

1 COUNT 24 - 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 breast(s) of the said
6 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
7 or sexual desires of said Defendant, or said child.

8 COUNT 25 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
9 AGE

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

16 COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE

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 digital penetration, by said Defendant inserting his finger(s) into the genital opening of the
21 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
22 should have known, that the said ROXANNA PEREZ was mentally or physically incapable
23 of resisting or understanding the nature of Defendant's conduct.

24 COUNT 27 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN
25 YEARS OF AGE

26 did, then and there willfully, unlawfully, and feloniously attempt to sexually assault
27 and subject ROXANNA PEREZ, a female child under sixteen years of age, to sexual
28 penetration, to-wit: fellatio, by said Defendant attempting to place his penis on and/or into

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1 the tongue and/or mouth of the said ROXANA PEREZ, against her will, or under conditions
2 in which Defendant knew, or should have known, that the said ROXANNA PEREZ was
3 mentally or physically incapable of resisting or understanding the nature of Defendant's
4 conduct.

5 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE

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

13 COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
14 AGE

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: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
18 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
19 which Defendant knew, or should have known, that the said ROXANA PEREZ was
20 mentally or physically incapable of resisting or understanding the nature of Defendant's
21 conduct.

22 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
23 AGE

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

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

2 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
3 AGE

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 digital penetration, by said Defendant inserting his finger(s) into the genital 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 ROXANNA PEREZ was mentally or physically incapable
9 of resisting or understanding the nature of Defendant's conduct.

10 COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

17 COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

25 COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: by said Defendant inserting his finger(s) into the genital opening of the said ROXANA

1 PEREZ, against her will, or under conditions in which Defendant knew, or should have
2 known, that the said ROXANA PEREZ was mentally or physically incapable of resisting or
3 understanding the nature of Defendant's conduct.

4 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

11 COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

18 COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

25 COUNT 38 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: by said Defendant inserting his finger(s) into the anal opening of the said ROXANA

1 PEREZ, against her will, or under conditions in which Defendant knew, or should have
2 known, that the said ROXANA PEREZ was mentally or physically incapable of resisting or
3 understanding the nature of Defendant's conduct.

4 COUNT 39 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

11 COUNT 40 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

18 COUNT 41 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

25 COUNT 42 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the

1 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
2 which Defendant knew, or should have known, that the said ROXANA PEREZ was
3 mentally or physically incapable of resisting or understanding the nature of Defendant's
4 conduct.

5 COUNT 43 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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 44 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

13 did, then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
14 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
15 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
16 causing and/or directing the said ROXANA PEREZ to use her hand(s) and/or finger(s) to
17 touch and/or rub and/or masturbate the penis of said Defendant, with the intent of arousing,
18 appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said
19 child.

20 COUNT 45 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

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

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1 COUNT 46 - 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 COUNT 47 - SEXUAL ASSAULT

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

10 COUNT 48 - SEXUAL ASSAULT

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

15 COUNT 49 - SEXUAL ASSAULT

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

20 COUNT 50 - SEXUAL ASSAULT

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

25 COUNT 51 - SEXUAL ASSAULT

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANA PEREZ, a female person, to sexual penetration, to-wit: digital penetration, by
28 said Defendant placing his finger(s) into the genital opening of the said ROXANA PEREZ,

1 against her will.

2 COUNT 52 - SEXUAL ASSAULT

3 did then and there willfully, unlawfully, and feloniously sexually assault and subject
4 ROXANA PEREZ, a female person, to sexual penetration, to-wit: sexual intercourse, by
5 said Defendant inserting his penis into the genital opening of the said ROXANA PEREZ,
6 against her will.

7 COUNT 53 - 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: digital penetration, by
10 said Defendant inserting his finger(s) into the genital opening of the said ROXANA PEREZ,
11 against her will.

12 COUNT 54 - OPEN OR GROSS LEWDNESS

13 did, then and there willfully and unlawfully commit an act of open or gross lewdness
14 by said Defendant masturbate his penis in view of ROXANA PEREZ.

15 DAVID ROGER
16 DISTRICT ATTORNEY
Nevada Bar #002781

17
18 BY /s/ STACY KOLLINS
19 STACY KOLLINS
20 Chief Deputy District Attorney
21 Nevada Bar #005391
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1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

3 GIBSON, CHRISTOPHER; LVMPD#14009

4 JAEGER, RYAN; LVMPD#05587

5 PAGE, LELAND or Designee; COURT INTERPRETER

6 PEREZ, ROXANA; 3937 SPENCER ST. #75, LVN 89119

7 RODRIGUEZ, ROSA; 3937 SPENCER ST. #75, LVN 89119

8 RODRIGUEZ-RUIZ, JANET; 500 MILLER AVE. #18, NLV 89030

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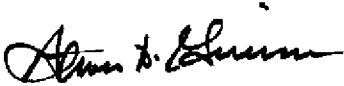
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27 DA#10F09697X/hjc/SVU
LVMPD EV#0912174008
28 (TK11)


CLERK OF THE COURT

NOTC
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CHRISTOPHER PANDELIS
Deputy District Attorney
Nevada Bar #009143
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

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| THE STATE OF NEVADA, |) | |
| |) | |
| Plaintiff, |) | CASE NO: C268285 |
| |) | |
| -vs- |) | DEPT NO: XIV |
| |) | |
| GUILLERMO RENTERIA-NOVOA, |) | |
| #2755564 |) | |
| |) | |
| Defendant. |) | |

NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
[NRS 174.234]

TO: GUILLERMO RENTERIA-NOVOA, Defendant; and

TO: MIKE FELICIANO, Deputy Public Defender, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses in its case in chief:

These witnesses are in addition to those witnesses endorsed on the Information and any other witness for which a separate Notice has been filed.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call expert witnesses in its case in chief as follows:

The substance of each expert witness testimony and copy of all reports made by or at the direction of the expert witness has been provided in discovery.

A copy of each expert witness curriculum vitae, if available, is attached hereto.

//

NAME

ADDRESS

COX, D. – LVMPD P#7924

CUSTODIAN OF RECORDS – CLARK COUNTY DETENTION CENTER

CUSTODIAN OF RECORDS – LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS – LVMPD RECORDS

GIBSON, CHRISTOPHER; LVMPD#14009

JAEGER, RYAN; LVMPD#05587

PAGE, LELAND or Designee; COURT INTERPRETER

PEREZ-RODRIGUEZ, PERLA – 121 GRANDVIEW DR., HND, NV

PEREZ, ROXANA; 3937 SPENCER ST. #75, LVN 89119

RODRIGUEZ, ROSA; 3937 SPENCER ST. #75, LVN 89119

RODRIGUEZ-RUIZ, JANET; 500 MILLER AVE. #18, NLV 89030

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

BY /s//CHRISTOPHER PANDELIS

CHRISTOPHER PANDELIS
Deputy District Attorney
Nevada Bar #009143

CERTIFICATE OF ELECTRONIC FILING

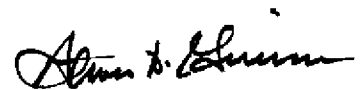
I hereby certify that service of State's Notice, was made this 31st day of January,
2011, by Electronic Filing to:

MIKE FELICIANO, Deputy Public Defender
E-mail Address: harrolah@co.clark.nv.us

Shellie Warner

Secretary for the District Attorney's Office

mmw/SVU



CLERK OF THE COURT

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

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

| | | |
|------------------------------|---|----------------------|
| 7 THE STATE OF NEVADA, |) | |
| |) | |
| 8 Plaintiff, |) | CASE NO. C268285-1 |
| |) | |
| 9 v. |) | DEPT. NO. XX |
| |) | |
| 10 GUILLERMO RENTERIO-NOVOA, |) | DATE: April 19, 2011 |
| |) | TIME: 9:00 a.m. |
| 11 Defendant. |) | |
| 12 | | |

13 **DEFENDANT'S MOTION IN LIMINE TO PRECLUDE USE OF**
14 **THE PREJUDICIAL TERM "VICTIM"**

15 COMES NOW, the Defendant, GUILLERMO RENTERIO-NOVOA, by and
16 through MIKE FELICIANO, Deputy Public Defender and hereby requests that this Court enter an
17 order *in limine* preventing the State from using the prejudicial term "victim."

18 This Motion is made and based upon all the papers and pleadings on file herein, the
19 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

20 DATED this 6th day of April, 2011.

21 PHILIP J. KOHN
22 CLARK COUNTY PUBLIC DEFENDER

23 By: /s/ Mike Feliciano
24 MIKE FELICIANO, #9312
25 Deputy Public Defender
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SCOPE OF MOTION

The Defendant respectfully moves for the following orders and relief:

- That between now and the end of trial, when the Court is not referring to the accusers in this case by their proper name, the Court refer to them as the “complaining witnesses.”
- That at trial, the Court order that all prosecuting attorneys and prosecution witnesses are precluded from referring to the accusers as a “victims.”
- That at trial, the Court, the parties, and all witnesses refer to all persons by their individual names.
- That no jury instructions issued in this case refer to the accusers as a “victims,” and, instead, that they refer to the accusers as the “complaining witnesses.”

ARGUMENT

I. The Defendant is presumed innocent.

The Defendant is presumed innocent. This pronouncement of innocence cannot be dismissed as merely a defense position or trial tactic. It is the undisputed legal truth under Nevada law and the state and federal constitutions. U.S. Const., amend. XIV; Nev. Const. art. I, § VII, See Application of Wheeler, 81 Nev. 495, 499, 406 P.2d 713, 715 (words in this provision favor bail as a matter of right, including capital cases, consonant with the presumption of innocence the central thought being punishment should follow conviction); Nev. Const. art. I, § VIII (all accused are entitled to due process of law); See also Haywood v. State, 107 Nev. 285, 288, 809 P.2d 1272, 1273 (1991) citing Illinois v. Allen, 397 U.S. 334 (1970) (The rule that one is innocent until proven guilty means that a defendant is entitled to not only the presumption of innocence, but also to indicia of innocence.). Informing the jury that a complaining witness is a “victim” raises an inference of guilt, and could have the same prejudicial effect as bringing a shackled defendant into the courtroom. State v. Baugh, 571 P.2d 779, 782 (Mont. 1977).

The presumption of innocence has deep historical roots and is a core tenet of criminal law. “The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.” Coffin v. United States, 156 U.S. 432, 453 (1895) (looking to *Deuteronomy* and the law of Athens, Sparta, and Rome for early versions of the presumption of innocence);

1 Koerschner v. State, 116 Nev. 1111, 1122, 13 P.3d 451, 459 (2002) (“the criminal process begins
2 with a presumption of innocence, procedural fairness must always be our primary focus.”).

3 Our Anglo-American system of criminal jurisprudence demands that proof of guilt be
4 established by evidence at trial. The United States Supreme Court declared in Taylor v. Kentucky,
5 436 U.S. 478, 485, 98 S.Ct. 1930, 1934-1135 (1978) that:

6 This Court has declared that one accused of a crime is entitled to have his
7 guilt or innocence determined solely on the basis of the evidence
8 introduced at trial, and not on grounds of official suspicion, indictment,
9 continued custody, or other circumstances not adduced as proof at trial.
10 See, e.g., Estelle v. Williams, 425 U.S. 50 (1976). And it long has been
11 recognized that an instruction on the presumption is one way of
12 impressing upon the jury the importance of that right. [citations omitted]
13 While use of the particular phrase “presumption of innocence” -- or any
14 other form of words -- may not be constitutionally mandated, the Due
15 Process Clause of the Fourteenth Amendment must be held to safeguard
16 “against dilution of the principle that guilt is to be established by probative
17 evidence and beyond a reasonable doubt.” Estelle v. Williams, *supra*, at
18 503.

19 Further, failure to instruct on the presumption of innocence has been found to be plain
20 error. See State v. Nelson, 1998 S.D. 124, 587 N.W.2d 439 (S.D. 1998); State v. Hakeos, 1974
21 Ohio.App.LEXIS 3442 (Ohio 1974); People v. Aragon, 665 P.2d 137, 138 (Colo.App. 1982).

22 Nevada law is in accord with the presumption of innocence noting, “A defendant in a
23 criminal action is presumed to be innocent until the contrary is proved...” NRS § 175.191.
24 Clearly, the Defendant is entitled to a trial that protects his presumption of innocence.

25 **II. When the commission of a crime is in dispute, there is no conclusive “victim.”**

26 In many criminal cases – for example, in most homicide cases – there is no dispute about
27 whether a crime was committed or whether the alleged victim was, in fact, a “victim.” In the case
28 of murder, the “victim” is the corpse. The disputed issues in such cases are generally the degree of
homicide committed (e.g., manslaughter or murder) or the identity of the perpetrator (e.g., whether
the defendant was the person who committed the homicide that undisputedly occurred).

By contrast, in a sexual assault case, references to an accuser as the “victim” necessarily
convey the speaker’s opinion that a crime in fact occurred, thereby evincing a bias against the

1 defendant and violating the presumption of innocence. State v. Wright, 2003 Ohio 3511;
2 02CA008179 (Ohio App. 2003) (“[T]he trial court should refrain from using the term ‘victim,’ as
3 it suggests a bias against the defendant before the State has proven a ‘victim’ truly exists.”); Allen
4 v. State, 664 A.2d 982, 983, fn.1 (Del. 1994) (“We recognize . . . that when, as here, consent is the
5 sole defense in a rape case, the use of the term ‘victim’ by a prosecutor at trial is improper and to
6 be avoided.”); Jackson v. State, 600 A.2d 21, 24 (Del. 1991) (“We agree with the defendant that
7 the word ‘victim’ should not be used in a case where the commission of a crime is in dispute.”)

8 Whether or not this crime was actually committed is an issue for the jury’s determination.

9
10 **III. The neutral term “complaining witness” has been repeatedly used by the Nevada
Supreme Court and is preferable to “alleged victim.”**

11 The defense recognizes that in several written orders, the Nevada Supreme Court has
12 apparently made a conscious effort to refer to accusers as the “alleged victims” rather than as the
13 “victims.” While the defense lauds these efforts, it respectfully suggests that the term
14 “complaining witness” is preferable, because it poses significantly less risk of inadvertent error
15 between now and the time of trial. The term “complaining witness” is a neutral term that the
16 Nevada Supreme Court has repeatedly used when referring to the accuser in a sexual assault case.
17 See Crawford v. State, 107 Nev. 345, 811 P.2d 67 (1991); Lane v. Second Judicial Dist.Ct. 104
18 Nev. 427, 760 P.2d 1245 (1988); Summitt v. State, 101 Nev. 159, 697 P.2d 1374 (1985).

19
20 **IV. At trial, references to the accuser as the “victim” will improperly express a personal
belief that the complaining witness is telling the truth, or that the Defendant is guilty.**

21 Nevada law recognizes that it is improper for the prosecutor or the court to express a
22 personal belief in a criminal defendant’s guilt. See Barron v. State, 105 Nev. 767, 780, 783 P.2d
23 444, 452 (1989) (“A prosecutor may not offer his personal opinion of the guilt or character of the
24 accused.”) citing Emerson v. State, 98 Nev. 158, 643 P.2d 1212 (1982) and Pacheco v. State, 98
25 Nev. 158, 643 P.2d 1212 (1982); Santillanes v. State, 104 Nev. 699, 702, 765 P.2d 1147, 1149
26 (1988) (“It is a prosecutor’s right to ‘state fully his views as to what the evidence shows.’” [citation
27 omitted]. Statements of personal opinion as to the defendant’s guilt, however, are improper.”
28 [citation omitted]). As the Nevada Supreme Court best explained in Owens v. State, 96 Nev. 880,

1 620 P.2d 1236 (1980), “A prosecutor must not express personal opinions as to a defendant's guilt
2 because jurors might interpret such opinion as being based on information other than evidence
3 admitted at trial.”.

4 **V. During trial, the Court, both parties, and all witnesses, should refer to individuals by**
5 **their names.**

6 Defendant moves that at trial, the Court, both parties, and all witnesses refer to individuals
7 – including Defendant and the complaining witness – by their names. There are many benefits to
8 such a procedure. It would ensure that counsel for both sides are polite, proper, and content-
9 neutral – and that they are perceived to be so by the jury, the court record and the public in this
10 case. It would also avoid confusion not only by the Court and counsel but also by the many
11 witnesses in this case, thereby reducing the likelihood of mistake and ensuring an accurate record.
12 Conversely, the artificiality of any other procedure would be likely to sow confusion and create
13 inaccuracies in the record.

14 **VI. Jury instructions in this case should not invade the province of the jury by using the**
15 **term “victim.”**

16 It is equally, if not more important, for the Court to ensure that its jury instructions “...are
17 couched in neutral terms to avoid any implication that it regards certain facts to be established.”
18 People v. Williams, 916 P.2d 624, 627-628 (Colo.App. 1996). Thus, an instruction should not
19 direct the jury to accept any part of a witness’ testimony as fact. At trial, the State will present
20 evidence in an attempt to convince the jury beyond a reasonable doubt that the complaining
21 witness is actually a “victim” of sexual assault. It is the jury’s province to evaluate and determine
22 the evidence. Id.; See also Jolly v. People, 742 P.2d 891, 899 (Colo. 1987) (instruction that jury
23 could have reasonably – but erroneously – construed to create a conclusive presumption or a
24 mandatory rebuttable presumption of knowledge element violated due process and was not cured
25 by issuance of other general instructions regarding the presumption of innocence and the
26 prosecution’s burden of proof); Peterson v. People, 65 Colo. 106, 108, 173 P. 876 (1918) (in theft
27 case where the defense was ownership by the defendant, instruction characterizing the alleged
28 victim as “the owner” of the property in question held erroneous).

1 As the Supreme Court of Colorado stated in Leonard v. People, 149 Colo. 360, 376, 369
2 P.2d 54, 63 (1962), “Any instruction, whatever its language, which in effect imposes upon the
3 defendant the burden of affirmatively showing that no crime has been committed constitutes
4 reversible error, since it clearly deprives him of the benefit of a reasonable doubt as to his guilt
5 which may arise from all the evidence.”

6 These general principles prohibit the use of the term “victim” in a jury instruction under
7 certain circumstances, such as those present here. For example, in a sexual assault case where “the
8 controversy [is] whether the complainant was truly a ‘victim’ or a willing participant,” it is
9 reversible error for the trial court to issue a jury instruction referring to the complainant as a
10 “victim”:

11 If the complainant consented to the sexual intercourse, . . . she was not the
12 object of a crime, and she was not a “victim.”

13 We hold that to refer in the court’s charge to the complainant as the
14 “victim” when the issue is whether or not she consented to the sexual
15 intercourse, constitutes reversible error.

16 Talkington v. State, 682 S.W.2d 674, 675 (Tex.Ct.App. 1984) (reversing rape conviction);
17 See also Veteto v. State, 8 S.W.3d 805, 816 (Tex.Ct.App. 2000) (“The sole issue of Veteto’s case
18 was whether he committed the various assaults on A.L. Referring to A.L. as the victim instead of
19 the alleged victim lends credence to her testimony that the assaults occurred and that she was,
20 indeed, a victim.”) Thus, “the term ‘victim’ is conclusive in nature and connotes a
21 predetermination that the person referred to had in fact been wronged.” State v. Nomura, 903 P.2d
22 718, 721 (Haw.App. 1995).

23 In State v. Nomura, the court held that the use of the term “victim” in a jury instruction
24 violated a state evidentiary rule precluding the court from commenting on the evidence. Id. at 721-
25 722. The Nomura court reasoned that the witness’ status as a victim was the precise issue to be
26 determined by the jury:

27 [W]e hold that the reference to a complaining witness as “the victim” in
28 criminal jury instructions is inaccurate and misleading where the jury must
yet determine from the evidence whether the complaining witness was the
object of the offense and whether the complaining witness was acted upon
in a manner required under the statute to prove the offense charged. Here,
the question of whether Witness was the object of the crime and whether

1 she suffered physical “abuse” were elements required to be proven under
2 the statute and, hence, matters for the jury to evaluate and not for the court
3 to comment upon. Thus, we disapprove of the reference to the
4 complaining witness as a “victim” in Instruction No. 01. Id. at 722.

5 These principles are so well established that more than a century ago, the Supreme Court of
6 California recognized that an instruction using the term “victim” may be tantamount to an
7 instruction referring to the defendant as a “criminal”:

8 The word *victim*, in the connection in which it appears, is an unguarded
9 expression, calculated, though doubtless unintentionally, to create
10 prejudice against the accused. It seems to assume that the deceased was
11 wrongfully killed, when the very issue was as to the character of the
12 killing When the deceased is referred to as “a victim,” the
13 impression is naturally created that some unlawful power or dominion has
14 been exerted over his person. And it was nearly equivalent, in effect to an
15 expression characterizing the defendant as a criminal. The Court should
16 not, directly or indirectly, assume the guilt of the accused, nor employ
17 equivocal phrases which may leave such an impression. People v.
18 Williams, 17 Cal. 142, 147 (1860).

19 In the context of this case, a jury instruction cannot refer to the accuser as a “victim”
20 without necessarily – and wrongly – implying that the Defendant is a criminal. In Nevada, a jury
21 instruction on malice aforethought is improper in certain cases if it relieves the State of the burden
22 to prove elements beyond a reasonable doubt, thereby implying that the defendant is the guilty
23 principal. See Wegner v. State, 116 Nev. 1149, 14 P.3d 25 (2000). Similarly, a jury instruction
24 which references the complainant as “the victim” would be highly improper and reversible error,
25 because such inferences would be the functional equivalent of instructing the jury that the
26 Defendant.

27 It should go without saying that “[t]he State’s main instruction should be drawn in such a
28 manner as to eliminate the possibility that it may be construed as assuming that the evidence shows
the guilt of the defendant.” See State v. Kinard, 245 S.W.2d 890, 895 (Mo. 1952). Here, the State
should preclude using the term “victim” throughout the elemental sexual assault instruction
because they wrongly assume the Defendant’s guilt.

Additionally, the use of the term “victim” to describe the Defendant’s accusers in a jury
instruction would be improper because it would wrongly suggest to the jury that the Court holds a

1 favorable view of the accuser's credibility. Any such "assumption of the credibility of government
2 witnesses dilutes the presumption of innocence." United States v. Safley, 408 F.2d 603, 605 (4th
3 Cir. 1969); See also United States v. Johnson, 371 F.2d 800, 804-805 (3rd Cir. 1967) (instruction
4 affording presumption of truthfulness to witnesses held erroneous; characterizing witness
5 credibility as "peculiarly a question for the jury"); United State v. Meisch, 370 F.2d 768, 773-774
6 (3rd Cir. 1966) (instruction affording presumption of truthfulness to witnesses held erroneous
7 because it takes away "the jury's sole right to determine the credibility of witnesses [and] conflicts
8 with the presumption of innocence of a defendant.").

9 **VII. Use of the term "victim" is neither legally required, nor legally accurate.**

10
11 The defense anticipates that the State will argue that the use of the term "victim" in
12 pleadings and by this Court is appropriate and should be required due to the fact that it is legally
13 accurate and applicable. The State's premise would be flawed.

14 First, a quick scan of Nevada legislative history will reveal that *nowhere has the legislature*
15 *required* the Court or parties to refer to a sexual assault accuser/complainant as a "victim."
16 Second, the legislature cannot mandate such action without violating the state and federal
17 constitutional presumption of innocence.

18 Third, both the United States Supreme Court and Nevada courts have consistently
19 construed the Sixth Amendment to the U.S. Constitution – which grants a criminal defendant "the
20 right . . . to be confronted with the witnesses against him" – as enshrining "[t]he right to confront
21 one's *accusers*." Crawford v. Washington, 124 S.Ct. 1354, 1359 (2004)(emphasis added). Indeed,
22 as the Supreme Court stated, "An *accuser* who makes a formal statement to government officers
23 bears testimony in a sense that a person who makes a casual remark to an acquaintance does not."
24 125 S.Ct. at 1364 (emphasis added). Clearly, the "accuser(s)" references in this case refer to an
25 individual natural person, not the entity of the prosecution itself. Therefore, it is entirely
26 appropriate for the defense to continue to refer to the "accuser" in pleadings in this case.

27 ///

28 ///

1 **CONCLUSION**

2 For the foregoing reasons, the Defendant respectfully requests that this Honorable Court
3 make efforts to avoid referring to the accusers as the “victims” and instead refer to them either as
4 the “complaining witness,” or by her name, throughout the trial in this case. Defendant also asks
5 the Court to order that the State and the State’s witnesses shall not refer to the accusers as a
6 “victims” at trial. Instead, all individual persons, including the Defendant, should be referred to by
7 their names. The Defendant further requests that all jury instructions preclude reference to the
8 accusers as a “victims,” but rather refer to them as a “persons.”

9 DATED this 6th day of April, 2011.

10 PHILIP J. KOHN
11 CLARK COUNTY PUBLIC DEFENDER

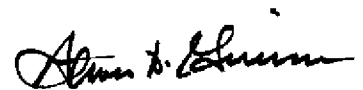
12 By: /s/ Mike Feliciano
13 MIKE FELICIANO, #9312
14 Deputy Public Defender
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 19th day of May, 2011, at 9:00 a.m.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

/s/ Anita H Harrold
Secretary for the Public Defender's Office



CLERK OF THE COURT

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

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

| | | |
|------------------------------|---|----------------------|
| 7 THE STATE OF NEVADA, |) | |
| |) | |
| 8 Plaintiff, |) | CASE NO. C268285-1 |
| |) | |
| 9 v. |) | DEPT. NO. XX |
| |) | |
| 10 GUILLERMO RENTERIO-NOVOA, |) | DATE: April 19, 2011 |
| |) | TIME: 9:00 a.m. |
| 11 Defendant. |) | |
| 12 | | |

13 **MOTION FOR DISCOVERY**

14 COMES NOW, the Defendant, GUILLERMO RENTERIO-NOVOA, by and
15 through MIKE FELICIANO, Deputy Public Defender and hereby files this Motion for Discovery.

16 This Motion is made and based upon all the papers and pleadings on file herein, the
17 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

18 DATED this 6th day of April, 2011.

19 PHILIP J. KOHN
20 CLARK COUNTY PUBLIC DEFENDER

21
22 By: /s/ Mike Feliciano
23 MIKE FELICIANO, #9312
24 Deputy Public Defender
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POINTS AND AUTHORITIES

I. FAILURE BY THE STATE TO PROVIDE DISCOVERY IS A VIOLATION OF THE DUE PROCESS UNDER THE U.S. CONSTITUTION AND THE NEVADA CONSTITUTION

The State must provide to the defense all exculpatory evidence in its actual or constructive possession prior to trial. Failure to do so results in a violation of the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States Constitution. The rule applies regardless of how the State has chosen to structure its overall discovery process. Brady v. Maryland, 373 U.S. 83 (1963); Kyles v. Whitley, 514 U.S. 419, (1995); Strickler v. Greene, 527 U.S. 263, (1999).

Article 1, Section 8 of the Nevada Constitution also guarantees every defendant a right to due process. “It is a violation of due process for the prosecutor to withhold exculpatory evidence, and his motive for doing so is immaterial.” Jimenez v. State, 112 Nev. 610, 618 (1996).

II. THE STATE MUST TURN OVER ALL MATERIAL THAT RAISES A REASONABLE POSSIBILITY IT COULD UNDERMINE CONFIDENCE IN THE OUTCOME

When the defense makes a specific request for Brady material and the State does not provide such material, the Nevada Supreme Court has held that there are grounds for reversal of a conviction “if there exists a reasonable possibility that the claimed evidence would have affected the judgment of the trier of fact.” Roberts v. State, 110 Nev. 1121 (1994). *See, also*, Jimenez v. State, *supra* and State v. Bennett, 119 Nev. 589 (2003).

Even if a specific request has not been made, reversal is also warranted “if there exists a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different.” United States v. Bagley, 473 U.S. at 667, 682, 685 (1985); Pennsylvania v. Ritchie, 480 U.S. 39, 57 (1986). A ‘reasonable probability’ is a probability sufficient to undermine confidence in the outcome. Bagley, 473 U.S. at 678, 685; Ritchie, 480 U.S. at 57.” Roberts, *supra*, at 1129.

1 Therefore, absent a specific request for Brady material, anything that might have created a
2 probability that the confidence of the verdict was undermined is considered material. Where a
3 specific request is made, however, anything that creates a reasonable possibility that the evidence
4 might have affected the fact-finder's judgment is material.

5 The Nevada Supreme Court has spoken directly to what is considered "favorable to the
6 accused" and therefore proper Brady material. In Mazzan v. Warden, 116 Nev. 48, 67 (2000) the
7 court stated:

8 Due process does not require simply the disclosure of "exculpatory" evidence.
9 Evidence also must be disclosed if it provides grounds for the defense to attack the
10 reliability, thoroughness, and good faith of the police investigation, to impeach the
11 credibility of the state's witnesses, or to bolster the defense case against
12 prosecutorial attacks. Furthermore, "discovery in a criminal case is not limited to
investigative leads or reports that are admissible in evidence." Evidence "need not
have been independently admissible to have been material." (citations omitted)

13 Therefore, Brady material under this standard, would include, but not be limited to, the
14 following examples: forensic testing which was ordered, but not done, or which was completed but
15 did not inculcate the defendant; criminal records or other evidence concerning State's witnesses
16 which might show their bias, motive to lie, or otherwise impeach their credibility; evidence that
17 the alleged victim has been the alleged victim of other crimes; investigative leads or investigation
18 which was not followed-up on or completed by law enforcement; and, of course, anything which is
19 inconsistent with any prior or present statements of a State's witness, including the failure to
20 previously make a statement which is later made or testified to. This is not meant to be an
21 exclusive list; it is merely to show some examples.

22 Brady material applies not only to evidence which might affect the defendant's guilt, but
23 also includes evidence which could serve to mitigate a defendant's sentence if convicted. An
24 example of this kind of evidence might be where the victim of a robbery who identified the
25 defendant as one of two people who robbed him, also indicated that he tried to keep the co-
26 defendant from injuring him. Although the identification would actually go to establishing the
27 defendant's guilt, it would also be Brady material because it might serve to mitigate the
28 defendant's sentence because of his effort to aid the victim. Essentially, anything which could

1 convince the court to impose something less than a maximum sentence, or rebut alleged
2 aggravating circumstances would be relevant to punishment.

3
4 **III. THE STATE IS RESPONSIBLE FOR ALL MATERIAL EITHER IN ITS**
5 **POSSESSION OR CONSTRUCTIVE POSSESSION AND HAS AN**
6 **AFFIRMATIVE DUTY TO OBTAIN SUCH REQUIRED MATERIAL**

7 “It is a violation of due process for the prosecutor to withhold exculpatory evidence, and
8 his motive for doing so is immaterial.” Jimenez, supra at 618. Furthermore, “even if the
9 detectives withheld their reports without the prosecutor’s knowledge, ‘the state attorney is charged
10 with constructive knowledge and possession of evidence withheld by other state agents, such as
11 law enforcement officers.’” *Id.* at 620. Defendant would submit that other state agents such as
12 probation and parole officers, Child Protective Service workers and their agents, jail personnel,
13 and similar agents of the State are also included in those from whom the prosecution must seek out
14 Brady material.

15 In Kyles, supra, the United States Supreme Court made it clear that the prosecutor has an
16 affirmative obligation to obtain Brady material and provide it to the defense, even if the prosecutor
17 is initially unaware of its existence. In so finding, the Supreme Court noted that “[t]he
18 prosecution’s affirmative duty to disclose evidence favorable to a defendant can trace its origins to
19 early 20th century strictures against misrepresentation and is of course most prominently associated
20 with this Court’s decision in Brady v. Maryland. . .” *Id.* 514 U.S. at 432. The Kyles Court also
21 made it clear that this obligation exists even where the defense does not make a request for such
22 evidence. *Id.*

23 The Kyles Court additionally made the following observations when finding the State had
24 breached its duty to Kyles and discussing the prosecutor’s obligations.

25 This in turn means that the individual prosecutor has a duty to learn of any
26 favorable evidence known to the others acting on the government’s behalf in the
27 case, including the police..... Since then, the prosecutor has the means to discharge
28 the government’s Brady responsibility if he will, any argument for excusing a
prosecutor from disclosing what he does not happen to know about boils down to a
plea to substitute the police for the prosecutor, and even for the courts themselves,
as the final arbiter’s of the government’s obligation to ensure fair trials.

1 Kyles, supra, 514 U.S. at 437,438 (citations and footnotes omitted).

2 **IV. THE STATE CANNOT RELY ON AN “OPEN FILE” POLICY TO SATISFY**
3 **THEIR CONSTITUTIONAL DUTIES TO OBTAIN AND TURN OVER THE**
4 **REQUIRED MATERIAL**

5 Based on prior experience, it is anticipated that the prosecution may assert that it has an
6 “open file” policy and that the requested material is not available in its file. This argument is
7 unavailing. In Strickler supra, 527 at 283, the United States Supreme Court explicitly held that a
8 prosecutor’s open file policy does not in any way substitute for or diminish the State’s obligation
9 to turn over Brady material.

10 There can be little question, therefore, that despite its “open file policy,” the prosecution
11 has an affirmative duty to seek out the previously discussed Brady material, regardless of whether
12 such material is in the hands of the prosecutor or in the hands of some other entity acting on behalf
13 of the State.

14 **V. DEFENDANT’S SPECIFIC REQUESTS FOR *BRADY* MATERIAL**

15 The following specific requests are meant to help assist the State in their duty to find and
16 turn over the required Material. This request is not in any way intended to be a substitute for the
17 generalized duties described above.

- 18 1. Any and all Department of Child and Family Services and/or Child
19 Protective Service or equivalent department in another State, records
20 material to the case to include any and all notes of caseworkers or their
21 agents or assistants. This includes information of any and all referrals
22 to therapists by anyone at any of the above mentioned agencies. This also
includes any reports prepared for Family Court or any domestic relations
proceedings, related to the issues or witnesses in the case.¹
- 23 2. Any and all notes of social workers or case workers, working on behalf of
24 the government, including employees of Child Haven, or any governmental
25 agency supervising foster care or any other living arrangement made for any
26 alleged victim or witness in the case, even if on a temporary basis. This
also includes all information on all referrals to any physicians,
psychologists, psychiatrists, social workers or other mental health workers

27 ¹ The U.S Supreme Court has held that the State cannot claim privilege to fail to disclose CPS records, unless there is a
28 statutory scheme that forbids any use, including disclosure to a prosecutor, of such records. Pennsylvania v. Ritchie,
480 U.S. 39, 57-58 (1987). NRS 432B.290 allows for disclosure of such records to the prosecutor and to the court for
in camera review.

or health care providers and any and all notes of any contract providers to such institution.²

3. Any and all records and notes of any mental health workers who have had contact with the subject minor or any other person related to events in this case.³
4. Any and all notes and records of any physical exams done on the subject minor or anyone else in connection with this case. This includes any photographs, videos, colposcopes or recordings taken in conjunction with such exam, and any lab or toxicology reports done in conjunction with such exam. This includes all documents recording what physical evidence was taken in the case, where it was stored, and any related chain of custody documents.⁴
5. Any and all records and notes from the victim witness office of the District Attorney to include any and all records of any benefits or assistance given to the subject minor and his or her relatives, other family members, guardians or any witness related to the case. This also includes any monetary benefits received as well as any services or favors or favorable treatment. This is to include the names of any and all agencies and workers or other referrals that were given to any family member, relative or guardian in connection with this case, or relevant to this case. This also includes an estimate of future benefits to be received during or after the trial.⁵
6. Any and all notes of all interviews of subject minor and any witnesses in the case, to include any and all audio and video recordings of such interviews. This includes any notes of interviews that were not later recorded, such as notes of patrol officers, or notes of phone calls made to potential witnesses, or attempts to contact such witnesses. This also includes any police reports, notes, or other documents that contain information pertaining to this case or any witnesses in this case, no matter what the form or title of the report. Including, any report of information related to the case, given by anyone to any police department or crime tip organization such as Crime Stoppers, and any reward or benefit received for such tip.⁶

² See above, as these workers are working for the State or in conjunction with such agencies.

³ If such counselors are seeing the alleged victims after being referred by a State or County agency or worker, or are paid by victim witness or through aid especially due to status as a "victim" then there is no provider-patient privilege as the information is being sought with the purpose to disclose to third parties. Further, under general discovery principles, anything disclosed that bears on the credibility of the witness, on the credibility of any other witness or any evidence, that suggests that the defendant did not commit the crime, that someone else may have perpetrated the crime, or anything else relevant to discovery, then such information must be disclosed under case law cited in this brief.

⁴ This is required under NRS 171.1965 1(b) and NRS 174.235 1(b).

⁵ This is relevant to issues regarding possible bias, credibility, motive to lie, impeachment. See Davis v. Alaska, 415 U.S. 308 (1974) and footnote 7.

⁶ NRS 174.235 1(a) mandates disclosure of all written or recorded statements for any witnesses the prosecution intends to call. NRS 171.1965 1(a) mandates disclosure of all written or recorded statements made by a witness or witnesses.

7. Any information on any criminal history of any material witness in the case, to include any juvenile record, misdemeanors, or any other information that would go to the issue of credibility and bias, whether or not the information is admissible by the rules of evidence.⁷
8. Any and all information known or which could be known by the diligent actions of the State of any previous allegations of sexual misconduct made by the subject minor or any material witness in the case. To include any and all information or any possible false accusations made by the subject minor or any material witness in the case.⁸
9. Any and all information known or which could be known by the diligent actions of the State of sources of sexual knowledge which could possibly had an impact on the subject minor, outside the alleged events.⁹
10. Any and all information which shows that the defendant did not commit the crimes alleged or which show the possibility of another perpetrator.¹⁰
11. Any notes of any statements by the defendant, to include any notes of patrol officers or other agents of the State who have had contact with the defendant, if not given already in discovery.
12. All relevant reports of chain of custody. All reports of any destruction of any evidence in the case.¹¹

This request calls for all memorialized statements by all witnesses, whether or not the State intends to call them, as it is obviously the witnesses that the State will not call which often provide the most relevant and discoverable information, under the law.

⁷ The State usually is under the mistaken impression that they only must disclose felony convictions from the last 10 years that can be used as impeachment under NRS 50.095. However, in Davis v. Alaska, *supra*, the US Supreme Court found that a witness can be attacked by “revealing possible biases, prejudices, or ulterior motives of the witnesses as they may relate directly to the issues or personalities on the case at hand. The partiality of a witness is...always relevant as discrediting the witness and affecting the weight of his testimony.” *Id.* at 354. The court found that the State’s policy interest in protecting the confidentiality of a juvenile offender’s record must yield to the defendant’s right to cross examine as to bias. *Id.* at 356. See also Lobato v. State, 120 Nev. 512 (2004), discussing the “nine basic modes of impeachment.” Therefore, juvenile records, misdemeanors and older criminal records may yield information relevant to many forms of impeachment other than that outlined in NRS 50.095.

⁸ See Miller v. State 105 Nev. 497 (1989), which allows for such evidence as an exception to rape shield laws. NRS 432B.290 3, states “An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.”

⁹ Summit v. State, 101 Nev. 159 (1985), allowing evidence of prior sexual conduct to show knowledge.

¹⁰ See Holmes v. South Carolina, 547 U.S. 319 (2006), which holds that preventing a defendant from presenting evidence of third party guilt deprives him of a meaningful right to present a complete defense under the 14th and 6th Amendment of the US Constitution.

¹¹ Destruction of evidence can result in dismissal of the case or a jury instruction stating such evidence is presumed favorable to the accused. Crockett v. State, 95 Nev. 859, 865 (1979); Sparks v. State, 104 Nev. 316, 319 (1988); Sanborn v. State, 107 Nev. 399, 409 (1991).

- 1 13. Any inconsistent statements made by the subject minor or any material
2 witness in the case. This includes any inconsistent statements made to any
3 employee or representative of the District Attorney's office.¹²
4
5 14. Any and all notes and reports of any expert in the case, to include mental
6 health workers. This includes any preliminary reports or notes, not
7 included in a final report.¹³
8
9 15. Any information regarding immigration benefits received by the
10 complaining witness and/or family members as a result of the allegations in
11 this case.
12
13 16. All updated witness contact information, to include last known address and
14 phone number.¹⁴

15 DATED this 6th day of April, 2011.

16 PHILIP J. KOHN
17 CLARK COUNTY PUBLIC DEFENDER

18 By: /s/ Mike Feliciano
19 MIKE FELICIANO, #9312
20 Deputy Public Defender
21
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¹² See Brady, et al, in brief.

¹³ NRS 174.245 2(a)(b)(c).

¹⁴ NRS 174.245 4.

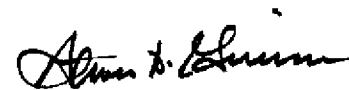
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 19th day of May, 2011, at 9:00 a.m.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

I hereby certify that service of the above and foregoing was made this 6th of April, 2011, by Electronic Filing to:

/s/ Anita H Harrold
Secretary for the Public Defender's Office



CLERK OF THE COURT

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

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

| | | |
|------------------------------|---|----------------------|
| 9 THE STATE OF NEVADA, |) | |
| |) | |
| 10 Plaintiff, |) | CASE NO. C268285-1 |
| |) | |
| 11 v. |) | DEPT. NO. XX |
| |) | |
| 12 GUILLERMO RENTERIO-NOVOA, |) | DATE: April 19, 2011 |
| |) | TIME: 9:00 a.m. |
| 13 Defendant. |) | |

14 **MOTION IN LIMINE TO PRECLUDE THE STATE'S EXPERTS FROM IMPROPER**
15 **VOUCHING AND TO PREVENT "EXPERTS" FROM TESTIFYING OUTSIDE**
16 **THEIR AREA OF EXPERTISE**

17 COMES NOW, the Defendant, GUILLERMO RENTERIO-NOVOA, by and
18 through MIKE FELICIANO, Deputy Public Defender and hereby files this Motion in Limine to
19 Prevent the State's Experts From Improper Vouching And To Prevent Experts From Testifying
20 Outside Their Area Of Expertise.

21 This Motion is made and based upon all the papers and pleadings on file herein, the
22 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

23 DATED this 6th day of April, 2011.

24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26 By: /s/ Mike Feliciano
27 MIKE FELICIANO, #9312
28 Deputy Public Defender

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LAW

In 1985 the legislature passed NRS 50.345 which allows expert testimony in sexual assault cases to show that a victim's behavior or physical condition is consistent with the behavior of a victim of sexual assault. However, since the passage of that law, the Supreme Court has still limited this kind of testimony on the basis of relevance, vouching and that this kind of testimony can be beyond that needed to assist the trier of fact.

The threshold test for the admissibility of testimony by a qualified expert is whether the expert's specialized knowledge will assist the trier of fact to understand the evidence or determine a fact in issue. The goal, of course, is to provide the trier of fact a resource for ascertaining truth in relevant areas outside the ken of ordinary laity. Moreover, expert testimony must also withstand the challenge to all relevant evidence, i.e., whether probative value exceeds prejudicial effect. NRS 48.035(1)." Townsend v. State of Nevada, 103 Nev. 113, 117-118 (1987).

Relevant evidence is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. (NRS 48.015). Evidence that is irrelevant is inadmissible. (NRS 48.025). Relevant evidence is not admissible if its probative value is substantially outweighed by the danger of unfair prejudice, of confusion of the issues or of misleading the jury. (NRS 48.035). Relevant evidence may also be excluded if its probative value is substantially outweighed by considerations of undue delay, waste of time or needless presentation of cumulative evidence. (NRS 48.035).

Testimony that amounts to vouching is irrelevant and inadmissible. "[I]t is generally inappropriate for either a prosecution or defense expert to directly characterize a putative victim's testimony as being truthful or false...This was improper since it invaded the prerogative of the jury to make unassisted factual determinations where expert testimony is unnecessary...[the testimony] should have been excluded." Townsend at 119. "It has long been the general rule that it is improper for one witness to vouch for the testimony of another, and this court has held several times that an expert is not permitted to testify to the truthfulness of a witness." Marvelle v. State, 114 Nev. 921, 931 (1998) (citations omitted). "[I]t is exclusively within the province of the trier

1 of fact to weigh the evidence and pass on the credibility of witnesses and their testimony...Thus a
2 lay witness's opinion concerning the veracity of the statement of another is inadmissible."
3 DeChant v. State, 10 P.3d 108 (2000), quoting Lay v. State, 110 Nev. 1189, 1192 (1994). "Our
4 conclusion would not change...for experts." DeChant at 112, n.3. See Lickey v. State, 108 Nev.
5 191, 196 (1992), "An expert may not comment on the veracity of a witness."

6 7 ARGUMENT

8 Often in this type of case the State will try to elicit from various witnesses whether
9 or not in their opinion the alleged victim is credible, whether the alleged victim's behavior and/or
10 responses were consistent with someone who has been abused and other similar testimony.

11 The problem with this testimony, especially in a case that is dependent entirely on
12 the credibility of the alleged victim, is that it can carry undue weight with a jury. This then takes
13 the issue of witness credibility out of the hands of the jury and into the hands of the "expert." This
14 is precisely why vouching is not permitted and is considered so dangerous to our system of trial by
15 jury.

16 It is not clear who is testifying or what they are testifying about, that is the subject
17 of another motion, but this motion seeks to limit any expert testimony, including that of any
18 detectives, to that which is relevant, admissible and for which there is foundation.

19 The state cannot call a nurse, trained in sexual assault exams, or a detective and ask
20 questions more appropriate for a psychologist, such as an interpretation of a patient's behavior,
21 responses, or the content of their version of events. This is outside the parameter of such expert.

22 The State also cannot ask a psychologist, who has seen the alleged victim, whether
23 or not they seemed credible, whether they were telling the truth, or whether their answers were
24 consistent with someone who has been abused. The Court has been clear that vouching is not
25 permitted, and any vouching type testimony is inadmissible.

26 CONCLUSION

27 Any psychological evidence presented from witnesses who have no qualification to
28 testify to it, such as nurses and detectives, should be excluded as there is no proper foundation.

1 Further, any testimony regarding the truthfulness of the alleged victim should be excluded as this
2 would be improper vouching and would prevent the defendant from having a fair trial, as due
3 process dictates under the 14th Amendment of the US Constitution. The State should make an
4 offer of proof as to the testimony of each expert, so these issues can be litigated prior to trial and
5 prior to any such evidence being presented to the jury.

6 DATED this 6th day of April, 2011.

7 PHILIP J. KOHN
8 CLARK COUNTY PUBLIC DEFENDER

9
10 By: /s/ Mike Feliciano
11 MIKE FELICIANO, #9312
12 Deputy Public Defender
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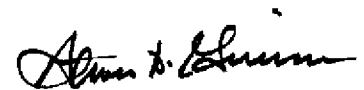
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 19th day of May, 2011, at 9:00 a.m.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

I hereby certify that service of the above and foregoing was made this 6th of April, 2011, by Electronic Filing to:

/s/ Anita H Harrold
Secretary for the Public Defender's Office



CLERK OF THE COURT

NOTC
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CHRISTOPHER PANDELIS
Deputy District Attorney
Nevada Bar #009143
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GUILLERMO RENTERIA-NOVOA,
#2755564

Defendant.

CASE NO: C268285

DEPT NO: XIV

SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
[NRS 174.234]

TO: GUILLERMO RENTERIA-NOVOA, Defendant; and

TO: MIKE FELICIANO, Deputy Public Defender, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses in its case in chief:

These witnesses are in addition to those witnesses endorsed on the Information and any other witness for which a separate Notice has been filed.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call expert witnesses in its case in chief as follows:

The substance of each expert witness testimony and copy of all reports made by or at the direction of the expert witness has been provided in discovery.

A copy of each expert witness curriculum vitae, if available, is attached hereto.

***Indicates an additional witness**

NAME

ADDRESS

COX, D. – LVMPD P#7924

*CUSTODIAN OF RECORDS – AT&T WIRELESS

CUSTODIAN OF RECORDS – CLARK COUNTY DETENTION CENTER

CUSTODIAN OF RECORDS – LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS – LVMPD RECORDS

GIBSON, CHRISTOPHER; LVMPD#14009

JAEGER, RYAN; LVMPD#05587

PAGE, LELAND or Designee; COURT INTERPRETER

PEREZ-RODRIGUEZ, PERLA – 121 GRANDVIEW DR., HND, NV

PEREZ, ROXANA; 3937 SPENCER ST. #75, LVN 89119

RODRIGUEZ, ROSA; 3937 SPENCER ST. #75, LVN 89119

RODRIGUEZ-RUIZ, JANET; 500 MILLER AVE. #18, NLV 89030

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

BY /s//CHRISTOPHER PANDELIS

CHRISTOPHER PANDELIS
Deputy District Attorney
Nevada Bar #009143

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Notice, was made this 13th day of April, 2011,
by Electronic Filing to:

MIKE FELICIANO, Deputy Public Defender
E-mail Address: harrolah@co.clark.nv.us

Shellie Warner
Secretary for the District Attorney's Office

mmw/SVU


CLERK OF THE COURT

OPPS
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CHRISTOPHER PANDELIS
Deputy District Attorney
Nevada Bar #009143
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|---------------------------|---|------------------|
| THE STATE OF NEVADA, |) | |
| Plaintiff, |) | CASE NO: C268285 |
| -vs- |) | DEPT NO: XX |
| GUILLERMO RENTERIO-NOVOA, |) | |
| #2755564 |) | |
| Defendant. |) | |

**STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE
THE STATE'S EXPERT'S FROM IMPROPER VOUCHING AND TO PREVENT
"EXPERTS" FROM TESTIFYING OUTSIDE THEIR AREA OF EXPERTISE**

DATE OF HEARING: 04/19/11
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through CHRISTOPHER PANDELIS, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to 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.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION**

3 Defendant, GUILLERMO RENTERIA-NOVOA, is charged by way of Criminal
4 Information with Sexual Assault with a Minor Under Fourteen Years of Age (Felony – NRS
5 200.364, 200.366), Lewdness With a Child Under the Age of 14 (Felony – NRS 201.230),
6 Sexual Assault With a Minor Under Sixteen Years of Age (Felony 200.364, 200.366), Open
7 or Gross Lewdness (Gross Misdemeanor – NRS 201.220) and Sexual Assault (Felony NRS
8 200.364, 200.366). The victim is Roxana Perez (DOB: 08-30-93). The crimes occurred on
9 or between February 1, 2005 and December 31, 2009.

10 On April 7, 2011, Defendant filed a Motion in Limine to Preclude the State's Experts
11 from Improper Vouching and to Prevent "Experts" from Testifying Outside Their Area of
12 Expertise. The State's Opposition follows.

13 **LEGAL ARGUMENT**

14 Defendant begins by correctly citing NRS 50.345¹. The State has no intention of
15 putting any expert on the stand to qualify outside the area of their expertise. However, to
16 preclude the testimony of any witness, prior to trial is counterproductive.

17 Defendant will have ample opportunity to object to the testimony at the time the
18 witness is called if they should testify outside the purview of their area of expertise.
19 However, based on the proffers in the defendant's instant motion it should be denied
20 outright.

21 //

22 //

23 //

24 //

25 _____
26 ¹ 50.345. Expert testimony to show victim's behavior or condition is consistent with behavior or condition of
27 victim of sexual assault: In any prosecution for sexual assault, expert testimony is not inadmissible to show that the
28 victim's behavior or mental or physical condition is consistent with the behavior or condition of a victim of sexual
assault.

1 **CONCLUSION**

2 Based upon the above and foregoing Points and Authorities, Defendant's Motion in
3 Limine to Preclude the State's from Improper Vouching and to Prevent "Experts" from
4 Testifying Outside Their Area of Expertise must be denied.

5 DATED this 14th day of April, 2011.

6 Respectfully submitted,

7 DAVID ROGER
8 Clark County District Attorney
9 Nevada Bar #002781

10 BY /s//CHRISTOPHER PANDELIS
11 CHRISTOPHER PANDELIS
12 Deputy District Attorney
13 Nevada Bar #009143

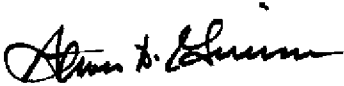
14 **CERTIFICATE OF ELECTRONIC FILING**

15 I hereby certify that service of State's Opposition, was made this 14th day of April,
16 2011, by Electronic Filing to:

17 MIKE FELICIANO, Deputy Public Defender
18 E-mail Address: harrolah@ClarkCountyNV.gov

19 Shellie Warner
20 Secretary for the District Attorney's Offices

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28 sms/mmww/SVU


CLERK OF THE COURT

OPPS
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CHRISTOPHER PANDELIS
Deputy District Attorney
Nevada Bar #009143
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|---------------------------|---|------------------|
| THE STATE OF NEVADA, |) | |
| Plaintiff, |) | CASE NO: C268285 |
| -vs- |) | DEPT NO: XX |
| GUILLERMO RENTERIO-NOVOA, |) | |
| #2755564 |) | |
| Defendant. |) | |

**STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE
TO PRECLUDE PREJUDICIAL TERM "VICTIM"**

DATE OF HEARING: 04/19/11
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through CHRISTOPHER PANDELIS, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion to Preclude Prejudicial Term Victim.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

//

//

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION**

3 Defendant, GUILLERMO RENTERIA-NOVOA, is charged by way of Criminal
4 Information with Sexual Assault with a Minor Under Fourteen Years of Age (Felony – NRS
5 200.364, 200.366), Lewdness With a Child Under the Age of 14 (Felony – NRS 201.230),
6 Sexual Assault With a Minor Under Sixteen Years of Age (Felony 200.364, 200.366), Open
7 or Gross Lewdness (Gross Misdemeanor – NRS 201.220) and Sexual Assault (Felony NRS
8 200.364, 200.366). The victim is Roxana Perez (DOB: 08-30-93). The crimes occurred on
9 or between February 1, 2005 and December 31, 2009.

10 On April 7, 2011, Defendant filed a Motion to Preclude Prejudicial Term “Victim”
11 The State’s Opposition follows.

12 **LEGAL ARGUMENT**

13 ***I. Use of the Term Victim***

14 The State of Nevada has made specific statutory provisions to define the term
15 “victim.” NRS 217.070 defines “Victim” as follows:

16 “Victim” means:

- 17 1. A person who is physically injured or killed as the direct result
18 of a criminal act;
- 19 2. A minor who was involved in the production of pornography
20 in violation of NRS 200.710, 200.720, 200.725 or 200.730;
- 21 3. A minor who was sexually abused, as "sexual abuse" is
22 defined in NRS 432B.100;
- 23 4. A person who is physically injured or killed as the direct result
24 of a violation of NRS 484.379 or any act or neglect of duty
25 punishable pursuant to NRS 484.3795;
- 26 5. A pedestrian who is physically injured or killed as the direct
27 result of a driver of a motor vehicle who failed to stop at the
28 scene of an accident involving the driver and the pedestrian in
violation of NRS 484.219; or
6. A resident who is physically injured or killed as the direct
result of an act of international terrorism as defined in 18 U.S.C.
§ 2331(1).

The term includes a person who was harmed by any of these acts

whether the act was committed by an adult or a minor.

The crimes that Defendant is accused of committing are listed in NRS Chapter 200, Crimes Against the Person, a human being; hence there must be a victim, in order to even charge the crime. Following Defendant's logic that the use of the term "raises an inference of guilt" in the jury's mind, the State could argue that by granting Defendant's motion, this Court would be prejudicing the people of the State of Nevada by not allowing identification of the victim as the victim, and thereby insinuating that the victim is not telling the truth. According to Defendant's logic, the State and the court should be precluded from even informing the jury of what Defendant is charged with as this certainly would be prejudicial to the presumption of innocence.

Obviously, there has been no specific legislation or case law in Nevada which indicates when the term "victim" is inappropriate in a courtroom, during a criminal case. Throughout the years, defense attorneys have made this request with absolutely no authority or logic behind it. Should the defense wish to argue that a reference to the victim does not mean defendant is guilty; that is fair; however, for a Court to start limiting language and precluding one word over another is a slippery slope that eventually avalanches the jury's ultimate question.

Defendant next contends that references to the victim as "the victim" at trial expresses a personal belief that the complaining witness is telling the truth or that Defendant is guilty. He further states that the use of the term by either the court or the prosecutor is tantamount to what he calls "witness vouching."

In Browning v. State, 91 P.3d 39 (2004), the Nevada Supreme Court defined witness vouching:

During closing argument, the prosecutor stated that her identification was "as good as you could ask for." Browning claims that in its answer below the State conceded that Mrs. Elsen never positively identified Browning. He asserts that the prosecutor's statements were severely prejudicial because Mrs. Elsen was the only person who placed Browning in the jewelry store at the time of the murder. This claim is without merit. The prosecution may not vouch for a witness; such vouching occurs when the prosecution places " 'the prestige of the government behind the witness' " by providing " 'personal assurances of [the]

witness's veracity."¹ The remarks here did not amount to improper vouching. The prosecution did not place the prestige of the government behind Mrs. Elsen or provide personal assurances of her veracity. *Id.* at 48

The prosecutor during trial will not offer any personal opinions; however, the jury will draw an inference that the prosecutor believes that the victims in the instant case are telling the truth because the State is proceeding with the case based on their accusations. As noted above, this has absolutely nothing to do with vouching. Calling the victim a "victim," is not a personal opinion or vouching for the credibility of a witness. In order to have a prosecution for sexual assault there must be a victim otherwise Defendant could not be accused of the crime.

Next, Defendant argues that the State should be precluded from using a jury instruction that correctly states Nevada law. It has long been recognized that the offense of sexual assault is rarely perpetrated in the presence of witnesses other than the victim. Consequently, the Nevada Supreme Court recognizes that testimony from sexual assault victims, and especially victims who are children, poses special concerns within the judicial system and as such requires special consideration in order to assure integrity for these victims. *See e.g.: Cunningham v. State*, 100 Nev. 396, 400, 683 P.2d 500, 502 (1984); *La Pierre v. State*, 108 Nev. 528, 530, 836 P.2d 56 (1992) (noting that the Supreme Court of Nevada is cognizant that child victims are often unable to articulate specific times of abusive events and reluctant to report the abuse, especially when it is perpetrated by a family member).

Because the nature of the offense is inherently secretive and typically there are no other witnesses to the abuse, it is a well-settled rule in Nevada that there is no requirement that the testimony of a victim of sexual assault be corroborated. *See e.g., May v. State*, 89 Nev. 277, 279, 510 P.2d 1368 (1973)(holding that giving two instructions, both informing the jury it could convict in sexual assault case based upon the victim's uncorroborated testimony was not error)(overruled on other grounds); *See also, Henderson v. State*, 95 Nev.

¹ *U.S. v. Kerr*, 981 F.2d 1050, 1053 (9th Cir.1992) (quoting *U.S. v. Roberts*, 618 F.2d 530, 533 (9th Cir.1980)).

324, 326, 594 P.2d 712, 713 (1979); Nordine v. State, 95 Nev. 425, 426, 596 P.2d 245 (1979); Deeds v. State, 97 Nev. 216, 217, 626 P.2d 271, 272 (1981); Rembert v. State, 104 Nev. 680, 681, 766 P.2d 890 (1988); Hutchins v. State, 110 Nev. 103, 109, 867 P.2d 1136 (1994) stating that the uncorroborated testimony of a victim, without more, is sufficient to uphold a rape conviction, citing to *May*, supra; State v. Gomes, 112 Nev. 1473, 930 P.2d 701 (1996); Washington v. State, 112 Nev. 1067, 1073, 922 P.2d 547 (1996).

Recently in Gaxiola v. State, 119 P.3d 1255 (2005), the Court reaffirmed the *May* decision on this issue by stating:

This court has repeatedly stated that the uncorroborated testimony of a victim, without more, is sufficient to uphold a rape conviction. Furthermore, other courts have approved jury instructions to that effect. Moreover, we conclude that the instruction is significantly different from a "Lord Hale" instruction. "Lord Hale" instructions amount to a commentary on the evidence, by telling a jury that a category of witness testimony should be given greater scrutiny. A "no corroboration" instruction does not tell the jury to give a victim's testimony greater weight, it simply informs the jury that corroboration is not required by law.

Id. at 1232 (footnotes omitted)

Gaxiola argues that we approved the combined use of a "Lord Hale" instruction and two "no corroboration" instructions in *May v. State*.² However, *May* only states that the instructions concerning corroboration correctly stated the law and that it was not error to give them to the jury.³ *May* does not suggest that the use of combined instructions is required or approved of in sexual assault cases, and *Turner* subsequently disapproved of the "Lord Hale" instruction.

We conclude that the district court did not err by giving the "no corroboration" instruction. The instruction is a correct statement of Nevada law. Further, we agree with the Supreme Court of California in that the instruction does not unduly focus the jury's attention on the victim's testimony. Jurors mistakenly assume that they cannot base their decision on one witness's testimony even if the testimony establishes every material element of the crime. Therefore, it is appropriate for the district court to instruct the jurors that it is sufficient to base their decision on the alleged victim's uncorroborated testimony as long as the testimony establishes all of the material elements of the crime.

² 89 Nev. 277, 278-79, 510 P.2d 1368, 1369 (1973), *overruled by Turner*, 111 Nev. at 404, 892 P.2d at 580.

³ *Id.* at 279, 510 P.2d at 1369

1 *Id.* at 1233

2 The bottom line is that the State has no intention of “overusing” the term victim. It
3 becomes an exercise in futility for the parties and this Court to spend inordinate amounts of
4 time carving out exceptions to which words can and cannot be used and which semantics are
5 prejudicial or “correct” or “incorrect.” Motions and blanket rulings such as these should be
6 discouraged.

7 Defendant’s motion should be denied with the understanding that any problems in
8 overuse of terminology can be addressed as the trial unfolds. Defendant should be required
9 to object contemporaneously to any one “word” that is used which may allegedly violate
10 Defendant’s due process rights. Further, the opposed jury instruction properly states the law
11 of the State of Nevada and if proffered by the State, is appropriate.

12 **CONCLUSION**

13 Based upon the above and foregoing Points and Authorities, Defendant's Motion In
14 Limine to Preclude the Prejudicial Term “Victim” must be denied.

15 DATED this 14th day of April, 2011.

16 Respectfully submitted,

17 DAVID ROGER
18 Clark County District Attorney
Nevada Bar #002781

19
20 BY /s//CHRISTOPHER PANDELIS
21 CHRISTOPHER PANDELIS
22 Deputy District Attorney
23 Nevada Bar #009143
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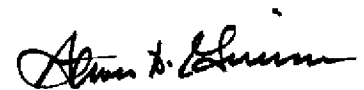
1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that service of State's Opposition, was made this 14th day of April,
3 2011, by Electronic Filing to:

4 MIKE FELICIANO, Deputy Public Defender
5 E-mail Address: harrolah@ClarkCountyNV.gov

6 Shellie Warner.
7 Secretary for the District Attorney's Offices

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CLERK OF THE COURT

OPPS
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CHRISTOPHER PANDELIS
Deputy District Attorney
Nevada Bar #009143
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|---------------------------|---|------------------|
| THE STATE OF NEVADA, |) | |
| Plaintiff, |) | CASE NO: C268285 |
| -vs- |) | DEPT NO: XX |
| GUILLERMO RENTERIO-NOVOA, |) | |
| #2755564 |) | |
| Defendant. |) | |

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY

DATE OF HEARING: 04/19/11
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through CHRISTOPHER PANDELIS, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Discovery.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION**

3 Defendant, GUILLERMO RENTERIA-NOVOA, is charged by way of Criminal
4 Information with Sexual Assault with a Minor Under Fourteen Years of Age (Felony – NRS
5 200.364, 200.366), Lewdness With a Child Under the Age of 14 (Felony – NRS 201.230),
6 Sexual Assault With a Minor Under Sixteen Years of Age (Felony 200.364, 200.366), Open
7 or Gross Lewdness (Gross Misdemeanor – NRS 201.220) and Sexual Assault (Felony NRS
8 200.364, 200.366). The victim is Roxana Perez (DOB: 08-30-93). The crimes occurred on
9 or between February 1, 2005 and December 31, 2009.

10 On April 7, 2011, Defendant filed a Motion for Discovery. The State's Opposition
11 follows.

12 **LEGAL ARGUMENT**

13 The State is aware of its obligation to provide exculpatory evidence to the defense.
14 Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555 (1995); Giglio v. United States, 405 U.S.
15 150, 92 S.Ct. 763 (1972); Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963); Wade v.
16 State, Nev. 115 Nev. 290, 986 P.2d 438 (1999); Jimenez v. State, 112 Nev. 610, 918 P.2d
17 687 (1996); Roberts v. State, 110 Nev. 1121, 881 P.2d 1 (1994); Wallace v. State, 88 Nev.
18 549, 501 P.2d 1036 (1972)

19 Due process requires the prosecution to disclose materially exculpatory information in
20 its possession to the defense upon a proper request. See United States v. Bagley, 473 U.S.
21 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985); United States v. Agurs, 427 U.S. 97 (1976);
22 Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963). Evidence is
23 material if there is a reasonable probability that the result would have been different if the
24 evidence had been disclosed. Jimenez v. State, 112 Nev. 610, 619, 918 P.2d 687, 692
25 (1996).

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1 NRS 174.235 states:

2 1. Except as otherwise provided in NRS 174.233 to NRS 174.295
3 inclusive, at the request of a defendant, the prosecuting attorney
4 shall permit Defendant to inspect and to copy or photograph any:

5 (a) Written or recorded statements or confessions made by
6 Defendant, or any written or recorded statements made by a
7 witness the prosecuting attorney intends to call during the case in
8 chief of the state, or copies thereof, within the possession,
9 custody or control of the state, the existence of which is known,
10 or by the exercise of due diligence may become known, to the
11 prosecuting attorney;

12 (b) Results or reports of physical or mental examinations,
13 scientific tests or scientific experiments made in connection with
14 the particular case, or copies thereof, within the possession,
15 custody or control of the state, the existence of which is known,
16 or by the exercise of due diligence may become known, to the
17 prosecuting attorney; and

18 (c) Books, papers, documents, tangible objects, or copies thereof,
19 which the prosecuting attorney intends to introduce during the
20 case in chief of the state and which are within the possession,
21 custody or control of the state, the existence of which is known,
22 or by the exercise of due diligence may become known, to the
23 prosecuting attorney.

24 2. Defendant is not entitled, pursuant to the provisions of this
25 section, to the discovery or inspection of:

26 (a) An internal report, document or memorandum that is
27 prepared by or on behalf of the prosecuting attorney in
28 connection with the investigation or prosecution of the case.

(b) A statement, report, book, paper, document, tangible object
or any other type of item or information that is privileged or
protected from disclosure or inspection pursuant to the
constitution or laws of this state or the Constitution of the United
States.

3. The provisions of this section are not intended to affect any
obligation placed upon the prosecuting attorney by the
constitution of this state or the Constitution of the United States
to disclose exculpatory evidence to Defendant.

21 In the case of Riddle v. State, 96 Nev. 589, 613 P.2d 1031 (Nev. 1980) the Nevada
22 Supreme Court reaffirmed the strictures of the provisions of our discovery statutes by
23 making the following statement:

24 The trial court is vested with the authority to order the discovery
25 and inspection of materials in the possession of the State. The
26 exercise of the court's discretion however is predicated on a
27 showing that the evidence sought is material to the presentation
28 of the defense and the existence of the evidence is known or, by
the exercise of due diligence may become known to the District
Attorney.

Id. at 390.

1. Any and all Department of Child and Family Services and/or Child Protective Service or equivalent department in another State, including but not limited to Los Angeles County Department of Child and Family Services, records material to the case to include any and all notes of caseworkers or their agents or assistants. This includes all any and all referrals to therapists by anyone at any of the above mentioned agencies. This also includes any reports prepared for Family Court or any domestic relations proceedings related to the issues or witnesses in this case.

Pursuant to NRS 432B.290, this Court may order the release of any CPS records *concerning this event*, for in camera review, to determine the relevance and admissibility of the privileged records. Defendant is not entitled to any family court or domestic relations proceedings related to the witnesses in this case.

2. Any and all notes of social workers or caseworkers, working on behalf of the government, including employees of Child Haven, or any governmental agency supervising foster care or any other living arrangement made for any alleged victim or witness in the case, even if on a temporary basis. This also includes all information on all referrals to any physicians, psychologists, psychiatrists, social works or other mental health workers or health care providers and any and all notes of any contract providers to such institutions.
3. Any and all records and notes of any mental health workers who have had contact with the subject minor or any other person related to events in this case.

As to requested items 2 and 3, the aforementioned requests are privileged pursuant to NRS 174.235(2)(b), and the following Nevada Revised Statutes as indicated:

NRS 49.209:

A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between himself and his psychologist or any other person who is participating in the diagnosis or treatment under the direction of the psychologist, including a member of the patient's family.

NRS 49.225:

A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications among himself, his doctor or persons who are participating in the diagnosis or treatment under the direction of the doctor, including members of the patient's family.

1 NRS 49.252:

2 A client has a privilege to refuse to disclose, and to prevent any
3 other person from disclosing confidential communications
4 among himself, his social worker or any other person who is
5 participating in the diagnosis or treatment under the direction of
6 the social worker.

7 Defendant is not entitled to the records and notes of any mental health workers who
8 have had contact with the victim or her family.

- 9 4. Any and all notes and records of any physical exams done on the subject minor
10 or anyone else in connections with the case. This includes any photographs,
11 videos, colposcopes or recordings taken in conjunction with such exam, and
12 any lab or toxicology reports done in conjunction with such exam. This
13 includes all documents recording what physical evidence was taken in the case,
14 where it was stored, and any related chain of custody of documents.

15 If not already provided, any and all notes and records of the sexual assault
16 examination conducted on the minor victim, as a result of this case, shall be provided to
17 Defendant upon the State's receipt of the same. Defendant is not entitled to the medical
18 records of anyone else in connection with case.

- 19 5. Any and all records and notes from the victim witness office of the District
20 Attorney to include any and all records of any monetary assistance given to the
21 alleged victim and his or her relatives or other family members or guardians.
22 This also includes any benefits received in the way of services or favors or
23 favorable treatment. This is to include the names of any and all agencies and
24 workers that were given to any family member, relative or guardian in
25 connection with this case or relevant to this case. This includes any services or
26 benefits given to any witness who is related to this case.

27 To the extent the requested information exists, the State will provide it upon the
28 State's receipt of the same.

- 29 6. Any and all notes of all interviews of subject minor, any witness or any
30 potential witness in the case, to include any and all audio and video recoding
31 of any form collected by the investigating officers or any other agent of the
32 state during the course of the investigation. This includes any notes of
33 interviews that were not later recorded, such as notes of patrol officers, or
34 notes of phone calls made to potential witnesses, or attempts to contact such
35 witnesses. Including any report of information related to the case, given by
36 anyone to any police department or crime tip organization such as Crime
37 Stoppers, and any reward or benefit received for the tip.

1 Defendant has been provided with all interviews of the subject minor and material
2 witnesses in this case. Copies of any audio and/or video recordings of the interviews, if they
3 exist, shall be provided to Defendant upon State's receipt of the same. The State is unaware
4 of any patrol officer notes or phone calls made to potential witnesses or any attempts to
5 contact such witnesses other than what has been provided in the police reports. Crime
6 Stoppers or any other crime tip organization were not involved in the investigation into this
7 matter.

- 8 7. Any information on any criminal history of any material witness in the case, to
9 include any juvenile record, misdemeanors, or any other information that
10 would go to the issue of credibility or bias, whether or not the information is
admissible by the rules of evidence

11 As a user of the National Crime Information Center (NCIC) database, the State is
12 prohibited from disseminating criminal history information to non-criminal justice agencies
13 as defined by Title 28 Code of Federal Regulations (CFR)§ 20.3, which describes a criminal
14 justice agency as: (1) Courts; and (2) a government agency or any subunit thereof which
15 performs the administration of criminal justice pursuant to a statute or executive order, and
16 which allocates a substantial part of its annual budget to the administration of criminal
17 justice. Unless specifically authorized by federal law, access to the NCIC/III for non-
18 criminal justice purposes is prohibited.

19 A 1989 United States Supreme Court case looked at this issue from the standpoint of
20 an invasion of privacy and ruled accordingly:

21 Accordingly, we hold as a categorical matter that a third party's
22 request for law enforcement records or information about a
23 private citizen can reasonably be expected to invade that citizen's
24 privacy, and that when the request seeks no "official
25 information" about a Government agency, but merely records
that the Government happens to be storing, the invasion of
privacy is "unwarranted."

26 United States Department of Justice v. the Reporters Committee for Freedom of the Press,
27 109 S.Ct. 1468, 1485 (1989).

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1 Criminal defense attorneys, public or private, are not within the definition of
2 “criminal justice agency,” nor is the criminal defense function considered a “criminal justice
3 purpose.” Therefore, Defendant is not entitled to the criminal history information he seeks.

4 However, if the State learns that any witness the State intends to call at trial has a
5 prior felony conviction within the last ten (10) years, which would be admissible for
6 impeachment purposes under NRS 50.095, or convictions for offenses pertaining to moral
7 turpitude, the State will disclose that information to the defense immediately.

- 8 8. Any and all information known or which could be known by the diligent
9 actions of the State of any previous allegations of sexual misconduct made by
10 the subject minor or any material witness in the case. To include any and all
11 information or any possible false accusations made by the subject minor or any
12 material witness in this case.

13 NRS 50.090 states:

14 In any prosecution for sexual assault or statutory sexual
15 seduction or for attempt to commit or conspiracy to commit
16 either crime, the accused may not present evidence of any
17 previous sexual conduct of the victim of the crime to challenge
18 the victim’s credibility as a witness unless the prosecutor has
19 presented evidence or the victim has testified concerning such
20 conduct, or the absence of such conduct, in which case the scope
21 of the accused’s cross-examination of the victim or rebuttal must
22 be limited to the evidence presented by the prosecution or victim.

23 The State would further point out that there are very limited exceptions to the rape-
24 shield law. One of those would be if the defense was alleging that there was a prior false
25 allegation. In Miller v. State, 105 Nev. 497, 779 P.2d 87, (1989), the Supreme Court of
26 Nevada ruled that the district court had properly excluded evidence the defense attempted to
27 elicit regarding prior sexual abuse allegations made by the complaining witness. The court
28 held that the defendant must prove, by a preponderance of the evidence, the following three
elements:(1) the accusation or accusations were in fact made;(2) that the accusation or
accusations were in fact false;(3) that the evidence is more probative than prejudicial. Id at
Nev. 502, P.2d 90 (emphasis supplied). Should the State become aware of any false
accusations made by the victim in this case, the State will disclose the information to the

1 defense.

2 Information of previous allegations of physical or sexual abuse of material witnesses
3 in this case is irrelevant and is not required to be turned over to the defense under Brady or
4 the codified rules of discovery in the State of Nevada.

- 5 9. Any and all information known or which could be known by the diligent
6 actions of the State of sources of sexual knowledge which could possibly had
7 an impact on the subject minor, outside the alleged events.

8 The State is aware of its obligation to provide exculpatory evidence to the defense.
9 Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555 (1995); Gigolo v. United States, 405 U.S.
10 150, 92 S.Ct. 763 (1972); Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963); Wade v.
11 State, Nev. 115 Nev. 290, 986 P.2d 438 (1999); Jimenez v. State, 112 Nev. 610, 918 P.2d
12 687 (1996); Roberts v. State, 110 Nev. 1121, 881 P.2d 1 (1994); Wallace v. State, 88 Nev.
13 549, 501 P.2d 1036 (1972). The prosecution intends to comply with the mandate of the
14 aforementioned cases.

- 15 10. Any and all information which shows that the defendant did not commit the
16 crimes alleged or which show the possibility of another perpetrator.

17 The State is aware of its obligation to provide exculpatory evidence to the defense.
18 Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555 (1995); Gigolo v. United States, 405 U.S.
19 150, 92 S.Ct. 763 (1972); Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963); Wade v.
20 State, Nev. 115 Nev. 290, 986 P.2d 438 (1999); Jimenez v. State, 112 Nev. 610, 918 P.2d
21 687 (1996); Roberts v. State, 110 Nev. 1121, 881 P.2d 1 (1994); Wallace v. State, 88 Nev.
22 549, 501 P.2d 1036 (1972). The prosecution intends to comply with the mandate of the
23 aforementioned cases.

- 24 11. Any notes of any statements by the defendant, to include any notes of patrol
25 officers or other agents of the State who have had any contact with the
26 defendant, if not given already in discovery.

27 Defense has been provided with copies of the police reports which accurately
28 memorialize Defendant's interaction with law enforcement agents. Defendant declined to

1 participate in the polygraph examination scheduled in this case.

- 2 12. All relevant reports of chain of custody. All reports of any destruction of any
3 evidence in the case.

4 All relevant reports of chain of custody that have been received by the State have
5 been provided to the defense. No reports of any destruction of evidence are known to exist
6 in this case.

- 7 13. Any inconsistent statements made by the subject minor or any material witness
8 in the case. This includes any inconsistent statements made to any employee
9 or representative of the District Attorney's Office.

10 All transcripts of statements made by the subject minor and material witnesses in this
11 case have been provided to the defense in this case.

- 12 14. Any and all notes and reports of any expert witness in the case, to include
13 mental health workers. This includes any primary reports or notes, not
14 included in a final report.

15 To the extent that the requested items are not privileged as work product, the State
16 will provide the requested items that have not already been provided and will provide others
17 as they become available to the State.

- 18 15. Any information regarding immigration benefits received by the complaining
19 witness and/or family members as a result of the allegations in this case.

20 To the extent that the requested material exists, the State will provide copies to
21 Defendant upon receipt of the same

- 22 16. All updated witness contact information, to include last known address and
23 phone number.

24 This information has previously been provided by the State. Any supplemental
25 witness lists will be filed and provided to Defendant pursuant to NRS 174.234.

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CONCLUSION

Based upon the above and foregoing Points and Authorities, Defendant's Motion to Compel Disclosure of Exculpatory Evidence should be denied to the extent any of the requested information is privileged or irrelevant as to the guilt or punishment of Defendant.

DATED this 14th day of April, 2011.

Respectfully submitted,

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781

BY /s//CHRISTOPHER PANDELIS
CHRISTOPHER PANDELIS
Deputy District Attorney
Nevada Bar #009143

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Opposition, was made this 14th day of April, 2011, by Electronic Filing to:

MIKE FELICIANO, Deputy Public Defender
E-mail Address: harrolah@ClarkCountyNV.gov

Shellie Warner
Secretary for the District Attorney's Offices

sms/mmww/SVU

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Stacy D. Schuman
CLERK OF THE COURT

1 **ORDR**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 LISA LUZAICH
6 Chief Deputy District Attorney
7 Nevada Bar #005056
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

C--10--268285-1
ODM
Order Denying Motion
1418689



10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 GUILLERMO RENTERIO-NOVOA,
14 #2755564

15 Defendant.

Case No. C268285
Dept No. XX

17 ORDER DENYING DEFENDANT'S MOTION IN LIMINE TO PRECLUDE THE
18 STATE'S EXPERTS FROM IMPROPER VOUCHING AND TO PREVENT "EXPERTS"
19 FROM TESTIFYING OUTSIDE THEIR AREA OF EXPERTISE AND MOTION IN
20 LIMINE TO PRECLUDE PREJUDICIAL TERM "VICTIM"

21 DATE OF HEARING: 05/03/11

22 TIME OF HEARING: 9:00 A.M.

23 THIS MATTER having come on for hearing before the above entitled Court on the
24 3rd day of May, 2011, the Defendant being present, represented by MIKE FELICIANO,
25 Deputy Public Defender, the Plaintiff being represented by DAVID ROGER, District
26 Attorney, through LISA LUZAICH, Chief Deputy District Attorney, and the Court having
27 heard the arguments of counsel and good cause appearing therefore,

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1 IT IS HEREBY ORDERED that the Defendant's Motion in Limine to Preclude the
2 State's Experts from Improper Vouching and to Prevent "Experts" from Testifying Outside
3 their Area of Expertise and Motion in Limine to Preclude Prejudicial Term "Victim", shall
4 be, and it is denied.

5 DATED this 12th day of May, 2011.

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7 
8 DISTRICT JUDGE 

9
10 DAVID ROGER
11 DISTRICT ATTORNEY
12 Nevada Bar #002781

13 
14 LISA LUZAICH
15 Chief Deputy District Attorney
16 Nevada Bar #005056

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ORIGINAL

PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

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John A. Schuman
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

GUILLERMO RENTERIA-NOVOA,

Defendant.

CASE NO. C-10-268285-1

DEPT. NO. XX

DATE: May 10, 2012

TIME: 9:00 a.m.

8:30

MOTION TO SUPPRESS

COMES NOW, the Defendant, GUILLERMO RENTERIO-NOVOA, by and through MIKE FELICIANO, Deputy Public Defender and hereby requests that this Court order the suppression of all statements made by the Defendant to agents of the Las Vegas Metropolitan Police Department, or, in the alternative, order an evidentiary hearing to determine the voluntariness of the Defendant's statements as required by Jackson v. Denno, 378 U.S. 368 (1964).

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 24th day of April, 2012.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: *Mike Feliciano*
MIKE FELICIANO, #9312
Deputy Public Defender

C-10-268285-1
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Motion to Suppress
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DECLARATION

MIKE FELICIANO makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 24th day of April, 2012.



MIKE FELICIANO

MEMORANDUM OF POINTS AND AUTHORITIES

FACTUAL ALLEGATIONS

Guillermo Renteria-Novoa (Renteria-Novoa) is charged with 54 counts for sexual acts that allegedly occurred with Roxana Perez (Perez).

Detective Jaeger interrogated Renteria-Novoa on March 6, 2010. Ex. 1. Renteria-Novoa is a native Spanish speaker. Renteria-Novoa was not asked if he wanted an interpreter. As demonstrated in the audio recording of the interview, Renteria-Novoa's English speaking skills were not proficient. Ex. 2. Therefore, his statement should be suppressed.

ARGUMENT

I.

The Defense requests a hearing under Jackson v. Denno because the Defendant's statements should be excluded.

The United States Supreme Court has held that the defense is entitled to a pre-trial evidentiary hearing on the question of Miranda and of the voluntariness of the statement. Jackson v. Denno, 378 U.S. 368; 84 S.Ct. 1774 (1964). The burden of requesting a Jackson v. Denno hearing initially rests with the Defendant. Wilkins v. State, 96 Nev. 267; 609 P.2d 309 (1980). Once the hearing has been requested, the burden then shifts to the prosecution to demonstrate voluntariness by a preponderance of the evidence. Brimmings v. State, 93 Nev. 434; 567 P.2d 54 (1977); Falcon v. State, 110 Nev. 530; 874 P.2d 772 (1994); Colorado v. Connelly, 479 U.S. 157; 107 S.Ct. 515 (1986). An evidentiary hearing is necessary in the instant case because Renteria-Novoa's statements should be suppressed based on lack of voluntariness and lack of a proper waiver of his Miranda rights.

II.

The Defendant's statements should be suppressed because they were not voluntarily made.

The issue of whether a defendant's statements to authorities are voluntarily made is a separate inquiry from the issue of whether proper Miranda warnings were given. An involuntary statement made by an accused is inadmissible for any purpose at trial, irrespective of whether

1 Miranda warnings were given. Mincey v. Arizona, 437 U.S. 385, 398 (1978). A defendant is
2 entitled to a pretrial hearing to challenge the voluntariness of a statement to police. Jackson v.
3 Denno, 378 U.S. 368 (1964). At this hearing, the defendant may take the stand in order to testify
4 regarding the voluntariness of his statements. At this hearing, a defendant may not be cross-
5 examined regarding any other issue in the case, and his testimony at this hearing is not admissible
6 against him at trial. NRS 47.090.

7 The test for voluntariness is whether, under the totality of the circumstances surrounding
8 the statement, "...the government obtained the statement by physical or psychological coercion or
9 by improper inducement so that the suspect's will was overborne." United States v. Harrison, 34
10 F.3d 886, 890 (9th Cir. 1994), quoting United States v. Leon Guerrero, 847 F.2d 1363, 1366 (9th
11 Cir. 1988). After the voluntariness of a statement has been challenged, the government bears the
12 burden of showing voluntariness by a preponderance of the evidence. Lego v. Twomey, 404 U.S.
13 477, 489 (1972). The law draws no distinction between confessions extracted by physical threats
14 and those extracted by psychological tactics. A confession is involuntary whether coerced by
15 physical intimidation or psychological pressure. Townsend v. Sain, 372 U.S. 293, 307 (1963);
16 Passama v. State, 103 Nev. 212, 735 P.2d 321 (1987).

17 Here, Renteria-Novoa was not provided an interpreter. He could not give a voluntary
18 statement if he did not fully understand the questions asked by Detective Jaeger. Therefore,
19 Renteria-Novoa's statement should be suppressed.

20 III.

21 **The Defendant did not waive his Miranda rights and any of the statements he may**
22 **have made to the police should be excluded from evidence.**

23 Claims of involuntariness under Due Process and Miranda claims are separate and distinct.
24 See, e.g., Dickerson v. United States, 530 U.S. 428, 432-35 (2000); Miller v. Fenton, 474 U.S. at
25 109-10; Oregon v. Elstad, 470 U.S. 298, 303-04 (1985). The United States Supreme Court has
26 consistently mandated that "... when an individual is taken into custody or otherwise deprived of
27 his freedom by the authorities in any significant way and is subject to questioning, "... he must be
28 warned of his constitutional rights." Miranda v. Arizona, 384 U.S. 436 (1966). In Nevada, a

1 suspect's statement is presumptively involuntary and the State's burden of proof is preponderance
2 of the evidence. Dewey v. State, 123 Nev. 483, 492 (2007).

3 In order for a Defendant's statements to be admissible at trial, Miranda warnings must be
4 provided prior to any custodial interrogation. "Custodial interrogation" takes place when a suspect
5 is (1) in custody, (2) being questioned by an agent of the police, and (3) subject to interrogation.
6 Boehm v. State, 113 Nev. 910, 913 (1997). An individual is deemed "in custody" for purposes of
7 Miranda where ". . . where there has been a restraint on freedom of movement of the degree
8 associated with a formal arrest so that a reasonable person would not feel free to leave." State v.
9 Taylor, 114 Nev. 1071, 1082 (1998); see also U.S. v. Bengivenga, 845 F.2d 593, 598 (5th Cir.
10 1998); U.S. v. Moya, 74 F.3d 1117, 1119 (11th Cir. 1996).

11 The rote reading of Miranda rights and the mere asking of a suspect if he understands his
12 rights will NOT establish a waiver. U.S. v. Porter, 764 F.2d 1, 8 (1st cir. 1985)(emphasis added),
13 citing Edwards v. Arizona, 451 U.S. 477, 484 (1981). It is the duty of the officer to be sure the
14 suspect both understands and waives his rights. Porter, 764 F.2d at 9. The Supreme Court in
15 Miranda stated that although an express statement that an individual is willing to make a statement
16 and does not want an attorney, followed closely by a statement, could constitute a waiver,
17 nevertheless "a valid waiver will not be presumed simply from the silence of the accused after
18 warnings are given or simply from the fact that a confession was in fact eventually obtained." 384
19 U.S. 475.

20 The simple fact that a suspect voluntarily appears for an interview and is not under arrest at
21 the time an incriminating statement is made does not automatically render the questioning "non-
22 custodial." Krueger v. State, 92 Nev. 749, 753; 557 P.2d 717, 720 (1976). In fact, the Nevada
23 Supreme Court has held that once a person becomes the focus of the police investigation, rather
24 than a mere suspect, that person is considered "in custody and entitled to the protection established
25 by Miranda." Id at 754.

26 In the instant case, Renteria-Novoa was read his Miranda rights in English without the
27 assistance of an interpreter. Miranda right were read to him, never asked Renteria-Novoa if he
28 waived those rights. Therefore, there is not a proper waiver of rights in this case.

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DATED this 24th day of April, 2012.

By: MIKE FELICIANO, #9312
Deputy Public Defender

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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the of 10th day of May , 2012, at ~~9:00~~ 3:00 a.m.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

RECEIPT OF COPY of the above and foregoing Motion to Suppress is hereby
acknowledged this 25 day of April, 2012.

By: Jackie May

Exhibit A

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 1

EVENT #:091217-4008
STATEMENT OF: GUILLERMO RENTERIA NOVOA

SPECIFIC CRIME: SEXUAL ASSAULT

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: GUILLERMO RENTERIA NOVOA

DOB:

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: 3139 EAST SAHARA, #208, LV
NV

HOME PHONE: 702-460-1242

WORK ADDRESS:

WORK PHONE:

BEST PLACE TO
CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a tape-recorded interview conducted by
DETECTIVE JAEGER, P# 5587, LVMPD Sexual Assault Detail, on MARCH 6, 2010,
at 1012 hours.

Q: _____ Operator, this is Detective R. Jaeger J-A-E-G-E-R, P#5587. I'll be
conducting one interview in reference to Event #091217-4008. The location of
the interview is the ISD building located at 4750 West Oakey. The person being

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STATEMENT OF GUILLERMO RENTERIA NOVOA

interviewed's last name is R-E-N-T-E-R-I-A hyphen NOVOA N-O-V-O-A, first name of Guillermo G-U-I-L-L-E-R-M-O. His birthday is 12/4/61. His home address is 3139 East Sahara Space #208 in Las Vegas Nevada. Contact phone number is area code 702-460-1242. Today's date is 3/6/10 and the start of the interview is 1012 hours. Um, Guillermo, earlier we were -- we were talking a little bit before we went on the recording. Um, I reassured you that I'm not gonna take you to jail today. That's still true. The tape recording hasn't changed. Um, there's just some stuff -- there's rules I have to follow and before I talk to you about a criminal matter, I've got to advise you of your rights. So you have the right to remain silent. Anything you say can be used against you in either -- in a court of law. You have the right to the presence of an attorney. If you cannot afford an attorney, one will be appointed before questioning. Do you understand your rights?

A: Yes.

Q: Okay. Um, do you still want to talk with me about Roxana?

A: I -- I don't want to forgot -- _____.

Q: You want to put...

((Crosstalk))

A: ...put everything away, I don't want to go see anymore family. I don't want to know nothing about that family. I think what I did a mistake, but I want to fix it. Keep -- keep me away from her.

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Q: Okay. Yeah and we can do that. Um, for starters, how long did you live with her?

A: I live with her mom maybe for two years.

Q: And what -- do you remember the address when you lived with her?

A: Um, it was Flamingo -- _____ Flamingo.

Q: It -- was that a house or an apartment?

A: Apartment 100 -- 127.

Q: Is that gonna be East Flamingo, like Flamingo and -- _____.

A: East Flamingo.

Q: And what kind of relationship did you have with her mom?

A: Like, uh, boyfriend girlfriend.

Q: Okay. And I...

A: I -- I have my own apartment I have come -- came to see her every evening and I would stay there all night.

Q: Okay and what was your relationship like with Roxana?

A: Like a father and daughter.

Q: Okay and -- and did that relationship kind of change a little bit over time or...

A: She -- that relation change maybe two years ago when she got the high school.

Q: Okay. And -- and explain that to me, how did the relationship change?

A: Uh, she was make deals with me to show me -- show me her body -- body parts and for to get something like a clothes, shoes, anything she want, phone -- iPod

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or something like that. She come and said -- "I do this and you will give me that."

Like -- like I never force her to something -- to do something.

Q: Like i- if she wanted a -- an iPod, what -- what would she say? "Hey, I'll give you a blow job for an iPod" or what?

A: No. She, uh, just show -- show me her body.

Q: Okay, like, naked or...

A: Naked.

Q: Okay.

A: Just, like...

Q: Um, about when did this start? How old was she?

A: I -- she started to do things when I caught her with her cousin Zaer.

Q: Okay well what -- what happened with her and Za- Zaer?

A: I saw her and he was -- and he was with -- without clothes and she was bending on her knees in front of him. When I opened the door, I found -- I saw her and him and he pull out -- pull out or pull up his pant fast.

Q: So did it look like he -- she was giving him a blow job or...

A: It's something like that. I can't be sure, because when I opened the door, it was so fa- I found her -- him in that position. And mean time I found her and him just covered with a blanket -- the same blanket maybe -- _____ her or -- _____ him. I don't know what happened behind this blanket.

Q: How -- how old was she when you found her with Zaer?

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A: I think she was 14, 15.

Q: Okay so she was about 14 or 15? And -- and did you ever tell her mom about that?

A: No, I kept -- I keep the secret for protection -- protection and I don't want to -- _____ because I want -- I -- I love her still like a daughter. I would like so many good things -- _____.

Q: What -- what other kind of things did you see that -- that made that -- your whole look on her change?

A: When -- when we -- when I found him with her -- with her cousin, I'm not sure -- I don't know, but I guess when she want something -- to buy something, she will have the money or money to get -- to get it , she make that kind of deals -- "I show you this, you give me that."

Q: Okay, so what was the -- the first deal that she made with ya?

A: The first deal was when -- _____ I think that she -- _____ show you my boobies, you take me to -- _____. That was the first deal, my boobs.

Q: Okay. And then, I mean, would you masturbate then or...

A: Never.

Q: I mean, and would you do it in front of her or would you just leave, like, and go somewhere else?

A: No. -- _____ show -- I saw her and I leave.

Q: Okay. And what did she -- was she okay with it or...

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A: She was --_____ from food to shoes to backpack, I --_____ mp3 player.

Q: Her iPod?

A: I could not --_____ but I bought two times the same, because she wanted --_____ she lost it or --_____ she broke it. But I -- I --_____ don't want to speak about her, because I don't --_____ so she -- that -- that's okay for -- for him or for everybody in the family. So I don't want to say that if -- if we left this behind and keep for you right way. I told you my b- my life change. I don't want to see anymore that family. I don't want to --_____ I have enough problems with my job, with my friends and -- and other things too so for this time. So that's the point, I am not a bad a guy. I've had to be a good man, but sometimes we make mistakes. Like I tried to be the best man from -- from three years ago to now.

Q: So it -- it's safe to say now, you got everything turned around, right? I mean, you got a nice house, you have -- you're living with a new girlfriend, right?

A: It's not a nice house. It's a -- just a house --_____.

Q: I mean, it was...

A: Even though my house I keep clean.

Q: I mean, it wasn't...

A: She keeps clean. We go together to keep clean the house to keep another, but I told you I get my check last week. I -- in two weeks we --_____.

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Q: --_____.

A: I pay my bills, I pay everything and I just keep my --_____ in my pocket --
in my pocket for two weeks. So I have to...

Q: Money's tight.

A: Money's tight -- very tight. So I don't want to get an apartment, so for me it's
better forgot her family -- forget her family and never talk -- talk -- speak about
--_____ for him --_____.

Q: And -- and that's -- I want the same thing, but we need to find out, 'cause
Roxanne is telling a little bit different story.

A: Yes. I think so, she's telling you her her own story, but I tell you my own story.
And I can tell you this in front of her, whatever you want. You have to
--_____ his story, but I tell you the truth.

Q: Okay.

A: That happened sometimes so...

Q: When -- when you -- when you say that happened, 'cause I think something more
than just seeing her boobies has happened. I mean, have you ever kissed her
breasts?

A: One time.

Q: Okay. Um, has she ever put her mouth on your penis?

A: No, never.

Q: Okay. Have you ever had sex with her?

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A: No.

Q: Have you ever masturbated in front of her?

A: One time she was over there and showed me and yeah, I masturbate.

Q: And -- and which -- which apartment was that in? Was that at East Flamingo?

A: No it was in the -- _____ when she was living -- living, uh, -- _____.

Q: At Tamarist? Is that where she lives now still?

A: No she lives -- I don't know she -- she moved from there to another apartment and then to another apartment -- another -- _____ apartment. She's not -- she's moving -- _____ times. I -- that's a lot of -- _____ something that I would remember. She many times say, -- "With this I can get whatever I want from her." That is bad for a girl like 15, 16 -- _____.

Q: But for her mom it, kind of, works, right, 'cause she was...

A: Yeah, she's work, but she works, but I told her she use her special -- _____ with this I can get, uh, whatever I want in front of her.

Q: So you think that's where she learned?

A: That may be, I don't want to be too -- _____, but I think so. She can do that. She can do -- _____ "I can do that. I can get my phone, my p- -- _____ did that."

Q: When -- the -- the time you masturbated in front of her, was that like a while ago or about how long ago was that? Was it recent or...

A: Re- recent -- _____ um...

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Q: Did this happen just a little while ago?

A: Uh, yes -- _____.

Q: Or about -- about how old was she when this happened?

A: I think she was around 16, 15 -- _____.

Q: So she was about 15 or 16?

A: Yes.

Q: Um, do you remember, like, what time of year? Was it around Christmas, in the summer?

A: Uh, really -- really don't know because I wasn't -- I wasn't even -- _____
and I came to visit her mom many times a week, so I remember I was living the
-- _____. I wasn't even there. I was living at -- _____.

Q: Okay you were living on -- _____.

A: I was living -- _____ that's where that -- that happened. I was living there
for two years at that address, but I was to visit her and come back.

Q: Um, when -- you -- have you ever masturbated on her chest or anything like
-- _____?

A: No. No, no, no.

Q: And did you ever put your mouth on her vagina?

A: No.

Q: Just -- just on her breasts?

A: Yes.

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- Q: And what did she say to that? Was she okay with it or...
- A: She make a deal remember. So I let you do -- do this, you -- you -- _____.
- Q: So -- so the time you put her -- your mouth on her breasts, what did she get out of that? Did you buy her, like, some clothes or a camera or...
- A: Something like -- I don't remember what -- what the deal is that time, but maybe shoes, but it had to be the brand -- they have brands like a Converse or whatever, they had to be there's brands -- _____. No, they were not shoes or whatever, -- _____. I want this brand for this backpack JanSport or whatever backpack brand -- brand.
- Q: And then -- and then a time that -- that you were -- you were masturbating, was she just standing there or was she, like, doing, like...
- A: Well this is what -- I went -- _____ show me that is it.
- Q: And it was just her -- was it just her breasts or did she ever get totally naked?
- A: Well yes -- _____ may be totally, no.
- Q: Did you ever see her -- her vagina?
- A: One time she -- when -- one time she showed me.
- Q: Okay. Did you ever kiss her vagina?
- A: No.
- Q: Uh, did you ever touch it with your fingers?
- A: One time, um, with clothes, no naked.
- Q: Okay not naked, but did you ever touch it while she was naked? Not the vagina?

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Just the one time was with clothes?

A: With -- with clothes on.

Q: Okay.

A: Sometimes like I said, I -- it's not -- _____ but nothing -- _____.

Q: And -- and she was okay with that?

A: I never push -- push her to do something. Whatever she wants to do, I don't -- _____. She make the deal. She make -- _____ I can -- _____, but something I can do, I cannot afford lipo. I can afford one camera -- digital camera or something like that, so I can do it. So we made a deal she had to do nothing. Every time she do something she was agree and never forced to do something. She had -- I -- _____ I know it was a mistake to see her, touch her and do that kind. But I want to fix this that's starting now. I don't want to get a large problem -- _____ because I change my life. I don't want to see anymore of her family. I don't want to see anymore Roxana. I don't want to see anyone there.

Q: Okay. When -- when was the last time you would have sent Roxana a text?

A: I think it was the December -- December last -- _____.

Q: So just a few months ago, like, um, around Christmas?

A: Yes, but the -- the text wasn't, um, I know -- she -- she -- her secrets -- secret. I know -- I found her with her cousin. And I found her with the -- _____. That's easy text -- _____. I know the secret, -- _____.

**PLEADING
CONTINUES
IN NEXT
VOLUME**

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Sep 24 2015 02:24 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

GUILLERMO RENTERIA-NOVOA,
Appellant(s),

vs.

STATE OF NEVADA,
Respondent(s),

Case No: C268285

Docket No: 68239

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT

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CARSON CITY, NV 89702

ATTORNEY FOR RESPONDENT

STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NEVADA 89101

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14 2010

CLERK OF COURT

CLARK COUNTY, NEVADA

) District Court Case No.: C-10-

Justice Court Case No.: 10F09697X

vs.

RENTERIA-NOVOA, GUILLERMO,
Defendant(s)

CERTIFICATE

I hereby certify the foregoing to be a full, true and correct copy of the proceedings as the same appear in the above case.

Dated this October 12, 2010



Justice of the Peace, Las Vegas Township

RECEIVED

OCT 14 2010

CLERK OF THE COURT

C-10-268285-1
CBO
Criminal Bindover
995657



46

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,

vs.

RENTERIA-NOVOA, GUILLERMO,
Defendant(s)

) District Court Case No.:

) Justice Court Case No.: 10F09697X

COMMITMENT and ORDER TO APPEAR

An Order having been made this day by me that **RENTERIA-NOVOA, GUILLERMO** be held to answer before the Eighth Judicial District Court, Department upon the charge(s) of **24 COUNTS SEX ASSLT MINOR UNDER 14; 6 COUNTS LEWD W/CHILD UNDER 14; 3 COUNTS OPEN/GROSS LEWD.; 12 COUNTS SEX. ASSLT W/MINOR UNDER 16; 7 COUNTS SEXUAL ASSAULT**, committed in said Township and County, on ON OR BETWEEN FEBRUARY 1, 2005 AND EDECEMBER 31, 2009.

IT IS FURTHER ORDERED that the Sheriff of the County of Clark is hereby commanded to receive the above named defendant(s) into custody, and detain said defendant(s) until he/she can be legally discharged, and be committed to the custody of the Sheriff of said County, until bail is given in the sum of \$120,000/120,000 TOTAL BAIL.

IT IS FURTHER ORDERED that said defendant(s) is/are commanded to appear in the Eighth Judicial District Court, Regional Justice Center, Lower Level Arraignment Courtroom "A", Las Vegas, Nevada at 9:00 AM on the 28THday of OCTOBER , 2009 for arraignment and further proceedings on the within charge(s).

Dated this October 12, 2010



Justice of the Peace, Las Vegas Township

JUSTICE COURT, LAS VEGAS TOWNSHIP

STATE VS. RENTERIA-NOVOA, GUILLERMA AKA Guillermo Renterianovoa

CASE NO. 10F09697X

PAGE: 3

DATE, JUDGE
OFFICERS OF COURT
PRESENT

APPEARANCES - HEARING

CONTINUED TO:

OCTOBER 12, 2010
E. GOODMAN
S. KOLLINS, DA
M. FELICIANO, PD
P. SMITH, CR
J. MONTERROSO, CLK

TIME SET FOR ARGUMENT
DEFENDANT PRESENT IN COURT *IN CUSTODY*
STATE FILES A SECOND AMENDED CRIMINAL COMPLAINT IN OPEN COURT
- OBJECTION BY DEFENSE - SECOND AMENDED ACCEPTED BY COURT
COUNTS 1, 2, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27, 28, 29,
30, 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
AGE
COUNTS 3, 7, 8, 9, 21, 24 - LEWDNESS WITH A CHILD UNDER THE AGE OF
14
COUNTS 20, 46, 54 - OPEN OR GROSS LEWDNESS
COUNTS 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 - SEXUAL ASSAULT WITH A
MINOR UNDER SIXTEEN YEARS OF AGE
COUNTS 47, 48, 49, 50, 51, 52, 53 - SEXUAL ASSAULT
DEFENDANT BOUND OVER TO DISTRICT COURT AS CHARGED IN
AMENDED COMPLAINT
DEFENDANT TO APPEAR IN THE LOWER LEVEL ARRAIGNMENT
COURTROOM A
DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF ON THE
AMENDED CRIMINAL COMPLAINT BAIL REMAINS THE SAME 120,000/120,000
TOTAL BAIL
DATE SET

10/28/10 9:00 DCA

DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF

Jm

CASE FORWARDED TO

OCT 14 2010

DISTRICT COURT
CLERK'S OFFICE

JUSTICE COURT, LAS VEGAS TOWNSHIP

STATE VS. RENTERIA-NOVOA, GUILLERMA AKA Guillermo Renterianovoa

CASE NO. 10F09697X

PAGE: 2

DATE, JUDGE
OFFICERS OF COURT
PRESENT

APPEARANCES - HEARING

CONTINUED TO:

| | | |
|--|--|--------------------------|
| <p>SEPTEMBER 17, 2010 E. GOODMAN S. KOLLINS, DA M. FELICIANO, PD R. SILVAGGIO, CR J. MONTERROSO, CLK</p> | <p>TIME SET FOR PRELIMINARY HEARING DEFENDANT PRESENT IN COURT *IN CUSTODY* SPANISH COURT INTERPRETER PRESENT IN COURT MOTION BY DEFENSE TO EXCLUDE WITNESSES – MOTION GRANTED STATE WITNESSES: #1 – ROXANA PEREZ-RODRIGUEZ – WITNESS IDENTIFIED DEFENDANT EVIDENCE: STATES #1 – RESIDENCE CHART – MARKED/OFFERED/ADMITTED MOTION BY STATE TO ORDER A TRANSCRIPT OF TODAY'S PROCEEDINGS IN ORDER TO FILE AN AMENDED CRIMINAL COMPLAINT – MOTION GRANTED STATE RESTS DEFENDANT ADVISED OF HIS STATUTORY RIGHT TO MAKE A SWORN OR UNSWORN STATEMENT, TO WAIVE MAKING A STATEMENT AND/OR OF HIS RIGHT TO CALL WITNESSES DEFENDANT WAIVES HIS RIGHT TO MAKE A STATEMENT DEFENSE RESTS PASSED BY COURT FOR STATE TO FILE AMENDED COMPLAINT AND FOR ARGUMENTS DATE SET</p> | <p>9/24/10 8:30 #11</p> |
| <p>SEPTEMBER 24, 2010 E. GOODMAN S. KOLLINS, DA -----, PD P. SMITH, CR J. MONTERROSO, CLK</p> | <p>TIME SET FOR ARGUMENT DEFENDANT NOT PRESENT IN COURT *IN CUSTODY* MOTION BY STATE TO CONTINUE – MOTION GRANTED PASSED FOR ARGUMENT AND FOR STATE TO FILE AN AMENDED CRIMINAL COMPLAINT</p> | <p>10/06/10 9:00 #11</p> |
| <p>OCTOBER 6, 2010 E. GOODMAN S. KOLLINS, DA M. FELICIANO, PD P. SMITH, CR J. MONTERROSO, CLK</p> | <p>TIME SET FOR ARGUMENT DEFENDANT PRESENT IN COURT *IN CUSTODY* CONTINUED BY STIPULATION OF COUNSEL DATE SET FOR ARGUMENT</p> | <p>10/12/10 9:00 #11</p> |
| | <p>DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF</p> | <p>j m</p> |
| | <p>DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF</p> | <p>Jm</p> |
| | <p>DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF</p> | <p>j m</p> |
| | <p>CASE FORWARDED TO</p> <p>OCT 14 2010</p> <p>DISTRICT COURT CLERK'S OFFICE</p> | |

JUSTICE COURT, LAS VEGAS TOWNSHIP

STATE VS. RENTERIA-NOVOA, GUILLERMA AKA Guillermo Renterianovoa

CASE NO. 10F09697X

PAGE: 1

DATE, JUDGE
OFFICERS OF COURT
PRESENT

APPEARANCES - HEARING

CONTINUED TO:

| | | |
|--|--|--|
| JUNE 3, 2010 | CRIMINAL COMPLAINT FILED COUNT 1, 2 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE COUNT 3 – SEXUAL ASSAULT COUNT 4, 5 – LEWDNESS WITH A CHILD UNDER THE AGE OF 14 COUNT 6- STATUTORY SEXUAL SEDUCTION | LP |
| JUNE 7, 2010 E. GOODMAN K. COWLEY, CLK | DEFENDANT NOT PRESENT IN COURT ARREST WARRANT ISSUED: SIC \$00/00 | kc |
| AUGUST 10, 2010 E. GOODMAN C. MORTON, DA K. LEIK, PD APPOINTED P. SMITH, CR J. MONTERROSO, CLK | INITIAL ARRAIGNMENT DEFENDANT PRESENT IN COURT IN CUSTODY SPANISH COURT INTERPRETER PRESENT DEFENDANT ADVISED OF CHARGES/WAIVES READING OF COMPLAINT BAIL RESET – 20,000/20,000 PER COUNT DEFENDANT HAS AN IMMIGRATION HOLD PRELIMINARY HEARING DATE SET DATE SET AT DEFENSE REQUEST DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF | 09/07/10 9AM #11 LP |
| SEPTEMBER 7, 2010 E. GOODMAN S. KOLLINS, DA M. FELICIANO, PD P. SMITH, CR J. MONTERROSO, CLK | TIME SET FOR PRELIMINARY HEARING DEFENDANT PRESENT IN COURT *IN CUSTODY* SPANISH COURT INTERPRETER PRESENT IN COURT CONTINUED BY STIPULATION OF COUNSEL PRELIMINARY HEARING DATE RESET DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF | 9/17/10 8:30 #11 jm |
| | <p style="text-align: center;">CASE FORWARDED TO</p> <p style="text-align: center;">OCT 14 2010</p> <p style="text-align: center;">DISTRICT COURT CLERK'S OFFICE</p> | |

ORIGINAL

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED IN OPEN
COURT ON

10/12/10
Court Clerk

THE STATE OF NEVADA,

Plaintiff,

-vs-

GUILLERMO RENTERIA-NOVOA,
aka Guillermo Renterianovoa,

Defendant.

CASE NO: 10F09697X

DEPT NO: 11

SECOND AMENDED

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366), ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366, 193.330), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (gross misdemeanor - NRS 201.220) and SEXUAL ASSAULT (Felony - NRS 200.364, 200.366)** and in the manner following, to-wit: That the said Defendant, on or between February 1, 2005 and December 31, 2009, at and within the County of Clark, State of Nevada,

COUNT 1 - **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE**

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

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1 COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

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

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

17 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

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

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1 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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

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

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

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

26 did, then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
27 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
28 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant

1 using his mouth and/or tongue to touch and/or kiss and/or lick the breast(s) of the said
2 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
3 or sexual desires of said Defendant, or said child.

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

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

11 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
12 AGE

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: digital penetration, by said Defendant inserting his finger(s) into the genital opening of
16 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
17 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
18 of resisting or understanding the nature of Defendant's conduct.

19 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
20 AGE

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 ROXANA PEREZ was mentally or physically incapable of
26 resisting or understanding the nature of Defendant's conduct.

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1 COUNT 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

10 COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

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

18 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
19 AGE

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

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1 COUNT 15 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 16 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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

17 COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

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

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1 COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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 digital penetration, by said Defendant inserting his finger(s) into the genital opening of the
14 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
15 should have known, that the said ROXANNA PEREZ was mentally or physically incapable
16 of resisting or understanding the nature of Defendant's conduct.

17 COUNT 20 - OPEN OR GROSS LEWDNESS

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

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

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

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1 COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

10 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

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

18 COUNT 24 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

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

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1 COUNT 25 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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 digital penetration, by said Defendant inserting his finger(s) into the genital opening of the
14 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
15 should have known, that the said ROXANNA PEREZ was mentally or physically incapable
16 of resisting or understanding the nature of Defendant's conduct.

17 COUNT 27 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN
18 YEARS OF AGE

19 did, then and there willfully, unlawfully, and feloniously attempt to sexually assault
20 and subject ROXANNA PEREZ, a female child under sixteen years of age, to sexual
21 penetration, to-wit: fellatio, by said Defendant attempting to place his penis on and/or into
22 the tongue and/or mouth of the said ROXANA PEREZ, against her will, or under conditions
23 in which Defendant knew, or should have known, that the said ROXANNA PEREZ was
24 mentally or physically incapable of resisting or understanding the nature of Defendant's
25 conduct.

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1 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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

18 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
19 AGE

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

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1 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
13 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
14 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
15 of resisting or understanding the nature of Defendant's conduct.

16 COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
20 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
21 which Defendant knew, or should have known, that the said ROXANA PEREZ was
22 mentally or physically incapable of resisting or understanding the nature of Defendant's
23 conduct.

24 COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

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

3 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

4 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
5 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
6 wit: digital penetration, by said Defendant inserting his finger(s) 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 36 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

17 COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

18 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
19 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
20 wit: 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 38 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

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

3 COUNT 39 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

10 COUNT 40 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

11 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
12 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
13 wit: 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 41 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

18 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
19 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
20 wit: by said Defendant inserting his finger(s) into the anal 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 42 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

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

4 COUNT 43 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

11 COUNT 44 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

12 did, then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
13 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
14 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
15 causing and/or directing the said ROXANA PEREZ to use her hand(s) and/or finger(s) to
16 touch and/or rub and/or masturbate the penis of said Defendant, with the intent of arousing,
17 appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said
18 child.

19 COUNT 45 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

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

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1 COUNT 46 - 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 COUNT 47 - SEXUAL ASSAULT

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

10 COUNT 48 - SEXUAL ASSAULT

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

15 COUNT 49 - SEXUAL ASSAULT

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

20 COUNT 50 - SEXUAL ASSAULT

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

25 COUNT 51 - SEXUAL ASSAULT

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANA PEREZ, a female person, to sexual penetration, to-wit: digital penetration, by
28 said Defendant placing his finger(s) into the genital opening of the said ROXANA PEREZ,

1 against her will.

2 COUNT 52 - SEXUAL ASSAULT

3 did then and there willfully, unlawfully, and feloniously sexually assault and subject
4 ROXANA PEREZ, a female person, to sexual penetration, to-wit: sexual intercourse, by
5 said Defendant inserting his penis into the genital opening of the said ROXANA PEREZ,
6 against her will.

7 COUNT 53 - 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: digital penetration, by
10 said Defendant inserting his finger(s) into the genital opening of the said ROXANA PEREZ,
11 against her will.

12 COUNT 54 - OPEN OR GROSS LEWDNESS

13 did, then and there willfully and unlawfully commit an act of open or gross lewdness
14 by said Defendant masturbate his penis in view of ROXANA PEREZ.

15 All of which is contrary to the form, force and effect of Statutes in such cases made
16 and provided and against the peace and dignity of the State of Nevada. Said Complainant
17 makes this declaration subject to the penalty of perjury.

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27 DA#10F09697X/hjc/SVU
28 LVMPD EV#0912174008
(TK11)

FILED

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

JUSTICE COURT
LAS VEGAS NEVADA

Plaintiff,

BY _____
DEPUTY

-vs-

GUILLERMO RENTERIA-NOVOA, aka,
Guillermo Renterianova,

Defendant.

CASE NO: 10F09697X

DEPT NO: 11

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366); SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366); SEXUAL ASSAULT (Felony - NRS 200.364, 200.366); LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Felony - NRS 201.230) and STATUTORY SEXUAL SEDUCTION (Felony - NRS 200.364, 200.368), in the manner following, to-wit: That the said Defendant, on or between January 1, 2004 and December 18, 2009, at and within the County of Clark, State of Nevada,

COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2004 and August 29, 2007, then and there wilfully, unlawfully, and feloniously sexually assault and subject ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or should have known, that the said ROXANA PEREZ was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between August 30, 2007 and August 29, 2009, then and there wilfully, unlawfully, and feloniously sexually assault and subject ROXANNA PEREZ, a female child

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1 under sixteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his
2 finger(s) into the genital opening of the said ROXANA PEREZ, against her will, or under
3 conditions in which Defendant knew, or should have known, that the said ROXANA
4 PEREZ was mentally or physically incapable of resisting or understanding the nature of
5 Defendant's conduct.

6 COUNT 3 - SEXUAL ASSAULT

7 did on or between August 30, 2009 and December 18, 2009, then and there wilfully,
8 unlawfully, and feloniously sexually assault and subject ROXANA PEREZ, a female
9 person, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the
10 genital opening of the said ROXANA PEREZ, against her will.

11 COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

12 did on or between January 1, 2004 and August 29, 2007, then and there wilfully,
13 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
14 or any part or member thereof, a child, to-wit: ROXANA PEREZ, said child being under
15 the age of fourteen years, by touching the genital area of the said ROXANA PEREZ with his
16 hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
17 desires of said Defendant, or said child.

18 COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

19 did on or between January 1, 2004 and August 29, 2007, then and there wilfully,
20 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
21 or any part or member thereof, a child, to-wit: ROXANA PEREZ, said child being under
22 the age of fourteen years, by touching the breasts of the said ROXANA PEREZ with his
23 hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
24 desires of said Defendant, or said child.

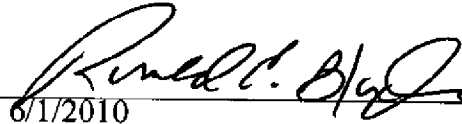
25 COUNT 6 - STATUTORY SEXUAL SEDUCTION

26 did on or between January 1, 2004 and December 18, 2009, then and there wilfully,
27 unlawfully, and feloniously subject ROXANA PEREZ, a female person under the age of
28 sixteen years, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into

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1 the genital opening of the said ROXANA PEREZ, the defendant being 21 years of age, or
2 older, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
3 desires of said defendant, or said child.

4 All of which is contrary to the form, force and effect of Statutes in such cases made
5 and provided and against the peace and dignity of the State of Nevada. Said Complainant
6 makes this declaration subject to the penalty of perjury.

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FILED

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GUILLERMO RENTERIA-NOVOA, aka,
Guillermo Renterianovoa,

Defendant.

JUSTICE COURT
LAS VEGAS NEVADA
BY _____ DEPUTY

CASE NO: 10F09697X

DEPT NO: 11

FILED UNDER SEAL

All materials, except the Criminal Complaint, are being filed under seal in obedience to Section 239B.030 of the Nevada Revised Statutes and pursuant to the Order issued by the Honorable Douglas E. Smith, signed December 28, 2006.

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JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GUILLERMO RENTERIA-NOVOA, aka,
Guillermo Renterianova,

Defendant.

CASE NO: 10F09697X

DEPT NO: 11


REQUEST FOR ARREST WARRANT

COMES NOW, DAVID ROGER, District Attorney, and requests that a Warrant of Arrest be issued for the above named Defendant pursuant to NRS 171.106 and the Complaint and/or Affidavit(s) attached hereto and incorporated herein by this reference.

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

PROBABLE CAUSE FOUND: X BAIL: SIC

PROBABLE CAUSE NOT FOUND: _____



JUSTICE OF THE PEACE,
LAS VEGAS TOWNSHIP

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DEFENDANT INFORMATION WORKSHEET

PAGE 1 OF 1

DO NOT USE IF PRINTED CRIMINAL HISTORY IS ATTACHED

AGENCY CASE NO. 091217-4008

DEFENDANT INFORMATION

| | | | | | | | |
|---|-----------------|--------------------------|------------------|------------------------|--|---------------------|------------------------|
| Name (last, first, middle) Renteria-Novoa, Guillermo | | | | aka X0130150 | | | |
| Defendant's place of birth Mexico | | City | | State | | SS # NONE | |
| Location of crime - Street No. 3937 Spencer building #9 | | City Las Vegas | | State NV | | ZIP 89119 | Room 75 |
| Defendant's current address - Street No. 3139 E. Sahara | | City Las Vegas | | State NV | | ZIP 89104 | Room 208 |
| RACE H | SEX M | HGT 5-6 | WT 170 | HAIR Blk | | EYES Brn | DOB 12-04-61 |

DEFENDANT INFORMATION

| | | | | | | | |
|--|-----|------|----|-------|--|------|------|
| Name (last, first, middle) | | | | aka | | | |
| Defendant's place of birth | | City | | State | | SS # | |
| Location of crime - Street No. | | City | | State | | ZIP | Room |
| Defendant's current address - Street No. | | City | | State | | ZIP | Room |
| RACE | SEX | HGT | WT | HAIR | | EYES | DOB |

DEFENDANT INFORMATION

| | | | | | | | |
|--|-----|------|----|-------|--|------|------|
| Name (last, first, middle) | | | | aka | | | |
| Defendant's place of birth | | City | | State | | SS # | |
| Location of crime - Street No. | | City | | State | | ZIP | Room |
| Defendant's current address - Street No. | | City | | State | | ZIP | Room |
| RACE | SEX | HGT | WT | HAIR | | EYES | DOB |

DEFENDANT INFORMATION

| | | | | | | | |
|--|-----|------|----|-------|--|------|------|
| Name (last, first, middle) | | | | aka | | | |
| Defendant's place of birth | | City | | State | | SS # | |
| Location of crime - Street No. | | City | | State | | ZIP | Room |
| Defendant's current address - Street No. | | City | | State | | ZIP | Room |
| RACE | SEX | HGT | WT | HAIR | | EYES | DOB |

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(N.R.S. 53 amended 07/13/93)

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EVENT: 091217-4008

STATE OF NEVADA)
) ss: Renteria-Novoa, Guillermo
) DOB 12-04-61
COUNTY OF CLARK) 3139 E. Sahara #208, Las Vegas, NV 89104

R. Jaeger, being first duly sworn, deposes and says:

That he is a police officer with the Las Vegas Metropolitan Police Department, being so employed for a period of 12 years, assigned to investigate the crime(s) of Sexual Assault and Lewdness with a child under 14 committed between 2004 and 2009, which investigation has developed RENTERIA-NOVOA, GUILLERMO as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME TO WIT:

On, 12-18-09, Officer L. Gibson, P#14009 was dispatched to 3937 Spencer building #9 apartment # 28 on a harassment call. Upon his arrival Officer Gibson came in contact with Roxana Perez DOB 08-30-93 who informed him she has been harassed and molested by her mother's now ex-boyfriend. Officer Gibson learned Roxana's mother's ex-boyfriend Renteria-Novoa, Guillermo started touching her breasts and vagina back in 2004 when he was living with them. Roxana said Guillermo would make her undress for him by threatening to ruin her life and tell her family that she had sex with her cousin. Roxana also stated that Guillermo has penetrated her vagina with his fingers several times over the last five years. The last time Roxana was "molested" by Guillermo was about 1½ months ago at Roxana's house. Roxana further described the incident, she got home from school Guillermo was waiting in his car parked in the apartment complex parking lot. Guillermo followed Roxana into her apartment. Once inside of the apartment Guillermo asked "if she was ready?" Roxana asked "for what?" Guillermo then said he wanted to touch her vagina, breasts and butt. Roxana told him "no" and not to touch her. Roxana started to walk around the apartment in an attempt to get away from Guillermo and he would follow her around the apartment grabbing at her butt, breast, and vagina. Guillermo then made Roxana take off her shorts and underwear. When Roxana's shorts and underwear were down Guillermo stuck his fingers in her vagina and anus for about 20 minutes then left the apartment.

Roxana also said on several occasions in the past few years Guillermo wanted her to touch his penis, but she wouldn't do it. Roxana said she has never had intercourse with Guillermo. Guillermo had taken two pair of underwear from Roxanna and sent her text message picture of the underwear asking her "whose underwear is this".

Roxana never told anyone what Guillermo was doing because she was scared it “would wreck” her life if family members knew.

Officer Gibson completed an Incident Crime Report documenting the incident and notified the Sexual Assault Detail the details of his call.

On, 01-08-10, I conducted a recorded interview with Roxana Perez-Rodriguez DOB 08-30-93 at Del Sol High School. The following is a summary of the interview and is not verbatim. For complete details of the interview refer to the transcripts.

Roxana's mother's now ex-boyfriend Guillermo Benítez-Novoa lived with her from mid 2004 until 2007. Some time in 2004 while they lived in the University Apartments located in the area of Flamingo and

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS
Page 2

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Maryland Parkway Guillermo walked in on Roxanna "making out" with one of her older cousins. Shortly after catching Roxana with her cousin Guillermo started to touch Roxanna in a sexual way. Guillermo Threatened he would tell Roxana's mother about what she was doing with her cousin if she didn't let him touch her. Guillermo would touch Roxanna's breasts outside of her clothing and under her clothing. Guillermo would reach his hand up under her shirt, pull her bra down and touch her breasts.

In 2007 Guillermo broke up with Roxanna's mother but they would still see each other a lot. In November of 2009 Roxanna came home from school and noticed Guillermo was sitting in his car in the apartment complex parking lot. Guillermo followed Roxana into the apartment and immediately started touching Roxana's butt. Guillermo asked Roxana to take off her clothing and let him touch her or he would tell his mother about what she did with her cousin. Roxana then took her shorts and underwear down exposing her vagina. Guillermo then put his fingers in Roxana's vagina and anus. Roxana didn't want Guillermo to tell her mother about what she did with her cousin, because her mother would get mad and it would pull the family apart. So Roxana was scared to tell anyone about what was happening to her.

In the last few weeks Guillermo would constantly text and call Roxana asking to be with her. Guillermo would text and call several times a day leaving voice mails saying "answer the phone or I'll tell everyone what you did with your cousin." Guillermo would also send text message with pictures of a pair of her underwear.

After my interview with Roxana I looked at her phone and Guillermo had called her 29 times since November 23rd. From phone number (702) 460-1292.

Here is a summary of the phone calls from Guillermo as they appeared of Roxanna's call history list: On November 23rd he called at 0651, 0653, 0654, and 0655, and 2312 hrs.

11-24-09 at 0640 hrs.
11-25-09 at 1751 and 1821 hrs.
11-26-08 at 0644, 0645, 0646, 0651, 0952, 1929 hrs.
11-29-09 at 1808 hrs.
12-01-09 at 1509 hrs.
12-03-09 at 1539 hrs.
12-05-09 at 1011, 1418, 2036, and 2047 hrs.
12-06-09 at 1034 hrs.
12-12-09 at 1150 and 2059 hrs.
12-13-09 at 1121 hrs.
12-16-09 at 1546 hrs.
12-17-09 at 1117, and 2030 hrs.
12-12-09 he sent text messages at 1314, 1804, 1811 and 2004 hrs.
12-17-09 he sent text messages at 1708 and 1752 hrs as well as three picture messages which consisted of 2 pictures of her underwear
12-12-09 at 1647 and 2011 hrs, and one picture of Roxana at 2029 hrs.

All the text messages and phone call list were photographed as they displayed on Roxana's phone.

While I was photographing Roxana phone she broke down and said all of this has built up to the point she can't handle the pressure of it anymore. Roxana said she ~~had~~ told her mother that she was pregnant. Once

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS

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she started to talk to her mother about being pregnant, she told her everything about what she did with her cousin back in 2004, and everything about Guillermo. Now that her mother knew about what she did with her cousin back in 2004 she felt like Guillermo didn't have any leverage over her so she came forward to the police and reported the incident.

On, 02-05-10, I conducted an interview with Roxana's sister Perla Perez-Rodriguez DOB 02-01-86. The following is a summary of the interview and is not verbatim. For complete details of the interview refer to the transcripts.

I informed Perla of the allegations that were made against Guillermo and what Roxana was saying happened to her. Perla said she did hear what happened to Roxana from her Aunt Janet, who Roxana talked to a few days ago. Roxana never told her what Guillermo was doing to her. Perla had no idea that it was going on when they all lived together and she was never victimized by Guillermo. Perla thought the first person Roxana talked to about Guillermo was her aunt Janet.

Through investigative techniques I learned Guillermo Renteria-Nova DOB 12-04-61 was now living at 3139 E. Sahara #208, Las Vegas, NV 89104. On 02-18-10 I went to that address, knocked on the door and Maria Jaramillo-Nava answered the door. I told her I needed to speak to Guillermo, and Maria confirmed Guillermo did live with her but was not home. I left my business card with Maria and instructed her to have Guillermo give me a call when he returned home. Later that night Guillermo left a message on my voice mail giving me his cell phone number of 702-460-1242.

I called Guillermo and advised him of the allegations filed against him by Roxanna. Guillermo confirmed he did date Roxanna's mother and did live with her for a few years. I scheduled an appointment for Guillermo to come to my office to be interviewed on 03-06-10 at 1000hrs.

On, 03-06-10, I conducted a recorded interview with Guillermo Renteria-Novoa DOB 12-04-61 at 4750 W. Oakey Blvd. The following is a summary of the interview and is not verbatim. For complete details of the interview refer to the transcripts.

Guillermo was advised of his Miranda rights which he acknowledged and stated he would answer questions. Guillermo admitted he had made mistakes with Roxanna and just wanted to put her and her whole family behind him. When Guillermo started to date Roxanna's mother he treated Roxanna as one of his own daughters. Guillermo's relationship with Roxanna changed when Roxanna was 14 or 15 and he found Roxanna with her cousin Jaier. Guillermo walked in on Roxanna performing oral sex on her cousin Jaier. Guillermo didn't say anything because he didn't want to pull the family apart. After catching her with Jiar Guillermo looked at Roxanna differently. If Roxanna wanted something from Guillermo she would offer to "do things". If Roxanna wanted a pair of shoes she would show her breasts to Guillermo and he would give her the shoes. If she wanted an Ipod Roxanna would show her breasts and Guillermo would masturbate in front of her, then get her the Ipod. Guillermo admitted to kissing Roxanna's bare breasts and masturbating in front of Roxanna while she exposed her breasts. These incident took place while she was living in an apartment on Tamarus st. Guillermo thought Roxanna was about 15 or 16 years old when he masturbated in front of her, but he wasn't sure when it happened. Guillermo admitted to seeing Roxanna's exposed vagina and "one time" touching her vagina outside of her clothing.

Guillermo said each sexual encounter with Roxanna was consensual, and Roxanna did it for material things like shoes, expensive clothing, or nice backpacks.

RIM
IMAGED
11

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS

Page 4

EVENT: 091217-4008

Guillermo also admitted to "knowing her secret about her cousin Jair". Guillermo wanted to fix his mistakes from the past and move on. Guillermo never wanted to see Roxanna, or her mother again and was moving on with his life trying to be a better man.

When Guillermo was asked about the picture of Roxanna's underwear that he sent her via a text message. Guillermo admitted to sending the picture and taking the picture of her underwear when he was living with her.

On, 04-08-10, I conducted a recorded interview with Janet Rodriguez-Ruiz DOB 07-13-68, at her house located at 500 Miller # 18 N. Las Vegas, NV 89030. Janet's daughter Jeime Leon-Rodriguez DOB 01-05-91 assisted with the interview and translated for Janet. The following is a summary of the interview and is not verbatim. For complete details of the interview refer to the transcripts.

Roxanna confided in Janet and told her what was happening with Guillermo. Roxanna told Janet Guillermo was threatening and touching her. Guillermo said if she didn't do what he wanted her to, he would tell her mother what she was doing with her cousin. Guillermo had been touching her from the time she was 13 years old. The last time Guillermo touched her was about two weeks before she called the police.

Base on the above Guillermo it is requested Guillermo be charged with the following:

- 1) Sexual Assault for in 2009 when he made Roxanna undress under the treat of ruining her life, and placed his fingers in her vagina and anus.
- 2) Lewdness with a child under 14 for in 2007 when he would sexually touch Roxanna under her shirt when she was only 13 years old.

Wherefore, declarant prays that a Warrant of Arrest be issued for suspect RENTERIA-NOVOA, GUILLERMO on a charge(s) of .

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

Executed on this 19th day of May, 2010.

DECLARANT:

R. Jaeger #5587

WITNESS:

D. Pichard 6210

DATE:

RIM
IMAGED
105-19-10

DATE OF ARREST: 8-6-10 TIME OF ARREST: 0930 IN TAKE NAME (AKA, ALIAS, ETC.) Adrian Guillermo First Middle Last

ADDRESS 3139 E. Sahara NUMBER & STREET BLDG / APT # 208 TRUE NAME Adrian Guillermo First Middle Last

DATE OF BIRTH 12-4-61 RACE H SEX M HEIGHT 5'6 WEIGHT 170 HAIR Blk EYES Brn SOCIAL SECURITY # CU STATE NV ZIP

LOCATION OF CRIME (# - Street - City - State - Zip) Warrant ☒ Loc ☐ Liv ☐ Y ☐ N Citizen Arrest LOCATION OF ARREST EASTERN / SUNSET Sector/Beat PCN #

| BKG. CODE | CHARGE | ORD / NRS # | M | GM | F | ARR TYPE | EVENT NUMBER | WARR / NCIC NUMBER | COURT | LV | JC | DC | OTHER |
|-----------|--|-------------|--------------------------|--------------------------|-------------------------------------|----------|--------------|--------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| 5058 | SEX ASSAULT w/ KIDN under 14 / 200.366 | Adrian | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ad | 5C-11 | 10F09697X | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5083 | SEX ASSAULT VICTIM under 14 / 200.366 | Adrian | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ad | | 10F09697X | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5083 | SEXUAL ASSAULT / 200.366 | Adrian | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ad | | 10F09697X | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5110 | 2 COUNTS LEWDNESS w/ KIDN under 14 / 201.230 | Adrian | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ad | | 10F09697X | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5012 | STATUTORY SEXUAL SEDUCTION / 200.868 | Adrian | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ad | | 10F09697X | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ARREST TYPE: PC - PROBABLE CAUSE BS - BONDSMAN SURRENDER BW - BENCH WARRANT WA - WARRANT RM - REMAND GJ - GRAND JURY IND

Arresting Officer's Signature E. Wang (Print Name) E. Wang P # 5851 Agency CU
Transporting Officer's Signature S/A (Print Name) P # Agency

Time Stamp at BOOKING 10:40 DSD RECORDS

☐ FOR PROBABLE CAUSE/NCIC HIT ARREST SEE PAGE TWO FOR DETAILS. FIRST APPEARANCE: DATE: 8/6/10 TIME: 0930
☐ BENCH WARRANT SERVED ON ADRIAN GUILLERMO COURT AD ☐ STANDARD BAIL
☐ WARRANT SERVED ON ADRIAN GUILLERMO JUSTICE AD ☐ O.R. RELEASE
☐ GRAND JURY INDICTMENT SERVED ON ADRIAN GUILLERMO MUNICIPAL AD ☐ PROBABLE CAUSE

TYPE OF I.D. FOR VERIFICATION CONFIDENTIAL ☐ JUVENILE ☐ IAD
JUDGE:

Page 1 of 1

3 VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST

I.D. #: 2755564

True Name: NOVOA, Guillermo

Date of Arrest: 8-6-10

Time of Arrest: 0930

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with CLMPD (Department), Clark County, Nevada, being so employed for a period of 12 years (months). That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the offense of WARRANTS at the location of SUNSET / EASTERN (ADDRESS / CITY / STATE / ZIP) and that the offense occurred at approximately 0930 hours on the 6 day of AUG, 2010, in the county of ☒ Clark or ☐ City of Las Vegas, NV.

DETAILS FOR PROBABLE CAUSE:

CONTACT WAS MADE W/ GUILLERMO NOVOA DOB 12-4-61 WHO HAD NUMEROUS ELECTRONIC WARRANTS OUT OF LAS VEGAS JUSTICE COURT.

NOVOA IDENTIFIED HIMSELF VERBALLY AND W/ MEXICAN ID.

NOVOA WAS ARRESTED FOR THE WARRANTS AND TRANSPORTED TO CCDC AND BOOKED

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

Declarant must sign second page with original signature.

E. Moran
Declarant's Signature
E. MORAN
Print Declarant's Name

5851
P #

DEPT = JCRTZ

S E R V E D

*
* ***** NCJIS WANTED PERSON SYSTEM *****
*
* PIN-0209 NCJIS WARRANT HAS BEEN SUCCESSFULLY CLEARED
*
* CLEARING AGENCY /NV0024913 - CLARK COUNTY DETENTION CENTER
* ARRESTING AGENCY /NV0020100 - LAS VEGAS METROPOLITAN POLICE
* ENTERING AGENCY /NVLVJC001 - CLARK CO INFO SERVICES
* CONFIRMING AGENCY/NV0020135 - CLARK COUNTY DETENTION CENTER
* WARRANT RECORD NUMBER/1945094
* NIN/W805209847
* SEQ/003 REASON/SERVED
* WARRANT NAME /RENTERIA-NOVOA, GUILLERMO
* BASE RECORD NAME/NOVOA, GUILLERMO
* COURT CASE #/10F09697X
* COURT/NV002A53J - LAS VEGAS JUSTICE COURT
*
* I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING WARRANT HAS BEEN
* SERVED BY ARRESTING/CONTACTING THE DEFENDANT
* BY MORGAN/5851 ON 08/06/10

DATE/08/06/10
TIME/19:38:29

RECEIVED
AUG 09 2010
LAS VEGAS JUSTICE COURT
RECORDS MANAGEMENT
RIM
IMAGED
SF

DEPT = JCRTZ

S E R V E D

*
* ***** NCJIS WANTED PERSON SYSTEM ***** *
*
* PIN-0209 NCJIS WARRANT HAS BEEN SUCCESSFULLY CLEARED *
*
* CLEARING AGENCY /NV0024913 - CLARK COUNTY DETENTION CENTER *
* ARRESTING AGENCY /NV0020100 - LAS VEGAS METROPOLITAN POLICE *
* ENTERING AGENCY /NVLVJC001 - CLARK CO INFO SERVICES *
* CONFIRMING AGENCY/NV0020135 - CLARK COUNTY DETENTION CENTER *
* WARRANT RECORD NUMBER/1945093 *
* NIN/W805209847 DATE/08/06/10 *
* SEQ/002 REASON/SERVED TIME/19:38:29 *
* WARRANT NAME /RENTERIA-NOVOA, GUILLERMO *
* BASE RECORD NAME/NOVOA, GUILLERMO *
* COURT CASE #/10F09697X *
* COURT/NV002A53J - LAS VEGAS JUSTICE COURT *
*
* I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING WARRANT HAS BEEN *
* SERVED BY ARRESTING/CONTACTING THE DEFENDANT *
* BY MORGAN/5851 ON 08/06/10 *

RECEIVED
AUG 09 2010
LAS VEGAS JUSTICE COURT
RECORDS MANAGEMENT

RIM
IMAGED
SF

DEPT = JCRTZ

S E R V E D

* * *

* ***** NCJIS WANTED PERSON SYSTEM ***** *

* * *

* PIN-0209 NCJIS WARRANT HAS BEEN SUCCESSFULLY CLEARED *

* * *

* CLEARING AGENCY /NV0024913 - CLARK COUNTY DETENTION CENTER *

* ARRESTING AGENCY /NV0020100 - LAS VEGAS METROPOLITAN POLICE *

* ENTERING AGENCY /NVLVJCO01 - CLARK CO INFO SERVICES *

* CONFIRMING AGENCY/NV0020135 - CLARK COUNTY DETENTION CENTER *

* WARRANT RECORD NUMBER/1945092 *

* NIN/W805209847 DATE/08/06/10 *

* SEQ/001 REASON/SERVED TIME/19:38:29 *

* WARRANT NAME /RENTERIA-NOVOA, GUILLERMO *

* BASE RECORD NAME/NOVOA, GUILLERMO *

* COURT CASE #/10F09697X *

* COURT/NV002A53J - LAS VEGAS JUSTICE COURT *

* * *

* I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING WARRANT HAS BEEN *

* SERVED BY ARRESTING/CONTACTING THE DEFENDANT *

* BY MORGAN/5851 ON 08/06/10 *

RECEIVED
AUG 09 2010
LAS VEGAS JUSTICE COURT
RECORDS MANAGEMENT

RIM
IMAGED
SF

DEPT = JCRTZ

S E R V E D

* * *

* ***** NCJIS WANTED PERSON SYSTEM ***** *

* * *

* PIN-0209 NCJIS WARRANT HAS BEEN SUCCESSFULLY CLEARED *

* * *

* CLEARING AGENCY /NV0024913 - CLARK COUNTY DETENTION CENTER *

* ARRESTING AGENCY /NV0020100 - LAS VEGAS METROPOLITAN POLICE *

* ENTERING AGENCY /NVLVJC001 - CLARK CO INFO SERVICES *

* CONFIRMING AGENCY/NV0020135 - CLARK COUNTY DETENTION CENTER *

* WARRANT RECORD NUMBER/1945096 *

* NIN/W805209847 DATE/08/06/10 *

* SEQ/005 REASON/SERVED TIME/19:38:29 *

* WARRANT NAME /RENTERIA-NOVOA, GUILLERMO *

* BASE RECORD NAME/NOVOA, GUILLERMO *

* COURT CASE #/10F09697X *

* COURT/NV002A53J - LAS VEGAS JUSTICE COURT *

* * *

* I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING WARRANT HAS BEEN *

* SERVED BY ARRESTING/CONTACTING THE DEFENDANT *

* BY MORGAN/5851 ON 08/06/10 *

RECEIVED
AUG 09 2010
LAS VEGAS JUSTICE COURT
RECORDS MANAGEMENT

RIM
IMAGED
SF

DEPT = JCRTZ

S E R V E D

* * *

* ***** NCJIS WANTED PERSON SYSTEM ***** *

* * *

* PIN-0209 NCJIS WARRANT HAS BEEN SUCCESSFULLY CLEARED *

* * *

* CLEARING AGENCY /NV0024913 - CLARK COUNTY DETENTION CENTER *

* ARRESTING AGENCY /NV0020100 - LAS VEGAS METROPOLITAN POLICE *

* ENTERING AGENCY /NVLVJC001 - CLARK CO INFO SERVICES *

* CONFIRMING AGENCY/NV0020135 - CLARK COUNTY DETENTION CENTER *

* WARRANT RECORD NUMBER/1945095 *

* NIN/W805209847 DATE/08/06/10 *

* SEQ/004 REASON/SERVED TIME/19:38:29 *

* WARRANT NAME /RENTERIA-NOVOA, GUILLERMO *

* BASE RECORD NAME/NOVOA, GUILLERMO *

* COURT CASE #/10F09697X *

* COURT/NV002A53J - LAS VEGAS JUSTICE COURT *

* * *

* I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING WARRANT HAS BEEN *

* SERVED BY ARRESTING/CONTACTING THE DEFENDANT *

* BY MORGAN/5851 ON 08/06/10 *

RECEIVED
AUG 09 2013
LAS VEGAS JUSTICE COURT
RECORDS MANAGEMENT
RIM
IMAGED
SF

CLARK COUNTY DETENTION CENTER
ARREST WARRANT ABSTRACT

08/06/2010
10:35

WARRANT NAME: RENTERIA-NOVOA, GUILLERMO

DOB: 12/04/1961 SSN:

RAC: W SEX: M HGT: 5'06" WGT: 170 HAI: BLK EYE: BRO

WARRANT #: 10F09697X

EVENT #:

CLARK COUNTY ONLY:

| CNT | CHRG | NRS | CODE | CODE | CHARGE LITERAL | CASH BAIL | ASSUR BAIL |
|-----|------|--------------------|------|--------------------------------|----------------|--------------|---------------|
| 01 | 5058 | 200.366 | F | SEXUAL ASSAULT VICTIM UNDER 14 | NO BAIL | | |
| | | PCN#0027965610-003 | | | | | |
| 02 | 5083 | 200.366 | F | SEXUAL ASSAULT VICTIM UNDER 16 | NO BAIL | | |
| | | PCN#0027965610-004 | | | | | |
| 03 | 5023 | 200.366 | F | SEXUAL ASSAULT | NO BAIL | | |
| | | PCN#0027965610-001 | | | | | |
| 04 | 5110 | 201.230 | F | LEWDNESS WITH A MINOR UNDER 14 | NO BAIL | | |
| | | PCN#0027965610-002 | | | | | |
| 05 | 5110 | 201.230 | F | LEWDNESS WITH A MINOR UNDER 14 | NO BAIL | | |
| | | PCN#0027965610-005 | | | | | |
| 06 | 5012 | 200.368 | F | STATUTORY SEXUAL SEDUCTION | NO BAIL | | |
| | | PCN#0027965610-006 | | | | | |

ISSUED BY JUDGE: ERIC GOODMAN
COURT: LAS VEGAS JUSTICE COURT

DOW: 06/07/2010
DEPT: JCRTZ

I HEREBY CERTIFY THAT I RECEIVED THE ABOVE AND FOREGOING WARRANT
ON THE 6 DAY OF Aug, 2010, AND SERVED THE
SAME BY ARRESTING THE WITHIN DEFENDANT,
AND BRINGING HIM INTO COURT THIS 6 DAY OF Aug,
2010.

DOUGLAS C. GILLESPIE, SHERIFF, CLARK COUNTY, NEVADA

BY: E. Morge 5851, DEPUTY

***** C O N F I D E N T I A L *****

RM
10/10/10

WARRANT ELECTRONICALLY GENERATED AND ENTERED INTO NCJIS
*** DO NOT MANUALLY ENTER INTO NCJIS ***

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY NEVADA

| | | |
|---------------------------|---|----------------------------|
| THE STATE OF NEVADA |) | CASE NO: 10F09697X |
| |) | |
| PLAINTIFF |) | DEPT. NO: 11 |
| VS. |) | |
| |) | AGENCY: METRO-YOUTH/FAMILY |
| RENTERIA-NOVOA, GUILLERMO |) | |
| ID# X0130150 |) | |
| |) | |
| DEFENDANT |) | ARREST WARRANT |
| |) | ----- |

THE STATE OF NEVADA,

TO: ANY SHERIFF, CONSTABLE, MARSHALL, POLICEMAN, OR PEACE OFFICER
IN THIS STATE:

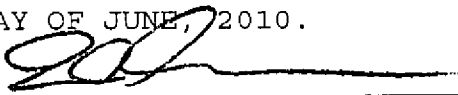
A COMPLAINT AND AN AFFIDAVIT UPON OATH HAS THIS DAY BEEN LAID
BEFORE ME ACCUSING RENTERIA-NOVOA, GUILLERMO, OF THE CRIME(S):

| COUNTS | CHARGE | BAIL: CASH | SURETY | PROPERTY |
|--------|------------------------|------------|--------|----------|
| 1 | SEXUAL ASSAULT VICTIM | NO BAIL | | |
| 1 | SEXUAL ASSAULT VICTIM | NO BAIL | | |
| 1 | SEXUAL ASSAULT | NO BAIL | | |
| 2 | LEWDNESS WITH A MINOR | NO BAIL | | |
| 1 | STATUTORY SEXUAL SEDUC | NO BAIL | | |

YOU ARE, THEREFORE, COMMANDED FORTHWITH TO ARREST THE ABOVE NAMED
DEFENDANT AND BRING HIM BEFORE ME AT MY OFFICE IN LAS VEGAS TOWNSHIP,
COUNTY OF CLARK, STATE OF NEVADA, OR IN MY ABSENCE OR INABILITY TO
ACT, BEFORE THE NEAREST AND MOST ACCESSIBLE MAGISTRATE IN THIS COUNTY.

THIS WARRANT MAY BE SERVED AT ANY HOUR OF THE DAY OR NIGHT.

GIVEN UNDER MY HAND THIS 7TH DAY OF JUNE, 2010.



JUSTICE OF THE PEACE IN AND FOR SAID TOWNSHIP
ERIC GOODMAN

RIM
IMAGED
64

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY NEVADA

| | | |
|---------------------------|---|----------------------------|
| THE STATE OF NEVADA |) | CASE NO: 10F09697X |
| |) | |
| PLAINTIFF |) | DEPT. NO: 11 |
| VS. |) | |
| |) | AGENCY: METRO-YOUTH/FAMILY |
| RENTERIA-NOVOA, GUILLERMO |) | |
| ID# X0130150 |) | |
| |) | |
| |) | ARREST WARRANT |
| DEFENDANT |) | ----- |
| _____ |) | |

SHERIFF'S RETURN

I HEREBY CERTIFY THAT I RECEIVED THE ABOVE AND FOREGOING WARRANT
ON THE _____ DAY OF _____, _____, AND SERVED THE SAME BY
ARRESTING AND BRINGING DEFENDANT, _____, INTO COU
THIS _____ DAY OF _____, _____.

DOUGLAS C. GILLESPIE, SHERIFF, CLARK COUNTY, NEV

BY: _____, DEPUTY

RIM
IMAGED
LJ

DEFENDANT RENTERIA-NOVOA, GUILLERMO

DEFENDANT ID# X0130150

CASE NO: 10F09697X

DEPARTMENT JCRTZ

JUDGE ERIC GOODMAN

AGENCY: METRO-YOUTH/FAMILY

ORI VRI
DOB 12041961 SOC
RAC H SEX M HGT 506

NAME RENTERIA-NOVOA, GUILLERMO
SID
WGT 170 HAI BLK EYE BRO

-----WARRANT-----

HOI COI WNM RENTERIA-NOVOA, GUILLERMO
NOC 02145 AOC OFC F FTF TRF JUV DSO DOW 06072010
OCA 0912174008 CCN 10F09697X BAIL NO BAIL
TRA MIS

-----SUPPLEMENTAL-----

AKA RENTERIANNOVOA, GUILLERMO

SUBMITTING OFFICER ID#:MP5587 NAME: JAEGER, RYAN M

| COUNTS | CHARGE |
|--------|--------------------------------|
| 1 | SEXUAL ASSAULT VICTIM UNDER 14 |
| 1 | SEXUAL ASSAULT VICTIM UNDER 16 |
| 1 | SEXUAL ASSAULT |
| 2 | LEWDNESS WITH A MINOR UNDER 14 |
| 1 | STATUTORY SEXUAL SEDUCTION |

***** C O N F I D E N T I A L *****

RIM
IMAGED
LJ

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, INVESTIGATIVE OR OTHER COURT SERVICES FOR INDIGENT PERSONS

JUSTICE COURT LAS VEGAS TOWNSHIP

IN THE CASE OF
STATE OF NEVADA VS.
Novoa, Guillermo

CASE NUMBER

10f09697x

DEPT. NUMBER

JC / 11

SECTION 1

I, Guillermo Novoa, do solemnly swear under penalty or perjury that I am named as defendant in the case of State of Nevada VS. Guillermo Novoa and that I do not have the ability to pay for an attorney or for any other court services necessary for my defense because: (Check (P) all that apply)

- ☐ I currently receive SSI benefits;
- ☐ I am currently a public housing resident / Section 8 recipient;
- ☐ I currently receive assistance from Clark County Social Services;
- ☐ I am currently receiving food stamps;
- ☐ I am currently a welfare recipient (TANF);
- ☐ I currently receive VA benefits as my sole income;
- ☐ I currently receive Unemployment / Workers Compensation benefits as my sole income;
- ☐ I have been determined disabled but benefits are pending;
- ☐ I am unemployed with no source of income;
- ☐ I am a resident of Shade Tree Shelter;
- ☐ I am a recipient of HELP Homeless Outreach Subsidy;
- ☐ I am a recipient of Women's Development Housing Assistance;
- ☐ I am a recipient of Medicaid Disability Insurance;
- ☐ I am a resident of the Salvation Army or a Transitional Housing Program;
- ☐ I am currently incarcerated

CONFIDENTIAL

RECEIVED

AUG 09 2010

LAS VEGAS JUSTICE COURT
RECORDS MANAGEMENT

RIM
IMAGED
SF

Are you employed? YES

How much do you earn each month? \$ 1400.00

Name and Address of employer: Lupton Construction - McCleod

Does your spouse work? NA

How much does he/she earn per month? NA

Do you have any other income (from retirement funds, interest, dividends, rents, etc.)? NA

List all other income sources:

NA

How much money do you have in bank accounts? NA

Do you own any real estate, motor vehicles, motor homes, stocks or other valuable property? YES Please describe and list value:

1998 Chevy Blazer 2,500

Marital Status: Separated

Total Number of dependents: 0

List the people you support (Name, Age & Relationship):

NA

What is your address? 3139 E. Sahara Ave 208 Las Vegas, NV 89104

How much do you pay monthly in rent or mortgage? \$ 460.00

List all other significant debts:

Credit Cards/ \$600.00

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

SIGNATURE OF DEFENDANT X

RIM
IMAGED
SF

CONFIDENTIAL

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

PRETRIAL SERVICES INFORMATION SHEET

CASE #
10f09697x

DEPT # JC10

REQUESTED BY:

NAME:
Guillermo Novoa

ID #
2755564

CHARGES:

SEXUAL ASSAULT VICTIM UNDER 14 2CTS, SEXUAL ASSAULT VICTIM UNDER 16,
SEXUAL ASSAULT, LEWDNESS WITH A MINOR UNDER 14, LEWDNESS WITH A MINOR
UNDER 14, STATUTORY SEXUAL SEDUCTION
CURRENT BAIL: SIC

VERIFIED: ADDRESS: 3139 E. Sahara Ave, 208, Las Vegas, NV
WITH WHOM/HOW LONG: Luisa, Maria Girlfriend / 8M

VERIFIED: EMPLOYMENT STATUS: Luton Construction / Laborer
LENGTH: 8M

VERIFIED: RELATIVES - LOCAL : NOT LOCAL:

FELONY/GROSS MISDEMEANOR CONVICTIONS: 0

MISDEMEANOR CONVICTIONS: 0

FAIL TO APPEAR: 0

COMMENTS: IMMIGRATION HOLD

RECOMMENDATION:

DATE: 08/09/2010

PRETRIAL SERVICES: Cheryl Allen

RIM
IMAGED

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

PRETRIAL SERVICES INFORMATION SHEET

CASE #
10f09697x

DEPT #
JC-11

REQUESTED BY:

NAME:
Guillermo Novoa

ID #
2755564

CHARGES:

**SEXUAL ASSAULT, 2CTS-LEWDNESS WITH A MINOR UNDER 14, SEXUAL ASSAULT
VICTIM UNDER 14, SEXUAL ASSAULT VICTIM UNDER 16, STATUTORY SEXUAL
SEDUCTION**

CURRENT BAIL: \$120,000

**VERIFIED: ADDRESS: 3139 E. Sahara Ave, 208, Las Vegas, NV
WITH WHOM/HOW LONG: Luisa, Maria Girlfriend / 8M**

**VERIFIED: EMPLOYMENT STATUS: Luton Construction / Laborer
LENGTH: 8M**

VERIFIED: RELATIVES - LOCAL: NOT LOCAL:

FELONY/GROSS MISDEMEANOR CONVICTIONS: 0

MISDEMEANOR CONVICTIONS: 0

FAIL TO APPEAR: 0

COMMENTS: DEFT HAS ICE DETAINER

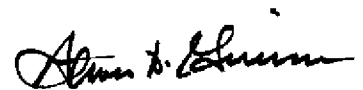
RECOMMENDATION:

DATE: 09/03/2010

PRETRIAL SERVICES: Maritza Aguilar

CONFIDENTIAL

**RIM
IMAGED
LJ**



CLERK OF THE COURT

INFO

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
STACY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
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**I.A. 10/28/2010
9:00 A.M.
PUBLIC DEFENDER**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

GUILLERMO RENTERIA-NOVOA,
#2755564

Defendant.

Case No: **C268285-1**
Dept No: **XIV**

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

DAVID ROGER, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That GUILLERMO RENTERIA-NOVOA, the Defendant(s) above named, having committed the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366), ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366, 193.330), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (gross misdemeanor - NRS 201.220) and SEXUAL ASSAULT (Felony - NRS 200.364, 200.366)** and in the manner following, to-wit: That the said Defendant, on or between

1 February 1, 2005 and December 31, 2009, at and within the County of Clark, State of
2 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,
3 and against the peace and dignity of the State of Nevada,

4 COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
5 AGE

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 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
13 AGE

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

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

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

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1 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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

17 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

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

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1 COUNT 7 - 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 breast(s) of the said
6 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
7 or sexual desires of said Defendant, or said child.

8 COUNT 8 - 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 mouth and/or tongue to touch and/or kiss and/or lick the breast(s) of the said
13 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
14 or sexual desires of said Defendant, or said child.

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

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

22 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
23 AGE

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 genital 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 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
3 AGE

4 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
5 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
6 wit: digital penetration, by said Defendant inserting his finger(s) 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 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

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

19 COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
20 AGE

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 genital opening of
24 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
25 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
26 of resisting or understanding the nature of Defendant's conduct.

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1 COUNT 14- SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 15 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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

17 COUNT 16 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

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

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1 COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

10 COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

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

18 COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
19 AGE

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

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1 COUNT 20 - 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 COUNT 21 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

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

12 COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
13 AGE

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

21 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
22 AGE

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: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
26 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
27 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
28 of resisting or understanding the nature of Defendant's conduct.

1 COUNT 24 - 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 breast(s) of the said
6 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
7 or sexual desires of said Defendant, or said child.

8 COUNT 25 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
9 AGE

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

16 COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE

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 digital penetration, by said Defendant inserting his finger(s) into the genital opening of the
21 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
22 should have known, that the said ROXANNA PEREZ was mentally or physically incapable
23 of resisting or understanding the nature of Defendant's conduct.

24 COUNT 27 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN
25 YEARS OF AGE

26 did, then and there willfully, unlawfully, and feloniously attempt to sexually assault
27 and subject ROXANNA PEREZ, a female child under sixteen years of age, to sexual
28 penetration, to-wit: fellatio, by said Defendant attempting to place his penis on and/or into

1 the tongue and/or mouth of the said ROXANA PEREZ, against her will, or under conditions
2 in which Defendant knew, or should have known, that the said ROXANNA PEREZ was
3 mentally or physically incapable of resisting or understanding the nature of Defendant's
4 conduct.

5 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE

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

13 COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
14 AGE

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: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
18 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
19 which Defendant knew, or should have known, that the said ROXANA PEREZ was
20 mentally or physically incapable of resisting or understanding the nature of Defendant's
21 conduct.

22 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
23 AGE

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

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

2 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
3 AGE

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 digital penetration, by said Defendant inserting his finger(s) into the genital 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 ROXANNA PEREZ was mentally or physically incapable
9 of resisting or understanding the nature of Defendant's conduct.

10 COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

17 COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

25 COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: by said Defendant inserting his finger(s) into the genital opening of the said ROXANA

1 PEREZ, against her will, or under conditions in which Defendant knew, or should have
2 known, that the said ROXANA PEREZ was mentally or physically incapable of resisting or
3 understanding the nature of Defendant's conduct.

4 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

11 COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

18 COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

25 COUNT 38 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: by said Defendant inserting his finger(s) into the anal opening of the said ROXANA

1 PEREZ, against her will, or under conditions in which Defendant knew, or should have
2 known, that the said ROXANA PEREZ was mentally or physically incapable of resisting or
3 understanding the nature of Defendant's conduct.

4 COUNT 39 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

11 COUNT 40 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

18 COUNT 41 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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

25 COUNT 42 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the

1 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
2 which Defendant knew, or should have known, that the said ROXANA PEREZ was
3 mentally or physically incapable of resisting or understanding the nature of Defendant's
4 conduct.

5 COUNT 43 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

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 44 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

13 did, then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
14 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
15 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant
16 causing and/or directing the said ROXANA PEREZ to use her hand(s) and/or finger(s) to
17 touch and/or rub and/or masturbate the penis of said Defendant, with the intent of arousing,
18 appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said
19 child.

20 COUNT 45 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

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

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1 COUNT 46 - 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 COUNT 47 - SEXUAL ASSAULT

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

10 COUNT 48 - SEXUAL ASSAULT

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

15 COUNT 49 - SEXUAL ASSAULT

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

20 COUNT 50 - SEXUAL ASSAULT

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

25 COUNT 51 - SEXUAL ASSAULT

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANA PEREZ, a female person, to sexual penetration, to-wit: digital penetration, by
28 said Defendant placing his finger(s) into the genital opening of the said ROXANA PEREZ,

1 against her will.

2 COUNT 52 - SEXUAL ASSAULT

3 did then and there willfully, unlawfully, and feloniously sexually assault and subject
4 ROXANA PEREZ, a female person, to sexual penetration, to-wit: sexual intercourse, by
5 said Defendant inserting his penis into the genital opening of the said ROXANA PEREZ,
6 against her will.

7 COUNT 53 - 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: digital penetration, by
10 said Defendant inserting his finger(s) into the genital opening of the said ROXANA PEREZ,
11 against her will.

12 COUNT 54 - OPEN OR GROSS LEWDNESS

13 did, then and there willfully and unlawfully commit an act of open or gross lewdness
14 by said Defendant masturbate his penis in view of ROXANA PEREZ.

15 DAVID ROGER
16 DISTRICT ATTORNEY
Nevada Bar #002781

17
18 BY /s/ STACY KOLLINS
19 STACY KOLLINS
20 Chief Deputy District Attorney
Nevada Bar #005391

1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

3 GIBSON, CHRISTOPHER; LVMPD#14009

4 JAEGER, RYAN; LVMPD#05587

5 PAGE, LELAND or Designee; COURT INTERPRETER

6 PEREZ, ROXANA; 3937 SPENCER ST. #75, LVN 89119

7 RODRIGUEZ, ROSA; 3937 SPENCER ST. #75, LVN 89119

8 RODRIGUEZ-RUIZ, JANET; 500 MILLER AVE. #18, NLV 89030

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27 DA#10F09697X/hjc/SVU
28 LVMPD EV#0912174008
(TK11)

CASE NO. C 268285
DEPT. NO. 11

ORIGINAL

FILED

Nov 12

09:53AM

11 01 AM '10

CLERK OF THE COURT

IN THE JUSTICE COURT OF THE LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,
Plaintiff,
Vs
GUILLERMO RENTERIA NOVA,
Defendant.

Case No. 10F09697X

REPORTER'S TRANSCRIPT
OF
CLOSING ARGUMENT/BINDOVER
BEFORE THE HONORABLE ERIC A. GOODMAN
JUSTICE OF THE PEACE
TAKEN ON TUESDAY, OCTOBER 12, 2010
AT 9:00 A.M.

APPEARANCES:

For the State: STACY KOLLINS
Deputy District Attorney
For the Defendant: MIKE FELICIANO
Deputy Public Defender
REPORTED BY: PATSY K. SMITH, C.C.R. #190

PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795

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LAS VEGAS, NEVADA, TUESDAY, OCTOBER 12, 2010

* * * * *

THE COURT: Guillermo Renteria Nova,

10F09697X.

This is the continuation of the prelim.

MR. FELICIANO: We are waiting for

Ms. Kollins, Judge.

THE COURT: Okay.

MR. FELICIANO: She checked in. She will
be back in a little bit on this.

THE COURT: Okay.

MR. FELICIANO: And I would like to clear
the courtroom.

THE COURT: That's fine, that's fine.

(Off the record discussion not reported.)

THE COURT: Guillermo Renteria Nova,

10F09697X.

All right, this is the date and time -- we
had previously had the prelim. Everybody should have
copies of the transcript.

We had continued this for a couple weeks
for a Second Amended Criminal Complaint to be filed to kind

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Page 3

of clean up some of the language and add some counts and so
everybody could have a copy of the transcript for argument.
We are back here for argument on this case.

State, did you want to waive and reserve,
however you want to handle this?

MS. KOLLINS: You know what, Judge, I will
just wait and reserve. I have shared with Mr. Feliciano a
cheat sheet, if you will, of the counts and the pages where
I got my counts from.

THE COURT: Okay.

MS. KOLLINS: So --

THE COURT: Have you seen this prior to
this one just being handed to you?

MR. FELICIANO: I have been looking at
them the last half hour.

MS. KOLLINS: I gave it to him yesterday.

MR. FELICIANO: Yeah, I have a copy of the
proposed amendments.

THE COURT: Okay.

I wish I had a copy of the cheat sheet.

MS. KOLLINS: Oh, you know what --

THE COURT: I shouldn't look at your cheat
sheet.

MS. KOLLINS: Well, I intended on giving
you a copy with numbers and pages.

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Page 4

MR. FELICIANO: Well, it's for the dates
and ages and that's not really a concern of mine at this
point.

THE COURT: All right.

MR. FELICIANO: So if that's where we are
going with this, I'm not --

THE COURT: Because the problem is I
probably have the same problem. The both of you have the
number of counts, different ages and locations, and which
pages you are going to be referring to to which counts
because we have so many counts.

MS. KOLLINS: Can I make the Court a copy
of this just for reference?

THE COURT: Sure.

MS. KOLLINS: And maybe that will clear it
up.

THE COURT: Sure.

MR. FELICIANO: Copier is broken.

THE CLERK: Here, I can make one here.

MR. FELICIANO: That would be great, if I
can have one too.

MS. KOLLINS: You didn't make a copy?

MR. FELICIANO: The one down the hall is
broken too.

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(Off the record discussion not reported.)

MR. FELICIANO: Well, do you need a minute, Judge?

MS. KOLLINS: Do you want me to go through and just kind of explain what my theories are and then if somebody wants to respond to that or do you want to let Mr. Feliciano go first?

THE COURT: Whatever you are more comfortable with.

MR. FELICIANO: I think it would be a lot quicker.

THE COURT: Okay.

MR. FELICIANO: I don't think we need to go count-by-count, but looking at some specific conduct that's charged in this case, specifically some anal penetration or anal licking or some type of conduct that has to do with my client and the complaining witness' rear end, but if you look at the way some of these have been charged.

For instance, Count 11, if we go to Count 11, you see on Count 11 that they actually say what he actually did, that he actually inserted his finger into the anal opening of Roxana Perez. Now that's Count 11, that's Count 15, that's Count 25, Count 30, Count 35,

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Count 38, and Count 41.

Looking back through the Complaint, where they don't have sufficient evidence to similar conduct, but not quite the same, they word it differently. For instance, in Count 1, instead of saying that he put his finger in her anus, we have by placing his mouth and/or tongue on and/or into the anal opening of Roxana Perez, and that is Count 1, Count 5, Count 14, Count 16, Count 23, Count 28, Count 36, Count 43, Count 47, and Count 49.

Based on that, we would submit that they do not have sufficient evidence for sexual assault with a minor under 14 on those counts. We'd ask those counts be dismissed and I would submit as to the other counts where they talk about the specific allegation.

MS. KOLLINS: And, Judge, I don't know if you recall the testimony. There is several times in the transcript -- if you'd give me a minute, I will pull it out for you.

I specifically asked her, "Did his tongue go in your anal opening," and she said, "Yes." I could have pled those in the alternative as a lewdness with a minor count, but I didn't because of how many counts we have in the Information or in the Complaint. Had this been say a twenty count Complaint, I probably would have charged those in the alternative as lewdnesses, but I spoke with

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the team yesterday. Everyone is of the opinion that the mouth on or in the anal is tantamount to cunnilingus. It is a sexual assault. She did say in and because she was so specific about in, I did not charge those in the alternative. I totally disagree with Mr. Feliciano's assessment that there is not probable cause as to those counts.

If the Court has some concern with the breakdown, just very quickly --

THE COURT: Well, counsel, Mr. Feliciano, are you saying that the act of putting the mouth and/or tongue into the anal opening, that that's not actually sexual assault?

MR. FELICIANO: Well, into, but where the testimony is clear where the complaining witness has testified that the tongue went actually inside of her anus, we're submitting on those, but I'm talking about the counts where it's written to placing his mouth and/or tongue on and/or into the anal opening because that wasn't clear in the testimony. We did have some clear testimony that there was some actual insertion, but that was not to each count.

MS. KOLLINS: And I disagree because I asked her, Was it like every time before? Was it the same as before, inside? I asked her that on multiple occasions.

So if you want me to strike the mouth language from all the

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counts, I will.

MR. FELICIANO: Well, and that's a bit unfair because that's taking it out of context.

MS. KOLLINS: Well, then I want the alternative lewdness. I was giving his client the benefit of the doubt by not making this a seventy count Complaint charging alternatives for the mouth on the anal opening, but given the position he's taking that there is not probable cause to that, then now I would submit to the Court that every time he has put his tongue in her anal opening, now I need an alternative count of lewdness with a minor up until the point she turns 14 and then it becomes an alternative open and gross lewdness and the same for an alternative open and gross as to the sexual assaults when she's over the age of 16.

MR. FELICIANO: So -- I'm sorry, I'll let you finish.

MS. KOLLINS: I mean that was inuring to his client's benefit that we weren't trying a seventy-five count Complaint. I've tried those cases before. It's tough, but if he is taking the position there is not probable cause, I submit there is probable cause. I believe that there is, but --

MR. FELICIANO: Well --

MS. KOLLINS: -- I'll charge the

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1 alternatives.

2 MR. FELICIANO: It's a bit unfair now to
3 now want to file an Amended because I'm challenging the
4 sufficiency of what she presented at the preliminary
10:01AM 5 hearing to add on another 10, 20, 30 counts. If she wanted
6 those alternative lewdnesses, she could have had it a long
7 time ago.

8 Now since I'm challenging the evidence,
9 it's a bit unfair to come in here and say, you know what,
10 Judge, since he doesn't like the fact that I'm challenging
11 the evidence and we're cutting his client a break, you
12 should add a bunch more counts. That's simply unfair.

13 MS. KOLLINS: Well, I can amend to conform
14 any time up to the moment of the bindover. So, you know, I
10:01AM 15 came in here and I explained to everyone at the onset that
16 I had not charged those in the alternative and I explained
17 that to him based on the volume of charges. I mean he was
18 on notice as to that. So either I strike the mouth
19 language or I can file the alternative lewdnesses and open
10:02AM 20 and grosses and I can do that.

21 THE COURT: We're not going to be doing
22 any additional amending. I mean what I have from reading
23 the Complaint -- I mean from reading the transcript, you
24 know, on page 32, referring to the top of page 32,

10:02AM 25 "Question: Okay. And it sounds like he
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1 kind of has a routine, but what happened
2 that day?

3 Answer: He would lick his -- lick my
4 vagina and my anus and he would put his
10:02AM 5 finger inside.

6 Question: Finger inside what?

7 Answer: My vagina and my anus.

8 Question: And okay.

9 Again, tongue go in your butt that day?

10:02AM 10 Answer: Yes."

11 So what's been established is that there
12 is a routine of doing it.

13 Again, on page 40, "Question: So the same
14 as before, his mouth on your vagina, his
10:03AM 15 mouth on your butt?

16 Answer: Yes.

17 Question: Tongue go inside your butt?

18 Answer: Yes.

19 Question: Okay.

10:03AM 20 And finger in your butt and in your
21 vagina?

22 Answer: Yes."

23 So, basically, with what she's talking
24 about, there's this pattern. He keeps doing the same thing
10:03AM 25 every single time where the mouth is on the anus, tongue

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1 goes in the anus, mouth on the vagina, tongue in the
2 vagina, fingers in both cavities.

3 So based on this, I understand your
4 objection from the Public Defender's Office as to those
10:03AM 5 counts. However, sir, I'm just going to get right to it.

6 Sir, this is not a trial. I do not
7 determine your guilt or innocence, only whether there is
8 some evidence to support the charges against you. Court
9 finds that that burden has been met by the State on all
10:03AM 10 counts.

11 I can either read every single count in --

12 MR. FELICIANO: No, no, no.

13 THE COURT: -- or just waive the reading?

14 MR. FELICIANO: Unless you really wanted

10:03AM 15 to read it.

16 THE COURT: It's up to you because it's

17 40 --

18 MR. FELICIANO: It's 50 something.

19 MS. KOLLINS: It's 54 counts.

10:04AM 20 THE COURT: It's 54 counts. Do you want

21 to go up on it?

22 MR. FELICIANO: We will waive it.

23 THE COURT: All right.

24 We are going to hold you to answer all 54

10:04AM 25 counts in the Eighth Judicial District Court, State of
PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795

1 Nevada, County of Clark, on the following date and time.

2 THE CLERK: October 28th, 9:00 a.m., Lower

3 Level Arraignment.

4 MR. FELICIANO: Thank you, Judge.

10:04AM 5 THE COURT: Thank you.

6 MS. KOLLINS: Thank you.

7 (Off the record discussion not reported.)

10:04AM 10 THE COURT: Remand him on all counts.

11
12 * * * * *
13 ATTEST: FULL, TRUE, ACCURATE AND CERTIFIED TRANSCRIPT OF
14 PROCEEDINGS.

15 *Patsy K. Smith*
16 PATSY K. SMITH, C.C.R. #190
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CASE NO. C 268325

DEPT. NO. 11

IN THE JUSTICE COURT OF THE LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

Vs

LUIS ARMANDO AVITIA,

Defendant.

REPORTER'S TRANSCRIPT
OF
UNCONDITIONAL WAIVER OF PRELIMINARY HEARINGBEFORE THE HONORABLE ERIC A. GOODMAN
JUSTICE OF THE PEACETAKEN ON THURSDAY, OCTOBER 14, 2010
AT 7:30 A.M.

APPEARANCES:

For the State: DANIEL WESTMEYER
Deputy District Attorney

For the Defendant: DOUG NUTTON, ESO.

REPORTED BY: PATSY K. SMITH, C.C.R. #190

PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-37951 bodily harm; that is a wobbler, with both parties retaining
2 the right to argue.3 THE COURT: All right.
Sir, do you understand the negotiation
4 this morning?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Did you have a chance to talk
8 to your attorney about the negotiation?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Is that a negotiation you wish
11 to accept?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand that you
14 have a right to a preliminary hearing. You have the right
15 to confront and cross-examine the witnesses that the State
16 presents. You have the right to present witnesses and
17 evidence on your own behalf. You have the right to testify
18 and the right to remain silent and that may not be held
19 against you.20 Do you understand that you are waiving
21 these rights today?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: When you get to District
24 Court, if you change your mind about these negotiations,
25 you will proceed to trial on the original charges. YouPATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3349

Page 2

LAS VEGAS, NEVADA, THURSDAY, OCTOBER 14, 2010

* * * * *

THE COURT: Luis Avitia, 10F04878X.

THE CLERK: Status check on negotiations.

MR. NUTTON: Good morning, your Honor.
Doug Nutton for Mr. Bret Whipple.

This matter has been negotiated.

THE COURT: Okay.

MR. NUTTON: It's my understanding that,
with the Court's permission, the defendant will enter an
amended plea to attempt battery and that the battery with
substantial bodily harm will be dismissed.THE COURT: So he is waiving up on that
attempt battery?MR. WESTMEYER: Can I have the Court's
indulgence, please. He didn't check in with Henry.

THE COURT: Sure, 04878X.

(Off the record discussion not reported.)

MR. WESTMEYER: Thank you, Judge.
The offer was he would unconditionally
waive his preliminary hearing to plead guilty, in District
Court, to a count of attempt battery with substantialPATSY K. SMITH, OFFICIAL COURT REPORTER
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Page 4

1 will not be able to come back to Justice Court for a
2 preliminary hearing.

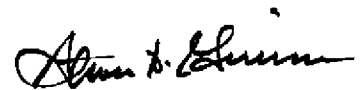
3 Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: It appearing to me, from the
6 Complaint on file herein, that the following crime has been
7 committed, battery with substantial bodily harm, and the
8 defendant having unconditionally waived his preliminary
9 hearing, I hereby order said defendant be held to answer
10 said charges in the Eighth Judicial District Court, State
11 of Nevada, County of Clark, on the following date and time.
12 Battery with substantial bodily harm.13 THE CLERK: October 28th, 9 A.M., Lower
14 Level Arraignment.17 ATTEST: FULL, TRUE, ACCURATE AND CERTIFIED TRANSCRIPT OF
18 PROCEEDINGS.

PATSY K. SMITH, C.C.R. #190

C-10-268325-1
TRAN
Reporters Transcript
1047787PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795



CLERK OF THE COURT

0014
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite #226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Application of,

CASE NO. C268285-1

DEPT. NO. XIV

Guillermo Renterio-Novoa,
for a Writ of Habeas Corpus.

DATE: December 15, 2010
TIME: 9:00 a.m.

PETITION FOR WRIT OF HABEAS CORPUS

TO: The Honorable Judge of the Eighth Judicial District Court of
The State of Nevada, in and for the County of Clark

The Petition of Guillermo Renterio-Novoa submitted by MIKE FELICIANO, Deputy
Public Defender, as attorney for the above-captioned individual, respectfully affirms:

1. That he/she is a duly qualified, practicing and licensed attorney in the City of
Las Vegas, County of Clark, State of Nevada.

2. That Petitioner makes application for a Writ of Habeas Corpus; that the place
where the Petitioner is imprisoned actually or constructively imprisoned and restrained of his liberty
is the Clark County Detention Center; that the officer by whom he is imprisoned and restrained is
Doug Gillcspie, Sheriff.

3. That the imprisonment and restraint of said Petitioner is unlawful in that:
insufficient evidence was introduced at the preliminary hearing to hold Petitioner to answer for the
charges of Sexual Assault with a Minor Under 14 (6 counts), Sexual Assault with a Minor Under 16
(4 counts) and Sexual Assault (2 counts).

4. That Petitioner waives his right to be brought to trial within 60 days.

5. That Petitioner consents that if Petition is not decided within 15 days before

1 the date set for trial, the Court may, without notice of hearing, continue the trial indefinitely to a date
2 designated by the Court.

3 6. That Petitioner personally authorized his aforementioned attorney to
4 commence this action.

5 WHEREFORE, Petitioner prays that this Honorable Court make an order directing
6 the County of Clark to issue a Writ of Habeas Corpus directed to the said Doug Gillespie, Sheriff,
7 commanding him to bring the Petitioner before your Honor, and return the cause of his
8 imprisonment.

9 DATED this 29th of November, 2010.

10 PHILIP J. KOHN
11 CLARK COUNTY PUBLIC DEFENDER

12
13 /s/ Mike Feliciano
14 MIKE FELICIANO, #9312
15 Deputy Public Defender
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DECLARATION

MIKE FELICIANO makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. That I am the attorney of record for Petitioner in the above matter; that I have read the foregoing Petition, know the contents thereof, and that the same is true of my own knowledge, except for those matters therein stated on information and belief, and as to those matters, I believe them to be true; that Petitioner, GUILLERMO RENTERIO-NOVOA, personally authorizes me to commence this Writ of Habeas Corpus action.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 29th day of November, 2010.

/s/ Mike Feliciano
MIKE FELICIANO

1 **MEMORANDUM OF POINTS AND AUTHORITIES**
2 **IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

3 COMES NOW the Petitioner, GUILLERMO RENTERIO-NOVOA, by and through
4 his counsel, MIKE FELICIANO, the Clark County Public Defender's Office, and submits the
5 following Points and Authorities in Support of Defendant's Petition for a pre-trial Writ of Habeas
6 Corpus.

7 **STATEMENT OF FACTS**

8 Guillermo Renteria-Novoa (Renteria) is charged with 54 counts for sexual acts that allegedly
9 occurred with Roxana Perez (Perez). At the preliminary hearing, Perez testified about the first time
10 she had sexual contact with Renteria. Specifically, she stated that the first time involved Renteria
11 licking her anus and vagina. Reporter's Transcript of Preliminary Hearing (PH) p. 11, ll. 13-15.
12 Perez testified that Renteria licked her anus on several other occasions. Perez also testified to
13 various other acts committed by Renteria.

14
15 **ARGUMENT**

16 **1. Renteria should not have been held to answer on counts 1, 5, 14, 16, 23, 28, 32, 36, 43,**
17 **47 and 49 because insufficient evidence was presented at the preliminary hearing.**

18 At a preliminary hearing, the State must present probable cause to believe that a crime has
19 been committed and that the accused committed it. NRS 171.206; Azbill v. State, 84 Nev. 345
20 (1968), Maskaly v. State, 85 Nev. 111 (1969), Lamb v. Holsten, 85 Nev. 566 (1969). A finding of
21 probable cause may be based on "slight" or "marginal" evidence. Dettloff v. State, 120 Nev. 588,
22 591 (2004); Sheriff v. Hodes, 96 Nev. 184, 186 (1980).

23 Here, the State failed to meet the slight or marginal evidence burden to hold Renteria to
24 answer on the charges above because insufficient evidence was presented at the preliminary hearing.

25 NRS 200.366(1) states:

26 A person who subjects another person to sexual penetration, or who forces another
27 person to make a sexual penetration on himself or herself or another, or on a beast,
28 against the will of the victim 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 or her conduct, is guilty of sexual assault.

1 NRS 200.364(4) states:

2 "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of
3 any part of a person's body or any object manipulated or inserted by a person into the
4 genital or anal openings of the body of another, including sexual intercourse in its
5 ordinary meaning.

6 In this case, counts 1, 5, 14, 16, 23, 28, 32, 36, 43, 47 and 49 are based on the alleged conduct of
7 Renteria licking Perez' anus. Since the conduct described consists of Renteria placing his mouth on
8 Perez' anus, as opposed to inside of her anus, the element of penetration is absent. Therefore, these
9 charges should be dismissed.

10 **2. Renteria should not have been held to answer on the charge of Attempt Sexual Assault**
11 **with a Minor Under Fourteen (count 27) because insufficient evidence was presented at**
12 **the preliminary hearing.**

13 "An attempt to commit a crime is an act done with intent to commit that crime, and tending
14 but failing to accomplish it." NRS 193.330; Van Bell v. State, 105 Nev. 352, 354 (1990).

15 In this case, the allegation is that Renteria put on a condom and asked Perez to "suck his
16 penis." PH, p. 30, l. 13. This does not rise to the level of attempt. In Pierpoint, the Nevada
17 Supreme Court held that "[m]ere indecent advances, solicitations, or importunities do not amount to
18 an attempt [to rape]." State v. Pierpoint, 38 Nev. 173, 174 (1915); See also Van Bell v. State, 105
19 Nev. 352, 354 (1990). This is precisely the case here. At the preliminary hearing, Perez stated that
20 Renteria asked her to "suck his penis," but she refused to do so. Therefore, this is considered an
21 "indecent advance" or a "solicitation," not an Attempt Sexual Assault with a Minor Under 14.

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CONCLUSION

Renteria is currently being held to answer for conduct for which there is no probable cause. Counts 1, 5, 14, 16, 23, 27, 28, 32, 36, 43, 47 and 49 should be dismissed because insufficient evidence was presented at the preliminary hearing.

DATED this 29th of November, 2010.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

/s/ Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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YOU WILL PLEASE TAKE NOTICE that the foregoing Petition For Writ Of Habeas Corpus will be heard on 15th day of December, 2010, at 1:30 p.m. in District Court Department No. XIV.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

Exhibit A

CASE NO.

DEPT. NO. 11

CERTIFIED COPYIN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,)

Plaintiff,)

Case No. 10F09697X

-vs-)

Volume I

GUILLERMO RENTERIA-NOVOA,)

Defendant.)

REPORTER'S TRANSCRIPT
OF
PRELIMINARY HEARINGBEFORE THE HONORABLE ERIC A. GOODMAN
JUSTICE OF THE PEACE

Friday, September 17, 2010, 8:30 a.m.

APPEARANCES:

For the State:

STACY KOLLINS, ESQ.
Chief Deputy District Attorney

For the Defendant:

MICHAEL FELICIANO, ESQ.
Deputy Public Defender

Spanish Interpreter:

Caridad Pfeiffer

Reported by: RENEE SILVAGGIO, C.C.R. NO. 122

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DEPT. NO. 11

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

| | | |
|---------------------------|---|--------------------|
| THE STATE OF NEVADA, |) | |
| Plaintiff, |) | Case No. 10F09697X |
| -vs- |) | Volume I |
| GUILLERMO RENTERIA-NOVOA, |) | |
| Defendant. |) | |

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I N D E X

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E X H I B I T S

| <u>STATE'S EXHIBITS</u> | <u>MARKED</u> | <u>ADMITTED</u> |
|-------------------------|---------------|-----------------|
| 1 - Chart | 3 | 82 |
| 2 - Chart | 3 | Not offered |

Las Vegas, Clark County, Nevada
Friday, September 17, 2010, 8:30 a.m.

P R O C E E D I N G S

(State's Proposed Exhibit Numbers 1 and 2
were marked for identification.)

THE COURT: We'll go on the record with

Guillermo Renteria-Novoa, 10F09697X.

This is the date and time set for the Preliminary
Hearing.

Is the State ready to proceed?

MS. KOLLINS: State is ready, Judge.

I anticipate just calling one witness today.

THE COURT: Okay. Is the defense ready to proceed?

MR. FELICIANO: We are.

Michael Feliciano for Mr. Renteria-Novoa.

We are ready and we'd invoke the Exclusionary Rule.

MS. KOLLINS: No opposition to that, Judge.

THE COURT: Okay. The courtroom is empty.

Once again, call the first witness in.

Are you going to have somebody sitting with her?

MS. KOLLINS: Just my advocate, Felicia Hernandez. I

don't think that's a problem --

MR. FELICIANO: That's fine.

THE COURT: Okay.

MR. FELICIANO: She's going to sit in the gallery; right?

MS. KOLLINS: Yes. Yes.

The victim is 17 now.

THE COURT: Okay.

MS. KOLLINS: Just for the record there's been a
stipulation to the admission of State's 1.

What it is is a chart of the residences and the dates of
residency of the victim and her family.

THE COURT: Okay.

MS. KOLLINS: And I did that in an effort to kind of
abbreviate this hearing so we wouldn't have to call a second
witness.

I'll lay a foundation with it through the witness --

THE COURT: Okay.

MR. FELICIANO: For a prelim that's fine.

THE COURT: All right. I'll note that for the record. I
saw that previously.

It looks like you took that back; is that correct?

MS. KOLLINS: I did. I just wanted to show it to her and
have her --

THE COURT: Could we make a copy? Do you have a copy of
that?

1 MR. FELICIANO: Yeah, we have three copies, one for the
2 Court and one for the State and the defense.
3 THE COURT: Could I have a copy so I can look at it?
4 MS. KOLLINS: I was just going to lay a foundation
5 through her and then give you your copy back.
6 THE COURT: Okay. That's fine. I just want to make sure
7 I have it so I can follow it also.
8 MS. KOLLINS: Yes.
9 THE COURT: It looks we have the victim in here?
10 MS. KOLLINS: Yes. Roxana Perez.
11 THE COURT: Why don't you have her come up to the stand,
12 we'll swear her in and then we'll get the prelin going.
13 THE MARSHAL: This way.
14 Stand up here, face the clerk, and be sworn in.
15 THE CLERK: Raise your right hand,
16
17 **ROXANA PEREZ**
18 called as a witness on behalf of the State,
19 having been first duly sworn,
20 was examined and testified as follows:
21
22 THE WITNESS: Yes.
23 THE CLERK: Please be seated.
24 I need you to state your name and spell your name for the
25 record.

1 THE WITNESS: Roxana Perez Rodriguez.
2 R-o-x-a-n-a P-e-r-e-z --
3 THE REPORTER: Wait, wait. R-o-x-a-n --
4 THE WITNESS: N-a P-e-r-e-z R-o-d-r-i-g-u-e-z.
5 THE COURT: I'm sorry. Is it one N or two Ns?
6 THE WITNESS: One N.
7 THE COURT: One N, okay. Thank you.
8
9 **DIRECT EXAMINATION**
10
11 BY MS. KOLLINS:
12 Q Roxana, what I'm going to have you do is scoot way up and
13 pull that microphone as close to you as you can because everybody
14 has to hear what you have to say today. And she has to take
15 everything down. Okay?
16 A Okay.
17 Q Roxana, how old are you?
18 A I'm 17 right now.
19 Q And what's your date of birth?
20 A August 30th, 1993.
21 Q Do you go to school?
22 A Yes.
23 Q Where do you go to school?
24 A Del Sol.
25 Q Who do you live with?

1 A My mom.
2 Q What's your mom's name?
3 A Rosa Rodriguez Reese (phonetic).
4 Q Rosa Rodriguez?
5 A Reese.
6 Q Reese? Okay.
7 And who else do you live with?
8 A A friend. She's renting -- her friend, she's renting one
9 room.
10 THE REPORTER: You're going to have to speak up. I'm
11 having a hard time hearing you.
12 A friend?
13 THE WITNESS: Yeah, a friend.
14 THE REPORTER: She's renting?
15 THE WITNESS: Yeah, one room.
16 THE REPORTER: Thanks.
17 BY MS. KOLLINS:
18 Q Do you have a sister?
19 A Yes. She's 24.
20 Q And what's your sister's name?
21 A Carla Perez.
22 Q Okay.
23 THE COURT: I'm sorry. Is that with a C or with a K?
24 THE WITNESS: With a C.
25 THE COURT: Thank you.

1 BY MS. KOLLINS:
2 Q Do you see anyone in the Court that you recognize?
3 A Yes.
4 Q Who is that?
5 A Guillermo.
6 Q Guillermo?
7 A Yes.
8 Q Where is he seated and what is he wearing today?
9 A He's on -- from my side he's on the right side.
10 Q Okay.
11 A And he's wearing a blue shirt.
12 MS. KOLLINS: May the record reflect identification of
13 the defendant?
14 THE COURT: It will reflect identification.
15 MS. KOLLINS: Thank you.
16 BY MS. KOLLINS:
17 Q How do you know him?
18 A He was my mom's boyfriend.
19 Q Okay. When did you first meet him?
20 A Um, in 2003, in the Virtue Apartments.
21 Q Now, yesterday, you and I met and put together a chart of
22 where you lived over the course of years here in Las Vegas; is
23 that right?
24 A Yes.
25 MS. KOLLINS: Okay. May I approach the witness, Judge?

| | | | | | |
|----|---|---|----|---|--|
| 25 | Q | Okay. | 25 | A | My mom. |
| 24 | A | At University Apartments. | 24 | Q | And in August of 2004 you would have turned 11 years old? |
| 23 | Q | Can you tell me where and when the first time was? | 23 | A | Yes. |
| 22 | A | Guillermo. | 22 | Q | Okay. Are we talking around 2004? |
| 21 | Q | Who is that? | 21 | A | Yes. |
| 20 | A | Yes. | 20 | Q | Okay. And what are those places? |
| 19 | A | Somebody touching you in those places? | 19 | A | My boobs, my vagina, and the anus. |
| 18 | Q | Did there come a time when you had a problem with | 18 | Q | Did the skin of his hands (indicating) touch the skin of |
| 17 | A | Yes. | 17 | A | your vagina? |
| 16 | Q | Okay. And what are those places? | 16 | A | Did the skin of his hands touch the skin of your boobs? |
| 15 | A | Yes. | 15 | A | Yeah. |
| 14 | A | supposed to touch? | 14 | Q | Did the skin of his hands touch the skin of your boobs? |
| 13 | Q | Okay. Are there places on your body people aren't | 13 | A | And my vagina. |
| 12 | A | Yes. | 12 | Q | He would touch your boobs? |
| 11 | A | is that right? | 11 | A | He would touch my boobs. |
| 10 | Q | And in August of 2004 you would have turned 11 years old? | 10 | Q | Okay. And what did he do with his hands? |
| 9 | A | Yes. | 9 | A | His hands. |
| 8 | Q | Okay. Are we talking around 2004? | 8 | A | other part of your body that day? |
| 7 | A | In the Universities (sic) Apartments. | 7 | Q | mouth on your vagina. Did any other part of his body touch any |
| 6 | A | (into something different? | 6 | Q | Okay. You said he put his mouth on your anus and his |
| 5 | Q | Okay. Where were you living when the relationship turned | 5 | A | He would pull them over, tell me to get them down. |
| 4 | A | Yes. | 4 | Q | Okay. Did your -- how did your clothes come off? |
| 3 | A | relationship turn into something different? | 3 | A | Yeah. |
| 2 | Q | Okay. At some point closely thereafter did their | 2 | A | the room? |
| 1 | A | My mom. | 1 | Q | Okay. So is that the information he used to get you in |

| | | | | | |
|----|------------------------------|--|----|---|--|
| 25 | Q | Remember? How did you meet him? | 25 | A | In his room. |
| 24 | Q | And did you meet him through your mother, through | 24 | Q | Okay. You lived in two different apartments in the |
| 23 | A | well, he was living in the same apartments as us. | 23 | A | University Apartments; right? |
| 22 | Q | How did you meet him? | 22 | A | Yes. |
| 21 | Q | You said you met the defendant in 2003. | 21 | Q | Okay. Was it the first apartment or the second |
| 20 | BY MS. KOLLINS: | | 20 | A | apartment? |
| 19 | THE COURT: Thank you. | | 19 | Q | Okay. Was it the first apartment or the second |
| 18 | Q | Okay. | 18 | A | room at the second University apartment. |
| 17 | A | Yes. | 17 | Q | Tell me the first thing you remember happening in his |
| 16 | A | the names of those apartments? | 16 | A | room at the second University apartment. |
| 15 | Q | Okay. And is what's contained in 1 and 2 the dates and | 15 | Q | Okay. Were you on the bed, on the floor, something |
| 14 | A | Yes. | 14 | A | licking my anus, and then my vagina too. |
| 13 | A | lived in several apartments; correct? | 13 | Q | Okay. Were you on the bed, on the floor, something |
| 12 | Q | Okay. Were in Las Vegas, over a course of years, you | 12 | A | different? |
| 11 | A | Yes. | 11 | A | It was, like, on the floor, like his -- he didn't have a |
| 10 | Q | to figure out where you lived? | 10 | Q | bed. It was just like, um, blankets and -- |
| 9 | Q | Okay. Is this something that we put together yesterday | 9 | Q | Okay. So how is it that you got into his room on that |
| 8 | A | Oh, yeah. | 8 | A | dinner? |
| 7 | Q | You don't recognize this? | 7 | A | Um, well, he was threatening me and telling me that he |
| 6 | A | No. | 6 | Q | was going to tell my family. |
| 5 | Q | Do you recognize what's in State's 17 | 5 | A | That I was having a sexual relationship with my cousin. |
| 4 | Q | today as State's 1. | 4 | Q | Okay. So is that the information he used to get you in |
| 3 | Q | I'm showing you what's been admitted for purposes of | 3 | Q | the room? |
| 2 | BY MS. KOLLINS: | | 2 | A | the second apartment. |
| 1 | THE COURT: You may approach. | | 1 | Q | Okay. Was it the first apartment or the second |

1 Did he go inside your vagina or on the outside?
 2 A Inside.
 3 Q Okay. When he went inside did his hands stay still, move
 4 around, or something different?
 5 A Move around.
 6 Q Okay. Now, was this daytime or nighttime?
 7 A In the evening, afternoon.
 8 Q Okay. After school time?
 9 A Yeah -- yes.
 10 Q This first time, do you remember whether it was during
 11 the school year or in the summertime or something different?
 12 A During school.
 13 Q Okay. Do you remember where you were going to school
 14 when you lived in the second University apartment?
 15 A In Orr, Orr Middle School.
 16 Q Orr Middle School.
 17 So about seventh grade then?
 18 A Yeah.
 19 Q Okay. Other than what we've talked about right now, did
 20 any other part of his body touch any other part of your body that
 21 day?
 22 A No.
 23 Q Do you remember another time in the second University
 24 apartment that something happened?
 25 A In his room.

1 Q Okay. Was it always in his room?
 2 A Yeah -- yes.
 3 Q Okay. And when you say his room, that's a bedroom?
 4 A Yes, a bedroom.
 5 Q Okay. And how many bedrooms in that second University
 6 apartment?
 7 A It was a three-bedroom.
 8 Q Okay. Was that the room that he and your mom shared?
 9 A He was staying there. That was his room, but my mom
 10 sometimes would stay in his room too.
 11 Q Okay. So at that time were he and your mom in the second
 12 University apartment, were they boyfriend-girlfriend or were they
 13 together sometimes, not together sometimes? What were they?
 14 A They were boyfriend -- boyfriend-girlfriend.
 15 Q Okay. Can you tell me about another time you remember in
 16 the second University apartment?
 17 A In his room.
 18 Q In his room. What happened?
 19 A He would lick my anus and my vagina and touch my boobs.
 20 Q Okay. So kind of the same thing as the other time?
 21 A Yes.
 22 Q Okay. Do you remember what you were wearing the second
 23 time?
 24 A I was -- shorts.
 25 Q Shorts?

1 A Yeah.
 2 Q And how is it that you came to be in the room?
 3 A Um, he would tell me that he was going to tell my family.
 4 Q Okay. So the same thing as before, he was going to tell
 5 your family that you were having a relationship that wasn't
 6 appropriate with your cousin?
 7 A Yes.
 8 Q Okay. So you said that he licked your anus, licked your
 9 vagina, and touched your boobs?
 10 A Yes.
 11 Q Okay. Did he put his mouth anyplace else on your body
 12 that day?
 13 A On my boobs.
 14 Q On your boobs, okay.
 15 And when you say he touched your boobs, are you talking
 16 about with a different part of his body than his mouth or is that
 17 the same thing?
 18 A With his hands and his mouth.
 19 Q Okay. Did he say anything to you during this encounter,
 20 if you will?
 21 A Well, I would, like, get away from him and then he would
 22 tell me to turn around or -- when I wouldn't move he would tell me
 23 to move.
 24 Q Would he position your body or would you position your
 25 body?

1 A He would, like, tell me to, um, move the way he wanted.
 2 Q Did his fingers or hands go anywhere that day?
 3 A Yes.
 4 Q Okay. Tell me that -- tell me about that.
 5 A He would put his finger inside my vagina.
 6 Q Okay.
 7 A And my anus too.
 8 Q Okay. We're talking about one day, one time; right?
 9 A Yes.
 10 Q Okay. So you said he would put his finger in your
 11 vagina. Would it stay still, move around, or something different?
 12 A Move around.
 13 Q Okay. And then I heard you say: And he put it someplace
 14 else.
 15 But I didn't hear the rest of what you said. Can you
 16 tell me that?
 17 A My anus.
 18 Q Okay. One finger, two fingers, do you remember?
 19 A Two.
 20 Q Okay. When he -- when he put his fingers in your butt,
 21 stay still, move around, or something different?
 22 A Move around.
 23 Q Okay. Is that the first time he ever did that?
 24 A Yes.
 25 Q Can you tell me about the last time you remember anything

1 happening at the University Apartments?
 2 A In his room.
 3 Q Okay. In his room.
 4 Tell me about that time.
 5 A He would do the same thing as the other times.
 6 Q Okay.
 7 A He would put his fingers inside me.
 8 Q Okay. You mentioned that the first time anyway, and I
 9 don't know about the second time, that he had you get on your
 10 hands and knees. Did that happen this time?
 11 A Yes.
 12 Q Okay. Did you take your clothes off this time, did he
 13 take your clothes off, or something different?
 14 A He would tell me to put them down and then he would,
 15 like, put his hands on my shorts and pull them down as well.
 16 Q Okay. Now, is this -- is this time like the other times
 17 kind of like after school time?
 18 A Yes.
 19 Q Where is your mom when this happens, when this stuff
 20 happens?
 21 A She was working.
 22 Q Okay. So you pulled your shorts down and what happened
 23 that day, the last time you remember at University?
 24 A He would lick my vagina and put his finger inside.
 25 Q Okay. He licked your vagina and put his finger inside

1 what?
 2 A My vagina.
 3 Q Okay. Did he -- did any part of his body touch your butt
 4 that day?
 5 A Yes.
 6 Q What is that?
 7 A His hands and his mouth.
 8 Q His hand and his mouth?
 9 A Yes.
 10 Q Okay. What did he do with his mouth?
 11 A He would lick my anus.
 12 Q Okay. And those times he would lick your anus, would his
 13 tongue go inside your butt?
 14 A Yes.
 15 Q Okay. And I'm talking about all the times we talked
 16 about.
 17 A Yes.
 18 Q Okay. You said he -- you said he used his hands on your
 19 butt. What did he do with his hands on your butt?
 20 A Put his fingers inside.
 21 Q Inside the hole --
 22 A Yes.
 23 Q -- of your butt?
 24 A Yes.
 25 Q Okay. Did any other part of his body touch any other

1 part of your body that day that we haven't talked about?
 2 A No.
 3 Q Okay. After you moved out of University Apartments you
 4 moved into which apartment?
 5 A Andover.
 6 Q Okay. And I don't think I asked you this, sweetheart,
 7 I'm sorry, University Park Apartments, that's the second one is at
 8 4223 Cottage Circle?
 9 A Yes.
 10 Q That's here in Las Vegas, Clark County, Nevada?
 11 A Yes.
 12 Q Okay. And as to Andover, that's 1600 East Rochelle, here
 13 in Las Vegas, Clark County, Nevada?
 14 A Yes.
 15 Q Okay. Now, were your mom and Guillermo still together
 16 when you moved into Andover?
 17 A At first we moved in and then after a while he would
 18 usually go and sometimes he would stay there.
 19 Q Okay.
 20 A Some nights.
 21 Q So he didn't move into Andover with you?
 22 A No.
 23 Q Where did he stay?
 24 A In University.
 25 Q Okay. And then -- so there was a period of time where he

1 wasn't living in the same house as you, right?
 2 A No.
 3 Q Okay. And after a while did he come to live in Andover
 4 with you?
 5 A Yes, he wanted to live up there.
 6 Q Because you have to speak up because I have a cold and I
 7 can't hear you, and I know she probably can't hear you. Okay?
 8 I'm sorry.
 9 What now?
 10 A After a while he -- he want to live with us in the
 11 Andover Apartments.
 12 Q Okay. And while he was still staying at University and
 13 you were living in Andover, did he continue to come over to your
 14 house?
 15 A Yes.
 16 Q Now, the kind of stuff that we've talked about that
 17 happened at University, did that happen at Andover before he
 18 permanently moved in there?
 19 A Yes.
 20 Q Okay. How is it that he would come to be at your house?
 21 A He -- he would go after work and go visit my mom.
 22 Q Okay. Were there times that he would visit your house
 23 where mom wasn't home before he moved in?
 24 A Yes.
 25 Q Okay. Did the same kind of stuff that we've talked about

1 earlier happen during that time?
 2 A Yes.
 3 Q Okay. Tell me about the first time you remember
 4 something happening at Andover before he moved in Andover.
 5 A In the room, because it was just a one-bedroom apartment.
 6 Q Okay.
 7 A And it was in the bed. He would make me get on my knees.
 8 Q I know this is hard on you but I really can't hear you.
 9 Okay? So try to keep your voice up.
 10 It was a one-bedroom apartment?
 11 A Yes.
 12 Q Okay. And you said in the room. What was in the room?
 13 A Um, the bed.
 14 Q Okay.
 15 A And --
 16 Q Whose bed is that?
 17 A My mom's.
 18 Q Okay. And was this daytime, nighttime, or something
 19 different?
 20 A Daytime.
 21 Q Was it during the school year, not during the school
 22 year? Do you remember?
 23 A During the school year.
 24 Q Okay. Tell me what happened that day.
 25 A He would put -- get me on my knees -- he would make me

1 get on my knees, and then he would put his mouth in my anus and my
 2 vagina.
 3 Q Okay. Were you on the bed?
 4 A Yes.
 5 Q And is he on the bed, is he standing up, or something
 6 different?
 7 A He's standing up.
 8 Q Okay. Does he put his mouth on your butt first or on
 9 your vagina first?
 10 A On my vagina.
 11 Q On your vagina first?
 12 A Yes.
 13 Q Okay. And do you reposition yourself before he puts his
 14 mouth on your butt?
 15 A I don't understand what you mean.
 16 Q Okay. Well, if you're on your knees, does he put -- I'm
 17 just trying to figure out how he does both things at one time.
 18 Because you said he put his mouth on your butt then your
 19 vagina, and then you said vagina first, and I'm trying to figure
 20 out how it happened.
 21 A I would be on my back and then he would, like, make me
 22 get on my knees.
 23 Q So you're on your back first and then this time he would
 24 flip you over on your knees?
 25 A Yes.

1 Q I know this is hard. I'm sorry.
 2 Do you need some water? Are you all right?
 3 A Yeah, I'm good.
 4 Q All right. Did he use his fingers that day?
 5 A Yes.
 6 Q What did he do with his fingers?
 7 A Put them inside my anus and my vagina.
 8 Q Okay. And not to be horrifically detailed with you, I
 9 apologize, but did his tongue go inside your butt?
 10 A Yes.
 11 Q Okay. Now, up until this point, this time at Andover,
 12 have you seen the defendant's penis at all?
 13 A Yes.
 14 Q Okay. Where did you first see his penis and how did you
 15 see it?
 16 A First, at University.
 17 Q At University? Okay.
 18 And was it during one of the times that we talked about?
 19 A Yes.
 20 Q What did he do with his penis?
 21 A Like he would touch his penis.
 22 Q I'm sorry?
 23 A He would touch his penis.
 24 Q Okay. So he would touch his own penis?
 25 A Yes.

1 Q Okay. And when you say touch, did he --
 2 A With his hands.
 3 Q Okay. Do his hands stay still, move around, something
 4 different?
 5 A Move around.
 6 Q Okay. Do you know what ejaculate means?
 7 A Yes.
 8 Q Did he ejaculate?
 9 A Yes.
 10 Q Okay. So he was masturbating essentially?
 11 A Yes.
 12 Q And was that during one of the sessions that we talked
 13 about?
 14 A Yes.
 15 Q When he ejaculated where did that go?
 16 A Um, on the floor.
 17 Q On the floor. Okay.
 18 And did it stay on the floor? Did somebody clean it up?
 19 What happened?
 20 A He would clean it up.
 21 Q Can you tell me about another time that you remember at
 22 Andover.
 23 A When we were sleeping in the bed, he would, um, try to
 24 touch me and he would put his hands in my butt, and then he would
 25 try to put his hands under my clothes.

1 Q Okay. So that was a one-bedroom apartment; right?

2 A Yes.

3 Q Who shared a room?

4 A It was my mom -- at first, my sister, me, and my mom.

5 Q Okay.

6 A And then my sister moved out. And then he started

7 going -- staying in the room with me and my mom.

8 Q Okay. Is that before he permanently moved in or is that

9 when he permanently moved in?

10 A When he moved in.

11 Q Okay. And you all three would share a bed?

12 A Yes.

13 Q And so you're talking about when we were sleeping, he

14 would try to --

15 A He would try to touch me.

16 Q Okay. Try to touch you or did touch you?

17 A Touch me.

18 Q Okay. What part of his body touched what part of your

19 body?

20 A His hands.

21 Q Okay. And where did his hands -- could you feel the skin

22 of his hands?

23 A Yes.

24 Q Okay. The skin of his hands touching where?

25 A My ass and my vagina.

1 Q Okay. And what would he do with his hands while you're

2 sleeping to your butt?

3 A He would touch it, like move it around.

4 Q Okay.

5 A Move it around.

6 Q Well, we've talked before about him putting his finger in

7 your butt. Are we talking about the same thing or are we talking

8 about something different?

9 A No. When we were in the bed sleeping he would just put

10 it, like, on top.

11 Q So you're just talking about rubbing your butt?

12 A Yeah.

13 Q Okay. And then you said touch your vagina. Did the skin

14 of his hands touch the skin of your vagina?

15 A Yes.

16 Q Okay. And did he go inside while you were asleep -- like

17 when you guys were in bed or just rub around or what?

18 A First it was outside and then he would go inside.

19 Q Okay. And where would your mom be?

20 A She was in the bed, but she would, like, be on the other

21 side.

22 Q Okay.

23 A Sometimes he would stay in the middle, and then my mom on

24 one side and me on the other side.

25 Q Okay. So this is like the middle of the night?

1 A Yes.

2 Q Okay. Did that happen one time or more than one time at

3 Andover?

4 A More than one time at Andover.

5 Q Can you tell me about all the times that you remember or

6 is it too many to remember?

7 A It was about ten.

8 Q Okay. Now, you talked about the first time you remember

9 something happening at Andover. Do you remember that where before

10 he moved in, right, we talked about?

11 A Yes.

12 Q Did that type of scenario happen at Andover again, say

13 after he moved in?

14 A Yes.

15 Q Okay. Can you tell me about a time that you remember at

16 Andover after he moved in?

17 A It was in the room.

18 Q Just one bedroom; right?

19 A Yeah. In the bed.

20 He would make me get on my knees like always and he would

21 pull my shorts down.

22 He would lick my neck and then turn me around and lick my

23 vagina.

24 Q And the same question I asked you before, did his tongue

25 go in your butt?

1 A Yes.

2 Q This time that we're talking about, did any other part of

3 his body touch any other part of your body?

4 A His hands would touch my boobs.

5 Q His hands touched your boobs?

6 A Yes.

7 Q Did anything else besides his tongue go in your butt that

8 day?

9 A His fingers.

10 Q Fingers. What about in your -- did anything else besides

11 his mouth touch your vagina that day?

12 A His fingers too.

13 Q Okay. And what did he do with his fingers to your vagina

14 that day?

15 A He would put them inside and move them around

16 (indicating).

17 Q Okay. Did you see his penis that day?

18 A No.

19 Q You lived in Andover eighth grade through the first part

20 of ninth grade. Does that sound about right?

21 A Yes.

22 Q Okay. And you would have turned 14 in August of 2007?

23 A Yes.

24 Q Okay. The time that we just talked about, is that before

25 you turned 14?

1 A Yes.

2 Q Between turning 14 and moving out of Andover in November

3 of 2007, do you remember anything happening in that time frame?

4 A Moving?

5 Q Do you remember when you moved out of Andover?

6 A Yes.

7 Q Okay. Would you agree with me that it's November, the

8 end of November of 2007?

9 A Yes.

10 Q Okay. Between you turning 14 and moving out of Andover,

11 do you remember anything else like this happening?

12 A No. When we moved to Tamarus my mom told him that she

13 didn't want anything to do with him anymore.

14 And we moved to a townhouse with my cousin and there --

15 and he stopped bothering me for a while.

16 Q Okay. Other than the scenarios that we've talked about

17 at Andover that happened, okay, did that happen just the couple

18 times we've talked about, or is that something that happened a

19 lot?

20 A It happens a lot of times.

21 Q Okay. More times than you can remember?

22 A Yes.

23 Q Okay. Are you doing your best to tell us about the times

24 that you specifically remember today?

25 A Yes.

1 Q Is there any other conduct, and if you don't know what I

2 mean by that, that happened at Andover that we haven't talked

3 about today? Was there any other kind of touching that happened

4 at Andover that we haven't talked about?

5 A No.

6 Q Okay. Do you recall a time when he got a condom out?

7 A Yes.

8 Q Where did that happen at?

9 A In Andover.

10 Q At Andover?

11 A Yeah.

12 Q Okay. Tell me about the time he got a condom out.

13 A He put it on and he told me to, um, suck his penis.

14 But I didn't do it.

15 Q Okay. Now, he told you to suck his penis, did he -- was

16 his penis hard, soft, or something different?

17 A Hard.

18 Q Okay. When he told you to suck his penis how is his body

19 positioned near your body?

20 A He was standing up.

21 Q Okay.

22 A And I was on the bed.

23 Q He was standing up. You were in the bed. He said --

24 what were your words?

25 A To suck his penis.

1 Q Did he use the word penis or something different?

2 A Yes.

3 Q He did?

4 A Yes.

5 Q In Spanish or English?

6 A In Spanish.

7 Q In Spanish, okay.

8 What is that word in Spanish?

9 A El Pene.

10 Q Pene?

11 A Pene?

12 Q Pene?

13 A Yeah.

14 Q Okay. And did he grab your head? Did he do anything

15 with you that --

16 A I don't know.

17 Q -- or did he just ask?

18 A He asked me to.

19 Q Okay. Was that during one of the other encounters that

20 we've already talked about or is it a different time?

21 A It's a different time.

22 Q Okay. During the condom time at Andover, the time you

23 put a condom on, was there any other touching that day that we

24 haven't talked about?

25 A He would do the same things as the other times.

1 Q Okay. And it sounds like he kind of has a routine, but

2 what happened that day?

3 A He would lick his -- lick my vagina and my anus. And he

4 would put his finger inside.

5 Q Finger inside what?

6 A My vagina and my anus.

7 Q Okay. And again, tongue go in your butt that day?

8 A Yeah.

9 Q And is this before you turned 14?

10 A Yes.

11 Q Okay. Now, you turned 14 and you guys moved to the

12 Tamarus Park Apartments?

13 A Yes.

14 Q Okay. You mentioned earlier that your mom had basically

15 told him that they weren't going to see each other for a while; is

16 that right?

17 A Yeah. They broke up.

18 Q He wasn't going to be able to live with you guys?

19 A Yes.

20 Q Did he move with you to Tamarus?

21 A No.

22 Q Okay. And so you moved to Tamarus about -- we have

23 September of '07, but I think -- do you recall that, I think, you

24 guys signed a lease before you moved in there. You didn't really

25 move out of the other one until November?

1 A Yes.

2 Q So from the whole time you lived in Tamarus Park did you

3 have any contact with him?

4 A He would like -- like physical contact or --

5 Q Well, did you see him? Did he come over and visit or

6 anything?

7 A Oh, yeah, he would go sometimes and visit my mom.

8 Q Okay.

9 A But he -- like there he -- he didn't do stuff to me.

10 Q Okay. At Tamarus he didn't do anything to you?

11 A No. He stopped bothering me for a while, but sometimes

12 he would call or sometimes he would just go see my mom.

13 Q The visits at Tamarus, would other people be around?

14 A My cousin.

15 Q Okay. Now, you had mentioned earlier that how he kind of

16 got you to do this stuff is because he was telling you he's going

17 to tell your family.

18 A Yes.

19 Q Do you remember that?

20 A Yes.

21 Q Did he continue to have those types of communications

22 with you?

23 A Yes.

24 Q And what would he say?

25 A That he was going to tell my family, my mom and my aunt

1 A In Tamarus Park, in August, and then we moved to

2 Southern Cove.

3 Q Okay.

4 A Like months -- like months -- like two months or three

5 months later.

6 Q When you moved to Southern Cove was Guillermo still

7 around?

8 A Yes.

9 Q How was he in your life when you moved to Southern Cove?

10 A He would go to the house, visit. And he would call the

11 house too.

12 Q Okay.

13 A And he would call my cell phone.

14 Q Okay. When you say he would go to the house and visit,

15 are you talking about visit like with a whole group of people or

16 visit when just you were home or both?

17 A He would go sometimes when I was alone and sometimes when

18 my mom was there.

19 Q So at these times that you were there alone, are we

20 talking daytime, nighttime, something different?

21 A Daytime.

22 Q Like after school time?

23 A Yes.

24 Q And how did he start communicating with you when you

25 lived at Southern Cove?

1 and uncle, that me and my cousin were having a sexual

2 relationship.

3 Q Now, at some point did he start text messaging you?

4 A Yes.

5 Q When did that start?

6 A When I was living in Southern Cove.

7 Q Okay. We haven't got there yet. I'm sorry.

8 I thought -- we'll get there. Okay?

9 A Okay.

10 Q My apologies.

11 Now, you guys moved to Southern Cove when?

12 A In 2008.

13 Q Okay. And in 2008 you were 15?

14 A Yes.

15 Q You turned 15 in August of 2008; right?

16 A Yes.

17 Q So did you turn 15 just before you moved to Southern

18 Cove?

19 A Yes, I did.

20 Q Did you celebrate a 15th birthday with the quinceñeras?

21 is that right?

22 A Yes.

23 Q And did you celebrate that while you lived at

24 Tamarus Park or did you celebrate that when you lived at Southern

25 Cove?

1 A He would call the house, the house number.

2 Q Call the house number to talk to you, to talk to your

3 mom, something different?

4 A Supposedly talk to my mom but he would call to see if I

5 was alone or if somebody was there.

6 Q Were there times at Southern Cove where he called the

7 house phone and you were there alone?

8 A Yes.

9 Q Okay. And what -- what would you talk about with him in

10 those conversations?

11 A He would ask me what was I doing. And --

12 Q Okay.

13 A -- and I would tell him that I was just home.

14 Q We talked earlier about text messaging. Is this around

15 the time he started text messaging you?

16 A Yes.

17 Q What would he text message you about?

18 A When I was home, when -- from after school when I was

19 walking home, he would text message if I was home already, if I

20 was ready.

21 Q If you were ready?

22 A Yes.

23 Q And what did -- in your mind, what did ready mean?

24 A That he was going to come in and start doing all the

25 stuff that he did before.

1 Q Was there ultimately a first time at Southern Cove where
2 he came over and stuff happened?
3 A Yes.
4 Q Do you remember when that was at Southern Cove?
5 A Um, in the room.
6 Q Okay. Not where, sweetheart, when?
7 A Oh --
8 Q I mean, had you been living there a little while? A long
9 while?
10 A Like not that much. A little bit.
11 Q A little bit?
12 A Yes.
13 Q Was it daytime?
14 A Yes.
15 Q Was it after school time?
16 A Yes.
17 Q Okay. He had text messaged you that day?
18 A Yes.
19 Q Okay. When he came over to the house how did he get in?
20 A I would go and open the door.
21 Q And why did you do that?
22 A Because he would -- he would go and knock on the door.
23 Q Okay. Did he continue talking to you about telling your
24 family about your cousin?
25 A Yes.

1 Q Okay. The first time something happened at Southern
2 Cove, you said: In the room.
3 How many bedrooms in Southern Cove?
4 A Two bedrooms.
5 Q Okay. And in the room, whose room is that?
6 A My mom's and mine.
7 Q Your mom's and yours?
8 A Yeah.
9 Q And who had the other bedroom there?
10 A A friend.
11 Q A friend? Okay.
12 So is there a bed in that room with your mom?
13 A Yes.
14 Q How did you come to be in that room?
15 A Um, because I was always in my room. I had my computer
16 there, so like --
17 Q Maybe I asked a bad question.
18 How did you come to be in the room with him that day?
19 A Oh, when he got inside, I would follow him in the room
20 and --
21 Q This isn't anything you wanted to happen, right?
22 A No.
23 Q What happened in the room that day?
24 A He would touch my ass and he would put my shorts down and
25 get me on my knees on the bed.

1 Q Okay.
2 A He would start licking my ass and my vagina.
3 Q Okay.
4 A And putting his fingers inside.
5 Q Okay. Finger inside what?
6 A My vagina and my anus.
7 Q And you said he put his mouth on your butt. Again, are
8 you talking inside your butt?
9 A Yes.
10 Q How long -- you know we haven't really talked about this,
11 and I know it's hard to put it on the clock, but like how long
12 would these encounters last? 20 minutes? Half an hour?
13 A 10, 15, 20 minutes.
14 Q Okay. Do you know what made him stop that day?
15 A I would tell him to stop.
16 Q Okay. Is that the only time something happened at
17 Southern Cove?
18 A No.
19 Q Can you tell me about the very last time something
20 happened at Southern Cove?
21 A It was in the room, too, in the bed. He would make me
22 put my shorts down and he would put his hands in my shorts and try
23 and pull them down.
24 He would make me get on my knees on the bed. He would
25 start putting his mouth and his finger in my vagina and my butt.

1 Q So the same as before, his mouth on your vagina, his
2 mouth on your butt?
3 A Yes.
4 Q Tongue go inside your butt?
5 A Yes.
6 Q Okay. And fingers in your butt and in your vagina?
7 A Yes.
8 Q Okay. You told me about the first time something
9 happened at Southern Cove and the last time.
10 Did stuff happen in the middle?
11 A Yes.
12 Q Okay. Can you tell me about a time that you remember in
13 the middle?
14 A He went to the house and he would do the same thing as
15 the other time, he put his finger in my vagina and in my butt.
16 Q Okay.
17 A And then he would lick my vagina and my anus too.
18 Q Did he do pretty much the same thing every time?
19 A Yes.
20 Q Okay. You said lick your butt, lick your butt like the
21 same time before?
22 A Yes.
23 Q Inside?
24 A Yes.
25 Q Okay. Did this happen more times than you can remember.

1 at Southern Cove?

2 A Yes.

3 Q Other than the times that we've talked about at Southern

4 Cove, was there any different kind of contact between you and him?

5 A Um, no. He would do the same thing.

6 Q Okay. Did he ever want you to touch his penis?

7 A Yes.

8 Q Where and when is the first time that happened?

9 A In Andover.

10 Q In Andover? Okay.

11 What did he want you to do to his penis in Andover?

12 A Touch it and --

13 Q Touch it with what?

14 A With my hand.

15 Q Okay. And what did he want you to do with your hand?

16 A Move it -- move my hand.

17 Q Okay. You said he wanted you to touch it. Did you

18 actually use your hand to touch his penis at Andover?

19 A He would grab my hand and and put it there, you know.

20 Q Okay. So he grabbed your hand and put it on his penis.

21 Did he want you to move it around --

22 A Yeah.

23 Q -- leave it still? Okay.

24 Did you move it around?

25 A Yes.

1 Q Okay. Did he ejaculate?

2 A With my hand?

3 Q Yes.

4 A No. When he would -- when he would do that he would use

5 his hands.

6 Q Okay. So the day he -- the time that we're talking about

7 that he had you touch his penis, he didn't ejaculate, but he made

8 himself ejaculate?

9 A Yes.

10 Q Okay. Is that the only time that happened?

11 A No.

12 Q Do you remember another time that happened?

13 A Yes.

14 Q Can you tell me about that?

15 A In Southern Cove, too, he would, um -- he would ask me to

16 touch his penis.

17 Q Okay. So the first time he had you touch his penis was

18 at Andover and then again he did it at Southern Cove?

19 A Yes.

20 Q Okay. And you say he wanted you to touch his penis. Did

21 you actually touch his penis?

22 A Outside the clothes.

23 Q Outside the clothes?

24 A Yes.

25 Q All right. So the skin of your hand did not touch the

1 skin of his penis at Southern Cove?

2 A No.

3 Q You moved out of Southern Cove pretty close to your 16th

4 birthday?

5 A Yes.

6 Q Can you tell me --

7

8 (Sotto voce at this time.)

9

10 BY MS. KOLLINS:

11 Q And where did you move -- and I'm sorry.

12 Southern Cove, where is that located?

13 A In Viking Street.

14 Q Here in Las Vegas, Clark County, Nevada?

15 A Yes.

16 Q Okay. And then you moved into where?

17 A Riverbend Village.

18 Q And where is that at?

19 A In Spencer, 3937 Spencer Street.

20 Q Also here in Las Vegas, Clark County, Nevada?

21 A Yes.

22 Q Okay. And, like I said, you moved in there close to your

23 16th birthday; is that right?

24 A Yes.

25 Q Okay. Now, when you guys were in Southern Cove and

1 Defendant -- and Guillermo was coming around, were he and your mom

2 back together or just on and off, or what was their relationship?

3 A No. He would just go visit her, but they weren't -- they

4 weren't going out or anything.

5 Q Okay. When you moved into Riverbend did you continue to

6 have contact with the defendant?

7 A Yes.

8 Q How is it that you would continue to see him or

9 communicate with him?

10 A He would go to the house, visit, and he would send me

11 text messages or call the house.

12 Q Okay. So would there be sometimes he'd visit when like

13 everybody was around, like mom was around; and sometimes he would

14 visit like the times we talked about before, like after school

15 times?

16 A Yes.

17 Q Okay. And what kind of text messages were you getting

18 from him when you lived at Riverbend?

19 A If I was ready, if -- if, um, I was home, because he

20 would text me when he knew that I was out of school.

21 And so I have to walk to my house, and sometimes he would

22 be outside my house waiting for me.

23 Q Were there still continued discussions about telling your

24 family about your cousin?

25 Did he still talk about telling your mom about your

1 cousin?

2 A Yes.

3 Q The same kind of stuff that we've been talking about all

4 morning this morning, did any of that happen at Riverbend?

5 A Yes.

6 Q Tell me about the first time you remember something

7 happened at Riverbend.

8 A In my room. It was a two-bedroom.

9 Q Okay. In your room this time?

10 A Yes.

11 Q Was this two-bedroom?

12 A Yes.

13 Q Did you have your own room at Riverbend?

14 A Yes.

15 Q You still live in Riverbend?

16 A Yes.

17 Q How long after your 18th birthday are we talking about at

18 Riverbend?

19 A Like a month after we moved in.

20 Q Okay. So how is it that he came to be at your house that

21 day, do you remember?

22 A The first time he went?

23 Q The first time at Riverbend, how is it that he -- was it

24 like one of the -- I mean, he's texting you at school, waiting for

25 you when you get home, something different, how did he get to be

1 at your house that day?

2 A He -- he was waiting for me outside after school.

3 Q So he's waiting for you outside after school. Do you let

4 him in?

5 A He was outside the door.

6 Q Okay.

7 A So when I got there I opened the door and he went inside.

8 Q Okay. So you end up in your bedroom. What happens in

9 your bedroom?

10 A He went inside and he would do the same things as the

11 other times. He would put me on me knees, make me take my shorts

12 down.

13 Q Okay. And I -- I know this is hard and probably seems

14 very repetitive to you but we have to make a record.

15 You said the same things as the other times, what is

16 that?

17 A He would lick my anus and my vagina, put his fingers

18 inside my vagina and anus.

19 Q Okay. And again did his tongue go in your butt?

20 A Yes.

21 Q Okay. Any other part of his body touch any other part of

22 your body that day?

23 A No.

24 Q Okay. And these times he would come over after school

25 would he leave before your mom got home?

1 A I'm sorry?

2 Q Would he leave before your mom came home?

3 A Yes.

4 Q Okay. Tell me about the last time you remember something

5 happening at Riverbend.

6 A Um, around November, um, he went to my house.

7 Q Around November of what year?

8 A Um, two thousand --

9 Q Last year?

10 A Yes.

11 Q 2009?

12 A Yes.

13 Q What happened in November of 2009?

14 A He went to my house and it was in my room, as always, he

15 made me put my shorts down and he would lick my anus and vagina

16 and put his fingers.

17 And since, like, I would move away, um, he didn't like

18 that I was moving away and he got mad.

19 So he told me that he was going to go tell my family.

20 Q Do you want some Kleenex? Want some?

21 A Thank you.

22 Q Are you all right?

23 A Yes.

24 Q Okay. You said -- and I'm sorry, sweetie, you said he

25 licked your vagina and he did what else?

1 A Like licked my anus and put his fingers inside my vagina

2 and penis.

3 Q And you said you were moving away and that made him mad?

4 A Yes.

5 Q What was he saying or doing that you knew he was mad?

6 A Um, he would tell me that if I wouldn't stop moving he

7 was going to go and tell my -- my mom and my -- my cousin's wife,

8 and my aunt and uncle.

9 Q Okay. Now, you told us about the first time at Riverbend

10 and the last time at Riverbend. Was there times in the middle of

11 that?

12 A Yes.

13 Q Can you tell me about a time you remember in the middle?

14 A In my room. It was always in my room.

15 He would, um, make me get on my knees in bed, pull my

16 shorts down. He would lick my anus and my vagina and put his

17 finger inside my vagina and my anus.

18 Q Okay. So it was always the same kind of routine every

19 time?

20 A Yes.

21 Q Okay. During any of those times at Riverbend did he

22 masturbate in front of you?

23 A Yes.

24 Q Okay. Masturbate to the point where he ejaculated?

25 A Yes.

1 Q Was it the first time we talked about, the last time, or
2 the time in the middle --
3 A In the middle.
4 Q -- or a different time?
5 A In the middle.
6 Q In the middle.
7 And we talked about all these times and you always say
8 shorts. You weren't wearing the same thing every time, were you?
9 A Um, after school I would just wear my shorts. I would --
10 most of the time I would wear my shorts.
11 Q Okay. Now, up until this point you never told anyone
12 about this, right?
13 A No.
14 Q Who's the first person you told and why?
15 A He called my -- one of my cousins, telling -- telling her
16 to tell me to break up the home if I didn't think -- if I didn't
17 want things to get worse.
18 And, um, one day at work my cousin told me that he had
19 called and she told me what he had said to her.
20 And, um, she told me that he had called and I asked her,
21 for what? And she told me that to call him or pick up the phone
22 if I didn't want things to get worse.
23 And then my cousin asked me if she -- if he was bothering
24 me or threatening me.
25 And I told him -- I told her yes.

1 But, um, I didn't tell her that, um, he was touching me.
2 Q Okay.
3 A I just told her that he was threatening me.
4 Q But that's kind of what -- and then your cousin --
5 A Told -- then my cousin told my aunt.
6 Q And then -- and that's when it all came out?
7 A Yes. Then one --
8 Q That he was --
9 A -- one day my aunt went to my house and she asked me --
10 and she told me that my cousin had told her that he was
11 threatening me.
12 And then she asked me what was going on.
13 Q And that's when you told?
14 A Yes, that's when I told her everything.
15 Q And then the police got called?
16 A Then, um, my -- after that my aunt took me to -- to talk
17 to a psychologist.
18 Q To talk to who?
19 A To a -- what's it called, a --
20 Q Counselor?
21 A Yeah, counselor.
22 Q Okay.
23 A And then after that my -- my aunt called my mom saying
24 that she wanted to talk to her.
25 And -- and then she went to the house and told her what

1 was going on. And that night, um, they called the police to make
2 a report.
3 Q Okay. Roxana, could you give me just one minute, okay,
4 so I can check my notes? Okay.
5 He also got some pictures of some items of clothing of
6 yours; is that right?
7 A Yes.
8 Q Okay. And what pictures were those?
9 A Um, it was a picture of one of my underweares.
10 Q Okay. And where were those pictures taken?
11 A Um -- well, I don't know, but I think he stole one of my
12 underweares.
13 Q Okay. And was that picture with a camera or a cell phone
14 or something different?
15 A It was a cell phone.
16 Q Okay. And how did you come to know that he had pictures
17 of those underwear?
18 A He sent the pictures to my phone.
19 Q How many times did he send you underwear pictures to your
20 phone?
21 A Two times.
22 Q And was that -- when was that?
23 A When I was in Riverbend Village.
24 Q Okay. So kind of near the end of all this coming out?
25 A Yes.

1 Q Okay. Now, after this came out did he try to contact you
2 at all?
3 A Yes.
4 Q Okay. And what efforts did he make to contact you?
5 A He would call my cell phone.
6 Q Did he call your cell phone a couple times, a bunch of
7 times? Do you know how many times?
8 A Many times.
9 Q Okay. Did you count how many times for the detectives?
10 A I think it was like 30 times.
11 Q Okay. Did he leave messages during those?
12 A Yes, voice mails.
13 Q And I know you can't remember every single message but
14 what did the messages sound like?
15 A He would tell me to answer the phone. If I didn't answer
16 the phone he would go tell my family what I was doing -- what I
17 did with my cousin.
18 Q Was there anything in those messages about don't tell
19 what happened?
20 A No.
21 Q Okay. Did he ever tell you not to tell what he was doing
22 to you?
23 A Um --
24 Q During all this time we've been talking about did he ever
25 say: Roxana, you better not tell anybody what's going on here?

1 A Yes.

2 Q Do you remember that?

3 A Yes.

4 Q Did you tell Detective Jaeger everything that you're telling us here today?

5 A Yes.

6 Q So you didn't leave -- I mean, everything that happened -- when you were interviewed that was about a year ago --

7 let's see, it was --

8 A Last year.

9 Q Well, January 8th. Actually this year, the beginning of this year?

10 A It was December.

11 Q December?

12 A Or -- oh, for the police or --

13 Q For the police.

14 A The police, it was in December.

15 Q When you did that interview was all this stuff fresher in your mind as it happened right before the interview or is it fresher now?

16 A Fresh --

17 Q Do you remember it better -- did you remember it better then or do you remember it better now?

18 A Now.

19 Q Now? Why is that?

1 It's time for cross-examination. This will be cross-examination.

2 MR. FELICIANO: Thank you, Judge.

3 I'm going to stay seated, if you don't mind.

4 THE COURT: That's fine. That's fine.

5 MS. KOLLINS: Do you need anything?

6 MR. FELICIANO: Does she need a break?

7 THE COURT: Do you need a break, ma'am?

8 Do you want to take a short recess?

9 THE WITNESS: No.

10 MS. KOLLINS: Are you sure? Okay.

11 CROSS-EXAMINATION

12 BY MR. FELICIANO:

13 Q Good morning.

14 My name is Mike. I'm going to ask you a few questions.

15 Okay?

16 You went over these dates with Stacy on this sheet right here (indicating).

17 How did you come up with these dates? Did you do that or did your mom do it?

18 A My mom, she brought -- she has the papers, all the contracts of all the apartments.

19 Q Okay.

1 A Um, yes.

2 Q When did he do that?

3 A Um, he would tell me, like, once in a while.

4 Q Like what -- call me his words. That's what I'm interested in his words.

5 A If -- If I would tell -- If I would tell somebody he was going to go tell my mom what I did with my cousin.

6 Q Okay. So kind of the same threat?

7 A Yes.

8 Q Okay. Did he ever talk about whether or not anyone would believe you?

9 A What do you mean?

10 Q Well, never mind. That's no big deal. Don't worry about it.

11 Just so we're clear, nothing happened at Tamarus Park; right, Tamarus Park?

12 A No.

13 MS. KOLLINS: Judge, I'm going to pass the witness.

14 THE COURT: All right. Before I get to cross-examination, I'm going to recall a case from the 7:30 calendar.

15 (Process in proceedings.)

16 THE COURT: We'll go back on the record in this matter.

1 (Sotto voce at this time.)

2 BY MR. FELICIANO:

3 Q So the dates that -- do you actually remember these dates or are you just kind of going by the papers that your mom had?

4 A I remember the dates of --

5 Q Of the -- I mean you moved quite a few moves so --

6 I remember the years.

7 Q Okay. You don't remember the exact, like, dates though?

8 A Yeah, just the years.

9 Q Okay. When you spoke to the police -- you remember speaking to the police, right?

10 A Yes.

11 Q And you did a recorded interview with them; do you remember that?

12 A record --

13 They recorded an interview while you were talking?

14 A It was just a writing, I remember writing.

15 Q You remember writing a statement?

16 A Yes.

17 Q When you wrote that statement did you tell them everything that you're telling us here today?

18 A Yes.

19 Q And when you spoke to him you actually spoke to a Detective Jaeger (phonetic), does that sound --

1 A Because I had like -- I was too stressed.
 2 Q Now, you talked about going to a counselor?
 3 A Yes.
 4 Q Are you still going to counseling?
 5 A Um, they took me to like a -- my -- my aunt paid and then
 6 the -- we talked to the child protective, Stacey Scott, and then
 7 she told us about a program for free counseling.
 8 And then I took 12 sessions.
 9 And then I was trying to get more sessions to still go,
 10 but, um, I haven't -- I haven't talked to my counselor.
 11 Q All right. When was the last time you went to
 12 counseling?
 13 A Like in June, July.
 14 Q Of this year?
 15 A Yes.
 16 Q And do you plan on going back?
 17 A Yes.
 18 Q Is that some paperwork you're doing through the District
 19 Attorney's Office to get the money for that, or how does that
 20 work?
 21 A Yeah. All my counselor gave me this paper to fill out.
 22 And I filled it out and I took it to her, and she was
 23 going to send it.
 24 Q What was your counselor's name?
 25 A Roxanna.

1 Q Roxanne what?
 2 A Um, Navarro (phonetic).
 3 Q Okay. All right. So when all this stuff started
 4 happening you were how old, eleven?
 5 A Eleven -- twelve.
 6 Q You were twelve. And that was in what year?
 7 A In 2004.
 8 Q And that was at the University Park; right?
 9 A Yes.
 10 Q All right. Now, when all this stuff happened did you --
 11 before that did you talk to your mom or anybody about good touch
 12 and bad touch, that type of stuff?
 13 A Like what he would do or --
 14 Q No. What -- I mean what -- like if someone touches you,
 15 what you're supposed to do or where -- where people are not
 16 supposed to touch you, have you had that talk with anyone?
 17 A I wouldn't talk to my mom. Like I didn't really talk to
 18 my mom. We didn't really talk about that.
 19 Q When did you actually learn that, that there's parts that
 20 people aren't supposed to touch you?
 21 A When I was older, like 13.
 22 Q So at the time of this happening you didn't know that
 23 that was wrong?
 24 A I did, but, um, since he was threatening me I was scared
 25 to tell people, and my mom.

1 Q And that's because of the stuff with your cousin; right?
 2 A Yes.
 3 Q There were no other threats, it was always about the
 4 cousin stuff?
 5 A Yes.
 6 Q So how did he -- if you know, how did he know there was
 7 something going on with you and your cousin?
 8 A Um, he saw us.
 9 Q When was that?
 10 A In, um, the University Apartments.
 11 Q So from the time that he saw you and your cousin --
 12 what's your cousin's name?
 13 A Yahir.
 14 THE REPORTER: I'm sorry?
 15 THE WITNESS: Yahir.
 16 BY MR. FELICIANO:
 17 Q Can you spell that for us?
 18 A Y-a-h-i-r.
 19 Q And so you were -- that was also in 2004 that he saw you
 20 with your cousin?
 21 A Yeah. It was in the University with the two-bedroom.
 22 Q So how long after that time did the stuff happen with
 23 Guillermo?
 24 A When we moved to the three-bedroom at University.
 25 Q Do you know how many months passed by, or weeks?

1 A I don't know.
 2 Q So what exactly did he see?
 3 MS. KOLLINS: Objection, rape shield.
 4 MR. FELICIANO: And this is not --
 5 THE COURT: You can deal with it in the District Court.
 6 Okay?
 7 But today for the prelim you're not going to get into
 8 that, so.
 9 MR. FELICIANO: Okay. Well, I won't get into the
 10 specifics. I'll just get into -- I can talk about what -- when
 11 and where this stuff happened; right?
 12 THE COURT: You can do it, but I don't want to hear about
 13 the specifics.
 14 Again, if this is an issue you're going to have to deal
 15 with it in District Court. You have some briefs that you guys can
 16 argue in District Court.
 17 But for the Prelim today we're not going to get into it.
 18 BY MR. FELICIANO:
 19 Q All right. So where -- where did he see you and your
 20 cousin?
 21 A In the two-bedroom.
 22 Q So did he, like, walk in or something? Or how did that
 23 happen?
 24 A We were in the room, me and my cousin were in the room.
 25 Q And then he walked in?

1 A Yes.

2 Q What did he do when he walked in?

3 MS. KOLLINS: Objection, relevance, as to what he did.

4 This is only relevant to the extent he used this to hang

5 over this kid's head.

6 MR. FELICIANO: Well, it's relevant. They went over the

7 whole threats thing like 20 times, so it's still that line of

8 questioning. We're talking about what --

9 MS. KOLLINS: Well, what did he do --

10 MR. FELICIANO: I'm not asking what he saw, I'm saying

11 what he did afterwards.

12 THE COURT: Counsel, I mean, again, these are issues

13 which you can raise in the District Court if it gets into the

14 District Court.

15 But for the pretrial today I'm not going to have her sit

16 and go through this. So raise it in the District Court.

17 Move on to your next line of questioning.

18 BY MR. FELICIANO:

19 Q So you talked about this -- things happening with

20 Guillermo several times -- or more than one time; right?

21 A Yes.

22 Q Was it always exactly the same?

23 A Pretty much the same.

24 Q Okay. And that was he would have you get on all fours?

25 A On my knees and my hands.

1 Q Now, when you said he had you take your shorts off, did

2 you actual -- did you actually take them off or did he take them

3 off?

4 A I would put them down because I knew that he was going to

5 go tell my family if I didn't do it.

6 And then sometimes he would put his hands on my shorts

7 and pull them down too.

8 Q Now, he didn't threaten you every time that you had --

9 something happened; right?

10 A Not all the time, but when -- when I would, like, move

11 away and, like, try and get away from him, he would tell me that

12 he was going to go and tell my family.

13 Q All right. And that's when you would let him do whatever

14 he was going to do?

15 A Yes.

16 Q So at some point you told your -- and I'm sorry. I'm

17 jumping around a little bit. If you have trouble following let me

18 know, okay?

19 At some point you finally told your mom or you talked to

20 your mom about what had been happening?

21 A No. I didn't tell my mom.

22 My -- my cousin asked me if he was threatening me or

23 doing something.

24 And I told her that he was threatening.

25 Q So then you spoke to your aunt; right?

1 A Yeah. Then my cousin told my aunt and my aunt came to my

2 house and asked me what was going on. She --

3 Q And that's when you told your aunt everything?

4 A Yes.

5 Q So why at that point did you decide to tell?

6 A Because, like, he was, like, threatening me more and more

7 that he was going to go tell my family and my -- my aunt and uncle

8 and my cousin's wife.

9 Q Now, is that the parents of your -- of Yahir?

10 A Yes, my aunt and uncle.

11 Q So who called the police?

12 A Um, my -- my aunt's daughter.

13 Q What's her name?

14 A Jamie.

15 Q And was that the same day that you talked to your aunt?

16 A No. That was after.

17 Q How many days after?

18 A Like three, four.

19 Q Do you know why there was -- why they didn't call the

20 cops as soon as you told them?

21 A Because --

22 MS. KOLLINS: Objection, calls for speculation.

23 MR. FELICIANO: If she knows.

24 THE COURT: If she knows, she knows, she can testify.

25 If she's just guessing --

1 MR. FELICIANO: If she's speculating then we can strike

2 it.

3 THE COURT: Do you know or are you just guessing?

4 THE WITNESS: I -- I'm not sure if it was three days or

5 four days.

6 THE COURT: No, no. Do you know why they waited?

7 Do you know for sure?

8 THE WITNESS: Oh, yeah.

9 THE COURT: Or would you just be guessing as to why they

10 waited?

11 THE WITNESS: No, I know why she waited.

12 BY MR. FELICIANO:

13 Q Okay. Why was that?

14 A She wanted -- she wanted to talk to my mom. She wanted

15 to tell her what was going on.

16 And since my mom was working, she --

17 Q Did she tell your mom the same day or did it take a few

18 days?

19 A A few days. It took up a few days.

20 Q Okay. You saw your mom on those other days between

21 telling your aunt and when your mom found out; right?

22 A Yes.

23 Q All right. And you didn't have any discussion about

24 that?

25 A No.

1 Q Now, did you at some point talk to your mom about it?

2 A No.

3 Q Have you ever talked to your mom about it up until today?

4 A About what happened?

5 Q Yes.

6 A Yeah.

7 Q When was that?

8 A Like, after all the things -- after the cops came, after

9 I was, like, feeling better.

10 Q So was that days after the police had come or weeks?

11 A Yes.

12 Q A few days?

13 A Weeks.

14 Q Weeks.

15 Now, when did the texting start?

16 A In -- when I was living in the Southern Cove Apartments.

17 Q So that would have been in 2008?

18 A Yes.

19 Q And how often would he send you text messages?

20 A Like every two days.

21 Q And did you save a lot of the text messages that he would

22 send you?

23 A If I saved -- yeah --

24 Q Did you save any of them?

25 A Yeah, I saved some.

1 Q And which -- and what time period was that where you

2 saved the text messages?

3 A Well, he would text me after school when he knew that I

4 was out of school.

5 Q And you said that he came -- came over -- the last time

6 he came over and you just got out of school?

7 A Yes.

8 Q Where was he -- where did you first see him that day?

9 A Outside the apartments.

10 Q What was he doing?

11 A He was standing there with his phone texting me.

12 Q Outside your apartment?

13 A By the stairs, like -- not exactly in the door but kind

14 of in the stairs.

15 Q Is that the stairs leading up to your apartment?

16 A No. I lived downstairs.

17 Q Okay. And so I mean what do you -- do you guys talk

18 while you're out there?

19 A Talk?

20 Q Do you have a conversation or do you just go into your

21 apartment?

22 A He would tell me that he was waiting for me.

23 Q Did you talk about anything else?

24 A And I would tell him: From what? I mean, for what?

25 Wait for me for what?

1 And then just walk to my door and open the door and he

2 would be behind me and go inside.

3 Q Now, how long was he there before anything happened?

4 A Inside the house?

5 Q Yes.

6 A Like five minutes.

7 Q So I mean how did -- how did that -- that day, how did

8 everything start?

9 A Well, I went inside and I took my stuff to my room and he

10 would follow me.

11 And then, like, when I was walking he would put his hands

12 in my butt outside the clothes, and I would, like, walk away, and

13 put, like, tell him to stop.

14 And then I came back to the kitchen.

15 Q Okay.

16 A Pretending, you know, to do stuff so he wouldn't start

17 touching me.

18 Q And how long did that go on?

19 A Five minutes.

20 Q And then where did you go after that?

21 A He would tell me to go in my room.

22 Q So when you got home -- what were you wearing that day,

23 do you remember?

24 A Jeans.

25 Q Did you change or anything like that or what did you do?

1 A Yes, I changed.

2 Q Did you change before anything happened?

3 A Yes.

4 Q Okay. Was that before or after he was touching your

5 butt?

6 A Before -- what do you mean, like --

7 Q Well, you said he was touching you outside of your

8 clothes?

9 A Yes. When I got inside from my school clothes and then I

10 changed. And, like, he kept on following me and touching me when

11 I changed to my shorts.

12 Q All right. Where was he when you were changing?

13 A In the living room.

14 Q So you went into your room to change?

15 A Yeah, yeah.

16 Q So you were wearing -- do you remember what color your

17 shorts were?

18 A Blue.

19 Q And what kind of shirt were you wearing?

20 A Um, it was just a shirt I was wearing that day for

21 school.

22 Q Do you remember what he was wearing?

23 A Jeans and tennis shoes.

24 Q Now, this -- since this happened more than once, you

25 probably don't remember the clothes that you were wearing each

1 time; right?

2 A Most of the time I was wearing the shorts, not the same

3 shorts but different shorts.

4 Q You'd always just have shorts on?

5 A Yeah.

6 Q Different types?

7 A Yeah.

8 Q And different shirts, of course --

9 A Yeah.

10 Q -- because it's several years; right?

11 A Yes.

12 Q Now, you said he would call your house a lot; right?

13 A My cell phone. Sometimes would he call the house phone.

14 When I wouldn't answer my cell phone he would call my

15 house phone.

16 Q So was your mom ever there when he would call your house?

17 A No. She was working.

18 Q She was always working?

19 A Yes.

20 Q What hours does she work?

21 A In the morning --

22 MS. KOLLINS: Objection, foundation, as to when.

23 MR. FELICIANO: Okay. Um --

24 THE COURT: You're talking about a large period of time

25 here.

1 BY MR. FELICIANO:

2 Q Did she always work the same hours throughout these

3 years?

4 A At first she was working in the morning.

5 Q Okay.

6 A Sometimes like her -- she had a morning, but sometimes

7 when there was like a person missing work she would go in the

8 afternoon.

9 Q Okay. So -- well, let's -- for foundation purposes, when

10 you lived at the University Park Apartments what hours did your

11 mom work?

12 A She had two jobs there.

13 Q What hours did she work?

14 A In the morning and in the night, like around seven.

15 Q Do you know what time she would leave?

16 A From seven to three, then four to eleven.

17 Q Okay. So you wouldn't see her for -- you'd see her in

18 the morning but you wouldn't see her until late at night?

19 A Sometimes I wouldn't see her in the morning because she

20 was in the other room.

21 Q So at University Park who else was living with you?

22 A In --

23 Q The first one.

24 A In the first one --

25 Q Uh-huh.

1 A -- It was me, my mom, my sister, my uncle, my cousin, and

2 him.

3 Q Okay. So your sister's name is?

4 A Carla.

5 Q Carla.

6 And did you say your brother, your brother was living

7 with you?

8 A My cousin.

9 Q Oh, your cousin. I'm sorry. What was his name?

10 A Yahir.

11 Q And who else, your uncle?

12 A My uncle.

13 Q What was his name?

14 A Manuel.

15 Q And Guillermo.

16 That's it; right?

17 THE REPORTER: What was his name? I'm sorry.

18 THE WITNESS: Manuel.

19 THE REPORTER: Manuel.

20 I'm sorry.

21 MR. FELICIANO: Okay.

22 BY MR. FELICIANO:

23 Q So that was -- now, the second University apartment, who

24 lived there?

25 A My mom, me, my sister, him --

1 Q Him. Who is him?

2 A Guillermo --

3 Q Okay.

4 A -- my cousin, my uncle.

5 Q Same cousin and uncle?

6 A Yes. And then --

7 Q And -- I'm sorry.

8 A -- later my uncle's wife came and my uncle's wife's

9 sister.

10 Q Now, what hours did your mom work when you lived at the

11 second University Park Apartments?

12 A She had two jobs.

13 Q Same -- same hours?

14 A Yeah.

15 Q And then Andover, who lived at the Andover Place?

16 A Me, my mom, my sister, and then later on one of my

17 cousins.

18 Q Which cousin was that?

19 A Marissa (phonetic).

20 Q All right. And your mom would work the same hours during

21 that time?

22 A Just one job in the morning.

23 Q So she would be home at what time?

24 A Like four or five -- 4:30 to five.

25 Q Now, then the Tamarus Park Apartments, who lived there?

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19 of 30 sheets

25 A Yes.

24 second?

23 Q Okay. So that's when your aunt would be there at the

22 anything. The second one, that's when he started.

21 A Well, the first one was just didn't -- he didn't do

20 anybody ever home?

19 How about the second University Park Apartment, was

18 Q Just your aunt? Okay.

17 A My aunt.

16 Apartment, the first one?

15 Q Would other people be home at the University Park

14 A Yes.

13 was home?

12 Q And about -- that happened more than once where someone

11 A No.

10 Q And your aunt would never say anything about that?

9 A Like 10, 15 minutes.

8 Q For how long?

7 A Yes.

6 closed?

5 Q And you and Guillermo would be in the room with the door

4 and -- or in the living room.

3 A She would be in the kitchen because she didn't work

2 Q Okay. And where would your aunt be?

1 A No. That's Jan.

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25 Q Is that the one that was here earlier?

24 A Rosa.

23 Q What's her name?

22 A Um, my -- my aunt.

21 Q Do you remember who would be home?

20 A I don't really remember.

19 Q Do you know about how many, if you know?

18 A Yes.

17 more than once at the first University Park Apartments?

16 Q Who -- did it happen more than once? Were people home

15 kitchen.

14 A Well, they would be like in the living room or in the

13 day?

12 Q Can you -- how did that -- what exactly happened that

11 A Yes.

10 University Apartments, was anybody home when something happened?

9 Q Okay. Well, let's say the University -- the first

8 A Yeah.

7 Q In any of them.

6 A In Southern Cove?

5 between you and Guillermo?

4 anybody ever home while something -- while something happened

3 Q So throughout those years that things were happening was

2 BY MR. FELICIANO:

1 MR. FELICIANO: Court's indulgence.

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25 A In my cell phone.

24 Q Just on your cell phone?

23 A No.

22 A Yeah.

21 A In the house phone?

20 Q Would he leave messages?

19 A He would keep on calling. He would call lots of times.

18 Q So why did you answer?

17 A Yes.

16 Q So you knew it was him when he called?

15 A Yes.

14 Q So did you get his caller ID on your phone?

13 A No. He would call to see if I was alone.

12 Q And would he ask for you?

11 would answer.

10 A Sometimes I was alone, sometimes my mom was there and she

9 call?

8 Q Did -- and that was always when you were alone he would

7 A Tamaras.

6 A The Tamaras.

5 where he started calling you at the apartment?

4 Q Right. Well, so what apartments -- what apartment was it

3 A Well, he was living with us at the University.

2 apartment he'd call you?

1 Q And is that all the way back to the first University

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25 A Um, he would call the house.

24 Q Okay. Before that did he just call you at the house?

23 A When I was in Southern Cove.

22 Q Did you get a call phone?

21 Q Did he call -- I mean, when he would call you -- when

20 A Yes.

19 Q So she's home during the day and gone all night?

18 A Um, they changed her to the night -- night shift.

17 Q And your mom now is working what hours?

16 too long -- like four months ago a friend moved in.

15 A He -- at first it was just me and my mom, and then not

14 Q And then finally the Riverbend, who lived there?

13 A In the morning.

12 Q And what hours does your mom work at that time?

11 A Maria.

10 Q What was her name?

9 A My mom's friend.

8 Q Her friend or your friend?

7 A He, my mom, and one friend.

6 Q And Southern Cove, who lived there?

5 A Yes.

4 Q Your mom.

3 A My mom?

2 Q And did she work the same morning hour job?

1 A He, my mom, and my cousin Pharesse.

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1 Q How about the Andover?

2 A Nobody would be there. My sister would be working, and

3 my mom too.

4 Q So nobody was ever home during anything at the Andover

5 apartment?

6 A No.

7 Q How about at the Tamarus apartment?

8 A He -- there he stopped bothering me for a while.

9 Q And then Southern Cove?

10 A The roommate.

11 Q The -- who -- who was that?

12 A Maria.

13 Q She would be home?

14 A Yeah. She would be in her room.

15 Q And was anybody else ever home in the South Cove place

16 when something happened?

17 A No.

18 Q How about Riverbend?

19 A Just me.

20 Q Did he ever buy you gifts?

21 A Um, a phone.

22 Q A phone. A cell phone?

23 A Yes.

24 Q Was your mom aware that he bought you a cell phone?

25 A My mom?

1 Q Did she know that he bought you a cell phone?

2 A Yeah.

3 Q How about clothes or anything like that?

4 A Sometimes he did buy me clothes.

5 Q All right.

6 A And shoes.

7 Q Do you know why he would buy that stuff for you?

8 A He would just buy me stuff.

9 Q Was that -- I mean from 2004 and on he would buy you

10 stuff?

11 A From University, the second University until Tamarus.

12 Q Okay. And then at Southern Cove and Riverbend he didn't

13 buy you anything?

14 A He didn't buy me anything there.

15 Q Did he buy you like backpacks or anything like that?

16 A For a school, yeah, in the Tamarus.

17 Q Did you ever talk to him about buying stuff for you?

18 A I would attempt to tell him if he could buy my shoes

19 or --

20 Q Shoes. What else?

21 A Clothes or stuff for school.

22 Q And this was during the time that things were happening

23 between you two?

24 A Yes.

25 Q And why did you ask him to buy you stuff?

1 A Because I needed them.

2

3 (Sotto voce at this time.)

4

5 MR. FELICIANO: Pass the witness.

6 THE COURT: All right. Any redirect?

7 MS. KOLLINS: Judge, if I could just reopen on one very

8 narrow issue?

9 THE COURT: Okay.

10 MS. KOLLINS: It's just a question I forgot to ask her.

11 THE COURT: Okay.

12

13 REDIRECT EXAMINATION

14

15 BY MS. KOLLINS:

16 Q Did he ever show you pornography?

17 A Yes.

18 Q Where did that happen?

19 A In the --

20 MR. FELICIANO: Objection, beyond the scope of cross.

21 THE COURT: We could have her come off the stand, recall

22 her, go through that exercise.

23 So it's easier if she's sitting up here you can -- you

24 can question her again on that.

25 But rather than have her come back off the stand, recall

1 her, and then get into this again, we'll just go forward with it

2 right now.

3 MS. KOLLINS: And I did ask for permission to reopen. It

4 is beyond the scope of direct or cross-examination, I know that.

5 THE COURT: You have permission.

6 MS. KOLLINS: Thank you.

7 BY MS. KOLLINS:

8 Q Where and when did that happen?

9 A At the University and Andover.

10 Q What kind of pornography?

11 A It was the magazines and movies.

12 Q Magazines and movies? All adult?

13 A Yes.

14 Q Okay. All of these things that we've talked about that

15 happened to you by Guillermo -- let me ask it a different way.

16 Sorry.

17 You never agreed to do any of these things with him in

18 exchange for any of the stuff he bought you; right?

19 A No.

20 Q That had -- one had nothing to do with the other; right?

21 A No.

22 Q You never wanted any of these things to happen?

23 A No.

24 Q Okay.

25 MS. KOLLINS: Okay. That's all, Judge.

1 THE COURT: Okay. Any further questioning?

2 MR. FELICIANO: Um, Court's indulgence.

3 THE COURT: Sure.

4

5 RE-CROSS-EXAMINATION

6

7 BY MR. FELICIANO:

8 Q When you spoke to -- when you wrote your statement for

9 the police did you tell them about the pornography?

10 A No.

11 Q How about when you spoke to them --

12 A To --

13 Q When you did the interview with Detective Jaeger, did you

14 tell Detective Jaeger about the pornography?

15 A No.

16 Q Why is that?

17 A I just didn't.

18 Q Did you forget about it?

19 A Yes.

20 MR. FELICIANO: Pass.

21 MS. KOLLINS: I have nothing else.

22 THE COURT: Okay. Any reason she cannot be excused at

23 this time?

24 MS. KOLLINS: No, Your Honor. There's none.

25 THE COURT: Okay. Ma'am, thank you for testifying here

1 So if I could get a transcript, I know you probably don't

2 like to do that, but I think it would be easier than me trying to

3 sit here and draft a Complaint on the fly.

4 THE COURT: Yeah, it might be because I counted at least

5 14 separate incidents, possibly more, just from looking through my

6 notes real quick.

7 MR. FELICIANO: Different -- I mean different days or

8 different actual counts?

9 THE COURT: Different days. Different days that were

10 testified to.

11 MR. FELICIANO: Yeah, I tried to keep track of it. I

12 couldn't get it all straight.

13 MS. KOLLINS: Kind of how I did it is I tried to do

14 first, last, and middle --

15 THE COURT: Right.

16 MS. KOLLINS: -- from each residence.

17 THE COURT: And that's how I was trying to keep track of

18 it.

19 MS. KOLLINS: Right. But there's multiple counts within

20 each of those encounters.

21 THE COURT: Right. And the problem is she would -- there

22 was times when, like I think the testimony about the masturbation

23 where she went back.

24 MS. KOLLINS: Right.

25 THE COURT: And --

1 today.

2 You're free to stick around and find out what happens,

3 you're free to leave. Okay?

4

5 (Witness excused.)

6

7 (Sotto voce at this time.)

8

9 MS. KOLLINS: Judge, at this time the State is prepared

10 to rest.

11 For the record, I believe State's 1 has been admitted.

12 THE COURT: It has been.

13

14 (State's Exhibit Number 1

15 was admitted into evidence.)

16

17 MS. KOLLINS: I have no additional witnesses for today.

18 THE COURT: Okay. Any amendments to the Complaint?

19 MS. KOLLINS: Substantial --

20 MR. FELICIANO: We're going -- we need the transcript.

21 MS. KOLLINS: Substantial amendments, Judge.

22 The interview of this kid was very abbreviated and by the

23 time I got to speak to her yesterday, I wasn't really sure how

24 much we were going to get today based on the residences that we

25 were able to go through yesterday.

1 MR. FELICIANO: We need it.

2 THE COURT: Yeah, I think we're going to need it.

3 MR. FELICIANO: How long will it take?

4 THE REPORTER: I can have it on Monday or Tuesday, Judge.

5 MR. FELICIANO: I don't think we need to put you out like

6 that. A week would be fine.

7 THE COURT: All right. Do you want me to pass it a week?

8 MS. KOLLINS: That's fine.

9 THE COURT: Next Friday?

10 MR. FELICIANO: Maybe I should rest and all that stuff

11 real quick.

12 THE COURT: Oh, yeah.

13 MR. FELICIANO: I talked to him about testifying. Based

14 on my advice he's not going to testify.

15 We rest.

16 The only record I want to make is there was a certain

17 line of questioning I wasn't allowed to get into. And if for some

18 reason this witness is unavailable at trial, pursuant to Crawford,

19 I've not had a full and fair cross-examination.

20 I just want to make that record.

21 MS. KOLLINS: I would disagree with that

22 characterization.

23 THE COURT: That's going to be an issue for the District

24 Court to decide.

25 MR. FELICIANO: Well, I'm just making that record now --

1 THE COURT: If you believe -- you want to make a record
2 of that, you believe you haven't had a fair and full opportunity
3 to cross-examine, I'll let you make that record.

4 And so we just want you back here next Friday?

5 MR. FELICIANO: Yeah, let me check my -- off the record?

6

7 (Sotto voce at this time.)

8

9 THE COURT: Okay. Why don't we go back on the record.

10 We've been discussing things off the record as a date
11 when we can continue the prelim to so that everybody can have a
12 chance to review the transcript.

13 Due to, I guess, the number of incidents talked about and
14 going back to dates and adding dates so we all need to get on the
15 same page in regards to the testimony for arguments, we will pass
16 this until next Friday.

17 If there is an issue because of your trial please notify
18 everybody.

19 MS. KOLLINS: Absolutely.

20 THE COURT: And we will reschedule it. Hopefully we'll
21 have a copy of that transcript by Tuesday of next week for
22 everybody.

23 MS. KOLLINS: What time next Friday?

24 THE CLERK: 8:30. September 24th at 8:30.

25

1 (Sotto voce at this time.)

2

3 THE CLERK: But everybody has rested.

4 THE COURT: Yeah, everybody rested. It will just be
5 arguments next Friday.

6 MS. KOLLINS: And I'll try to get you a copy of the
7 Complaint before I arrive.

8 THE COURT: Okay.

9 MS. KOLLINS: Absolutely.

10 THE COURT: Okay. All right. Thanks everybody.

11

12

13 (Proceedings concluded.)

14

15 * * * * *

16

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

18

19

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RENEE SILVAGGIO, C.C.R. 122
Official Court Reporter

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ORIGINAL

ORDER

DISTRICT COURT
CLARK COUNTY, NEVADA

Allen D. Luman
CLERK OF THE COURT

THE STATE OF NEVADA

VS

Guillermo Renteria-Novoa
#275564

CASE NO: C268285
DEPT. NO: XIV

Date: January 5, 2010
Time: 9:00 A.M.

ORDER SETTING STATUS CHECK

IT IS HEREBY ORDERED that the counsel for the parties appear on

January 5, 2010 at 9:00 A.M. in District Court, Department XIV, for a status check regarding discovery and trial.


Dated this 10th day of December 2010.

Donald M. Mosley
JUDGE DONALD M. MOSLEY

CERTIFICATE

I hereby certify that on the date filed, I placed a copy of this Order in the attorney's folder in the Clerk's Office or mailed a copy to:

Deputy District Attorney: Glen O'Brien, Esq.
Deputy Public Defender: Mike Feliciano, Esq.


JUDY NORMAN
Judicial Executive Assistant
Department XIV

DONALD MOSLEY
DISTRICT JUDGE

DEPARTMENT FOURTEEN
LAS VEGAS, NV 89155

CLERK OF THE COURT

DEC 15 2010

RECEIVED
27

ORIGINAL

FILED

DEC 23 2010

Alvin L. Blum
CLERK OF COURT

1 ORDR
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 Plaintiff,

9 v.

10 GUILLERMO RENTERIO-NOVOA,

11 Defendant.

CASE NO. C268285-1

DEPT. NO. XIV

ORDER

13 The Petition of GUILLERMO RENTERIO-NOVOA submitted by MIKE
14 FELICIANO, Deputy Public Defender, as attorney for the above-captioned individual, having been
15 filed in the above-entitled matter,

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that you, STEVE
17 GRIERSON, Clerk of the Eighth Judicial District Court of the State of Nevada, in and for the
18 County of Clark, issue a Writ of Habeas Corpus.

19 DATED AND DONE at Las Vegas, Nevada, this DEC 13 2010 of December, 2010.

20
21 *Donald M. Stanley*
22 DISTRICT COURT JUDGE
23

24 Submitted By:
25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By *Mike Feliciano*
28 MIKE FELICIANO, #9312
Deputy Public Defender

RECEIVED
DEC 23 2010
CLERK OF THE COURT

C-10-268285-1
ORDR
Order
1121309



RECEIPT OF COPY

RECEIPT OF COPY of the foregoing Order is hereby acknowledged this 23 day
of ~~November~~, 2010.
December

CLARK COUNTY DISTRICT ATTORNEY

By



Case Name: GUILLERMO RENTERIO-NOVOA
Case No.: C268285-1
Dept. No.: XIV

ORIGINAL

FILED

DEC 23 2010

John J. Williams
CLERK OF COURT

1 WRTH
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

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

CASE NO. C268285-1

DEPT. NO. XIV

12 GUILLERMO RENTERIO-NOVOA,
13 Defendant.

14 WRIT OF HABEAS CORPUS

15 To: Clark County Sheriff
16 Clark County, Nevada

C-10-268285-1
WHC
Writ of Habeas Corpus
1121498



17 GREETINGS:

18 We command that you have the body of the above-captioned person, by you
19 imprisoned and detained, as it is alleged, together with the time and cause of such imprisonment and
20 detention, by whatever name said above-captioned person shall be called or charged, before the
21 Honorable Donald M. Mosley, District Court Judge, at his chambers or his courtroom in the County
22 Courthouse Building in the City of Las Vegas, County of Clark, State of Nevada, on January 5, 2011
23 at the hour of 9:00 a.m., to do and receive that which shall then and there be considered concerning
24 the said above-captioned person; and have you then and there this Writ.

25 DATED AND DONE this 23 of December, 2010.

26 STEVE GRIERSON, COUNTY CLERK

27 By: _____
28 DEPUTY

RECEIVED
DEC 23 2010
CLERK OF THE COURT

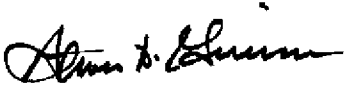
RECEIPT OF COPY

RECEIPT OF COPY of the foregoing Writ of Habeas Corpus is hereby
acknowledged this 23 day of ~~November~~, 2010.

CLARK COUNTY SHERIFF December CLARK COUNTY DISTRICT ATTORNEY

By: Luna Ruj By: [Signature]

Case Name: GUILLERMO RENTERIO-NOVOA
Case No.: C268285-1
Dept. No. XIV


CLERK OF THE COURT

RWHC
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CHRISTOPHER P. PANDELIS
Deputy District Attorney
Nevada Bar #009143
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | |
|----------------------------------|---|------------------|
| In the Matter of Application, |) | |
| of |) | Case No. C268285 |
| |) | Dept No. XIV |
| GUILLERMO RENTERIA-NOVOA, |) | |
| #2755564 |) | |
| for a Writ of Habeas Corpus. |) | |

RETURN TO WRIT OF HABEAS CORPUS

DATE OF HEARING: 01/26/11
TIME OF HEARING: 9:00 A.M.

COMES NOW, DOUGLAS C. GILLESPIE, Sheriff of Clark County, Nevada, Respondent, through his counsel, DAVID ROGER, District Attorney, through CHRISTOPHER P. PANDELIS, Deputy District Attorney, in obedience to a writ of habeas corpus issued out of and under the seal of the above-entitled Court on the 23rd day of December, 2010, and made returnable on the 26th day of January, 2011, at the hour of 9:00 o'clock A.M., before the above-entitled Court, and states as follows:

1. Respondent admits the allegations of Paragraph 1 of the Petitioner's Petition for Writ of Habeas Corpus.

2. Respondent denies the allegations of Paragraphs 3 of the Petitioner's Petition for Writ of Habeas Corpus.

3. Paragraphs 2, 4, 5 and 6, do not require admission or denial.

4. The Petitioner is in the actual custody of DOUGLAS C. GILLESPIE, Clark County Sheriff, Respondent herein, pursuant to a Criminal Information.

Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the Petition be dismissed.

DATED this 5th day of January, 2011.

Respectfully submitted,

DAVID ROGER
Clark County District Attorney
Nevada Bar # 002781

BY /s//CHRISTOPHER P. PANDELIS
CHRISTOPHER P. PANDELIS
Deputy District Attorney
Nevada Bar #009143

POINTS AND AUTHORITIES

Defendant is charged by way of Amended Information with SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366), ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366, 193.330), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (gross misdemeanor – NRS 201.220) and SEXUAL ASSAULT (Felony - NRS 200.364, 200.366). The victim in this case is Defendant's ex-girlfriend's daughter Roxana Perez Rodriguez. The crimes occurred on or between February 1, 2005 and December 31, 2009.

11

//

1 **The Preliminary Hearing Testimony of Roxana Perez Rodriguez**

2 On September 17, 2010, Roxana Perez Rodriguez (hereinafter “Roxana”) testified at
3 the preliminary hearing in this case. Roxana testified that she was 17 years old and was born
4 on August 30, 1993. (PHT p. 6). Roxana met the Defendant Guillermo Renteria-Novoa
5 (hereinafter “Defendant”) in 2003 when he was living in the same apartments as Roxana and
6 her mother. At some point after meeting the Defendant, Roxana’s mother became
7 romantically involved with the Defendant. (PHT pp. 8-10).

8 In February of 2005 when Roxana was living in the University Apartments, the
9 Defendant began sexually abusing Roxana. The first incident occurred in the Defendant’s
10 room at the University Apartment when the Defendant had Roxana get on her knees and
11 began licking her anus and then her vagina. During this first incident, the Defendant also
12 touched Roxana’s breasts with his hand and put his finger inside of her vagina. (PHT pp.
13 11-13). Roxana recalled another incident at the University Apartment where the Defendant
14 again licked her anus and vagina and touched her breasts with his hands and mouth. During
15 this second incident, the Defendant also digitally penetrated Roxana’s anus and vagina.
16 (PHT pp. 14-16). The final incident at the University Apartment residence occurred in a
17 similar manner to the two prior incidents. Roxana got on her hands and knees and then the
18 Defendant licked her vagina and inserted his finger inside of her vagina. During this
19 incident, the Defendant also put his tongue and his fingers inside of Roxana’s anus. At this
20 point during the preliminary hearing, Roxana testified that the Defendant’s tongue would
21 always go inside of her butt when he would lick her anus and it happened this way each
22 time. (PHT pp. 16-19).

23 Roxana, her mother and the Defendant eventually moved in together into the Andover
24 apartment. The first incident in the Andover apartment occurred in the bedroom when the
25 Defendant had Roxana get on her knees. The Defendant then put his mouth on Roxana’s
26 vagina and inserted his fingers into her anus and vagina. During this incident the Defendant
27 also put his tongue inside of Roxana’s butt. (PHT pp. 21-24). Roxana also testified about
28 another incident at the Andover residence when the Defendant again made her get on her

1 knees and then began licking her vagina and putting his tongue inside of her buttocks.
2 During this incident the Defendant also rubbed Roxana's breasts with his hands and inserted
3 his fingers into Roxana's vagina and anus. (PHT pp. 27-29). Roxana recalled another
4 incident at the Andover residence when the Defendant put a condom on his exposed penis
5 and asked Roxana to suck it. Roxana refused to put the Defendant's penis in her mouth.
6 During this incident, the Defendant also did the "same things as the other times" and licked
7 Roxana's vagina and put his tongue inside of her anus. The Defendant also digitally
8 penetrated Roxana's vagina and anus on this occasion. (PHT pp. 30-32). All of the incidents
9 described by Roxana to this point occurred before she turned fourteen on August 30, 2007.

10 In November 2007, when Roxana was fourteen years old, she moved to the Tamarus
11 Park Apartments. At this point Roxana's mother broke up with the Defendant and he no
12 longer lived with them. While living at the Tamarus Park Apartment, the Defendant would
13 sometimes come over to visit Roxana's mother but no abuse took place during this time.
14 (PHT pp. 32-33).

15 In 2008 when Roxana was 15 years old, she moved to the Southern Cove Apartment.
16 While Roxana lived at the Southern Cove Apartment with her mother, the Defendant
17 continued to visit. (PHT pp. 34-36). Roxana testified that the first incident at the Southern
18 Cove residence occurred in the bedroom that she shared with her mother. During the first
19 incident at Southern Cove, the Defendant had Roxana get on her knees and licked her vagina
20 and put his tongue inside of her butt. The Defendant also put his finger inside of Roxana's
21 vagina and anus. (PHT pp. 38-39). The last incident at the Southern Cove apartment also
22 occurred in the bedroom. During the last incident, the Defendant made Roxana get on her
23 knees and put his tongue inside of her butt and his mouth on her vagina. During this last
24 incident, the Defendant also digitally penetrated Roxana's vagina and anus. (PHT pp. 39-
25 40). Roxana testified about an incident at Southern Cove that occurred in between the first
26 and last time. Like the other incidents, the Defendant inserted his tongue into Roxana's
27 anus, licked her vagina and digitally penetrated her vagina and anus. (PHT p. 40).

28 //

1 Roxana testified that on two separate occasions, the Defendant made her touch his
2 penis. The first time this occurred Roxana was living at the Andover apartment when the
3 Defendant grabbed Roxana's hand and placed it on his penis. When Roxana was living at
4 the Southern Cove apartment the Defendant again asked Roxana to touch his penis. On this
5 occasion, Roxana only touched the Defendant's penis outside of his clothing. (PHT pp. 42-
6 43).

7 Around the time Roxana turned 16, she moved to the Riverbend Village Apartments
8 on Spencer Street. While living at Riverbend Village, the Defendant continued to have
9 contact with Roxana and her mother. The first incident at the Riverbend Village apartment
10 occurred in Roxana's bedroom in a similar fashion to all the previous incidents. During this
11 first incident the Defendant put Roxana down on her knees and put his fingers inside of her
12 vagina and anus. During this first incident Riverbend Village, the Defendant also put his
13 tongue inside of Roxana's butt and licked her vagina. (PHT pp. 43-46). Roxana also
14 testified about two additional incidents that occurred at the Riverbend Village apartment.
15 These two other incidents were the same as the previous incidents and the Defendant would
16 digitally penetrate Roxana's vagina and anus; lick her vagina and stick his tongue inside of
17 her anus. (PHT pp. 47-48).

18 LEGAL ARGUMENT

19 STANDARD OF PROOF AT PRELIMINARY HEARING

20 The Nevada Supreme Court has set forth the standard of review for purposes of
21 supporting a charging document:

22 In grand jury proceedings, the State need only show that a crime
23 has been committed and that the accused probably committed it.
24 The finding of probable cause to support a criminal charge may
25 be based on "slight, even 'marginal' evidence . . . because it does
26 not involve a determination of the guilt or innocence of the
27 accused." Sheriff v. Hodges, 96 Nev. 184, 186, 606 P.2d 178,
180 (1980). "To commit an accused for trial, the State is not
required to negate all inferences which might explain his
conduct, but only to present enough evidence to support a
reasonable inference that the accused committed the offense."
Kinsey v. Sheriff, 87 Nev. 361, 363, 487 P.2d 340, 341 (1971).

28 //

1 Sheriff v. Miley, 99 Nev. 377 (1983). This same standard also applies to the burden the
2 State must meet for a bindover from a preliminary hearing. Sheriff v. Potter, 99 Nev. 389
3 (1983). This Court need not consider whether the evidence presented at the preliminary
4 hearing may, by itself, sustain a conviction, since at the preliminary hearing the State need
5 not produce the quantum of proof required to establish the guilt of accused beyond a
6 reasonable doubt. See Hodges, 96 Nev. at 186, 606 P.2d at 180; Miller v. Sheriff, 95 Nev.
7 255, 592 P.2d 952 (1979); McDonald v. Sheriff, 87 Nev. 361, 487 P.2d 340, (1971). In the
8 case at bar, to hold Defendant to answer to the charges, the State is not required to negate all
9 inferences which might be drawn from a certain set of facts, State v. VonBrincken, 86 Nev.
10 769, 476 P.2d 733, (1970); Johnson v. State, 82 Nev. 338, 418 P.2d 495 (1966), but only to
11 present enough evidence to support a reasonable inference that Defendant committed the
12 crimes charged.

13 Furthermore, convictions based on circumstantial evidence have been upheld in
14 Nevada. See Gibson v. State, 96 Nev. 48, 50 (1980); Merryman v. State, 95 Nev. 648, 649
15 (1979); Dutton v. State, 94 Nev. 567, 568 (1978); Edwards v. State, 90 Nev. 255, 258
16 (1974); Goldsmith v. Sheriff, 85 Nev. 295, 304 (1969). Therefore, as initially asserted,
17 circumstantial evidence is sufficient to support a finding of probable cause. Howard v.
18 Sheriff, 93 Nev. 30 (1977).

19 The United States Supreme Court has stated the following regarding circumstantial
20 evidence:

21 Circumstantial evidence in this request is intrinsically no
22 different from testimonial evidence. Admittedly, circumstantial
23 evidence may in some cases point to a wholly incorrect result.
24 Yet this is equally true of testimonial evidence. In both
25 instances, the jury is asked to weigh the chances that the
26 evidence correctly points to guilt against the possibility of
inaccuracy or ambiguous inference. In both, the jury must use its
experience with people and events in weighing the possibilities.
If the jury is convinced beyond a reasonable doubt, we can
require no more.

27 Holland v. United States, 348 U.S. 121, 75 S. Ct. 127, 137-38 (1954); also see United States
28 v. Hooks, 780 F.2d 1526, 1530 (10th Cir. 1986).

1 A. The State Presented Sufficient Evidence to hold the Defendant to answer to
2 counts 1, 5, 14, 16, 23, 28, 32, 36, 43, 47 and 49

3 NRS 200.364(4) states:

4 **"Sexual penetration" means cunnilingus, fellatio, or**
5 **any intrusion, however slight, of any part of a**
6 **person's body or any object manipulated or**
7 **inserted by a person into the genital or anal**
 openings of the body of another, including sexual
 intercourse in its ordinary meaning.

8 NRS 200.366(1) defines Sexual Assault as follows:

9 1. A person who subjects another person to **sexual**
10 **penetration**, or who forces another person to make a
11 sexual penetration on himself or another, or on a
12 beast, against the will of the victim 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.

13 In counts 1, 5, 14, 16, 23 and 28, the Defendant is charged with six (6) separate
14 counts of Sexual Assault with a Minor under Fourteen for placing his mouth and/or tongue
15 on and/or into the victim's anal opening. While testifying at the preliminary hearing,
16 Roxana stated that the Defendant's tongue went inside of her butt for each of the three
17 incidents she previously testified to reflected in Counts 1, 5 and 14. (PHT p. 18). While
18 testifying about the incident reflected in Count 16, Roxana again testified that the
19 Defendant's tongue went inside of her butt. (PHT p. 23). While testifying about another
20 incident that happened at the Andover Apartment, Roxana said that the Defendant's tongue
21 went in her butt. (PHT pp. 27-28). This incident was the basis for count 23 of the
22 Information. Roxana also testified about another incident at the Andover address where the
23 Defendant put a condom on his penis and asked her to perform fellatio and then did the
24 "same things as the other times" and licked Roxana's vagina and put his tongue inside of her
25 anus. (PHT pp. 30-32).

26 In Counts 32, 36 and 43 the Defendant is charged with three (3) separate counts of
27 Sexual Assault with a Minor under Sixteen for placing his mouth and/or tongue on and/or
28 into the victim's anal opening. For all three of these incidents Roxana testified that the

1 Defendant's tongue went inside of her butt. (PHT pp. 39-40).

2 Finally, in counts 47 and 49 the Defendant is charged with two (2) separate acts of
3 Sexual Assault for placing his mouth and/or tongue on and/or into the victim's anal opening
4 after she turned 16 years old. Roxana testified that both of these incidents occurred at the
5 Riverbend Apartment and the Defendant's tongue went in her butt on each occasion. (PHT
6 pp. 45-48).

7 Based on Roxana's testimony at the Preliminary Hearing outlined above, the State
8 presented sufficient evidence to hold the Defendant to answer to counts 1, 5, 14, 16, 23, 28,
9 32, 36, 43, 47 and 49. The victim was clear that on each occasion the Defendant's tongue
10 went inside of her anal opening and it happened in this same manner on each occasion. This
11 testimony about the Defendant's tongue going in the victim's anal opening is sufficient for
12 penetration. Accordingly, the Defendant should be held to answer on these counts.

13 B. **The State Presented Sufficient Evidence that Defendant Committed the Crime of**
14 **Attempt Sexual Assault With a Minor Under Fourteen Years of Age**

15 Count 27 charges Defendant with Attempt Sexual Assault with a Minor Under the
16 Age of 14, to wit:

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

22 While testifying at preliminary hearing, Roxana recalled an incident at the Andover
23 residence when the Defendant put a condom on his exposed penis and asked Roxana to suck
24 it. Roxana refused to put the Defendant's penis in her mouth. This incident occurred prior
25 to Roxana turning fourteen on August 30, 2007. (PHT pp. 30-32).

26 //

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28 //

1 In Van Bell v. State, 105 Nev. 352, 775 P.2d 1273 (1990), the Nevada Supreme Court
2 held:

3 An attempt to commit a crime is an act done with intent to
4 commit that crime, and tending but failing to accomplish it. NRS
5 193.330 Specifically, to prove an attempted sexual assault, the
6 prosecution must establish that (1) appellant intended to commit
7 sexual assault; (2) appellant performed some act towards the
8 commission of the crime; and (3) appellant failed to consummate
9 its commission. See Larsen v. State, 86 Nev. 451, 453, 470 P.2d
10 417, 418, (1970) (stating the elements of attempt in general.)

11 The Court went on to state:

12 This court previously held that “[m]ere indecent advances,
13 solicitations, or importunities do not amount to an attempt [to
14 rape].” State v. Pierpoint, 38 Nev. 173, 174, 147 P. 214 (1915).
15 (Citation omitted.) Likewise, mere preparation to commit a crime
16 is insufficient to constitute an attempt. State v. Verganadis, 50
17 Nev. 1, 4, 248 P. 900, 901 (1926). However, we also held that
18 when the design of a person to commit a crime is clearly shown,
19 slight acts done in furtherance of that crime will constitute an
20 attempt. Larsen, 86 Nev. at 454, 470 P.2d at 419.

21 VanBell, 105 Nev. at 353, 775 P.2d at 1274. (Emphasis added).

22 The Court went on to state, citing People v. Dillon, 34 Cal.3d 441, 194 Cal. Rptr. 390,
23 668 P.2d 697 (1983):

24 [T]he plainer the intent to commit the offense the more likely
25 that steps taken in the early stages of the commission of [the]
26 crime will satisfy the overt act requirement.

27 Van Bell, 105 Nev. at 355, 775 P.2d at 1275.

28 Based upon Roxana’s testimony during preliminary hearing, the State presented
sufficient evidence that Defendant attempted to sexually assault her when he attempted to
have her perform fellatio on his exposed. Roxana testified that the Defendant put a condom
on his exposed penis and asked her to suck it. This act was beyond mere preparation but
rather an act in towards the commission of the crime. Accordingly, the Defendant should be
held to answer on Count 27.

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CONCLUSION

Based upon the above and foregoing Points and Authorities, Defendant's Petition for Writ of Habeas Corpus must be denied.

DATED this 5th day of January, 2011.

Respectfully submitted,

DAVID ROGER
Clark County District Attorney
Nevada Bar # 002781

BY /s//CHRISTOPHER P. PANDELIS
CHRISTOPHER P. PANDELIS
Deputy District Attorney
Nevada Bar #009143

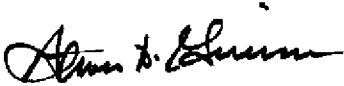
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of State's Return to Defendant's Petition for Writ of Habeas Corpus, was made this 5th day of January, 2011, by facsimile transmission to:

MIKE FELICIANO
Deputy Public Defender
FAX #366-9370

BY Shellie Warner
Employee of the District Attorney's Office

cpp/mmw/SVU


CLERK OF THE COURT

1 **INFO**
2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **CHRISTOPHER PANDELIS**
6 Deputy District Attorney
7 Nevada Bar #009143
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,)

11 Plaintiff,)

12 -vs-)

13 GUILLERMO RENTERIA-NOVOA,)
14 #2755564)

15 Defendant.)

Case No: C268285

Dept No: XIV

A M E N D E D
I N F O R M A T I O N

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss.

18 DAVID ROGER, District Attorney within and for the County of Clark, State of
19 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

20 That GUILLERMO RENTERIA-NOVOA, the Defendant(s) above named, having
21 committed the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF**
22 **14 (Felony - NRS 200.364, 200.366), LEWDNESS WITH A CHILD UNDER THE AGE**
23 **OF 14 (Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER THE**
24 **AGE OF 16 (Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (gross**
25 **misdemeanor – NRS 201.220) and SEXUAL ASSAULT (Felony - NRS 200.364,**
26 **200.366) and in the manner following, to-wit: That the said Defendant, on or between**
27 **February 1, 2005 and December 31, 2009, at and within the County of Clark, State of**
28 **Nevada, contrary to the form, force and effect of statutes in such cases made and provided,**

1 and against the peace and dignity of the State of Nevada,

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

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

9 COUNT 2 - 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: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
13 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
14 which Defendant knew, or should have known, that the said ROXANA PEREZ was
15 mentally or physically incapable of resisting or understanding the nature of Defendant's
16 conduct.

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

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

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

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

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

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

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

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

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

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

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

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

26 did then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or
27 lascivious act upon or with the body, or any part or member thereof, a child, to-wit:
28 ROXANNA PEREZ, said child being under the age of fourteen years, by said Defendant

1 using his mouth and/or tongue to touch and/or kiss and/or lick the breast(s) of the said
2 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
3 or sexual desires of said Defendant, or said child.

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

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

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

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

18 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14

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

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

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the

1 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
2 which Defendant knew, or should have known, that the said ROXANA PEREZ was
3 mentally or physically incapable of resisting or understanding the nature of Defendant's
4 conduct.

5 COUNT 13 - 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: digital penetration, by said Defendant inserting his finger(s) into the genital 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 14- 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: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
16 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
17 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
18 of resisting or understanding the nature of Defendant's conduct.

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

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

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1 COUNT 16 - 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: by said Defendant placing his mouth and/or tongue on and/or into the anal 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 ROXANA PEREZ was mentally or physically incapable
7 of resisting or understanding the nature of Defendant's conduct.

8 COUNT 17 - 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: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
12 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
13 which Defendant knew, or should have known, that the said ROXANA PEREZ was
14 mentally or physically incapable of resisting or understanding the nature of Defendant's
15 conduct.

16 COUNT 18 - 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 sixteen years of age, to sexual penetration, to-wit:
19 digital penetration, by said Defendant inserting his finger(s) into the anal opening of the said
20 ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or should
21 have known, that the said ROXANNA PEREZ was mentally or physically incapable of
22 resisting or understanding the nature of Defendant's conduct.

23 COUNT 19 - 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 sixteen years of age, to sexual penetration, to-wit:
26 digital penetration, by said Defendant inserting his finger(s) into the genital 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 ROXANNA PEREZ was mentally or physically incapable

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

2 COUNT 20 - OPEN OR GROSS LEWDNESS

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

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

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

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

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

21 COUNT 23 - 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: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
25 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
26 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
27 of resisting or understanding the nature of Defendant's conduct.

28 //

1 COUNT 24 - 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 breast(s) of the said
6 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
7 or sexual desires of said Defendant, or said child.

8 COUNT 25 - 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 sixteen years of age, to sexual penetration, to-wit:
11 digital penetration, by said Defendant inserting his finger(s) into the anal opening of the said
12 ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or should
13 have known, that the said ROXANNA PEREZ was mentally or physically incapable of
14 resisting or understanding the nature of Defendant's conduct.

15 COUNT 26 - 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 sixteen years of age, to sexual penetration, to-wit:
18 digital penetration, by said Defendant inserting his finger(s) into the genital opening of the
19 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
20 should have known, that the said ROXANNA PEREZ was mentally or physically incapable
21 of resisting or understanding the nature of Defendant's conduct.

22 COUNT 27 - 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: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
26 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
27 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
28 of resisting or understanding the nature of Defendant's conduct.

1 COUNT 28 - 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: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
5 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
6 which Defendant knew, or should have known, that the said ROXANA PEREZ was
7 mentally or physically incapable of resisting or understanding the nature of Defendant's
8 conduct.

9 COUNT 29 - 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 sixteen years of age, to sexual penetration, to-wit:
12 digital penetration, by said Defendant inserting his finger(s) into the anal opening of the said
13 ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or should
14 have known, that the said ROXANNA PEREZ was mentally or physically incapable of
15 resisting or understanding the nature of Defendant's conduct.

16 COUNT 30 - 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 sixteen years of age, to sexual penetration, to-wit:
19 digital penetration, by said Defendant inserting his finger(s) into the genital opening of the
20 said ROXANA PEREZ, against her will, or under conditions in which Defendant knew, or
21 should have known, that the said ROXANNA PEREZ was mentally or physically incapable
22 of resisting or understanding the nature of Defendant's conduct.

23 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

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

3 COUNT 32 - 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 fourteen years of age, to sexual penetration, to-
6 wit: cunnilingus, by said Defendant placing his mouth and/or tongue on and/or into the
7 genital opening of the said ROXANA PEREZ, against her will, or under conditions in
8 which Defendant knew, or should have known, that the said ROXANA PEREZ was
9 mentally or physically incapable of resisting or understanding the nature of Defendant's
10 conduct.

11 COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

18 COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

25 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of

1 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
2 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
3 of resisting or understanding the nature of Defendant's conduct.

4 COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

11 COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

18 COUNT 38 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

25 COUNT 39 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject
27 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
28 wit: by said Defendant inserting his finger(s) into the genital opening of the said ROXANA

1 PEREZ, against her will, or under conditions in which Defendant knew, or should have
2 known, that the said ROXANA PEREZ was mentally or physically incapable of resisting or
3 understanding the nature of Defendant's conduct.

4 COUNT 40 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

11 COUNT 41 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

19 COUNT 42 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 16

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

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1 COUNT 43 - 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 causing and/or directing the said ROXANA PEREZ to use her hand(s) and/or finger(s) to
6 touch and/or rub and/or masturbate the penis of said Defendant, with the intent of arousing,
7 appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said
8 child.

9 COUNT 44 - 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 causing and/or directing the said ROXANA PEREZ to use her hand(s) and/or finger(s) to
14 touch and/or rub and/or masturbate the penis of said Defendant, with the intent of arousing,
15 appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said
16 child.

17 COUNT 45 - OPEN OR GROSS LEWDNESS

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

21 COUNT 46 - SEXUAL ASSAULT

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

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1 COUNT 47 - SEXUAL ASSAULT

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

6 COUNT 48 - SEXUAL ASSAULT

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

11 COUNT 49 - SEXUAL ASSAULT

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

16 COUNT 50 - SEXUAL ASSAULT

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

21 COUNT 51 - SEXUAL ASSAULT

22 did then and there willfully, unlawfully, and feloniously sexually assault and subject
23 ROXANA PEREZ, a female person, to sexual penetration, to-wit: sexual intercourse, by
24 said Defendant inserting his penis into the genital opening of the said ROXANA PEREZ,
25 against her will.

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1 COUNT 52 - SEXUAL ASSAULT

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

6 COUNT 53 - OPEN OR GROSS LEWDNESS

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

9 DAVID ROGER
10 DISTRICT ATTORNEY
Nevada Bar #002781

11
12 BY /s//CHRISTOPHER PANDELIS
13 CHRISTOPHER PANDELIS
14 Deputy District Attorney
Nevada Bar #009143

15
16
17 Names of witnesses known to the District Attorney's Office at the time of filing this
18 Information are as follows:

19 GIBSON, CHRISTOPHER; LVMPD#14009

20 JAEGER, RYAN; LVMPD#05587

21 PAGE, LELAND or Designee; COURT INTERPRETER

22 PEREZ, ROXANA; 3937 SPENCER ST. #75, LVN 89119

23 RODRIGUEZ, ROSA; 3937 SPENCER ST. #75, LVN 89119

24 RODRIGUEZ-RUIZ, JANET; 500 MILLER AVE. #18, NLV 89030

25
26
27 DA#10F09697X/mmw/SVU
28 LVMPD EV#0912174008
(TK11)

Steven D. Grierson
CLERK OF THE COURT

1 **INFO**
2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **STACY KOLLINS**
6 Chief Deputy District Attorney
7 Nevada Bar #005391
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 **I.A. 10/28/2010**
13 **9:00 A.M.**
14 **PUBLIC DEFENDER**

DISTRICT COURT
CLARK COUNTY, NEVADA

C-10-268285-1
INFM
Information
1218666



15 THE STATE OF NEVADA,)

16 Plaintiff,)

17 -vs-)

18 **GUILLERMO RENTERIA-NOVOA,**)
19 **#2755564**)

20 Defendant.)

Case No: **C268285-1**
Dept No: **XIV**

INFORMATION

21 STATE OF NEVADA }
22 COUNTY OF CLARK } ss.

23 DAVID ROGER, District Attorney within and for the County of Clark, State of
24 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That GUILLERMO RENTERIA-NOVOA, the Defendant(s) above named, having
26 committed the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN**
27 **YEARS OF AGE (Felony - NRS 200.364, 200.366), ATTEMPT SEXUAL ASSAULT**
28 **WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364,**
200.366, 193.330), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Felony -
NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF
AGE (Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (gross
misdemeanor - NRS 201.220) and SEXUAL ASSAULT (Felony - NRS 200.364,
200.366) and in the manner following, to-wit: That the said Defendant, on or between

AMENDED BY ORDER OF THE COURT
STEVEN D. GRIERSON, CLERK OF THE COURT
BY *Steven D. Grierson* DEPUTY
1-26-11

February 1, 2005 and December 31, 2009, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

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

COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

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

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

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

//

1 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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

17 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

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

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1 COUNT 7 - 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 breast(s) of the said
6 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
7 or sexual desires of said Defendant, or said child.

8 COUNT 8 - 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 mouth and/or tongue to touch and/or kiss and/or lick the breast(s) of the said
13 ROXANA PEREZ, with the intent of arousing, appealing to, or gratifying the lust, passions,
14 or sexual desires of said Defendant, or said child.

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

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

22 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
23 AGE

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 genital 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 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
3 AGE

4 did, then and there willfully, unlawfully, and feloniously sexually assault and subject
5 ROXANNA PEREZ, a female child under fourteen years of age, to sexual penetration, to-
6 wit: digital penetration, by said Defendant inserting his finger(s) 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 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

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

19 COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
20 AGE

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 genital opening of
24 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
25 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
26 of resisting or understanding the nature of Defendant's conduct.

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1 COUNT 14- SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

9 COUNT 15 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

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

17 COUNT 16 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

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

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1 COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

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

10 COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

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

18 COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
19 AGE

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

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1 COUNT 20 - 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 COUNT 21 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

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

12 COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
13 AGE

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

21 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
22 AGE

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: by said Defendant placing his mouth and/or tongue on and/or into the anal opening of
26 the said ROXANA PEREZ, against her will, or under conditions in which Defendant knew,
27 or should have known, that the said ROXANA PEREZ was mentally or physically incapable
28 of resisting or understanding the nature of Defendant's conduct.