

ORIGINAL

FILED

2001 APR 30 PM 4:09

AMY HARVEY, CLERK

BY [Signature]
DEPUTY

No. 37816

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

Case No. CR00-1849

vs.

Dept. No. 3

FILED

RAUL GARCIA,

Defendant.

MAY 04 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that RAUL GARCIA, the defendant above named, hereby appeals to the Supreme Court of Nevada from the judgment entered in this action on March 29, 2001.

This is NOT a Fast Track Appeal. See NRAP 3C.

DATED this 30 day of April, 2001.

MICHAEL R. SPECCHIO
Washoe County Public
Defender

By: [Signature]

CHERYL BOND
Appellate Deputy

RECEIVED

MAY 04 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

1 CERTIFICATE OF SERVICE

2 I hereby certify that on **April 30, 2001**, I served a copy of the foregoing NOTICE
3 OF APPEAL by mailing it by first class mail with sufficient postage prepaid to the following
4 addresses:
5

6 JANETTE M. BLOOM
7 Clerk of the Supreme Court
8 Supreme Court Building
9 Capitol Complex
10 Carson City, Nevada 89701

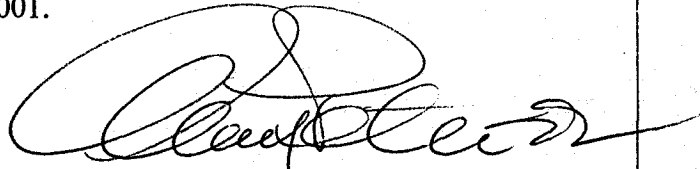
FRANKIE SUE DEL PAPA
Attorney General, State of Nevada
100 North Carson Street
Carson City, Nevada 89701

9 RAUL GARCIA, #68625
10 Northern Nevada Correctional Center
11 P.O. Box 7000
12 Carson City, Nevada 89702

12 and served a copy by inter-office mail to:

13 RICHARD GAMMICK
14 Washoe County District Attorney
15 Attention: GARY HATLESTAD, Appellate Deputy

16 DATED this 30th day of April, 2001.

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19 Amy Peterson
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ORIGINAL

FILED

2001 APR 30 PM 4:09

AMY HARVEY, CLERK
BY [Signature]
DEPUTY

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WASHOE COUNTY PUBLIC DEFENDER
CHERYL BOND, STATE BAR NO. 3915
P.O. BOX 30083
RENO, NEVADA 89520
(775)328-3840
Attorney for Defendant

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

Case No. CR00-1849

vs.

Dept. No. 3

RAUL GARCIA,

Defendant.

CASE APPEAL STATEMENT

1. Appellant, RAUL GARCIA, hereby files this Case Appeal Statement;

2. This appeal is from a Judgment of Conviction entered on March 29, 2001, by the
Honorable Jerome M. Polaha, district Judge;

3. The parties below consisted of (a) THE STATE OF NEVADA, Plaintiff, and (b) RAUL
GARCIA, Defendant;

4. The parties herein consist of (a) RAUL GARCIA, Appellant; and (b) THE STATE OF
NEVADA, Respondent;

5. Counsel on appeal are:

MICHAEL R. SPECCHIO
Washoe County Public
Defender
CHERYL BOND
Appellate Deputy
P.O. Box 30083
Reno, Nevada 89520
ATTORNEYS FOR APPELLANT

RICHARD A. GAMMICK
Washoe County District
Attorney
GARY H. HATLESTAD
Chief Appellate Deputy
P.O. Box 30083
Reno, Nevada 89520
ATTORNEYS FOR RESPONDENT

1 6. Appellant, RAUL GARCIA, was represented by appointed counsel in the district court;

2 7. Appellant, RAUL GARCIA, is represented by appointed counsel in this appeal;

3 8. Not applicable; and

4 9. An Information was filed on October 16, 2000, charging RAUL GARCIA with one count
5 of sexual assault on a child under the age of fourteen and two counts of lewdness with a child under
6 the age of fourteen, all felonies. RAUL GARCIA was convicted by a jury of all three counts. On
7 March 29, 2001, RAUL GARCIA was sentenced by the court to life imprisonment.

8 ///

9 This is NOT a fast track appeal.

10 DATED this 30th day of April, 2001.

11 MICHAEL R. SPECCHIO
12 Washoe County Public
13 Defender

14 By: Cheryl Bond
15 CHERYL BOND
16 Appellate Deputy
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CERTIFICATE OF SERVICE

I hereby certify that on **April 30, 2001**, I served a copy of the foregoing CASE
APPEAL STATEMENT by mailing it by first class mail with sufficient postage prepaid to the
following addresses:

JANETTE M. BLOOM
Clerk of the Supreme Court
Supreme Court Building
Capitol Complex
Carson City, Nevada 89701

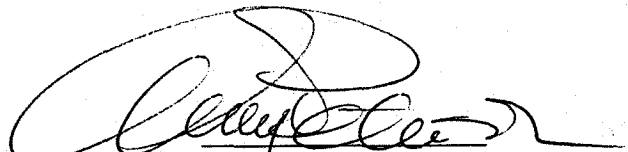
FRANKIE SUE DEL PAPA
Attorney General, State of Nevada
100 North Carson Street
Carson City, Nevada 89701

RAUL GARCIA, #68625
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

and served a copy by inter-office mail to:

RICHARD GAMMICK
Washoe County District Attorney
Attention: GARY HATLESTAD, Appellate Deputy

DATED this 30th day of April, 2001.


Amy Peterson

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHO**

Full Case History

DEPT. D3

HON. JEROME M. POLAHA

Case Description: STATE VS. RAUL GARCIA (TN) (D3)

Case ID: CR00-1849

Case Type: CRIMINAL

Initial Filing Date: 10/5/00

Parties

DA	Cindi-Elaine Heron - 5667
DA	Gary Howard Hatlestad - 1525
PD	Jeremy T. Bosler - 4925
PLTF	STATE OF NEVADA - STATE
RESL	STATE OF NEVADA - STATE
PD	Cheryl Bond - 3915
APPD	RAUL GARCIA (TN) - @63047
DEFT	RAUL GARCIA (TN) - @63047

Hearings

Department	Sched. Date & Time	Disposed Date	Event Description
1 D3 Extra Text: SET FOR 3 DAYS.	2/13/01 10:30:00	2/13/01	TRIAL - JURY
2 D3 Extra Text:	10/17/00 08:30:00	10/17/00	ARRAIGNMENT
3 D3 Extra Text:	2/1/01 08:30:00	2/1/01	MOTION TO CONFIRM TRIAL
4 D3 Extra Text: SET FOR 4 DAYS.	2/12/01 08:30:00	2/8/01	TRIAL - JURY
5 D3 Extra Text: 2ND DAY (CONT'D)	2/14/01 08:30:00	2/14/01	TRIAL - JURY
6 D3 Extra Text:	3/29/01 08:30:00	3/29/01	SENTENCING

Case ID: CR00-1849

Case Type: CRIMINAL

Initial Filing Date: 10/5/00

Docket

<i>Docket Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Docket Text</i>
10/16/00	1800	Information	
10/17/00	1280	** 60 Day Rule - Waived	
10/17/00	D725	Pled Not Guilty	INFORMATION.
10/19/00	3690	Preliminary Transcript	
11/7/00	4185	Transcript ...	OCTOBER 17, 2000 ARRAIGNMENT
12/12/00	3839	Request Agree Ord Recp Disc	
1/11/01	2565	Notice Intent Use Expt Witnes	
2/1/01	D425	Granted	CONFIRMED FOR 3 DAYS TO START ON FEB. 13, 2001.
2/1/01	D760	Reset to ...	FEBRUARY 13, 2001 AT 10:30 FOR 3 DAYS.
2/2/01	2592	Notice of Witnesses	
2/5/01	2592	Notice of Witnesses	
2/8/01	D844	Vacated-Reset	Reset for February 13, 2001, at 10:30
2/8/01	4185	Transcript ...	FEBRUARY 1, 2001 MOTION TO CONFIRM TRIAL DATE
2/13/01	1695	** Exhibit(s) ...	EXHIBITS 1 - 3 ADMITTED.
2/13/01	D832	Trial Ongoing	Exhibits 1 through 3 ordered admitted.
2/14/01	1885	Jury Instructions	Instructions 1 through 27
2/14/01	4235	Unused Verdict Form(s)...	
2/14/01	D895	Verdict Guilty - Jury	INFORMATION (COUNTS I through III)
2/14/01	4245	Verdict(s)...	
3/29/01	1850	Judgment of Conviction	
3/29/01	D765	Sentenced	
4/30/01	1310	Case Appeal Statement	
4/30/01	2515	Notice of Appeal Supreme Coi	
5/2/01	1350	Certificate of Clerk	
5/2/01	1365	Certificate of Transmittal	

Code: 1850

ORIGINAL
FILED
March 29, 2001
AMY HARVEY, Clerk
By C. P. Mott
Deputy Clerk

IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs.

RAUL GARCIA,

Defendant.

Case No. CR00-1849

Dept. No. 3

Reporter: J. Schonlau

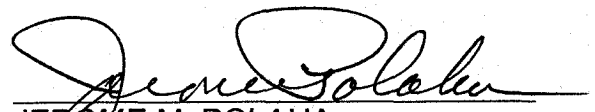
J U D G M E N T

The Defendant having been found Guilty by a jury, and no sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

That Raul Garcia is guilty of the crimes of Sexual Assault on a Child Under the Age of Fourteen, a violation of NRS 200.336, a felony, as charged in Count I of the Information; Lewdness With a Child Under the Age of Fourteen Years, a violation of NRS 201.230, a felony, as charged in Count II of the Information and Lewdness With a Child Under the Age of Fourteen Years, a violation of NRS 201.336, a felony, as charged in Count III of the Information, and that he be punished by imprisonment in the Nevada State Prison to the term of Life With the Possibility of Parole after a minimum of twenty (20) years has been served as to Count I. It is further ordered that he be punished by imprisonment in the Nevada State Prison for a term of Life With the Possibility of Parole after a minimum

1 of ten (10) years has been served as to Count II, to be served consecutively to the
2 sentence imposed in Count I. It is further ordered that he be punished by imprisonment in
3 the Nevada State Prison for a term of Life With the Possibility of Parole after a minimum of
4 ten (10) years has been served as to Count III, to be served consecutively to the sentence
5 imposed in Counts I and II, with credit for two hundred thirty-four (234) days time served. It
6 is further ordered that the Defendant serve a special sentence of lifetime supervision to
7 commence after any period of probation, and term of imprisonment or after any release on
8 parole. It is further ordered that the Defendant pay restitution in the amount of Eight
9 Hundred Seventy Dollars (\$870.00), the statutory Twenty-Five Dollar (\$25.00)
10 administrative assessment fee, submit to a blood sample as provided for in NRS 176.0913
11 and pay a DNA testing fee of Two Hundred Fifty Dollars (\$250.00), pay a Nine Hundred
12 Twenty-Five Dollar (\$925.00) psychosexual evaluation fee and reimburse the Washoe
13 County Public Defender's Office in the amount of Five Hundred Dollars (\$500.00) for legal
14 services rendered.

15 Dated this 29th day of March, 2001.

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19 JEROME M. POLAHA
20 DISTRICT JUDGE
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DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

03/29/01
HONORABLE
JEROME M.
POLAHA
DEPT. NO. 3
C.Patterson
(Clerk)
J. Schonlau
(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Bruce Hahn represented the State. Defendant was present with counsel, Deputy Public Defender, Jeremy Bosler. Probation Officer Shane Lees was also present. Court Interpreter Marco Contrares was present and interpreted on behalf of the Defendant. Counsel for the Defendant addressed the Court arguing for concurrent sentences. Counsel for the State addressed the Court reading a victim impact statement into the record and argued in support of the PSI with consecutive sentences. The Defendant addressed the Court on his own behalf.

COURT ORDERED: Defendant adjudged guilty and sentenced to imprisonment in the Nevada State Prison to the term of Life With the Possibility of Parole after a minimum of twenty (20) years has been served as to Count I. It is further ordered that he be punished by imprisonment in the Nevada State Prison for a term of Life With the Possibility of Parole after a minimum of ten (10) years has been served as to Count II, to be served consecutively to the sentence imposed in Count I. It is further ordered that he be punished by imprisonment in the Nevada State Prison for a term of Life With the Possibility of Parole after a minimum of ten (10) years has been served as to Count III, to be served consecutively to the sentence imposed in Counts I and II, with credit for two hundred thirty-four (234) days time served. It is further ordered that the Defendant serve a special sentence of lifetime supervision to commence after any period of probation, and term of imprisonment or after any release on parole. It is further ordered that the Defendant pay restitution in the amount of Eight Hundred Seventy Dollars (\$870.00), the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, submit to a blood sample as provided for in NRS 176.0913 and pay a DNA testing fee of Two Hundred Fifty Dollars (\$250.00), pay a Nine Hundred Twenty-Five Dollar (\$925.00) psychosexual evaluation fee and reimburse the Washoe County Public Defender's Office in the amount of Five Hundred Dollars (\$500.00) for legal services rendered. Defendant remanded to the custody of the Sheriff.

CODE 1350

FILED

'01 MAY -2 A9:34

AMY HARVEY, CLERK

DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

VS.

RAUL GARCIA

Defendant,

CASE NO. CR00-1849

DEPT. NO. 3

CERTIFICATE OF CLERK

I hereby certify that the enclosed documents are certified copies of the original pleadings on file with the Second Judicial District Court, in accordance with the Revised Rules of Appellate Procedure Rule D(1).

Dated: May 2, 2001

AMY HARVEY, County Clerk

By: C. Kepler
Cathy Kepler, Deputy Clerk

CODE 1365

FILED

01 MAY -2 A9:34

AMY HARVEY, CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

DEPUTY

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

VS.

CASE NO. CR00-1849

RAUL GARCIA,

DEPT NO. 3

Defendant,

CERTIFICATE OF TRANSMITTAL

I hereby certify that the enclosed Notice of Appeal and other required documents (certified copies) were delivered to the Second Judicial District Court mail-room system for transmittal to the Nevada State Supreme Court

Dated: May 2, 2001

AMY HARVEY, County Clerk

By:

Cathy Kepler, Deputy Clerk

**SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

RAUL GARCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 37816
District Court Case No. CR001849

RECEIPT FOR DOCUMENTS

TO: Amy Harvey , Washoe Co. Clerk
Attorney General
Cheryl D. Bond , Deputy P.D.
Washoe County District Attorney

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

05/04/01 Filing Fee Waived: Criminal.

05/04/01 Filed Certified Copy of Notice of Appeal.
Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant).

DATE: May 04, 2001

Janette M. Bloom, Clerk of Court

By: 
Deputy Clerk