Sullivan is correct. He is looking at life in  
16 prison, a minimum of five years.

17 And it is a fictional offense because, if you read  
18 the statute that he was originally charged under, the penalty  
19 is life with a minimum of 10. So we basically split his  
20 bottom term of imprisonment in half by giving him a fictional  
21 date, 14 years or older. If you're younger than that, it's  
22 life to 10. And he was not looking at multiple counts. A  
23 single count. The State could have charged many, many more.  
24 But that's not the goal of the prosecution of these kind of

1 cases.

2 He has stated that he doesn't believe there are any  
3 victims in this case. Every single child that is in every  
4 single image on his computer are victims, Judge. They are  
5 children. Not yours and mine, but the world's children. And  
6 they are being victimized each and every day. What feeds  
7 that are people like Mr. McCaffrey.

8 Now, he also made a point to say he didn't know that  
9 his computer was configured the way it was. What Mr.  
10 McCaffrey admitted to to Dr. Ing was that he had downloaded  
11 that LimeWire software. It's peer-to-peer software, which  
12 means my computer can talk to your computer. His computer  
13 was essentially set up as a file server. That doesn't happen  
14 by accident. That doesn't happen by downloading pornography.  
15 That happens because somebody downloads the LimeWire and  
16 configures it such so that all of his pedophile friends can  
17 know and see and do whatever they want on his computer  
18 because he's got a million images. They go out and they look  
19 at his stuff. He can go out and look at their stuff. Then  
20 they swap it back and forth. Essentially his computer was a  
21 file server that was being used by other people.

22 Dennis Carry didn't have to do anything special to go  
23 in and look at the porn that was on his computer because he  
24 downloaded the software and made it accessible. That doesn't

1 | happen by accident, Judge.

2 |         He also admitted to the detectives that as part of  
3 | some function he has done that he has been photographing or  
4 | filming children in our area. And he admits to the detective  
5 | that where he is focusing his cameras, they're not naked,  
6 | they're not doing sex acts or sexual portrayals, but as he is  
7 | filming them it's the areas that apparently excite him. He  
8 | admits that those films of the children here, while they're  
9 | not child pornography, were inappropriately done because of  
10 | his obsession with children, sexual interest in children.

11 |         The detectives asked -- and this is what is so  
12 | profound to me. They asked him what would stop him from  
13 | escalating to the next level; in other words, physically  
14 | becoming involved with touching children. This is his  
15 | answer, Judge. "I wouldn't want to do that. I don't think  
16 | I'd do that. But I really can't predict the future."

17 |         What does that say about Mr. McCaffrey? I mean,  
18 | granted, it's an obvious honest answer to the question. He  
19 | himself can't say that he isn't going to go out and actually  
20 | do the things that he has been watching other people do to  
21 | these children for years.

22 |         It is a probation case. The State doesn't believe  
23 | probation is warranted and appropriate in this case. I  
24 | understand he's got no criminal history to speak of. But



1 some crimes, Judge, sometimes when people do the things that  
2 they do, it is so offensive, it is so heinous, that it  
3 deserves prison. And I'll submit to you that this is the  
4 case where that should be the case.

5 He will get -- Mr. Sullivan says this isn't a case  
6 where you can just throw him in prison and throw away the  
7 key. We're not throwing away the key, Judge. He will do a  
8 five-year minimum on this sentence. While he's in prison,  
9 they do have sex offender programs. They can spend as much  
10 time with him as they can over the next five years to see if  
11 they can break through to what is causing or wanting him to  
12 look at sex acts in small children.

13 We are not throwing away the key because in five  
14 years he will be eligible for probation. He will have gotten  
15 hopefully five years of benefit from the programs in the  
16 prison. And then he can come out and demonstrate that he is  
17 not going to continue what he is doing and that he won't be  
18 forced to answer the question, "I can't predict the future."  
19 He should know at that point in time. And hopefully they'll  
20 get through to him.

21 The Division is recommending prison. Heidi Poe has  
22 been around a long time. I concur with her recommendation.  
23 I think that a five-year minimum is appropriate.

24 And he talks about -- he says -- Mr. McCaffrey says

1 | there were no victims. That to me says it all, Judge. The  
2 | State believes that life with five mandatory prison -- excuse  
3 | me -- prison is mandatory in this case given the facts and  
4 | given the defendant that you have in front of you.

5 | THE COURT: Thank you.

6 | Miss Poe.

7 | MS. POE: Thank you, Your Honor.

8 | Mr. Sullivan stated in his argument that Mr.  
9 | McCaffrey was doing adult pornography when child pornography  
10 | popped up, and he was interested in it. However, when I  
11 | interviewed him in the presence of Mr. Sullivan, he stated  
12 | that he wanted to see, quote, "if there was some underage  
13 | stuff." There was, and it became there was no problem  
14 | finding it. It was extensive, Your Honor.

15 | He states that -- in the interview he states that he  
16 | is looking at the poses because he's an artist and a  
17 | photographer, and he had no problem finding underage photos  
18 | of girls, Your Honor. So he admits it, but then he tries to  
19 | justify his actions.

20 | I know Mr. Barker touched on this several times, and  
21 | the Division believes this is a good point, that Mr.  
22 | McCaffrey believes there's no victims. And Steve Ing asked  
23 | him, "Do you think there are any victims?" And he said,  
24 | "No." And he said, "Well, how do you think it affected

1 them?" He said, "They probably won't even remember it," Your  
2 Honor.

3 The fact that he has no empathy and cannot recognize  
4 that there's any victims puts him at risk to reoffend again,  
5 Your Honor, and the statistics will tell us that.

6 Mr. Ing does state that he's not a high risk to  
7 reoffend; however, he does state in his evaluation that it  
8 does not take into account that he's a borderline  
9 personality, Your Honor. While technically he qualifies for  
10 probation, he should not be given probation.

11 I do have a correction to my presentence  
12 investigation. I left off the \$950 psychosexual fee.

13 And we stand by our recommendation.

14 THE COURT: Thank you.

15 Is any legal reason why sentence should not be  
16 imposed at this time?

17 MR. SULLIVAN: There is no legal reason, Your Honor.

18 I just wanted to touch on one point that the State  
19 has made in their argument.

20 I did not want this Court to engage in any type of  
21 speculation, meaning what this man would do in the future.  
22 That's not what we're here for. And there's no evidence of  
23 him touching children. I didn't want us to speculate as to  
24 whether he would eventually touch children based on the

1 evidence before Your Honor. We simply don't have any  
2 evidence of that.

3 Other than that, Your Honor, I would submit the  
4 matter to you.

5 And there is no legal reason why sentencing should  
6 not go forward now.

7 Thank you.

8 THE COURT: Mr. McCaffrey, do you have anything to  
9 say before sentencing?

10 THE DEFENDANT: Your Honor, in the P and P  
11 questionnaire from Mrs. Poe's department, when I initially  
12 wrote that there was no victim, I misunderstood what the  
13 question was. I thought it pertained to a physical victim,  
14 somebody that I would have had physical contact with.

15 After my evaluation with Mr. Ing, I reflected back on  
16 it, and I now understand that there were definitely victims  
17 involved in this in those photos, the kids that were in the  
18 images or videos. I completely and sincerely apologize to  
19 those victims.

20 And I also apologize to my family for my behavior.  
21 I'm 52 years old, and I have no business looking at that  
22 material on the internet.

23 I did go down a bad path, like Mr. Sullivan has said.  
24 I do believe I'm eager and willing and ready to go for

1 therapy, Your Honor. I think I have a lot of good  
2 attributes. I want to get back to society and be productive.  
3 And I truly am eager to start my therapy and get better.

4 THE COURT: A \$25 administrative-assessment fee, \$150  
5 DNA-testing fee, \$950 psychosexual-evaluation fee, \$2,500  
6 attorney's fee. Nevada State Prison -- life in Nevada State  
7 Prison, with parole eligibility after a minimum five years  
8 has been served.

9 One hundred eight days credit for time served.

10 MS. POE: Your Honor, that should be 120 days.

11 THE COURT: One hundred twenty days.

12 MS. POE: And the Court needs to impose lifetime  
13 supervision.

14 THE COURT: I'm sorry. Lifetime supervision.

15 MS. POE: Thank you, Your Honor.

16

17

18

19

20

21

22

23

24

1 STATE OF NEVADA )

2 COUNTY OF WASHOE )

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the  
5 Second Judicial District Court of the State of Nevada, in and  
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the  
8 above-entitled court on Wednesday, October 7, 2009 at the  
9 hour of 8:35 a.m. of said day, and took verbatim stenotype  
10 notes of the proceedings had upon the matter of THE STATE OF  
11 NEVADA, Plaintiff, versus WILLIAM MCCAFFREY, Defendant, Case  
12 No. CR09-1325, and thereafter reduced to writing by means of  
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1  
15 through 23, all inclusive, contains a full, true and complete  
16 transcript of my said stenotype notes, and is a full, true  
17 and correct record of the proceedings had at said time and  
18 place.

19 Dated at Reno, Nevada, this 22nd day of November,  
20 2009.

21

22

23

24

/s/ Isolde Zihn  
Isolde Zihn, CCR #87

1 CODE 1850  
2  
3  
4  
5

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

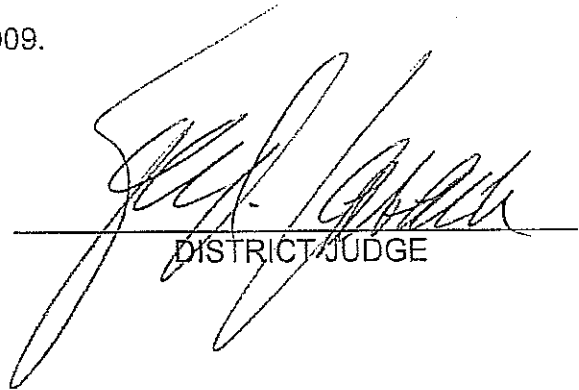
16 The Defendant, having entered a plea of Guilty, and no sufficient cause  
17 being shown by Defendant as to why judgment should not be pronounced against him,  
18 the Court rendered judgment as follows:

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.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



DISTRICT JUDGE



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

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 2<sup>nd</sup> day of November, 2009.

JEREMY T. BOSLER  
WASHOE COUNTY PUBLIC DEFENDER

By:

  
JOHN REESE PETTY  
Chief Deputy

1  
2  
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 24<sup>th</sup> day of November, 2009  
18  
19  
20  
21  
22  
23  
24  
25  
26

A handwritten signature in black ink, appearing to be "G. H. Hatlestad", written over a horizontal line.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 22<sup>nd</sup> day of March, 2010. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Gary H. Hatlestad, Chief Appellate Deputy,  
Washoe County District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

William Joseph McCaffrey (#1042292)  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

John Reese Petty  
Washoe County Public Defender's Office