

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed  
Jul 22 2019 01:37 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

LUIGY RICHARD LOPEZ-DELGADO	)	
	)	
Appellant,	)	Case No. 78472
	)	
vs.	)	
	)	
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	
_____	)	

**Appeal from Judgment of Conviction  
Second Judicial District Court of the State of Nevada  
The Honorable Jerome Polaha**

**JOINT APPENDIX**

MARC PICKER  
Washoe County Alternate Public Defender

350 S. CENTER ST., 6<sup>TH</sup> FLOOR  
RENO, NEVADA 89501

ATTORNEYS FOR APPELLANT

CHRISTOPHER HICKS  
Washoe County District Attorney

1 S. SIERRA ST., 4<sup>TH</sup> FLOOR  
RENO, NEVADA 89501

ATTORNEYS FOR RESPONDENT

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DA #17-14504

WCSO WC17-006416

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2018-09-26 09:47:26 AM  
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Clerk of the Court  
Transaction # 6898338 : rodrigu

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2 Christopher J. Hicks  
3 #7747  
4 P.O. Box 11130  
5 Reno, NV 89520  
6 (775) 328-3200

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

9 \* \* \*

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

Case No.: CR18-1654

Dept. No.: D03

13 LUIGI RICHARD LOPEZ-DELGADO,  
14 also known as  
15 LUIGY RICHARD LOPEZ,  
16 also known as  
17 LUIGI LOPEZ,

18 Defendant.

19 INFORMATION

20 CHRISTOPHER J. HICKS, District Attorney within and for the  
21 County of Washoe, State of Nevada, in the name and by the authority  
22 of the State of Nevada, informs the above entitled Court that LUIGI  
23 RICHARD LOPEZ-DELGADO, also known as LUIGY RICHARD LOPEZ, also known  
24 as LUIGI LOPEZ, the defendant above-named, has committed the crimes  
25 of:

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0001

1           COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR  
2 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in  
3 the manner following:

4           That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or  
5 between October 1, 2017 and December 13, 2017, within the County of  
6 Washoe, State of Nevada, did willfully and unlawfully, being over 21  
7 years of age, commit an act of statutory sexual seduction with the  
8 person of H.T., who was then and there under the age of 16 years, in  
9 that the said defendant engaged in an act of oral sexual intercourse  
10 with the said H.T. at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe  
11 County, Nevada.

12           COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR  
13 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in  
14 the manner following:

15           That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or  
16 between October 1, 2017 and December 13, 2017, within the County of  
17 Washoe, State of Nevada, did willfully and unlawfully, being over 21  
18 years of age, commit an act of statutory sexual seduction with the  
19 person of H.T., who was then and there under the age of 16 years, in  
20 that the said defendant engaged in an act of vaginal sexual  
21 intercourse with the said H.T. at or near 228 East 8<sup>th</sup> Ave., Sun  
22 Valley, Washoe County, Nevada.

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1           COUNT III. USE OR PERMIT MINOR, UNDER AGE 18, TO PRODUCE  
2 PORNOGRAPHY, a violation of NRS 200.710.1, a category A felony,  
3 (50368) in the manner following:

4           That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or  
5 between October 1, 2017 and December 13, 2017, within the County of  
6 Washoe, State of Nevada, did willfully and unlawfully, use or permit  
7 a minor child of approximately 14 years of age to engage in sexual  
8 conduct to produce a performance and/or pornography, in that the  
9 defendant did have H.T. produce nude photographs of herself, at his  
10 suggestion and had her send them to him.

11           COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE  
12 16, FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony,  
13 (50374) in the manner following:

14           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
15 between October 1, 2017 and December 13, 2017, within the County of  
16 Washoe, State of Nevada, did knowingly, willfully and unlawfully have  
17 in his possession for any purpose film, photograph or other visual  
18 presentation depicting a person under 16 year as the subject of a  
19 sexual portrayal or engaging in or simulating, or assisting others to  
20 engage in or simulate, sexual conduct, in that the defendant  
21 possessed nude photographs of H.T., who was under the age of 18 at  
22 the time the photograph was taken, 228 East 8<sup>th</sup> Ave., Sun Valley,  
23 Washoe County, Nevada.

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1           COUNT V. LEWDNESS WITH CHILD OLDER THAN 14, a violation of  
2 NRS 201.230.3, a category B felony, (58747) in the manner following:

3           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
4 between October 1, 2017 and December 13, 2017, within the County of  
5 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit  
6 any lewd or lascivious act upon or with the body or any body part of  
7 H.T., a female child between the ages of fourteen and sixteen years  
8 at the time the act was committed, in that the defendant penetrated  
9 H.T.'s mouth with his penis, with the intent of arousing, appealing  
10 to, or gratifying the lust, passions, or sexual desires of himself or  
11 the child, at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe County,  
12 Nevada.

13           COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14, a violation of  
14 NRS 201.230.3, a category B felony, (58747) in the manner following:

15           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
16 between October 1, 2017 and December 13, 2017, within the County of  
17 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit  
18 any lewd or lascivious act upon or with the body or any body part of  
19 H.T., a female child between the ages of fourteen and sixteen years  
20 at the time the act was committed, in that the defendant penetrated  
21 H.T.'s vagina with his penis, with the intent of arousing, appealing  
22 to, or gratifying the lust, passions, or sexual desires of himself or  
23 the child, at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe County,  
24 Nevada.

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1           COUNT VII. LURE OR ATTEMPT TO LURE A CHILD WITH THE USE OF  
2           COMPUTER TECHNOLOGY TO ENGAGE IN SEXUAL CONDUCT, a violation of NRS  
3           201.560.4a, a category B felony, (51078) in the manner following:

4           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
5           between October 1, 2017 and December 13, 2017, within the County of  
6           Washoe, State of Nevada, did willfully and unlawfully contact and/or  
7           communicate with a child, H.T., who was less than 16 years of age and  
8           who was at least 5 years younger than the defendant, with the intent  
9           to persuade, lure or transport the child away from the child's home  
10          or place where the child is located, without the express consent of  
11          the parent or guardian or other person legally responsible for the  
12          child; and with the intent to avoid the consent of the parent or  
13          guardian or other person legally responsible for the child; with the  
14          intent to solicit, persuade or lure the person to engage in sexual  
15          conduct, to wit: the defendant contacted H.T., who was 14 at the time  
16          he was 24, through Facebook and lured her away from her legal  
17          guardian(s) in order to engage in sexual conduct at or near 228 East  
18          8<sup>th</sup> Ave., Sun Valley, Sparks, Washoe County, Nevada.

19          COUNT VIII. ATTEMPTING TO PREVENT OR DISSUADE A WITNESS  
20          FROM TESTIFYING, a violation of NRS 199.230, a gross misdemeanor,  
21          (52983), in the manner following:

22          That the said defendant on or about the 26th day of  
23          December, 2017, within the County of Washoe, State of Nevada, did  
24          willfully and unlawfully, by persuasion, force, threat, intimidation,  
25          deception or otherwise, and with the intent to obstruct the course of  
26          justice, attempt to prevent or dissuade another person from appearing



1 before any court or evade the process which requires the person to  
2 appear as a witness to testify, to wit: the defendant wrote a  
3 postcard to H.T./Accuser that stated "I am asking for you guys to  
4 help me get these charges dismissed, my whole life and future is on  
5 the line. I have a daughter and was in the process of enrolling in  
6 the military but with these charges I wont be able to. This can ruin  
7 my life and future I am trying to set for my daughter and I. Can you  
8 please not show to court and not make up accusations anymore.  
9 Anything to help get this dismissed. Thank u" from 911 Parr  
10 Boulevard, Washoe County, Nevada.

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

14  
15 CHRISTOPHER J. HICKS  
16 District Attorney  
Washoe County, Nevada

17  
18  
19 By: /s/ Nickolas J. Graham  
20 NICKOLAS J. GRAHAM  
21 10885  
DEPUTY DISTRICT ATTORNEY  
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1           The following are the names and addresses of such witnesses  
2 as are known to me at the time of the filing of the within  
3 Information:

4 WILLIAM BRIAN ATKINSON, WASHOE COUNTY SHERIFFS OFFICE, WCSO SPECIAL  
5 OPS 911 PARR BLVD RENO, NV 89512  
6 DENNIS CARRY, WASHOE COUNTY SHERIFFS OFFICE, WCSO DETECTIVES  
7 911 PARR BLVD Reno, NV 89512  
8 ARICK DICKSON, WASHOE COUNTY SHERIFFS OFFICE, WCSO SPECIAL OPS  
9 911 PARR BLVD RENO, NV 89512  
10 MICHAEL IVERS, WASHOE COUNTY SHERIFFS OFFICE, WCCL  
11 911 PARR BLVD Reno, NV 89512  
12 EMMETT FLOREZ,  
13 BRITTNEY ANN CHILTON, WCCL 911 PARR BLVD Reno, NV 89512  
14 JANENE TRUJILLO, 7562 Ulysses Drive Sparks, NV 89436

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AFFIRMATION PURSUANT TO NRS 239B.030

27           The party executing this document hereby affirms that this  
28 document submitted for recording does not contain the social security  
29 number of any person or persons pursuant to NRS 239B.030.

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DA #17-14504

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Jacqueline Bryant  
Clerk of the Court  
Transaction # 6956846 : jalvarez

CODE 1800

Christopher J. Hicks

#7747

P.O. Box 11130

Reno, NV 89520

(775) 328-3200

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

IN AND FOR THE COUNTY OF WASHOE

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

Case No.: CR18-1654

Dept. No.: D03

LUIGI RICHARD LOPEZ-DELGADO,

also known as

LUIGY RICHARD LOPEZ,

also known as

LUIGI LOPEZ,

Defendant.

AMENDED INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the  
County of Washoe, State of Nevada, in the name and by the authority  
of the State of Nevada, informs the above entitled Court that LUIGI  
RICHARD LOPEZ-DELGADO, also known as LUIGY RICHARD LOPEZ, also known  
as LUIGI LOPEZ, the defendant above-named, has committed the crimes  
of:

///

///

///

0008

1           COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR  
2 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in  
3 the manner following:

4           That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or  
5 between October 1, 2017 and December 13, 2017, within the County of  
6 Washoe, State of Nevada, did willfully and unlawfully, being over 21  
7 years of age, commit an act of statutory sexual seduction with the  
8 person of H.T., who was then and there under the age of 16 years, in  
9 that the said defendant engaged in an act of oral sexual intercourse  
10 with the said H.T. at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe  
11 County, Nevada.

12           COUNT II. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE  
13 16, FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony,  
14 (50374) in the manner following:

15           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
16 between October 1, 2017 and December 13, 2017, within the County of  
17 Washoe, State of Nevada, did knowingly, willfully and unlawfully have  
18 in his possession for any purpose film, photograph or other visual  
19 presentation depicting a person under 16 year as the subject of a  
20 sexual portrayal or engaging in or simulating, or assisting others to  
21 engage in or simulate, sexual conduct, in that the defendant  
22 possessed nude photographs of H.T., who was under the age of 16 at  
23 the time the photograph was taken, 228 East 8<sup>th</sup> Ave., Sun Valley,  
24 Washoe County, Nevada.

25 ///

26 ///

1           COUNT III. LEWDNESS WITH CHILD OLDER THAN 14, a violation  
2 of NRS 201.230.3, a category B felony, (58747) in the manner  
3 following:

4           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
5 between October 1, 2017 and December 13, 2017, within the County of  
6 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit  
7 any lewd or lascivious act upon or with the body or any body part of  
8 H.T., a female child between the ages of fourteen and sixteen years  
9 at the time the act was committed, in that the defendant penetrated  
10 H.T.'s mouth with his penis, with the intent of arousing, appealing  
11 to, or gratifying the lust, passions, or sexual desires of himself or  
12 the child, at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe County,  
13 Nevada.

14           All of which is contrary to the form of the Statute in such  
15 case made and provided, and against the peace and dignity of the  
16 State of Nevada.

17  
18                           CHRISTOPHER J. HICKS  
19                           District Attorney  
20                           Washoe County, Nevada

21  
22                           By: /s/ Nickolas J. Graham  
23                           NICKOLAS J. GRAHAM  
24                           10885  
25                           DEPUTY DISTRICT ATTORNEY  
26

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

4 WILLIAM BRIAN ATKINSON, WCSO SPECIAL OPS 911 PARR BLVD RENO, NV  
5 89512  
6 DENNIS CARRY, WCSO DETECTIVES 911 PARR BLVD Reno, NV 89512  
7 ARICK DICKSON, WCSO SPECIAL OPS 911 PARR BLVD RENO, NV 89512  
8 MICHAEL IVERS, \*RETIRED WCCL\* 911 PARR BLVD Reno, NV 89512  
9 EMMETT FLOREZ,  
10 BRITTNEY ANN CHILTON, WCCL  
11 911 PARR BLVD Reno, NV 89512  
12 JANENE TRUJILLO, 7562 Ulysses Drive Sparks, NV 89436

13                           AFFIRMATION PURSUANT TO NRS 239B.030

14           The party executing this document hereby affirms that this  
15 document submitted for recording does not contain the social security  
16 number of any person or persons pursuant to NRS 239B.030.

17 CHRISTOPHER J. HICKS  
18 District Attorney  
19 Washoe County, Nevada

20 By: /s/ Nickolas J. Graham  
21 NICKOLAS J. GRAHAM  
22 10885  
23 DEPUTY DISTRICT ATTORNEY  
24  
25  
26

DA #17-14504

WCSO WC17-006416

FILED  
Electronically  
CR18-1654  
2018-12-11 09:26:35 AM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 7017287 : jalvarez

CODE 1800  
Christopher J. Hicks  
#7747  
One South Sierra Street  
Reno, NV 89501  
(775) 328-3200

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

Case No.: CR18-1654

Dept. No.: D03

LUIGI RICHARD LOPEZ-DELGADO,  
also known as  
LUIGY RICHARD LOPEZ,  
also known as  
LUIGI LOPEZ,

Defendant.

SECOND AMENDED INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the  
County of Washoe, State of Nevada, in the name and by the authority  
of the State of Nevada, informs the above entitled Court that LUIGI  
RICHARD LOPEZ-DELGADO also known as LUIGY RICHARD LOPEZ also known as  
LUIGI LOPEZ, the defendant above-named, has committed the crimes of:

///

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///

///

1           COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR  
2 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in  
3 the manner following:

4           That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or  
5 between October 1, 2017 and December 13, 2017, within the County of  
6 Washoe, State of Nevada, did willfully and unlawfully, being over 21  
7 years of age, commit an act of statutory sexual seduction with the  
8 person of H.T., who was then and there under the age of 16 years, in  
9 that the said defendant engaged in an act of oral sexual intercourse  
10 with the said H.T. at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe  
11 County, Nevada.

12           COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR  
13 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in  
14 the manner following:

15           That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or  
16 between October 1, 2017 and December 13, 2017, within the County of  
17 Washoe, State of Nevada, did willfully and unlawfully, being over 21  
18 years of age, commit an act of statutory sexual seduction with the  
19 person of H.T., who was then and there under the age of 16 years, in  
20 that the said defendant engaged in an act of vaginal sexual  
21 intercourse with the said H.T. at or near 228 East 8<sup>th</sup> Ave., Sun  
22 Valley, Washoe County, Nevada.

23 ///

24 ///

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26 ///



1           COUNT III. USE OR PERMIT MINOR, UNDER AGE 18, TO PRODUCE  
2 PORNOGRAPHY, a violation of NRS 200.710.1, a category A felony,  
3 (50368) in the manner following:

4           That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or  
5 between October 1, 2017 and December 13, 2017, within the County of  
6 Washoe, State of Nevada, did willfully and unlawfully, use or permit  
7 a minor child of approximately 14 years of age to engage in sexual  
8 conduct to produce a performance and/or pornography, in that the  
9 defendant did have H.T. produce nude photographs of herself, at his  
10 suggestion and had her send them to him.

11           COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE  
12 16, FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony,  
13 (50374) in the manner following:

14           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
15 between October 1, 2017 and December 13, 2017, within the County of  
16 Washoe, State of Nevada, did knowingly, willfully and unlawfully have  
17 in his possession for any purpose film, photograph or other visual  
18 presentation depicting a person under 16 year as the subject of a  
19 sexual portrayal or engaging in or simulating, or assisting others to  
20 engage in or simulate, sexual conduct, in that the defendant  
21 possessed nude photographs of H.T., who was under the age of 18 at  
22 the time the photograph was taken, 228 East 8<sup>th</sup> Ave., Sun Valley,  
23 Washoe County, Nevada.

24 ///

25 ///

26 ///

1           COUNT V. LEWDNESS WITH CHILD OLDER THAN 14, a violation of  
2           NRS 201.230.3, a category B felony, (58747) in the manner following:

3           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
4           between October 1, 2017 and December 13, 2017, within the County of  
5           Washoe, State of Nevada, did willfully, unlawfully and lewdly commit  
6           any lewd or lascivious act upon or with the body or any body part of  
7           H.T., a female child between the ages of fourteen and sixteen years  
8           at the time the act was committed, in that the defendant penetrated  
9           H.T.'s mouth with his penis, with the intent of arousing, appealing  
10          to, or gratifying the lust, passions, or sexual desires of himself or  
11          the child, at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe County,  
12          Nevada.

13          COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14, a violation of  
14          NRS 201.230.3, a category B felony, (58747) in the manner following:

15          That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
16          between October 1, 2017 and December 13, 2017, within the County of  
17          Washoe, State of Nevada, did willfully, unlawfully and lewdly commit  
18          any lewd or lascivious act upon or with the body or any body part of  
19          H.T., a female child between the ages of fourteen and sixteen years  
20          at the time the act was committed, in that the defendant penetrated  
21          H.T.'s vagina with his penis, with the intent of arousing, appealing  
22          to, or gratifying the lust, passions, or sexual desires of himself or  
23          the child, at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe County,  
24          Nevada.

25          ///

26          ///

1           COUNT VII. LURE OR ATTEMPT TO LURE A CHILD WITH THE USE OF  
2           COMPUTER TECHNOLOGY TO ENGAGE IN SEXUAL CONDUCT, a violation of NRS  
3           201.560.4a, a category B felony, (51078) in the manner following:

4           That the said defendant LUIGI RICHARD LOPEZ-DELGADO,  
5           between October 1, 2017 and December 13, 2017, within the County of  
6           Washoe, State of Nevada, did willfully and unlawfully contact and/or  
7           communicate with a child, H.T., who was less than 16 years of age and  
8           who was at least 5 years younger than the defendant, with the intent  
9           to persuade, lure or transport the child away from the child's home  
10          or place where the child is located, without the express consent of  
11          the parent or guardian or other person legally responsible for the  
12          child; and with the intent to avoid the consent of the parent or  
13          guardian or other person legally responsible for the child; with the  
14          intent to solicit, persuade or lure the person to engage in sexual  
15          conduct, to wit: the defendant contacted H.T., who was 14 at the time  
16          he was 24, through Facebook and lured her away from her legal  
17          guardian(s) in order to engage in sexual conduct at or near 228 East  
18          8<sup>th</sup> Ave., Sun Valley, Sparks, Washoe County, Nevada.

19          COUNT VIII. ATTEMPTING TO PREVENT OR DISSUADE A WITNESS  
20          FROM TESTIFYING, a violation of NRS 199.230, a gross misdemeanor,  
21          (52983), in the manner following:

22          That the said defendant on or about the 26th day of  
23          December, 2017, within the County of Washoe, State of Nevada, did  
24          willfully and unlawfully, by persuasion, force, threat, intimidation,  
25          deception or otherwise, and with the intent to obstruct the course of  
26          justice, attempt to prevent or dissuade another person from appearing

1 before any court or evade the process which requires the person to  
2 appear as a witness to testify, to wit: the defendant wrote a  
3 postcard to H.T./Accuser that stated "I am asking for you guys to  
4 help me get these charges dismissed, my whole life and future is on  
5 the line. I have a daughter and was in the process of enrolling in  
6 the military but with these charges I wont be able to. This can ruin  
7 my life and future I am trying to set for my daughter and I. Can you  
8 please not show to court and not make up accusations anymore.  
9 Anything to help get this dismissed. Thank u" from 911 Parr  
10 Boulevard, Washoe County, Nevada.

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

14  
15 CHRISTOPHER J. HICKS  
16 District Attorney  
17 Washoe County, Nevada  
18

19 By: /s/ Nickolas J. Graham  
20 NICKOLAS J. GRAHAM  
21 10885  
22 DEPUTY DISTRICT ATTORNEY  
23  
24  
25  
26

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

3 WILLIAM BRIAN ATKINSON, WASHOE COUNTY SHERIFFS OFFICE,  
4 DENNIS CARRY, WASHOE COUNTY SHERIFFS OFFICE,  
5 ARICK DICKSON, WASHOE COUNTY SHERIFFS OFFICE,  
6 MICHAEL IVERS, WASHOE COUNTY SHERIFFS OFFICE,  
7 EMMETT FLOREZ,

8                   AFFIRMATION PURSUANT TO NRS 239B.030

9           The party executing this document hereby affirms that this  
10 document submitted for recording does not contain the social security  
11 number of any person or persons pursuant to NRS 239B.030.

12  
13 CHRISTOPHER J. HICKS  
14 District Attorney  
15 Washoe County, Nevada

16 By: /s/ Nickolas J. Graham  
17 NICKOLAS J. GRAHAM  
18 10885  
19 DEPUTY DISTRICT ATTORNEY  
20  
21  
22  
23  
24  
25

26 PCN: WASO0070047C, WASO0074509C-LOPEZ-DELGADO

0018

ORIGINAL

5  
1 CODE 1785  
2 Christopher J. Hicks  
3 #7747  
4 P.O. Box 11130  
5 Reno, NV 89520  
6 (775) 328-3200

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

9 \* \* \*

10 THE STATE OF NEVADA,

11 Plaintiff,

Case No. CR18-1654

12 v.

Dept. No. D03

13 LUIGI RICHARD LOPEZ-DELGADO,  
14 also known as  
15 LUIGY RICHARD LOPEZ,  
16 also known as  
17 LUIGI LOPEZ,

18 Defendant.

19 \_\_\_\_\_ /  
20 GUILTY PLEA MEMORANDUM

21 1. I, LUIGI RICHARD LOPEZ-DELGADO, also known as LUIGY  
22 RICHARD LOPEZ, also known as LUIGI LOPEZ, understand that I am  
23 charged with the offenses of: COUNT II. STATUTORY SEXUAL SEDUCTION  
24 BY PERSON AGE 21 OR OLDER, a violation of NRS 200.368.1, a category B  
25 felony, COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16,  
26 FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony and  
COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14, a violation of NRS  
201.230.3, a category B felony.

///

1           2. I desire to enter a plea of guilty to the offenses of,  
2 COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR OLDER, a  
3 violation of NRS 200.368.1, a category B felony, COUNT IV. POSSESS  
4 VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16, FIRST OFFENSE, a violation  
5 of NRS 200.730.1, a category B felony and COUNT VI. LEWDNESS WITH  
6 CHILD OLDER THAN 14, a violation of NRS 201.230.3, a category B  
7 felony, as more fully alleged in the charge filed against me.

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

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

11           B. I waive my right to trial by jury, at which trial the  
12 State would have to prove my guilt of all elements of the offenses  
13 beyond a reasonable doubt.

14           C. I waive my right to confront my accusers, that is, the  
15 right to confront and cross examine all witnesses who would testify  
16 at trial.

17           D. I waive my right to subpoena witnesses for trial on my  
18 behalf.

19           4. I understand the charges against me and that the  
20 elements of the offenses which the State would have to prove beyond a  
21 reasonable doubt at trial are that on or between October 1, 2017 and  
22 December 13, 2017, or thereabout, in the County of Washoe, State of  
23 Nevada, I did as to Count II, willfully and unlawfully, being over 21  
24 years of age, commit an act of statutory sexual seduction with the

25 ///

26 ///

1 person of H.T., who was then and there under the age of 16 years, in  
2 that I engaged in an act of vaginal sexual intercourse with the said  
3 H.T. at or near 228 East 8th Ave., Sun Valley, Washoe County, Nevada.

4 I further understand the charges against me and that the  
5 elements of the offenses which the State would have to prove beyond a  
6 reasonable doubt at trial are that on or between October 1, 2017 and  
7 December 13, 2017, or thereabout, in the County of Washoe, State of  
8 Nevada, I did as to Count IV, knowingly, willfully and unlawfully  
9 have in my possession for any purpose film, photograph or other  
10 visual presentation depicting a person under 16 year as the subject  
11 of a sexual portrayal or engaging in or simulating, or assisting  
12 others to engage in or simulate, sexual conduct, in that I possessed  
13 nude photographs of H.T., who was under the age of 18 at the time the  
14 photograph was taken, 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe County,  
15 Nevada.

16 I understand the charges against me and that the elements  
17 of the offenses which the State would have to prove beyond a  
18 reasonable doubt at trial are that on or between October 1, 2017 and  
19 December 13, 2017, or thereabout, in the County of Washoe, State of  
20 Nevada, I did as to Count VI, willfully, unlawfully and lewdly commit  
21 any lewd or lascivious act upon or with the body or any body part of  
22 H.T., a female child between the ages of fourteen and sixteen years  
23 at the time the act was committed, in that I penetrated H.T.'s vagina  
24 with my penis, with the intent of arousing, appealing to, or

25 ///

26 ///



1 gratifying the lust, passions, or sexual desires of myself or the  
2 child, at or near 228 East 8<sup>th</sup> Ave., Sun Valley, Washoe County,  
3 Nevada.

4 5. I understand that I admit the facts which support all  
5 the elements of the offenses by pleading guilty. I admit that the  
6 State possesses sufficient evidence which would result in my  
7 conviction. I have considered and discussed all possible defenses  
8 and defense strategies with my counsel. I understand that I have the  
9 right to appeal from adverse rulings on pretrial motions only if the  
10 State and the Court consent to my right to appeal in a separate  
11 written agreement. I understand that any substantive or procedural  
12 pretrial issue(s) which could have been raised at trial are waived by  
13 my plea.

14 6. I understand that the consequences of my plea of guilty  
15 as to Count II are that I may be imprisoned for a period of 1 to 10  
16 years in the Nevada State Department of Corrections. I am not  
17 eligible for probation unless a psychosexual evaluation is completed  
18 pursuant to NRS 176.139 which certifies that I do not represent a  
19 high risk to reoffend based upon a currently accepted standard of  
20 assessment. I may also be fined up to \$10,000. I will be required  
21 to register as a sex offender.

22 I understand that the consequences of my plea of guilty as  
23 to Count IV are that I may be imprisoned for a period of 1 to 6 years  
24 in the Nevada State Department of Corrections. I am not eligible for  
25 probation unless a psychosexual evaluation is completed pursuant to  
26 NRS 176.139 which certifies that I do not represent a high risk to

1 reoffend based upon a currently accepted standard of assessment. I  
2 may also be fined up to \$5,000. I will be required to register as a  
3 sex offender.

4 I understand that the consequences of my plea of guilty as  
5 to Count VI are that I may be imprisoned for a period of 1 to 10  
6 years in the Nevada State Department of Corrections. I am not  
7 eligible for probation unless a psychosexual evaluation is completed  
8 pursuant to NRS 176.139 which certifies that I do not represent a  
9 high risk to reoffend based upon a currently accepted standard of  
10 assessment. I may also be fined up to \$10,000. I further understand  
11 that I will be required to be on lifetime supervision pursuant to NRS  
12 176.0931. Additionally, I will be required to register as a sex  
13 offender. The sentence on each count may be concurrent or  
14 consecutive to each other.

15 7. In exchange for my plea of guilty, the State, my  
16 counsel and I have agreed to recommend the following: Both the  
17 State, my counsel and I stipulate to recommend at sentencing a term  
18 of incarceration in the Nevada State Prison of 48-120 months on Count  
19 II, 28-72 months on Count IV, and 48-120 months on Count VI and that  
20 all counts run concurrent to one another. The State will dismiss all  
21 remaining charges and the State will not file additional criminal  
22 charges resulting from the arrest in this case.

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

1           12. I understand that the Court is not bound by the  
2 agreement of the parties and that the matter of sentencing is to be  
3 determined solely by the Court. I have discussed the charges, the  
4 facts and the possible defenses with my attorney. All of the  
5 foregoing rights, waiver of rights, elements, possible penalties, and  
6 consequences, have been carefully explained to me by my attorney. My  
7 attorney has not promised me anything not mentioned in this plea  
8 memorandum, and, in particular, my attorney has not promised that I  
9 will get any specific sentence. I am satisfied with my counsel's  
10 advice and representation leading to this resolution of my case. I  
11 am aware that if I am not satisfied with my counsel I should advise  
12 the Court at this time. I believe that entering my plea is in my  
13 best interest and that going to trial is not in my best interest. My  
14 attorney has advised me that if I wish to appeal, any appeal, if  
15 applicable to my case, must be filed within thirty days of my  
16 sentence and/or judgment.

17           13. I understand that this plea and resulting conviction  
18 will likely have adverse effects upon my residency in this country if  
19 I am not a U. S. Citizen. I have discussed the effects my plea will  
20 have upon my residency with my counsel.

21           14. I offer my plea freely, voluntarily, knowingly and  
22 with full understanding of all matters set forth in the Second  
23 Amended Information and in this Plea Memorandum. I have read this  
24 plea memorandum completely and I understand everything contained  
25 within it.

26 ///

1           9. I also agree that I will make full restitution in this  
2 matter, as determined by the Court. Where applicable, I additionally  
3 understand and agree that I will be responsible for the repayment of  
4 any costs incurred by the State or County in securing my return to  
5 this jurisdiction.

6           10. I understand that the State, at their discretion, is  
7 entitled to either withdraw from this agreement and proceed with the  
8 prosecution of the original charges or be free to argue for an  
9 appropriate sentence at the time of sentencing if I fail to appear at  
10 any scheduled proceeding in this matter OR if prior to the date of my  
11 sentencing I am arrested in any jurisdiction for a violation of law  
12 OR if I have misrepresented my prior criminal history. I understand  
13 and agree that the occurrence of any of these acts constitutes a  
14 material breach of my plea agreement with the State. I further  
15 understand and agree that by the execution of this agreement, I am  
16 waiving any right I may have to remand this matter to Justice Court  
17 should I later withdraw my plea.

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

23 ///

24 ///

25 ///

26 ///

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

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

17. I do hereby swear under penalty of perjury that all of the assertions in this written plea agreement document are true.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 12<sup>th</sup> day of December, 2018.

DEFENDANT

TRANSLATOR/INTERPRETER

Attorney Witnessing Defendant's Signature

Prosecuting Attorney

Code No. 4185

IN THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE  
THE HONORABLE JEROME M. POLAHA, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

LUIGY RICHARD  
LOPEZ-DELGADO,

Defendant.

Case No. CR18-1654

Dept. No. 3

TRANSCRIPT OF PROCEEDINGS

MOTION TO SET TRIAL

THURSDAY, DECEMBER 13TH, 2018; 9:00 A.M.

RENO, NEVADA

Joan Dotson, NV CSR #102

A P P E A R A N C E S

For the Plaintiff: Washoe County District Attorney  
BY: NICKOLAS GRAHAM  
Deputy District Attorney  
P.O. Box 30083  
Reno, Nevada 89520

For the Defendant: ALTERNATE PUBLIC DEFENDER  
BY: MARC PICKER  
Deputy Alternate Public Defender  
350 South Center Street  
6th Floor  
Reno, Nevada 89502

1 THURSDAY, DECEMBER 13TH, 2018; RENO, NEVADA

2 -oOo-

3 THE CLERK: The next case, your Honor, will be  
4 State of Nevada versus Luigi Lopez-Delgado, CR18-1654.  
5 Counsel, appearances, please.

6 MR. PICKER: Good morning, your Honor. Marc  
7 Picker on behalf of Mr. Lopez-Delgado.

8 MR. GRAHAM: Good morning, your Honor. Nick  
9 Graham for the State.

10 MR. PICKER: We are in receipt of the Second  
11 Amended Information that was filed on December 11th,  
12 2018.

13 Mr. Luigi Richard Lopez-Delgado's name is  
14 celled correctly at line 12. That is his true and  
15 correct name. We waive a formal reading and are familiar  
16 with the contents.

17 Pursuant to negotiations this morning, Mr.  
18 Delgado will be pleading guilty to Counts II, IV and VI  
19 of that Second Amended Information, in exchange for which  
20 the parties will stipulate to the following sentences to  
21 be recommended to the Court.

22 On Count II it would be 48 to 120 months.

23 On IV it would be 28 to 72 months.

24 And on Count VI it would be 48 to 120 months



1 and that all counts would be run concurrent to one  
2 another.

3 The State would be dismissing all the  
4 remaining charges, would not file any additional criminal  
5 charges resulting from the arrest in this case. And I  
6 believe that's -- that's it for that.

7 THE COURT: Do you have an executed -- you may  
8 approach. I did that in federal court once and Judge  
9 Thompson said 'no' in front of a jury. So --

10 MR. PICKER: I think your Honor and I have had  
11 that discussion before, probably before you took the  
12 bench. We might have had different opinions.

13 THE COURT: Mr. Lopez, you heard your lawyer.  
14 Is that your understanding of what you'll be doing this  
15 morning?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And he just handed me the signed  
18 Guilty Plea Memorandum. I think it that's your  
19 signature?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Can you read and understand  
22 English?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And having read this document, do

1 you have any questions about anything that's contained in  
2 it?

3 THE DEFENDANT: No, sir.

4 THE COURT: Do you understand that, if you  
5 plead guilty, there will be no trial?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You will not be able to confront  
8 your accusers, which is one of your constitutional  
9 rights.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you will not be able to put on  
12 a defense and use the subpoena power of the court to  
13 bring in any defense witnesses that you might have. Do  
14 you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. And is that what you  
17 want to do?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Mr. Graham, the elements please.

20 MR. GRAHAM: Thank you, your Honor. Because I  
21 filed that Second Amended Information, the Court will  
22 note that that is all the underlying charges from the  
23 Criminal Complaint. But for today's hearing would you  
24 just like me to read Counts II, Count IV and Count VI?

1 THE COURT: Yes. That's what he is pleading  
2 guilty to. Yes. Just those.

3 MR. GRAHAM: As to Count II, statutory sexual  
4 seduction by a person aged 21 or older, that you, Luigi  
5 Richard Lopez-Delgado, on or between October 1st, 2017,  
6 on December 13th, 2017, within the County of Washoe,  
7 State of Nevada did willfully and unlawfully, being over  
8 21 years of age, commit an act of statutory sexual  
9 seduction with the person of H T, who was then and there  
10 under the age of 16 years in that you engaged in an act  
11 of vaginal sexual intercourse with H T at or near 228  
12 East Eighth Avenue, Sun Valley, Washoe County Nevada.

13 As to Count IV, possession of visual  
14 pornography of a person under 16, in that you, Luigi  
15 Richard Lopez-Delgado, between October 1st, 2017, and  
16 December 13th, 2017, within the County of Washoe, State  
17 of Nevada, did knowingly, willfully and unlawfully have  
18 in your possession for any purpose film, photograph or  
19 other visual presentation depicting a person under  
20 16 years as a subject of sexual portrayal or engaging in  
21 a simulation or assisting others to engage or to simulate  
22 sexual conduct in that you possessed nude photographs of  
23 H T, who was under of age of 18 at the time the  
24 photograph was taken, at 228 East Eighth Avenue, Sun

1 Valley, Washoe County, Nevada.

2 As to Count VI, lewdness with a child older  
3 than 14, in that you, Luigi Richard Lopez-Delgado,  
4 between October 1st, 2017, on December 13th, 2017, within  
5 the County of Washoe, State of Nevada did willfully,  
6 unlawfully and lewdly commit any lewd or lascivious act  
7 on or with the body or any body part of H T, a female  
8 child between the ages of 14 and 16 years at the time the  
9 act was committed, penetrated H T's vagina with his penis  
10 with the intent of rousing to or gratifying the lusts,  
11 passions or sexual desires of yourself or the child at or  
12 near 228 East Eighth Avenue, Sun Valley, Washoe County,  
13 Nevada.

14 THE COURT: All right. Thank you. Mr. Clerk,  
15 would you swear in the defendant please?

16 (Defendant sworn.)

17 THE COURT: Mr. Lopez-Delgado, the District  
18 Attorney recited the facts that constitute the elements  
19 of the crimes with which you were charged. Were you  
20 listening to them?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And as recited by the District  
23 Attorney, do you admit those facts?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Let me ask you  
2 formally, to the charge that is set out in Count II of  
3 the Second Amended Information, statutory sexual  
4 seduction by a person aged 21 years or older, a Category  
5 B felony, what is your plea?

6 THE DEFENDANT: Guilty.

7 THE COURT: To the charge set out in Count IV,  
8 possession of visual pornography of a person under the  
9 age of 16, first offense, Category B felony, what is your  
10 plea?

11 THE DEFENDANT: Guilty.

12 THE COURT: Count VI, lewdness with a child  
13 older than 14, a Category B felony, what is your plea?

14 THE DEFENDANT: Guilty.

15 THE COURT: All right. As you heard, the  
16 statutory sexual seduction -- or as you read in the plea  
17 memorandum -- is a crime for which the punishment is 1 to  
18 10 years in the Nevada State Prison. You could also be  
19 fined up to \$10,000.

20 The crime for possession of visual  
21 pornography is punishable by a period of imprisonment of  
22 1 to 6 years. And, if you are seeking probation on any  
23 of these, you will need a psychosexual evaluation  
24 certificating that you are not a high risk to re-offend.

1 And you could also be fined up to \$5,000. And if I  
2 didn't say the \$10,000 fine for the statutory sexual  
3 seduction, that is part of it. And you'll be required to  
4 register as a sexual offender.

5 And for the lewdness with a child over the  
6 age -- older than 14, the statutory punishment is a  
7 period of imprisonment of 1 to 10 years. And you could  
8 be fined up to \$10,000. You will need a psychosexual  
9 evaluation for that. And you'll be on lifetime  
10 supervision pursuant to NRS 176.093(1). And you'll also  
11 have to register as a sex offender after you get out of  
12 prison, if you go to prison.

13 Do you have any questions about any of that?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Now, you are entering  
16 a plea of guilty. You are giving up your right to have a  
17 trial and have the State convince 12 people of your guilt  
18 beyond a reasonable doubt.

19 You are convicting yourself by your pleas of  
20 guilty. And you indicated that that's what you want to  
21 do. Is that accurate?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. At page two, paragraph  
24 four, it says you understand the charges against you and

1 the elements of the offense which the State would have to  
2 prove beyond a reasonable doubt. Is that an accurate  
3 statement?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Now, as far as the  
6 negotiated sentences that you heard your lawyer say for  
7 each of those crimes, do you understand that I was not  
8 party to those negotiations? I do not have to follow  
9 them?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that? At page  
12 six, paragraph 11 -- you don't have that in front of you.

13 But, in any event, it says, "You understand  
14 and agree that pursuant to the terms of the plea  
15 agreement any counts which are dismissed and any other  
16 cases charged or uncharged which are either to be  
17 dismissed or pursued may be considered by the Court at  
18 the time of sentencing." Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: At page seven, paragraph 12 it  
21 says, "I have discussed the charges, the facts and the  
22 possible defenses with my attorney." Is that a true  
23 statement?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: "All of the foregoing rights,  
2 waiver of rights, elements, possible penalties and  
3 consequences have been carefully explained to me by my  
4 attorney."

5 Is that a true statement?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: "My attorney has not promised me  
8 anything not mentioned in this plea memorandum. In  
9 particular my attorney has not promised I will get any  
10 specific sentence." Is that true?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: "I am satisfied with my counsel's  
13 advice and representation leading to this resolution of  
14 my case. I am aware that if I am not satisfied I should  
15 advise the Court at this time."

16 Now, you were not satisfied with your prior  
17 attorney. And you told the Court and you got a new  
18 attorney. Are you satisfied with Mr. Picker or his  
19 staff's representation?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: It says, "I believe entering my  
22 plea is in my best interest and that going to trial is  
23 not in my best interest."

24 Is that an accurate statement?



1 THE DEFENDANT: Yes, sir.

2 THE COURT: Your attorney advised you that, if  
3 you wish to appeal, it has to be filed within 30 days of  
4 judgment. Are you an American citizen?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. Paragraph 14 says, "I  
7 offer my plea freely, voluntarily, knowingly and with  
8 full understanding of all matters set forth in the Second  
9 Amended Information and in this plea memorandum. I have  
10 read the plea memorandum completely and I understand  
11 everything contained within it." Is that a true  
12 statement?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Then it says, "My plea of guilty  
15 is voluntary and is not the result of any threats,  
16 coercion or promises of leniency." Is that a true  
17 statement?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: It says you signed the plea  
20 memorandum voluntarily with the advice of counsel under  
21 no duress, coercion or promises of leniency. Is that a  
22 true statement?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. And nobody told you

1       how to answer these questions, right?

2               THE DEFENDANT: No, sir.

3               THE COURT: These are your answers?

4               THE DEFENDANT: Yes, sir.

5               THE COURT: All right. Mr. Lopez, one of the

6 constitutional rights that you have is the right to be

7 represented by competent counsel. Mr. Picker is standing

8 there with you. Was he the attorney that saw you after

9 you got the new attorney?

10              THE DEFENDANT: Yes, sir.

11              THE COURT: All right. Are you satisfied with

12 his advice and counsel?

13              THE DEFENDANT: Yes, sir.

14              THE COURT: Did he promise you anything to get

15 you to plead?

16              THE DEFENDANT: No, sir.

17              THE COURT: Are you pleading guilty because in

18 truth and in fact you are guilty of these crimes?

19              THE DEFENDANT: Yes, sir.

20              THE COURT: All right. Tell me, what did you

21 do as far as the statutory sexual seduction is concerned?

22 Are you over 21?

23              THE DEFENDANT: Yes, sir.

24              THE COURT: And what did you do?

1 THE DEFENDANT: I engaged in sex with her.  
2 THE COURT: Engaged in sex with what?  
3 THE DEFENDANT: With her.  
4 THE COURT: How old is she?  
5 THE DEFENDANT: She is 15.  
6 THE COURT: All right. Possess visual  
7 pornography of a person under the age of 16. What did  
8 you do there?  
9 THE DEFENDANT: I possessed -- visual --  
10 THE COURT: What did they depict?  
11 THE DEFENDANT: Pornography.  
12 THE COURT: I can't --  
13 THE DEFENDANT: Nudity.  
14 MR. PICKER: He said nudity.  
15 THE COURT: Nudity. And lewdness with a child  
16 older than 14, what did you do?  
17 THE DEFENDANT: I engaged in sex with her.  
18 THE COURT: Are you under the influence of  
19 anything this morning?  
20 THE DEFENDANT: Antidepressants.  
21 THE COURT: And how do they affect you?  
22 THE DEFENDANT: --  
23 THE COURT: Do you understand what we are  
24 doing?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you fully comprehend the  
3 gravity of what it is that we are doing here?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you understand the potential  
6 consequences based on your entry of guilty pleas to these  
7 three charges; is that correct?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. And this is what you  
10 want to do?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. The Court finds Luigi  
13 Richard Lopez-Delgado is competent to enter pleas of  
14 guilty. The Court finds that there are factual bases for  
15 the Court to accept his pleas.

16 He does understand the constitutional rights  
17 that he has and which he has given up. And I find that  
18 he gave them up fully, knowingly, voluntarily and with  
19 the advice of his lawyer. He understands the true nature  
20 of the charges that have been filed against him and to  
21 which he has pled. He understands the potential  
22 punishments involved for convictions of these types.

23 And the Court finds the pleas that were  
24 entered were entered freely, knowingly, voluntarily and

1 intelligently with the advice of his lawyer and the Court  
2 does accept those pleas.

3 THE CLERK: Sentencing will be January 29th

4 --

5 MR. PICKER: Actually, your Honor, can we do  
6 a sentencing a little further out? We would ask for  
7 90 days. There are some other things that obviously need  
8 to happen in a case like this.

9 THE CLERK: March 14th at 9:00 a.m.

10 MR. PICKER: And, your Honor, in addition, we  
11 have agreed with the State we are going to file a motion  
12 for reduction in bail. We would ask for a hearing next  
13 Thursday. And we'll get the motion on file. That should  
14 give the State sufficient notice to notify the victim.

15 MR. GRAHAM: That's correct, your Honor. They  
16 asked me this morning and next Thursday should give me  
17 time to contact them.

18 THE COURT: All right.

19 THE CLERK: That will be December 20th at  
20 9:00 a.m.

21 MR. PICKER: Thank you, your Honor.

22

23 (At this time the foregoing proceedings concluded.)

24

1     STATE OF NEVADA             )  
2     COUNTY OF WASHOE         )

3  
4                     I, Joan Marie Dotson, Certified Shorthand  
5     Reporter of the Second Judicial District Court of the  
6     State of Nevada, in and for the County of Washoe, do  
7     hereby certify:

8                     That I was present in Department No. 3 of  
9     the above-entitled Court and took stenotype notes of the  
10    proceedings entitled herein, and thereafter transcribed  
11    the same into typewriting as herein appears;

12                    That the foregoing transcript is a full,  
13    true and correct transcription of my stenotype notes of  
14    said proceedings.

15                    DATED: At Reno, Nevada, this 25th of  
16    December, 2018.

17  
18                                     /s/ Joan Marie Dotson  
19                                     Joan Marie Dotson, CSR No. 102  
20  
21  
22  
23  
24

1 CODE 1930  
2 MARC PICKER, BAR #3566  
3 WASHOE COUNTY ALTERNATE PUBLIC DEFENDER  
4 350 S. CENTER ST., 6<sup>TH</sup> FLOOR  
5 RENO, NV 89501  
6 (775) 328-3955  
7 ATTORNEY FOR DEFENDANT

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 THE STATE OF NEVADA,  
12 Plaintiff,

CASE NO. CR18-1654

13 vs.

14 LUIGI RICHARD LOPEZ-DELGADO,  
15 Defendant.

DEPT NO. 3

16  
17 DOCUMENTS TO BE CONSIDERED AT SENTENCING

18 COMES NOW, LUIGI RICHARD LOPEZ-DELGADO, named, by and through  
19 counsel, Washoe County Alternate Public Defender, Marc Picker, and hereby files his  
20 Documents to be Considered at Sentencing:

- 21 1) Letter from Rutilio Lopez;  
22 2) Letter from Griselda Esparza.

23 AFFIRMATION PURSUANT TO NRS 239B.030

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

26 DATED this 13<sup>th</sup> day of March, 2019.

MARC PICKER  
Washoe County Alternate Public Defender

By: /s/ Marc Picker  
MARC PICKER  
Alternate Public Defender

March 11, 2019

To Whom It May Concern:

My name is Rutilio Lopez, I am Luigi Lopez' older brother. I am writing to you to attest that my brother is a good brother, son and most of all a good father. He took on full responsibility of my niece, his daughter, Emma Lopez, when her mom wouldn't. His concern now is that Emma's mom's family is not taking her to her checkups and eye care appointments. Luigi has tried to get me to contact her guardian but they have not been responsive and will not let us contact Emma. Luigi has been very good about taking Emma to all her checkups, cooking for her and making sure she ate healthy. Luigi had plans to enlist in the Army and he was also looking forward to getting a job at the Post Office. He has always stayed out of trouble and would spend time working on his cars.

Thank you for taking the time to read this and I hope you will find that my brother is not a bad guy.

Sincerely,

Rutilio Lopez



March 12, 2019

Honorable Judge

My name is Griselda Esparza,

I was born and raised in Reno Nevada. I'm currently living in Omaha Nebraska. I've been living here for about 2 years now. I work for Home Access and I just started working for them for about a month now. I'm a single mother to a wonderful 9 year old daughter named Aliyah. I've known Luigi for about 4 years now. I met Luigi thru a mutual friend on social media and we became really good friends. Luigi is different from anybody I know. He's a very earthy spiritual person and very to himself and that's another reason why we got along very well. We both enjoy being out in the outdoors and just being around nature. I guess that's why we became close friends as well. When we would be in the outdoors away from everyone looking at the nature that surrounded us we would talk about our life struggles and our dreams and what we wanted to do with our lives. What I really like about him is that he really wanted to make a difference and be somebody in life. He hated the thought of working for someone. He wanted to become his own boss. I always encouraged him to pursue his dreams so he could be a great father for his daughter Emma. Yeah like any other person he would get discouraged but I would tell him to never give up.

Luigi always talked about wanting to enlist in the Army and just the way he would talk to me about it I could see that was something he was very passionate about. My daughter and I grew lots of love for his daughter Emma. She's the sweetest little girl. Luigi would come over to my home so the girls could play together. I know Luigi loves his daughter very much. Luigi really wanted to get Emma's full custody but it was challenging for him, that's one of the main reasons he wanted to enlist in the Army to be a better father and be able to provide and be there for his daughter since Emma's mom isn't in the picture. That in its self would get him discouraged but I being a single mom know the struggle of being a parent and I would tell him not to give up and prove to himself that he can make a change and be the provider and the father Emma needed him to be. Luigi has been there for me in many ways and I couldn't be more grateful. It's only right for me to do the same. Luigi is a good man, father and friend.

Sincerely,

Griselda Esparza

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Washoe County Alternate Public Defender's Office, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, I have deposited for mailing in the U.S. Mail, with postage fully prepaid, or by interoffice mail, or by court-run delivery, or facsimile, or e-filing where indicated, a true and correct copy of the foregoing document to the following:

Washoe County District Attorney's Office  
**Via E-filing**

Division of Parole and Probation  
**Via E-filing**

DATED this 13<sup>th</sup> day of March, 2019.

/s/Randi Jensen  
RANDI JENSEN

1 CODE 1850  
2  
3  
4  
5

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

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR18-1654

12 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

13 Defendant.  
14 \_\_\_\_\_/

15 JUDGMENT OF CONVICTION

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

19 That Luigy Richard Lopez-Delgado is guilty of the crimes of Statutory Sexual  
20 Seduction by Person Age 21 or Older, a violation of NRS 200.368.1, a category B felony, as  
21 charged in Count II of Second Amended Information, Possess Visual Pornography of  
22 Person Under Age 16, First Offense, a violation of NRS 200.730.1, a category B felony, as  
23 charged in Count IV of the Second Amended Information and Lewdness With Child Older  
24 than 14, a violation of NRS 201.230.3, a category B felony and that he be punished by  
25 imprisonment in the Nevada Department of Corrections for a minimum term of 48 months  
26 to a maximum term of 120 months, with credit for 456 days time served, as to Count II. As  
27 to Count VI, the Defendant is punished by imprisonment in the Nevada Department of  
28 Corrections for a minimum term of 28 months to a maximum term of 72 months, to run

1 consecutively to the sentence imposed in Count II. As to Count VI, the Defendant is  
2 punished by imprisonment in the Nevada Department of Corrections for a minimum term  
3 of 48 months to a maximum term of 120 months, to run concurrently with the sentence  
4 imposed in Count IV.

5 It is further ordered that the aggregate sentence imposed is a minimum of 76  
6 months with a maximum of 192 months.

7 It is further ordered that the Defendant pay the statutory Twenty-Five Dollar  
8 (\$25.00) administrative assessment, that he pay the Three Dollar (\$3.00) administrative  
9 assessment fee for obtaining a biological specimen and conducting a genetic marker  
10 analysis test, that he pay a One Hundred Fifty Dollar (\$150.00) DNA testing fee and that  
11 he pay a psychosexual evaluation fee in the amount of Nine Hundred Twelve Dollars and  
12 Seventy-One Cents (\$912.71) to the Clerk of the Second Judicial District Court.


13 A special sentence of Lifetime Supervision shall commence after any period  
14 of probation, or after any term of imprisonment, or after any period of release on parole.

15 It is further ordered that the fees shall be subject for removal from the  
16 Defendant's books at the Washoe County Detention Facility and/or Nevada Department  
17 of Corrections.

18 Any fine, fee or administrative assessment imposed upon the Defendant  
19 today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada  
20 Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or  
21 assessments, collection efforts may be undertaken against him.

22 Dated this 14<sup>th</sup> day of March, 2019.

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27  
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JEROME M. POLAHA  
DISTRICT JUDGE

1 CODE 1850  
2  
3  
4  
5

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

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR18-1654

12 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

13 Defendant.  
14 \_\_\_\_\_/

15 CORRECTED JUDGMENT OF CONVICTION

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

19 That Luigy Richard Lopez-Delgado is guilty of the crimes of Statutory Sexual  
20 Seduction by Person Age 21 or Older, a violation of NRS 200.368.1, a category B felony, as  
21 charged in Count II of Second Amended Information, Possess Visual Pornography of  
22 Person Under Age 16, First Offense, a violation of NRS 200.730.1, a category B felony, as  
23 charged in Count IV of the Second Amended Information and Lewdness With Child Older  
24 than 14, a violation of NRS 201.230.3, a category B felony and that he be punished by  
25 imprisonment in the Nevada Department of Corrections for a minimum term of 48 months  
26 to a maximum term of 120 months, with credit for 456 days time served, as to Count II. As  
27 to *Count IV*, the Defendant is punished by imprisonment in the Nevada Department of  
28 Corrections for a minimum term of 28 months to a maximum term of 72 months, to run

21 3684

1 consecutively to the sentence imposed in Count II. As to Count VI, the Defendant is  
2 punished by imprisonment in the Nevada Department of Corrections for a minimum term  
3 of 48 months to a maximum term of 120 months, to run concurrently with the sentence  
4 imposed in Count IV.

5 It is further ordered that the aggregate sentence imposed is a minimum of 76  
6 months with a maximum of 192 months.


7 It is further ordered that the Defendant pay the statutory Twenty-Five Dollar  
8 (\$25.00) administrative assessment, that he pay the Three Dollar (\$3.00) administrative  
9 assessment fee for obtaining a biological specimen and conducting a genetic marker  
10 analysis test, that he pay a One Hundred Fifty Dollar (\$150.00) DNA testing fee and that  
11 he pay a psychosexual evaluation fee in the amount of Nine Hundred Twelve Dollars and  
12 Seventy-One Cents (\$912.71) to the Clerk of the Second Judicial District Court.

13 A special sentence of Lifetime Supervision shall commence after any period  
14 of probation, or after any term of imprisonment, or after any period of release on parole.

15 It is further ordered that the fees shall be subject for removal from the  
16 Defendant's books at the Washoe County Detention Facility and/or Nevada Department  
17 of Corrections.

18 Any fine, fee or administrative assessment imposed upon the Defendant  
19 today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada  
20 Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or  
21 assessments, collection efforts may be undertaken against him.

22 Dated this 18th day of March, 2019,  
23 nunc pro tunc March 14, 2019.

24  
25  
26   
27 JEROME M. POLAHA  
28 DISTRICT JUDGE

1 CODE 2315  
2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV 89501  
6  
7 (775) 328-3200

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

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR18-1654

15 v.

Dept. No.: D03

16 LUIGI RICHARD LOPEZ-DELGADO,  
17 also known as  
18 LUIGY RICHARD LOPEZ,  
19 also known as  
20 LUIGI LOPEZ,

21 Defendant.

22 MOTION TO DISMISS COUNTS I, III, V, VII, AND VIII

23 COMES NOW, the State of Nevada, by and through CHRISTOPHER  
24 J. HICKS, District Attorney of Washoe County, and NICKOLAS J. GRAHAM,  
25 Deputy District Attorney, and moves the above-entitled Court to  
26 dismiss the charges of COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON  
AGE 21 OR OLDER, COUNT III. USE OR PERMIT A MINOR, UNDER AGE 18 TO  
PRODUCE PORNOGRAPHY, COUNT V. LEWDNESS WITH CHILD OLDER THAN 14,  
COUNT VII. LURE OR ATTEMPT TO LURE A CHILD WITH THE USE OF COMPUTER  
TECHNOLOGY TO ENGAGE IN SEXUAL CONDUCT, and COUNT VIII. ATTEMPTING TO  
PREVENT OR DISSUADE A WITNESS FROM TESTIFYING, filed against the

1 above-named defendant on December 11th, 2018 on the Second Amended  
2 Information in this case 17-14504.

3 Said Motion for dismissal is predicated upon the plea  
4 negotiations reached in this case and the defendant's plea of guilty  
5 and judgment being entered as to COUNT II. STATUTORY SEXUAL SEDUCTION  
6 BY PERSON AGE 21 OR OLDER, COUNT IV. POSSESS VISUAL PORNOGRAPHY OF  
7 PERSON UNDER AGE 16, and COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14.

8 AFFIRMATION PURSUANT TO NRS 239B.030

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

11 Dated this 28th day of March, 2019.

12 CHRISTOPHER J. HICKS  
13 District Attorney  
14 Washoe County, Nevada

15  
16 By /s/ Nickolas J. Graham  
17 NICKOLAS J. GRAHAM  
18 10885  
19 DEPUTY District Attorney  
20  
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1           CERTIFICATE OF SERVICE BY E-FILING AND/OR MAILED DOCUMENT

2           I certify that I am an employee of the Washoe County  
3 District Attorney's Office and that, on this date, I electronically  
4 filed the foregoing with the Clerk of the Court by using the ECF  
5 system which will send a notice of electronic filing and/or document  
6 will be mailed to the following:

7  
8           ALTERNATE PUBLIC DEFENDER  
9           MARC PHILLIP PICKER ESQ.

10  
11          Dated this 28th day of March, 2019

12                               /s/CELINA GONZALEZ-VALENZUELA  
13                               CELINA GONZALEZ-VALENZUELA

CODE 3370

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. CR18-1654

v.

DEPT No. D03

LUIGI RICHARD LOPEZ-DELGADO,

Defendant.

ORDER

Based upon the Motion of the District Attorney filed  
herein, and good cause appearing therefor,

IT IS HEREBY ORDERED that Counts I, III, V, VII, and VIII  
of the Second Amended Information in case number CR18-1654 filed  
against the above-named defendant on December 11th, 2018, be, and the  
same hereby is dismissed.

DATED this 28<sup>th</sup> day of March, 2016.

  
DISTRICT JUDGE

1 CODE: 2515  
2 MARC PICKER, BAR #3566  
3 ALTERNATE PUBLIC DEFENDER'S OFFICE  
4 350 S. CENTER ST., 6<sup>TH</sup> FLROO  
5 RENO, NV 89501-2103  
6 (775) 328-3955  
7 ATTORNEY FOR DEFENDANT

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10  
11 IN AND FOR THE COUNTY OF WASHOE  
12

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

Case No. CR18-1654

16 LUIGY RICHARD LOPEZ-DELGADO.,

Dept. No. 3

17 Defendant.  
18  
19

20 **NOTICE OF APPEAL**

21 NOTICE IS HEREBY GIVEN that Defendant, LUIGY RICHARD LOPEZ-  
22 DELGADO, hereby appeals to the Supreme Court of Nevada from the Judgment entered in this  
23 case on March 18, 2019. This is a fast track appeal. NRAP 3C.

24 **AFFIRMATION PURSUANT TO NRS 239B.030**

25 The undersigned hereby affirms that the preceding document does not contain the social  
26 security number of any person.

DATED this 29<sup>th</sup> day of March, 2019.

MARC PICKER  
Washoe County Alternate Public Defender

By: /s/ Marc Picker  
MARC PICKER  
Alternate Public Defender

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/s/ Randi Jensen  
RANDI JENSEN

1 CODE: 3868  
2 MARC PICKER, BAR #3566  
3 ALTERNATE PUBLIC DEFENDER'S OFFICE  
4 350 S. CENTER ST., 6<sup>TH</sup> FLR  
5 RENO, NV 89501-2103  
6 (775) 328-3955  
7 Attorney for Defendant

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

12 THE STATE OF NEVADA,

13 Plaintiff,

14 v.

Case No. CR18-1654

15 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

16 Defendant.  
17 \_\_\_\_\_ /

18 REQUEST FOR ROUGH DRAFT TRANSCRIPTS

19 TO: JOAN DOTSON

20 LUIGY RICHARD LOPEZ-DELGADO, the Defendant above, requests the following  
21 Rough Draft Transcripts be prepared in regard to these certain portions of the proceedings before  
22 the District Court, as follows:

23 **December 13, 2018: Rough Draft Transcript of Proceedings: Arraignment**

24 **March 14, 2019: Rough Draft Transcript of Proceedings: Sentencing**

25 This Notice requests a transcript of only those portions of the District Court proceedings  
26 that counsel reasonably, and in good faith, believes are necessary to determine whether appellate  
issues are present.

Counsel recognizes that counsel must personally serve a copy of this Notice on both the  
above-named reporter(s) and opposing counsel, and counsel further recognizes that the above-

1 named court reporter(s) has twenty (20) days from receipt of this Notice to both prepare and  
2 submit the transcripts requested to counsel and the District Court.

3 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

6 DATED this 29<sup>th</sup> day of March, 2019.

7 MARC PICKER  
8 Washoe County Alternate Public Defender

9 By: /s/ Marc Picker  
10 MARC PICKER  
11 Alternate Public Defender  
12 Nevada Bar No. 3566  
13 Washoe County Alternate Public Defender  
14 350 S. Center St., 6<sup>th</sup> Flr  
15 Reno, Nevada 89501-2103  
16 (775) 328-3955  
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1 CODE: 1310  
2 MARC PICKER, BAR #3566  
3 ALTERNATE PUBLIC DEFENDER'S OFFICE  
4 350 S. CENTER ST., 6<sup>TH</sup> FLOOR  
5 RENO, NV 89501-2013  
6 (775) 328-3955  
7 ATTORNEY FOR DEFENDANT

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10  
11 IN AND FOR THE COUNTY OF WASHOE  
12

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

CASE NO. CR18-1654

16 LUIGY RICHARD LOPEZ-DELGADO,

DEPT NO. 3

17 Defendant.  
18  
19

20 CASE APPEAL STATEMENT

21 1. Appellant, LUIGY RICHARD LOPEZ-DELGADO, hereby files this Case  
22 Appeal Statement;

23 2. This appeal is from the Judgment entered on March 18, 2019, by the Honorable  
24 Jerome Polaha, District Court Judge;

25 3. The parties below were: (a) LUIGY RICHARD LOPEZ-DELGADO,  
26 Defendant; and (b) THE STATE OF NEVADA, Plaintiff;

1 4. The parties herein are: (a) LUIGY RICHARD LOPEZ-DELGADO, Appellant;  
2 and (b) THE STATE OF NEVADA, Respondent;

3 ///

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1           5.     Counsel on appeal are:

2           MARC PICKER  
3           Washoe County Alternate  
4           Public Defender  
5           350 S. Center St., 6<sup>th</sup> Flr  
6           Reno, NV 89501-2103

          CHRISTOPHER HICKS  
          Washoe County District Attorney

          NICHOLAS GRAHAM  
          Deputy District Attorney  
          1 S. Sierra St.  
          Reno, Nevada 89501

7           6.     Appellant, LUGY RICHARD LOPEZ-DELGADO, was represented by  
8 appointed counsel in District Court;

9           7.     Appellant, LUGY RICHARD LOPEZ-DELGADO, is represented by appointed  
10 counsel in this appeal;

11          8.     Not applicable;

12          9.     An Information was filed in District Court on September 26, 2018;

13          10.    On March 14, 2019, LUGY RICHARD LOPEZ-DELGADO was sentenced by  
14 the District Court. He was convicted of the crime of Statutory Sexual Seduction by Person Age  
15 21 or Older, a violation of NRS 200.368.1, a category B felony, as charged in Court II, Possess  
16 Visual Pornography of Person Under Age 16, First Offense, a violation of NRS 200.730.1, a  
17 category B felony, as charge in Count IV, and Lewdness With Child Older than 14, a violation  
18 of NRS 201.230.3, a category B felony, and,

19          11.    This case has not previously been the subject of an appeal;

20          12.    Not applicable;

21          13.    Not applicable.

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DATED this 29<sup>th</sup> day of March, 2019.

By: /s/ Marc Picker  
MARC PICKER  
Alternate Public Defender

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **CASE APPEAL STATEMENT** to the following:

LUIGY RICHARD LOPEZ-DELGADO #1213684  
NNCC  
P.O. BOX 7000  
CARSON CITY, NV 89702  
Via U.S. Mail

CHRISTOPHER HICKS  
WASHOE COUNTY DISTRICT ATTORNEY  
Attn: Appellate Department  
Via Electronic Filing

DATED this 29<sup>th</sup> day of March, 2019.

/s/ Randi Jensen  
RANDI JENSEN

3370

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

THE STATE OF NEVADA,  
Plaintiff,

v.

Case No. CR18-1654

LUIGY RICHARD LOPEZ-DELGADO  
Defendant.

Dept. No. 3

**ORDER FOR ROUGH DRAFT TRANSCRIPTS**

The Court, having reviewed Defendant's Request for Rough Draft Transcripts, and good cause appearing,

IT IS HEREBY ORDERED that the transcript requested in the Request for Rough Draft Transcripts, which was filed March 29, 2019, be provided to the Defendant.

DATED this 29<sup>th</sup> day of March, 2019.

  
DISTRICT JUDGE

1 CODE: 3868  
2 MARC PICKER, BAR #3566  
3 ALTERNATE PUBLIC DEFENDER'S OFFICE  
4 350 S. CENTER ST., 6<sup>TH</sup> FLR  
5 RENO, NV 89501-2103  
6 (775) 328-3955  
7 Attorney for Defendant

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10  
11 IN AND FOR THE COUNTY OF WASHOE  
12

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

Case No. CR18-1654

16 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

17 Defendant.  
18 \_\_\_\_\_ /

19 REQUEST FOR TRANSCRIPT OF PROCEEDINGS

20 TO: JOAN DOTSON

21 Appellant requests preparation of a transcript of the proceedings before the district  
22 court, as follows:

23 Department 3, Judge Polaha:

24 **December 13, 2018: Rough Draft Transcript of Proceedings: Arraignment, 1 copy**

25 **March 14, 2019: Rough Draft Transcript of Proceedings: Sentencing, 1 copy**

26 I hereby certify that on the 5<sup>th</sup> day of April, 2019, I ordered the transcripts listed above  
from the court reporter named above. No deposit was required.

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**AFFIRMATION PURSUANT TO NRS 239B.030**

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

DATED this 5<sup>th</sup> day of April, 2019.

MARC PICKER  
Washoe County Alternate Public Defender

By: /s/ Marc Picker  
MARC PICKER  
Alternate Public Defender  
Nevada Bar No. 3566  
Washoe County Alternate Public Defender  
350 S. Center St., 6<sup>th</sup> Flr  
Reno, Nevada 89501-2103  
(775) 328-3955

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Defender's Office and that on this date I served a copy of the **REQUEST FOR TRANSCRIPT OF PROCEEDINGS** to the following:

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1 **CODE 1850**

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

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

**Case No. CR18-1654**

12 **LUIGY RICHARD LOPEZ-DELGADO,**

**Dept. No. 3**

13 **Defendant.**  
14 \_\_\_\_\_/

15 **SECOND CORRECTED JUDGMENT OF CONVICTION**

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

19 That Luigy Richard Lopez-Delgado is guilty of the crimes of Statutory Sexual  
20 Seduction by Person Age 21 or Older, a violation of NRS 200.368.1, a category B felony, as  
21 charged in Count II of Second Amended Information, Possess Visual Pornography of  
22 Person Under Age 16, First Offense, a violation of NRS 200.730.1, a category B felony, as  
23 charged in Count IV of the Second Amended Information and Lewdness With Child Older  
24 than 14, a violation of NRS 201.230.3, a category B felony, *as charged in Count VI of the*  
25 *Second Amended Information* and that he be punished by imprisonment in the Nevada  
26 Department of Corrections for a minimum term of 48 months to a maximum term of 120  
27 months, with credit for 456 days time served, as to Count II. As to *Count IV*, the Defendant  
28 is punished by imprisonment in the Nevada Department of Corrections for a minimum



1 term of 28 months to a maximum term of 72 months, to run consecutively to the sentence  
2 imposed in Count II. As to Count VI, the Defendant is punished by imprisonment in the  
3 Nevada Department of Corrections for a minimum term of 48 months to a maximum term  
4 of 120 months, to run concurrently with the sentence imposed in Count IV.

5 It is further ordered that the aggregate sentence imposed is a minimum of 76  
6 months with a maximum of 192 months.


7 It is further ordered that the Defendant pay the statutory Twenty-Five Dollar  
8 (\$25.00) administrative assessment, that he pay the Three Dollar (\$3.00) administrative  
9 assessment fee for obtaining a biological specimen and conducting a genetic marker  
10 analysis test, that he pay a One Hundred Fifty Dollar (\$150.00) DNA testing fee and that  
11 he pay a psychosexual evaluation fee in the amount of Nine Hundred Twelve Dollars and  
12 Seventy-One Cents (\$912.71) to the Clerk of the Second Judicial District Court.

13 A special sentence of Lifetime Supervision shall commence after any period  
14 of probation, or after any term of imprisonment, or after any period of release on parole.

15 It is further ordered that the fees shall be subject for removal from the  
16 Defendant's books at the Washoe County Detention Facility and/or Nevada Department  
17 of Corrections.

18 Any fine, fee or administrative assessment imposed upon the Defendant  
19 today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada  
20 Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or  
21 assessments, collection efforts may be undertaken against him.

22 Dated this 8th day of April, 2019,  
23 nunc pro tunc March 14, 2019.

24  
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26   
27 JEROME M. POLAHA  
28 DISTRICT JUDGE

4185

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE JEROME M. POLAHA, DISTRICT JUDGE

--o0o--

THE STATE OF NEVADA,

Plaintiff,

Case No. CR18-1654

vs.

Dept. No. 3

LUIGY RICHARD LOPEZ-DELGADO,

Defendant.

TRANSCRIPT OF PROCEEDINGS

SENTENCING

THURSDAY, MARCH 14, 2019

Reported by:

EVELYN J. STUBBS, CCR #356

A P P E A R A N C E S

For the State:

NICKOLAS J. GRAHAM, ESQ.  
Deputy District Attorney  
One South Sierra Street  
Reno, Nevada

For the Defendant:

MARC PHILLIP PICKER, ESQ.  
Deputy Alt. Public Defender  
350 S. Center Street  
Reno, Nevada

For the Division:

MORGAN BARNREITER

The Defendant:

LUIGY RICHARD LOPEZ-DELGADO

1 RENO, NEVADA; THURSDAY, MARCH 14, 2019; 9:44 A.M.

2 --o0o--

3  
4 THE CLERK: The next case, Your Honor, is State versus  
5 Luigi Lopez-Delgado, CR18-1654.

6 Counsel, appearances, please.

7 MR. GRAHAM: Good morning, Your Honor. Nick Graham for  
8 the State.

9 MR. PICKER: Good morning, Your Honor. Marc Picker on  
10 behalf of Mr. Lopez-Delgado, who's present.

11 THE COURT: All right. Good morning. This is the time  
12 set for the entry of judgment and the imposition of sentence in  
13 this matter. I have a presentence report, I've have a  
14 psychological evaluation, and you may proceed.

15 MR. PICKER: Thank you, Your Honor. We are in receipt  
16 of the Presentence Investigation Report, it was file stamped on  
17 February 28th, 2018, with the attached psychosexual evaluation.  
18 In addition, I believe that Your Honor has the letters of support  
19 that we filed yesterday on behalf Mr. Lopez-Delgado. If you do  
20 not, I have a copy.

21 THE COURT: I don't have it.

22 MR. PICKER: You don't have them?

23 THE COURT: No.

24 (Letters lodged with the Court)

1 THE COURT: Thank you.

2 All right. You want to leave them here or file them?

3 MR. PICKER: I assumed they were in the record, because  
4 we filed them.

5 THE COURT: All right.

6 MR. PICKER: Your Honor, we have no additions or  
7 corrections to offer to the Presentence Investigation Report. As  
8 Your Honor can probably tell from the plea agreement and the  
9 recommendations in the PSI we're kind of, on this side, we're  
10 kind of in a strange situation. The PSI is very complete and  
11 thorough. Obviously its recommendation is in an aggregate both  
12 for less on the front end and more on the back end than is  
13 stipulated within the plea agreement.

14 Obviously, we stand by our stipulation in the plea  
15 agreement despite the, I guess, more favorable recommendation by  
16 Parole and Probation.

17 The one thing I would note is in the psychosexual  
18 evaluation, as Your Honor I'm sure is aware, Mr. Lopez-Delgado is  
19 not found to be a high risk to reoffend, and thus he would be  
20 probation eligible under the law, although we stand by the  
21 recommendation or the stipulation that we entered into with the  
22 State.

23 So my argument is kind of all over the place simply  
24 because of that.

1           Your Honor, Mr. Lopez-Delgado's criminal history is, as  
2 you can see, nonexistent up to this crime. This is certainly a  
3 very serious matter. It is certainly something that he admitted  
4 to, Your Honor. In the plea canvass he admitted to his acts and  
5 he has taken responsibility for them.

6           Your Honor, he's a young man. There are a lot of  
7 factors that we believe you should take into account in  
8 determining what the appropriate and just sentence is. Certainly  
9 there's, as one of those factors, the agreement by the parties.

10          So given all of that, Your Honor, we're simply  
11 asking -- we will simply submit it now.

12          THE COURT: Mr. Graham.

13          MR. GRAHAM: Thank you, Your Honor. The psychosexual  
14 evaluation in this case came back and stated something kind of  
15 interesting. And I'm not disputing that he is not a high risk to  
16 reoffend. But the psychosexual evaluation came back saying we  
17 see Lopez- Delgado as a moderate risk to reoffend, quote,  
18 assuming the substance abuse problems are controlled.

19          To give an overview of this case, what had happened in  
20 this case is the defendant and the victim had met each other  
21 online through a dating application called MeetMe.

22          THE COURT: Counsel, let me ask, you're going to stick  
23 with the agreement that you had.

24          MR. GRAHAM: I am, yes, Your Honor.

1 THE COURT: All right.

2 MR. GRAHAM: Absolutely, I think 4 to 10 years on this  
3 case is an absolutely appropriate sentence. The reason I was  
4 going to argue is because Parole and Probation recommended less  
5 than that. And I wanted to provide the Court with information to  
6 show why a 4- to 10-year sentence would be appropriate.

7 THE COURT: Okay. Because I'm inclined to go higher  
8 than that. So go ahead.

9 MR. GRAHAM: Okay. Thank you. So the record is  
10 crystal clear, I'm not arguing for anything other than the  
11 stipulated sentence in this case. But what I would like to let  
12 the Court know is that this is not two teenagers having sex.  
13 This is a case where the defendant was 23.

14 THE COURT: Excuse me. Nobody is here from the victim?

15 MR. GRAHAM: She informed us she was not going to be  
16 here because it would be too traumatic for the victim in this  
17 case. She's in the care of her grandmother, and they gave a  
18 statement to P&P. And they indicated that they did not desire to  
19 be present for today. Her statements were reflected in what she  
20 had told the PSI writer, but she has been at every other court  
21 proceeding, the grandmother has.

22 THE COURT: Okay.

23 MR. GRAHAM: It's my understanding that Mr. Luigy  
24 Delgado -- Lopez-Delgado was between the ages of 23 or 24 at the

1 time that he ended up meeting the victim in this case online. As  
2 I'm learning, as is often the case, what happens is they'll meet  
3 somebody on a dating application and then they transition to  
4 Facebook Messenger where they then chat between themselves.

5 During the course of their interaction, the defendant  
6 in this case ended up requesting several photos of the victims.

7 THE COURT: Let me ask you this, because I'm not  
8 familiar with that stuff, are these permanently etched in the  
9 Internet?

10 MR. GRAHAM: Correct. And we've got copies of those.  
11 And I was actually going to admit as an exhibit some of the  
12 messages.

13 MR. PICKER: They're not widespread on the Internet.  
14 And when there's a chat, like on Facebook Messenger chat, it is  
15 only between the recipient and the sender. That is the only  
16 place. And it is on a server at Facebook, but it's not accessed  
17 by anybody else. Nobody else can get those messages. Basically  
18 it's a private messaging.

19 THE COURT: But we read about what Facebook does with  
20 their information.

21 MR. PICKER: I guess the National Security  
22 Administration or National Security Agency has some access to  
23 that as we seem to be finding out more and more, but the Facebook  
24 Messenger application is secure and private between the two



1 parties that are communicating. It is not accessible by any  
2 outside party. It is only accessible by Facebook and the two  
3 participants.

4 MR. GRAHAM: So what you have to do to get a copy of  
5 those messages, is you have to do what's called a Preservation  
6 Request. And Facebook limits the amount of time you can go back.  
7 So what the deputies did in this case as soon as they kind of  
8 found out what was going on -- because what had happened, the  
9 victim in this case was sneaking out with Mr. Delgado. And in  
10 one of those instances she wrecked her grandmother's vehicle.  
11 And so her grandmother was getting her in trouble and was going  
12 to take her phone. Her grandmother did not know how to operate  
13 phones very well, and had her son-in-law come over and take a  
14 look at Haley's -- excuse me, the victim's phone to see what was  
15 on it.

16 THE COURT: She was 14 years old?

17 MR. GRAHAM: That's correct. And when the uncle came  
18 in to view the phone to see what she was up to, he discovered  
19 that she had been taking nude photographs of herself and sending  
20 them to the defendant. Based on that, a police report was  
21 generated and the victim in this case came down to the child  
22 advocacy center to provide an interview, a friendly interview,  
23 and disclosed a sexual relationship that she had engaged in with  
24 the defendant in his RV outside his house in Sun Valley. She

1 described several sex acts that they had engaged in and detailed  
2 it out.

3           There was no force. This is not sexual assault. It's  
4 statutory sexual seduction, but the laws in the State of Nevada  
5 recognize that while factually a teenager might consent to a  
6 sexual act, legally they do not have the maturity in their brain,  
7 they're not developed enough to understand what that entails.  
8 And that became extremely clear during this forensic interview.

9           When the forensic interviewer was asking to get some  
10 details about who Mr. Delgado was, she indicated "Well, you know,  
11 he bought me tacos. I love him." And the nexus between the sex  
12 acts and the maturity was very clear that she did not understand.  
13 They were not taking precautions regarding using condoms or  
14 anything like that, and she did not even realize the diseases she  
15 could have gotten or becoming pregnant. And it wasn't until the  
16 forensic nurse kind of explained that to her that she said, "Wow,  
17 I just didn't realize." And it was as if she was stating, "Yeah,  
18 now I realize when he said 'oops' one time," because he had  
19 ejaculated inside her. And she was a little concerned about  
20 that.

21           If I may approach, Your Honor. One of the -- I have  
22 one exhibit I'd like to mark. And it's a packet. This was the  
23 actual packet. To be clear, I have used the Adobe Photoshop to  
24 edit out the genitals of the victim in this case. But these are

1 the actual messages that were sent on the communications between  
2 the defendant and the victim in this case over Facebook  
3 Messenger.

4 If I may approach.

5 THE COURT: All right.

6 MR. GRAHAM: I've provided a copy to the defense.

7 THE CLERK: Will be Exhibit 1, Your Honor.

8 (Exhibit 1 was marked for identification.)

9 THE COURT: This is all included in the PSI, the  
10 offense --

11 MR. GRAHAM: So I am not sure that this was. I don't  
12 know if the PSI writer included -- I know that they read the  
13 reports regarding this.

14 THE COURT: I'm talking about the actions and the  
15 activities.

16 MR. GRAHAM: Oh, absolutely.

17 THE COURT: How she responded and that type of thing.  
18 So this is nothing new?

19 MR. GRAHAM: No, no, no. This was actually provided  
20 during the preliminary hearing.

21 THE COURT: Do you agree with that?

22 MR. PICKER: I agree it's something that's been in the  
23 record.

24 MR. GRAHAM: I'm not entirely certain that the

1 psychosexual evaluation looked at it, or the evaluator for the  
2 psychosexual evaluation did. In Ms. Sherrie J. Hickson  
3 Brendenthal's (phonetic) report it indicates she read the  
4 reports, but it doesn't indicate whether or not she looked at the  
5 actual photos. And the thing that I'd like to show is that the  
6 defendant's words, not so much the pictures, but the actual words  
7 indicate that he knew what was going on.

8           And if you flip, 1, 2, 3, 4, 5 -- so the 21st page,  
9 it's a conversation that's on November 16th, 2017.

10           THE COURT: Where is the date on these?

11           MR. GRAHAM: It would be under where it says "airplane  
12 mode on." And then right under that it's November 16th, 2017, at  
13 1:59 p.m.

14           THE COURT: Oh, okay.

15           MR. GRAHAM: And so the conversation -- and this is  
16 after the victim in this case had sent numerous pictures to the  
17 defendant of her genitals. They had discussed sex acts the  
18 defendant had requested that she send a picture of her vagina to  
19 another person and wanted to know what that other person said.  
20 And to actually send a screenshot as proof that she sent a  
21 picture of her vagina to somebody else.

22           After that you'll see up here it says -- well, her  
23 conversation is on the right. Mr. Delgado's conversation is on  
24 the left. And she says, "Okay, I will." And excuse my language

1 but, "Are we just fuck buddies or are we dating?"

2 Mr. Delgado responds, "Both, kind of. IDK," which  
3 means I don't know, "about dating, because you're really young.  
4 But we can wait until you're older to date, but I still want  
5 you."

6 Victim responds, "I still want you too. Okay? How  
7 long do we have to" -- and then go to the next page, "How long do  
8 we have to wait until we date?"

9 Mr. Delgado responds, "16." She responds, "Okay. Not  
10 that long. I'll be 15 in two months. Just a year."

11 And then they go into him asking whether or not she's  
12 had sex with anybody else.

13 What's interesting about that conversation is it shows  
14 what's commonly referred to as consciousness of guilt. He knows  
15 not only that what he is doing is wrong, not only that what he  
16 desires is wrong, but despite that, he still wants to do it and  
17 he's still engaged in those acts.

18 The law for statutory sexual seduction is set up to  
19 protect juveniles, who factually may consent, but legally cannot  
20 for the very reasons that I stated before. Their minds are not  
21 developed enough, they're maturity level is not developed enough  
22 to engage in these practices. And that's exactly what was  
23 happening here.

24 The defendant, having her send pictures to other

1 people, receiving these pictures --

2 MR. PICKER: I'm going to object. There's no evidence  
3 that the defendant had her send pictures to other people. She  
4 didn't send pictures to other people.

5 MR. GRAHAM: Okay. My understanding it was -- Court's  
6 indulgence. I'm not sure what page it is, but on the top it says  
7 3:11 p.m. And it starts with, "IDK, laugh out loud."

8 I should have numbered the pages, and I apologize for  
9 that.

10 THE COURT: I can't see the dates on these.

11 MR. PICKER: This one doesn't have a date, Your Honor.

12 MR. GRAHAM: That one doesn't have a date, because they  
13 were scrolling through.

14 THE COURT: Close to the front or close to the back?

15 MR. PICKER: It's about in the middle, Your Honor. And  
16 if you look at the very top, it's the only page, I believe, that  
17 says 3:11 p.m.

18 THE COURT: Okay. I got it.

19 MR. GRAHAM: 16th page. It says, victim states, "IDK,  
20 laugh out loud." Or no, excuse me. The defendant states that.  
21 "It's hot if you just send him a pic of your pussy spread. He  
22 probably wants you."

23 Victim responds, "No, I don't want to." Defendant  
24 states, "Don't ask. Just spread it and send him one. Laugh out

1 loud." Smiley face. Laugh out loud is LOL. Victim states,  
2 "Laugh out loud." Defendant states, "Do it."

3 Next page, "Show me screenshots of it. Did you? Laugh  
4 out loud." Victim states, "Yeah." "Let me see what he say."  
5 Victim responds, quote, "Oh, shit. Is that really yours?" The  
6 defendant states, "Show me the screenshot, baby," question mark.

7 Next page is a continuation of that message showing the  
8 screenshot. And then it has a screenshot of the victim sending  
9 some other person a picture. And I blocked it out, but it's of  
10 her vagina.

11 In a situation such as this, where the defendant is an  
12 adult, he's 23, 24 years old at the time, and the victim is 14,  
13 it's incumbent on the adult in the situation not to engage in  
14 this type of sexual relationship, not to request these type of  
15 photos and not to take advantage of a child in the way that  
16 Mr. Delgado did.

17 As can be seen from the PSI in this case, the effects  
18 of this relationship, the effects of what Mr. Delgado did are far  
19 ranging. The victim has reported that she started cutting. The  
20 grandma has had to actually move. They sold their house in Red  
21 Hawk and moved. She is going through it, as we say.

22 Based on the facts and circumstances in this case, I  
23 think the evidence is clear that the defendant's actions were  
24 predatory in nature and manipulative, to say the least. And

1 based on that, I think that the defendant's -- the proper and  
2 just sentence in this case would be the 4 to 10 years that the  
3 parties have stipulated to.

4 THE COURT: All right. Thank you.

5 Mr. Picker.

6 MR. PICKER: Just briefly, Your Honor, because I didn't  
7 mention anything to do with the alleged victim or the victim in  
8 this case and his actions.

9 Actually, by the way, Mr. Delgado pled in this case.  
10 Not to diminish the fact that she's 14 years old and  
11 Mr. Lopez-Delgado should have had nothing to do with her mentally  
12 or physically in that way.

13 We have two things. One is that the Victim Information  
14 Statement about the victim, again, was in the PSI and is taken  
15 into account by Parole and Probation when they made their  
16 recommendation. But the other part is that, as the State  
17 provided to you in their Exhibit 1, it is unfortunate that this  
18 is a 14-year-old who certainly expressed and exhibited a lot more  
19 sophistication, quite frankly, than I had at the age of 14. And  
20 that is the unfortunate circumstance in our society, is that  
21 people at that age do seem to have a lot more awareness of those  
22 kinds of things.

23 THE COURT: Aren't we talking about -- I was wondering  
24 about that. I didn't inquire, but doesn't, especially when you



1 have a child versus an adult, the license that the adult is  
2 giving to the child in a circumstance sort of opening the gates  
3 to say, hey, let's do and say and -- do anything. And don't we  
4 see that here?

5 MR. PICKER: We do, Your Honor. And that is why  
6 Mr. Lopez-Delgado pled to what he pled to in this case, and  
7 that's why he admitted his actions to Your Honor. I mean that's  
8 really the situation, is that he does recognize that no matter  
9 how much the sophistication, how much the activity, how much the  
10 involvement by the victim in this case, he is the one who's  
11 legally responsible here. And he has taken that responsibility  
12 to heart, because --

13 THE COURT: Does he have an understanding of the  
14 long-range effect of this type of activity on a child?

15 MR. PICKER: Certainly he does.

16 THE COURT: Does he?

17 MR. PICKER: I mean, we had these discussions. One of  
18 the reasons or one of the discussions about not -- about him  
19 pleading guilty, and if Your Honor will recall, he had  
20 difficulties with his prior attorney. Our office was appointed.  
21 But within a week after talking to me and discussing the case and  
22 everything else, he entered the plea of guilty.

23 THE COURT: Well, he wouldn't want to go to jury.

24 MR. PICKER: But the other part is, he didn't want to

1 the victim to be in front of a jury either. He didn't want her  
2 to have that stress or pressure or exposure as well. So, Your  
3 Honor, that was a factor, and that was something that we  
4 discussed.

5 So Mr. Lopez-Delgado does have a statement that he'd  
6 like to read to Your Honor. But we -- you know our position.

7 THE COURT: All right. Go ahead.

8 THE DEFENDANT: So first I --

9 THE COURT: Read it slowly and loudly so the reporter  
10 can hear.

11 THE DEFENDANT: First I wanted to apologize to the  
12 victim and her family for the effect of this.

13 THE COURT: Do you have a daughter?

14 THE DEFENDANT: Yes, sir. I have two daughters.

15 THE COURT: Okay. Go ahead.

16 THE DEFENDANT: I'm filled with shame and  
17 embarrassment, regret and remorse for this by chasing trouble  
18 that I've let myself fall into. I take full responsibility for  
19 this, and I'm willing and able to enter into any treatment,  
20 counseling classes to help me further -- for myself, for my  
21 family and for society.

22 During the last 15 months in the Washoe County Jail  
23 I've not had any access to programs, counseling or treatment  
24 other than psychiatric treatment, but I have read self-help books

1 and I am determined to apply knowledge into plans of action on  
2 the foundation of self-discipline, deference and consistency to  
3 build a better future and to always improve myself for family and  
4 society.

5 I believe I have transmuted my punishment in jail to  
6 stepping stones of growth and character development, and I will  
7 continue to enlist or be drafted to help get back into society,  
8 to dedicate myself and resources to constructive purposes toward  
9 society and this country.

10 That's it, sir.

11 THE COURT: All right. Does anyone have any just or  
12 legal cause why judgment should not be entered?

13 MR. PICKER: No, Your Honor.

14 MR. GRAHAM: No, Your Honor.

15 THE COURT: There being none, the Court does adjudge  
16 Luigi Richard Lopez-Delgado guilty of a category B felony,  
17 statutory sexual seduction by a person of the age 21 or older, a  
18 violation of NRS 200.368(1). The Court enters judgment against  
19 Mr. Lopez-Delgado for a category B felony, possession of visual  
20 pornography of a person under the age of 16, first offense, a  
21 violation of NRS 200.730(1).

22 And finally the Court enters judgment against  
23 Mr. Lopez-Delgado on a category B felony, lewdness with a child  
24 older than 14, a violation of NRS 201.230(3) by virtue of his

1 plea of guilty taken December 13th, 2018.

2 This is a very upsetting and disgusting set of facts in  
3 this case. Mr. Lopez-Delgado, was there nothing that stopped you  
4 or suggested to you that you shouldn't be doing this as you're  
5 doing this? I mean you've got a young girl --

6 THE DEFENDANT: When I first met her, sir, she -- as  
7 far as I knew, she said she was 17 and then turned 18. So we  
8 started talking --

9 THE COURT: She says here that she said she was 14.  
10 And when you were talking on the phone, she said, we can't date  
11 -- or you said you can't date until you're 17.

12 THE DEFENDANT: Later on I found out she was under  
13 legal age.

14 THE COURT: But you kept going.

15 Almost every person that comes to court has been  
16 sexually molested in their lifetime. And look how that turned  
17 out. Here we are in criminal court. Like I said, I have four  
18 sons, I don't have any daughters.

19 Does she have a father, this girl?

20 MR. GRAHAM: Her father is not in the picture, Your  
21 Honor.

22 THE COURT: Oh, all right.

23 It is the judgment of the Court that you be sentenced  
24 on Count II, which is the statutory sexual seduction, to a

1 maximum term of 120 months, with a minimum parole eligibility of  
2 48 months. You are sentenced to a term of 72 months, with a  
3 minimum parole eligibility of 28 for Count IV, which is  
4 possession of visual pornography of a person under the age of 16.  
5 That will run consecutive to Count I. And in Count VI, which is  
6 lewdness with a child older than 14, I'm sentencing you to a term  
7 of 120 months with a minimum parole eligibility of 48 months.  
8 And that count can run concurrent to the other two counts.

9           So the aggregate is 76 minimum, 120 -- excuse me, 192  
10 maximum. Is that correct?

11           THE CLERK: That's correct. That's what I have, Your  
12 Honor.

13           THE COURT: All right. You'll be given credit for  
14 456 days. You've already got a year done. And you'll undergo  
15 genetic marker testing. There's a \$150 fee for that. The  
16 psychosexual fee is \$912.71, with a DNA administrative assessment  
17 fee of \$3 and a general administrative fee of \$25. And the  
18 attorney fee will be \$500.

19           MR. PICKER: Your Honor, I'm going to ask the attorney  
20 fees be waived, given the amount of time and given the other fees  
21 involved.

22           THE COURT: All right. I'll waive the attorney fees.  
23 Anything else?

24           MR. GRAHAM: Yes, Your Honor, as far as Count II, the

1 defendant will be required to register as a sex offender. Excuse  
2 me. Yeah.

3 THE COURT: Oh, right.

4 MR. GRAHAM: Sex offender. Additionally on count --

5 THE COURT: Six.

6 MR. GRAHAM: Count IV, register as a sex offender, and  
7 then Count VI, sex offender, as well as lifetime supervision.

8 THE COURT: Thank you. Thank you for that. All right.  
9 That will be part of the order. So you will register as a sex  
10 offender when you're released, and you will be on lifetime  
11 supervision once you are released on parole.

12 MR. GRAHAM: Thank you, Your Honor.

13 THE COURT: Thank you. Courts in recess.

14 (Proceedings Concluded)

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16  
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24

1 STATE OF NEVADA)  
2 COUNTY OF WASHOE ) ss.  
3 )

4 I, EVELYN J. STUBBS, official reporter of the  
5 Second Judicial District Court of the State of Nevada, in and for  
6 the County of Washoe, do hereby certify:

7 That as such reporter I was present in Department No. 3  
8 of the above court on, THURSDAY, MARCH 14, 2019, at the hour of  
9 9:44 a.m. of said day, and I then and there took stenotype notes  
10 of the proceedings had and testimony given therein upon the  
11 SENTENCING of the case of THE STATE OF NEVADA, Plaintiff, vs.  
12 LUIGY RICHARD LOPEZ-DELGADO, Defendant, Case No. CR18-1654.

13 That the foregoing transcript, consisting of pages  
14 numbered 1 to 21, inclusive, is a full, true and correct  
15 transcript of my said stenotype notes, so taken as aforesaid, and  
16 is a full, true and correct statement of the proceedings had and  
17 testimony given therein upon the above-entitled action to the  
18 best of my knowledge, skill and ability.

19 DATED: At Reno, Nevada, this 25th day of April, 2019.  
20  
21

22 /s/ Evelyn Stubbs  
23 EVELYN J. STUBBS, CCR #356  
24

## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of JOINT APPENDIX to the following:

LUIGY RICHARD LOPEZ-DELGADO #1213864  
LOVELOCK CORRECTIONAL CENTER  
1200 Prison Road  
LOVELOCK, NEVADA 89419  
Via U.S. Mail

AARON FORD  
ATTORNEY GENERAL STATE OF NEVADA  
100 N. CARSON STREET  
CARSON CITY, NEVADA 89701  
Via electronic filing

CHRIS HICKS  
WASHOE COUNTY DISTRICT ATTORNEY  
Attn: Appellate Department  
Via electronic filing

DATED this 22<sup>nd</sup> day of July, 2019.

/s/ Randi M. Jensen  
RANDI M. JENSEN