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No. 68165

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Case No. 68165

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FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 24 2012

BY

Tia Everett
TIA EVERETT, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

CASE NO. C268285

-VS-

DEPT. NO. 20

GUILLERMO RENTERIA - NOVOA
Defendant(s).

C-10-268285-1
PINU
Proposed Jury Instructions Not Used At Trial
1860485



DEFENDANT'S PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: This 24th day of May, 2012.

Steven D. Grierson, Clerk of the Court

By:

Tia Everett

Tia Everett, Deputy Clerk

1
2 It is not essential to a conviction in this case that the testimony of the alleged victim
3 be corroborated by other evidence. It is sufficient if, from all the evidence, you believe
4 beyond a reasonable doubt that the crime of sexual assault was committed by the defendant
5 as alleged.

6
7 In May v. State, 89 Nev. 277, 279 (1973), the Court held the following is a correct
8 statement of the law:

9 "It is not essential to a conviction in this case that the testimony of the prosecutrix be
10 corroborated by other evidence. It is sufficient if, from all the evidence, you believe
11 beyond a reasonable doubt that the crime of rape assault was committed by the
12 defendant as alleged."

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2 The credibility or believability of a witness should be determined by anything that
3 reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the
4 factors that you may consider are the witness's ability to see, hear, or otherwise perceive the
5 things about which the witness testified; the witness's ability to remember and describe what
6 happened; the witness's behavior while testifying; whether the witness understood the
7 questions and answered them directly; whether the witness's testimony was influenced by a
8 factor such as bias or prejudice, a personal relationship with someone involved in the case,
9 or a personal interest in how the case is decided; the witness's attitude about the case or
10 testifying; whether the witness made a statement in the past that is consistent or inconsistent
11 with his or her testimony; whether the witness's testimony was reasonable when considering
12 all the other evidence in the case; whether other evidence proved or disproved any fact about
13 which the witness testified; whether the witness admitted to being untruthful; the witness's
14 character for truthfulness; whether the witness engaged in conduct that reflects on his or her
15 believability; and was the witness promised immunity or leniency in exchange for his or her
16 testimony.

17 If you believe that a witness has lied about any material fact in the case, you may
18 disregard the entire testimony of that witness or any portion of his testimony which is not
19 proved by other evidence.
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22 CALCRIM 105
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2 Before you may rely on circumstantial evidence to conclude that a fact necessary to
3 find the defendant guilty has been proved, you must be convinced that the State has proven
4 each fact essential to that conclusion beyond a reasonable doubt.

5 Also, before you may rely on circumstantial evidence to find the defendant guilty,
6 you must be convinced that the only reasonable conclusion supported by the circumstantial
7 evidence is that the defendant is guilty. If you draw two or more reasonable conclusions
8 from the circumstantial evidence, and one of those reasonable conclusions points to the
9 defendant being not guilty and one to the defendant's guilt, you must accept the one that
10 points to the defendant being not guilty. However, when considering circumstantial
11 evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

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14 CALCRIM 224
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2 If you find that Roxana Perez and Guillermo Renteria-Novoa had a consensual
3 relationship, you must find him not guilty of all counts.
4

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6 "A defendant is entitled to a jury instruction on his theory of the case if any evidence
7 supports the theory, however improbable it may be."
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9 Allen v. State, 97 Nev. 394, 398 (1981).
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2 Where multiple sexual acts occur as part of a single criminal encounter, a defendant
3 may be found guilty for each separate or distinct act of sexual assault and/or lewdness.
4 However, when the sexual acts are part of the same episode, the defendant may be found
5 guilty of only one count of sexual assault or lewdness. When there is no interruption
6 between the acts, or any interruption amounts to merely a hypertechnical division of a single
7 act, the sexual acts are part of the same episode. Additionally, when the sexual act is done
8 merely to predispose the alleged victim to a subsequent act[s], the acts are part of the same
9 episode and the defendant may be convicted of only one count of sexual assault or lewdness.
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15 Crowley v. State, 120 Nev. 30, 34 (2004); Townsend v. State, 103 Nev. 113, 120-21
16 (1987).
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1 INST

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 25 2012

BY

DISTRICT COURT

DEPUTY

CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 GUILLERMO RENTERIA-NOVOA,

12 Defendant.

CASE NO: C268285

DEPT NO: XX

13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

14 MEMBERS OF THE JURY:

15
16 It is now my duty as judge to instruct you in the law that applies to this case. It is
17 your duty as jurors to follow these instructions and to apply the rules of law to the facts as
18 you find them from the evidence.

19 You must not be concerned with the wisdom of any rule of law stated in these
20 instructions. Regardless of any opinion you may have as to what the law ought to be, it
21 would be a violation of your oath to base a verdict upon any other view of the law than that
22 given in the instructions of the Court.

C-10-268285-1

INST

Instructions to the Jury

1881772



INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

1
2 An information is but a formal method of accusing a person of a crime and is not of
3 itself any evidence of his guilt.

4 In this case, it is charged in an Second Amended Information that GUILLERMO
5 RENTERIA-NOVOA, the Defendant above named, having committed the crime of
6 **SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (Category A Felony**
7 **- NRS 200.364, 200.366), LEWDNESS WITH A CHILD UNDER THE AGE OF 14**
8 **(Category A Felony - NRS 201.230), SEXUAL ASSAULT (Felony - NRS 200.364,**
9 **200.366) and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.220) and**
10 in the manner following, to-wit: That the said Defendant, on or between February 1, 2005
11 and December 31, 2009, at and within the County of Clark, State of Nevada, contrary to the
12 form, force and effect of statutes in such cases made and provided, and against the peace and
13 dignity of the State of Nevada,

14 COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

15 did then and there willfully, unlawfully, and feloniously sexually assault and subject
16 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
17 wit: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
18 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
19 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
20 of resisting or understanding the nature of Defendant's conduct.

21 COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

22 did then and there willfully, unlawfully, and feloniously sexually assault and subject
23 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
24 wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
25 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
26 which Defendant knew, or should have known, that the said ROXANA PEREZ was
27 mentally or physically incapable of resisting or understanding the nature of Defendant's
28 conduct.

1 COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
3 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
4 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
5 using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area and/or
6 breast(s) and/or body of the said ROXANA PEREZ, with the intent of arousing, appealing
7 to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

8 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

9 did then and there willfully, unlawfully, and feloniously sexually assault and subject
10 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
11 wit: digital penetration, by said Defendant inserting his finger(s) into the genital opening of
12 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
13 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
14 of resisting or understanding the nature of Defendant's conduct.

15 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

16 did then and there willfully, unlawfully, and feloniously sexually assault and subject
17 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
18 wit: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
19 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
20 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
21 of resisting or understanding the nature of Defendant's conduct.

22 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

23 did then and there willfully, unlawfully, and feloniously sexually assault and subject
24 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
25 wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
26 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
27 which Defendant knew, or should have known, that the said ROXANA PEREZ was
28 mentally or physically incapable of resisting or understanding the nature of Defendant's

1 conduct.

2 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

3 did then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
4 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
5 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
6 using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of the said
7 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
8 or sexual desires of said Defendant, or said child.

9 COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
11 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
12 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
13 using his mouth and/or tongue to touch and/or kiss and/or lick the breast(s) of the said
14 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
15 or sexual desires of said Defendant, or said child.

16 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

17 did then and there willfully, unlawfully, and feloniously sexually assault and subject
18 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
19 wit: digital penetration, by said Defendant inserting his finger(s) into the genital opening of
20 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
21 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
22 of resisting or understanding the nature of Defendant's conduct.

23 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

24 did then and there willfully, unlawfully, and feloniously sexually assault and subject
25 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
26 wit: digital penetration, by said Defendant inserting his finger(s) into the anal opening of the
27 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
28 should have known, that the said ROXANA PEREZ was mentally or physically incapable of

1 resisting or understanding the nature of Defendant's conduct.

2 COUNT 11 - OPEN OR GROSS LEWDNESS

3 did then and there willfully and unlawfully commit an act of open or gross lewdness
4 by said Defendant masturbating his penis in view of ROXANA PEREZ.

5 COUNT 12 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

6 did then and there willfully, unlawfully, and feloniously sexually assault and subject
7 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
8 wit: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
9 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
10 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
11 of resisting or understanding the nature of Defendant's conduct.

12 COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

13 did then and there willfully, unlawfully, and feloniously sexually assault and subject
14 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
15 wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
16 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
17 which Defendant knew, or should have known, that the said ROXANA PEREZ was
18 mentally or physically incapable of resisting or understanding the nature of Defendant's
19 conduct.

20 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

21 did then and there willfully, unlawfully, and feloniously sexually assault and subject
22 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
23 wit: digital penetration, by said Defendant inserting his finger(s) into the anal opening of the
24 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
25 should have known, that the said ROXANNA PEREZ was mentally or physically incapable
26 of resisting or understanding the nature of Defendant's conduct.

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1 COUNT 15 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

2 did then and there willfully, unlawfully, and feloniously sexually assault and subject
3 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
4 wit: digital penetration, by said Defendant inserting his finger(s) into the genital opening of
5 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
6 or should have known, that the said ROXANNA PEREZ was mentally or physically
7 incapable of resisting or understanding the nature of Defendant's conduct.

8 COUNT 16 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
10 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
11 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
12 using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area and/or
13 buttock(s) of the said ROXANA PEREZ, with the intent of arousing, appealing to, or
14 gratifying the lust, passions, or sexual desires of said Defendant, or said child.

15 COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

16 did then and there willfully, unlawfully, and feloniously sexually assault and subject
17 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
18 wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
19 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
20 which Defendant knew, or should have known, that the said ROXANA PEREZ was
21 mentally or physically incapable of resisting or understanding the nature of Defendant's
22 conduct.

23 COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

24 did then and there willfully, unlawfully, and feloniously sexually assault and subject
25 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
26 wit: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
27 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
28 or should have known, that the said ROXANA PEREZ was mentally or physically incapable

1 of resisting or understanding the nature of Defendant's conduct.

2 COUNT 19 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

3 did then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
4 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
5 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
6 using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of the said
7 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
8 or sexual desires of said Defendant, or said child.

9 COUNT 20 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

10 did then and there willfully, unlawfully, and feloniously sexually assault and subject
11 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
12 wit: digital penetration, by said Defendant inserting his finger(s) into the anal opening of the
13 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
14 should have known, that the said ROXANNA PEREZ was mentally or physically incapable
15 of resisting or understanding the nature of Defendant's conduct.

16 COUNT 21 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

17 did then and there willfully, unlawfully, and feloniously sexually assault and subject
18 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
19 wit: digital penetration, by said Defendant inserting his finger(s) into the genital opening of
20 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
21 or should have known, that the said ROXANNA PEREZ was mentally or physically
22 incapable of resisting or understanding the nature of Defendant's conduct.

23 COUNT 22 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

24 did then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
25 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
26 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
27 causing and/or directing the said ROXANA PEREZ to use her hand(s) and/or finger(s) to
28 touch and/or rub and/or masturbate the penis of said Defendant, with the intent of arousing,

1 appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said
2 child.

3 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

4 did then and there willfully, unlawfully, and feloniously sexually assault and subject
5 ROXANNA PEREZ, a female child under sixteen years of age, to sexual penetration, to-wit:
6 by said Defendant placing his mouth and/or tongue on and/or into the anal opening of the
7 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
8 should have known, that the said ROXANA PEREZ was mentally or physically incapable of
9 resisting or understanding the nature of Defendant's conduct.

10 COUNT 24 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

11 did then and there willfully, unlawfully, and feloniously sexually assault and subject
12 ROXANNA PEREZ, a female child under sixteen years of age, to sexual penetration, to-wit:
13 cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the genital
14 opening of the said ROXANA PEREZ, against her will, or under conditions in which
15 Defendant knew, or should have known, that the said ROXANA PEREZ was mentally or
16 physically incapable of resisting or understanding the nature of Defendant's conduct.

17 COUNT 25 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

18 did then and there willfully, unlawfully, and feloniously sexually assault and subject
19 ROXANNA PEREZ, a female child under sixteen years of age, to sexual penetration, to-wit:
20 by said Defendant inserting his finger(s) into the genital opening of the said ROXANA
21 PEREZ, against her will, or under conditions in which Defendant knew, or should have
22 known, that the said ROXANA PEREZ was mentally or physically incapable of resisting or
23 understanding the nature of Defendant's conduct.

24 COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

25 did then and there willfully, unlawfully, and feloniously sexually assault and subject
26 ROXANNA PEREZ, a female child under sixteen years of age, to sexual penetration, to-wit:
27 digital penetration, by said Defendant inserting his finger(s) into the anal opening of the said
28 ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or should

1 have known, that the said ROXANA PEREZ was mentally or physically incapable of
2 resisting or understanding the nature of Defendant's conduct.

3 COUNT 27 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

4 did then and there willfully, unlawfully, and feloniously sexually assault and subject
5 ROXANNA PEREZ, a female child under sixteen years of age, to sexual penetration, to-wit:
6 by said Defendant placing his mouth and/or tongue on and/or into the anal opening of the
7 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
8 should have known, that the said ROXANA PEREZ was mentally or physically incapable of
9 resisting or understanding the nature of Defendant's conduct.

10 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

11 did then and there willfully, unlawfully, and feloniously sexually assault and subject
12 ROXANNA PEREZ, a female child under sixteen years of age, to sexual penetration, to-wit:
13 by said Defendant inserting his finger(s) into the genital opening of the said ROXANA
14 PEREZ, against her will, or under conditions in which Defendant knew, or should have
15 known, that the said ROXANA PEREZ was mentally or physically incapable of resisting or
16 understanding the nature of Defendant's conduct.

17 COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

18 did then and there willfully, unlawfully, and feloniously sexually assault and subject
19 ROXANNA PEREZ, a female child under sixteen years of age, to sexual penetration, to-wit:
20 by said Defendant inserting his finger(s) into the anal opening of the said ROXANA PEREZ,
21 against her will, or under conditions in which Defendant knew, or should have known, that
22 the said ROXANA PEREZ was mentally or physically incapable of resisting or
23 understanding the nature of Defendant's conduct.

24 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

25 did then and there willfully, unlawfully, and feloniously sexually assault and subject
26 ROXANNA PEREZ, a female child under sixteen years of age, to sexual penetration, to-wit:
27 cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the genital
28 opening of the said ROXANA PEREZ, against her will, or under conditions in which

1 Defendant knew, or should have known, that the said ROXANA PEREZ was mentally or
2 physically incapable of resisting or understanding the nature of Defendant's conduct.

3 COUNT 31 - OPEN OR GROSS LEWDNESS

4 did then and there willfully and unlawfully commit an act of open or gross lewdness
5 by said Defendant causing and/or directing the said ROXANA PEREZ to use her hand(s)
6 and/or finger(s) to touch and/or rub and/or masturbate the penis of said Defendant.

7 COUNT 32 - SEXUAL ASSAULT

8 did then and there willfully, unlawfully, and feloniously sexually assault and subject
9 ROXANA PEREZ, a female person, to sexual penetration, to-wit: by said Defendant
10 placing his mouth and/or tongue on and/or into the anal opening of the said ROXANA
11 PEREZ, against her will.

12 COUNT 33 - SEXUAL ASSAULT

13 did then and there willfully, unlawfully, and feloniously sexually assault and subject
14 ROXANA PEREZ, a female person, to sexual penetration, to-wit: cunnilingus, by said
15 Defendant placing his mouth and/or tongue on and/or into the genital opening of the said
16 ROXANA PEREZ, against her will.

17 COUNT 34 - SEXUAL ASSAULT

18 did then and there willfully, unlawfully, and feloniously sexually assault and subject
19 ROXANA PEREZ, a female person, to sexual penetration, to-wit: digital penetration, by
20 said Defendant placing his finger(s) into the genital opening of the said ROXANA PEREZ,
21 against her will.

22 COUNT 35 - SEXUAL ASSAULT

23 did then and there willfully, unlawfully, and feloniously sexually assault and subject
24 ROXANA PEREZ, a female person, to sexual penetration, to-wit: digital penetration, by said
25 Defendant inserting his finger(s) into the anal opening of the said ROXANA PEREZ, against
26 her will.

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1 COUNT 36 - OPEN OR GROSS LEWDNESS

2 did then and there willfully and unlawfully commit an act of open or gross lewdness
3 by said Defendant causing and/or directing the said ROXANA PEREZ to use her hand(s)
4 and/or finger(s) to touch and/or rub and/or masturbate the penis of said Defendant.

5 It is the duty of the jury to apply the rules of law contained in these instructions to the
6 facts of the case and determine whether or not the Defendant is guilty of one or more of the
7 offenses charged.

8 Each charge and the evidence pertaining to it should be considered separately. The
9 fact that you may find a defendant guilty or not guilty as to one of the offenses charged
10 should not control your verdict as to any other Defendant offense charged.

1
2 A person who subjects a minor under fourteen to sexual penetration, against the
3 minor's will or under conditions in which the perpetrator knows or should know that the
4 minor is mentally or physically incapable of resisting or understanding the nature of his/her
5 conduct, is guilty of Sexual Assault with a Minor Under Fourteen.

6 "Sexual penetration" includes cunnilingus, or any intrusion, however slight, of any
7 part of a person's body into the genital or anal openings of the body of another, including
8 sexual intercourse in its ordinary meaning. Evidence of emission is not necessary.

9 "Cunnilingus" means an intrusion, however slight, of the female sexual organ by the
10 mouth or tongue of another, or placing the tongue on the victim's vagina.

11 "Digital penetration" is the placing of one or more fingers of the perpetrator into the
12 anal or genital opening of another person.

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INSTRUCTION NO. 5

If the State fails to prove beyond a reasonable doubt that any sexual penetration of a minor under fourteen was either (a) against the minor's will or (b) under conditions in which the perpetrator knows or should know that the minor is mentally or physically incapable of resisting or understanding the nature of his/her conduct, then you must find the defendant not guilty of the offense of Sexual Assault with a Minor Under Fourteen.

INSTRUCTION NO. 6

A person who subjects a minor under sixteen to sexual penetration, against the minor's will or under conditions in which the perpetrator knows or should know that the minor is mentally or physically incapable of resisting or understanding the nature of his/her conduct, is guilty of Sexual Assault with a Minor Under Sixteen.

INSTRUCTION NO. 7

If the State fails to prove beyond a reasonable doubt that any sexual penetration of a minor under sixteen was either (a) against the minor's will or (b) under conditions in which the perpetrator knows or should know that the minor is mentally or physically incapable of resisting or understanding the nature of his/her conduct, then you must find the defendant not guilty of the offense of Sexual Assault with a Minor Under Sixteen.

INSTRUCTION NO. 8

A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or on another, against the alleged victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of Sexual Assault.

INSTRUCTION NO. 9

If the State fails to prove beyond a reasonable doubt that any sexual penetration was either (a) against the alleged victim's will or (b) under conditions in which the perpetrator knows or should know that the alleged victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct, then you must find the defendant not guilty of the offense of Sexual Assault.

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If the State fails to prove beyond a reasonable doubt that the defendant engaged in an act of sexual penetration, then you must find the defendant not guilty of Sexual Assault with a Minor Under Fourteen, Sexual Assault with a Minor Under Sixteen, and Sexual Assault..

1
2 Physical force is not a necessary ingredient in the commission of the crime of
3 Sexual Assault. The crucial question is not whether the alleged victim was "physically
4 forced" to engage in sexual conduct, but whether the act was committed without her consent
5 or under conditions in which the defendant knew or should have known, the person was
6 incapable of giving her consent or understanding the nature of the act.

7 A person is not required to do more than her age, strength, surrounding facts and
8 all attending circumstances make it reasonable to do in order to manifest opposition to a
9 sexual assault.
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INSTRUCTION NO. 12

1 Submission is not the equivalent of consent. While consent inevitably involves
2 submission, submission does not inevitably involve consent. Lack of protest by an alleged
3 victim is simply one among the totality of circumstances to be considered by the jury.
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INSTRUCTION NO. 13

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2 Any person who willfully commits any lewd or lascivious act, other than acts
3 constituting the crime of Sexual Assault, upon or with any part of the body of a child under
4 the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or
5 passions or sexual desires of that person or of that child, is guilty of Lewdness With a Minor.

6 The law does not require that the lust, passions or sexual desires of either of such
7 persons actually be aroused, appealed to, or gratified.
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2 If the State fails to prove beyond a reasonable doubt that the defendant willfully
3 committed any lewd or lascivious act upon or with any part of the body of a child under the
4 age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or
5 sexual desires of that person or of that child, you must find the defendant not guilty of
6 Lewdness with a Minor.

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2 There is no requirement that the testimony of an alleged victim of a sexual offense be
3 corroborated, and her testimony standing alone, if believed beyond a reasonable doubt, is
4 sufficient to sustain a verdict of guilty.
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INSTRUCTION NO. 16

Where a minor has been the victim of sexual assault and/or lewdness with a minor, and does not remember the exact date of the act, the State is not required prove a specific date, but may prove a time frame within which the act took place.

INSTRUCTION NO. 17

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For the crimes of sexual assault and lewdness with a child, there is no absolute requirement that the State allege the exact date of the offense charged, but may instead give the approximate date on which it believes the crime occurred. However, the alleged victim must testify with some particularity regarding the incident in order to find the defendant guilty of sexual assault and/or lewdness with a child.

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To find the defendant guilty of more than one count of sexual assault or lewdness with a minor, you must first find that the State has proven beyond a reasonable doubt that there is some "reliable indicia" that the number of acts actually occurred. Mere conjecture on the part of the alleged victim as to the number of acts is not enough. "Reliable indicia" may include such evidence as the victim describing the incident(s) with particularity, or any other evidence that indicates that the acts that are alleged actually occurred.

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Where multiple sexual acts occur as part of a single criminal encounter a defendant may be found guilty for each separate or different act of sexual assault and/or lewdness.

1
2 It is a defense to the charge of sexual assault that the defendant entertained a
3 reasonable and good faith belief that the alleged victim consented to engage in sexual
4 penetration. If you find such reasonable, good faith belief, even if mistaken, you must give
5 the defendant the benefit of the doubt and find him not guilty of sexual assault.
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7 A belief that is based upon ambiguous conduct by the alleged victim that is the
8 product of force, violence, duress, menace, or fear of immediate and unlawful bodily injury
9 on the person of another is not a reasonable and good faith belief.
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2 Open and Gross Lewdness is defined as any indecent, obscene or vulgar act of a
3 sexual nature that:

- 4 1. is intentionally committed in a public place, even if the act is not observed; or
5 2. is committed in a private place, but in an open manner, as opposed to a secret
6 manner, and with the intent to be offensive to the observer.
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2 To constitute the crime charged, there must exist a union or joint operation of an act
3 forbidden by law and an intent to do the act.

4 The intent with which an act is done is shown by the facts and circumstances
5 surrounding the case.

6 Do not confuse intent with motive. Motive is what prompts a person to act. Intent
7 refers only to the state of mind with which the act is done.

8 Motive is not an element of the crime charged and the State is not required to prove a
9 motive on the part of the Defendant in order to convict. However, you may consider
10 evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. ~~24~~ 23

1
2 The lack of flight of a person after he is accused of a crime is not sufficient in itself to
3 establish that he is not guilty, but is a fact which may be considered by you in light of all
4 other proved facts in deciding the question of whether he is guilty or not guilty.
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2 The Defendant is presumed innocent until the contrary is proved. This presumption
3 places upon the State the burden of proving beyond a reasonable doubt every material
4 element of the crime charged and that the Defendant is the person who committed the
5 offense.

6 A reasonable doubt is one based on reason. It is not mere possible doubt but is such a
7 doubt as would govern or control a person in the more weighty affairs of life. If the minds of
8 the jurors, after the entire comparison and consideration of all the evidence, are in such a
9 condition that they can say they feel an abiding conviction of the truth of the charge, there is
10 not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or
11 speculation.

12 If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a
13 verdict of not guilty.
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2 You are here to determine the guilt or innocence of the Defendant from the evidence
3 in the case. You are not called upon to return a verdict as to the guilt or innocence of any
4 other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the
5 guilt of the Defendant, you should so find, even though you may believe one or more
6 persons are also guilty.
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1 The evidence which you are to consider in this case consists of the testimony of the
2 witnesses, the exhibits, and any facts admitted or agreed to by counsel.

3 There are two types of evidence; direct and circumstantial. Direct evidence is the
4 testimony of a person who claims to have personal knowledge of the commission of the
5 crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof
6 of a chain of facts and circumstances which tend to show whether the Defendant is guilty or
7 not guilty. The law makes no distinction between the weight to be given either direct or
8 circumstantial evidence. Therefore, all of the evidence in the case, including the
9 circumstantial evidence, should be considered by you in arriving at your verdict.

10 Statements, arguments and opinions of counsel are not evidence in the case. However, if the
11 attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and
12 regard that fact as proved.

13 You must not speculate to be true any insinuations suggested by a question asked a
14 witness. A question is not evidence and may be considered only as it supplies meaning to
15 the answer.

16 You must disregard any evidence to which an objection was sustained by the court
17 and any evidence ordered stricken by the court.

18 Anything you may have seen or heard outside the courtroom is not evidence and must also
19 be disregarded.
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2 The credibility or believability of a witness should be determined by his manner upon
3 the stand, his relationship to the parties, his fears, motives, interests or feelings, his
4 opportunity to have observed the matter to which he testified, the reasonableness of his
5 statements and the strength or weakness of his recollections.

6 If you believe that a witness has lied about any material fact in the case, you may
7 disregard the entire testimony of that witness or any portion of his testimony which is not
8 proved by other evidence.

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2 Although you are to consider only the evidence in the case in reaching a verdict, you
3 must bring to the consideration of the evidence your everyday common sense and judgment
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel
6 are justified in the light of common experience, keeping in mind that such inferences should
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your
9 decision should be the product of sincere judgment and sound discretion in accordance with
10 these rules of law.
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INSTRUCTION NO. 29

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2 In your deliberation you may not discuss or consider the subject of punishment, as
3 that is a matter which lies solely with the court. Your duty is confined to the determination
4 of the guilt or innocence of the Defendant.
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2 When you retire to consider your verdict, you must select one of your number to act
3 as foreperson who will preside over your deliberation and will be your spokesperson here in
4 court.

5 During your deliberation, you will have all the exhibits which were admitted into
6 evidence, these written instructions and forms of verdict which have been prepared for your
7 convenience.

8 Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it
9 signed and dated by your foreperson and then return with it to this room.

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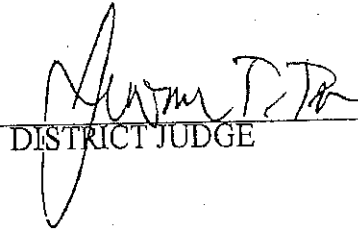
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2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed
4 by the foreperson. The officer will then return you to court where the information sought
5 will be given you in the presence of, and after notice to, the district attorney and the
6 Defendant and his/her counsel.

7 Playbacks of testimony are time-consuming and are not encouraged unless you deem
8 it a necessity. Should you require a playback, you must carefully describe the testimony to
9 be played back so that the court recorder can arrange his/her notes. Remember, the court is
10 not at liberty to supplement the evidence.

INSTRUCTION NO. 32

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE

1 VER

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 25 2012 3:00pm

DISTRICT COURT
CLARK COUNTY, NEVADA
By Michele Tucker DEPUTY

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 GUILLERMO RENTERIA-NOVOA,

11 Defendant.

CASE NO: C268285

DEPT NO: XX

12 VERDICT

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

16 (please check the appropriate box, select only one)

17 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14

18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

22 (please check the appropriate box, select only one)

23 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14

24 ☐ Not Guilty

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C-10-268285-1

VER

Verdict
1881740



1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14**

4 *(please check the appropriate box, select only one)*

- 5 ☒ Guilty of Lewdness With A Child Under The Age Of 14
6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

10 *(please check the appropriate box, select only one)*

- 11 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14
12 ☐ Not Guilty

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 **COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

16 *(please check the appropriate box, select only one)*

- 17 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14
18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 **COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

22 *(please check the appropriate box, select only one)*

- 23 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14
24 ☐ Not Guilty

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1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14**

4 *(please check the appropriate box, select only one)*

5 ☒ Guilty of Lewdness With A Child Under The Age Of 14

6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14**

10 *(please check the appropriate box, select only one)*

11 ☒ Guilty of Lewdness With A Child Under The Age Of 14

12 ☐ Not Guilty

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 **COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

16 *(please check the appropriate box, select only one)*

17 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14

18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 **COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

22 *(please check the appropriate box, select only one)*

23 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14

24 ☐ Not Guilty

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1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 11** - OPEN OR GROSS LEWDNESS

4 *(please check the appropriate box, select only one)*

- 5 ☒ Guilty of Open or Gross Lewdness
6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 12** - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

10 *(please check the appropriate box, select only one)*

- 11 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14
12 ☐ Not Guilty

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 **COUNT 13** - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

16 *(please check the appropriate box, select only one)*

- 17 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14
18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 **COUNT 14** - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

22 *(please check the appropriate box, select only one)*

- 23 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14
24 ☐ Not Guilty

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1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 15 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

4 *(please check the appropriate box, select only one)*

5 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14

6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 16 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14**

10 *(please check the appropriate box, select only one)*

11 ☒ Guilty of Lewdness With A Child Under The Age Of 14

12 ☐ Not Guilty

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 **COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

16 *(please check the appropriate box, select only one)*

17 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14

18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 **COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

22 *(please check the appropriate box, select only one)*

23 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14

24 ☐ Not Guilty

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1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 19 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14**

4 *(please check the appropriate box, select only one)*

- 5 ☒ Guilty of Lewdness With A Child Under The Age Of 14
6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 20 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

10 *(please check the appropriate box, select only one)*

- 11 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14
12 ☐ Not Guilty

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 **COUNT 21 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14**

16 *(please check the appropriate box, select only one)*

- 17 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 14
18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 **COUNT 22 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14**

22 *(please check the appropriate box, select only one)*

- 23 ☒ Guilty of Lewdness With A Child Under The Age Of 14
24 ☐ Not Guilty

25 ///

26 ///

27 ///

28 ///

1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 23** - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

4 *(please check the appropriate box, select only one)*

5 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 16

6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 24** - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

10 *(please check the appropriate box, select only one)*

11 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 16

12 ☐ Not Guilty

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 **COUNT 25** - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

16 *(please check the appropriate box, select only one)*

17 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 16

18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 **COUNT 26** - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

22 *(please check the appropriate box, select only one)*

23 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 16

24 ☐ Not Guilty

25 ///

26 ///

27 ///

28 ///

1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 27 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16**

4 *(please check the appropriate box, select only one)*

- 5 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 16
6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16**

10 *(please check the appropriate box, select only one)*

- 11 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 16
12 ☐ Not Guilty

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 **COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16**

16 *(please check the appropriate box, select only one)*

- 17 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 16
18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 **COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16**

22 *(please check the appropriate box, select only one)*

- 23 ☒ Guilty of Sexual Assault With A Minor Under The Age Of 16
24 ☐ Not Guilty

25 ///

26 ///

27 ///

28 ///

1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 31** – OPEN OR GROSS LEWDNESS

4 *(please check the appropriate box, select only one)*

5 ☒ Guilty of Open or Gross Lewdness

6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 32** – SEX ASSAULT

10 *(please check the appropriate box, select only one)*

11 ☒ Guilty of Sex Assault

12 ☐ Not Guilty

13 We, the jury in the above entitled case, find the Defendant GUILLERMO
14 RENTERIA-NOVOA, as follows:

15 **COUNT 33** – SEX ASSAULT

16 *(please check the appropriate box, select only one)*

17 ☒ Guilty of Sex Assault

18 ☐ Not Guilty

19 We, the jury in the above entitled case, find the Defendant GUILLERMO
20 RENTERIA-NOVOA, as follows:

21 **COUNT 34** – SEX ASSAULT

22 *(please check the appropriate box, select only one)*

23 ☒ Guilty of Sex Assault

24 ☐ Not Guilty

25 ///

26 ///

27 ///

28 ///

1 We, the jury in the above entitled case, find the Defendant GUILLERMO
2 RENTERIA-NOVOA, as follows:

3 **COUNT 35** - SEX ASSAULT

4 *(please check the appropriate box, select only one)*

5 ☒ Guilty of Sex Assault

6 ☐ Not Guilty

7 We, the jury in the above entitled case, find the Defendant GUILLERMO
8 RENTERIA-NOVOA, as follows:

9 **COUNT 36** - OPEN OR GROSS LEWDNESS

10 *(please check the appropriate box, select only one)*

11 ☒ Guilty of Open or Gross Lewdness

12 ☐ Not Guilty

13
14 DATED this 25th day of May, 2012

15
16 

17 FOREPERSON

18 Robert M. Dell
19
20
21
22
23
24
25
26
27
28

Allen D. Quinn

CLERK OF THE COURT

1 JOC

2 DISTRICT COURT

3 CLARK COUNTY, NEVADA

4
5 THE STATE OF NEVADA,

6 Plaintiff,

CASE NO. C268285-1

7 -vs-

8 DEPT. NO. XX

9 GUILLERMO RENTERIA-NOVOA
10 #2755564

11 Defendant.

12 JUDGMENT OF CONVICTION

13 (JURY TRIAL)

14
15 The Defendant previously entered a plea of not guilty to the crimes of COUNTS
16 1, 2, 4, 5, 6, 9, 10, 12, 13, 14, 15, 17, 18, 20, 21 – SEXUAL ASSAULT WITH A MINOR
17 UNDER THE AGE OF 14 (Category A Felony), in violation of NRS 200.364, 200.366;
18 COUNTS 3, 7, 8, 16, 19, 22 – LEWDNESS WITH A CHILD UNDER THE AGE OF 14
19 (Category A Felony), in violation of NRS 201.230; COUNTS 11, 31, 36 – OPEN OR
20 GROSS LEWDNESS (Gross Misdemeanor), in violation of NRS 201.220; COUNTS 23,
21 24, 25, 26, 27, 28, 29, 30 – SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF
22 16 (Category A Felony), in violation of NRS 200.364, 200.366; and COUNTS 32, 33, 34,
23 35 – SEXUAL ASSAULT (Category A Felony), in violation of NRS 200.364, 200.366;
24 and the matter having been tried before a jury and the Defendant having been found
25 guilty of the crimes of COUNT 1 – SEXUAL ASSAULT WITH A MINOR UNDER THE
26 AGE OF 14 (Category A Felony), in violation of NRS 200.364, 200.366; COUNT 2 –
27

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SEP 10 2012
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1 SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (Category A Felony), in
2 violation of NRS 200.364, 200.366; COUNT 3 - LEWDNESS WITH A CHILD UNDER
3 THE AGE OF 14 (Category A Felony), in violation of NRS 201.230; COUNT 4 -
4 SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (Category A Felony), in
5 violation of NRS 200.364, 200.366; COUNT 5 - SEXUAL ASSAULT WITH A MINOR
6 UNDER THE AGE OF 14 (Category A Felony), in violation of NRS 200.364, 200.366;
7 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (Category A
8 Felony), in violation of NRS 200.364, 200.366; COUNT 7 - LEWDNESS WITH A CHILD
9 UNDER THE AGE OF 14 (Category A Felony), in violation of NRS 201.230; COUNT 8 -
10 LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony), in violation
11 of NRS 201.230; COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE
12 OF 14 (Category A Felony), in violation of NRS 200.364, 200.366; COUNT 10 -
13 SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (Category A Felony), in
14 violation of NRS 200.364, 200.366; COUNT 11 - OPEN OR GROSS LEWDNESS
15 (Gross Misdemeanor), in violation of NRS 201.220; COUNT 12 - SEXUAL ASSAULT
16 WITH A MINOR UNDER THE AGE OF 14 (Category A Felony), in violation of NRS
17 200.364, 200.366; COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE
18 OF 14 (Category A Felony), in violation of NRS 200.364, 200.366; COUNT 14 -
19 SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (Category A Felony), in
20 violation of NRS 200.364, 200.366; COUNT 15 - SEXUAL ASSAULT WITH A MINOR
21 UNDER THE AGE OF 14 (Category A Felony), in violation of NRS 200.364, 200.366;
22 COUNT 16 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A
23 Felony), in violation of NRS 201.230; COUNT 17 - SEXUAL ASSAULT WITH A MINOR

1 UNDER THE AGE OF 14 (Category A Felony), in violation of NRS 200.364, 200.366;
2 COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (Category
3 A Felony), in violation of NRS 200.364, 200.366; COUNT 19 - LEWDNESS WITH A
4 CHILD UNDER THE AGE OF 14 (Category A Felony), in violation of NRS 201.230;
5 COUNT 20 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (Category
6 A Felony), in violation of NRS 200.364, 200.366; COUNT 21 - SEXUAL ASSAULT
7 WITH A MINOR UNDER THE AGE OF 14 (Category A Felony), in violation of NRS
8 200.364, 200.366; COUNT 22 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14
9 (Category A Felony), in violation of NRS 201.230; COUNT 23 - SEXUAL ASSAULT
10 WITH A MINOR UNDER THE AGE OF 16 (Category A Felony), in violation of NRS
11 200.364, 200.366; COUNT 24 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE
12 OF 16 (Category A Felony), in violation of NRS 200.364, 200.366; COUNT 25 -
13 SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16 (Category A Felony), in
14 violation of NRS 200.364, 200.366; COUNT 26 - SEXUAL ASSAULT WITH A MINOR
15 UNDER THE AGE OF 16 (Category A Felony), in violation of NRS 200.364, 200.366;
16 COUNT 27 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16 (Category
17 A Felony), in violation of NRS 200.364, 200.366; COUNT 28 - SEXUAL ASSAULT
18 WITH A MINOR UNDER THE AGE OF 16 (Category A Felony), in violation of NRS
19 200.364, 200.366; COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE
20 OF 16 (Category A Felony), in violation of NRS 200.364, 200.366; COUNT 30 -
21 SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16 (Category A Felony), in
22 violation of NRS 200.364, 200.366; COUNT 31 - OPEN OR GROSS LEWDNESS
23 (Gross Misdemeanor), in violation of NRS 201.220; COUNT 32 - SEXUAL ASSAULT
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1 (Category A Felony), in violation of NRS 200.364, 200.366; COUNT 33 - SEXUAL
2 ASSAULT (Category A Felony), in violation of NRS 200.364, 200.366; COUNT 34 -
3 SEXUAL ASSAULT (Category A Felony), in violation of NRS 200.364, 200.366; COUNT
4 35 - SEXUAL ASSAULT (Category A Felony), in violation of NRS 200.364, 200.366;
5 and COUNT 36 - OPEN OR GROSS LEWDNESS (Gross Misdemeanor), in violation of
6 NRS 201.220; thereafter, on the 6TH day of September, 2012, the Defendant was
7 present in court for sentencing with his counsels, AMY FELICIANO, Deputy Public
8 Defender and, MIKE FELICIANO, Deputy Public Defender, and good cause appearing,

9
10 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in
11 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee
12 including testing to determine genetic markers, and to PAY \$880.00 RESTITUTION, the
13 Defendant is SENTENCED as follows: AS TO COUNTS 1, 2, 4, 5, 6, 9, 10, 12, 13, 14,
14 15, 17, 18, 20, 21 - LIFE with a MINIMUM Parole Eligibility AFTER TWENTY (20)
15 YEARS in the Nevada Department of Corrections (NDC); AS TO COUNTS 3, 7, 8, 16,
16 19, 22 - LIFE with a MINIMUM Parole Eligibility AFTER TEN (10) YEARS in the Nevada
17 Department of Corrections (NDC); AS TO COUNTS 23, 24, 25, 26, 27, 28, 29, 30 -
18 LIFE with a MINIMUM Parole Eligibility AFTER TWENTY-FIVE (25) YEARS in the
19 Nevada Department of Corrections (NDC); AS TO COUNTS 11, 31, 36 - TWELVE (12)
20 MONTHS in the Clark County Detention Center (CCDC); and AS TO COUNTS 32, 33,
21 34, 35 - LIFE with a MINIMUM Parole Eligibility AFTER TEN (10) YEARS in the
22 Nevada Department of Corrections (NDC); COUNT 3 to run CONSECUTIVE to COUNT
23 1; COUNT 6 to run CONSECUTIVE to COUNTS 1 and 3; COUNT 23 to run
24 CONSECUTIVE to COUNTS 1, 3, and 6; COUNT 32 to run CONSECUTIVE to
25
26
27
28

1 COUNTS 1, 3, 6 and 23; ALL REMAINING COUNTS to run CONCURRENT with each
2 other; with SEVEN HUNDRED SIXTY-TWO (762) DAYS Credit for Time Served.

3 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
4 is imposed to commence upon release from any term of imprisonment, probation or
5 parole.
6

7 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
8 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
9 release from custody.
10

11 COURT FURTHER ORDERED, Registration after conviction; duties and
12 procedure, offender or sex offender informed of duty to register; effect of failure to
13 inform; duties and procedure upon receipt of notification from another jurisdiction or
14 Federal Bureau of Investigation.

15 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that
16 an offender has been convicted of a crime against a child, pursuant to NRS 176.0927
17 that a sex offender has been convicted of a sexual offense or pursuant to NRS 62F.220
18 that a juvenile has been adjudicated delinquent for an offense for which the juvenile is
19 subject to registration and community notification pursuant to NRS 179D.010 to
20 179D.550, inclusive, the Central Repository shall:
21

22 (a) If a record of registration has not previously been established for the offender or sex
23 offender, notify the local law enforcement agency so that a record of registration may be
24 established; or
25

26 (b) If a record of registration has previously been established for the offender or sex
27 offender, update the record of registration for the offender or sex offender and notify the
28

1 appropriate local law enforcement agencies.

2 2. If the offender or sex offender named in the notice is granted probation or otherwise
3 will not be incarcerated or confined, the Central Repository shall:

4 (a) Immediately provide notification concerning the offender or sex offender to the
5 appropriate local law enforcement agencies and, if the offender or sex offender resides
6 in a jurisdiction which is outside of this State, to the appropriate law enforcement
7 agency in that jurisdiction; and

8 (b) Immediately provide community notification concerning the offender or sex offender
9 pursuant to the provisions of NRS 179D.475.

10 3. If an offender or sex offender is incarcerated or confined and has previously been
11 convicted of a crime against a child as described in NRS 179D.0357 or a sexual offense
12 as described in NRS 179D.097, before the offender or sex offender is released:

13 (a) The Department of Corrections or a local law enforcement agency in whose facility
14 the offender or sex offender is incarcerated or confined shall:

15 (1) Inform the offender or sex offender of the requirements for registration, including, but
16 not limited to:

17 (I) The duty to register initially with the appropriate law enforcement agency in the
18 jurisdiction in which the offender or sex offender was convicted if the offender or sex
19 offender is not a resident of that jurisdiction pursuant to NRS 179D.445;

20 (II) The duty to register in this State during any period in which the offender or sex
21 offender is a resident of this State or a nonresident who is a student or worker within
22 this State and the time within which the offender or sex offender is required to register
23 pursuant to NRS 179D.460;

1 (III) The duty to register in any other jurisdiction during any period in which the offender
2 or sex offender is a resident of the other jurisdiction or a nonresident who is a student or
3 worker within the other jurisdiction;

4 (IV) If the offender or sex offender moves from this State to another jurisdiction, the duty
5 to register with the appropriate law enforcement agency in the other jurisdiction;

6 (V) The duty to notify the local law enforcement agency for the jurisdiction in which the
7 offender or sex offender now resides, in person, and the jurisdiction in which the
8 offender or sex offender formerly resided, in person or in writing, if the offender or sex
9 offender changes the address at which the offender or sex offender resides, including if
10 the offender or sex offender moves from this State to another jurisdiction, or changes
11 the primary address at which the offender or sex offender is a student or worker; and

12 (VI) The duty to notify immediately the appropriate local law enforcement agency if the
13 offender or sex offender is, expects to be or becomes enrolled as a student at an
14 institution of higher education or changes the date of commencement or termination of
15 the offender or sex offender's enrollment at an institution of higher education or if the
16 offender or sex offender is, expects to be or becomes a worker at an institution of higher
17 education or changes the date of commencement or termination of the offender or sex
18 offender's work at an institution of higher education; and

19 (2) Require the offender or sex offender to read and sign a form stating that the
20 requirements for registration have been explained and that the offender or sex offender
21 understands the requirements for registration, and to forward the form to the Central
22 Repository.

23 (b) The Central Repository shall:

24 (1) Update the record of registration for the offender or sex offender;

1 (2) Provide community notification concerning the offender or sex offender pursuant to
2 the provisions of NRS 179D.475; and

3 (3) Provide notification concerning the offender or sex offender to the appropriate local
4 law enforcement agencies and, if the offender or sex offender will reside upon release in
5 a jurisdiction which is outside of this State, to the appropriate law enforcement agency
6 in that jurisdiction.
7

8 4. The failure to provide an offender or sex offender with the information or confirmation
9 form required by paragraph (a) of subsection 3 does not affect the duty of the offender
10 or sex offender to register and to comply with all other provisions for registration.
11

12 5. If the Central Repository receives notice from another jurisdiction or the Federal
13 Bureau of Investigation that an offender or sex offender is now residing or is a student
14 or worker within this State, the Central Repository shall:

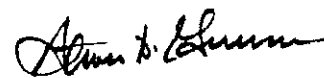
15 (a) Immediately provide notification concerning the offender or sex offender to the
16 appropriate local law enforcement agencies;
17

18 (b) Establish a record of registration for the offender or sex offender; and

19 (c) Immediately provide community notification concerning the offender or sex offender
20 pursuant to the provisions of NRS 179D.475. (Added to NRS by 1997, 1655; A 1999,
21 1300; 2001, 2058; 2001 Special Session, 227; 2003, 289, 573, 1122; 2007, 2765, 3252).
22

23
24 DATED SEP 10 2012

25
26 
27 JEROME TAO
28 DISTRICT JUDGE


CLERK OF THE COURT

1 NOAS
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

7	THE STATE OF NEVADA,)	
8)	
9	Plaintiff,)	CASE NO. C-10-268285-1
10)	
11	v.)	DEPT. NO. XX
12)	
13	GUILLERMO RENTERIO-NOVOA,)	
14)	
15	Defendant.)	
16)	<u>NOTICE OF APPEAL</u>

17 TO: THE STATE OF NEVADA

18 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
19 NEVADA and DEPARTMENT NO. XX OF THE EIGHTH JUDICIAL
20 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
21 COUNTY OF CLARK.

22 NOTICE is hereby given that Defendant, Guillermo
23 Renterio-Novoa, presently incarcerated in the Nevada State Prison,
24 appeals to the Supreme Court of the State of Nevada from the
25 judgment entered against said Defendant on the 17th day of
26 September, 2012, whereby he was convicted of Cts. 1, 2, 4, 5, 6,
27 9, 10, 12, 13, 14, 15, 17, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29,
28 30, 32 - Sexual Assault With a Minor Under the Age of 14; Ct. 3,
7, 8, 16, 19, 22 - Lewdness With a Child Under The Age of 14; Ct.
11, 31, 36 - Open or Gross Lewdness; Ct. 33, 34, 35 - Sexual
Assault and sentenced to \$25 Admin. fee; \$150 DNA analysis fee;
genetic testing; \$880 restitution; as to Cts. 1, 2, 4, 5, 6, 9,
10, 12, 13, 14, 15, 17, 18, 20, 21 - 20 years to Life in prison;
Cts. 3, 7, 8, 16, 19, 22 - 10 years to Life in prison; Cts. 23,

1 24, 25, 26, 27, 28, 28, 30 - 25 years to Life in prison; Cts., 11,
2 31, 36 - 12 months in CCDC; Cts. 32, 33, 34, 35 - 10 years to
3 Life; Ct. 3 to run consecutive to Ct. 1; Ct. 6 to run consecutive
4 to Cts. 1 and 3; Ct. 23 to run consecutive to Cts. 1, 3, and 6;
5 Ct. 32 to run consecutive to Cts. 1, 3, 6 and 23; all remainings
6 counts to run concurrent with each other; 762 days CTS. Special
7 sentence of lifetime supervision is imposed to commence upon
8 release from any term of imprisonment, probation or parole.
9 Ordered to register as a sex offender within 48 hours after any
10 release from custody; registration after conviction, duties and
11 procedure, offender or sex offender informed of duty to register,
12 effect of failure to inform and procedure upon receipt of
13 notification from another jurisdiction or FBI.

14 DATED this 5th day of October, 2012.

15 PHILIP J. KOHN
16 CLARK COUNTY PUBLIC DEFENDER

17 By: /s/ Nancy L. Lemcke
18 NANCY L. LEMCKE, #5416
19 Deputy Public Defender
20 309 S. Third Street, Ste. 226
21 Las Vegas, Nevada 89155
22 (702) 455-4685
23
24
25
26
27
28

DECLARATION OF MAILING

Carrie Connolly, an employee with the Clark County Public Defender's Office, hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 5th day of October, 2012, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of Nevada v. Guillermo Renterio-Novoa, Case No. C-10-268285-1, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to Guillermo Renterio-Novoa c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. That there is a regular communication by mail between the place of mailing and the place so addressed.

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

EXECUTED on the 5th day of October, 2012.

/s/ Carrie M. Connolly
An employee of the Clark County
Public Defender's Office

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 5th day of October, 2012, by Electronic Filing to:

District Attorneys Office

E-Mail Address:

PDMotions@ccdancv.com

Jennifer.Garcia@ccdancv.com

Eileen.Davis@ccdancv.com

/s/ Carrie M. Connolly

Secretary for the
Public Defender's Office

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES October 28, 2010

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

October 28, 2010 9:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Ruth Gilfert; Susie Schofield/ss; Tia Everett

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Campbell, Cara L. Attorney for State
Porrar, Amy A. Attorney for Defendant
Renteria-Novoa, Guillermo Defendant

JOURNAL ENTRIES

- Also present: Spanish Interpreter Mario Torres.

Ms. Porrar requested matter be continued to Court's Friday calendar. COURT SO ORDERED.

CUSTODY

11/5/2010 10:30 A.M. - ARRAIGNMENT CONTINUED (LLA)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES November 05, 2010

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

November 05, 2010 10:30-AM Arraignment Continued

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Carole D'Aloia

RECORDER: Kiara Schmidt

REPORTER:

PARTIES
PRESENT: Public Defender Attorney
 Renteria-Novoa, Defendant
 Guillermo

JOURNAL ENTRIES

- Glen O'Brien, Deputy D.A., present on behalf of the State, Mike Feliciano, Deputy P.D., present on behalf of Defendant and Certified Spanish Court Interpreter, M. Peters, present to assist Defendant. Ms. Porray advised Defendant will be entering a not guilty plea. DEFENDANT RENTERIA-NOVOA ARRAIGNED, PLED NOT GUILTY, AND WAIVED THE SIXTY (60) DAY RULE. Court ACCEPTED plea and, ORDERED, matter set for JURY TRIAL. Ms. Porray advised she has just received a copy of the Preliminary Hearing Transcript and requested twenty-one (21) days from today's date to file a writ and, COURT SO ORDERED.

CUSTODY

2/28/11 9:00 AM CALENDAR CALL

3/7/11 1:30 PM JURY TRIAL

PRINT DATE: 11/05/2010

Page 1 of 1

Minutes Date: November 05, 2010

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES January 26, 2011

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

January 26, 2011 9:00 AM All Pending Motions

HEARD BY: Mosley, Donald

COURTROOM: RJC Courtroom 12B

COURT CLERK: Linda Skinner

RECORDER:

REPORTER: Maureen Schorn

PARTIES

PRESENT:	Feliciano, Mike	Attorney for Defendant
	Pandelis, Christopher	Attorney for State of Nevada
	Public Defender	
	Renteria-Novoa,	Defendant
	Guillermo	
	State of Nevada	Plaintiff

JOURNAL ENTRIES

STATUS CHECK: DISCOVERY...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

Shirley Landberg, Court Interpreter, present to assist Defendant.

AS TO DISCOVERY: Mr. Feliciano advised there are no issues. Court so noted and advised this matter was discussed in chambers and pursuant to that discussion, counsel will not be prepared for trial on 3/7. Mr. Feliciano and Mr. Pandelis concurred. COURT ORDERED, trial date VACATED and RESET.

AS TO WRIT: Counsel submitted on the pleadings. Court advised it has reviewed the transcript and is satisfied that penetration was shown. However, does not feel there was evidence to support Count 27. Therefore, COURT ORDERED, Writ DENIED, however, Count 27 is STRICKEN.

CUSTODY

PRINT DATE: 02/04/2011

Page 1 of 2

Minutes Date: January 26, 2011

C-10-268285-1

4/13/11 9:00 AM STATUS CHECK: DISCOVERY

5/9/11 9:00 AM CALENDAR CALL (#2)

5/16/11 1:30 PM JURY TRIAL (#2)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES April 19, 2011

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

April 19, 2011 9:00 AM All Pending Motions: Defendant's
Motion in Limine to Preclude the
State's Experts From Improper
Vouching and to Prevent "Experts"
From Testifying Outside Their
Area of Expertise ... Defendant's
Motion for Discovery ...
Defendant's Motion in Limine to
Preclude Use of the Prejudicial
Term "Victim"

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 10D

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Fattig, John T. Deputy District Attorney
Renteria-Novoa, Defendant
Guillermo
Romney, Claudia L. Public Defender

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE TO PRECLUDE THE STATE'S EXPERTS FROM IMPROPER
VOUCHING AND TO PREVENT "EXPERTS" FROM TESTIFYING OUTSIDE THEIR AREA OF
EXPERTISE ... DEFENDANT'S MOTION FOR DISCOVERY ... DEFENDANT'S MOTION IN LIMINE
TO PRECLUDE USE IF THE PREJUDICIAL TERM "VICTIM"

APPEARANCES CONTINUED: Alex Andrade, Court Interpreter, present with Defendant.

PRINT DATE: 04/19/2011

Page 1 of 2

Minutes Date: April 19, 2011

C-10-268285-1

COURT ORDERED, matters CONTINUED for Judge Tao.

CUSTODY

CONTINUED TO: 4/28/2011 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 28, 2011

C-10-268285-1

State of Nevada

vs

Guillermo Renteria-Novoa

April 28, 2011

9:00 AM

All Pending Motions: Motion in
Limine to Preclude the State's
Experts From Improper Vouching
and to Prevent "Experts" From
Testifying Outside Their Area of
Expertise ... Defendant's Motion
For Discovery ... Defendant's
Motion in Limine to Preclude Use
of the Prejudicial Term "Victim"

HEARD BY: Tao, Jerome T.

COURTROOM: RJC Courtroom 10D

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

REPORTER:

PARTIES**PRESENT:**

Luzaich, Elissa
Porray, Amy A.
Renteria-Novoa,
Guillermo

Deputy District Attorney
Public Defender
Defendant

JOURNAL ENTRIES

- MOTION IN LIMINE TO PRECLUDE THE STATE'S EXPERTS FROM IMPROPER VOUCHING
AND TO PREVENT "EXPERTS" FROM TESTIFYING OUTSIDE THEIR AREA OF EXPERTISE ...
DEFENDANT'S MOTION FOR DISCOVERY ... DEFENDANT'S MOTION IN LIMINE TO
PRECLUDE USE OF THE PREJUDICIAL TERM "VICTIM"

Caridad Pfeiffer, Court Interpreter, present with Defendant. Ms. Porray requested matter be
continued for Mr. Feliciano's presence. No opposition by Ms. Luzaich. COURT SO ORDERED.

PRINT DATE: 05/03/2011

Page 1 of 2

Minutes Date:

April 28, 2011

C-10-268285-1

CUSTODY

CONTINUED TO: 5/3/2011 9:00 AM

PRINT DATE: 05/03/2011

Page 2 of 2

Minutes Date: April 28, 2011

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 03, 2011

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

May 03, 2011 9:00 AM All Pending Motions: Motion in
Limine To Preclude The State's
Experts From Improper Vouching
and To Prevent "Experts" From
Testifying Outside Their Area of
Expertise ... Defendant's Motion
For Discovery ... Defendant's
Motion in Limine To Preclude Use
of the Prejudicial Term "Victim"

HEARD BY: Tao, Jerome T.

COURTROOM: RJC Courtroom 10D

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Feliciano, Mike	Public Defender
	Luzach, Elissa	Deputy District Attorney
	Renteria-Novoa,	Defendant
	Guillermo	

JOURNAL ENTRIES

- Phillip Cuartas, Spanish Court Interpreter, present with Defendant.

AS TO MOTION IN LIMINE TO PRECLIDE THE STATE'S EXPERTS FROM IMPROPER
VOUCHING AND TO PREVENT "EXPERTS" FROM TESTIFYING OUTSIDE THEIR AREA OF
EXPERTISE:

Mr. Feliciano stated the motion will also apply to detectives and other who will testify as experts

PRINT DATE: 05/06/2011

Page 1 of 2

Minutes Date: May 03, 2011

although not endorsed as such. Ms. Luzaich stated this motion is premature as Mr. Feliciano will need to object contemporaneously during trial with the expert's testimony. COURT ORDERED, Motion DENIED although counsel may make the appropriate objections at the time of trial.

AS TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE USE OF THE PREJUDICIAL TERM "VICTIM":

Mr. Feliciano stated the trial is to determine if there is a victim. Ms. Luzaich stated she will refer to the victims by their name although the term victim is used at times. COURT ORDERED, Motion DENIED although Mr. Feliciano may raise the issue during trial if appropriate.

AS TO DEFENDANT'S MOTION FOR DISCOVERY:

Following statements by counsel, COURT FURTHER ORDERED the following,

1 - 3 - State to provide information for the Court's incamera review to determine if there is any information the Defendant is entitled to have.

4 - GRANTED with no opposition

5 - GRANTED IN PART as the State to provide if the victim (s) were referred to counseling and if that if money from the State fund was paid to the counselor.

6 - GRANTED with no opposition.

7 - GRANTED to the extent State is to run NCIC and provide any information as to the any felony convictions in the last 10 years, and/or any felony conviction for which the term of probation/parole/imprisonment ended within the last 10 years, and additionally any misdemeanor/gross misdemeanor information which may bare on credibility.

8 - 16 - GRANTED with no opposition.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES May 17, 2011

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

May 17, 2011 9:00 AM Calendar Call

HEARD BY: Bonaventure, Joseph T. COURTROOM:

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Feliciano, Mike Public Defender
 Pandelis, Christopher Deputy District Attorney
 P.
 Renteria-Novoa, Defendant
 Guillermo

JOURNAL ENTRIES

- Francisco Mandrigal, Spanish Court Interpreter, present with Defendant.

Mr. Pandelis advised when this case was reassigned from Department 14 Mr. Feliciano contacted him to advise he may have a scheduling conflict and need to continue the trial. Colloquy regarding scheduling. COURT ORDERED, trial VACATED and RESET.

CUSTODY

11/01/2011 9:00 AM CALENDAR CALL

11/07/2011 10:30 AM JURY TRIAL

PRINT DATE: 05/18/2011

Page 1 of 1

Minutes Date: May 17, 2011

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES November 01, 2011

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

November 01, 2011 8:30 AM Calendar Call

HEARD BY: Tao, Jerome T.

COURTROOM:

COURT CLERK: Tia Everett

RECORDER:

REPORTER:

PARTIES

PRESENT:	Feliciano, Mike	Attorney for Defendant
	Fleck, Michelle	Attorney for State of Nevada
	Renteria-Novoa,	Defendant
	Guillermo	

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Caridad Pfeiffer, Spanish Court Interpreter, present with Defendant.

Mr. Feliciano advised there is still outstanding discovery such as the Defendant's audio statement which is needed to go forward with trial. Ms. Fleck stated there is additional discovery which has been requested and needs to be provided. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

1/17/2012 8:30 AM CALENDAR CALL

1/23/2012 10:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES January 17, 2012

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

January 17, 2012 8:30 AM Calendar Call

HEARD BY: Tao, Jerome T.

COURTROOM: RJC Courtroom 10D

COURT CLERK: Tia Everett; Nancy Tibbetts/nt

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Feliciano, Mike Public Defender
 Fleck, Michelle District Attorney
 Renteria-Novoa, Guillermo Defendant

JOURNAL ENTRIES

- Spanish Interpreter, Shirley Landberg, also present. Following conference at bench, Court questioned Deft. about issues with his counsel and then assured him that counsel is qualified.
COURT ORDERED, trial date VACATED and RESET.

CUSTODY

5/15/12 8:30 AM CALENDAR CALL

5/21/12 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor COURT MINUTES May 10, 2012

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

May 10, 2012 8:30 AM Defendant's Motion to Suppress

HEARD BY: Tao, Jerome T.

COURTROOM: RJC Courtroom 10D

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Feliciano, Mike	Attorney for Defendant
	Fleck, Michelle	Attorney for State of Nevada
	Renteria-Novoa, Guillermo	Defendant

JOURNAL ENTRIES

- Court noted he has reviewed the transcript provided, however, the transcript is quite unclear and he would like a copy of the CD to review. Mr. Feleciano advised he provided a copy of the CD with the transcript, however, he will send another copy to chambers. Further Court noted the State has no opposition to a Jackson V Denno hearing. Colloquy regarding scheduling. COURT ORDERED, matter CONTINUED and SET for Hearing.

CUSTODY

5/15/2012 8:30 AM DEFENDANT'S MOTION TO SUPPRESS ... JACKSON V DENNO HEARING
RE: DEFENDANT'S MOTION TO SUPPRESS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES May 15, 2012

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

May 15, 2012 8:30 AM Calendar Call

HEARD BY: Tao, Jerome T.

COURTROOM: RJC Courtroom 10D

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:

Feliciano, Mike
Fleck, Michelle
Porray, Amy A.
Renteria-Novoa, Guillermo
State of Nevada

Attorney for Defendant
Attorney for State of Nevada
Attorney for Defendant
Defendant

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Jeff Hanks, Spanish Court Interpreter, present with Defendant.

Parties announced ready, with 10 - 12 witnesses, no out of state witnesses and anticipate trial to be 1 week. COURT ORDERED, trial SET to begin 5/21/2012 at 9:00 am.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES May 21, 2012

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

May 21, 2012 9:00 AM Jury Trial

HEARD BY: Tao, Jerome T.

COURTROOM:

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

PARTIES

PRESENT: Michelle Fleck and Nicholas Graham, Deputy District Attorneys, present
on behalf of the State. Defendant present in custody, represented by
Michael Feleciano and Amy Feleciano, Deputy Public Defenders.

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Spanish Interpreters, Lorena Pike, Maria Peralta De Gomez,
Michael Berry, and Mario Maldonado present with Defendant.

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS:

Ms. Fleck stated defense has informed her they intend to bring in the fact that the victim was pregnant at the time she disclosed to the police what has happened with the Defendant which is not relevant and she believes this issue should have been brought by written motion in order for her to file an opposition. Mr. Feleciano argued rape shield does not apply in this case, the information will be offered as to her motive for disclosing and the possibility of fabricating. Ms. Feleciano argued the disclosure comes out when she has to tell her mother she is pregnant, the relationship with her cousin and then the what happened with the Defendant. Further arguments by counsel. COURT ORDERED, defense request to reference the pregnancy of victim DENIED. Mr. Feliciano requested an emergency stay in the case in order to bring this issue before the Supreme Court for an Interlocutory appeal. COURT FURTHER ORDERED, Motion to stay the case DENIED although parties may seek the stay with the Supreme Court. Mr. Feliciano requested the Court give him today to have an opportunity to file their interlocutory appeal with the Supreme Court. Upon Court's

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Minutes Date: May 21, 2012

inquiry, parties stipulated to the alternates being seats 13 and 14.

PROSPECTIVE JURORS PRESENT:

Voir dire.

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS:

Court noted there is now a Tagalog interpreter present, Josephina Duley, who will assist prospective juror Armida Martinez, badge number 069. Court further noted that the interpreter's office has advised they are short on Spanish interpreters and they will not have one available for a while for prospective juror Elias Aguilar, badge number 068, however, the Court will have badge numbers 069 and 068 in outside the presence to inquire about their understanding of the English language. Court noted Yul Haasman, Spanish Court interpreter present with badge number 068.

PROSPECTIVE JURORS PRESENT:

Further voir dire.

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS:

Ms. Feleciano advised as discussed at the bench, badge number 027, Michael Parry, stated his daughter is an attorney here in Las Vegas and she is friends with his daughter and went to law school with her, although there should not be a problem if he is seated on the jury. COURT SO NOTED.

PROSPECTIVE JURORS PRESENT:

Further voir dire.

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS:

Counsel made record as to bench conferences.

Court recessed for the evening.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES May 22, 2012

C-10-268285-1 State of Nevada
vs
Guillermo Renteria-Novoa

May 22, 2012 10:30 AM Jury Trial

HEARD BY: Tao, Jerome T. COURTROOM:

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

PARTIES

PRESENT: Michelle Fleck and Nickolas Graham, Deputy District Attorneys, present on behalf of the State. Defendant present, in custody and represented by Michael Feliciano and Amy Feliciano, Deputy Public Defenders.

JOURNAL ENTRIES

APPEARANCES CONTINUED: Maria Peralta de Gomez, Irma Sanchez, and Richard Evans, Spanish Court Interpreters, present with Defendant.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Second Amended Information FILED IN OPEN COURT. Court noted badge number 064 Charlotte Temple, has not arrived as of yet. Upon Court's inquiry, Ms. Fleck advised she has no opposition to excusing badge number 064 to proceed. Mr. Feleciano submitted. COURT ORDERED, badge number 064 EXCUSED. Court further noted, Josephina Dooley, Tagalog Interpreter, present with badge number 069 and Rico Rodriguez, Spanish Interpreter, present with badge number 068. Court Marshal informed the Court badge number 064, Charlotte Temple has arrived.

PROSPECTIVE JURORS PRESENT :

Further voir dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

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Minutes Date: May 22, 2012

Arguments by counsel as to challenges for cause for the record.

PROSPECTIVE JURORS PRESENT :

Further voir dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Counsel completed peremptory challenges. Mr. Feliciano made Batson Challenge as to the State's challenges. Arguments by Ms. Fleck. COURT ORDERED, Batson Challenge DENIED.

PROSPECTIVE JURORS PRESENT :

Jury and (2) alternate(s) selected and sworn. Clerk read the Second Amended Information to the jury and stated the defendant's plea thereto.

Court recessed for the evening.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 23, 2012

C-10-268285-1 State of Nevada
 vs
 Guillermo Renteria-Novoa

May 23, 2012 10:00 AM Jury Trial

HEARD BY: Tao, Jerome T.

COURTROOM:

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

PARTIES**PRESENT:**

Michelle Fleck and Nickolas Graham, Deputy District Attorneys, present on behalf of the State. Defendant present, in custody and represented by Michael Feliciano and Amy Feliciano, Deputy Public Defenders.

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Maria Peralta de Gomez, Yul Haasman, and Sylvia Page, Spanish Court Interpreters, present with Defendant.

JURY PRESENT:

Opening statements by counsel. Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Ms. Fleck stated the Silver State counseling records which were just received this week, which were provided to defense, and in the report there are progress notes which state the victim and her Aunt are hesitant to tell the victim's Mother about the abuse because she will confront the Defendant and will cause problems with their citizenship status. Further, Ms. Fleck stated defense now intends to cross the victim on the issues of her immigration status which is prejudicial and is not relevant. Mr. Feliciano stated when he filed his discovery motion he requested any benefits given to any of the witnesses and that motion was granted. Upon Court's inquiry, Ms. Fleck stated that there were not any benefits given. Ms. Feliciano stated that the victim tells the counselor that she did not disclose

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Minutes Date: May 23, 2012

the abuse based on the immigration status of both the victim and her Mother and defense is entitled to ask if any type of benefit such as a U visa was given based on the fact she is a victim. Further arguments by counsel. Court noted Roxanna Perez, present outside the presence of the jury. Court inquired as to what her immigration/citizenship status is at the present time. Roxanna Perez, advised she has a work permit. Upon questioning by Ms. Fleck and Mr. Feliciano, Roxanna Perez, stated her Mother was told to apply for the U visa based on the fact that she was victim of a crime. Further discussion regarding U visa. Mr. Feliciano moved for mistrial. COURT ORDERED, Defense may address the issue of the U visa and defense Request for mistrial DENIED.

JURY PRESENT:

Further testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding jury instructions and scheduling.

Court recessed for the evening.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 24, 2012

C-10-268285-1

State of Nevada

vs

Guillermo Renteria-Novoa

May 24, 2012

12:00 AM

Jury Trial

HEARD BY: Tao, Jerome T.

COURTROOM:

COURT CLERK: Tia Everett

RECORDER: Sara Richardson

PARTIES

PRESENT:

Michelle Fleck and Nickolas Graham, Deputy District Attorneys, present on behalf of the State. Defendant present, in custody and represented by Michael Feliciano and Amy Feliciano, Deputy Public Defenders.

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Lorena Pike and Maria Peralta de Gomez, Spanish Court Interpreters, present with Defendant.

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding jury instructions.

JURY PRESENT:

Further testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Defendant advised of his right not to testify.

JURY PRESENT:

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Minutes Date:

May 24, 2012

Further testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Instructions settled.

JURY PRESENT:

Court instructed the jury. Closing arguments. At the hour of 7:49 PM, the jury retired to deliberate.

Court recessed for the evening.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

May 25, 2012

Felony/Gross Misdemeanor

COURT MINUTES

C-10-268285-1

State of Nevada

vs

Guillermo Renteria-Novoa

May 25, 2012

10:00 AM

Jury Trial

HEARD BY: Tao, Jerome T.

COURTROOM:

COURT CLERK: Michele Tucker

RECORDER: Sara Richardson

PARTIES

PRESENT:

Feliciano, Mike

Fleck, Michelle

Graham, Nickolas J.

Porray, Amy A.

State of Nevada

Attorney for Defendant

Deputy District Attorney

Deputy District Attorney

Attorney for Defendant

Plaintiff

JOURNAL ENTRIES

- At the hour of 10:00 a.m., deliberations commenced.

OUTSIDE THE PRESENCE OF THE JURY: Telephone Conference between The Court and Counsel regarding question from Jury about a written transcript coming back for review. COURT ORDERED, Jury to review the CD.

INSIDE THE PRESENCE OF THE JURY: At the hour of 2:58 p.m., the Jury returned with the following Verdicts:

COUNTS 1, 2, 4, 5, 6, 9, 10, 12, 13, 14, 15, 17, 18, 20, 21, - GUILTY, SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (F);

COUNTS 3, 7, 8, 16, 19, 22 - GUILTY, LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F);

COUNTS 11, 31, 36 - GUILTY - OPEN OR GROSS LEWDNESS (GM);

COUNTS 23, 24, 25, 26, 27, 28, 29, 30 - GUILTY, SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16 (F);

COUNTS 32, 33, 34, AND 35 - GUILTY, SEX ASSAULT (F)

Jury polled at the request of Defense counsel. Court thanked and excused the Jury.

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Page 1 of 2

Minutes Date:

May 25, 2012

OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, NO BAIL. FURTHER, matter
REFERRED to Parole and Probation and SET for SENTENCING.

CUSTODY

8/30/12 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 06, 2012

C-10-268285-1 State of Nevada
 vs
 Guillermo Renteria-Novoa

September 06, 2012 10:30 AM Sentencing

HEARD BY: Tao, Jerome T.

COURTROOM: RJC Courtroom 10D

COURT CLERK: Linda Skinner; Louisa Garcia/lg

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Feliciano, Mike	Attorney for Defendant
	Fleck, Michelle	Attorney for State
	Renteria-Novoa, Guillermo	Defendant

JOURNAL ENTRIES

- Hector Vasquez-Mena, Court Interpreter, also present.

Pursuant to the verdict of the Jury, DEFT RENTERIA-NOVOA ADJUDGED GUILTY OF COUNTS 1, 2, 4, 5, 6, 9, 10, 12, 13, 14, 15, 17, 18, 20, 21 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (F); COUNTS 3, 7, 8, 16, 19, 22 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); COUNTS 23, 24, 25, 26, 27, 28, 29, 30 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16 (F); COUNTS 11, 31, 36 - OPEN OR GROSS LEWDNESS (GM); COUNTS 32, 33, 34, 35 - SEXUAL ASSAULT (F). Arguments by counsel in mitigation of sentence. No Statement by the Defendant. Victim Speaker, with the assistance of Carol Partiguian, Court Interpreter, sworn and gave victim impact statement.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers and \$880 restitution, Deft. SENTENCED as follows:

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Minutes Date: September 06, 2012

- COUNTS 1, 2, 4, 5, 6, 9, 10, 12, 13, 14, 15, 17, 18, 20, 21 - LIFE with the possibility of parole after TWENTY (20) YEARS;
- COUNTS 3, 7, 8, 16, 19, 22 - LIFE with the possibility of parole after TEN (10) YEARS;
- COUNTS 23, 24, 25, 26, 27, 28, 29, 30 - LIFE with possibility of parole after TWENTY FIVE (25) YEARS;
- COUNTS 11, 31, 36 - TWELVE (12) MONTHS Clark County Detention Center (CCDC) ;
- COUNTS 32, 33, 34, 35 - LIFE with the possibility of parole after TEN (10) YEARS, with 762 DAYS credit for time served.

FURTHER COURT ORDERED, COUNT 3 TO RUN CONSECUTIVE TO COUNT 1; COUNT 6 TO RUN CONSECUTIVE TO COUNTS 1 & 3; COUNT 23 TO RUN CONSECUTIVE TO COUNTS 1, 3, & 6 AND COUNT 32 TO RUN CONSECUTIVE TO COUNTS 1, 3, 6 & 23; REMAINING COUNTS TO RUN CONCURRENT.

FURTHER COURT ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed upon release from incarceration and pursuant to NRS 179D.450, the defendant must register as a sex offender within 48 hours of release from custody.

Registration after conviction; duties and procedure; offender or sex offender informed of duty to register; effect of failure to inform; duties and procedure upon receipt of notification from another jurisdiction or Federal Bureau of Investigation.

1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to NRS 62F.220 that a juvenile has been adjudicated delinquent for an offense for which the juvenile is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, the Central Repository shall:

(a) If a record of registration has not previously been established for the offender or sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender or sex offender, update the record of registration for the offender or sex offender and notify the appropriate local law enforcement agencies.

2. If the offender or sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) Immediately provide community notification concerning the offender or sex offender pursuant

to the provisions of NRS 179D.475.

3. If an offender or sex offender is incarcerated or confined and has previously been convicted of a crime against a child as described in NRS 179D.0357 or a sexual offense as described in NRS 179D.097, before the offender or sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the offender or sex offender is incarcerated or confined shall:

(1) Inform the offender or sex offender of the requirements for registration, including, but not limited to:

(I) The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to NRS 179D.445;

(II) The duty to register in this State during any period in which the offender or sex offender is a resident of this State or a nonresident who is a student or worker within this State and the time within which the offender or sex offender is required to register pursuant to NRS 179D.460;

(III) The duty to register in any other jurisdiction during any period in which the offender or sex offender is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(IV) If the offender or sex offender moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(V) The duty to notify the local law enforcement agency for the jurisdiction in which the offender or sex offender now resides, in person, and the jurisdiction in which the offender or sex offender formerly resided, in person or in writing, if the offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker; and

(VI) The duty to notify immediately the appropriate local law enforcement agency if the offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education or if the offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education; and

(2) Require the offender or sex offender to read and sign a form stating that the requirements for registration have been explained and that the offender or sex offender understands the requirements for registration, and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the offender or sex offender;

(2) Provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475; and

(3) Provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

- 4. The failure to provide an offender or sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender or sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender or sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies;

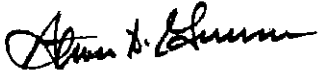
(b) Establish a record of registration for the offender or sex offender; and

(c) Immediately provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

(Added to NRS by 1997, 1655; A 1999, 1300; 2001, 2058; 2001 Special Session, 227; 2003, 289, 573, 1122; 2007, 2765, 3252).

CASE CLOSED. BOND, IF ANY EXONERATED.

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CLERK OF THE COURT

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THE STATE OF NEVADA,

Plaintiff,

vs.

GUILLERMO RENTERIA-NOVOA,

Defendant.

CASE NO. C-10-268285-1

DEPT. XX

(ARRAIGNMENT HELD IN DEPT. LLA)

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
FRIDAY, NOVEMBER 5, 2010

**RECORDER'S TRANSCRIPT OF HEARING RE:
ARRAIGNMENT CONTINUED**

APPEARANCES:

For the State:

GLEN P. O'BRIEN, ESQ.,
Chief Deputy District Attorney

For the Defendant:

MIKE FELICIANO, ESQ.,
Deputy Public Defender

Also Present:

MARIA PETERS,
Court Interpreter

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 FRIDAY, NOVEMBER 5, 2010

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: All right. This is page two, State of Nevada versus Guillermo
6 Renteria-Novoa, C268285. He is present in custody with the Interpreter.

7 Ms. Interpreter, if you'd just state your appearance for the record.

8 THE INTERPRETER: Yes, your Honor. My name is Maria Peters.

9 THE COURT: Thank you.

10 THE INTERPRETER: You're welcome.

11 MR. FELICIANO: Mike Feliciano for Mr. Renteria-Novoa. This is going to be
12 a not-guilty plea and we are going to waive our right to a speedy trial.

13 THE COURT: Okay. Is it an Information?

14 MR. FELICIANO: It is. We'll -- it's quite lengthy.

15 THE COURT: All right, sir.

16 MR. FELICIANO: We'll waive the reading.

17 THE COURT: Did you receive a copy of the Information stating the charges
18 against you?

19 THE DEFENDANT [Through the Interpreter]: He says that, yes.

20 THE COURT: All right. Did you read through it and understand it?

21 MR. FELICIANO: We -- he didn't read it because he can't read --

22 THE COURT: I'm sorry. Did -- was it read to you by either the Interpreter or
23 your attorney?

24 THE DEFENDANT [Through the Interpreter]: Today?

25 MR. FELICIANO: Not today.

1 THE COURT: Or within the last couple of days? I just need to know that you
2 understand the charges against you.

3 All right. Let me call Ms. Park.

4 THE DEFENDANT [Through the Interpreter]: It's that I don't know what he
5 told me.

6 THE COURT: Let me know when you're ready to recall it.

7 (Whereupon, the matter was trailed and then recalled.)

8 THE COURT: All right. Recalling page two, State of Nevada versus
9 Guillermo Renteria-Novoa, C268285.

10 Sir, have you now seen a copy of the charges against you?

11 THE DEFENDANT [Through the Interpreter]: Yes.

12 THE COURT: Do you understand the charges?

13 THE DEFENDANT [Through the Interpreter]: Yes.

14 THE COURT: Do you want to waive a reading of that document?

15 THE DEFENDANT [Through the Interpreter]: Yes.

16 THE COURT: How do you plead?

17 THE DEFENDANT [Through the Interpreter]: Not guilty.

18 THE COURT: You have a right to a trial within 60 days. Do you want to
19 waive or invoke that right?

20 THE DEFENDANT [Through the Interpreter]: I'd like to waive that right.

21 THE COURT: Ordinary course.

22 THE CLERK: Calendar call will be February 28th at nine a.m., with a jury trial
23 March 7th at 1:30 p.m., in District Court 14.

24 MR. FELICIANO: And, Judge, I don't think the prelim transcript has been
25 filed, but I do have a copy. We're going to ask for 21 days from today to file any

1 writs.

2 THE COURT: Yes. That'll be the order.

3 MR. FELICIANO: Thank you.

4 (Whereupon, the proceedings concluded.)

5 * * * * *

6 ATTEST: I do hereby certify that I have truly and correctly transcribed the
7 audio/video proceedings in the above-entitled case to the best of my ability.

8 
9 Kiara Schmidt, Court Recorder/Transcriber

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1 DISTRICT COURT
2 CLARK COUNTY, NEVADA

Anna L. Lamm

CLERK OF THE COURT

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5 STATE OF NEVADA,)

6 Plaintiff,)

7 vs.)

Case No. C268285
Dept. XIV

8 GUILLERMO RENTERIO-NOVOA,)

9 Defendant.)
10
11

12 REPORTER'S TRANSCRIPT
13 OF
14 DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS
15 STATUS CHECK: DISCOVERY

16 BEFORE THE HONORABLE DONALD M. MOSLEY

17 DISTRICT JUDGE

18 Taken on Wednesday, January 26, 2011

19 At 9:00 a.m.

20 APPEARANCES:

21 For the State: CHRISTOPHER P. PANDELIS, ESQ.
Chief Deputy District Attorney

22 For the Defendant: MIKE FELICIANO, ESQ.
Deputy Public Defender

23
24
25 Reported by: Maureen Schorn, CCR No. 496, RPR

1 LAS VEGAS, NEVADA. WEDNESDAY, JANUARY 26, 2011, 9:00 A.M.

2 * * * *

3
4 THE COURT: C268285, State versus Guillermo
5 Renterio-Novoa, N-o-v-o-a. The record will reflect the
6 presence of the defendant in custody. The Court's
7 interpreter is present. Mr. Feliciano is Defense counsel,
8 Mr. Pandelis for the State.

9 And the matter is on for a petition for a writ of
10 habeas corpus and status check, discovery. Let's take the
11 discovery matter. At the outset, are there any problems
12 with discovery?

13 MR. FELICIANO: At this point there isn't,
14 and if there is, then we'll definitely address that.

15 THE COURT: Now, we discussed this matter in
16 chambers, and it appears that both counsel have a problem
17 making this trial date of the 7th of March; is that
18 correct?

19 MR. FELICIANO: That's correct.

20 MR. PANDELIS: Yes, Your Honor.

21 THE COURT: And we investigated the
22 possibility of changing it to the 16th of May. So if
23 that's agreed, the trial date will be the 16th of May.
24 Calendar call?

25 THE CLERK: May 9th, 9:00 a.m.

1 THE COURT: And we'll set another date.

2 THE CLERK: Status check discovery will be

3 March 16th at 9:00 a.m.

4 THE COURT: Let's strike that. Let's make
5 that in April.

6 THE CLERK: How about April 13th?

7 THE COURT: So you have those dates;
8 April 13th, May 9th and May 16th?

9 MR. FELICIANO: Yes, Your Honor.

10 THE COURT: All right. Now, the petition
11 for a writ of habeas corpus involves eleven counts wherein
12 immigration is an issue.

13 And then in Count 27, I believe, is the count
14 that the Defense wishes to have stricken because they
15 don't think the facts amount to an attempt; is that
16 correct, Mr. Feliciano?

17 MR. FELICIANO: That's correct.

18 THE COURT: Is there anything further to be
19 said here?

20 MR. FELICIANO: No.

21 MR. PANDELIS: Submit it on the pleadings,
22 Your Honor.

23 THE COURT: Well, I examined the transcript
24 of the preliminary hearing, and I am satisfied that
25 penetration was sufficiently shown. So that involved

1 eleven counts, I can't name them offhand, but I think we
2 all know what we're talking about here.

3 MR. PANDELIS: Yes, Your Honor.

4 THE COURT: On Count 27, I'm inclined to
5 agree with the Defense, I don't think that the facts that
6 were adduced at the preliminary hearing were sufficient to
7 show an actual attempt.

8 Certain preparation solicitation, but no attempt
9 so I'm going to strike that. There is cause to have
10 stricken Count 27. Is there anything further?

11 MR. FELICIANO: No, Your Honor.

12 MR. PANDELIS: No, Judge.

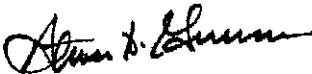
13 THE COURT: You look a little perplexed,
14 Mr. Pandelis. Is there something more?

15 MR. PANDELIS: No.

16 THE COURT: Good enough. Thank you.

17
18 ATTEST: Full, true and accurate transcript of
19 proceedings.

20 
21 MAUREEN SCHORN, CCR NO. 496, RPR


CLERK OF THE COURT

1 RTRAN

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DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

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Plaintiff,

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vs.

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GUILLERMO RENTERIA-NOVOA,

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Defendant.

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BEFORE THE HONORABLE DAVID BARKER, DISTRICT COURT JUDGE

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TUESDAY, APRIL 19, 2011

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**RECORDER'S TRANSCRIPT OF MOTION IN LIMINE TO PRECLUDE THE
STATE'S EXPERTS FROM IMPROPER VOUCHING AND TO PREVENT
"EXPERTS" FROM TESTIFYING OUTSIDE THEIR AREA OF EXPERTISE;
DEFENDANT'S MOTION FOR DISCOVERY; AND DEFENDANT'S MOTION IN
LIMINE TO PRECLUDE USE OF THE PREJUDICIAL TERM "VICTIM"**

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APPEARANCES:

20

For the State:

JOHN FATTIG
Chief Deputy District Attorney

21

For Defendant:

CLAUDIA ROMNEY
Deputy Public Defender

22

23

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RECORDED BY: SARA RICHARDSON, COURT RECORDER

25

ALSO PRESENT: ALEX ANDRADE, Interpreter

1 LAS VEGAS, NEVADA, TUESDAY, APRIL 19, 2011, 9:11 A.M.

2 * * * * *

3 THE COURT: C268285, State of Nevada versus Guillermo Renteria-
4 Novoa. Record should reflect the presence of the defendant in custody.

5 Do you need a court interpreter, sir?

6 THE DEFENDANT: Yes.

7 MS. ROMNEY: Additionally, Your Honor, we're waiting for Mike Feliciano
8 from our office who will be here to handle this case.

9 THE COURT: All right. So we'll trail this matter.

10 [Proceeding trailed until 9:18 a.m.]

11 THE COURT: C268285, State of Nevada versus Guillermo Renteria-Novoa.
12 The record should reflect the presence again of the defendant in custody,
13 assistance of the court interpreter is noted.

14 Would you state your appearance for the record, please?

15 THE INTERPRETER: Alex Andrade.

16 THE COURT: Thank you, Ms. Andrade.

17 Counsel, defense counsel and State previously identified, this is time
18 set for motion in limine to preclude State's expert from improperly vouching and to
19 prevent experts from testifying outside their scope of expertise. I thought we were
20 waiting for -- are we --

21 MS. ROMNEY: We are.

22 THE COURT: All right. Well, frankly, I was going to pass this for Judge Tao
23 anyway. I didn't spend any time reading it this morning. I was doing my own
24 calendar. Unless -- I could help push through any of the issues on discovery, but
25 since we don't have special teams on either side in the room, why don't we just set

1 this for the next available date for Judge Tao.

2 THE CLERK: April 28, 9:00 a.m.

3 THE COURT: Mr. Renteria, do you understand, I'm continuing this for the
4 assigned judge to hear it and make these decisions?

5 THE DEFENDANT: Uh-huh.

6 THE COURT: Do you have any questions?

7 THE DEFENDANT: Where's my attorney?

8 THE COURT: Your attorney is actually -- the attorney here is an attorney that
9 works in your attorney's office. All she's doing right now is writing the new date,
10 which is the 28th of April. And she's going to tell that lawyer that that lawyer needs
11 to be here. So we're not making any decisions today. And it's not -- and frankly,
12 we're not continuing it because your lawyer's not here, we're continuing it because
13 the assigned judge is not here; do you understand?

14 THE DEFENDANT: Okay.

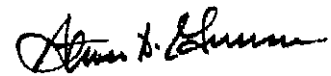
15 THE COURT: All right.

16 PROCEEDING CONCLUDED AT 9:19 A.M.

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22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

24 
25 SARA RICHARDSON
Court Recorder/Transcriber



CLERK OF THE COURT

1 RTRAN

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 GUILLERMO RENTERIA-NOVOA,

9 Defendant.

CASE NO. C268285

DEPT. NO. XX

10
11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12
13 THURSDAY, APRIL 28, 2011

14 **RECORDER'S TRANSCRIPT OF MOTION IN LIMINE TO PRECLUDE THE**
15 **STATE'S EXPERTS FROM IMPROPER VOUCHING AND TO PREVENT**
16 **"EXPERTS" FROM TESTIFYING OUTSIDE THEIR AREA OF EXPERTISE;**
17 **DEFENDANT'S MOTION FOR DISCOVERY; AND DEFENDANT'S MOTION IN**
18 **LIMINE TO PRECLUDE USE OF THE PREJUDICIAL TERM "VICTIM"**

19 APPEARANCES:

20 For the State:

LISA LUZAICH
Chief Deputy District Attorney

21 For Defendant:

AMY PORRAY
Deputy Public Defender

22
23
24 RECORDED BY: SARA RICHARDSON, COURT RECORDER

25 ALSO PRESENT: CARIDAD PFEIFFER, Interpreter

1 LAS VEGAS, NEVADA, THURSDAY, APRIL 28, 2011, 9:25 A.M.

2 * * * * *

3 THE COURT: Page six, State versus Guillermo Renteria-Novoa,
4 C268285. He is present in custody.

5 MS. PORRAY: He needs an interpreter, Your Honor.

6 THE COURT: Oh, do we have an interpreter? We don't, huh?

7 Randy, can you call?

8 THE MARSHAL: We have one on the way.

9 THE COURT: On the way? All right. Let's trail it for a moment then.

10 [Proceeding trailed until 9:39 a.m.]

11 THE COURT: Page six, State versus Guillermo Renteria-Novoa, C268285,
12 since the interpreter is here now. Mr. Renteria-Novoa is present in custody. We'll
13 wait for a second while the interpreter works her way over there.

14 MS. PORRAY: And, Judge, I'm covering for Mr. Feliciano this morning, he
15 had an emergency. He has a sick child and wasn't able to make it. So he just
16 asked that we pass this:

17 THE COURT: Okay. That's fine.

18 All right. Madam Interpreter, can you state your name for the record?

19 THE INTERPRETER: Caridad Pfeiffer.

20 THE COURT: All right. 'Til when, like a week or longer than that?

21 MS. PORRAY: I would think that -- I mean, I don't -- honestly, Judge, I don't
22 even know what it's on for. I would think Tuesday's fine.

23 THE COURT: It's a bunch of motions.

24 MS. LUZAICH: It's on for a series of motions.

25 THE COURT: Yeah.

1 MS. LUZAICH: It's been continued a couple times, and there's a trial date
2 next month. So maybe just next week.

3 MS. PORRAY: That would be fine.

4 MS. LUZAICH: Is that okay with the Court?

5 THE COURT: All right. That's fine.

6 MS. PORRAY: Oh, actually --

7 THE COURT: All right. We'll be --

8 MS. PORRAY: Can we do it Tuesday? He would be unavailable on
9 Thursday.

10 THE COURT: Oh, okay. We can do Tuesday. Tuesday's a bigger calendar,
11 but that's fine. All right. Let's do Tuesday then.

12 THE CLERK: May 3rd, 9:00 a.m.

13 MS. PORRAY: Thank you.

14 MS. LUZAICH: Thank you.

15 PROCEEDING CONCLUDED AT 9:41 A.M.

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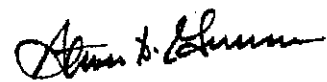
22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
video recording of this proceeding in the above-entitled case.

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SARA RICHARDSON
Court Recorder/Transcriber



CLERK OF THE COURT

1 RTRAN

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 GUILLERMO RENTERIA-NOVOA,

9 Defendant.

CASE NO. C268285

DEPT. NO. XX

10
11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12 TUESDAY, MAY 3, 2011

13
14 **RECORDER'S TRANSCRIPT OF MOTION IN LIMINE TO PRECLUDE THE**
15 **STATE'S EXPERTS FROM IMPROPER VOUCHING AND TO PREVENT**
16 **"EXPERTS" FROM TESTIFYING OUTSIDE THEIR AREA OF EXPERTISE;**
17 **DEFENDANT'S MOTION FOR DISCOVERY; AND DEFENDANT'S MOTION IN**
18 **LIMINE TO PRECLUDE USE OF THE PREJUDICIAL TERM "VICTIM"**

19 APPEARANCES:

20 For the State:

LISA LUZAICH
Chief Deputy District Attorney

21 For Defendant:

MIKE FELICIANO
Deputy Public Defender

22
23
24 RECORDED BY: SARA RICHARDSON, COURT RECORDER

25 ALSO PRESENT: PHILLIP CUARTAS, Interpreter

1 LAS VEGAS, NEVADA, TUESDAY, MAY 3, 2011, 10:20 A.M.

2 * * * * *

3 THE COURT: Page 12, State versus Guillermo Renteria-Novoa, C268285.

4 MR. FELICIANO: Good morning, Judge, Mike Feliciano for Mr. Renteria. Do
5 we have an interpreter?

6 THE COURT: And he is -- defendant is present in custody with an interpreter.
7 Let's wait for a second.

8 MR. FELICIANO: May we approach?

9 THE COURT: Sure. And for the record, Mr. Interpreter, what is your name?

10 THE INTERPRETER: Phillip, P-H-I-L-L-I-P, Cuartas, C-U-A-R-T-A-S, from
11 the Court Interpreters Office.

12 THE COURT: Thank you.

13 [Bench conference -- not transcribed]

14 THE COURT: All right. We're back on the record. This is on for three motions
15 brought by the defense, a motion in limine to preclude the State's experts from
16 giving certain testimony; a motion for discovery; and also a motion in limine to
17 preclude the State from using the prejudicial term "victim." It's my understanding
18 that as to the first motion in limine on the State's expert, the State is representing
19 that they are not actually going to call an expert. But it's my understanding that the
20 defense motion is essentially if they call an expert, that the expert shouldn't be
21 allowed to testify in this particular way. And I think the State, because they're not
22 planning on calling an expert at all, I'm assuming they have no opposition to that.
23 But I don't know if you need a ruling on that or what?

24 MR. FELICIANO: Well, I mean, it would also apply to detectives and other
25 people that are testifying as experts although they're not endorsed as such.

1 MS. LUZAICH: Well, I mean, what the motion says is we're not going to put
2 an expert on the stand that will testify outside their area of expertise --

3 THE COURT: Right.

4 MS. LUZAICH: -- not necessarily they won't be an expert. But this is, I mean,
5 the motion is premature. They need to object contemporaneously --

6 THE COURT: Right.

7 MS. LUZAICH: -- with the expert's testimony is the point.

8 THE COURT: Yeah, it's kind of a trial motion because you're sort of
9 preemptively saying, well, experts shouldn't be allowed to testify outside their area
10 of expertise, well, that's black letter law. If they try to do so, I'm sure you'll make an
11 objection at the time of trial. And once I hear what they're saying, I can decide
12 whether it is or is not outside the area of expertise. So, on that one, what we can do
13 is --

14 MS. LUZAICH: Deny it as premature, and then he can make objections
15 contemporaneously.

16 THE COURT: Yeah. Right, exactly, that's exactly where I was going to do, is
17 we can deny the motion now, but obviously, that's -- it's black letter law that experts
18 can't testify outside their area of expertise. And if there's any objections at trial, I'll
19 address them after I've heard the actual testimony.

20 As to the motion for discovery, it's my understanding that you guys
21 actually wanted to go through the motion point by point and make a record, or at
22 least have a ruling on every one of the discovery issues; is that correct?

23 MR. FELICIANO: Yes, Your Honor. We have the other one that we can
24 dispose of pretty quickly, the victim motion, if you have that one.

25 THE COURT: Okay. Let's do that one first then. It's a motion in limine to

1 preclude the State from calling the -- well, from using the word "victim," and it's -- the
2 basis of your motion is that the State hasn't -- well, it's very -- it's very -- the basis of
3 your motion is that it's very much in contention whether or not a crime has actually
4 occurred in this case; and therefore, you believe that the word "victim," to the extent
5 it suggests the conclusion that the crime in fact did occur, that that term is
6 prejudicial. Is that a fair summary of your motion?

7 MR. FELICIANO: Yeah, yeah. I mean, we're having a trial to determine if
8 there, in fact, is a victim. So that's -- that's the point of my motion.

9 THE COURT: All right. And Ms. Luzaich, did you want to make a record on
10 that?

11 MS. LUZAICH: Well, yeah, I mean, it's kind of a generic kind of term. It's not
12 as if we're going to say in every single sentence, "The victim this, the victim that."

13 THE COURT: Right.

14 MS. LUZAICH: I mean, we can say once, "The victim in this is such-and-so,
15 and this is what happened." But to say we can't use the word "victim" all, I mean, is
16 kind of ridiculous.

17 MR. FELICIANO: Well, it's -- I don't think it's ridiculous. I mean, we can --
18 there's other words that we can use that wouldn't be overly burdensome. We can
19 refer to people by their names, as the complaining witness, as accuser. We don't
20 need to use the word "victim."

21 MS. LUZAICH: And the defense can do that. And we do refer to victims and
22 witnesses by their names. But, you know, sometimes the word "victim" slips out,
23 and we're not going to overuse it. But sometimes it slips out and it's appropriate.

24 THE COURT: Right. Here's what I'm going to do, I've read the cases. I'm not
25 sure that all the cases that you cite actually support your proposition at least as to

1 the term "victim." But what I'm going to do is I'm going to deny the motion.
2 Ms Luzaich has done a lot of these cases before. If it turns out -- if it appears to me
3 that she's abusing the term -- the word at trial, then I can make a ruling at that time.
4 But just saying right now she can never use the word "victim" even once during a
5 trial, I don't know that there's any case law that supports that. And so the motion's
6 denied. But we'll address it at trial if there's any evidence that she's abusing it or
7 taking advantage of it or overusing it or anything like that.

8 All right. On the motion for discovery then, in the motion you raise, let's
9 see, how many points are there? A lot. There are 16 specific things that you are
10 seeking. The State has filed a written opposition. It's my understanding that you
11 guys actually want to go through all the 16 points one by one?

12 MR. FELICIANO: Yes, please.

13 MS. LUZAICH: For the most part, there's no objection.

14 THE COURT: Right.

15 MS. LUZAICH: Then the objection to the few that there is -- is more of a
16 narrowing kind of thing.

17 THE COURT: Right. All right. Well, one of the ones that's in contention is
18 point number one, which is the C.P.S. records. And it's my understanding that the
19 State is agreeing that they -- the defense is entitled to C.P.S. records concerning
20 this event, but -- but not to any other C.P.S. records that are not related to this
21 event; is that correct?

22 MS. LUZAICH: Okay. Well, not necessarily they're entitled to, what we do
23 with C.P.S. records is do an order having them sent to the Court --

24 THE COURT: Right.

25 MS. LUZAICH: -- for the Court to review them in camera.

1 THE COURT: Right.

2 MS. LUZAICH: And that we would certainly be happy to do.

3 THE COURT: Right, which I do all the time, right.

4 MS. LUZAICH: But what we would ask them to send the Court is records
5 pertaining to this event not to anything pertaining to the family ever in the history of
6 their lives.

7 THE COURT: Right.

8 MS. LUZAICH: That's not relevant.

9 THE COURT: Mr. Feliciano, what's your response?

10 MR. FELICIANO: Well, I mean, I absolutely think we're entitled to any notes
11 concerning this event. However, if there's anything in the C.P.S. records that would
12 be, say, *Miller* or *Summit* material, I think we would be entitled to that as well. I
13 mean, that's another part of my request in another area of my motion. But we would
14 be entitled to those C.P.S. records.

15 MS. LUZAICH: Right. And we -- when we get to that, I mean, I agree that we
16 would have the obligation to ask the family, have there been any other allegations,
17 have there been any false allegations that they're aware of.

18 THE COURT: Right. All right. And I think issues one --

19 MS. LUZAICH: One, two, and three are kind of together.

20 THE COURT: -- one, two, and three are all interrelated, they're kind of the
21 same thing. So as to issues one, two, and three, I am going to order that the State
22 produce for in-camera inspection any C.P.S. records concerning this event and/or
23 any records of any mental health. I don't know if there have been any mental health
24 evaluations, but on number three, any mental health evaluations relating to this case
25 and any other records of social workers or case workers from C.P.S. concerning this

1 case for in-camera inspection.

2 All right. Number four, physical examinations.

3 MS. LUZAICH: They're absolutely entitled to that. They don't -- it was my
4 understanding they had it, but if they don't, whatever they don't have they will get.

5 THE COURT: All right. So, the State is not opposing number four. So on
6 number five --

7 MR. FELICIANO: So just for the record, Judge, that's granted?

8 THE COURT: Yeah, it's granted with no opposition by the State.

9 Number five?

10 MS. LUZAICH: Number five, you know, they're entitled to know that all
11 witnesses get witness fees, that they're entitled to counseling. But I don't believe
12 that they're entitled to the specifics of anything because the victims don't get any
13 money. The money goes right to the counselors.

14 MR. FELICIANO: Well, I don't think we can get the information without
15 actually knowing what the -- what the specifics are. So I'm not -- I'm not following
16 you.

17 MS. LUZAICH: I mean, we're happy to say, yes, victims, you know, one, two,
18 three were referred for counseling and went to counseling. But they don't need to
19 know to whom and when and things of that nature.

20 MR. FELICIANO: Well, and we would disagree with that. And we think we
21 would be entitled to all of that information.

22 MS. LUZAICH: Why? What's the relevance?

23 THE COURT: I mean, okay, so you're talking about -- are we talking about
24 compensation or are we talking about other, perhaps, psychiatrists or social workers
25 that V.W.A.C. refers them to?

1 MR. FELICIANO: I'm talking about any information that V.W.A.C. has.

2 THE COURT: Well --

3 MS. LUZAICH: I mean, nobody's gotten anything. Nobody's bills are being
4 paid for them, nobody's getting money or anything like that. The only thing --

5 THE COURT: Right. V.W.A.C. doesn't do any of that, so I'm not sure
6 whether --

7 MS. LUZAICH: Correct.

8 THE COURT: -- there even are any records.

9 MS. LUZAICH: The only thing they do is refer victims for counseling --

10 THE COURT: And they give them --

11 MS. LUZAICH: -- and then they actually pay it to the counselors.

12 THE COURT: Right.

13 MS. LUZAICH: The victim isn't getting anything. The victim's not getting, you
14 know, \$100.00 every time they go to counseling.

15 THE COURT: Right.

16 MS. LUZAICH: They just get counseling.

17 MR. FELICIANO: Well, they're all -- but they're getting free counseling, which
18 would be a benefit.

19 MS. LUZAICH: Right. And I said, they're entitled to the information that, for
20 example, victim one, two, three was referred to and received counseling. That's the
21 extent of the information they're entitled to.

22 THE COURT: Right. I mean, that's typically all that V.W.A.C. even has. All
23 right. Well, here's what I'm going to do, on number five, since -- since most of these
24 records that he referenced here probably don't even exist, is it fair to say, State, that
25 you're technically not opposing it, that whatever V.W.A.C. has that you'll give 'em

1 because -- with the understanding that they probably don't have very much?

2 MS. LUZAICH: Well, they don't get the --

3 THE COURT: Is that a fair statement or not?

4 MS. LUZAICH: -- information that victim number one went to see counselor
5 John Smith on 27 occasions. They just get the information that victim number one
6 went to see a counselor. And the counselor was paid directly.

7 THE COURT: Right. Would V.W.A.C. even know how many times they
8 went? They don't report back to V.W.A.C., do they?

9 MS. LUZAICH: Probably -- well, the victims don't. But the counselors do
10 because they get paid.

11 THE COURT: Oh, because they get paid, right.

12 MS. LUZAICH: By the state fund. And it's not Victim Witness or the D.A.'s
13 office that pays, it's the state fund that pays.

14 THE COURT: Right.

15 MR. FELICIANO: So, since that is a benefit, we would be entitled to know
16 what payments were made, whatever log they keep of that.

17 MS. LUZAICH: Well, no, the counselor gets the benefit, not the victim. The
18 victim gets counseling. That's the benefit, the counseling.

19 MR. FELICIANO: I would think counseling is a benefit though.

20 MS. LUZAICH: I don't think it's a benefit. I think it's unfortunate that the
21 victim's been through what they've been through and therefore have to go to
22 counseling, so I don't perceive it as a benefit. But --

23 MR. FELICIANO: But counseling isn't free. That's my point.

24 THE COURT: All right. Here's what I'm going to order, if V.W.A.C. has
25 referred the victim to counseling, then they're entitled to know who the person was

1 referred to. I don't know that the -- that they're entitled to V.W.A.C.'s logs of how
2 often they went to counseling. But there's -- yeah, I'm not sure what the -- I mean,
3 I'm not sure what the difference between knowing that somebody was referred to
4 counseling by V.W.A.C. and the State was paying for it out of a fund versus they
5 went ten times and the State was paying it out of a fund when that fund is not -- it's a
6 state fund, it's not in exchange for testimony or anything like that. I'm not sure
7 what -- I'm not sure that you get much -- much more out of that. But to the extent
8 that V.W.A.C. has information on any counseling that was -- that the victim was
9 referred to, Ms. Luzaich, you -- you can turn that over. But I don't know that he
10 needs the detailed logs on how often they went, what dates they went, and how
11 many hours they were there, that kind of thing.

12 MR. FELICIANO: Okay. So, I'm just not sure what exactly I'm entitled to
13 then. I mean, do I get to know how much was paid to the counselor? That would be
14 the benefit.

15 THE COURT: Ms. Luzaich --

16 MS. LUZAICH: But it's not. The victim's not getting the monetary benefit, the
17 counselor is.

18 MR. FELICIANO: And the counselor's getting the money because the
19 counselor's providing counseling and the counseling is a service which is a benefit.

20 MS. LUZAICH: Right. So, they get to find out the victim was referred to
21 counseling, they went, and that they went to this person.

22 THE COURT: And the State's paying for the counseling. Right. I mean,
23 that's -- yeah, I mean, I think you're -- I mean, you're entitled to know if they were
24 referred to counseling.

25 MS. LUZAICH: I'm not even sure that they did in fact go. So, I mean, I can't

1 even comment one way or another on that.

2 THE COURT: Right. It may be moot. There may be no such records. But
3 let's assume for a second --

4 MS. LUZAICH: That is possible.

5 THE COURT: -- for the purposes of the motion that there was some referral
6 and they actually went to the counseling and some amount of money was paid, what
7 you're -- what I'm going to order is that the State has to indicate if there was a
8 referral, and if the person actually went to counseling, but I don't know that -- but
9 you're not going to -- you're not entitled to know how many times they went, what
10 dates they went, and exactly how much money was paid because, again, I'm --
11 that's a benefit that doesn't go directly to the victim.

12 But it certainly is the kind of thing where if they went to a counselor, that
13 could lead to discoverable evidence depending on what the nature of the counseling
14 was. But in terms of how -- how many times they went, exactly how much money
15 was paid, I don't know that that -- first of all, I'm not sure V.W.A.C. tracks that, but
16 even if they do, I don't know that that helps you, and that and you're starting to get
17 into the areas of potential privilege as well.

18 All right. So, number six --

19 MR. FELICIANO: So, that, I mean, as far as my request, that appears to be
20 denied then?

21 THE COURT: It's granted in part. It's granted in part. You're entitled to know
22 if V.W.A.C. referred them to counseling and if money was paid by V.W.A.C. through
23 the state fund for any counseling that was -- that they actually attended.

24 MR. FELICIANO: Okay. But not entitled to know how many times --

25 THE COURT: The dates, how many times they went, yeah, that kind of thing.

1 MR. FELICIANO: And not entitled to know how much was actually paid?

2 THE COURT: Right.

3 MR. FELICIANO: Okay.

4 THE COURT: All right. Number six?

5 MS. LUZAICH: Not opposed.

6 THE COURT: Number six --

7 MS. LUZAICH: They're entitled to all of that, and I believe they've got it. And
8 if there's anything else that comes up, we will get it to them.

9 THE COURT: Yeah, it's not opposed.

10 All right. Number seven?

11 MS. LUZAICH: They're not entitled to N.C.I.C. They're entitled to the
12 information contained within, whether there are felonies convictions of witnesses --

13 THE COURT: No, I know. That's what I usually order is at least you --

14 MS. LUZAICH: -- misdemeanors to honesty, and --

15 THE COURT: Right. What my standard is, I'm going to order that you run
16 N.C.I.C. You don't have to give the printouts because I understand that that's
17 confidential. But if there is any information, any convictions within -- felony
18 convictions within the last ten years or any felony convictions for which the term of
19 parole, probation, or imprisonment ended within the last ten years, that's information
20 that clearly is -- potentially exculpatory and any other information that -- additionally,
21 any other possible misdemeanors or gross misdemeanors that may bear on
22 credibility, theft, fraud, perjury, things like that.

23 You don't have to give the actual printouts, but you're entitled -- but you
24 have to give the substantive information. And you understand your obligation, right?

25 MS. LUZAICH: I do. With all due respect to the Court, I don't think the Court

1 can order me to run N.C.I.C. pursuant to our agreement with N.C.I.C.; however, I
2 mean, I want to know whether the witnesses have felony convictions and things of
3 that nature. So I run them anyway.

4 THE COURT: Right. And if you run 'em, and you see any of that information,
5 then you're required to turn that over.

6 MS. LUZAICH: Absolutely.

7 THE COURT: All right. Number eight?

8 MR. FELICIANO: I'm sorry, just to -- on seven, that was the issue of
9 credibility, and just to make sure, that's also anything that would indicate any type of
10 bias as well? Credibility and bias.

11 THE COURT: Like what? Other than -- other than convictions, what do you --
12 I'm not

13 MR. FELICIANO: Well, I mean, any type of conviction or anything that would
14 either affect the witness's credibility or somehow bias the witness.

15 THE COURT: Well, other than what I've said, what else would that be?

16 MR. FELICIANO: Well, I don't know what's out there, so.

17 MS. LUZAICH: I mean, for example, what kind of conviction could possibly
18 bear on bias?

19 MR. FELICIANO: Well, if, without getting into too much, anything that's
20 similar to this case.

21 MS. LUZAICH: Oh, all right.

22 MR. FELICIANO: Things like that, anything where -- well, it's another issue,
23 but if the District Attorney's office prosecuted somebody for something or anything
24 that would affect the witness's testimony. And they're pretty close, I mean, as far as
25 the credibility-and-bias issue. But I just wanted to make -- that's one thing I added to

1 motion, I just wanted to make sure that was clear. Anything, of course, anything
2 that's similar to this type of case would -- would definitely bias the witness.

3 THE COURT: Ms. Luzaich, your response?

4 MS. LUZAICH: I have no -- I mean, something along -- similar offense as this,
5 that I understand. That's fine.

6 THE COURT: Right. So you're not opposing that?

7 MS. LUZAICH: No.

8 THE COURT: All right. So ordered.

9 Number eight?

10 MS. LUZAICH: Prior allegations or false, I agree that, I mean, we've got the
11 obligation to ask if any allegations were ever made, if they were false, and if they
12 were we will turn them over. Just as long as the State -- or the defense understands
13 that there are very specific requirements that they must follow should they choose to
14 seek to use that information.

15 THE COURT: All right. Does that satisfy you, Mr. Feliciano?

16 MR. FELICIANO: Yes, so they will actually ask the witness?

17 MS. LUZAICH: Or family or --

18 MR. FELICIANO: Or whoever. Yeah, yeah.

19 THE COURT: All right. Number nine, it looks like the State's not opposing
20 this one; is that correct?

21 MS. LUZAICH: That's correct. We'll ask.

22 THE COURT: All right. And number ten? Well, I mean, that's kind of broad,
23 but --

24 MS. LUZAICH: You know what, I can't imagine that there is anything. But if
25 something pops up we will certainly share it.

1 THE COURT: All right. Number 11?

2 MS. LUZAICH: They're entitled to that. If there's anything that they don't
3 have, we will certainly give it. Pretty much everything else thereafter, they're entitled
4 to it, if they don't have it already --

5 THE COURT: Yeah, I was going to say --

6 MS. LUZAICH: -- and it comes up, we will give it.

7 THE COURT: -- all right. I was going to say, it looks like 12 to 16 are all
8 unopposed.

9 MR. FELICIANO: Yeah. And just, I mean, to be clear on 11, we're, I mean,
10 we're asking for any notes that weren't -- that didn't actually make it into the police
11 report or any other type of reports or --

12 MS. LUZAICH: Correct, handwritten notes.

13 MR. FELICIANO: -- into Metro's system.

14 MS. LUZAICH: I understand. Generally, the notes get put into a police report
15 and then destroyed. But if any notes have not been destroyed, then, yes, they're
16 entitled to them.

17 THE COURT: All right. Then as I mentioned, 12 through 16 are all
18 unopposed, is there anything else on this motion that you wanted on the record?

19 MR. FELICIANO: Well, as to -- Court's indulgence.

20 As to 15, we would ask that the District Attorney ask the witness if
21 there's any type of immigration benefits as a result of this case.

22 THE COURT: Ms. Luzaich, your position?

23 MS. LUZAICH: We are not giving anybody any immigration benefits, period.

24 MR. FELICIANO: Well, not them necessarily, but there are certain, I mean,
25 there's certain ways that people can get visas for if certain things happen.

1 MS. LUZAICH: If somebody comes to us for U visas, we do not sign them
2 because we don't want people to think that they're getting benefits as this. So,
3 nobody's getting any immigration benefits.

4 MR. FELICIANO: So, I would just request that if they ask if there's, I mean,
5 any immigration benefits as a result of this case, not just from the D.A.'s office, but
6 immigration benefits in general.

7 MS. LUZAICH: Okay, now if they go to Legal Aid, that has nothing to do with
8 us.

9 MR. FELICIANO: Well, if they go to Legal Aid and they talk about this case,
10 and Legal Aid helps them get a visa based on what they're told, then it does.

11 MS. LUZAICH: Well, it's my understanding that nothing happens regarding
12 that until the case is concluded anyway.

13 MR. FELICIANO: Well, that's why I would just that the D.A. ask if there's any
14 type of immigration case pending, open, any type of visa that has been applied for
15 based on the allegations in this case.

16 THE COURT: Ms. Luzaich, --

17 MS. LUZAICH: Whatever.

18 THE COURT: -- you can just ask the question, I guess, the answer's probably
19 going to be, no, but you never know.

20 MR. FELICIANO: Okay. So we'll ask?

21 THE COURT: Yeah, I'm going to require her to ask, it'll take her ten seconds
22 to ask. All right. Anything else?

23 MR. FELICIANO: Nope, I think that's it.

24 THE COURT: All right. That takes care of all three motions, correct?

25 MR. FELICIANO: Yes.

1 THE COURT: All right. We have a calendar call date on May 17th, I'll see you
2 guys then if not earlier with any other motions then, all right.

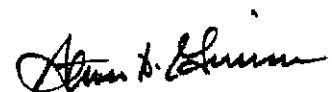
3 MR. FELICIANO: Thank you, Judge.

4 PROCEEDING CONCLUDED AT 10:42 A.M.

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
22 video recording of this proceeding in the above-entitled case.

23 Sara Richardson
24 SARA RICHARDSON
25 Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 GUILLERMO RENTERIA-NOVOA,

9 Defendant.

CASE NO. C268285

DEPT. NO. XX

10
11 BEFORE THE HONORABLE JOSEPH BONAVENTURE, SENIOR JUDGE

12
13 TUESDAY, MAY 17, 2011

14 **RECORDER'S TRANSCRIPT OF CALENDAR CALL**

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18 APPEARANCES:

19 For the State:

CHRISTOPHER P. PANDELIS
Deputy District Attorney

21 For Defendant:

MIKE FELICIANO
Deputy Public Defender

23
24 RECORDED BY: SARA RICHARDSON, COURT RECORDER

25 ALSO PRESENT: FRANCISCO MADRIGAL, Interpreter

1 LAS VEGAS, NEVADA, TUESDAY, MAY 17, 2011, 9:37 A.M.

2 * * * * *

3 THE COURT: Page four, Renteria-Novoa.

4 MR. PANDELIS: Good morning, Your Honor, Chris Pandelis for the State.

5 MR. FELICIANO: Mike Feliciano for Mr. Renteria-Novoa.

6 MR. PANDELIS: Your Honor, Mr. Feliciano contacted me late last week
7 indicating that he would be requesting a continuance today. I have no opposition
8 given the fact that this was originally a Department 14 case, and then when it was
9 reassigned to Department 20, the date of the trial was changed without any input
10 from Mr. Feliciano. And I know he had a conflict with the date.

11 THE COURT: All right. So, you want another date; is that correct?

12 MR. FELICIANO: I've talked to Mr. Pandelis about several dates that would
13 work. Or a couple -- I don't know if September 5th would be available?

14 THE CLERK: No, September is a civil stack.

15 MR. FELICIANO: Okay. How about November 14th?

16 THE CLERK: No, that is a civil stack.

17 MR. FELICIANO: Okay.

18 THE CLERK: Our criminal stacks, we have a five-week stack starting
19 August 1st, or we have a five-week stack starting October 10th.

20 MR. FELICIANO: Okay. What --

21 MR. PANDELIS: Do you have a December stack?

22 THE CLERK: No, our next stack is starting January 3rd in 2012.

23 MR. FELICIANO: What's the end of the criminal stack before that?

24 THE CLERK: The November stack, the last week is November 7th, and it's a
25 four-day stack -- or a four-day week.

1 MR. FELICIANO: Okay. We already -- yeah, November 7th should be okay.
2 If there's an issue I'll put it back on early to address it.

3 THE CLERK: A four-day week will be fine then because the 11th is a holiday?

4 MR. PANDELIS: Yeah, that should be fine.

5 THE CLERK: Calendar call will be November 1st at 9:00 a.m.; jury trial will be
6 November 7th at 10:30 a.m.

7 THE COURT: Okay.


8 MR. FELICIANO: Thank you.

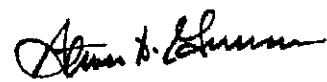
9 PROCEEDING CONCLUDED AT 9:37 A.M.

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
video recording of this proceeding in the above-entitled case.


SARA RICHARDSON
Court Recorder/Transcriber



CLERK OF THE COURT

1 RTRAN

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DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

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Plaintiff,

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vs.

8

GUILLERMO RENTERIA-NOVOA,

9

Defendant.

10

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BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

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13

TUESDAY, NOVEMBER 1, 2011

14

RECORDER'S TRANSCRIPT OF CALENDAR CALL

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APPEARANCES:

20

For the State:

MICHELLE FLECK
Deputy District Attorney

21

For Defendant:

MIKE FELICIANO
Deputy Public Defender

22

23

24

RECORDED BY: SARA RICHARDSON, COURT RECORDER

25

ALSO PRESENT: CARIDAD PFEIFFER, Interpreter

1 LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 1, 2011, 9:33 A.M.

2 * * * * *

3 THE COURT: Page three, State versus Guillermo Renteria-Novoa, C268285.
4 Does he need an interpreter?

5 MR. FELICIANO: He does.

6 THE COURT: All right. He's present in custody with the assistance of a
7 Spanish interpreter.

8 MR. FELICIANO: Good morning, Judge.

9 THE COURT: Good morning.

10 MR. FELICIANO: Mike Feliciano for Mr. Renteria-Novoa.

11 THE COURT: All right. So what's the status here? This is the time set for
12 calendar call?

13 MR. FELICIANO: Judge, there's still an audio statement that we're missing
14 that's Mr. Renteria's statement. I've spoken to Ms. Fleck about it, and we need that
15 statement before we proceed. We were asking to vacate the trial date and reset it.

16 MS. FLECK: And, Judge, I recently got this case, apparently Mr. Feliciano
17 has been asking for some discovery and it never got to him. So I'm obviously --

18 THE COURT: Okay.

19 MS. FLECK: -- not opposing the continuance.

20 THE COURT: Okay. All right. Do you guys want to reset it for the next stack
21 then or what?

22 MR. FELICIANO: What's the next stack?

23 THE COURT: Or status-check it?

24 THE CLERK: I have January for five weeks, it starts January 3rd. Or I have
25 March 12th for five weeks.

1 MR. FELICIANO: Let me take a look at my calendar. Is January 23rd
2 available?

3 THE CLERK: Yes.

4 MR. FELICIANO: That'd be good if that's good with the State and the Court.

5 THE COURT: Okay with you, Ms. Fleck?

6 MS. FLECK: You know, Judge, I have stuff every week, so let's just set it and
7 we'll see how it goes.

8 THE COURT: All right. We'll do the 23rd then.

9 THE CLERK: Calendar call's going to be January 17th at 8:30 a.m.; jury trial
10 will be January 23rd at 10:30 a.m.

11 MR. FELICIANO: Thank you, Judge.

12 MS. FLECK: Thank you.

13 THE COURT: All right, see you then.

14 MS. FLECK: Thank you.

15 PROCEEDING CONCLUDED AT 9:35 A.M.

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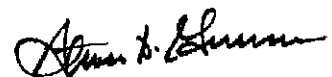
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
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SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

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Plaintiff,

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vs.

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GUILLERMO RENTERIA-NOVOA,

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Defendant.

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BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12

TUESDAY, JANUARY 17, 2012

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14

RECORDER'S TRANSCRIPT OF CALENDAR CALL

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APPEARANCES:

20

For the State:

MICHELLE FLECK
Deputy District Attorney

21

For Defendant:

MIKE FELICIANO
Deputy Public Defender

22

23

24

RECORDED BY: SARA RICHARDSON, COURT RECORDER

25

ALSO PRESENT: SHIRLEY LANDBERG, Interpreter

1 LAS VEGAS, NEVADA, TUESDAY, JANUARY 17, 2012, 9:16 A.M.

2 * * * * *

3 THE COURT: Bottom of two, State versus Guillermo Renteria-Novoa,
4 C268285. Are you Mr. Renteria-Novoa?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you need the Spanish interpreter, sir?

7 MR. FELICIANO: He does.

8 THE COURT: Do we have the interpreter? Oh, we don't have one.

9 MR. FELICIANO: Could we approach briefly?

10 THE COURT: Sure.

11 [Bench conference -- not transcribed]

12 THE COURT: All right. First of all, it's my understanding that this case is not
13 going to go. Mr. Renteria-Novoa, it's my understanding that there were -- well, your
14 attorney believes that there are some things that you wanted to address with me
15 today; is that correct? In terms of -- well, maybe -- maybe he misunderstood, or
16 maybe I misunderstood, but it's my understanding that you and your attorney have
17 been having some issues, and that you -- is that not correct?

18 THE DEFENDANT: Okay. Either he -- I've been here for 18 months, and I
19 see no results. Either he works for me or he should step aside, withdraw.

20 THE COURT: All right. Mr. Renteria-Novoa, I don't know the details of what's
21 going on between you and your attorney, this is how it works, under the law you are
22 entitled to the assistance of a court-appointed attorney. You're not required, I mean,
23 you're not permitted to pick and chose the attorney that you get. And Mr. Feliciano
24 has been on your case, I know, for quite a long time. I can tell you that he's an
25 extremely skilled and experienced attorney. He's assigned to one of the specialty

1 teams in the Public Defender's office, and you don't get assigned to that team
2 unless you're a really good attorney and you've done a lot of trials and you really
3 know what you're doing. So what I can tell you is you have one of the best attorneys
4 for this type of case in town.

5 I don't know exactly what's going on here and what it is that you
6 expected him to do, but based on my dealings with him, I'm confident that he's done
7 everything that he thinks that he can do. And if there are things that still need to be
8 done, he -- I mean, I don't want to speak for him, but just knowing of what he does
9 and what his office does and the support system they have, he's probably in the
10 process of doing them.

11 Now, what they've told me is he's still investigating, he's still working on
12 some of the things that you need him to do and want him to do. And so this case is
13 not going to trial next week. So we're going to reset this trial for a couple months
14 down the road. And that will give him time to do more investigation and more
15 preparation and maybe that will address some of the specific concerns that you
16 have. I don't know what those concerns are, but there's still plenty of time for him to
17 get this case ready and assert any defense that is warranted and appropriate.

18 All right. So that's the situation. We're resetting the trial so there's
19 plenty of time for him to come and do more things, maybe you think he hasn't done
20 enough. But again, based on my experience with him and knowing how his office
21 works, I'm sure he's done a lot. And I know for a fact that motions have already
22 been filed in this case.

23 All right. Does that address your concerns?

24 THE DEFENDANT: Yes, I expect some positive results.

25 THE COURT: Okay. All right. So based on the conversation, let's reset this

1 trial. And Mr. Feliciano, you said that March wasn't good for you?

2 MR. FELICIANO: It's not. I'm -- I think I'm set every week in March.

3 THE COURT: All right. What's the stack after that? It begins, what's the
4 exact date?

5 THE CLERK: The next stack after the March stack is May -- it begins
6 May 21st.

7 THE COURT: May 21st, and then for the five weeks after that. Ms. Fleck, do
8 you know what your schedule is or do you need time to --

9 MS. FLECK: Can we just recall it in a few minutes? I'm just getting my
10 schedule e-mailed to me. I should have brought it, but --

11 THE COURT: All right. Let's do that. We'll trail it just for a moment just to get
12 a trial date then.

13 MS. FLECK: Thank you.

14 [Proceeding trailed until 9:36 a.m.]

15 THE COURT: Bottom of page two, State versus Guillermo Renteria-Novoa,
16 C268285. Mr. Renteria-Novoa, again, is present in custody with the assistance of
17 the Spanish interpreter. For the record, Madam Interpreter, what is your name?

18 THE INTERPRETER: Shirley Landberg, Your Honor.

19 THE COURT: All right. And we were waiting for everyone to check their
20 calendars for the trial date.

21 MS. FLECK: So it would start the week of the 21st of May?

22 THE COURT: Right. And go for five weeks after that, yeah, so 'til almost the
23 end of June.

24 MS. FLECK: Okay.

25 THE CLERK: There's only four days in the --

1 MS. FLECK: I can do the 21st. There's -- there's four days in which week?

2 THE CLERK: On the 28th.

3 MS. FLECK: Okay. The 21st I can do, can you?

4 MR. FELICIANO: Yep.

5 MS. FLECK: Okay.

6 THE COURT: All right. Let's do that.

7 THE CLERK: Calendar call is going to be May 15th at 8:30 a.m.; jury trial will
8 be May 21st at 10:30 a.m.

9 THE COURT: All right. Mr. Renteria-Novoa, that gives your attorney a full
10 four months from today to keep working on your case and investigating your
11 defenses. All right?

12 MS. FLECK: Thank you so much, Your Honor.

13 MR. FELICIANO: Thanks, Judge.

14 THE COURT: All right. See you then. Thank you.

15 PROCEEDING CONCLUDED AT 9:37 A.M.

16 *****


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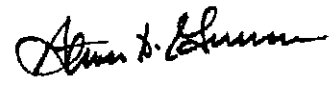
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22 video recording of this proceeding in the above-entitled case.

23 
24 SARA RICHARDSON
25 Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 GUILLERMO RENTERIA-NOVOA,

9 Defendant.

CASE NO. C268285

DEPT. NO. XX

10
11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12 THURSDAY, MAY 10, 2012

13
14 **RECORDER'S TRANSCRIPT OF MOTION TO SUPPRESS**

15
16
17
18 APPEARANCES:

19 For the State:

MICHELLE FLECK
Deputy District Attorney

20
21 For Defendant:

MIKE FELICIANO
Deputy Public Defender

22
23
24 RECORDED BY: SARA RICHARDSON, COURT RECORDER

25 ALSO PRESENT: MANUEL CALVILLO, Interpreter

1 LAS VEGAS, NEVADA, THURSDAY, MAY 10, 2012, 10:07 A.M.

2 * * * * *

3 THE COURT: Bottom of nine, State versus Guillermo Renteria-Novoa,
4 C268285.

5 MS. FLECK: Good morning, Your Honor.

6 THE COURT: Morning. This is on for a motion to suppress filed by the
7 defendant. I'll note the defendant is present in custody. Does he need the
8 interpreter or no?

9 MR. FELICIANO: He does.

10 THE COURT: Oh, okay. Let's give the interpreter a second, he's filling out
11 his paperwork. All right. And I know you just said your name, and you've said it,
12 like, ten times today, but for the record --

13 THE INTERPRETER: Manuel Calvillo, Your Honor.

14 THE COURT: Thank you very much.

15 This is on for a motion to suppress a statement made by the defendant.
16 I read the transcript here, I actually find it kind of interesting. On page two of the
17 transcript he's read his *Miranda* rights, he says, "Do you understand your rights?"
18 "Yes." "Do you still want to talk to me about Roxana?" And his next answer in the
19 transcript is, "I don't want to forgot," and then it's a bunch of blanks. I don't know if
20 somebody has the actual recording of this so I can hear what the blanks are
21 because that's kind of an important statement.

22 MR. FELICIANO: When I filed the motion I sent a CD over with it. I don't
23 know if that -- did that not make it?

24 THE COURT: It didn't make it through, yeah.

25 MR. FELICIANO: I can make another copy and provide it to the Court for you

1 to listen to.

2 MS. FLECK: And I don't have it -- I don't have the entire file, so I don't have
3 the audio with me.

4 THE COURT: Okay. That's fine. But, I mean, obviously, that's -- that's kind
5 of an important blank to have there in response to the question, "Do you want to talk
6 to me?"

7 Anyway, so I've read the motion, I've read the response, it looks like the
8 State has no opposition to a *Jackson v. Denno* hearing. The question is, we have a
9 trial date of May 21st, so there's not that much time left to do a *Jackson v. Denno*
10 hearing. I know the State's probably going to need some time to subpoena
11 witnesses, that kind of thing. Or --

12 MS. FLECK: No, I mean, I would only have the detective. So --

13 THE COURT: Okay.

14 MS. FLECK: -- really, I think it's something that can be done --

15 THE COURT: Well, here's the question --

16 MS. FLECK: -- very quickly.

17 THE COURT: Yeah, we could do it a couple different ways, we could do it
18 even the morning of trial, or do you want to do it earlier than that? I don't know what
19 your preference is.

20 MR. FELICIANO: Well, when -- when would you have available, would it be in
21 the afternoon or next week?

22 THE COURT: Well, our trial's not going next week apparently, so we could do
23 it -- well, is that enough time for you to get your detective in here?

24 MS. FLECK: Are we first up on the stack for the trial? I mean, are there any
25 murders or anything before us?

1 THE COURT: Oh, no, you're not, Johnny Brown is first. That's one that --
2 yeah, that's a much older case. Is this overflow eligible or not? Yeah, I'd be
3 surprised, I mean, just reading the counts will take more than --

4 MS. FLECK: What's that?

5 THE COURT: I'm just joking. I was going to say because, you know,
6 overflow has to be less than a week, there's 52 counts, just reading the instructions
7 might be a day, so I'd be surprised if it's overflow eligible. I could be wrong. I'm just
8 saying.

9 MS. FLECK: So you have a murder set that week?

10 THE COURT: It's not a murder, it's just -- it's a retrial of an older case is the
11 problem.

12 MS. FLECK: Okay.

13 MR. FELICIANO: And that's likely going to go?

14 THE COURT: Yeah, it's a retrial, so, yeah, probably unless it deals in the next
15 few days. How long is this trial going to be?

16 MS. FLECK: I would say a week. I don't -- I don't see how it would be more.

17 MR. FELICIANO: Unless we -- if we're in a department that just does
18 afternoons it could go longer.

19 THE COURT: Well, I have Mondays and Fridays we can go 9:00 to 5:00. It's
20 just Tuesdays, Wednesdays, Thursdays when I have morning calendars.

21 MR. FELICIANO: Okay.

22 THE COURT: And even Tuesday, Thursdays, you know, I'm usually done by
23 about 10:15, we can start at 10:30. So it's three-quarters of a day.

24 MR. FELICIANO: That was -- that was more -- I mean, if we have to go to
25 overflow, if we got a -- ended up in a department that was afternoons, we might go

1 over a week. But if we could maybe do the *Jackson v. Denno* hearing next week,
2 whenever the Court is available.

3 THE COURT: The other idea my clerk just threw out, and I know this is
4 probably a major inconvenience is I don't have a trial next week, the one that we
5 thought was going to go is not going to go, we could move it up and try it next week.
6 I don't know if that's doable with your witnesses.

7 MR. FELICIANO: Yeah, I won't be ready next week.

8 THE COURT: Okay. All right. Well, let's at least set the *Jackson v. Denno*
9 hearing. We can do that, the easiest way -- I usually set those after my Tuesday or
10 Thursday morning calendar at around 10:30 or so. Is that enough time; you want
11 next Tuesday or next Thursday?

12 MS. FLECK: Let's do Tuesday, but is there any way that we can do it right
13 after lunch?

14 [Colloquy between the Court and the clerk]

15 THE COURT: With the courtroom sharing I have to make sure we have a
16 courtroom, yeah.

17 MS. FLECK: Courtroom sharing. Yeah, because we both have so much
18 going on in the mornings.

19 THE CLERK: And it probably is because you had a trial set.

20 THE COURT: Right, but let's double-check. The courtroom-sharing thing is --

21 Are we talking Tuesday or Thursday afternoon? Tuesday?

22 MS. FLECK: Tuesday would be great.

23 THE COURT: Okay. Good, let's do Tuesday afternoon then. Do you guys
24 want --

25 THE CLERK: So do you want to do 1:00? 1:30?

1 THE COURT: Do you guys have a preference? 1:30? 1:00?

2 MS. FLECK: 1:30's great.

3 MR. FELICIANO: 1:30 is fine.

4 THE COURT: All right. Let's do 1:30 on the 15th.

5 MS. FLECK: Thank you.

6 THE COURT: And if you can, if you can provide me a copy of that disk again
7 maybe have a runner bring it over because I noticed that in various parts in this
8 transcript there are kind of little sections where, I mean, you've probably noticed,
9 little -- where they couldn't transcribe it was there, I'd like to hear it.

10 MR. FELICIANO: I'll have a copy made today and brought over today.

11 THE COURT: Okay. All right. See you next Tuesday.

12 MS. FLECK: Thank you.

13 MR. FELICIANO: Thanks, Judge.

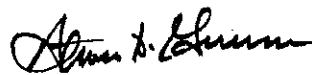
14 PROCEEDING CONCLUDED AT 10:14 A.M.

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
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23 Sara Richardson
24 SARA RICHARDSON
25 Court Recorder/Transcriber

1 RTRAN


CLERK OF THE COURT

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 GUILLERMO RENTERIA-NOVOA,

9 Defendant.
10

CASE NO. C268285

DEPT. NO. XX

11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12
13 TUESDAY, MAY 15, 2012

14 **RECORDER'S TRANSCRIPT OF CALENDAR CALL;**
15 **MOTION TO SUPPRESS; AND JACKSON V. DENNO HEARING:**
16 **DEFENDANT'S MOTION TO SUPPRESS**

17 APPEARANCES:

18 For the State:

MICHELLE FLECK
NICKOLAS J. GRAHAM
Deputies District Attorney

21 For Defendant:

AMY A. FELICIANO
MIKE FELICIANO
Deputies Public Defender

24 RECORDED BY: SARA RICHARDSON, COURT RECORDER

25 ALSO PRESENT: JEFF HANKS and CONSUELO CISNEROS, Interpreters

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1 LAS VEGAS, NEVADA, TUESDAY, MAY 15, 2012, 9:05 A.M.

2 * * * * *

3 THE COURT: All right. Page one, State versus Guillermo Renteria-Novoa,
4 C268285. Does he need the interpreter?

5 MS. FELICIANO: He does. And this is Mr. Feliciano's case. He's on his way
6 here right now. He was in another department. If we can just trail this?

7 THE COURT: All right. That's fine.

8 MR. ZADROWSKI: We're waiting for Ms. Fleck, Your Honor.

9 MS. FLECK: I'm here.

10 THE COURT: Well, she's right behind you. Was this one -- were you guys
11 going to announce ready; do you know?

12 MS. FELICIANO: I believe so, Your Honor.

13 THE COURT: Okay.

14 [Proceeding trailed until 9:11 a.m.]

15 THE COURT: Let's start with -- go back to State versus Guillermo
16 Renteria-Novoa, C268285. And the defendant is present in custody with the
17 assistance of a Spanish interpreter. For the record, Mr. Interpreter, what is your
18 name?

19 THE INTERPRETER: Jeff Hanks.

20 THE COURT: Thanks.

21 All right. This is the time set for calendar call. We also have a *Jackson*
22 *v. Denno* hearing this afternoon. What's the status of the trial?

23 MR. FELICIANO: We're ready.

24 THE COURT: All right. How many days?

25 MS. FLECK: We're ready as well, Judge.

1 THE COURT: How many witnesses?

2 MS. FLECK: We'll have about 10 to 12 witnesses.

3 THE COURT: And how many days do you think?

4 MS. FLECK: Hopefully we can get it done in a week.

5 THE COURT: All right. Then, you're first up. And it's my understanding, well,
6 I'm not sure what's happening with Johnny Brown, but it's my understanding
7 Ms. Allen's still on jury duty. So I'm assuming that one may not be going. All right.
8 So you guys are set Monday morning at 9:00 o'clock. And we'll see you back this
9 afternoon for the hearing.

10 MR. FELICIANO: All right. Thank you.

11 MS. FLECK: Thank you.

12 THE COURT: All right. Excellent.

13 [The matter was recalled at 1:38 p.m.]

14 THE COURT: All right. On the record, State versus Guillermo
15 Renteria-Novoa, C268285. Mr. Renteria-Novoa is present in custody with the
16 assistance of a Spanish interpreter.

17 For the record, Madam Interpreter, what is your name?

18 THE INTERPRETER: Consuelo Cisneros, Your Honor.

19 THE COURT: Thank you.

20 Can everybody state their appearances for the record?

21 MS. FLECK: Michelle Fleck for the State and Nick Graham for the State.

22 MR. FELICIANO: Mike Feliciano and Amy Feliciano for the defense.

23 THE COURT: All right. We're here for a *Jackson v. Denno* hearing
24 pursuant to a motion to suppress filed by the defense. Before we begin the
25 hearing is there anything that either side wanted to put on the record?

1 MS. FLECK: Nothing from the State.
2 MR. FELICIANO: No, judge.
3 THE COURT: All right. Then, State, do you have any witnesses present?
4 MS. FLECK: I do. State would call Detective Jaeger.
5 THE COURT: Are they out in the hallway right now or what?
6 MS. FLECK: Yes, he is. Let me go get him.
7 THE COURT: State, how many witnesses do you have total?
8 MS. FLECK: Just one.
9 THE COURT: Where did he go? Oh, he's -- Detective, we need you up
10 here.

11 MS. FLECK: Sorry.

12 **RYAN JAEGER,**

13 [having been called as a witness and being first duly sworn, testified as follows:]

14 THE CLERK: Thank you. Please be seated. Please state your full name,
15 spelling your first and last name for the record.

16 THE WITNESS: My name a Ryan Jaeger, R-Y-A-N, J-A-E-G-E-R.

17 THE COURT: All right. Before we proceed, Ms. Fleck, are you going to
18 need the ELMO or anything? Any electronic stuff?

19 MS. FLECK: I'm not.

20 THE COURT: Okay. All right. You may proceed.

21 MS. FLECK: Thank you, Your Honor.

22 **DIRECT EXAMINATION OF RYAN JAEGER**

23 BY MS. FLECK:

24 Q Good afternoon, Detective. How are you employed?

25 A With the Las Vegas Metropolitan Police Department.

1 Q And how are you employed within Metro?
2 A I'm currently a detective assigned to the sexual assault detail.
3 Q How long have you been with Metro?
4 A A little over 14 years.
5 Q And how many of those 14 years were served within the sexual
6 assault unit?
7 A A little over four.
8 Q All of those as a detective?
9 A That's correct.
10 Q At some point through -- well, were you employed as a detective in
11 2010, as a sexual assault detective?
12 A Yes. Yes, I was.
13 Q And in that year did you have an opportunity to come into contact
14 with a defendant by the name of Guillermo Renteria-Novoa?
15 A Yes, I did.
16 Q How was it that Mr. Renteria-Novoa came to your attention?
17 A At first I had knocked on his door, and I spoke to his girlfriend. I left
18 one of my business cards with his girlfriend, and I asked him to give me a call.
19 Q Okay. Just, I guess, a little bit before that, did you develop
20 Mr. Renteria-Novoa as a suspect in a specific crime?
21 A Yes, I did.
22 Q And how did that occur?
23 A It came with an interview from Roxanna Perez which would be the
24 daughter of his ex-girlfriend.
25 Q Okay. Did you actually speak with Roxanna Perez?

1 A Yes, I did.

2 Q And what was the allegation that you got from Ms. Perez?

3 A Roxanna Perez had the allegation that her mom's boyfriend,
4 Mr. Guillermo, would ask her to get naked in exchange for stuff, an iPad, and
5 perform sexual favors for gifts.

6 Q Okay. So based upon that did you do anything else before you
7 came into contact with the defendant?

8 A I interviewed Roxanna and then Roxanna's sister.

9 Q Did you have any contact with anyone else in Roxanna's family?

10 A Her mother. And I believe it was her mother's sister.

11 Q Then did you do any kind of an arrest warrant or did you just do
12 some sort of investigation in order to locate Mr. Renteria-Novoa?

13 A Mr. Renteria was located through investigative measures. I just
14 didn't want to submit a search warrant without getting his side of the story first.

15 Q All right. When was it then that you finally came into contact with
16 the defendant?

17 A I left a business card with his girlfriend. And a few hours after I left
18 the business card he called and left a voicemail. The next day I returned the
19 call, I spoke to him on the phone, I discussed the allegations with him. And we
20 scheduled an appointment for a few days later to be interviewed.

21 Q What day was -- I'm sorry, did I interpret you?

22 A I don't remember the exact date.

23 Q Okay. If I showed you your report would you --

24 A It would be on the transcripts.

25 Q Pardon me?

1 A It would be the transcripts.

2 Q Okay. I was just going to show your report to see if it refreshed your
3 memory as to the day that you were first in contact with him. Would it?

4 A Yes. I think it's the second page.

5 Q May I approach?

6 THE COURT: You may.

7 BY MS. FLECK:

8 Q Showing you your report to see if it refreshes your memory.

9 A I left my business card on February 18th of 2010. He called me
10 back that same day and we scheduled an appointment for an interview on
11 March 6, 2010.

12 Q Okay. So you said that you first called the defendant and he called
13 you back?

14 A I left a business card with his girlfriend. He called and left a
15 message, and then I called him back, and we spoke.

16 Q When he called and left a message, did he identify himself as
17 Guillermo Renteria-Novoa?

18 A Yes, he did.

19 Q Was he speaking English or Spanish?

20 A English.

21 Q Did you have any problem understanding the message that was left
22 for you that day?

23 A No, I did not.

24 Q You then called him back?

25 A I did.

1 Q And when you called him back, was he speaking -- did he identify
2 himself as Renteria, Mr. Renteria-Novoa?

3 A Yes, he did.

4 Q And was he speaking English or Spanish?

5 A English.

6 Q Any problem understanding him that day?

7 A No.

8 Q You said that you then planned to meet down at the detective
9 bureau?

10 A Yes.

11 Q And that was on March 6th?

12 A Yes.

13 Q He willingly came and voluntarily came that day?

14 A That's correct.

15 Q Do you remember how he got to the detective bureau?

16 A He drove himself.

17 Q Was he alone or with someone else?

18 A He was alone.

19 Q So what happened once he got to the bureau?

20 A We conducted a digitally recorded interview. After the interview he
21 was released.

22 Q Do you see the person that you had identified as
23 Mr. Renteria-Novoa and the person that came down to interview with you, do
24 you see him in the courtroom today?

25 A Yes, I do.

1 Q Can you please point to him and describe something he's wearing
2 for the record?

3 A He's wearing the blue shirt with the blue pants.

4 MS. FLECK: Okay. Let the record reflect identification of the defendant?

5 THE WITNESS: The record will so reflect.

6 BY MS. FLECK:

7 Q Now, you said that you interviewed him. Where was it that this
8 interview took place?

9 A It was actually the Oakey Building. It was 4750 West Oakey. It was
10 the investigative services division building. On the first floor there is a bunch of
11 interview rooms.

12 Q What does the interview room look like?

13 A It's just a small room no bigger than a closet with a table in it and
14 two chairs. There is one door in the room, no windows. It's a pretty small room.

15 Q Were you the only two in the room?

16 A Yes, we were.

17 Q Was the defendant handcuffed or restricted in any way?

18 A No. He was not handcuffed at any time.

19 Q What time of day, if you remember, did the interview take place?

20 A At the time I was working swing shift, so I would imagine it was in
21 the afternoon. But I don't know. I'd have to look at the report for the exact time.

22 Q Okay.

23 MS. FLECK: May I approach?

24 THE COURT: You may.

25 BY MS. FLECK:

1 Q Just showing you the voluntary statement to refresh your memory.
2 Does that -- let me know if that refreshes your memory as to the time.

3 A It was actually in the morning at 10:00 o'clock in the morning.

4 Q Okay. So it was midmorning then. When -- when the defendant
5 came to you that day, did you have an opportunity to talk before you started the
6 tape recorder, before you started the actual interview?

7 A Yes. Yes. The way the building is set up, there is, like, a lobby with
8 the receptionist. He would leave his name with the receptionist, the receptionist
9 calls. He's got a -- he signs in. He gets, like, a visitor badge. And then I come
10 out to the front and I get him. It's not very far. But there is normally
11 conversation from the lobby to the interview rooms.

12 Q When you were engaged in this conversation from the lobby into the
13 interview room, were you and defendant speaking English or Spanish?

14 A English.

15 Q Any time through that conversation that you couldn't understand
16 what the defendant was saying?

17 A No.

18 Q Any time through that conversation that he asked you to explain
19 yourself or indicated he didn't understand when you were speaking English?

20 A No.

21 Q Any time during that conversation that he asked for an interpreter or
22 a translator?

23 A No, he did not.

24 Q So you said then you got into the interview room, did you say that
25 that was a recorded interview?

1 A Yes.

2 Q Did you have an opportunity to *Mirandize* the defendant?

3 A Yes, I did.

4 Q And did you do that from card or from memory?

5 A From card.

6 Q What was it that the -- what rights were given to him?

7 A His right to remain silent, his right to the presence of an attorney, if
8 he could not afford an attorney one would be appointed.

9 Q Did he indicate to you during that interview and after you read him
10 those rights that he understood those rights?

11 A Yes, he did.

12 Q And then what happened?

13 A We conducted the interview. He, based on the phone call, he knew
14 the allegations that were filed against him. During the phone call he said that he
15 just kind of wanted to fix everything, and that's why he came down. We
16 discussed the allegations and he admitted to most of them.

17 Q Okay. At any time during that entire interview did you have the
18 feeling that the defendant couldn't understand the questions that you were
19 posing?

20 A No.

21 Q Were his answers always articulate?

22 A I wouldn't say always, but for the most part they were --

23 Q Maybe --

24 A -- articulate.

25 Q -- that was a bad word. Were they always appropriate to the

1 questions that you had posed?

2 A Yes.

3 Q Did he ever ask you to explain yourself?

4 A There was a few times when he would ask me to explain something.
5 Sometimes I'll talk fast.

6 Q Okay.

7 A And I would repeat what I asked him or I would ask it in a different
8 way. And we got through the conversation fine.

9 Q Did the defendant ever indicate to you during that -- during the
10 interview -- well, let's see, you said that the interview started at 10:12; do you
11 remember how long it lasted?

12 A It was about a half-hour interview.

13 Q Okay. If I told you it ended at 10:41 does that sound about right?

14 A That's about right.

15 Q Any time through that roughly half-hour interview that the defendant
16 indicated to you that he was uncomfortable?

17 A No.

18 Q Did he ever indicate to you that he needed to use the restroom?

19 A No, he did not.

20 Q Did he ever ask for food or water?

21 A No, he did not.

22 Q Any time through that interview that you threatened the defendant to
23 stay and to talk with you?

24 A No, I did not.

25 Q Or to give you certain answers?

1 A No, I did not.

2 Q Throughout that half-hour interview did the defendant ever ask to
3 seek the advice of counsel?

4 A No, he did not.

5 Q And did he ever indicate to you through that half-hour interview that
6 he did not wish to speak to you?

7 A No. He did not. He actually drove himself there.

8 Q Okay.

9 MS. FLECK: Pass the witness.

10 THE COURT: Detective, I have a couple questions for you. I have here a
11 disk of the interview and also a transcript. I don't know if the State's going to
12 mark these or not, but you're familiar with the disk that I'm talking about, the
13 recording?

14 THE WITNESS: Yes.

15 THE COURT: Did you have any conversations with him at the station
16 house outside the presence, I'm sorry, that were not recorded on this disk?

17 THE WITNESS: I'm sure there was because we weren't always in the
18 interview room. We start in the lobby and then we have to walk into it, so it
19 would be small talk. The distance --

20 THE COURT: Was there any conversation about the -- about the case?
21 About the matter that he was there for?

22 THE WITNESS: No.

23 THE COURT: All right. Now, I just want you to clear up one thing, you
24 said that he knew the purpose of the interview because you had told him over
25 the phone. Can you distinguish between what was discussed over the phone

1 versus what was discussed at the interview room?

2 THE WITNESS: When he called on the phone he was worried that we
3 were just going to take Roxana's word and he was automatically going to jail. I
4 just discussed to him that if I just wanted to take him to jail I could just show up
5 at whatever hour in the morning and take him to jail.

6 It was important that I get his side. We had to schedule the
7 appointment for a time he wasn't working, so I think there was a gap in when it
8 was scheduled. And I explained to him when I get his side, he'll be walking out
9 of interview room.

10 THE COURT: All right.

11 THE WITNESS: And we'll submit it to the court. So that was -- that was a
12 conversation that we had on the phone call scheduling the appointment.

13 THE COURT: All right. I appreciate that.

14 Cross-examination.

15 MR. FELICIANO: Thank you, Judge.

16 **CROSS-EXAMINATION OF RYAN JAEGER**

17 BY MR. FELICIANO:

18 Q How long was the phone call? There was one phone call?

19 A It's been a while. I know he left a message. I called him back. I
20 couldn't say for sure that it was one phone call. But the norm is he would call
21 and we would schedule an appointment that fits his schedule and mine.

22 Q Okay. So when you set that appointment that's when you talked
23 about wanting to get his side of the story?

24 A That's correct.

25 Q But when you first talked to him, was it, it was obvious to you that

1 English was not his first language; is that correct?

2 A He called and left me a message in English.

3 Q Okay. But my question is, it was obvious to you that that was not
4 his first language? He spoke with an accent?

5 A He did speak with an accent, yes.

6 Q With a fairly strong accent?

7 A That's correct.

8 Q When you talked on the phone what else did you speak about?

9 A I discussed the allegations with him. I let him know why I was
10 looking for him and that I wanted to get his side of the story. He was concerned
11 that he wanted to fix all this. He had moved on from that relationship. So we
12 scheduled the appointment for him to come down and give his statement.

13 Q So you told him the specific allegations that were made against
14 him?

15 A That's correct.

16 Q And of course you told him who was making the allegations?

17 A That's correct.

18 Q And that you needed his side before anything else was going to
19 happen in the case?

20 A That's correct.

21 Q Did you tell him what would happen if he didn't come in and speak
22 to you?

23 A Sure.

24 Q What did you tell him would happen?

25 A I would tell him that the case would get submitted without his side.

1 We would just submit the case just on Roxana's version.

2 Q And he would eventually be arrested, correct?

3 A That's correct. Well, an arrest warrant would be issued. That's not
4 my choice to issue the arrest warrants. But it would have been submitted to the
5 D.A.'s office for review.

6 Q But you told -- so you told him that the case would be submitted
7 without him being able to tell his side?

8 A That's correct.

9 Q And that he would eventually be arrested?

10 A I told him that an arrest warrant may be issued.

11 Q An arrest warrant may be issued if he doesn't come in and tell his
12 side?

13 A That's correct.

14 Q So how long after that conversation did -- did he come in for the
15 interview?

16 A I would have -- I would have to look because I think he was working
17 a couple jobs. I had weird hours. So there was a delay. But I don't know if it's a
18 day or a week. I'd have to look in the arrest report or in the declaration of
19 warrant. I don't know.

20 Q And you're not sure how many conversations you had with him on
21 the phone, just so we're clear?

22 A No, I'm not.

23 Q Okay. When he came into the office, to the I.S.D. building, you said
24 there was some conversations before the recording started.

25 A I'm sure there was, yeah.

1 Q Now, during that conversation he told you that he didn't -- he wasn't
2 comfortable speaking English; is that correct?

3 A No, he never said that.

4 Q He never said anything -- anything about not being able to speak
5 English well?

6 A No.

7 Q Okay. How about during the recording?

8 A No.

9 Q Did he say that his English wasn't very good?

10 A Not that I can remember.

11 Q All right.

12 A We communicated fine through phone calls and for a half an hour
13 during the interview.

14 Q Okay. Page 13.

15 MR. FELICIANO: May I approach?

16 THE COURT: You may.

17 BY MR. FELICIANO:

18 Q Okay. I'm approaching with a transcript on page 13, if you could
19 read just that line to yourself.

20 A No, my English is not good.

21 Q Okay. So when you did interview him he did express concerns
22 about his ability to speak English; is that correct?

23 A There was one sentence where he was -- he gave a reply and the
24 tense was wrong. So he said, "No, my English is not good."

25 And I believe I told him, your English is a lot better than my Spanish.

1 Q Okay. Do you speak Spanish?

2 A Not at all.

3 Q Now are there interpreters available in the I.S.D. building?

4 A Yes. Well, not in the building, but there is several detectives that
5 speak Spanish.

6 Q So would that have been something that would have been difficult
7 for you to set up if you wanted to get an interpreter for the interview?

8 A It would have been a phone call.

9 Q All right. Now, is there a reason you didn't do that?

10 A I didn't think I needed one. There was no need for one.

11 Q And that's because, in your opinion, his English was -- was fine?

12 A That's correct. I was able to communicate quite openly with him.

13 MR. FELICIANO: Court's indulgence.

14 THE COURT: Sure.

15 BY MR. FELICIANO:

16 Q Now, when you read him his rights, you read him his rights as soon
17 as the recording started going, correct?

18 A I don't know immediately, but very shortly after the recording
19 started.

20 Q Okay. You never asked him if he wanted to waive his rights; is that
21 correct?

22 A I believe I asked him if he acknowledged his rights. It's in the
23 transcripts. I don't know the exact words.

24 Q Okay.

25 A Or I asked him if he understands his rights. You would have to look

1 at what the transcripts say.

2 Q Okay. You asked him if he understood his rights and he said yes.
3 You never asked him if he wanted to actually waive those rights; is that correct?

4 A That's correct.

5 Q And then you asked him if -- if he wanted to talk to you about
6 Roxana, right?

7 A That's correct.

8 Q Now, he didn't say yes at that point, right?

9 A It was a conversation that happened over two years ago. So I don't
10 know.

11 Q Okay. Let me.

12 A If I could see the transcripts.

13 MR. FELICIANO: May I approach?

14 THE COURT: You may.

15 BY MR. FELICIANO:

16 Q So just read this to yourself, just down to the bottom of the page.

17 A Okay.

18 Q So when you asked him if he still wanted to speak to you about
19 Roxana he didn't say yes, he just started talking to you about the case?

20 A That's correct.

21 Q So he never did, in fact, tell you one way or another if he wanted to
22 speak to you about it or not?

23 A I mean, it was implied because he didn't get up and leave the room
24 or tell me that he didn't want to.

25 Q Was he told that he could leave the room whenever he wanted?

1 A Sure. Sure.

2 Q When was he told that?

3 A That was the conversation that we had on the phone. I mean, he
4 knew that he was going to come down and give his statement and leave.

5 Q Okay. You told him on the phone that if at any time he wanted to
6 get up and leave he could leave?

7 A I'm sure he was aware of that because his biggest fear was that he
8 was just going to get arrested and get taken to jail. I told him --

9 Q What did you tell him?

10 A Again, it was a conversation that was over two years ago. I mean,
11 the discussion was I wanted to get his version of the story. He was concerned
12 that he was going to go to jail as soon as the cops found him. The line that I
13 normally use is, Ninjas aren't going to fall from trees and take you to jail, let's
14 have a conversation and get your side of it.

15 Q Okay. So on the phone you probably didn't tell him that at any time
16 he could leave during the interview if he wanted?

17 A In those exact words, probably not.

18 Q You said that a few times throughout the interview he asked you to
19 explain further, I guess, the question you were asking? You said that on direct
20 examination.

21 A I'm sure. I mean, every interview there is a question that people
22 don't understand and I have to reask it.

23 Q Okay. Now, do you remember which questions those were?

24 A That I couldn't tell you.

25 Q Okay.

1 MR. FELICIANO: Court's indulgence.

2 BY MR. FELICIANO:

3 Q Okay. Was there ever any points during the interview where he just
4 seemed to be rambling and not making much sense?

5 A Not that I can recall.

6 Q Okay.

7 MR. FELICIANO: May I approach?

8 THE COURT: You may.

9 BY MR. FELICIANO:

10 Q Thank you. Twenty-one, if you could read the answer, this part just
11 down to here. Starting with, "I leave everything."

12 A Okay.

13 Q Is it fair to say that this statement doesn't really make much sense?

14 A That statement alone, but he's clearing his conscience right there.
15 He's just -- because I asked him, leave it all out. And he's basically telling me
16 that, you know, everywhere he goes he runs into this lady and he just wants to
17 get everything off his chest. So if you just read that one sentence it doesn't
18 really make sense, but if you read the sentence before it, it kind of makes sense

19 Q But looking at that, looking at that statement --

20 A Looking at that one sentence, no.

21 Q Well, the paragraph actually.

22 A Or that one paragraph, no.

23 Q It makes -- it makes really no sense, correct?

24 A No.

25 Q All right. And looking at that you can attribute that to, possibly to a

1 language barrier, correct?

2 MS. FLECK: Well, and Judge, I'm just going to ask that if we're going to
3 bring in that answer, that we get in the first question just to give it context and to
4 be fair to the detective. If you look at the question he's basically saying, is there
5 anything else you need to get off your chest, is there anything else you've been
6 carrying around with you that you -- if there was you might as well leave it here.

7 And then the paragraph that Mr. Feliciano refers to, I leave
8 everything. I'm paying for my mistake. So you know, if you want to get out that
9 paragraph I think it's fair --

10 MR. FELICIANO: That's fine.

11 MS. FLECK: -- to put it in context as to it's rambling because he is, it's a
12 stream of consciousness, basically, of him getting everything off of his chest and
13 sort of just haphazardly saying everything that's happened to him based upon
14 the question that the detective posed to him.

15 MR. FELICIANO: I'm going to object at this point. Counsel's testifying.

16 THE COURT: All right. So, Ms. Fleck, what's -- what's your objection
17 then, you just want the --

18 MS. FLECK: Well, I would just like some context. To not, you know, for
19 him to characterize it as that it's not him understanding, how can he say that
20 it's -- that the defendant isn't understanding when we don't even know what the
21 question is? So I would prefer that we just allow the question to come in to the
22 record so that then when the answer is included it makes sense --

23 MR. FELICIANO: Okay.

24 MS. FLECK: Because it makes perfect sense with the question.

25 THE COURT: All right. Detective, do you, I know you just looked at the

1 transcript a second ago, did you read the question or did you not have time to
2 read the question?

3 THE WITNESS: I read the question.

4 THE COURT: Okay. So, well, Ms. Fleck, do you want the question read
5 into the record into the transcript of the record today? Is that what you're asking
6 for? Because the detective said he read the question, so he understands the
7 question. But I don't know if you want it in the transcript for the record.

8 MS. FLECK: Well, I'll just clear it up on redirect.

9 THE COURT: All right.

10 MR. FELICIANO: Well, for the record, I'd like to read in the question that
11 I'm talking -- the answer that I'm talking about, if I may, the one that I just
12 showed the detective.

13 THE COURT: The last paragraph on the bottom of page 21?

14 MR. FELICIANO: Yes, starting at, "I leave everything."

15 THE COURT: Well, here's the problem, and just for the record, I listened
16 to the whole tape last night. The problem is the answer that you're getting at has
17 these blanks in it in which the transcriber couldn't understand what was being
18 said even though there are words, when I listened to the tape, there are words
19 being spoken that the transcriber just didn't type them in there. So I'm not sure
20 that reading it with these blanks in the transcript is really an accurate reflection
21 of what was actually recorded.

22 I noticed that actually in several place throughout the transcript
23 where there are just blanks because the transcriber, for whatever reason,
24 couldn't make out what was being said. But things are actually being said, so.

25 MR. FELICIANO: This is the record we have to go off of, Judge, so, I

1 mean, if this is what we have in the record, this is his statement, this is supposed
2 to be an accurate reflection of what he said on that day.

3 THE COURT: Well, I'm not sure what you're saying. Are you saying the
4 actual recording from which this transcript was made is not part of the record?

5 MR. FELICIANO: Yes. But if I can't make out what is being said, for
6 whatever reason, then the transcription, I guess the transcriptionist couldn't
7 make that out, for whatever reason, so that's -- that's why we have the blank.

8 MS. FLECK: No, oftentimes they just don't.

9 MR. FELICIANO: And, again, I'm going back to the language barrier
10 where, you know, we're saying that because of the language barrier we have
11 this nonsensical answer.

12 MS. FLECK: No. That's not -- that's not what it is. Like, for instance, on
13 page two, where, as Your Honor had pointed out a couple days ago, the
14 question was, "Um, do you still want to talk with me about Roxana."

15 And the answer is, "I -- I don't want to forget," and then he kind of
16 stops talking.

17 The detective says, "You want to put," and then there is crosstalk,
18 as they say. And that's why there is a blank because it's more jumbled and then
19 he goes on to talk. So not all of the blanks mean that you can't understand what
20 was said. As you just pointed out, oftentimes, if you listen to the interview you
21 can absolutely understand it. Just for some reason if they were doing the
22 transcription too quickly or they were rushing through it, they didn't want to take
23 the time to go back. But you can understand what was being said.

24 THE COURT: So --

25 MS. FLECK: And obviously the audio is part of the record.

1 THE COURT: Right. So, Mr. Feliciano, I'm not sure what you want to do,
2 you actually, you literally want to read this into the record right now?

3 MR. FELICIANO: What I can do is I could just -- we can just -- for the
4 purposes of this hearing admit this entire transcript.

5 THE COURT: Any objection, State? I mean, it seems like a lot easier
6 than having him read the transcript into the record verbatim.

7 MS. FLECK: Absolutely. I thought that it was already in.

8 THE COURT: Yeah, I'm --

9 MR. FELICIANO: Is it?

10 THE COURT: Well, it's not actually marked and admitted. If you want to
11 do that, we can do that. Or do you want to just, I mean, I can just make it part of
12 the record. I don't know if you want it marked separately for any reason.

13 MR. FELICIANO: So it will be part of the --

14 THE COURT: Whatever you want to do.

15 MR. FELICIANO: -- record and -- along with the audio?

16 THE COURT: All right. So, well, I mean, we can make it part of the
17 record. The question is, do you want it marked so that way later on when you
18 refer to it, you know, it will have an exhibit number and all that? Or do you want
19 to be that formal about it? Or you just want to --

20 MR. FELICIANO: Yeah, just for --

21 THE COURT: Okay.

22 MR. FELICIANO: -- for appellate purposes.

23 THE COURT: Okay. So we'll make it whose exhibit? It's your exhibit or
24 your exhibit, State? You want to make it yours then?

25 MR. FELICIANO: Yeah. But only for the purposes of this hearing though.

1 THE COURT: All right. So we'll make the transcript of the voluntary
2 statement the defense exhibit, proposed exhibit number one. And we'll make
3 the actual recording, I have this copy -- A and B rather -- and then we'll make the
4 actual recording of it or the DVD or CD of it Defense Proposed Exhibit B.

5 And, State, do you have any objection to admitting these Exhibits A
6 and B?

7 MS. FLECK: I do not.

8 THE COURT: All right. Then they are admitted and that will save us time.
9 That way you don't have to read the actual transcript into the record. All right.

10 **[DEFENDANT'S EXHIBITS A AND B ADMITTED]**

11 MR. FELICIANO: Court's indulgence.

12 THE COURT: The copy that I have here, anybody object to my making
13 this one B so that you don't have to provide another copy? All right. We'll make
14 this one official Exhibit Number B. And then I need a clean copy of the
15 transcript, because I wrote all over mine, to actually admit into the record.

16 Thanks.

17 MS. FLECK: Sure.

18 THE COURT: All right. This will be A.

19 BY MR. FELICIANO:

20 Q During one of the conversations that you had with him on the
21 phone, we're not sure if it's -- if it's one or more, his main concern was the fact
22 that he would go to jail; is that fair?

23 A In his mind he thought every police car out there was looking for
24 him.

25 Q Okay. So he was -- he seemed scared, is that --

1 A Oh, yeah.

2 Q And when you talked to him you assured him that he wasn't going to
3 go to jail?

4 A That's correct.

5 Q And you told him it was important for him to get his side of the story
6 out, correct?

7 A That's correct.

8 Q And if he came in and spoke to you that -- that he would not be
9 going to jail?

10 A That day, that's correct.

11 Q Okay. But you didn't tell him that day, you just told him he wouldn't
12 be going to jail if he came in and spoke with you?

13 A I told him that he would not be leaving in handcuffs that day.

14 Q And that's how you phrased it?

15 A That's correct. I mean, it's the -- it's the same conversation I have
16 with --

17 Q Okay. And after you said that what was his demeanor?

18 A It was on the phone, so I don't know what his demeanor was. I
19 mean, he --

20 Q When he was speaking to you at that point is that when he agreed
21 to come in or was it -- did he agree to come in before that?

22 A I don't know. I mean, that's something, I can't remember if he
23 agreed to come in before or come in after. I would imagine after. I mean, that's
24 just the flow of the conversation. But I don't -- I can't tell you either way.

25 Q After you told him that he wouldn't be leaving in handcuffs that day?

1 A That's correct.

2 Q Okay.

3 MR. FELICIANO: Court's indulgence. Okay. Thank you, Detective.

4 Pass the witness.

5 THE COURT: All right. Redirect.

6 MS. FLECK: Nothing further.

7 THE COURT: All right. Is the detective free to go?

8 MS. FLECK: Yes.

9 THE COURT: All right. Thanks, Detective, for your testimony.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: State, any other witnesses?

12 MS. FLECK: Nothing else.

13 THE COURT: All right. Mr. Feliciano, any witnesses that you wish to
14 call?

15 MR. FELICIANO: No, Judge.

16 THE COURT: All right. Any other evidence from either party? Exhibits?
17 Anything like that?

18 MS. FLECK: Nothing from the State.

19 THE COURT: All right. Then let's wait for the witness to leave the room
20 for a second, just don't want him to hear the argument part. So let's give him a
21 second.

22 All right. So, that's the conclusion of the evidence.

23 Mr. Feliciano, I'll let you go first since -- well, technically, the State
24 has the burden. But it's your motion. It's one of those kind of
25 burden-shifting-type things so it doesn't matter to me who wants to go first. I

1 don't stand on formalities.

2 MS. FLECK: He can go ahead.

3 MR. FELICIANO: So State's going to reserve? Okay.

4 Judge, in this case we would submit that there was not a proper
5 waiver of *Miranda* rights. We had the detective ask -- ask Mr. Renteria-Novoa if
6 he wanted to -- still wanted to speak to him about Roxana. He then immediately
7 went into talking about the case. He was never asked if he wanted to actually
8 waive his *Miranda* rights. So, we would submit that there is not a valid waiver.

9 Furthermore, and the Court said it has listened to the CD? You
10 have listened to the CD, Judge?

11 THE COURT: Yeah. I listened to the whole thing.

12 MR. FELICIANO: It's clear from the CD that Mr. Renteria-Novoa, English
13 is not his first language, and he struggles with the English language. So we
14 would submit that he should have had an interpreter there to actually read him
15 his rights; and therefore, that reading of his rights was invalid because there was
16 no interpreter there to make sure that he understood what was being told to him.
17 Although he did say yes when asked if he understood, it was without the
18 assistance of an interpreter. At every court date I've had with Mr. Renteria and
19 visits with Mr. Renteria we always use an interpreter to make sure he
20 understands what's going on. And that didn't happen in this case.

21 Judge, the other issue is voluntariness. And basically what we have
22 is we have the officer basically promising Mr. Renteria that he will not be
23 arrested if he comes in to speak to him. As we see, that's not the case. He was
24 arrested afterwards. Well, it's -- well, he didn't arrest him that day, he did end up
25 arresting him. And basically, what he did is he used a ruse to get him down

1 there to speak to him and used that statement and when he submitted to the
2 D.A.'s office for an arrest warrant. Based on that, we would submit that the
3 statement is not voluntary as well.

4 THE COURT: All right. State, your response.

5 MS. FLECK: Well, first, just based on the waiver, he is read his *Miranda*
6 rights, asked if he or advised that he's got the right to counsel and that he has
7 the right to remain silent. Per *Allen*, a specific waiver is not required. So
8 *Miranda* is required to be given and a defendant must indicate or a suspect must
9 indicate that they understand those rights.

10 In this case, on page two of the transcript, the defendant indicates
11 that, yes, he indeed understands that he has the right to remain silent; he also
12 understands that he has the right to counsel. So case law tells us that he
13 doesn't specifically have to say, I waive those rights, and that by him going on to
14 talk with the detective and to give a statement, which he immediately goes into,
15 and I hope he cleared up that concern that you had by listening to the audio,
16 hopefully, you did and I did again as well where he starts to say, he starts to say,
17 he starts to says, he says, "Do you still want to talk to me about Roxana?"

18 "I -- I don't want to forget."

19 And then detective says, "You want to put" --

20 And then he -- the defendant starts to finish that sentence, "Put
21 everything away. I don't want to go see any more family," and he just starts to
22 talk.

23 So there was nothing else then within the audio that I heard that
24 indicated to me that he ever chose to exercise those rights. So that being said,
25 it's sufficient that he knows his rights, he did in this case, and that by him going

1 on to talk, it shows that he has chosen not to exercise that right to remain silent.

2 No indication through any of the phone calls that the detective ever
3 had with the defendant that he did not speak English and that he did not have a
4 working understanding of the English language. He left a card at the house. It
5 was the defendant that called the detective back. He didn't have his wife or
6 girlfriend or a friend who spoke English call back and see what the detective
7 wanted. He made a date to come down. The detective was able to relay to him
8 where the detective bureau was, what time he should be there, the date that he
9 should be there. The defendant clearly understood all of that in English because
10 he made it there that day.

11 They then had normal conversation before they got into the
12 interview room. Detective Jaeger indicated that it would have been a simple
13 phone call for him to get an interpreter, absolutely no reason that he wouldn't
14 have. It certainly wouldn't have been in the detective's best interest to get a
15 inarticulate, incomprehensible interview from somebody who neither of them
16 could understand each other. So he has access to interpreters or other
17 detectives who speak Spanish. They use them all the time. And he indicated
18 that that was a phone call away.

19 The reason that he didn't use one is because there was absolutely
20 no indication through any phone calls or that preliminary conversation that the
21 defendant didn't understand English and didn't speak English. He never asked
22 for an interpreter. He never once indicated through the entire interview that he
23 didn't understand. There was one time where he asked something, like, you
24 know, did she -- did you lay on her. And he was like, what do you mean. But
25 that is not necessarily a issue with understanding English, it could -- it's just a

1 understanding in what context did the detective mean "lay on her."

2 So any questions posed by the defendant through the entire
3 interview are basically clearing up concepts, not English. Never once, again, did
4 he say he didn't understand. He never once said, please, repeat yourself. He
5 never said, you know, I don't understand that word in English, nothing.

6 So there was no interpreter because there was no indication that he
7 needed one. And he can't come in now after every conversation before court
8 being in English and all of a sudden say, oh, I completely don't understand. I
9 mean, it's through that half-hour interview he understood every single question
10 that was posed.

11 In terms of the voluntariness, first of all, he can use a ruse to get
12 him, and he can use a ruse during his questioning. And he didn't in this case. I
13 mean, all he said was, I'm not going to arrest you today. And he didn't. So he
14 came down on his own free will. He certainly wouldn't have made the
15 representation he was never going to arrest him. I mean, he's a sexual assault
16 detective within Metro and his job is to ascertain if a child was raped and if the
17 defendant is the person who did it.

18 So I can't foresee any circumstances in which he would promise
19 someone he was never going to be arrested when he was investigating a rape
20 charge. So every indication in this case that the statement was voluntarily
21 made, was knowingly made, and that he understood his rights.

22 THE COURT: All right. This is on for a motion to suppress brought by the
23 defendant. It essentially raises two separate arguments. First of all, were the
24 requirements of *Miranda* complied with during the interrogation. And secondly,
25 overall were the statements made in this case voluntary under the totality of the

1 circumstances. The burden is on the State to prove voluntariness by a
2 preponderance of the evidence.

3 In this case the specific objection on the *Miranda* portion is that
4 the -- there seems to be no dispute that the defendant was read his *Miranda*
5 rights. And he said, when he was asked if he understood his rights, he had
6 answered, yes. However, the defense's contention is when the detective asked,
7 "Do you still want to talk about with me about Roxana," first of all, he's not asking
8 for a specific waiver; and secondly, the defendant didn't respond to that
9 question. And so there was no specific waiver. That's at least their argument.

10 In this case, I did go back and listen to the videotape, I'm sorry, the
11 audiotape of the interview. The legal standard isn't whether or not there is an
12 express word, "yes," spoken in response to a question about whether he wants
13 to speak; the question is whether or not the waiver of *Miranda* was knowing and
14 voluntary. In this case the defendant was read his rights, and I'll get to the
15 language portion in a second, but at the very least he was read his rights in
16 English. He was asked if he understood. He said, Yes. Detective then asked,
17 "Do you still want to talk about Roxana?" And then the defendant began
18 speaking.

19 The transcript is not -- it's not the world's best transcript. I listened
20 to the whole thing. And I went through it with the transcript. And there are a lot
21 of portions in the transcript that are kind of unclear that, frankly, I could make
22 out. I don't know why the transcriber couldn't make them out. So it's not the
23 world's best transcript. But in any event, if you look at lines -- well, they're not
24 numbered here, but the bottom, sort of, quarter of page two, although in the
25 transcript they're kind of separated, in the transcript it says:

1 Answer: "I don't want to forgot."

2 And then there is a blank.

3 Question: "You want to put" --

4 And then the transcriber indicates crosstalk.

5 And then the defendant's answer, "Put everybody away, I don't want
6 to go see any more family."

7 And by the way, when I listened to the transcript there is a "her"
8 between "any more" and "family." "I don't want to go see any more her family,"
9 which frankly makes a lot more sense to me.

10 But in any event, the way it actually plays out on the recording is the
11 first statement, "I don't want to forgot," and then the transcriber indicates
12 crosstalk, and then has a separate answer, "Put everything away," the way it
13 actually place out on the audiotape, they're actually kind of part of the same
14 sentence. What happens is the defense says -- the detective asked, "Do you
15 still want to talk to me about Roxana?"

16 And the defendant begins to make a very long statement about he
17 doesn't want to see your family, he doesn't want to know anything about that
18 family, he doesn't want to deal with that family, which the detective interrupts. In
19 the transcript it indicates that as two separate answers. But really on the
20 audiotape it's kind of one long answer that's kind of interrupted by the detective.

21 In any event, based on what I heard on the tape and based on
22 what's in the transcript, the defendant is asked whether he wishes to talk about
23 Roxana, and then he begins talking about Roxana's family and Roxana's family.
24 And so based on what I've seen here, it appears that the defendant made a
25 knowing and voluntary waiver of his right to remain silent and actually began

1 speaking about the subject matter that was at hand.

2 The second issue raised is whether or not the defendant
3 understood his *Miranda* rights because they were read to him in English. And as
4 I indicated, I listened to the entire audiotape. Mr. Renteria-Novoa does speak
5 with a heavy accent. And there are portions of his statement that are a little bit
6 hard to make out. I don't know if it's because of the quality of the videotape or
7 because of his accent or because of his grammar or a combination of all three,
8 but knowing of his language ability, I specifically listened to the entire tape very
9 carefully. And his answers appeared to me to be consistently appropriate. He
10 seems to understand the question.

11 There were a couple of times when he asked for clarification. But
12 95 percent of the time, he's asked questions and his answers are perfectly
13 appropriate for the question. Obviously, I don't know what's going on in his
14 head. But his answers appear to be appropriate to the question. And therefore,
15 it does not appear to be me that language was an impediment in this case.

16 It's not like his answers are kind of have nothing to do with the
17 question. And therefore, the language issue does not appear to have been a
18 barrier. And I also note the detective testified today that Mr. Renteria-Novoa
19 never indicated to him that he couldn't understand the questions or wanted an
20 interpreter. But that aside, just based on my listening to the audiotape, it's pretty
21 clear he does understand what's going on. In fact, he understands some of the
22 questions that are pretty complex.

23 And so even though his grammar in some places is a little bit
24 lacking, it appears that his comprehension is higher. And I will note, sort of as
25 an aside, that typically is the case with people for whom English is a second

1 language that their comprehension ability exceeds their ability to actually
2 generate the words in English and speak in perfect grammar. In fact, there are,
3 as we all know, there are people whose native language in English whose
4 grammar is not perfect. So you hardly expect someone for whom English is a
5 second language for the grammar to be perfect. But in any event, his answers
6 were appropriate to the questions.

7 MS. FLECK: Judge, I don't know, do you want me to go through the
8 factors of the voluntariness? Because I didn't actually, I don't know if you want
9 me to argue that part.

10 THE COURT: Well --

11 MS. FLECK: Because I didn't actually go through. I only -- I only talked
12 about the promise part and getting him down there, but --

13 THE COURT: No. I understand, it's a totality of the circumstances test.
14 And in this case, one thing that I'll note that nobody mentioned, let me back up,
15 we're on the whether or not his statement was voluntary under the totality of the
16 circumstances, the defense's argument is that he was enticed to the station
17 house on a ruse, that he was not going to be arrested.

18 If you look on page two, and again these lines aren't numbered, but
19 it's lines five and six on page two, the detective actually says on the record,
20 "Guillermo, earlier we were talking a little bit before we went on the recording, I
21 reassured you that I'm not going to take you to jail today, that is still true." So
22 that at least is some confirmation of specifically what they discussed. I know the
23 detective said that he didn't remember all the details, but in any case, he is at
24 least in part memorializing what they talked about on the record here.

25 And in any event, the -- even if the defendant was enticed there on

1 a ruse and I'm not sure it is a ruse because he says in the transcript here that
2 I'm not going to take you to jail today, the detective denied that he assured that
3 he would never be taken to jail. But even if that were a ruse, that's just one of
4 the factors to be considered. I'm not sure it's actually illegal for police officers to
5 employ ruses to get people to talk with them. But under the totality of the
6 circumstances, they talked on the phone, the defendant drove down to the
7 station house in his own car. He -- well, I'm sorry, they talked on the phone, he
8 made an appointment a couple weeks in advance on a day when the defendant
9 was not working. he drove down to the meeting room in his own vehicle, they
10 then had this conversation, he then left under his own power.

11 And therefore, under the totality of the circumstances, I find that the
12 State has demonstrated by a preponderance of the evidence that the statement
13 was voluntary. All right. So the motion to suppress is denied. Do you guys
14 want to talk about anything to do with the trial, or are we good until Monday
15 morning?

16 MS. FLECK: Like I said, I think that we can get together regarding the
17 information. Is there anything else?

18 MR. FELICIANO: No. Judge, would it be possible to get a transcript of
19 today's proceeding for trial, before trial?

20 THE COURT: Can we get it done by next week?

21 THE COURT RECORDER: Probably.

22 THE COURT: Okay. We will try.

23 MR. FELICIANO: Okay.

24 THE COURT: Do you need a formal request in writing, or not?

25 THE COURT RECORDER: I think it helps just to have it on the record,

1 but I'll start it.

2 THE COURT: Yeah, if you can, yeah, she'll start it, but if you can submit a
3 formal request then we'll at least have something in the file.

4 MR. FELICIANO: Okay. I'll send an order over.

5 THE COURT: All right. And then --

6 MS. FLECK: Monday, 9:00?

7 THE COURT: I'm sorry?

8 MS. FLECK: It was 9:00 a.m., right?

9 THE COURT: Yes, 9:00 a.m. Even though we announce 10:30, it's
10 9:00 a.m. We'll start picking a jury.

11 What I am going to try to do is when I get back to my chambers right
12 now I'm going to look at my Wednesday calendar, and as I indicated, try to clear
13 that off and see if we can get started earlier on Wednesday. And that way we'll
14 at least try not to keep the jury here on a Friday. Because the other concern is
15 even if they're here on a Friday, as you get closer to 5:00, they may just want to
16 get a verdict just so they can go home for the weekend. That's, you know, one
17 of my concerns why I'd like to, you know, have some -- I don't know what you
18 call it -- a time buffer so that we can finish early so that we, you know, so the jury
19 doesn't feel like they're pressured. That's not fair to Mr. Renteria-Novoa that
20 they're just going to, oh, let's just find him guilty so we can go home for the
21 weekend kind of a thing.

22 But let me get back to you on that. I need to go back and look what
23 I have on Wednesday. So, but I'm going to shoot to do that. So, you know, plan
24 on at least being here somewhat early on Wednesday depending on how the
25 witnesses go. All right?

1 MS. FLECK: Okay.

2 MR. FELICIANO: Okay.

3 THE MARSHAL: Are we going to get into any witnesses on Monday so I
4 can get enough interpreters?

5 MR. FELICIANO: I doubt it, probably picking a jury and openings seems
6 reasonable.

7 MS. FLECK: That's what I would imagine too, picking a jury and
8 openings.

9 THE COURT: Yeah.

10 MS. FLECK: So I would say, I mean, I certainly am not going to put the
11 victim on on Monday afternoon.

12 THE COURT: Right. And then one thing that would help is if in the next
13 couple days if you guys can circulate some drafts of the jury instructions and that
14 way we don't have to take an afternoon off to fight over them next week as well.

15 MS. FLECK: For sure. I'll get the jury instructions to them by the end of
16 the week for sure.

17 THE COURT: Okay. And then any proposed that you have, if you guys
18 could at least start working on them. I just hate that, you know, I hate trials
19 when the day before, you know, you close the evidence and then you sit there
20 for three hours hammering over the instructions. We can do it during lunch or
21 something outside the presence of the jury and not, you know, I'm a little bit
22 worried about time. I'm not normally worried about pressing over time expect
23 with the holiday out there, you know, it changes the dynamic of the jury. And
24 like I said, I don't want the jury starting to feel like, oh, we just better just get this
25 trial over with and not really deliberate, that kind of a thing.

1 MS. FLECK: I think that we should be able to agree upon almost, like,
2 probably 90 percent of the instructions. And then they'll probably have some
3 specials that we'll have to litigate. And that's it.

4 THE COURT: Right. No. I understand that. But if you guys can get the
5 process started then we can resolve the instructions early.

6 MS. FLECK: Yeah.

7 THE COURT: And just kind of get the trial moving. All right.

8 MS. FLECK: Yeah. We'll do that.

9 MR. FELICIANO: Okay.

10 THE COURT: All right. Then we'll see you guys on Monday morning.

11 And we'll address any other matters that you have at that point.

12 MS. FLECK: Okay. Great.

13 THE COURT: Thanks, everybody.

14 MS. FLECK: Thank you.

15 PROCEEDING CONCLUDED AT 2:29 P.M.

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
22 video recording of this proceeding in the above-entitled case.

23

24

25


SARA RICHARDSON
Court Recorder/Transcriber

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3 GUILLERMO RENTERIA-NOVOA) No. 68165
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1 **APPELLANT'S APPENDIX – VOLUME II– PAGES 234-421**

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16 Counsel for Respondent

17 **CERTIFICATE OF SERVICE**

18 I hereby certify that this document was filed electronically with the Nevada
19 Supreme Court on the 17th day of July, 2013. Electronic Service of the
20 foregoing document shall be made in accordance with the Master Service List as follows:

21 CATHERINE CORTEZ MASTO
22 STEVEN S. OWENS

23 NANCY LEMCKE
24 HOWARD S. BROOKS

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

27 GUILLERMO RENTERIA-NOVOA
28 NDOC No. 1092343
29 c/o HIGH DESERT STATE PRISON
30 P. O. BOX 650
31 INDIAN SPRINGS, NV 89070

32 BY _____

33 Employee, Clark County Public Defender's Office