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Respondent.

Electronically Filed
May 20 2020 12:51 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Docket 79036 Document 2020-19220

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CASE NO. C-15-311453-1

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

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6 STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 CHRISTOPHER SENA,

10 Defendant.

11

VOLUME IV

12

REPORTER'S TRANSCRIPT

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OF

14

PRELIMINARY HEARING

15

BEFORE THE HON. JANIECE MARSHALL
JUSTICE OF THE PEACE

16

17

FRIDAY, SEPTEMBER 18, 2015
10:26 a.m.

18

APPEARANCES:

19

For the State: JAMES SWEETIN, ESQ.
MARY KAY HOLTHUS, ESQ.
Chief Deputies District
Attorney

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For the Defendant: VIOLET RADOSTA, ESQ.
DAVID LOPEZ-NEGRETE, ESQ.
Deputies Public Defender

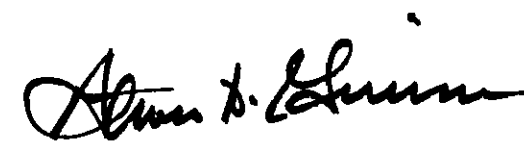
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Reported by: CHERYL GARDNER, RMR-RPR
CCR No. 230

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CHERYL GARDNER, RPR-RMR, CCR 230


CLERK OF THE COURT

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1 LAS VEGAS, CLARK COUNTY, NV, FRIDAY, SEPT. 18, 2015
10:26 a.m.

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3 THE COURT: Christopher Sena, 14F14785X.

4 All right. Parties wish to put something on the
5 record first.

6 MS. HOLTHUS: I did, Judge. After one of
7 the hearings one of the victims approached me and
8 informed me that they had, that the media had filmed
9 Terry Tails Sena's testimony, not only film it but
10 actually aired a portion of it identifying him,
11 showing him testifying regarding having sex with his
12 parents, naming him by name as Terry.

13 He's 20 but he's a sex assault victim.

14 I've never in 24 years seen it done so I know, Your
15 Honor, my recollection is you told them there would
16 be no filming. They film in the direction but
17 usually it's above the head to the judge, the hand,
18 or blurring it out like I know they have done.

19 I wanted to bring it to your attention that
20 this -- as embarrassing as this whole thing must be
21 for that 20 year-old --

22 THE COURT: Do you know which?

23 MS. HOLTHUS: Channel 13.

24 THE COURT: Is a representative here from
25 Channel 13?

1 UNIDENTIFIED MALE SPEAKER: Yes, Your
2 Honor.

3 THE COURT: So you're aware that you cannot
4 film a sexual assault victim regardless of their age.

5 UNIDENTIFIED MALE SPEAKER: I am.

6 THE COURT: I'm assuming this was
7 unintentional.

8 UNIDENTIFIED MALE SPEAKER: I cannot speak
9 as to the state of mind of whoever it was.

10 THE COURT: It wasn't you.

11 UNIDENTIFIED MALE SPEAKER: No, ma'am, it
12 was not me.

13 THE COURT: Obviously this is a violation
14 so I'll need someone from Channel 13 to advise what
15 occurred and why it occurred and with respect to --
16 who do we have testifying today?

17 MR. SWEETIN: We have Ryan Sena who is a
18 juvenile.

19 THE COURT: So juvenile and sexual assault
20 so he will not be referred by name nor will there be
21 any pictures shown of him. Everybody understands
22 that, correct?

23 UNIDENTIFIED MALE SPEAKER: Yes, ma'am.

24 THE COURT: All right. So I will leave it
25 up to Channel 13 to contact the Court and explain the

1 circumstances at this point to see if I'm going to go
2 any further with respect to why there was videoing of
3 a sexual assault victim.

4 All right. So we're ready to go. The
5 parties ready to proceed.

6 MR. SWEETIN: Yes, Judge.

7 MS. RADOSTA: Yes.

8 THE COURT: Who are we calling first?

9 MS. RADOSTA: I'm just curious, Your
10 Honor. Are we going to break from the testimony as
11 some of the other matters get readied? Just given
12 there's in custodies, Ryan and it's going to be
13 lengthy.

14 MR. SWEETIN: I suspect our direct is going
15 to be 30 to 40 minutes at the most.

16 THE COURT: I'm going to use the court
17 time. So we're going to start. If they are ready to
18 go and they want to argue, then we can take a break
19 at some point. I'm going to start. I'm going to use
20 my court time. Go ahead and call your first
21 witness. Marshal.

22 MR. SWEETIN: Ryan Sena.

23 MS. RADOSTA: Just so the Court's aware,
24 the State and defense have already talked to each
25 other about asking for time for bindover argument.

1 This is our last witness so given --

2 THE COURT: Do you have a date?

3 MR. SWEETIN: We only have Volume 1 of the
4 --

5 MS. RADOSTA: Your court reporter is very
6 quick and this is a large amount of information.
7 Whenever she --

8 (Discussion off the record.)

9 THE COURT: All right. We're ready to go
10 on the record. And it's clear nobody is filming this
11 witness, correct?

12 UNIDENTIFIED MALE SPEAKER: Yes, ma'am.

13 THE COURT: If anybody comes in and
14 substitutes for you, you'll notify them that they are
15 not to film this witness nor his name to be disclosed
16 to the media.

17 UNIDENTIFIED MALE SPEAKER: Yes.

18 THE COURT: Thank you. All right is there
19 a motion to exclude witnesses?

20 MS. RADOSTA: Yes, Your Honor.

21 THE COURT: I need everyone to step out.
22 How old are you?

23 THE WITNESS: I'm 17.

24 THE COURT: So you wish the entire
25 courtroom to be empty.

1 MR. SWEETIN: We'd submit it to the Court's
2 discretion.

3 THE COURT: It's up to you. Do you want me
4 to have them clear the courtroom?

5 THE WITNESS: Yes.

6 THE COURT: Everyone will step out,
7 please. The D.A. victim or the witness assistant can
8 be in here. Do you want a person next to you?

9 THE WITNESS: Yes.

10 THE COURT: All right. If you bring
11 another chair up.

12 THE DEPUTY MARSHAL: Yes, Your Honor.

13 UNIDENTIFIED MALE SPEAKER: Can we record
14 the voice?

15 MS. HOLTHUS: The voice is minimum.

16 THE COURT: As long as you don't say the
17 name and there's no pictures. As to the attorneys in
18 the back room, they're seeking to stay.

19 MR. SWEETIN: If we're clearing the
20 courtroom, we're clearing the courtroom.

21 THE COURT: I'm sorry. Since the victim
22 has requested -- any objection to grandma staying?

23 THE WITNESS: She's staying.

24 THE COURT: Okay. She's staying. You want
25 your grandma to sit next to you.

1 MS. RADOSTA: I would object to that. I
2 appreciate you want to clear the courtroom and I was
3 the one who made the motion to exclude. Grandma is a
4 potential witness at trial.

5 THE COURT: Oh, she is. Are you objecting
6 to her remaining in the courtroom?

7 MS. RADOSTA: For the record yes, Your
8 Honor. I will object to her remaining in the
9 courtroom. I made the objection previously.

10 THE COURT: I understood the D.A. victim
11 witness had a person for her.

12 MR. SWEETIN: The issue is the statutory
13 authority for a supportive person sitting with the
14 victim has nothing to do with whether or not that
15 person might be called as a witness at trial. As a
16 matter of fact there's provisions made if that
17 particular person is a witness at the prelim, then
18 testimony would be from that person being elicited
19 before they would sit as a support person so I'm not
20 sure that there's any legal basis to exclude the
21 witness because they might be a witness at trial.

22 THE COURT: Is she being called as a
23 witness at the preliminary hearing?

24 MS. RADOSTA: We were not planning on
25 calling her as a witness.

1 MR. SWEETIN: And we're not calling her as
2 a witness.

3 THE COURT: All right. I'm going to let
4 grandma stay in the room. Grandma, what's your
5 name?

6 MS. CLARK: Penny Clark.

7 THE COURT: I'm going to allow her to stay
8 in the courtroom. I'm going to let her come up and
9 sit up here. You can't talk to her. You can't look
10 to her for information. This is your testimony.
11 I'll let her sit next to you but you can't -- she is
12 just going to sit there.

13 You can't talk to her at all. You can't
14 look at her for information. You can't confirm your
15 answers or anything of that nature. No
16 communication. I'm just allowing her support for you
17 which is to be a comforting presence.

18 MS. RADOSTA: For the record, Your Honor,
19 just so that we're clear I objected to her presence
20 in the courtroom. I'm also objecting to her being
21 allowed to sit next to him.

22 THE COURT: Noted. He's 17 years old and
23 under these circumstances I believe that he's
24 entitled to have someone to support him and it's his
25 grandmother and since neither party has indicated

1 they're calling her as a witness, I'm going to allow
2 her to sit next to him. Under the conditions there
3 will be no communication whatsoever.

4 You can't confer with each other. You
5 can't look back and say is that wrong or right or
6 should I answer the question. Nothing like that. So
7 raise your right hand for me.

8 RYAN SENA,

9 having first duly affirmed to tell
10 the truth under the pain and penalty
11 of perjury, was examined and testified
12 as follows:

13 THE COURT: Do you understand what that
14 means?

15 THE WITNESS: Uh-huh.

16 THE COURT: Okay. So I'm going to have you
17 scoot up a little bit forward. I know you're nervous
18 so let me just explain how the process will work so
19 we have the same understanding.

20 Everything that we are saying is being
21 taken down by the court reporter that's sitting right
22 in front of you. She is not always looking at you
23 and if you nod or shake your head or you say uh-huh
24 or huh-uh or somebody can't hear what you say, I'm
25 going to have to prompt you to say yes or no out

1 loud.

2 Everything that you say has to be
3 verbalized on the record so if someone asks you a
4 question about, for example, how far away were you at
5 some point in time, just holding up your hand isn't
6 good enough. I'll have to say two feet, three feet,
7 so everything that you are communicating to the Court
8 has to be verbalized. It has to be said out loud.

9 Now, the attorneys are going to take turns
10 asking questions of you. You have to wait until they
11 fully get their question out and make sure you're
12 answering the question that they actually ask you.
13 If you don't understand the question, if you don't
14 understand what they mean, if you don't understand a
15 word that they use, you need to tell them that
16 because if they ask a question and you just go ahead
17 and answer it, the presumption is going to be that
18 you were answering the question that they asked you
19 not that you were confused, not that they had any
20 misinformation, a year wrong, a name wrong, something
21 wrong in the question.

22 It's only going to be that question and
23 that was your answer. When this is all done, there
24 will be a record of the proceeding and transcriptions
25 and it will have the person's question and your

1 answer, nothing that you weren't sure or that you
2 knew the year was wrong but you went ahead and
3 answered it so make sure you are answering only their
4 question and if you don't understand it, speak up.

5 All right?

6 THE WITNESS: Uh-huh.

7 THE COURT: Now, they sometimes object to
8 each others questions so I need you to wait. Once a
9 question is asked, pause. Make sure the question is
10 fully asked and then wait and see if the other side
11 is going to object. If they do, then I will let you
12 know if you can answer the question or if the
13 attorney is going to have to ask another question.
14 So don't start answering if somebody else is
15 answering. All right? Yes?

16 THE WITNESS: Yes.

17 THE COURT: It's not a memory test. It's
18 what's your recollection as you sit here today.
19 Sometimes there will be questions that are asked that
20 you never knew the answer to and that is an answer
21 then, that you don't know the answer. If it is
22 something that you did know the answer to but you
23 don't remember it as you sit here today, you need to
24 tell them I don't remember because they will ask you
25 different questions between depending on if you never

1 knew the answer or if you simply don't remember today
2 because they might be able to show you some document.
3 .

4 They might be able to provide information
5 to you that would enable you to trigger your
6 recollection. They're not asking you to guess so if
7 you are estimating, you need to tell them that this
8 is an estimation, that you don't know the exact
9 amount of time. It's not a test. It's just to find
10 out what you know, what your best recollection is.
11 All right?

12 If at any point in time you need a break,
13 you let me know. Do you have any questions?

14 THE WITNESS: No.

15 THE COURT: I need you to state and spell
16 your first and last name for the court reporter.

17 THE WITNESS: My name is Ryan, R-Y-A-N,
18 Sena, S-E-N-A.

19 THE COURT: Proceed.

20 MR. SWEETIN: Thank you.

21 DIRECT EXAMINATION

22 BY MR. SWEETIN:

23 Q. Hi, Ryan. How old are you?

24 A. I'm 17.

25 Q. Can you tell me what your date of birth is.

1 A. 06/14/98.

2 THE COURT: Pull that microphone just a
3 little closer to your mouth. If you can speak into
4 it.

5 MR. SWEETIN: You don't have to put your
6 mouth right up to the microphone. Just talk toward
7 it.

8 Q. So your birthday is June 14, 1998; is that
9 correct?

10 A. Yes.

11 Q. Are you currently in school?

12 A. Yes.

13 Q. What grade in school are you in?

14 A. I'm a senior.

15 Q. Is that the 12th grade?

16 A. 12th grade.

17 Q. What school do you go to?

18 A. Sunset.

19 Q. What is that?

20 Where do you currently live?

21 A. With my biological dad.

22 Q. And how long have you lived with him?

23 A. Since December.

24 Q. Is that December of 2014?

25 A. Yes.

1 Q. Who is your biological mother?

2 A. Terrie Sena.

3 Q. Now, do you ever remember living at a
4 residence located at 6012 Yellowstone Avenue here in
5 Las Vegas, Clark County, Nevada?

6 A. Yes.

7 Q. Over what period of time did you live at
8 that place?

9 A. Almost my whole life.

10 Q. When you say your whole life, did there
11 come a point in time when you moved out?

12 A. 16.

13 Q. I'm sorry?

14 A. When I was 16.

15 Q. Approximately when was it that you moved
16 out?

17 A. Back in June of 2014.

18 Q. June of 2014. And your birthday is June
19 14, 1998; is that right?

20 A. Yes.

21 Q. So it would be fair to say that you
22 actually moved out of that residence before you
23 turned 16.

24 A. I was about turning 16, yeah.

25 Q. So right about that same time.

1 A. Yes.

2 Q. When you lived there, did you live there
3 for that entire time from the time you were born
4 until you moved out in June of 2014 or did you leave
5 from time to time?

6 A. We'd leave from time to time.

7 Q. When you left -- well, how often would you
8 leave that residence?

9 A. I don't remember.

10 Q. Do you remember how many times you moved
11 out?

12 A. I don't remember.

13 Q. When you left that residence, how long were
14 you normally gone?

15 A. Ten months.

16 Q. So there were times when you left the
17 residence for extended periods of time.

18 A. Yeah.

19 Q. When you left the residence, who did you go
20 live with?

21 A. I stayed with my grandma.

22 Q. And let me ask you this. While you were
23 living at that residence, who else was living there?

24 A. Anita, Tails.

25 Q. Okay. You said Anita; is that right?

- 1 A. Yes.
- 2 Q. What's Anita's last name?
- 3 A. Sena.
- 4 Q. Is she older or younger than you?
- 5 A. Older.
- 6 Q. About how much older?
- 7 A. She's eight years older than me.
- 8 Q. Eight years?
- 9 A. Yes.
- 10 Q. You mentioned Tails; is that right?
- 11 A. Yeah.
- 12 Q. What's Tails' name?
- 13 A. Terry Sena.
- 14 Q. And is he older than you or younger than
- 15 you?
- 16 A. He's older than me.
- 17 Q. About how much older?
- 18 A. Three.
- 19 Q. And anyone else?
- 20 A. Brandon.
- 21 Q. And what's Brandon's full name?
- 22 A. Brandon Sena.
- 23 Q. And is he older or younger than you?
- 24 A. Younger than me.
- 25 Q. About how much younger?

1 A. Two months.

2 Q. Anyone else live there with you?

3 A. Deborah, Deborah Sena.

4 Q. Okay. And who was Deborah Sena?

5 A. Chris's wife.

6 Q. And you mentioned Chris.

7 A. Uh-huh.

8 Q. Who are you talking about?

9 A. Chris Sena.

10 Q. Okay. Did he live there with you as well?

11 A. Yes.

12 Q. And do you see that person in the courtroom
13 today?

14 A. Yes.

15 Q. Can you point that person out, identify
16 something he's wearing today?

17 A. Over there. He's wearing blue.

18 THE COURT: The record will reflect the
19 witness has identified the defendant.

20 MR. SWEETIN: Okay.

21 Q. Now, you said that Deborah Sena was Chris's
22 wife; is that right?

23 A. Yes.

24 Q. So fair to say she was older than you.

25 A. Uh-huh.

1 THE COURT: Is that yes? You have to say
2 yes or no.

3 THE WITNESS: Yes.

4 MR. SWEETIN:

5 Q. Anybody else living there with you?

6 A. And my mom.

7 Q. Who is your mom?

8 A. Terrie Sena.

9 Q. Now, when you did leave the residence, did
10 anyone who was living there at the residence leave
11 with you?

12 A. Just me and my mom.

13 Q. Okay. So when your mom left the residence,
14 you would leave the residence.

15 A. Yes.

16 Q. Okay. Now, while you were living there at
17 that residence there on Yellowstone, did anything
18 happen that you came to tell the judge about today?

19 A. I was sexually abused.

20 Q. Okay. When do you remember the sexual
21 abuse starting?

22 A. When I was 12 and 13.

23 Q. 12 and 13 years old.

24 A. Yes.

25 Q. About what grade were you in?

1 A. Seventh or eighth.

2 Q. So you were in junior high?

3 A. Yes.

4 Q. What happened on the initial when you were
5 initially sexually abused?

6 How were you abused and by who?

7 A. I was sexually abused by Chris.

8 Q. By the defendant?

9 A. Yes.

10 Q. And where did the sexual abuse happen? Was
11 it at that same residence?

12 A. Yes.

13 Q. Okay. Did it always happen at the same
14 place in that residence?

15 A. Yes.

16 Q. All right. Did it happen just one time at
17 the residence or more than one time?

18 A. More than one time.

19 Q. Do you remember -- when you were in junior
20 high school when you were 12 or 13 years old, do you
21 remember one of those incidents that happened?

22 A. No.

23 Q. Do you remember it happening in just one
24 place within that residence, within that house or at
25 different places within the house?

1 A. Different places in the house.

2 Q. Which places do you remember it happening?

3 A. My room, his room, and the office, and the
4 livingroom.

5 Q. Okay. Now, you indicated that is the four
6 places that you can remember it happening.

7 A. Yes.

8 Q. Was there a way that it normally happened?

9 A. I don't understand.

10 Q. Okay. Was there normally people at the
11 house when it happened?

12 A. No.

13 Q. Who was present at that residence when it
14 happened?

15 A. Chris.

16 Q. Just Chris and you?

17 A. Yes.

18 Q. Okay. And what happened?

19 A. He sexually abused me.

20 Q. What did he do? It's okay.

21 THE COURT: It might be good to have a sip
22 of water, give yourself a break. Are you going to
23 need a minute? We can take as long as you need. All
24 right? I have another case I can call if you want to
25 take a break. Do you want to do that? Do you have

1 anybody from D.A. victim witness?

2 Here's what we can do. I can send him back
3 to my chambers. I'll call my other case. He can sit
4 back there. Do you have any objection --

5 MS. RADOSTA: As long as she's instructed
6 not to discuss the testimony.

7 THE COURT: Ms. Clark, you can go with
8 him.

9 (Whereupon a recess was taken
10 from 10:47 a.m. until 11:03 a.m.
11 while other matters were heard
12 after which the following
13 proceedings took place:)

14 THE COURT: All right. So Christopher
15 Sena, 14F14785X. Ryan, you're back. Are you all
16 right? Ready to go.

17 THE WITNESS: I think so.

18 THE COURT: You understand you're still
19 under oath.

20 THE WITNESS: Yeah.

21 THE COURT: All right. Go ahead.

22 MS. HOLTHUS: May we approach briefly.

23 THE COURT: Certainly.

24 (Whereupon, counsel approached
25 the bench, and after a

1 discussion outside the hearing
2 of the court reporter, the
3 following proceedings took
4 place:)

5 MR. SWEETIN:

6 Q. Ryan, when we were talking before you had
7 mentioned that when you were in junior high school in
8 seventh and eighth grade about 12 and 13 years old
9 that the defendant sexual abused you; is that right?

10 A. Yes.

11 Q. What did he do to sexually abuse you?

12 A. Made me take my clothes off.

13 Q. What else did he do when you took your
14 clothes off, when he forced you to take your clothes
15 off?

16 MS. RADOSTA: Objection, Your Honor. I
17 believe that misstates the evidence.

18 THE COURT: If you rephrase.

19 MR. SWEETIN: Sure.

20 Q. You indicated that your clothes came off;
21 is that correct?

22 A. Yes.

23 Q. Once your clothes came off, did the
24 defendant touch you anywhere?

25 A. Yeah.

1 Q. Where did he touch you?

2 A. My private parts.

3 Q. On your private part?

4 A. Yeah.

5 Q. What part of your private parts? You can
6 tell us, Ryan.

7 A. I can't figure out what the word is.

8 Q. You can just say whatever word you use. So
9 where did he touch you?

10 THE COURT: Can you point to it. Can you
11 point to the area of the body.

12 THE WITNESS: Behind (indecipherable).

13 THE COURT: I don't know.

14 MR. SWEETIN:

15 Q. So you mentioned that he touched you on
16 your behind; is that correct?

17 A. Yes.

18 Q. Now, on your behind there's a place where
19 poop comes out. Do you know where that is?

20 A. My behind.

21 Q. Is that the part of your behind that you're
22 talking about?

23 A. Yes.

24 Q. And what did he touch you there with?

25 A. His dick.

1 Q. Now, when he touched you there on the part
2 of your body where the poop comes out with his dick,
3 did his dick into where the poop comes out?

4 A. Yes.

5 Q. Now, you said that this normally happened
6 when there was nobody else in the house except for
7 you and the defendant; is that right?

8 A. Yes.

9 Q. But you said it happened in different
10 places in the house when you were in junior high
11 school, when you were 12 or 13 years old.

12 A. Yes.

13 Q. Do you remember you mentioned that it
14 happened in your bedroom; is that correct?

15 A. Yes.

16 Q. Do you remember a time when it actually did
17 happen inside your bedroom?

18 A. Yes.

19 Q. And on that time was there nobody else in
20 the house besides you and the defendant?

21 A. Nobody.

22 Q. And how did you come to be inside your
23 bedroom with the defendant on that time?

24 A. I don't understand.

25 Q. How was it that you and the defendant were

1 inside your bedroom?

2 Did you go in first?

3 Did he go in first?

4 A. I'd go in first.

5 Q. So you were in your bedroom. Is that a
6 yes?

7 A. Yes.

8 Q. And how does the defendant get inside your
9 bedroom?

10 A. He walks in.

11 Q. He walks in. And once he walks in, what
12 happens then?

13 A. He makes me take my clothes off.

14 Q. Did you want to take your clothes off?

15 A. No.

16 Q. Did you take your clothes off?

17 A. Yes, forcefully.

18 Q. When you say forcefully, what do you mean
19 by that?

20 A. He made me do it.

21 Q. What did he do to make you take your
22 clothes off?

23 A. Yell at me and grabbing me.

24 Q. So he was yelling at you.

25 A. Yes.

1 Q. What did you think would happen if you
2 didn't do what the defendant was saying, take your
3 clothes off?

4 A. He'd come after me.

5 Q. You say come after you. What do you mean
6 by that?

7 A. Try to hurt me.

8 Q. Okay. So you did take your clothes off.

9 A. Uh-huh.

10 Q. And once your clothes came off, do you
11 remember where you were inside the bedroom?

12 A. The floor.

13 Q. Where?

14 A. The floor.

15 Q. And when you were on the floor in the
16 bedroom, did you get on the floor yourself or how did
17 you get?

18 A. I got on the floor.

19 Q. Okay. And when you were on the floor, how
20 were you situated on the floor? How were you
21 situated?

22 A. Laying flat.

23 Q. When you were laying flat, were you laying
24 on your back or on your stomach?

25 A. On my stomach.

1 Q. What happened then?

2 A. He put his thing into me.

3 Q. Okay. Now, you said that this happened
4 when you were in junior high school.

5 A. Uh-huh.

6 Q. 12, 13 more than one time; is that right?

7 A. Yes.

8 Q. Okay. Do you remember it happening other
9 places beside your bedroom when you were that age?

10 A. The office.

11 Q. Okay. Where is the office?

12 A. The back of the house.

13 Q. And what's inside the office in the back of
14 the house?

15 A. Some computers.

16 Q. Is the office actually part of the house or
17 is it separate from the house?

18 A. Separate.

19 Q. On the occasion that it happened back in
20 the office, was there anybody else around the house
21 besides you and the defendant?

22 A. One time with my mom.

23 Q. Okay. So let's talk about first the one
24 time just the defendant was around the house. What
25 happens back in the office when the defendant is with

1 you back in the office?

2 A. I'm sorry. He showed videos.

3 Q. Okay. So there was a time -- about how old
4 were you when the defendant showed you videos?

5 A. 14, 15.

6 Q. 14 or 15?

7 A. Yes.

8 Q. Okay. So there was a time when you were 14
9 or 15 when the defendant showed you videos back in
10 the office.

11 A. Yeah.

12 Q. Was there anybody else back in the office
13 when that happened?

14 A. No.

15 Q. And were you looking at videos on your own
16 or the defendant wanted you to look at videos, how
17 did you come to look at videos?

18 A. He wanted me to look at them.

19 Q. Where was the defendant at when he wanted
20 you to look at the videos?

21 A. On his computer in the office.

22 Q. Okay. And did you come up and look at the
23 videos?

24 A. I didn't know he was showing the videos
25 then.

1 Q. That's fine. Did you come up and look at
2 the videos that he was showing? You said that he
3 wanted to show you videos, the defendant; is that
4 correct?

5 A. Yes.

6 Q. Did you look at the videos?

7 A. Yes.

8 Q. And what did you see in the videos?

9 A. Him and my mom.

10 Q. When you say your mom, is that Terrie Sena?

11 A. Yes.

12 Q. And what was him and your mom doing in the
13 videos?

14 A. Having sex in the back office.

15 Q. Okay. Now, you mentioned -- let's go back
16 to the defendant putting his dick in where poop comes
17 out. You said that happened more than one time; is
18 that right?

19 A. Yes.

20 Q. Now, you've already told us about one time
21 when you were in junior high school that that
22 happened inside your bedroom; is that right?

23 A. Yes.

24 Q. Did that happen in other places in the
25 house when you were in junior high school 12 and

1 13 years old?

2 A. No.

3 Q. Do you remember talking to the police and
4 talking to the police about these incidents happening
5 in other places like the livingroom and the other
6 bedroom that the defendant had?

7 A. Yes.

8 Q. So did those, that incident that we talked
9 about where the defendant put his dick in you, did
10 that happen in other places besides your bedroom?

11 A. The livingroom and bedroom.

12 Q. You remember that.

13 A. A little of it, yes.

14 Q. Now, that was when you were in junior high
15 school; is that right?

16 A. Yes.

17 Q. Okay. So you were about 12 or 13 years
18 old.

19 A. Yes.

20 Q. Let's pick the livingroom. On that
21 particular incident do you remember whether there was
22 anybody else in the house?

23 A. Nobody.

24 Q. Okay. So it was just you and the
25 defendant?

1 A. Yes.

2 Q. Do you recall whether -- well, you were in
3 the livingroom; is that right?

4 A. Yes.

5 Q. How did -- was the defendant in the
6 livingroom before you were in the livingroom or did
7 he come into the livingroom after you were in the
8 livingroom?

9 A. He was in the livingroom.

10 Q. So you were both in the livingroom.

11 A. Yeah.

12 Q. And what happens as you're both in the
13 livingroom?

14 A. I honestly don't remember.

15 Q. Now, you mentioned before that when you
16 were in the bedroom, that your clothes came off; is
17 that right?

18 A. Yeah.

19 Q. When you were in the livingroom, do you
20 remember that happening?

21 A. Half of it.

22 Q. So your clothes were half off when you were
23 in the livingroom.

24 A. Yes.

25 Q. What part of your clothes were off?

1 A. My pants.

2 Q. So your pants were down. Did you have
3 underwear on? Do you have underwear on at that time?

4 A. Yes.

5 Q. Was your underwear off also?

6 A. Yes.

7 Q. So after your pants and your underwear were
8 off, what happens next?

9 A. (Indecipherable.)

10 Q. I'm sorry, Ryan. What did you say?

11 A. He would sit down and make me sit on his
12 dick.

13 Q. So he would sit down on the couch.

14 A. Yes.

15 Q. Okay. And when he sat down on the couch,
16 did he have his clothes on or off or how was his
17 clothes situated?

18 A. His pants and underwear off.

19 Q. Okay. Now, you said that when the
20 defendant was sitting on the couch, he was sitting on
21 his butt on the couch.

22 A. Yes.

23 Q. And you said you sat on it; is that
24 correct?

25 A. Yes.

1 Q. What part of your body touched his body
2 when you sat on it?

3 A. My butt.

4 Q. I'm sorry.

5 A. My butt.

6 Q. Now, when that happened, did his dick into
7 your --

8 A. Yes.

9 Q. -- where the poop comes out at that time.

10 A. Yes.

11 Q. Did you want that to happen?

12 A. No.

13 Q. Did you want to take off your clothes?

14 A. No.

15 Q. Why did you?

16 A. Forcefully.

17 Q. When you say forcefully, can you be more
18 specific?

19 A. He would make me do it.

20 Q. The defendant did.

21 A. Yes.

22 Q. Did you want to sit on him?

23 A. No.

24 Q. And why did you?

25 A. I was forced.

1 Q. All right. Now, you indicated that these
2 incidents where the defendant put his dick inside of
3 you happened more than once. Do you have any idea
4 how many times they happened?

5 A. Three.

6 Q. Now, first I want to talk about when you
7 were in junior high school about 12 or 13. Do you
8 remember three times at least happening during that
9 period of time?

10 A. My room, the livingroom, and his room.

11 Q. Okay. Did there come a point in time when
12 this conduct stopped for a while?

13 A. A little bit when I was 15.

14 Q. And when you were 15, about how long did it
15 stop?

16 A. I don't remember.

17 Q. Okay. Do you have any idea why it stopped
18 for a while?

19 A. No.

20 Q. Did it start again?

21 A. Yes.

22 Q. When it started again, how long did it go
23 on?

24 Did it go on until the time when you moved
25 out in June of 2014?

1 A. Yes.

2 Q. Now, when it started again, do you remember
3 it happening in different places still within that
4 same residence?

5 A. Yes, in his room and the office.

6 Q. Okay. Was the way it happened in the
7 office and his room, the same as the way you've just
8 described to us?

9 A. Yes.

10 Q. On both of those occasions when you were
11 about 15 in the office and his room was there anybody
12 else inside the house when it happened?

13 A. Can you repeat.

14 Q. Sure. On both of those times when you were
15 about 15 years old in the office and the defendant's
16 room was there anybody else in the house when it
17 happened?

18 A. No.

19 Q. And when it happened, did your clothes stay
20 on or did they come off?

21 A. They came off.

22 Q. And why did they come off?

23 A. Forcefully.

24 Q. So the defendant forced you.

25 A. Yes.

1 Q. First talking about in the office, do you
2 remember where you were inside the office when it
3 happened when you were about 15?

4 A. Near his computer.

5 Q. And what happens when you're near his
6 computer? You said that your clothes came off; is
7 that correct?

8 A. Yes.

9 Q. Did his clothes come off as well?

10 A. Yes.

11 Q. Do you recall how you were situated at the
12 time that he placed his dick inside of you like you
13 described?

14 A. On his computer chair.

15 Q. So he was sitting on his computer chair.

16 A. Yes.

17 Q. And how were you situated when his dick
18 went inside of you?

19 A. On him.

20 Q. I'm sorry?

21 A. On him.

22 Q. So he had you sit on him as well that
23 time.

24 A. Yes.

25 Q. Now, you said that there was also when you

1 were about 15 another time that it happened in the
2 defendant's bedroom; is that right?

3 A. Yes.

4 Q. Now, on that occasion did your clothes stay
5 off or did they come off?

6 A. Came off.

7 Q. How about the defendant's clothes, did they
8 stay on or come off?

9 A. Come off.

10 Q. Where did that particular event happen
11 inside of his bedroom?

12 A. On his bed.

13 Q. Okay. Now, was there anybody else inside
14 the house at that time?

15 A. No.

16 Q. Okay. And how were you -- were you on the
17 bed?

18 A. Yes.

19 Q. How were you situated on the bed?

20 A. Laying flat on my stomach.

21 Q. Okay. And while you were laying flat on
22 your stomach, what happened at that point?

23 A. On him (inaudible).

24 Q. The defendant got on you and put his dick
25 inside of your where the poop comes out.

1 A. Yeah.

2 Q. Okay. Now, besides the incidents involving
3 just the defendant, were there other -- did you
4 suffer other abuse in the house that involved other
5 people?

6 A. Rephrase. I don't understand.

7 Q. Sure. Beside the times when the defendant
8 did sexual things to you, was there anybody else in
9 the house also that did sexual things to you?

10 A. My mom.

11 Q. And when your mom -- that's Terrie Sena.

12 A. Yes.

13 Q. How many times do you recall sexual things
14 happening between yourself and Terrie Sena?

15 A. Twice.

16 Q. And where did those incidents happen?

17 A. The office and his room.

18 Q. Okay. Let's talk about when you say his
19 room, the defendant's room first.

20 A. Yes.

21 Q. When you talk about his room, you're
22 talking about the defendant's room; is that correct?

23 A. Yes.

24 Q. And I'm going to ask you to talk about that
25 first. Do you remember about how old you were when

1 that incident happened?

2 A. I don't remember.

3 Q. Do you remember what grade you were in
4 school?

5 A. No.

6 Q. Do you remember if it was before or after
7 the defendant stopped putting his dick inside of your
8 butt for a period of time?

9 A. I don't understand.

10 Q. Sure. You indicated that you moved out of
11 the house when, before you were 16; is that correct?

12 A. Yes.

13 Q. So did this time happen before you turned
14 16?

15 A. Yes.

16 Q. Okay. So when this incident in the
17 defendant's bedroom occurs, who is present inside the
18 bedroom?

19 A. My mom.

20 Q. Your mom, that's Terrie Sena?

21 A. Yeah.

22 Q. Is there anybody else present?

23 A. And him, Chris.

24 Q. The defendant?

25 A. Yes.

1 Q. Now, how did you get into the defendant's
2 bedroom on that particular occasion?

3 Did you go in there by yourself?

4 Did somebody ask you to go in there?

5 How is it that you got into that bedroom?

6 A. My mom was in there.

7 Q. So you went into the bedroom because your
8 mother Terrie Sena was in the bedroom.

9 A. Yes.

10 Q. What happened once you get inside the
11 bedroom?

12 A. She was talking to me and she started
13 taking my clothes off.

14 Q. And when you say "she," Terrie Sena started
15 taking your clothes off.

16 A. Yes.

17 Q. Was the defendant present at that time?

18 A. In the hallway.

19 Q. Could you see that he was looking at what
20 was happening?

21 A. Yes.

22 Q. And when you say taking your clothes off,
23 did your mother take all of your clothes off?

24 A. Yes.

25 Q. I'm sorry?

- 1 A. Yes.
- 2 Q. What happened then?
- 3 A. I laid on the bed.
- 4 Q. And why did you lay down on the bed at that
- 5 time?
- 6 A. They told me to.
- 7 Q. Who told you to?
- 8 A. Chris told me to.
- 9 Q. The defendant?
- 10 A. Yes.
- 11 Q. When you laid down on the bed, how were you
- 12 laying, on your back, on your side, on your front?
- 13 A. My back.
- 14 Q. What happened when you laid on your back on
- 15 the bed?
- 16 A. My mom takes her clothes off.
- 17 Q. What happened?
- 18 A. She started sucking me.
- 19 Q. I'm sorry, Ryan, I have to ask. When you
- 20 say she started sucking, she started sucking where?
- 21 A. My dick.
- 22 Q. On your dick?
- 23 A. Yes.
- 24 Q. What happens next?
- 25 A. He was in the hallway. He started taking

1 his clothes off.

2 Q. "He" is the defendant?

3 A. Yes.

4 Q. What happens next?

5 A. He makes her get on her back and makes me
6 get on top of her.

7 Q. So at that point Terrie got on her back,
8 your mother.

9 A. Yes.

10 Q. And you said you got on top of her.

11 A. Yes.

12 Q. At the time that you get on top of Terrie,
13 is any part of your body touching her body?

14 A. Yes, my dick.

15 Q. Your dick?

16 A. Yes.

17 Q. Okay. And where is your dick touching her?

18 A. Her private spot.

19 Q. Okay. When your dick touched her private
20 spot, did it go inside of her private spot?

21 A. Yes.

22 Q. And that would be her private spot on the
23 front of her body; is that right?

24 A. Yes.

25 Q. And that's about midway down her body --

1 A. Yes.

2 Q. -- in the front. Is that a yes?

3 A. Yes.

4 Q. What happens next?

5 A. (Inaudible.)

6 Q. It's okay, Ryan. So you're on top of
7 Terrie and your dick is in her private spot. What's
8 the next thing that happens?

9 A. Up there a while he makes me get off and I
10 lay back on my back. She starts sucking me again and
11 he goes behind her.

12 Q. So you indicated that once you got off of
13 her, you said that Terrie, your mother, started
14 sucking you again; is that right?

15 A. Yes.

16 Q. Now, just to be clear, what was she sucking
17 at that time?

18 A. My dick.

19 Q. Your dick. Okay. And then at that time
20 you indicated that you saw the defendant somewhere
21 else.

22 A. He was going behind her.

23 Q. Behind Terrie.

24 A. Yes.

25 Q. Now, did you want to do any of this?

1 A. No, I didn't.

2 Q. Why did you do it?

3 A. I was forced to.

4 Q. By who?

5 A. I don't understand. Chris.

6 Q. The defendant?

7 A. Yes.

8 Q. Now, you said that besides that time there
9 was another time that occurred in the office; is that
10 right?

11 A. Yes.

12 Q. Do you remember how old you were when that
13 happened?

14 A. I was 12 and 13.

15 Q. Okay. I want to show you first what's
16 marked as State's Exhibit 7 and ask if you recognize
17 what's in that picture.

18 A. Me.

19 Q. Do you recognize the surroundings?

20 A. That's his room.

21 Q. Is this the time that you talked about that
22 just happened inside of the defendant's room?

23 A. Yes.

24 Q. Okay. Involving the defendant and Terrie?

25 A. Yes.

1 Q. Now, showing you what's marked as State's
2 Exhibits 11 and 12 and ask if you recognize these.

3 A. Yes.

4 Q. And what are those pictures of?

5 A. Me and my mom.

6 Q. Okay. You and Terrie?

7 A. Yes.

8 Q. Do you recognize the surroundings?

9 A. Yes, that was the office.

10 Q. And are these pictures of that second time
11 it happens back in the office?

12 A. Yes.

13 Q. Now, during the second time it happened
14 back in the office who was in the office when that
15 incident happened?

16 A. Me and my mom and Chris.

17 Q. And how was it that you got out to the
18 office?

19 Did you go out there by yourself?

20 A. I was by myself.

21 Q. So you went to the office by yourself.

22 A. Yes.

23 Q. And what happened when you got back to the
24 office?

25 A. I went back there and he was to see

1 (inaudible).

2 Q. So somebody was supposed to get your
3 ingrown toenail out.

4 A. Yes.

5 Q. Who would that be?

6 A. Chris.

7 Q. The defendant?

8 A. Yes.

9 Q. And what happens?

10 A. He was digging in my toe and then
11 afterwards he'll talk to me and then he told me to
12 stand up. My mom started taking off my clothes from
13 the waist down.

14 Q. Okay. And did your clothes get removed
15 from the waist down.

16 A. Yes.

17 Q. What happened then?

18 A. She went in and sucked my dick.

19 Q. When she does that and your clothes are
20 removed, where is the defendant?

21 A. He's taking off his and he's right on the
22 other side of her.

23 Q. Okay. And when you said she began to suck,
24 she began to suck on what?

25 A. My dick.

1 Q. Okay. And what happens next?

2 A. And then after a while she'll go back to
3 him and start sucking his dick and then go back to
4 mine.

5 Q. Okay. So after she took her mouth off
6 yours and started sucking the defendant's dick, she
7 would come back and put her mouth back on your dick.

8 A. Yes.

9 Q. Now, while all this was happening, did you
10 ever tell anybody what was happening?

11 A. No.

12 Q. Why not?

13 A. I was scared to.

14 Q. Why were you scared?

15 A. Because he would come off of me and make my
16 life a living hell.

17 Q. How do you know that?

18 A. He told me.

19 Q. When you say he told you, who told you?

20 A. Chris.

21 Q. The defendant?

22 A. Yes.

23 Q. Can you tell me again exactly what he
24 said.

25 A. He said if I ever told somebody, that he

1 and my mom would hate me and he'll make my life a
2 living hell.

3 MR. SWEETIN: Court's indulgence.

4 THE COURT: Yes.

5 MR. SWEETIN: State will pass the witness.

6 (Whereupon Mr. Sweetin concluded
7 this portion of his examination
8 at 11:33 a.m.)

9 CROSS-EXAMINATION

10 BY MS. RADOSTA:

11 Q. Good afternoon, Ryan. My name is Violet.
12 I'm going to ask you some questions. Okay? Same
13 thing. Same rules apply. If you don't understand a
14 question that I've asked, just let me know. Okay?
15 Sometimes I forget. I talk like a lawyer sometimes
16 and sometimes I talk really fast too so if I'm
17 talking too fast, just tell me to slow down.

18 A. Okay.

19 Q. I actually want to start asking you a
20 couple questions about this, you found out that there
21 was some videotapes on Chris's computer, correct?

22 A. Yes.

23 Q. Of the incident that you just discussed
24 with Mr. Sweetin regarding your mom and Chris.

25 A. Yes.

1 Q. Were you actually shown the video at any
2 point in time?

3 Did you view the videos at any point in
4 time?

5 A. No.

6 Q. You've never seen the videos at all.

7 A. I've seen them.

8 Q. So you have seen them with the
9 prosecutors.

10 A. Yes.

11 Q. Just one time or more than one time?

12 A. One.

13 Q. Approximately when did you review those
14 videos if you remember?

15 A. I don't remember.

16 Q. Okay. Let's see if we can just try to
17 figure that out. You originally spoke to the
18 police -- actually you spoke to a woman named
19 Christina. Do you remember speaking to Christina?

20 A. Yes.

21 Q. And that's the statement where there was an
22 audio of your conversation and videotape of your
23 conversation.

24 A. Yes.

25 Q. That was right around the time that your

1 mom got arrested, right?

2 A. Yes.

3 Q. Within a week or two of your mom being
4 arrested.

5 A. Yes.

6 Q. And then we've come to court a couple of
7 times for this case where we thought we were going to
8 move forward with the hearing and we weren't able to
9 move forward. Did you watch the videos before you
10 had to come to court for the preliminary hearing?

11 A. No.

12 Q. You watched them since coming to court.

13 A. I haven't watched them since coming to
14 court.

15 Q. So do you remember if you watched them back
16 around the time that you spoke to Christina?

17 A. No. She didn't show me nothing.

18 Q. She didn't show you anything. Did you
19 actually come down and come down to the prosecutors'
20 to watch them?

21 A. I've seen pictures. That's all I've seen.

22 Q. I'm just trying to figure it out, Ryan.
23 Did you actually view any part of the video with the
24 prosecutors?

25 A. No.

1 Q. Just photographs.

2 A. Yes.

3 Q. And how many times have you come down and
4 had discussions with the prosecutors in their office?

5 A. I don't know.

6 Q. More than once?

7 A. Yeah.

8 Q. More than five times?

9 A. Yeah.

10 Q. With either Mr. Sweetin or Ms. Holthus
11 here?

12 A. Yes.

13 Q. Was it more than ten times?

14 A. It was probably like nine or ten.

15 Q. And this has been since your mom has been
16 arrested.

17 A. Yes.

18 Q. When you would speak with the prosecutors,
19 was it just you in the room with them or did you have
20 your grandmother with you or your dad with you?

21 A. My dad.

22 Q. Your dad was always with you during those
23 conversations.

24 A. Yes.

25 Q. Is that what you wanted to have happen?

1 A. He was always there.

2 Q. You asked that your dad be in the room with
3 you or did he insist?

4 A. I asked him to.

5 Q. All right. So the day that you permanently
6 moved out of the house on Yellowstone, the 6012
7 address at Yellowstone, was June 12, 2014. Does that
8 sound right?

9 A. Yes.

10 Q. And earlier in that morning you woke up to
11 find that Anita and Brandon and Deborah had already
12 left the residence that morning, right?

13 A. Yes.

14 Q. And so the only people left in the
15 residence that morning then were you, your mom
16 Terrie, your brother Tails, and Chris.

17 A. Yes.

18 Q. Were you surprised to wake up that morning
19 and find Anita and Brandon and Deborah gone?

20 A. Yes.

21 Q. You shared a room with Brandon, correct?

22 A. Yes.

23 Q. So you didn't wake up in the middle of the
24 night and hear any packing of clothes or anything
25 like that?

1 A. No, I didn't.

2 Q. And were you -- you're half brother, half
3 sister with Anita, correct?

4 A. Yes.

5 Q. You share the same mom, correct?

6 A. Yes.

7 Q. Were you upset to find out that Anita left
8 the house without telling you she was leaving?

9 A. Yes.

10 Q. Did you ever have a chance to talk to her
11 about that?

12 A. No.

13 Q. Okay. Later on that same day you and your
14 mom left the residence as well, left the house or the
15 trailer at 6012 Yellowstone, right?

16 A. Repeat yourself. I don't understand.

17 Q. It was a little -- so Anita, Brandon, and
18 Deborah are gone when you wake up on that morning,
19 right?

20 A. Yes.

21 Q. And you and your mom move out that same
22 day.

23 A. Yes.

24 Q. When you moved out that day, where did you
25 guys go?

1 A. My grandma's.

2 Q. How long did you and your mom stay at your
3 grandma's?

4 A. Probably that day.

5 Q. A day?

6 A. Yeah.

7 Q. After you moved in with your grandmother,
8 who did you live with?

9 A. I stayed with my dad.

10 Q. Your biological dad?

11 A. Yes.

12 Q. And did Terrie, your mom go and live with
13 your biological dad as well?

14 A. No. She lived with a friend of hers.

15 Q. Okay. And so from -- so we're talking like
16 June 12th, I'm sorry, like June 13th or even June
17 14th which would have been your birthday you're now
18 living with your biological dad.

19 A. Yes.

20 Q. But I believe you testified on direct that
21 you've been permanently living with your biological
22 dad since December.

23 A. Yes.

24 Q. So how long were you living with your dad
25 during the summer of 2014?

1 A. Until school started.

2 Q. Okay. Why only until school started?

3 A. Then I went back with my mom and back in
4 school.

5 Q. Was your mom still living with your
6 grandmother?

7 A. No. She was living with her new husband.

8 Q. He wasn't her husband at the time.

9 A. He wasn't her husband at the time.

10 Q. Boyfriend?

11 A. Yes.

12 Q. Was his name Ed?

13 A. Yes.

14 Q. So your mom was living with Ed -- why did
15 you decide -- actually did you decide to move back in
16 with your mom or was it your mom's decision?

17 A. I decided to move back in with my mom.

18 Q. Why did you decide to move back in with
19 your mom?

20 A. 'Cause I felt better over there.

21 Q. Okay. Did you have to switch schools that
22 school year?

23 A. Yes, I went to Durango.

24 Q. So during your sophomore year when you were
25 still living at the Yellowstone address what school

1 were you attending?

2 A. I was going to night school.

3 Q. Okay. So you weren't attending classes
4 with Brandon.

5 A. No.

6 Q. But you guys were always in the same year
7 at school, correct?

8 A. Yes.

9 Q. So you're attending night school. Did you
10 actually go to classes?

11 A. Yes.

12 Q. It wasn't online?

13 A. No.

14 Q. And then the following year after you're
15 out of the Yellowstone address you're now attending
16 Durango.

17 A. Yes.

18 Q. Okay. At what point -- well, let me ask
19 you this. Who was the first person in the family
20 that you told about the alleged abuse by Chris?

21 A. My mom.

22 Q. Okay. Did you ever tell her while you were
23 living at the Yellowstone address?

24 A. No.

25 Q. You told her after June 12, 2014.

1 A. Yeah.

2 Q. Okay. Do you remember was it before school
3 started or after school started that you told her?

4 A. After school started.

5 Q. After school started. So we're talking
6 late August, early September. Does that sound about
7 right when school started?

8 A. Around September-October, around there when
9 I told her.

10 Q. Okay. So you're fully involved in the
11 school year by the time you tell your mom.

12 A. Yes.

13 Q. Okay. Why did you decide to tell your mom?

14 A. Because I knew I can tell her.

15 Q. Okay. Did you tell her after Chris was
16 arrested?

17 A. Yes.

18 Q. Okay. And you had been living -- was it
19 just you and your mom? I'm sorry. Ed was there as
20 well.

21 A. It was just me and my mom. Ed was at work.

22 Q. But you were living with your mom and Ed.
23 Anyone else living in the residence?

24 A. Just me and my mom.

25 Q. I just want to make sure. I understand

1 that when you had the conversation with your mom it
2 was just you and your mom, but was there anybody else
3 living there besides you, your mom, and Ed?

4 A. Tails was living there too.

5 Q. Tails was living there too as well. When
6 did Tails move in?

7 A. The end of October.

8 Q. So you remember that Tails was living there
9 when you told your mom or did he move in after?

10 A. He was there when I was telling her. He
11 was in the house but not in the room.

12 Q. So Tails was in the house. Was it a house
13 or an apartment?

14 A. It was a condo.

15 Q. Okay. Now, just to back up a little bit.
16 This incident the first time that you and your mom
17 had left the Yellowstone address, correct?

18 A. Yes.

19 Q. You guys had moved out multiple times
20 during your life, right?

21 A. Yes.

22 Q. And it was -- there was one time in
23 particular that you and your mom moved out when you
24 were a freshman or a sophomore in high school; is
25 that right?

1 A. Yes.

2 Q. Did you move out -- do you remember what
3 school year it was when you moved out?

4 A. Which time?

5 Q. The last.

6 A. The really last time.

7 Q. That's not the permanent time June of 2014
8 but the time before that.

9 A. Back in June of 2013.

10 Q. June of 2013. So you had just finished
11 what year in school? Was it your freshman year?

12 A. Yeah my freshman year.

13 Q. Okay. Were you -- had you attended a
14 regular high school in your freshman year?

15 A. Yes.

16 Q. Or were you doing night school?

17 A. I was attending regular school.

18 Q. So school year gets done and you and your
19 mom pack up and leave the Yellowstone address,
20 correct?

21 A. Yes.

22 Q. And that was your mom's decision to move
23 out, correct?

24 A. Yes.

25 Q. And she packed you up and took you with,

1 correct?

2 A. Yes.

3 Q. And you guys at that point in June of 2013,
4 did you go live with your grandmother at that point?

5 A. Yes.

6 Q. And you stayed that whole -- well, you
7 moved back in I believe in like January of 2014.

8 A. Yes.

9 Q. Right after Christmas?

10 A. Uh-huh.

11 Q. Was that a yes?

12 A. Yes.

13 Q. So during the entire time from June of 2013
14 to January 2014 you were living with your
15 grandmother.

16 A. Yes.

17 Q. And this is your grandmother, the one
18 sitting behind you right now.

19 A. Yes.

20 Q. Were you attending night school for that
21 first half of the school year?

22 A. No.

23 Q. For your sophomore year?

24 A. For my sophomore year yes, I was attending
25 it.

1 Q. So even when you were living at grandma's
2 house.

3 A. Yes.

4 Q. Prior to June of 2013 I believe you
5 testified that some of the incidents of sexual abuse,
6 the alleged incidents of sexual abuse had already
7 occurred, correct?

8 A. Yes.

9 Q. When you moved out in June of 2013, were
10 you happy to move out of the house?

11 A. Yes.

12 Q. And you and your mom were living at your
13 grandmother's house.

14 A. Yes.

15 Q. Had any of the incidents with your mom and
16 Chris happened prior to June of 2013?

17 A. I don't remember.

18 Q. Okay. You said that you finally decided to
19 tell your mom in late September or October of 2014,
20 correct?

21 A. Yes.

22 Q. And I believe you testified because you
23 felt like you could tell her.

24 A. Yes.

25 Q. What was different in October of 2014

1 rather than perhaps a year earlier in October 2013
2 when you were at your grandmother's house?

3 Why couldn't you have told your mom when
4 you were living at your grandmother's house the first
5 time?

6 A. I was still scared to.

7 Q. Even though you were not living at home or
8 not living at the Yellowstone address, correct?

9 A. Correct.

10 Q. But you weren't seeing Chris on a regular
11 basis, correct, when you were living at grandma's
12 house?

13 A. I don't remember.

14 Q. Okay. You and your mom were living at
15 grandma's house from June of 2013 until January
16 2014.

17 A. Yes.

18 Q. Did you want to move back into the
19 Yellowstone address in January 2014?

20 A. No, I didn't.

21 Q. Do you know why your mom packed everything
22 up in June of 2013 and you guys moved out? Did you
23 have any idea? Did she tell you?

24 A. I don't remember.

25 Q. Okay. You don't remember what the reason

1 was or you don't remember if your mom even told you?

2 A. I don't remember the reason why.

3 Q. But you do remember her giving you a
4 reason?

5 A. Yeah. She told me, but I don't remember.

6 Q. Okay. And you said good with me, mom, I'm
7 happy to leave or something to that effect.

8 A. Yes.

9 Q. Did she -- when you guys moved back in in
10 January 2014, she didn't tell you you were moving
11 back in ahead of time, did she?

12 A. No.

13 Q. She just said, "Pack up your things. We're
14 going back."

15 A. Yes.

16 Q. Did you ask to stay with your grandmother?

17 A. No.

18 Q. Okay. Did you think you needed to tell your
19 mom at that point what had allegedly happened before?

20 A. Yes.

21 Q. But you opted not to do that.

22 A. No.

23 Q. Did you have your own cell phone at that
24 point, Ryan?

25 A. When I was staying with my -- yes, I got my

1 first phone after that.

2 Q. And did you stay in touch with Anita while
3 you were staying at grandma's house?

4 A. A little bit, yes.

5 Q. Texting or calling or something like that?

6 A. Texting.

7 Q. Okay. Did you stay in touch with Brandon
8 at all?

9 A. No.

10 Q. You and Brandon were brothers but you
11 weren't always the closest of brothers. Fair to say?

12 A. Yes.

13 Q. Too close in age. Kind of competitive.
14 Just too close in age.

15 A. Yes.

16 Q. Did you guys have the same group of friends
17 in high school or did you have different groups of
18 friends?

19 A. I had a different group of friends.

20 Q. So the conversation that you had with your
21 mom, how does it start?

22 Do you approach your mom or does she
23 approach you? And I apologize. The conversation
24 where you told her about the alleged sexual abuse by
25 Chris.

1 A. When I told her?

2 Q. Yeah. When you told her. Do you decide in
3 your head I'm going to tell her or does the
4 conversation start because of something that was
5 said?

6 A. I wanted to tell her.

7 Q. What happened that made you decide to tell
8 her?

9 A. I kept thinking about it so I wanted to
10 tell her so I could get it out of my mind.

11 Q. Okay. What was your mom's reaction when
12 you told her?

13 A. Really upsetting.

14 Q. Did she start crying?

15 Did she start yelling?

16 Did she do anything like that?

17 A. She was crying.

18 Q. Okay. Isn't it true that she told you that
19 we're going to get him for this?

20 Do you remember telling Christina that
21 that's what your mom said?

22 A. No.

23 Q. Do you remember your mom saying anything
24 like that?

25 A. No, I don't.

1 Q. Okay. And did she tell you that she was
2 going to make this right after you told her?

3 A. When I told her, she said she'll stick up
4 for me.

5 Q. Okay. I'll take of it, something along
6 those lines.

7 A. Yeah.

8 Q. Did she give you any specifics about what
9 she was going to do?

10 Did she say she was going to call the
11 police?

12 Did she say she was going to talk to
13 Deborah, anything like that?

14 A. No.

15 Q. She just told you she was going to take
16 care of it and you took her at her word?

17 A. Yeah.

18 Q. Did you ever follow up with your mom and
19 say, hey, mom, have you done anything about that?

20 A. Yes, I have.

21 Q. Before she was arrested.

22 A. Yes.

23 Q. How many times did you go back to her and
24 ask her about it?

25 A. Twice.

1 Q. And what was her response to you?

2 A. She said she was waiting for a phone call
3 back.

4 Q. Okay. And do you have any idea who, from
5 who?

6 A. No.

7 Q. But you thought your mom was doing
8 something to take care of it.

9 A. Yes.

10 Q. Is that fair?

11 A. Yes.

12 Q. Fair to say that you consider your mom or
13 you at least have referred to your mom as your best
14 friend?

15 A. Yes.

16 Q. And that's Terrie; is that correct?

17 A. Yes.

18 Q. She was arrested last December in 2014.

19 Have you been to visit her since she's been arrested?

20 A. No, I haven't.

21 Q. Okay. Have you talked to her on the phone
22 since she's been arrested?

23 A. Yes.

24 Q. More than once?

25 A. Yes.

1 Q. Have you written her letters since she's
2 been arrested?

3 A. Yes.

4 Q. You're still hoping that maybe you can do
5 something to lessen her prison sentence, correct?

6 A. Reword. I don't understand it.

7 Q. You're hoping you can do something to help
8 your mom out even now, correct?

9 A. Correct.

10 Q. You don't want to see your mom in jail any
11 longer, correct?

12 A. Correct.

13 Q. Were you upset to find out that she
14 accepted a negotiation in this case?

15 A. Very.

16 Q. Okay. How did you find out that she made
17 that decision? Did she tell you in one of the phone
18 calls or did you find out from family?

19 A. My dad told me to come into his room.

20 Q. Your biological room?

21 A. He took my phone and my tablet away 'cause
22 it was all over Facebook and he told me and then I
23 was really upset.

24 Q. Okay. Have you told your mom during any of
25 your phone conversations that you're really upset

1 with her?

2 A. I told her I'm upset, yes.

3 Q. Have you written her letters expressing
4 that you're upset with her?

5 A. Yes.

6 Q. But you still consider her to be your best
7 friend.

8 A. Yes.

9 Q. And somebody that's looking out for you.

10 A. Yes.

11 Q. We talked about the one time when you guys
12 moved out of the house from June of 2013 to January
13 2014. So you would have been -- I'm trying to do the
14 math in my head. In June of 2014 you turned 15,
15 correct?

16 A. Correct.

17 Q. And then you moved back in the house and
18 you were still 15 at that point in time?

19 A. Yes.

20 Q. Do you recall telling the police that after
21 you moved back in in January of 2015 that there were
22 no incidents of any type of sexual abuse?

23 A. I don't remember.

24 Q. When did you find out that Deborah had gone
25 to the police?

1 A. I didn't.

2 Q. Okay. Well, when did you find out that
3 Chris had been arrested?

4 A. Tails and my mom.

5 Q. That's who you found out from, correct?

6 A. Yes.

7 Q. Did you find out like right when it
8 happened?

9 A. The day after.

10 Q. The day after. What was your reaction when
11 you found out Chris had been arrested?

12 A. I was kind of relieved.

13 Q. Okay. And yet at that point -- you knew a
14 little bit about what he was arrested for, correct?
15 You knew what some of the charges were, right?

16 A. Some of them, yes.

17 Q. Some of them involve Anita, some of
18 them involve Brandon; is that right?

19 A. Yes.

20 Q. And yet you didn't feel comfortable talking
21 to your mom at that point in time, correct?

22 A. No.

23 Q. It was still a month or two later before
24 you went to your mom, correct?

25 A. Yes.

1 Q. During the time that you and your mom moved
2 out from June of 2013 to January 2014 you said that
3 you were texting with Anita. Was that the only
4 contact that you were having with Anita?

5 A. Yes.

6 Q. And Tails lived with you or no. I'm
7 sorry. That's the following year.

8 Did Tails -- did you have contact with
9 Tails at all?

10 A. No.

11 Q. What was your relationship like with
12 Anita? Was it a close relationship?

13 A. Half and half.

14 Q. Half and half. What do you mean by that?

15 A. Close, a little close and a little not.

16 Q. Okay. A little. Was she somebody that you
17 felt you could -- I'm sorry. Let me try that whole
18 sentence again.

19 Was she someone that you felt you could
20 confide in?

21 A. No.

22 Q. Okay. And why is that?

23 A. I felt like I couldn't tell her.

24 Q. Okay. Did you feel that she wasn't
25 somebody that you could trust with information?

1 A. No.

2 Q. Okay. Were you worried that if you told
3 her something, she would tell somebody else?

4 A. Yes.

5 Q. Did you -- were you worried that you
6 wouldn't get sympathy from her if you had told her
7 about the abuse?

8 A. Yes.

9 Q. Okay. And when you and your mom left in
10 June of 2013 -- and you're sure it was June and not
11 in the middle of the school year, correct?

12 A. Yeah.

13 Q. You didn't move out in the middle of the
14 school year?

15 A. No.

16 Q. The whole family knew you were moving out,
17 right?

18 A. Yes.

19 Q. You packed up the car in the middle of the
20 day, correct?

21 A. Yes.

22 Q. You didn't sneak out in the middle of the
23 night the way Anita and Brandon did.

24 A. No.

25 Q. And Chris was fine with it, correct?

1 A. Correct.

2 Q. Okay. And you also said that there were
3 times that Tails or -- I'm sorry.

4 Were there times that Tails also moved out
5 of the house?

6 A. Tails moved out at 18.

7 Q. At 18?

8 A. Yes.

9 Q. And Chris was okay with that as well,
10 correct?

11 A. Correct.

12 Q. Was your mom okay with Tails moving out of
13 the house?

14 A. No.

15 Q. Your mom wanted Tails to stay in the
16 house.

17 A. Yes.

18 Q. Outside of the incident this one time the
19 June 2013 the time that you and your mom moved out of
20 the house more than one other time you and your mom
21 had moved out of the house, right?

22 A. Yes.

23 Q. It happened maybe once every year or two.
24 Is that fair to say?

25 A. Maybe three times a year.

1 Q. Maybe three times a year every single year
2 you and your mom would move out.

3 A. Yes.

4 Q. And it was always your mom getting upset
5 about something and packing up her bag and leaving.

6 A. Yes.

7 Q. And you always went with her.

8 A. Yes.

9 Q. And that was her decision and your
10 decision.

11 A. Yes.

12 Q. And usually how long would you be -- well,
13 if it happened three times a year, you guys would
14 only be gone for a week or two at a time. Is that
15 fair to say?

16 A. I don't understand.

17 Q. About how long when your mom would pack up,
18 pack you guys up and move you out of the house, how
19 long would you be out of the house before you'd go
20 back to Yellowstone on average?

21 A. Approximately ten months.

22 Q. Was that the longest period of time?

23 A. Yes.

24 Q. What was the shortest period you were out
25 of the house?

1 A. Five months.

2 Q. And when you guys would move out of the
3 house, would you and just you ever have contact with
4 Chris?

5 A. I don't understand.

6 Q. When you and your mom moved out of the
7 house and you lived at your grandmother's house or
8 wherever, did you ever have contact with Chris when
9 you were out of the house?

10 A. No.

11 Q. You didn't go back to the house to visit.

12 A. I don't remember.

13 Q. Okay. If you did see your siblings was it
14 usually they would come over to your house?

15 A. Yes.

16 Q. Or you would go to lunch or to dinner or
17 something like that with them.

18 A. When the last move out we went to lunch
19 with Anita.

20 Q. Okay. The last time you moved out.

21 A. Yes.

22 Q. Is that in June of 2013 or June of 2014?

23 A. 2014.

24 Q. So let's talk about that contact with
25 Anita. Have you ever had a conversation with Anita

1 about the alleged abuse at the house?

2 A. No.

3 Q. You and she have never had any discussions
4 at all.

5 A. No.

6 Q. Did she ever tell you anything about the
7 videos?

8 A. No.

9 Q. You don't remember telling the detectives
10 that she told you she had viewed the videos.

11 A. She has seen the videos but I haven't.

12 Q. And she told you that she saw the videos,
13 correct?

14 A. Correct.

15 Q. So you had that conversation with Anita
16 about the videos.

17 A. Yes.

18 Q. Recently or not recently?

19 A. Not recently.

20 Q. But after Chris was arrested.

21 A. Yes.

22 Q. And do you recall that the conversation
23 with Anita about the videos, this was after Chris was
24 arrested, correct?

25 A. Yes.

1 Q. But before your mom was arrested, correct?

2 A. Yes.

3 Q. Okay. And you definitely had the idea from
4 Anita that she had watched the videos.

5 A. Yes.

6 Q. Because she actually told you that, right?

7 A. Yes.

8 Q. And she told you she saw you on the videos,
9 correct?

10 A. Correct.

11 Q. And she told you she saw you and just Chris
12 on the videos, correct?

13 A. Correct.

14 Q. Would it surprise you to know that there
15 aren't any videos of just you and Chris?

16 A. I don't understand.

17 Q. What it surprise you to know that there
18 aren't any videos of just you and Chris?

19 A. No.

20 Q. You though did see videos while you were
21 living --

22 THE COURT: Hold on a second. I've got the
23 other parties outside.

24 (Whereupon a recess was taken

25 from 12:02 p.m. until 12:06

1 while another matter was heard
2 after which the following
3 proceedings took place:)

4 THE COURT: Ryan, we're going to take a
5 30-minute break. Is that all right with you?

6 THE WITNESS: Yes.

7 THE COURT: So we'll be back at 12:40. All
8 right. Thank you.

9 (Whereupon a recess was taken
10 from 12:07 p.m. until 12:45 p.m.
11 after which the following
12 proceedings took place:)

13 THE COURT: All right. Christopher Sena,
14 14F14785X. Parties ready to proceed.

15 MR. SWEETIN: Yes, Your Honor.

16 MS. RADOSTA: Yes, Your Honor.

17 THE COURT: Go ahead.

18 MS. RADOSTA:

19 Q. Ryan, I'm sorry. I don't remember what
20 line of questioning I was on when we broke so just a
21 couple more questions about Anita and the videos.
22 You had one conversation with Anita when she talked
23 to you about the content of the videos, correct?

24 A. Correct.

25 Q. And other than that, did you ever talk to

1 Anita any other time about the content of the videos?

2 A. No.

3 Q. Okay. When -- where were you when that
4 conversation occurred?

5 Were you at your grandmother's house?

6 Were you at a restaurant?

7 Where were you?

8 A. A restaurant.

9 Q. Did you call Anita up and say, hey, I
10 wanted to go grab lunch or did she call you?

11 A. She called me and asked my mom and I. I
12 wanted to go to lunch.

13 Q. So it was sometime after Chris was arrested
14 but before your mom was arrested.

15 A. Yes.

16 Q. Do you remember what restaurant it was?

17 A. Johnny Rocket in the mall.

18 Q. At the fashion mall.

19 A. The Meadows Mall.

20 Q. I'm sorry?

21 A. The Meadows Mall.

22 Q. Did you have any idea what Anita wanted to
23 talk to you about before you went to lunch?

24 A. No.

25 Q. Do you know if your mom had any idea?

1 A. No.

2 Q. So did Anita just tell you she had
3 something that she wanted to talk to you about or
4 just you and your mom?

5 A. Just me.

6 Q. Did your mom stay at the table?

7 A. She was gone.

8 Q. So she was up at the counter ordering
9 food.

10 A. Yes.

11 Q. So at that point when Anita told you about
12 the content of the video, you were under the
13 impression that there were videotapes of just you and
14 Chris, correct?

15 A. Correct.

16 Q. Did she tell you about any content of any
17 other videos?

18 A. No.

19 Q. Did she tell you about any content of the
20 videos involving herself?

21 A. No.

22 Q. Or Brandon?

23 A. No.

24 Q. Is that a no?

25 A. No.

1 Q. And did she tell you she saw any videos of
2 you and your mom?

3 A. No.

4 Q. At that point in time did you tell Anita
5 anything about your experiences in the home?

6 A. No.

7 Q. Did she confide in you about anything
8 sexual that may or may not have occurred with her?

9 A. No.

10 Q. So how long did the conversation about the
11 videos last?

12 A. Maybe five minutes.

13 Q. Okay. And when your mom came back to the
14 table, did you tell your mom what you and Anita had
15 been talking about?

16 A. No.

17 Q. Did you ever tell your mom about that
18 conversation with Anita?

19 A. No.

20 Q. And was that the first time that you had
21 seen Anita since you had moved out of the house in
22 June?

23 A. I've recently seen her.

24 Q. I'm sorry. Let me rephrase the question.
25 When you had the conversation with her about the

1 content of the video, was that the first time you had
2 seen her since you moved out of the house in June?

3 A. Yes.

4 Q. So it had been several months since you had
5 seen Anita.

6 A. Yes.

7 Q. Since that conversation, how many times
8 have you talked to Anita about the allegations in the
9 case?

10 A. None.

11 Q. None. Just that one conversation?

12 A. Yes.

13 Q. So you had a conversation in December with
14 Christina Burnett at the -- it's called the Southern
15 Nevada Child Advocacy Center. Do you remember that?

16 A. Yes.

17 Q. Okay. At the beginning of that
18 conversation it appeared that you had talked to
19 Christina before the day that she turned on the audio
20 recording.

21 A. Yes.

22 Q. So the day she turned on the audio
23 recording how many times before that had you had
24 conversations with Christina?

25 A. Maybe three times.

1 Q. Do you know if she ever had the audiotape
2 turned on?

3 A. No.

4 Q. No, she didn't or no, you don't remember?

5 A. No, I don't remember.

6 Q. If you spoke to Christina when she was
7 audiotaping you on December 16th and you said you
8 talked to her three times before that, was it just
9 like in the three weeks prior, the month prior,
10 how --

11 A. About three weeks prior.

12 Q. Three weeks prior?

13 A. Yeah.

14 Q. In those conversations with Christina were
15 you discussing allegations in the case?

16 A. No.

17 Q. What were you talking to Christina about?

18 A. She was asking me how I feel and stuff like
19 that.

20 Q. Was it like a counseling session?

21 A. Kind of, yeah.

22 Q. Okay. You knew on that day, though, when
23 you were viewing videotape that that's what was going
24 to be happening, correct?

25 A. Yes.

1 Q. You had been given fair warning that you
2 were going to be asked detailed questions.

3 A. Yes.

4 Q. Outside of your mom at that point in time,
5 was there anybody else in the family that you had
6 talked to about the specifics of the abuse in the
7 home?

8 A. No.

9 Q. So your mom is the only person before you
10 talked to Christina.

11 A. Yes.

12 Q. You hadn't talked to your grandmother.

13 A. Huh-uh.

14 Q. Is that a no?

15 A. No.

16 Q. Remember what the judge said about shaking
17 your head no and nodding. You just have to say yes
18 or no. Okay?

19 Is that a yes?

20 A. Yes.

21 Q. So you hadn't talk to your grandmother.
22 Had you talked to your biological dad?

23 A. I told him, yeah, after a while.

24 Q. After you had talked to Christina though.

25 A. Yeah.

1 Q. Did you ever discuss it with Anita?

2 A. No.

3 Q. What about Tails?

4 A. No.

5 Q. Do you recall talking to Christina about
6 your mom?

7 A. No.

8 Q. You don't recall telling her that you were
9 hoping that your mom would be out of jail in just a
10 few weeks?

11 A. Oh, yeah, I have.

12 Q. On that day when she was audiotaping your
13 statement?

14 A. Yes.

15 Q. So at that point in time your mom had been
16 in custody for maybe a week.

17 A. Yes.

18 Q. And you were hoping that that was not going
19 to be a lasting thing, your mom in custody, right?

20 A. Correct.

21 Q. You were hoping maybe she'd be out by
22 Christmas or by the 1st of the year.

23 A. Yes.

24 Q. That was on your mind when you were talking
25 with Christina that day, right?

1 A. Yes.

2 Q. Doing whatever you could to help your mom.

3 A. Yes.

4 Q. You did not feel the same way about Chris
5 though that day, correct?

6 A. Correct.

7 Q. You were going to try to do whatever you
8 could to not help Chris, correct?

9 A. Correct.

10 Q. Just a couple of other questions about your
11 conversation with Christina. You mentioned in there
12 that at some point in time you were staying with your
13 mom's best friend.

14 A. No.

15 Q. Did you have contact with your mom's best
16 friend?

17 A. We talked, yes.

18 Q. When you're speaking of your mom's best
19 friend, that's not Ed, correct?

20 A. Correct, it's not Ed.

21 Q. Did you ever talk to -- when you say your
22 mom's best friend, who are you talking about?

23 A. Her best friend Natalie.

24 Q. Natalie?

25 A. Yes.

1 Q. Do you know Natalie's last name?

2 A. Capp.

3 Q. C-A-P-P?

4 A. Yes.

5 Q. Did Natalie ever come over to the house
6 while you and your mom were living on Yellowstone?

7 A. Yes.

8 Q. Why did you call her your mom's best
9 friend?

10 Is that how your mom referred to her?

11 A. Yes.

12 Q. Okay. And did you ever talk to Natalie
13 about anything that was going on in the house?

14 A. No.

15 Q. And just to be clear, not while you were
16 living at Yellowstone.

17 A. I haven't told her nothing.

18 Q. Nothing.

19 A. Nothing.

20 Q. How often would Natalie come over to the
21 residence at Yellowstone?

22 A. Maybe when we'd have a party.

23 Q. I'm sorry?

24 A. When we'd have a party.

25 Q. And how often would you have a party?

1 A. On holidays.

2 Q. So maybe once or twice a year.

3 A. Yes.

4 Q. You also mentioned when you were talking to
5 Christina that prior to seeing Christina that day,
6 your lawyer had come over to the house.

7 A. Correct.

8 Q. Do you know your lawyer's name?

9 A. Candace.

10 Q. Okay. Do you know Candace's last name?

11 A. Barr.

12 Q. Candace Barr. And she had come over to
13 your house that morning before you spoke to
14 Christina.

15 Was that the first time Candace had been
16 over to your house?

17 A. Yes.

18 Q. Has she ever been over to your house again?

19 A. No.

20 Q. Has Candace ever made appearances with you
21 in court?

22 A. No.

23 Q. Have you -- other than being here today,
24 have you ever had to go to any other court
25 appearances regarding all this stuff, family court,

1 anything like that?

2 A. No.

3 Q. Are you still in contact with Candace?

4 Is she still helping out with things?

5 A. Yes because I changed my last name.

6 Q. Actually I'm glad that you brought that

7 up. You testified on direct that your mom, your

8 biological mom is Terrie, correct?

9 A. Yes.

10 Q. And your biological dad, I don't actually

11 think we have his name. What's your biological dad's

12 name?

13 A. William.

14 Q. And what's his last name?

15 A. Graves.

16 Q. Do you have any idea why your last name was

17 Sena?

18 A. No.

19 Q. As far as you know were you ever legally

20 adopted by Chris?

21 A. No.

22 Q. Did you ever ask your mom?

23 A. No.

24 Q. Never curious about that.

25 A. No.

1 Q. When you were younger, did you have contact
2 with your biological dad?

3 A. No.

4 Q. At what point did you start having contact
5 with your biological dad?

6 A. Back in 2012.

7 Q. 2012. Okay. Did he move here to Las Vegas
8 or had he been here the whole time and just started
9 coming over to the house or how did that come about?

10 A. He had been here for a little bit and then
11 he moved and he came back in 2010.

12 Q. 2010 or 2012?

13 A. He came back in 2010 and we contacted each
14 other in 2012.

15 Q. So once you got in contact with him, you're
16 about 14 at that point. Was it before or after your
17 14th birthday if you remember?

18 A. After.

19 Q. Okay. Did you have a routine with seeing
20 your dad or did you just, you know, go over to his
21 house when you felt like it?

22 A. Whenever I could go over there.

23 Q. Okay. So how often would you see your
24 biological dad? Like in a given month, how often
25 would you see him?

1 A. Twice.

2 Q. Okay. Would you stay overnight at your
3 dad's house?

4 A. No.

5 Q. Okay. Where was your dad living at that
6 point in time?

7 A. He was living her.

8 Q. I'm sorry?

9 A. He was living her.

10 Q. Okay. But do you know the actual address?

11 A. 3715 South Nellis.

12 Q. Is that where he's still living?

13 A. Yes.

14 Q. And so you would just go over, hang out for
15 a couple hours, and then go back to Yellowstone.

16 A. Yes.

17 Q. You actually have siblings on that side of
18 the family as well, correct?

19 A. Correct.

20 Q. I think are there four siblings on that
21 side of the family?

22 A. Three.

23 Q. Three. Okay. Are they older than you,
24 younger than you?

25 A. I have a sister older than me and then the

1 two are younger.

2 Q. Are they all sisters?

3 A. I have a sister, another sister, and a
4 brother.

5 Q. Okay. So younger brother, younger sister,
6 and older sister.

7 A. Yeah.

8 Q. Do they all live here in Vegas?

9 A. Yes.

10 Q. Do they live with your biological dad?

11 A. No, not anymore.

12 Q. So when you would go over to your dad's
13 house, were any of them there?

14 A. No.

15 Q. Which ones?

16 A. All of them but my younger siblings.

17 Q. And when you say your younger siblings,
18 you're 14, 15 at that point. How old were they?

19 A. My younger sister was 12 and my younger
20 brother was 11.

21 Q. When you were talking to -- you never
22 confided in your dad when you would go over and visit
23 with him, correct?

24 A. Correct.

25 Q. You also talked about somebody named

1 (inaudible) that you talked to. Sorry. Strike that.

2 When you were talking to Christina, you
3 mentioned somebody by the name of Stacy Scott.

4 A. Yes. She's the one that took me in
5 December.

6 Q. She took you where?

7 A. Took me out of my mom's house.

8 Q. Okay. Did you ever talk in detail to Stacy
9 about the allegations?

10 A. No.

11 Q. You also confided in Christina that your
12 mom didn't tell you details about stuff that was
13 happening to her in the house. Do you remember
14 saying that to Christina?

15 A. No.

16 Q. Okay. Do you remember telling her that
17 your mom didn't tell you because she thought you
18 would tell somebody?

19 A. No.

20 Q. You don't remember ever saying that to
21 Christina.

22 A. No.

23 Q. So on direct you testified about incidents
24 with just Chris where your mom was not in the room,
25 right?

1 A. Correct.

2 Q. And you said that there were incidents --
3 there was an incident in the livingroom, an incident
4 in your room, an incident in Chris's room.

5 A. Correct.

6 Q. Okay. Which one happened first?

7 A. My room.

8 Q. Your room happened first. Okay. And you
9 said nobody was home, correct?

10 A. Correct.

11 Q. What time of the day was it or was it
12 nighttime?

13 A. It was the evening time.

14 Q. Okay. Approximately what time?

15 A. 6:00, 7:00, 6:00 o'clock, 7:00 o'clock.

16 Q. Okay. Do you have -- do you know where
17 everybody was?

18 A. No.

19 Q. Okay. Deborah was working at Cox
20 Communication, correct?

21 A. Correct.

22 Q. She generally worked from 8:00 to 5:00,
23 right?

24 A. Correct.

25 Q. And your mom at that point, was she

1 teaching school yet?

2 A. Yes.

3 Q. So the school day was over by that time.

4 A. Uh-huh.

5 THE COURT: Is that yes?

6 THE WITNESS: Yes.

7 MS. RADOSTA:

8 Q. And Brandon was your age, correct, 12 or
9 13?

10 A. Correct.

11 Q. And he wasn't home either.

12 A. No.

13 Q. Was he involved in after-school activities
14 or something like that?

15 A. He was with his mom.

16 Q. Okay. Where were they?

17 A. Shopping.

18 Q. Okay. Do you remember what they were
19 shopping for?

20 A. No.

21 Q. Groceries or clothes or --

22 A. I think groceries.

23 Q. And was Tails living at the house at the
24 time?

25 A. Yes. He was gone too.

1 Q. They were just gone.

2 A. Yes.

3 Q. Did -- was there a lock on your bedroom
4 door?

5 A. No.

6 Q. Okay. So how long, in that first incident,
7 how long did it last from the time Chris walked into
8 the room until the time he walked out?

9 A. Maybe about ten minutes.

10 Q. Okay. And how long after Chris left the
11 room before your mother came home?

12 A. I honestly don't remember.

13 Q. Five minutes, five hours, no memory?

14 A. Probably like maybe an hour or two.

15 Q. Okay. And what did you do when your mom
16 came home?

17 A. I was scared to tell her anything.

18 Q. Okay. Did she come in and check on you in
19 your bedroom?

20 A. Yes.

21 Q. Was that her routine when she would come
22 home at the end of the day?

23 A. Yes.

24 Q. And did she ask you if anything was wrong?

25 A. No.

1 Q. She couldn't tell from your demeanor or
2 anything like that that something had happened.

3 MR. SWEETIN: Objection, calls for
4 speculation.

5 THE COURT: Sustained.

6 MS. RADOSTA:

7 Q. Well, she didn't ask you any questions
8 about what had just happened, correct?

9 A. Correct.

10 Q. You weren't crying when she walked into the
11 room, correct?

12 A. Correct.

13 Q. Okay. And how long after that alleged
14 first incident in your room did the second incident
15 happen?

16 A. Bedroom.

17 Q. I'm sorry. How long -- after the incident
18 in your bedroom, how long after that first incident
19 in your bedroom did the second incident occur?

20 A. I don't remember.

21 Q. When the second incident allegedly
22 occurred, what time of day was it?

23 A. Afternoon.

24 Q. Okay. Do you remember what room it was?
25 Was it the office or was it in the

1 livingroom? I'm sorry.

2 Was it the livingroom or was it Chris's
3 room?

4 A. Chris's room.

5 Q. And afternoon?

6 A. Afternoon, yeah.

7 Q. Was it a school day or was it a weekend?

8 A. It was a weekend.

9 Q. And everybody was out of the house again.

10 A. Everybody was outside, yes.

11 Q. Oh, they were just outside.

12 A. Yes, they were outside.

13 Q. Was there a lock on his bedroom door?

14 A. Yes.

15 Q. Okay. Do you remember if he got up and
16 locked the door?

17 A. No.

18 Q. How long did that alleged incident last?

19 A. Five minutes.

20 Q. And then the last incident was in the
21 livingroom; is that correct?

22 A. Correct.

23 Q. Did all of those incidents occur before any
24 incidents with your mom and Chris?

25 A. Yes.

1 Q. Did you ever ask your mom why she kept
2 going back, moving back in with Chris after she would
3 move out?

4 A. Yes.

5 Q. Okay. What answer did she give you?

6 A. 'Cause she had two other kids living there.

7 Q. Okay. But they were older, correct, older
8 than you, correct?

9 A. Yes.

10 Q. And Anita was an adult, correct?

11 A. Correct.

12 Q. And Tails at that point when you asked her,
13 was Tails over the age of 18 or was he under the age
14 of 18?

15 A. Under the age of 18.

16 Q. Okay. Did you feel that she cared more
17 about your brother and sister than she did about you
18 when she said that to you?

19 A. No.

20 Q. You mentioned when you were talking to
21 Christina at the Southern Nevada Advocacy Center that
22 you were doing therapy with the whole family. Do you
23 remember telling her that?

24 A. Yes.

25 Q. Did you do therapy with the whole family?

1 I think you said you were just getting started at
2 that point.

3 A. I was doing therapy, I was only but my real
4 dad was supposed to and so was the other kids.

5 Q. So when you said the whole family, you
6 meant your dad's side of the family.

7 A. Correct.

8 Q. Not Anita, Brandon.

9 A. Yes, with my dad.

10 Q. How many therapy sessions did you attend or
11 are you still attending them?

12 A. I'm supposed to go every Monday.

13 Q. So you are still attending them.

14 A. No, I'm not.

15 Q. How many did you attend?

16 A. I probably went about a month or two.

17 Q. Was it your decision to stop or was it your
18 dad's decision to stop?

19 A. We didn't stop. We just can't make it all
20 the way out there.

21 Q. So if you could make it all the way out
22 there, would you still be going?

23 A. Yes.

24 Q. Have you told your dad that?

25 A. Yes. He's working on getting me new

1 therapy.

2 Q. Okay. Have you asked him to find somebody
3 closer?

4 A. Yes. He's working on getting me new
5 therapy.

6 Q. You said to Christina that Chris was always
7 trying to make your mom leave the house. Do you
8 remember telling Christina that?

9 A. Yes.

10 Q. Do you remember thinking that when you
11 lived there?

12 A. No.

13 Q. You don't remember thinking that when you
14 lived there but you remember telling Christina that.

15 A. Yes.

16 Q. Okay. What was happening in the house that
17 made you think that Chris was trying to get your mom
18 to leave?

19 A. I don't remember.

20 Q. Was it things that were said or things that
21 were done?

22 A. Both.

23 Q. Both?

24 A. Yes.

25 Q. Was it -- did he ever say flat out, you

1 know, "Terrie, I want you to leave? I don't want you
2 living here anymore"?

3 A. A couple times.

4 Q. And after he would say that, are those the
5 times that your mom would pack up and leave?

6 A. Yes.

7 Q. Did you know or did you ever see -- strike
8 that. Let me try that again.

9 In your opinion did Chris treat Deborah
10 differently than he treated your mom?

11 A. Yes.

12 Q. Okay. Did he treat -- who did he treat
13 better in your opinion?

14 A. Deborah.

15 Q. Okay. How did he treat Deborah better in
16 your opinion?

17 A. I don't know.

18 Q. I mean was it just he said nicer things to
19 Deborah?

20 A. Yeah.

21 Q. Okay. Did he -- was it because he slept in
22 the bedroom with Deborah --

23 A. No.

24 Q. -- and didn't sleep in the bedroom with
25 your mom?

1 A. No.

2 Q. It was just things that were said.

3 A. Yes.

4 Q. Do you remember at what point how old you
5 were that you began to think that Chris was trying to
6 make your mom leave?

7 A. No.

8 Q. Was it something that you thought only as
9 you got a little bit older?

10 A. Yes.

11 Q. Do you remember talking to Christina about
12 a conversation you had with Chris about your younger
13 cousin Erin?

14 A. Can you repeat yourself. I don't
15 understand.

16 Q. Yeah. No problem. Do you remember -- let
17 me try it this way.

18 Do you remember a conversation that you had
19 with Chris about your younger cousin Erin?

20 A. No, I don't.

21 Q. Anything about Chris wanting to have sex
22 with your younger cousin.

23 A. Yes.

24 Q. Okay. You didn't want to do that, correct?

25 A. Yes.

1 Q. And you told Chris you don't want to do
2 that, correct?

3 A. Correct.

4 Q. And that was the end of it, correct?

5 A. Correct.

6 Q. And that conversation happened after
7 January of 2014, correct?

8 A. Correct.

9 Q. When you and your mom moved back in for the
10 last time, right?

11 A. Right.

12 Q. After the -- I'm sorry. I should have
13 asked you this earlier, Brandon [sic]. You said you
14 talked to Christina a few times before she audiotaped
15 you.

16 A. Yeah.

17 Q. We'll be done soon. I promise. After she
18 audiotaped you, did you have any other conversations
19 with Christina?

20 A. Yes. She would come to me and my dad's
21 house and she'll check in on me every once in a
22 while.

23 Q. Is she still checking up on you?

24 A. No. They finally closed the case.

25 Q. So total how many times do you think you

1 had a conversation with Christina about the case or
2 about how you're doing, anything like that?

3 A. We were talking, communicating when she saw
4 me. She stopped in May.

5 Q. Okay. So probably a couple dozen
6 conversations. Does that sound about right?

7 A. Yes.

8 Q. Okay. Do you remember telling the police
9 that Chris was trying to get Deborah and your mom
10 arrested?

11 A. Yes, I do.

12 Q. What made you think that?

13 A. Honestly I thought he didn't want me to be
14 with my mom.

15 Q. Okay. You thought that he wanted your mom
16 not in the house and you there.

17 A. Yes.

18 Q. But you thought that he was trying to get
19 Deborah and Terrie arrested.

20 A. Yes.

21 Q. Did he say that specifically or was that
22 just a feeling that you had?

23 A. A feeling I had.

24 Q. Okay. What gave you that feeling?

25 A. I just had the feeling.

1 Q. Okay. Chris had friends that were Metro
2 police officers, right?

3 A. Correct.

4 Q. Did he ever make any comments about having
5 his friends arrest Deborah or Terrie?

6 A. No.

7 Q. Okay. How often did you see the Metro
8 friends around the house?

9 A. Maybe every week or two weeks.

10 Q. Okay. When they would come over to the
11 house, were they in uniform?

12 A. Yes.

13 Q. Yeah, they were in uniform?

14 A. Most of the time, yes.

15 Q. You think that they were still on duty or
16 that they were coming over after they were done
17 working?

18 A. After they were done.

19 Q. Just to hang out?

20 A. Yes.

21 Q. When they would come over to the house, do
22 you know any of the names of the officers?

23 A. Officer Brinkley and Officer Maga
24 (phonetic).

25 THE COURT: How are you spelling --

1 MS. RADOSTA: I'm sorry.

2 Q. What was the first one?

3 A. Officer Maga.

4 MS. RADOSTA: Amada (phonetic)?

5 THE COURT: How are you spelling that?

6 THE WITNESS: I don't know how to spell her
7 name.

8 THE COURT: Are you saying Amada?

9 THE WITNESS: Officer Maga.

10 THE COURT: So it starts with M.

11 THE WITNESS: Yes.

12 THE COURT: And A-G. Mag and then a G or a
13 D?

14 THE WITNESS: I think it's a G.

15 THE COURT: M-A-G. And do you think it's
16 like a D then or just a vowel after that Maga or
17 Magda?

18 THE WITNESS: Maga.

19 THE COURT: Maybe M-A-G-A.

20 THE WITNESS: Yeah, that sounds right.

21 / / /

22 MS. RADOSTA:

23 Q. And that was a female officer.

24 A. Yes.

25 Q. And the other one was Brinkley.

1 A. Yes.

2 Q. And that was a male officer.

3 A. Yes.

4 Q. Would they come together or would they come
5 separately?

6 A. Sometimes together.

7 Q. Did you think that they were friends, those
8 two officers?

9 A. They were partners.

10 Q. Oh, okay. The morning that Anita and
11 Brandon and Deborah all left the house, is it fair to
12 say that you and Terrie were kicked out of the house
13 that morning by Chris?

14 A. Yes.

15 Q. That you -- Terrie didn't want to leave
16 that morning. Is that fair to say, your mom, Terrie?

17 A. I don't remember.

18 Q. Okay. Did you have the impression that
19 Chris thought if you guys were gone or more
20 specifically if your mom was gone that Deborah and
21 Anita and Brandon would want to move back into the
22 house?

23 A. Yes.

24 Q. So Terrie was upset about being asked to
25 leave that morning, correct?

1 A. Correct.

2 Q. Was your mom angry that Chris seemed to
3 want Deborah back in the house more than he wanted
4 her in the house?

5 A. Correct.

6 Q. Do you recall telling police on that
7 morning Chris said Anita and Brandon are important,
8 more important than you are?

9 A. Yes.

10 Q. Did that make you angry?

11 A. Yes.

12 Q. Particularly in light of the fact that you
13 testified today about things Chris did to you.

14 A. Yes.

15 Q. You said that Chris was abusing you,
16 correct?

17 A. Yes.

18 Q. And to hear him say that Brandon and Anita
19 are more important than you are, did that make you
20 angry?

21 A. Honestly not really.

22 Q. Okay. When you were leaving with your mom
23 that morning after you heard him say that Anita and
24 Brandon are more important than you, you didn't want
25 to tell your mom at that point what had been

1 happening in the house.

2 A. I just didn't have the strength to tell her
3 yet.

4 Q. All right. Do you ever remember thinking
5 that one of the reasons Deborah left the house that
6 morning is because she was worried that Brandon was
7 going to make a report on Chris?

8 A. Yes.

9 Q. And she was worried she was going to lose
10 custody of Brandon.

11 A. Yes.

12 Q. So she was trying to get out of the
13 situation without losing her kids.

14 A. Correct.

15 MS. RADOSTA: I don't think I have anything
16 further. You testified -- actually no. I'm done.
17 No further questions.

18 (Whereupon Ms. Radosta concluded
19 this portion of her examination
20 at 1:18 p.m.)

21 THE COURT: Redirect.

22 MR. SWEETIN: Just very very quickly.

23 REDIRECT EXAMINATION

24 BY MR. SWEETIN:

25 Q. Ryan, you had mentioned earlier that the

1 incidents that happened where the defendant put his
2 dick inside of you when you were about 12 or 13 years
3 old in the seventh and eighth grade occurred in your
4 bedroom, the livingroom, the office, and the
5 defendant's bedroom; is that right?

6 A. Correct.

7 Q. Now, there were some other incidents that
8 happened after a space of time and those incidents
9 occurred in the office and in the defendant's
10 bedroom; is that right?

11 A. Correct.

12 Q. Is it true that all those incidents
13 happened before you turned 16?

14 A. Correct.

15 Q. And the other incidents that happened that
16 you've already testified about involving Terrie,
17 those also happened before you turned 16.

18 A. Correct.

19 MR. SWEETIN: Nothing further.

20 (Whereupon Mr. Sweetin concluded
21 his examination at 1:19 p.m.)

22 THE COURT: Anything further?

23 MS. RADOSTA: Just one question. I'll be
24 honest, it's beyond the scope but it's just one
25 question.

1 THE COURT: Go ahead.

2 RECROSS-EXAMINATION

3 BY MS. RADOSTA:

4 Q. Ryan, you testified on direct you at some
5 point went back into the office and were shown videos
6 of your dad and Terrie, correct?

7 A. Correct.

8 Q. Were you ever shown those videos by anybody
9 from the prosecutor's office again?

10 A. No.

11 Q. The only time. So you say that you only
12 saw those at the house.

13 A. Correct.

14 Q. Okay. Did you ask any questions about
15 cameras or anything like that?

16 A. No, I did not.

17 Q. Okay. Do you know what room your mom and
18 Terrie were in -- I'm sorry -- Chris and your mom
19 were in that video?

20 A. The office.

21 MS. RADOSTA: They were in the office.

22 Nothing further.

23 (Whereupon Ms. Radosta concluded
24 her examination at 1:20 p.m.)

25 THE COURT: Anything else?

1 MR. SWEETIN: No, Your Honor.

2 THE COURT: Thank you, Ryan. You're free
3 to go. Thank you, Ms. Clark.

4 (Whereupon Ryan Sena
5 was excused from the witness
6 stand at 1:20 p.m.)

7 MR. SWEETIN: The State has no further
8 witnesses. There are some amendments that need to be
9 made on the criminal Complaint.

10 THE COURT: Okay. I withheld ruling with
11 respect to the proposed amended Complaint. We still
12 have to discuss that Complaint. I accepted it but
13 the defense objected to it because of the additional
14 counts that were added I think 96 through 100. Is
15 that right?

16 MS. RADOSTA: I think actually, Your Honor,
17 it was, 96 through a hundred or 97 through 100.

18 THE COURT: I haven't ruled on that.

19 MS. RADOSTA: There were 96 originally.

20 MR. SWEETIN: That's fine. I think as the
21 testimony came out, a number of those counts aren't
22 going to be sustained. I think there's only five of
23 those counts that are sustained based upon the
24 evidence.

25 THE COURT: Let me ask you this. Do you

1 want to make the changes to the amended Complaint and
2 bring it back when we come back to argue as opposed
3 to doing it at this time?

4 MR. SWEETIN: I think that would be easier.

5 THE COURT: Then we won't have to argue
6 about those additional counts then in the event that
7 you remove them. All right. So we are back then
8 to -- so you're not going to rest until you file your
9 amended Complaint, but you're not calling any more
10 witnesses, correct?

11 MR. SWEETIN: We are not calling any more
12 witnesses. I think defense counsel would like a
13 chance to review the transcript before we argue as
14 well, but I think we need, we would ask that the
15 preliminary hearing be closed.

16 THE COURT: Right. That's what I want to
17 know. Are there any further witnesses from either
18 side being called because I'm going to let them.
19 They're going to move to amend their Complaint. We
20 usually do that before they rest their case, but you
21 can't start until they rest unless we're agreeing to
22 do --

23 MS. RADOSTA: Given just how the length of
24 this preliminary hearing, Judge, presuming that the
25 State is only going to be filing an amended

1 Complaint, then for the record the defense is not
2 going to be calling any witnesses.

3 THE COURT: Only file an amended Complaint.

4 MS. RADOSTA: Not call any additional
5 witnesses.

6 THE COURT: Okay. So the parties are
7 agreeing that each is resting as to calling any
8 further witnesses. Correct?

9 MR. SWEETIN: Yes, Judge.

10 THE COURT: So as to witnesses the
11 preliminary hearing has been concluded. The State
12 will be given the opportunity to file an amended
13 Complaint and then we will deal with -- when do you
14 think you're going to have the amended Complaint to
15 see if they've going to have any objection?

16 HOLTHUS: After we get the transcript.

17 MR. SWEETIN: We want to get the
18 transcript.

19 (Discussion off the record.)

20 THE COURT: The transcript for all of them
21 will be completed by -- so that would take it to
22 October 5th. So she'll have the transcripts to you
23 by October 5th. Then the State will have the
24 proposed amended Complaint to defense no later than
25 when?

1 MR. SWEETIN: If we could have a couple
2 weeks to go over the transcripts.

3 THE COURT: So then if you receive it on
4 the 5th then by Monday, two weeks would take it to
5 Monday, October 19th. Will that work?

6 MS. RADOSTA: Because we have Volume I
7 already. Cheryl said we'd get Volume II early next
8 week and that's the bulk of it. The only other parts
9 are Anita and Ryan so I think we can start before
10 October 5th.

11 THE COURT: Right, but his amended
12 Complaint isn't going to be done until he gets
13 today's transcript.

14 THE COURT: So the amended Complaint will
15 be filed on October 19th and you'll get a copy of it
16 to the public defender's office. We'll be arguing
17 pursuant to bindover how long after October 19th and
18 you want to file something I presume.

19 MS. RADOSTA: Could we be back on
20 calendar. We were talking about filing --

21 MR. SWEETIN: I would imagine we'd probably
22 file with the Court our brief probably at the time we
23 filed the amended criminal Complaint most likely.

24 THE COURT: The 19th. The State will file
25 their brief and then defense, you'll file your brief

1 in response to the proposed amended Complaint and the
2 brief when?

3 MS. RADOSTA: Could I have two weeks.

4 THE COURT: November 2nd.

5 THE COURT: And then are you going to want
6 to file a reply or do you want to argue?

7 MS. HOLTHUS: We may want a reply.

8 THE COURT: So another week.

9 MR. SWEETIN: That's fine.

10 THE COURT: So then the State's reply brief
11 will be due November 9th. And then when do you want
12 to argue?

13 MS. HOLTHUS: Whenever you're ready after
14 that.

15 MS. RADOSTA: Probably sometime the week of
16 either late the week of the 9th if that gives you
17 enough time, Judge, or the week of the 16th.

18 THE COURT: So all the briefs are by the
19 9th. I'm hearing the 16th.

20 MS. RADOSTA: Yeah, we'd prefer sometime
21 the 16th.

22 THE COURT: The week of the 16th.

23 MS. RADOSTA: I'm sorry. I'm not including
24 my co-counsel in on this conversation.

25 THE COURT: Is Friday better for you guys?

1 MR. SWEETIN: That's fine.

2 THE COURT: So we can do it on November
3 20th. We can do it at 10:30 on November 20th. All
4 right. So here's the summary of what we agreed to.
5 The transcripts will be completed and to the parties
6 by October 5th. The State will have their proposed
7 amended Complaint and their brief filed by or before
8 October 19th.

9 The defense will have their brief filed on
10 or before November 2nd. And then the State will have
11 an opportunity to file a reply brief on or before
12 November 9th and then arguments will be on November
13 20th at 10:30.

14 MS. HOLTHUS: Can we approach, Judge.

15 THE COURT: Sure.

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1 AFFIRMATION

2

3

4 Pursuant to NRS 239B.030:

5

6 The undersigned does hereby affirm that the
7 preceding transcript of preliminary hearing in
8 District Court Case No. C-15-311453-1 does not
9 contain the social security number of any person.

10

11 Dated this 26th day of September, 2015.

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16 /s/ Cheryl Gardner, CCR 230, RPR, RMR

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CHERYL GARDNER, RPR-RMR, CCR 230

1 REPORTER'S CERTIFICATE

2

3 State of Nevada)
4 County of Clark) ss

5

6 I, Cheryl Gardner, CCR 230, RPR, RMR, do
7 hereby certify that I took down in Stenotype all of
8 the proceedings had in the before-entitled matter at
9 the time and place indicated and that thereafter said
10 shorthand notes were transcribed into typewriting by
11 me and that the foregoing transcript constitutes a
12 full, true, and accurate record of the proceedings
13 had to the best of my ability.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my signature in the County of Clark,
16 State of Nevada this 26th day of September, 2015.

17

18

19

20

21 /s/ Cheryl Gardner, CCR 230, RPR, RMR

22

23

24

25

CHERYL GARDNER, RPR-RMR, CCR 230

ORIGINAL

FILED

MEMO

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OCT 27 10 38 AM '15

JULIA J. HUNT
CLERK OF COURT
LAS VEGAS, NEVADA
BY _____ CLERK

KRL

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

CHRISTOPHER SENA,
#0779849

Defendant.

Case No. 14F14785X

Dept No. 3

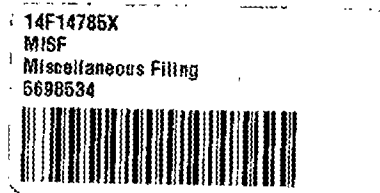
STATE'S MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF BINDOVER AFTER PRELIMINARY HEARING

DATE OF HEARING: NOVEMBER 20, 2015
TIME OF HEARING: 10:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney and MARY KAY HOLTHUS, Chief Deputy District Attorney, and files this State's Memorandum of Points and Authorities In Support of Bindover after Preliminary Hearing.

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

//



1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Defendant, CHRISTOPHER SENA, is charged by way of State's Proposed Third
4 Amended Criminal Complaint with the crimes of CONSPIRACY TO COMMIT SEXUAL
5 ASSAULT (Category B Felony - NRS 200.364, 200.366, 199.480), SEXUAL ASSAULT
6 WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS
7 200.364, 200.366), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A
8 Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS
9 OF AGE (Category A Felony - NRS 200.364, 200.), INCEST (Category A Felony - NRS
10 201.180), OPEN OR GROSS LEWDNESS (Category D Felony - NRS 201.210), SEXUAL
11 ASSAULT (Category A Felony - NRS 200.364, 200.366), PREVENTING OR DISSUADING
12 WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING
13 PROSECUTION (Category D Felony - NRS 199.305), CHILD ABUSE AND NEGLECT,
14 SEXUAL ABUSE OR EXPLOITATION (Category A Felony - NRS 200.508(1)),
15 POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A
16 CHILD (Category B Felony - NRS 200.700, 200.730), USE OF MINOR IN PRODUCING
17 PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750) and USE OF
18 MINOR UNDER THE AGE OF 14 IN PRODUCING PORNOGRAPHY (Category A Felony
19 - NRS 200.700, 200.710.1, 200.750). The Co-Defendant's in this case are DEBORAH SENA
20 and TERRIE SENA. The crimes occurred on or between May 22, 2001 and June 30, 2014.
21 The victims are A.S., T.S., B.S., R.S., E.C., I.G., T.G., and M.C.

22 A preliminary hearing commenced in this matter on August 27, 2015 and was
23 concluded after four separate days of testimony on September 18, 2015. At the conclusion of
24 the preliminary hearing the Court requested bindover briefing from the parties.

25 **The Preliminary Hearing Testimony of Terrie Sena Relevant to Bindover**

26 On August 27, 2015, Terri Sena testified that she was familiar with Defendant because
27 he is her ex-husband and they were married from September 1990 to August 1997. Terrie
28 Sena testified that she was familiar with the residence located at 6012 Yellowstone Avenue,

1 Las Vegas, Clark County, Nevada, in that she lived there for fifteen (15) years, from 1998
2 through 2013; and, from January 2014 until June 2014. PHT, Vol. I, pp. 13-14. Terrie Sena
3 testified that over the period of time that she lived at the residence, she lived there with
4 Defendant and his wife, Deborah Sena, Terrie's biological daughter with Defendant, A.S.,
5 Terrie's biological son with Defendant, T.S., Terrie's step-son, B.S., who is the biological son
6 of Defendant and Deborah Sena; and, R.S., Terrie Sena's biological son with another man.
7 PHT, Vol. I, pp. 14-16. While living at the residence, Terrie's younger sister, M.C., and her
8 niece, M.C.'s daughter, E.C., occasionally visited her at the Yellowstone address. Terrie Sena
9 testified that her other sister, K.G., also had occasion to visit the residence. PHT, Vol I., pp.
10 17-18.

11 Terrie Sena testified that she had been charged with things that happened at the
12 Yellowstone address. Terrie Sena testified that those charges were resolved when she agreed
13 to plead guilty to one count of sexual assault; and, agreed to a sentence of ten years to life in
14 prison, as well as to testify truthfully in the court proceeding. PHT, Vol. I, pp. 18-20. Terrie
15 Sena testified that she was, in fact, sentenced to 10 years to life in prison. PHT, Vol. I, p. 21.

16 Terrie Sena testified that while she was living at the Yellowstone residence, she became
17 aware that sexual acts were being committed. Terrie Sena testified that when her sister, M.C.,
18 would visit from time to time, when M.C. was 15 and 16 years of age. During that time, naked
19 pictures of M.C. were taken by Defendant. PHT, Vol. I, p. 22. Terrie observed State's
20 proposed Exhibits 13-22 and recognized them as photos of her and M.C., naked together, with
21 most of them being photos of M.C. PHT, Vol I, pp. 23-24. Terrie testified that some of the
22 photos were taken in the office of her house, while others were taken in M.C.'s bedroom, at
23 her parent's house, located at 2012 Tonopah, North Las Vegas, Clark County, Nevada. PHT,
24 Vol. I, p. 24. Terrie Sena testified that Defendant took the photographs of her and M.C. PHT,
25 Vol. I, p. 27.

26 Terrie testified that her niece, T.G., also came to the residence to visit, when T.G. was
27 sixteen years of age. Terrie testified that T.G. had come over to have her hair dyed. Terrie
28 Sena further testified that she dyed T.G.'s hair. After washing T.G.'s hair, T.G. went to take

1 a shower and Defendant filmed T.G. taking a shower. Defendant would get on a step stool and
2 hold the camcorder into the bathroom where the shower was. Terrie Sena testified that while
3 Defendant was recording T.G. in the shower, T.G. would have not been able to see him.
4 **(COUNTS 118 AND 119)** PHT, Vol. I, pp. 28-29. Terrie Sena testified that she was giving
5 Defendant oral sex while Defendant was filming T.G. in the shower. Terrie Sena viewed
6 State's proposed Exhibits "5", "8", and "9", and indicated that they were still photos of the
7 video that Defendant made of T.G. in the shower. PHT, Vol. I, p. 30.

8 Terrie Sena testified that her niece, E.C., also came to the residence to visit. Terrie
9 testified that when E.C. visited she had gotten lice at school. All of the kids' hair had to be
10 washed as a result and Terrie Sena took E.C. to the bathroom in the office area to wash her
11 hair. E.C. took a shower and while that occurred, Defendant got the camcorder and recorded
12 E.C. taking a shower, while standing on stool with the camera focused down. **(COUNTS 115**
13 **AND 116)**. Terrie Sena viewed State's proposed Exhibit "6" and identified it as a picture from
14 the video that Defendant took of E.C. taking a shower. PHT, Vol. I, pp. 30-32

15 Terrie Sena testified that she also observed filming of R.S. Defendant told Terrie Sena
16 to go and get R.S. from the front of the house and bring him to the office. When Terrie Sena
17 got back to the office with R.S., she noticed the red light blinking on the computer. Defendant
18 had her unbuckle R.S.'s pants and take them off, before Terrie Sena gave R.S. oral sex. While
19 Terrie Sena was performing oral sex on R.S., Defendant was sitting at his computer
20 masturbating. Defendant then approached Terrie Sena and had her perform oral sex on him.
21 After Terrie Sena performed oral sex on Defendant, he instructed her to remove the rest of
22 R.S.'s clothes and had R.S. remove Terrie Sena's top off, at which time he instructed R.S. to
23 put his penis in Terrie Sena's vaginal opening. PHT, Vol. I, pp. 33-35.

24 Terrie Sena testified that she had sexual contact two other times in the presence of
25 Defendant. One in the master bedroom and a second incident in the office. During the incident
26 in the master bedroom of the residence Defendant had Terrie Sena lay on the bed with R.S.,
27 undress R.S. and then undress herself. Terrie Sena got on top of R.S. so that his penis
28 penetrated her vaginal opening. Defendant got behind Terrie Sena and engaged in having anal

1 sex with her. PHT, Vol. I, pp. 35-36. Terrie Sena viewed State's proposed Exhibit "7" and
2 indicated that it was a picture of the master bedroom with R.S. laying on the bed while Terrie
3 Sena is getting undressed beside him. At the time the three incidents occurred, R.S. was 14
4 years of age. PHT, Vol. I, p. 38. Terrie Sena testified that the first incident that occurred in the
5 office happened sometime during the fall of 2012. The incident in the bedroom occurred when
6 R.S. was a freshman in high school and 14 years of age. PHT, Vol. I, p. 41-42. Terrie Sena
7 testified that R.S. was born on June 14, 1988 and that he was 14 years of age in 2012. Terrie
8 Sena stated that the incident in the office and the one in the bedroom occurred over a three
9 week period of time, from what she recollected. PHT, Vol. I, pp. 42-43.

10 The third incident occurred in the office. Defendant had Terrie Sena bring R.S. into the
11 office, un-belt R.S.'s pants, and place his penis in her mouth. R.S. then placed his penis in
12 Terrie Sena's vagina, while she was laying flat on her back. The red light was on the computer
13 when the incident occurred which indicated that Defendant was filming it. The last incident
14 occurred in 2014, just before Terrie Sena left the residence. PHT, Vol. I, pp. 44-45.

15 Besides the sexual contact she had with R.S., Terrie Sena also had sexual contact with
16 B.S. Terrie Sena described an incident where she brought B.S. into the office, from the house,
17 and performed oral sex on him. Terrie Sena removed B.S.'s clothes, as well as her own, at
18 which time Defendant told B.S. to touch Terrie Sena's breast and to insert his penis into her
19 vagina as she lay flat on her back. That incident occurred in December 2012. A second
20 incident occurred a month later, in January 2013. During that incident, Defendant had B.S.
21 touch Terrie's breasts with his hands. Terrie put B.S.'s penis in her mouth, and B.S. inserted
22 his penis into Terrie's vagina, while she lay flat on her back, which was recorded by the
23 Defendant. (COUNTS 79 – 85) PHT, Vol. I, pp. 45-48.

24 Terrie Sena described an incident that occurred with A.S., in the living room of the
25 house. Terrie Sena was in the living room with Defendant and A.S. Defendant had A.S. lean
26 over the ottoman and Defendant penetrated A.S.'s anus with his penis (COUNT 52), while
27 A.S. was touching Terrie Sena's breasts. PHT, Vol. I, pp. 48-49. A.S. was 17 years of age and
28 a senior in High School when the incident occurred. PHT, Vol. I, p. 52.

1 Terrie Sena testified that the first time something sexual happened in the household
2 with R.S. he was five years of age. During that incident, Defendant had Terrie Sena and
3 Deborah Sena bring R.S. and B.S. into the master bedroom. Defendant had Terrie Sena
4 undress B.S. and had Deborah Sena undress R.S., at which time Terrie Sena performed fellatio
5 on B.S. and Deborah Sena performed fellatio on R.S. Defendant was standing on the side of
6 the bed when the incident occurred. Terrie Sena was not aware of whether that incident was
7 recorded or not. PHT, Vol. I, pp. 52-53.

8 **The Preliminary Hearing Testimony of M.C. Relevant to Bindover**

9 On August 27, 2015, M.C. testified that she has four sisters and one brother. M.C.
10 testified that her brother's name is Jerry Clark and that he is older than her. M.C. testified that
11 she was 34 years of age and her birthday is May 16, 1981. M.C. testified that she has three
12 sisters, but she is the baby of the family. M.C. testified that the next oldest sister is Terrie
13 Sena whose date of birth is October 26, 1970; then, Kimberly Gresham, whose date of birth is
14 April 29, 1964; then Mary Jo, age 51; and, Cheryl. PHT, Vol. I, pp. 136-137.

15 M.C. testified that she has one child, E.C., age 14, date of birth December 21, 2000.
16 M.C. testified that Terrie Sena has three children, A.S., T.S., and R.S. M.C. testified that
17 Kimberly Gresham has two children, Roy and T.G., age 18. PHT, Vol. I, pp. 138-139. M.C.
18 testified that Defendant was married to her sister, Terrie Sena. M.C. testified that she was
19 eight years of age when she first met Defendant and that her sister, Terrie, as eighteen. M.C.
20 testified that she spent time with Defendant and Terrie. PHT, Vol. I, p. 140.

21 M.C. was shown pictures of State's proposed Exhibits 13 through 22 and she identified
22 herself in those pictures. Each of the exhibits were photos of M.C. in the nude and/or in
23 sexually oriented positions. In State's proposed Exhibit "13", M.C. testified that she was 16.
24 M.C. testified that she believed Defendant took that picture as he was the only person in the
25 room with her. PHT, Vol. I, p. 142. M.C. testified that State's proposed Exhibit "14" was
26 taken when she was younger than 16. M.C. testified that she could not remember who took
27 the picture. M.C. testified that she was naked in the picture and that Defendant was the only
28 person who ever took pictures of her naked. (Count 120) PHT, Vol. I, pp. 141-144. State's

1 proposed Exhibit "15" was taken the same day as State's proposed Exhibit "14". M.C. was
2 15 years of age and the picture was also taken by Defendant. **(Count 121)** State's proposed
3 Exhibit "16" was also taken that same day and showed a dildo being put into M.C.'s mouth,
4 which was given to her by Defendant. **(Count 122)** PHT, Vol. I, pp. 144-145.

5 State's proposed Exhibit "17" was taken when M.C. was 16 years of age. Defendant is
6 in the picture which shows M.C. putting his penis in her mouth, while Terrie Sena took the
7 picture. PHT, Vol. I, p. 145. M.C. testified that State's Exhibit "17" was taken when she was
8 16 years of age. Terrie Sena is in the picture and appears to be pregnant. M.C. testified that
9 Terrie Sena was pregnant with R.S., who was born on June 14, 1999. M.C. testified the picture
10 was taken before June 1999, by Defendant. PHT, Vol. I, p. 146.

11 M.C. testified that State's proposed Exhibit "19" showed her at the trailer on
12 Yellowstone, when she was approximately 16 years of age. State's proposed Exhibit "20"
13 showed M.C. with her sister, Terrie Sena, when M.C. was 16 years of age. M.C. testified that
14 Defendant took the picture and directed what they were doing in the picture. PHT, Vol. I, p.
15 147. In State's proposed Exhibit "21" M.C. was 15 year old and a sophomore. The picture was
16 taken at her old residence by Defendant. **(Count 123)** In State's proposed Exhibit "22" M.C.
17 was 15 years of age, holding a dildo up to her anal area, which she was directed to do by
18 Defendant. **(Count 124)** PHT, Vol. I, pp. 148-149. M.C. testified that it was Defendant's idea
19 to take the pictures and it was not something she wanted to do. PHT, Vol. I, p. 150.

20 On re-direct, M.C. clarified that in State's proposed Exhibit's 14, 15, 16, 21, and 22,
21 were taken when she was 15 years of age. PHT, Vol. I, p. 188.

22 **The Preliminary Hearing Testimony of Detective William Karau Relevant to Bindover**

23 Detective Karau testified that he was employed with the Las Vegas Metropolitan Police
24 Department and had been for 15 years in January. Detective Karau testified that he was
25 assigned to the Juvenile Sexual Abuse section for five years and a few months. On September
26 18, 2014, Detective Karau had occasion to assist in a search warrant at the residence of 6012
27 Yellowstone, Las Vegas, Clark County, Nevada. Detective Karau's role was to assist in
28 keeping an eye on the residence to see if anyone was coming or going from it. At the time

1 SWAT served the search warrant T.S. and Defendant were present at the residence. PHT, Vol.
2 I, pp. 191-192. During the execution of the search warrant they were looking for electronic
3 storage devices and computers, among other things. PHT, Vol. I, p. 193. Those items were
4 located in an office in the back of the property that had a bathroom and a kitchenette in it. The
5 items retrieved were sealed and booked into evidence and taken to the evidence vault. Among
6 the items seized and booked into evidence was No. 25, a Data Travel G3 Thumb drive. PHT,
7 Vol. I, pp. 193-194.

8 **The Preliminary Hearing Testimony of Detective Vince Ramirez Pertinent to Bindover**

9 Vince Ramirez testified that he was employed by the Las Vegas Metropolitan Police
10 Department and had been so employed for 20 years. Detective Ramirez testified that he was
11 currently assigned to Internet Crimes against Children Division and had been since 2000. PHT,
12 Vol. I, pp. 211-212. Detective Ramirez testified that he had occasion to perform a forensic
13 review of certain items seized under LVMPD Event #1409151583. The item was previously
14 seized pursuant to a search warrant executed on Defendant's residence on or about September
15 18, 2014. PHT, Vol. I, pp. 191-195. Specifically, Detective Ramirez received a Data Traveler
16 G3 thumb drive booked as package 6, item No. 25. Detective Ramirez requested an
17 authorization to have that equipment released to take to the lab for a forensic examination.
18 Detective Ramirez testified that he obtained a warrant in order to perform the forensic
19 examination. PHT, Vol. I, p. 212.

20 Detective Ramirez testified that when an item is received for forensic examination a
21 digital copy is made and that copy is used for testing, so as not to touch any of the original
22 evidence. PHT, Vol. I, p. 214. In the course of the analysis, Detective Ramirez obtained 8
23 videos from the electronic storage disk. Those videos were deemed relevant in this case based
24 upon the individuals in the videos. Detective Ramirez testified that the main subject matters
25 in the videos was Defendant, Terrie Sena, Deborah Sena, T.S., B.S. and R.S., all of which
26 were of a sexual nature, involving fellatio and sexual intercourse. PHT, Vol. I, pp. 215-216.
27 The disk of the videos was marked as State's proposed Exhibit "16" and was admitted into
28 evidence. PHT, Vol. I, p. 217.

1 Exhibit 1, video No. 1 (**COUNT 77,78**) was played in court and showed B.S. and
2 Deborah Sena engaged in sex acts. Defendant is in the video, partially, although not all of his
3 face and only part of his body can be seen. As the video begins, B.S. can be seen laying on
4 his back while Deborah Sena is performing oral sex (fellatio) on him. (**COUNT 71**) Deborah
5 Sena is then shown positioning herself on top of B.S. and she is inserting his penis into her
6 vagina. (**COUNT 72,73**) Later, after a repositioning shown on the video, Defendant can be
7 seen and then Deborah Sena is shown positioned on her back and B.S. is inserting his penis
8 into her vagina, in a missionary position. PHT, Vol. I, pp. 218-220. (**COUNT 74,75**) The video
9 then shows B.S. repositioned to the right side of Deborah Sena, while a male individual is
10 having sexual intercourse with her. The video shows Deborah Sena performing oral sex on
11 B.S., (**COUNT 76**) while Christopher Sena is engaging in sexual intercourse with Deborah
12 Sena. PHT, Vol. I, p. 220. A male voice can be heard on the video directing all of the actions
13 that are occurring, which Detective Ramirez believed to be Defendant based upon his body
14 type and the fact that the same voice can be heard instructing on all of the videos. PHT, Vol.
15 I, p. 221. State's proposed Exhibit "2" was a still photograph of B.S. and Deborah Sena from
16 the video that was viewed, and was admitted by the Court. PHT, Vol. I, p. 222.

17 Exhibit 1, video No. 2, (**COUNT 69**) depicts an individual without any clothes on
18 setting up the video camera. As he sits down he is identified as Defendant. Deborah Sena is
19 also in the video along with T.S. Deborah Sena is seen without clothing fondling her breasts
20 while performing oral sex on Defendant. Defendant gets up off the bed and bring back T.S.,
21 telling him to lie down on the bed. Deborah Sena performed oral sex on T.S. (**COUNT 61 in**
22 **alternative to 62**) while Defendant watched and masturbated. Deborah Sena can then be seen
23 laying on her back with T.S. inserting his penis into her vagina. (**COUNT 63 in alternative**
24 **to 64**) Defendant is pictured on the right side of the screen masturbating himself. The video
25 then shows T.S. laying down with Deborah Sena on top of him, helping him insert his penis
26 into her vagina. (**COUNT 65 in alternative to 66**) PHT, Vol. I, pp. 222-224. The video next
27 shows T.S. on his back with Deborah Sena performing oral sex on him (**COUNT 67 in**
28 **alternative to 68**) while Defendant is behind Deborah Sena engaging in sex with her. PHT,

1 Vol. I, p. 225. State's proposed Exhibit "3" was as still photo of T.S. right before he engaged
2 in the missionary position with Deborah Sena, which was admitted by the Court. PHT, Vol. I,
3 p. 226.

4 State's Exhibit "1", Video No. 3, depicted someone setting up a camera and a shower
5 curtain of a standup shower comes into view. Defendant is seen in the video and then T.S.
6 and Deborah Sena are observed entering the shower, neither are wearing clothes. Deborah
7 Sena is observed wiping something off of T.S.'s face. Defendant can be seen walking to the
8 camera and repositioning it. PHT, Vol. I, pp. 226-227. **(COUNTS 55 AND 56)** Detective
9 Ramirez testified that State's proposed Exhibit "4" was a still picture of T.S. and Deborah
10 Sena in the shower, taken from Video No. 3, which was admitted by the Court. PHT, Vol. I,
11 p. 228. **(COUNT 59 AND 60)**

12 Detective Ramirez described Exhibit 1, Video No. 4 as being shot through a door, with
13 the person in the video being T.G., who is in the shower with no clothes on. **(COUNTS 118**
14 **AND 119)** The video then pans down and shows Defendant receiving oral sex. Detective
15 Ramirez believed the Defendant to be the recipient of the oral sex based upon hearing his voice
16 on the video which is similar in nature to all of the others. PHT, Vol. I, pp. 228-229

17 On August 28, 2015, Detective Ramirez continued his preliminary hearing testimony.
18 With regard to Exhibit 1, Video No. 5, Detective Ramirez testified that it depicts video being
19 shot through an opening and is an image of E.C., in the stand-up shower. **(COUNTS 115-116)**
20 State's proposed Exhibit "6" was identified as a picture of E.C. in the shower, from the video
21 he had just observed. The video was admitted in to evidence by the Court. PHT, Vol. II, pp.
22 8-10.

23 Exhibit 1, Video No. 6 **(COUNTS 99 AND 100)** depicted a bedroom seen in previous
24 videos as well as parts of the Defendant in the mirror while he is adjusting the video camera.
25 The video proceeds to show Terrie Sena removing R.S.'s clothes. In the video, Terrie directs
26 R.S. to lie on his back and she places his penis in her mouth. **(COUNT 95)** R.S. is observed
27 using his left hand to fondle Terrie Sena's breast. The video also depicts Terrie positioning
28 R.S.'s hand on her breasts, showing him to massage her breasts, while she masturbates him

1 with her left hand. PHT, Vol. II, pp. 10-11. The video goes on to show R.S. kissing Terrie
2 Sena on her right breast and Terrie Sena continues to orally copulate R.S. The video shows
3 Terrie Sena positioned on her back with R.S. positioned between her legs penetrating her
4 vagina with his penis. **(COUNTS 96 AND 97)** PHT, Vol. II, pp. 11-12. The video shows
5 both Terrie Sena and R.S. stop and appear to look back, after which point they reposition
6 themselves in the missionary position and it appear that R.S. is penetrating Terrie Sena with
7 his penis in her vagina while she massages R.S.'s buttocks. PHT, Vol. II, pp. 12-13. The video
8 continues and Defendant appears and can be seen masturbating. Defendant points to R.S. to
9 get on the right side of Terrie Sena and he positions himself behind Terrie Sena, where he
10 appears to penetrate her vagina or anus while she performs oral sex on R.S. **(COUNT 98)**
11 PHT, Vol. II, p. 13. A conversation is being had during the incident, involving Defendant;
12 however, Detective Ramirez was not able to make out what was being said. PHT, Vol. II, p.
13 14. Detective Ramirez identified a still photograph, taken from the video, of R.S. and Terrie
14 Sena as State's Exhibit "7" PHT, Vol. II, p. 14.

15 Detective Ramirez testified that Exhibit 1, Video No. 7 depicts T.G. in the shower,
16 similar to the previous shower scenes **(COUNT 118 AND 119)**; and, identified State's Exhibit
17 No. "8" as a still photograph of T.G. from the video just viewed. PHT, Vol. II, p. 15. Detective
18 Ramirez testified that Exhibit 1, Video No. 8, depicts T.G. in the stand-up shower from the
19 previous video with the same angle filming; and, State's Exhibit "9" as a still photograph of
20 T.G., taken from the video. PHT, Vol. II, p. 16.

21 Detective Ramirez testified that other entries of evidentiary value came off the same
22 electronic storage device to include State's Exhibits 13 through 22 which he identified as being
23 images of M.C. and Terrie Sena. PHT, Vol. II, p. 17. State's proposed Exhibit "10" was
24 identified as a DVD containing images of the printed copies, to include stills of R.S. Terrie
25 Sena and Defendant. Those images were found to be relative to the investigation in that they
26 were a video that had been broken up into unallocated space, and contain images of Terrie
27 Sena, R.S. and Defendant engaging in sexual contact. PHT, Vol. II, pp. 18-19. Exhibit "10"
28 was admitted by the Court. **(COUNTS 103 AND 104)** PHT, Vol. II, p. 19.

1 Detective Ramirez identified frame number 0458 of Exhibit 10 as a room in the
2 residence labeled office. PHT, Vol. II, p. 20. Frame number 750 depicted R.S. sitting on a
3 stool, clothed, and other images of Terrie Sena. PHT, Vol. II, p. 21. Image number 1,000
4 depicts R.S. playing with his foot and Terrie Sena. PHT, Vol. II, p. 21. Image number 1328
5 depicts R.S. standing up and Terrie Sena knelt down and appearing to unbuckle R.S.'s shorts.
6 PHT, Vol. II, p. 21. Image number 1500 depicts R.S. removing his polo shirt, his shorts are
7 off and his penis is exposed. Terrie Sena is kneeling down holding a blue object of clothing
8 and is wearing her brassiere. PHT, Vol. II, p. 22. Image number 1640 depicts R.S. with his
9 shirt partially on and Terrie Sena has her mouth on R.S.'s penis, **(COUNT 101)** with her
10 brassiere off and her breasts exposed. PHT, Vol. II, p. 22. Frame number 4111 depicts R.S.
11 with his shirt partially on top. Terrie Sena has her mouth on R.S.'s penis and Defendant has
12 his pants partially down and is masturbating. PHT, Vol. II, p. 23. In the course of
13 viewing the frames Detective Ramirez was able to see Defendant's face and make a positive
14 I.D. Detective Ramirez explained that the video proceeds with still images of Terrie Sena's
15 mouth on Defendant's penis while she is holding R.S.'s penis and it goes back and forth with
16 the same sexual action, by Terrie Sena placing her mouth on R.S.'s penis. PHT, Vol. II, pp.
17 23-24. **(Count 102)** Detective Ramirez identified State's Exhibits 11 and 12 as follows:
18 Exhibit "11" depicts R.S. sitting in front of Defendant and Terrie Sena is standing to the left
19 of Defendant. Exhibit "12" depicts R.S. standing in front of Defendant, both still clothed, with
20 Terrie Sena is unbuckling the pants of R.S. PHT, Vol. II, p. 25.

21 **The Preliminary Hearing Testimony of E.C. Relevant to Bindover**

22 E.C. testified that she was 14 years of age and in the ninth grade. E.C. further testified
23 that she lived with her mom, grandparents, cousin, two sisters, brother, and aunt. PHT, Vol.
24 II, p. 50. E.C. identified Defendant and indicated that he was her aunt's ex-husband. E.C.
25 testified that Defendant had been her uncle her entire life as far as she could remember and
26 she visited his residence at 6012 Yellowstone in North Las Vegas, Clark County, Nevada.
27 E.C. testified that she visited the residence more than one time and she began visiting when
28 she was 10 or 11 years of age, and in the fifth grade. PHT, Vol. II, p. 51. E.C. testified that

1 she went to Defendant's house almost every weekend to visit her aunt Terrie and her cousins,
2 R.S., A.S. and T.S. PHT, Vol. II, p. 52.

3 E.C. testified that when she was 11 years old Defendant would touch her breasts and
4 vagina, underneath her clothes, by having her lift up her shirt and put her pants to her ankles,
5 while they were in the office. PHT, Vol. II, p. 53. E.C. testified that it happened more than
6 one time and Defendant would fondle her breasts with his hands and rub his hands over her
7 vagina. PHT, Vol. II, p. 55. E.C. testified that she went to Defendant's house nearly every
8 weekend from the ages of 11 to 12 or 13, from the third grade through the seventh grade. PHT,
9 Vol. II, p. 56. E.C. testified that Defendant would fondle her breasts and vagina a couple of
10 times during each weekend that she was there during the fifth grade when she was 11 years of
11 age. E.C. remembered Defendant touched her more than three times, as it became a routine.
12 PHT, Vol. II, p. 58-59. E.C. testified that her birthday is December 21, 2000. E.C. testified
13 that the last time something happened was before Deborah Sena left in 2014. PHT, Vol. II, p.
14 60. E.C. testified that she would expect Defendant to touch her when she went over there and
15 she got used to it happening. PHT, Vol. II, p. 62. E.C. testified that she remembered those
16 things happening in the fifth grade, sixth grade, seventh grade, and eighth grade. PHT, Vol II,
17 p. 64. **(COUNTS 107-114).**

18 E.C. testified that she took a shower at the residence a couple of times. Specifically,
19 E.C. recalled an incident when she had lice in her hair. E.C. was shown a picture of herself
20 that was taken of her in the shower, in the office. E.C. testified the picture was taken sometime
21 between the fifth and seventh grade. E.C. did not know that the picture was being taken. PHT,
22 Vol. II, pp. 65-66. **(COUNTS 115 AND 116).**

23 **The Preliminary Hearing Testimony of T.G. Pertinent to Bindover**

24 T.G. testified that she was 18 years of age and her date of birth is January 9, 1997. T.G.
25 testified that Terrie Sena is her aunt and her mother's sister. T.G. testified that her mom is
26 Kimberly Grisham and that M.C. is her aunt, and E.C. is her cousin. T.G. testified that she
27 grew up in Las Vegas. PHT, Vol. II, p. 86. While growing up, T.G. spent time with her aunt,
28 Terrie Sena, and visited her residence located at 6012 Yellowstone, Las Vegas, Clark County,

1 Nevada. T.G. was seven or eight years of age when she began visiting Terrie Sena at that
2 address. T.G. visited every weekend until she was 15 years age. T.G. stopped visiting because
3 she no long wanted to go over to the residence. T.G. testified that Defendant, Terrie Sena, and
4 Deborah Sena lived at the residence when she visited, as did her cousins, T.S., A.S., B.S. and
5 R.S. PHT, Vol. II, pp. 87-88.

6 T.G. testified that Defendant once showed her a picture of her aunt, M.C., giving him
7 oral sex. (COUNT 117) T.G. was in the office when he showed her the picture, which was a
8 separate building behind the residence, with computers, a T.V., a couch, a little kitchen, and a
9 bathroom. PHT, Vol. II, p. 89. T.G. testified that Defendant showed her the pictures on the
10 computer and that she was 11 or 12 when that occurred. T.G. testified that they were just
11 looking at pictures and Defendant showed her that one. T.G. testified that she did not really
12 say much to Defendant when he showed her the picture. PHT, Vol. II, pp. 90-91.

13 T.G. testified that she utilized the shower in the office from the time she was 7 until she
14 was 15. T.G. viewed State's Exhibits "5", "8", and "9" and identified herself in those photos.
15 T.G. testified that the photos depicted her in the shower, in the office. T.G. testified that she
16 had no idea that she was being photographed while showering. T.G. testified that she was 13
17 or 14 years of age in the photographs that were taken. (COUNTS 118 AND 119). PHT, Vol.
18 II, pp. 91-92. T.G. testified that she did not visit the residence or shower at the residence after
19 she turned 16. PHT, Vol. II, p. 93.

20 **The Preliminary Hearing Testimony of T.S. Relevant to Bindover**

21 T.S. testified that he was 20 years of age and his birthday is December 2, 1994. T.S.
22 testified Defendant is his father and Terrie Sena is his biological mother. T.S. testified that
23 Deborah Sena is his stepmom; and, that he has a sister and two brothers. T.S. testified that
24 A.S. is the biological child of Defendant and Terrie Sena; R.S. is the biological child of Terrie
25 Sena; and, B.S. is the biological child of Defendant and Deborah Sena. PHT, Vol. II, pp. 107-
26 108.

27 //

28 //

1 T.S. testified that he had testified in a previous proceeding regarding sexual conduct
2 that was going on at the trailer located at 6012 Yellowstone. PHT, Vol. II, p. 108. During that
3 time, T.S., Defendant, Terrie Sena, Deborah Sena and the entire family lived there. T.S.
4 resided there from the time he was 5 until he moved out a month after he turned 18. PHT, Vol.
5 II, p. 109.

6 When T.S. was 14 or 15 years of age, he engaged in having sexual intercourse with
7 both of his parents, in the bedroom and in the shower. During the shower incident, he and
8 Deborah Sena had been painting and were dirty. Defendant told T.S. to get in the shower.
9 Deborah Sena was already in the shower, naked. T.S. thought the request was really weird
10 and did not want to do it. When T.S. got in the shower he and Deborah Sena began cleaning
11 each other at Defendant's instruction. **(COUNTS 55 AND 56)** Additionally, Deborah Sena
12 placed her mouth on T.S.'s penis and gave him a "blowjob". **(COUNT 54)**. Deborah Sena
13 also bent over in the shower and T.S. placed his penis around her vaginal area, at Defendant's
14 instruction. T.S. stated that his penis did not go into the hole but did go between the lips of
15 Deborah's vaginal area. **(COUNT 57 AND 58)**. PHT, Vol. II, pp. 110-114.

16 T.S. testified that the incident occurring in the bedroom also happened when he was
17 between the ages of 14 and 15, during the day. T.S. was called into the bedroom by Defendant.
18 When T.S. went into the bedroom Defendant was naked. Defendant told T.S. to remove his
19 clothes. Deborah Sena came into the bedroom and also got naked. T.S. inserted his penis
20 between the lips of Deborah Sena's vaginal area, while Defendant inserted his penis into
21 Deborah Sena's anal opening. T.S. testified that prior to such act but during the same incident
22 Deborah Sena placed his penis in her mouth. PHT, Vol. II, pp. 117-118. T.S. watched the
23 video of himself, Deborah Sena, and Defendant engaging in various sexual acts, in the
24 bedroom. T.S. testified that while he may not remember all of the details, the video speaks
25 for itself. T.S. was shown State's Exhibits "3" and "4" and identified Exhibit "3" as a
26 photograph of him in the shower with Deborah Sena and Exhibit "4" as a photograph of him
27 and Deborah Sena in the bedroom. PHT, Vol. II, pp. 121-122. **(COUNT 61 in the alternative**
28 **to 62; COUNT 63 in the alternative to 64; COUNT 65 in the alternative to 66; COUNT**

1 67 in the alternative to 68; and COUNT 69)

2 The Preliminary Hearing Testimony of B.S. Pertinent to Bindover

3 B.S. testified that he was 17 years of age and his date of birth is August 13, 1998. B.S.
4 further testified that he is a senior at Bonanza High School. B.S. testified that he lives with
5 his sister, A.S., but he used to reside at the residence located at 6012 Yellowstone Avenue,
6 North Las Vegas, Clark County, Nevada. B.S. lived at the Yellowstone address from 1998
7 until June of 2014. PHT, Vol. II, pp. 147-149. B.S. testified that he lived at the residence with
8 his half-sister, A.S. and his half-brother, T.S., and R.S. B.S. testified that Defendant and
9 Deborah Sena are his parents and they lived in residence, as did Terrie Sena. PHT, Vol. II, pp.
10 149-151. B.S. testified that when he was 14 years old he engaged in sex acts with Terrie Sena
11 in the back office area. B.S. described the office area as having a computer, animae dolls, a
12 kitchen, and a bathroom. B.S. testified that Defendant was present when he engaged in the
13 sex acts with Terrie Sena. PHT, Vol. II, pp. 152.

14 B.S. testified that Defendant told him to pull down his pants and Terrie Sena gave him
15 oral sex. (COUNT 79). B.S. testified that he put his penis in Terrie Sena's vagina. (COUNT
16 80) B.S. testified that Defendant stood and watched the entire thing and was trying to direct
17 them. During the incident, Defendant also told B.S. to touch Terrie Sena's boobs with his
18 hands. PHT, Vol. II, pp. 153-156. (COUNTS 81 AND 82).

19 B.S. testified that Defendant had him come to the back office to have sex with Terrie
20 Sena and touch her breasts, twice. PHT, Vol. II, p. 156.

21 B.S. clarified that the first time he went to the back office his penis went into Terrie
22 Sena's mouth; his penis went into Terrie Sena's vagina; and, he touched Terrie Sena's boobs,
23 when he was 14 years of age. (COUNTS 79 – 82) PHT, Vol. II, p. 157.

24 B.S. testified that the second time something happened in the office he was still 14
25 years old and he had gone into the back office for something early in the morning. B.S.
26 testified that he and Defendant and Terrie Sena were the only people in the office. B.S.
27 testified that Defendant told him and Terrie Sena to have sex and directed them. On that
28 occasion, B.S. put his penis in Terrie Sena's vagina. Although he provided specific testimony

1 that he did, in fact, touch Terrie Sena's breasts each time he went to the office and engaged in
2 sexual acts with her, B.S. also testified that he may have touched T.S.'s breasts on that
3 occasion but he could not remember. (COUNT 83) PHT, Vol. II, pp. 161-162.

4 B.S. testified that he had sexual contact with Deborah Sena in the bedroom when he
5 was 14 years of age. B.S. was watching T.V. Defendant called B.S. outside to the pool where
6 Defendant was with Deborah Sena. Defendant and Deborah took off their clothes and began
7 having sex in the pool. B.S. tried to look away but Defendant told him to remove his clothing
8 and told B.S. to watch him and Deborah having sex. (COUNT 70) PHT, Vol. II, pp. 163-
9 164. After they left the pool and went back inside the house, Defendant brought B.S. into the
10 bedroom where he and Deborah Sena were. Defendant had B.S. strip and get onto the bed.
11 Defendant instructed Deborah to sit on B.S.'s "dick" which went inside Deborah Sena's
12 vagina. PHT, Vol. II, pp. 165-166. (COUNTS 72-73). B.S. then got on top of Deborah Sena
13 and put his dick back inside her vagina (COUNT 74-75). B.S. testified that before the sexual
14 intercourse occurred, Defendant told Deborah Sena to give B.S. a blow job and she placed his
15 penis in her mouth. (COUNT 71). PHT, Vol. II, pp. 167-168.

16 B.S. testified that he never told anyone about what had been happening in the house
17 due to death threats from the Defendant. Defendant told B.S. and other members of the
18 household that he would kill them if they told what was going on with anything. On cross
19 examination B.S. testified that he mentioned to the police something about [Defendant]
20 threatening to break his legs. PHT, Vol. II, pp. 168-170. (COUNT 86).

21 The Preliminary Hearing of A.S. Relevant to Bindover

22 A.S. testified that she was 25 years of age and her birthday is May 22, 1990. A.S.
23 graduated from high school in early June 2008. A.S. testified that Defendant is her father;
24 Deborah Sena is her stepmother; and, Terrie Sena is her mother. A.S. testified that she had
25 three brothers, B.S., age 17; R.S., a half-brother, age 17; and, T.S., age 20. PHT, Vol. III, pp.
26 6-7. A.S. testified that when s he was 11 years old she living at 6012 Yellowstone Avenue,
27 North Las Vegas, Clark County, Nevada, with Defendant, Deborah Sena, Terrie Sena, T.S.,
28 B.S., and R.S. PHT, Vol. III, p. 8. During that time, A.S. would come home from school and

1 Defendant would be there. Defendant would ask A.S. if she loved him and when she said yes,
2 he wanted her to show him that she loved him. Defendant asked A.S. to take her clothes off
3 and touched her breasts area. **(COUNT 2)** A.S. testified that Defendant rubbed her clit with
4 his fingers, between the lips of her vagina area. **(COUNTS 3 AND 4)** PHT, Vol. III, pp. 13-
5 14. Defendant told A.S. to get on the bed and removed his dick/penis from his jeans and began
6 rubbing it on the outside of A.S.'s pussy/vagina. **(COUNT 5)** Defendant instructed A.S. to
7 spread out a little and she was laying on her back on the bed with her legs hanging off the bed.
8 Defendant lifted her legs and spit on his hands, rubbing saliva on his dick/penis. Defendant
9 penetrated A.S.'s anus with his penis which hurt her. **(COUNT 6 AND 7)** A.S. told
10 Defendant that it hurt her and he told her "It's going to hurt but this is life." Defendant came
11 inside of A.S.'s anus and told her to get dressed because the moms would be home. PHT, Vol.
12 III, pp. 15-16.

13 Defendant had anal intercourse with A.S. frequently, from time she was 11 years in
14 May 2001 until 2009. A.S. testified that it normally happened when the moms were gone
15 during the weekdays, two or three times a week. A.S. testified that on a rare occasion
16 Defendant would go more than a week without doing it, but he never went more than one
17 month without doing' it. In 2009, when A.S. was 19 years of age, it became less frequent.
18 PHT, Vol. III, pp. 17-18. A.S. testified that Defendant would do that to her in his room; in her
19 room; in the master bathroom; in the living room; and, in the boys' room. PHT, Vol. III, p.
20 19-20. **(COUNTS 8, 9, 11, 12, 16, 17, 23, 28, 33, 38, 43).**

21 A.S. testified that Defendant would rub his hands on her boobs, at least once a month,
22 when he was putting his penis in her. PHT, Vol. III, p. 21. **(COUNT 10, 13, 18, 24, 29, 34,**
23 **39, 44)** When A.S. was 14 years of age (May 22, 2004) Defendant began doing other things
24 to her. A.S. testified that she was taking a shower and Defendant came into the bathroom and
25 jumped into the shower with her. Defendant rubbed A.S.'s boobs and then told her to get up
26 against the wall. Defendant tried to put his penis in her anal opening but he inserted into her
27 vagina, taking her virginity. (PHT, Vol. III, p. 22. A.S. testified that Defendant put his penis
28 into her vagina on more than one occasion; and, that it happened every two weeks; never less

1 than once a month. Defendant would put his penis in A.S.'s vaginal opening in the living room;
2 in the boys' room; in the master bedroom; and, in A.S.'s room. PHT, Vol. III, pp. 23-24.
3 **(COUNTS 21, 22, 26, 27, 31,32, 36, 37, 41, 42,).**

4 A.S. testified that there were times that Defendant would put himself inside her vagina
5 and then he would put himself inside her anal opening. There was also times that he would
6 have anal sex one day and vaginal sex the other. PHT, Vol. III, p. 25. A.S. testified that
7 during that time there were days that Defendant would put his penis up against her boobs and
8 he would have her give him a blow job. A.S. was 12 years old the first time she gave Defendant
9 a blow job. A.S. gave Defendant blow jobs from the time she was 12 years old up to 2013.
10 A.S. would do this one or twice a month and some months not at all. A.S. would do this
11 mainly in the living room and the master bedroom. **(COUNTS 14, 15, 19, 20, 25, 30, 35, 40,**
12 **45)** A.S. was 23 years old in 2013. A.S. left the house in June 2013. The last time something
13 happened with Defendant was in January 2013. PHT, Vol. III, pp. 25-27.

14 When A.S. was 14 years of age, Defendant, Terrie Sena, and A.S. were in the
15 Defendant's back office. Terrie Sena gave Defendant a blow job, which A.S. described
16 Defendant's penis in Terrie Sena's mouth, while A.S. watched. Defendant inserted his penis
17 into A.S.'s anal opening, while Terrie Sena watched. **(COUNT 52)** PHT, Vol. III, pp. 29-31.

18 A.S. testified that when she was 17 to 18 years of age, during the last few months of
19 high school, before graduation, A.S. got home from school and Defendant brought Deborah
20 Sena out to where A.S. was. Defendant told A.S. to get naked and wanted her and Deborah
21 Sena play with each other's boobs and rub each other's clits. A.S. played with Deborah Sena's
22 clit and Deborah Sena rubbed the outside area of A.S.'s vagina. **(COUNTS 48, 49)** Defendant
23 had Deborah Sena get on top of A.S. Defendant inserted his penis into A.S.'s vagina while
24 Deborah was still on top of A.S. **(COUNTS 46 AND 47)** Defendant removed his penis and
25 put it in Deborah Sena's vagina or anus, while Deborah Sena was on top of A.S., with her
26 nipples touching A.S.'s chest. PHT, Vol. III, pp. 32-36. Defendant had Deborah Sena get on
27 her back and he placed a pillow under Deborah Sena's back before penetrating her again.
28 Defendant had A.S. play with herself so he could watch. A.S. touched the outside of her vagina

1 with her hand. (COUNT 51) PHT, Vol. III, p. 37. A.S. clarified that she touched Deborah
2 Sena's boobs (COUNT 50) and Deborah Sena touched her boobs; that Deborah Sena touched
3 the outside of A.S.'s pussy and A.S. touched Deborah Sena's clit. PHT, Vol. III, p. 38.

4 A.S. testified that she never told anybody in fear of what Defendant would do. A.S.
5 testified that Defendant would use threats and tell her that she was going to be taken away and
6 sent to juvi. Defendant also told A.S. that she would do those things if she loved him. PHT,
7 Vol. III, pp. 40. (COUNT 53)

8 A.S. testified that between the ages of 11 and 14, Defendant engaged primarily in anal
9 intercourse with her. Additionally, without a doubt, Defendant engaged in vaginal and/or anal
10 intercourse with her at least once a year from the time she was 11 years of age until she was
11 23 years of age. Defendant also put his finger in A.S.'s pussy at least once a year throughout
12 that same time period. PHT, Vol. III, pp. 40-41.

13 **The Preliminary Hearing Testimony of R.S. Pertinent to Bindover**

14 R.S. testified that he was 17 years of age and his date of birth is June 14, 1998. R.S.
15 testified that he was a senior in high school and attends Sunset High School. R.S. testified
16 that he lives with his biological dad and had been living there since December 2014. R.S.
17 testified that his biological mother is Terrie Sena. PHT, Vol. IV, pp. 14-15. R.S. testified that
18 he lived at the residence located at 6012 Yellowstone Avenue, Las Vegas, Clark County
19 Nevada his entire life, until he moved out when he was 16 years old, back in June 2014. PHT,
20 Vol. III, pp. 15-16. When R.S. lived at the residence, he lived there with A.S., T.S., B.S.,
21 Deborah Sena, Defendant, and Terrie Sena. PHT, Vol. IV, pp. 17-29.

22 R.S. testified that when he was 12 and 13 years old, in the seventh or eighth grade,
23 Defendant sexually abused him. The abuse happened more than once and it happened in R.S.'s
24 room, Defendant's room, the office, and the living room. PHT, Vol. III, pp. 21-22. R.S.
25 testified that Defendant made him remove his clothes and he would touch R.S.'s behind where
26 poop comes out, with his dick. R.S. described an incident that occurred when he was 12 or 13,
27 in his bedroom, and Defendant came in and made R.S. remove his clothes, by yelling at him
28 and grabbing him. R.S. was afraid Defendant would come after him and hurt him if he did not

1 do what Defendant said. R.S. got onto the bedroom floor and laid flat on his stomach while
2 Defendant inserted his penis into R.S.'s anal opening. **(COUNT 87 AND 88)**. PHT, Vol. IV,
3 pp. 27-29. Another incident occurred in the Defendant's office, a separate building at the back
4 of the house, when R.S. was 14 or 15 years old. Defendant showed R.S. videos on his
5 computer. R.S. testified that the video was of Defendant and Terrie Sena having sex in the
6 back office. PHT, Vol. IV, pp. 29-31. **(COUNT 105)**

7 R.S. testified that when he was in junior high school, between 12 or 13 years of age, he
8 and Defendant were in the living room. R.S. had no pants or underwear on, nor did Defendant.
9 Defendant sat on the couch and had R.S. sit on his penis, inserting his penis into R.S.'s butt.
10 R.S. did not want to do that and Defendant forced him. **(COUNTS 89 AND 90)**. R.S. testified
11 that Defendant put his penis inside R.S.'s butt on three occasions when R.S. was in junior high
12 school and 12 or 13 years old; once in R.S.'s bedroom; once in the living room; and, once in
13 Defendant's room. **(COUNTS 91 AND 92)** PHT, Vol. IV, pp. 34-36.

14 R.S. testified that Defendant stopped his conduct for a little while when R.S. was 15
15 years of age. R.S. had no idea why it stopped at that time. PHT, Vol. IV, p. 36. R.S. testified
16 that when it started again he was still 15 years old and it went on until R.S. moved out of the
17 residence in June 2014. R.S. testified that it happened on two separate occasions, once in
18 Defendant's office and once in Defendant's room. The incident in the office occurred while
19 Defendant was sitting naked, on his computer chair, and R.S. sat on him and he inserted his
20 penis into R.S.'s butt. **(COUNT 93)**. The incident in Defendant's bedroom occurred with R.S.
21 laying on his stomach, on the bed, and Defendant inserting his penis into R.S.'s butt. **(COUNT**
22 **94)** PHT, Vol. IV, pp. 38-40.

23 R.S. testified that his mom, Terrie Sena, also engaged in sexually abusing him, on two
24 separate occasions. The incidents occurred in the office and in Defendant's room. The first
25 incident occurred in the bedroom prior to R.S. turning 16. R.S. went into the bedroom because
26 his mom was in there. Terrie Sena was talking to R.S. and began taking off his clothes.
27 Defendant was in the hallway and watching what was happening. Terrie Sena took all of
28 R.S.'s clothes off and Defendant R.S. to lay on the bed, on his back. Terrie Sena removed her

1 clothes and began sucking on R.S.'s dick. PHT, Vol. IV, pp. 41-44. (COUNT 95). Defendant
2 instructed Terrie Sena to lay on her back and had R.S. get on top of her and insert his dick into
3 her private spot. (COUNTS 96 AND 97). PHT, Vol. IV, p. 45. Defendant had R.S. get off of
4 Terrie Sena and lay down on his back. Terrie Sena sucked R.S.'s dick while Defendant got
5 behind Terrie Sena. (COUNT 98). R.S. testified that he did not want to do any of those things
6 but he was forced to do it by Defendant. PHT, Vol. IV, p. 46.

7 When R.S. was 12 or 13, he went to Defendant's office so that Defendant could help
8 him with an ingrown toenail. Afterward, Defendant told R.S. to stand up and Terrie Sena
9 removed R.S.'s clothes from the waist down. Terrie Sena sucked on R.S.'s dick. Terrie Sena
10 alternated and began sucking on Defendant's dick and then sucked on R.S.'s dick PHT, Vol.
11 IV, pp. 48-50. (COUNTS 101 AND 102). R.S. testified that Defendant told him that if he
12 ever told somebody he and Terrie Sena would hate him and Defendant would make his life a
13 living hell. PHT, Vol. IV, p. 50. (COUNT 106).

14 I. LAW APPLICABLE TO CRIMINAL BIND OVER

15 The magistrate may order an accused to answer the charges filed against him upon a
16 finding that a public offense has been committed, and slight or marginal evidence that the
17 defendant committed the crime. See, Sheriff v. Hodes, 96 Nev. 184, 186, 606 P.2d 178, 180
18 (1980); Beasley v. Lamb, 79 Nev. 78, 80, 378 P.2d 524, 525 (1963); State v. Fuchs, 78 Nev.
19 63, 65, 368 P.2d 869, 869 (1962). The State only has to present enough evidence to support a
20 reasonable inference that the accused committed the crime and does not need to negate all
21 possible inferences as to doubt. See, Lamb v. Holsten, 85 Nev. 566, 568, 459 P.2d 771, 772
22 (1969); Johnson v. State, 82 Nev. 338, 341, 418 P.2d 495, 496 (1966).

23 Further, the State may present a case based solely on circumstantial evidence. See,
24 Howard v. Sheriff, 93 Nev. 30, 31, 559 P.2d 827, 827 (1977).

25 Finally, the Nevada Supreme Court has explicitly held that a preliminary examination
26 is "not a substitute for trial," and that the "full and complete exploration of all facets of the
27 case" should be reserved for trial. Marcum v. Sheriff, 85 Nev. 175, 178, 451 P.2d 845, 847
28 (1969); see also, Robertson v. Sheriff, 85 Nev. 681, 683, 462 P.2d 528, 529 (1969).

1 The Nevada Supreme Court has held that it is within the province of a jury to determine
2 the credibility of the witnesses. See Wrenn v. Sheriff, 87 Nev. 85, 87, 482 P.2d 289, 290
3 (1971); *see also* Sheriff v. Badillo, 95 Nev. 593, 594-595, 600 P.2d 221, 222 (1979). In fact,
4 the Nevada Supreme Court has held that "it is exclusively within the province for the trier of
5 fact to weigh the evidence and pass on the credibility of witnesses and their testimony." Lay
6 v. State, 110 Nev. 1189, 1192, 886 P.2d 448, 450 (1994).

7 **A. VICARIOUS LIABILITY OF DEFENDANT PURSUANT TO AN**
8 **ONGOING CONSPIRACY AND/OR AIDING AND ABETTING**
9 **THEORIES OF LIABILITY**

10 A conspiracy is an agreement between two or more persons for an unlawful purpose.
11 Doyle v. State, 112 Nev. 879, 886, 921 P.2d 901, 911 (1996). The conspiracy agreement may
12 be inferred by a "coordinated series of acts" in furtherance of the underlying offense. Doyle,
13 *supra*; *see also*, Gaitor v. State, 106 Nev. 785, 790 n.1, 801 P.2d 1372, 1376 n.1 (1990);
14 *overruled on other grounds by*, Barone v. State, 109 Nev. 1168, 1171, 866 P.2d 291, 292
(1993).

15 The law concerning the sufficiency of the evidence to support a conspiracy charge is
16 well established as recognized by the Nevada Supreme Court:

17 . . . Direct evidence is not required to establish a conspiracy, but
18 circumstantial evidence may be relied upon. This rule is
19 sanctioned for the obvious reason that experience has
demonstrated that as a general proposition a conspiracy can only
be established by circumstantial evidence.

20 Sheriff v. Lang, 104 Nev. 539, 543, 763 P.2d 56 (1988) *citing* Goldsmith v. Sheriff, 85 Nev.
21 295, 304, 454 P.2d 86, 92 (1969), (*quoting* People v. Massey, 312 P.2d 365, 382 (Cal. Ct. App.
22 1957)).

23 The issue of sufficiency of the evidence for conviction has been addressed by the
24 Nevada Supreme Court:

25 We recognize and appreciate the concerns expressed in the
26 dissenting opinion. Nonetheless, "[c]onspiracy is seldom
27 susceptible of direct proof and is usually established by inference
28 from the conduct of the parties." State v. Dressel, 513 P.2d 187,
188 (N.M. 1973), *citing* Oliver v. United States, 121 F.2d 245
(10th Cir. 1941), *cert. denied* 314 U.S. 666 (1941). The facts of
this case do demonstrate a coordinated series of acts, sufficient to
infer the existence of an agreement essential to the conspiracy

convictions of the appellants: Gaitor and Allen approached the victim together, at the same time of the night, in the same location, with the same apparent motive; they simultaneously robbed Mr. Lockhart, each taking a role in the attack, and then they fled. It may be possible that through some symbiotic relationship the two appellants happened to be on the same street, at the same time, with the same intent to rob someone and, without more, elected to approach the victim together and coordinate their assault. However, the realm of possibilities is not controlling here. Rather, the issue asks whether there is substantial evidence to support the jury's conclusion that the appellants' conspired to commit the crime. We conclude there was.

Gaitor v. State, 106 Nev. 785, 790 at fn 2, 801 P.2d 1372 (1990).

Therefore, in Nevada the acts of one conspirator in furtherance of the conspiracy are the acts of all, and each and every individual will be held criminally responsible for the acts of the other.

Further, NRS 195.020 is applicable and states:

Every person concerned in the commission of a felony, gross misdemeanor or misdemeanor, whether the person directly commits the act constituting the offense, or aids or abets in its commission, and whether present or absent; and every person who, directly or indirectly, counsels, encourages, hires, commands, induces or otherwise procures another to commit a felony, gross misdemeanor or misdemeanor is a principal, and shall be proceeded against and punished as such. The fact that the person aided, abetted, counseled, encouraged, hired, commanded, induced or procured, could not or did not entertain a criminal intent shall not be a defense to any person aiding, abetting, counseling, encouraging, hiring, commanding, inducing or procuring him or her.

In Walker v. State, 6 P.3d 477 (2000), the Supreme Court of Nevada held, "the State may proceed on alternate theories of liability as long as there is evidence in support of those theories." Further, "although the State must allege specific facts concerning its theories of liability so as to afford a criminal defendant adequate notice to prepare his defense, it is not necessary to plead a conspiracy in the charging document if the evidence actually shows its existence." The Supreme Court then concluded "that the information in this case was sufficiently detailed to put Walker on notice that the State was pursuing alternate theories of criminal liability. In particular, the State alleged three theories of principal liability in Walker's information: (1) Walker directly committed the offense; (2) Walker aided and abetted in the offense by acting in concert in its commission; and (3) Walker conspired to commit the offense

and is vicariously liable for acts committed in furtherance of the conspiracy.” Id. at 479.

B. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE/SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE/SEXUAL ASSAULT

NRS 200.366 (1) defines sexual assault and states:

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

NRS 200.364 defines “Sexual Penetration” and state:

2. “Sexual penetration” means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

C. LEWDNESS WITH A CHILD UNDER THE AGE OF 14

In State v. Koseck, 113 Nev. 477, 936 P.2d 836 (1997), Defendant was charged with three alternative counts of sexual assault with a child under the age of fourteen years, a felony; lewdness with a child under that age of fourteen years, a felony; and statutory sexual seduction, a gross misdemeanor. All counts were based upon the same alleged act of sexual intercourse. Id. Koseck filed a motion to dismiss the count of lewdness with a child under the age of fourteen. The district court granted the defense motion stating that the statutory scheme in Nevada, under the type of scenario, would require either that the sexual assault be proven or if it’s not proven, as far as consent, then it drops down to a gross misdemeanor under the statutory sexual seduction, making the lewdness count improper. Id.

In reversing the district courts decision, the Nevada Supreme Court held that:

When a defendant receives multiple convictions based on a single act, this court will reverse “redundant convictions that do not comport with legislative intent.” [FN1]¹ Albitre, 103 Nev. At 283, 738 P.2d at 1309. However, *the state is “free to bring multiple*

¹ On the other hand, where two offenses constitute the same offense for double jeopardy purposes, “double jeopardy will not be violated by separate sentences for those two offenses following a single trial, if it appears that the legislature intended separate punishments.” Talancon v. State, 102 Nev. 294, 301, 721 P.2d 764, 769 (1986).

1 *charges based on a single incident.*” *Jenkins*, 109 Nev. At 340-
2 41, 849 P.2d at 1057 (emphasis added). The lewdness statute
3 expressly excludes from its purview “acts constituting the crime
4 of sexual assault.” NRS 201.230(1). Thus, multiple convictions
for lewdness and sexual assault based on the same act would not
comport with legislative intent and would be unlawful under
Albitre and Jenkins; however, multiple alternative charges are not
unlawful.” (Emphasis added).

5 Koseck, 113 Nev. 477, 479.

6 The Court went on to state:

7 If the alleged victim in this case had been fourteen years of age or
8 older, lewdness could not be charged since it applies only to
9 victims under fourteen. *But the state alleges that the victim was*
10 *under fourteen. The state is not seeking to convict Koseck of both*
11 *sexual assault and lewdness for the same act, which NRS*
12 *201.230(1) forbids. It seeks first to prove sexual assault, which*
13 *requires proof beyond a reasonable doubt that Koseck sexually*
14 *penetrated the victim against her will or when he knew or should*
15 *have known that she was incapable of resisting or understanding*
the nature of the conduct. In case the state fails to prove that
sexual penetration occurred against the victim’s will or beyond
her ability to resist or understand, it seeks to prove lewdness,
which is a felony even if the sex was consensual. As a final
alternative, it seeks to prove statutory sexual seduction, a gross
misdemeanor due to Koseck’s age. We conclude that these
alternative charges are lawful. (Emphasis added).

16 Koseck, 113 Nev. 477, 479.

17 Pursuant to NRS 201.230, “[a] person who willfully and lewdly commits any lewd or
18 lascivious act, *other than acts constituting the crime of sexual assault*, upon or with the body,
19 or any part or member thereof, of a child under the age of 14 years, *with the intent of arousing,*
20 *appealing to, or gratifying the lust or passions or sexual desires of that person or of that*
21 *child, is guilty of lewdness with a child.*” (Emphasis added).

22 NRS 200.366 states, states, in pertinent part, “[a] person who subjects another person
23 to sexual penetration . . . against the will of the victim or under conditions in which the
24 perpetrator knows or should know that the victim is mentally or physically incapable of
25 resisting or understanding the nature of his conduct, is guilty of sexual assault.” (Emphasis
26 added).

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1 Thus, in order to commit the crime of sexual assault, not only must there be sexual
2 penetration, but it must be against the will of the victim or under conditions in which the
3 perpetrator knew or should have known that the victim is mentally or physically incapable of
4 resisting or understanding the nature of his conduct.

5 **D. OPEN OR GROSS LEWDNESS**

6 NRS 201.210 states:

7 1. A person who commits any act of open or gross lewdness is
8 guilty:

9 (a) For the first offense, of a gross misdemeanor.

10 (b) For any subsequent offense, of a category D felony and shall
be punished as provided in NRS 193.130.

11 2. For the purposes of this section, the breast feeding of a child by
12 the mother of the child does not constitute an act of open or gross
lewdness.

13 A conviction under NRS 201.210 does not require proof of intent to offend an observer
14 or even that the exposure was observed. It is sufficient that the public sexual conduct or
15 exposure was intentional. *Young*, 109 Nev. at 215, 849 P.2d at 343 (citations omitted)
16 (Emphasis added).

17 Additionally, the Ranson Court explained:

18 At common law, it was necessary to prove that the offense of
19 "lewdness" was committed in a public place. It is generally
20 accepted, however, that when a legislature uses the term "open" to
21 modify the term "lewdness," as the Nevada Legislature has done,
it intends to broaden the common law definition to include acts
which are committed in a private place, but which are nevertheless
committed in an "open" as opposed to a "secret" manner.

22 Ranson, 99 Nev. 766, 767, 670 P.2d 574, 575 (1983) (citations omitted).

23 **E. INCEST**

24 NRS 201.180 defines Incest as follows:

25 Persons being within the degree of consanguinity within which
26 marriages are declared by law to be incestuous and void who
intermarry with each other or who commit fornication or adultery
27 with each other shall be punished for a category A felony by
imprisonment in the state prison for a minimum term of not less
28 than 2 years and a maximum term of life with the possibility of
parole, and may be further punished by a fine of not more than
\$10,000.

1 **F. USE OF A MINOR IN PRODUCTION OF PORNOGRAPHY/USE OF A**
2 **MINOR UNDER THE AGE OF 14 IN PRODUCTION OF**
3 **PORNOGRAPHY**

4 NRS 200.710 states:

5 1. A person who knowingly uses, encourages, entices or permits a
6 minor to simulate or engage in or assist others to simulate or
7 engage in sexual conduct to produce a performance is guilty of a
8 category A felony and shall be punished as provided in NRS
9 200.750.

10 2. A person who knowingly uses, encourages, entices, coerces or
11 permits a minor to be the subject of a sexual portrayal in a
12 performance is guilty of a category A felony and shall be punished
13 as provided in NRS 200.750, regardless of whether the minor is
14 aware that the sexual portrayal is part of a performance.

15 **G. POSSESSION OF A VISUAL PRESENTATION DEPICTING SEXUAL**
16 **CONDUCT OF A CHILD**

17 NRS 200.700 defines possession of visual presentation depicting sexual conduct of
18 person under 16 years of age as follows:

19 A person who knowingly and willfully has in his or her possession
20 for any purpose any film, photograph or other visual presentation
21 depicting a person under the age of 16 years as the subject of a
22 sexual portrayal or engaging in or simulating, or assisting others
23 to engage in or simulate, sexual conduct:

24 1. For the first offense, is guilty of a category B felony and shall
25 be punished by imprisonment in the state prison for a minimum
26 term of not less than 1 year and a maximum term of not more than
27 6 years, and may be further punished by a fine of not more than
28 \$5,000.

29 2. For any subsequent offense, is guilty of a category A felony and
30 shall be punished by imprisonment in the state prison for a
31 minimum term of not less than 1 year and a maximum term of life
32 with the possibility of parole, and may be further punished by a
33 fine of not more than \$5,000.

34 Likewise, NRS 200.700 states:

35 As used in NRS 200.700 to 200.760, inclusive, unless the context
36 otherwise requires:

37 1. "Performance" means any play, film, photograph, computer-
38 generated image, electronic representation, dance or other visual
39 presentation.

40 2. "Promote" means to produce, direct, procure, manufacture, sell,
41 give, lend, publish, distribute, exhibit, advertise or possess for the
42 purpose of distribution.

1 3. "Sexual conduct" means sexual intercourse, lewd exhibition of
2 the genitals, fellatio, cunnilingus, bestiality, anal intercourse,
3 excretion, sado-masochistic abuse, masturbation, or the
4 penetration of any part of a person's body or of any object
manipulated or inserted by a person into the genital or anal
opening of the body of another.

5 4. "Sexual portrayal" means the depiction of a person in a manner
6 which appeals to the prurient interest in sex and which does not
have serious literary, artistic, political or scientific value.

7 **H. PREVENTING OR DISSUADING A WITNESS FROM REPORTING A**
8 **CRIME**

9 NRS 199.305 states:

10 1. A person who, by intimidating or threatening another person,
11 prevents or dissuades a victim of a crime, a person acting on behalf
of the victim or a witness from:

12 (a) Reporting a crime or possible crime to a:

13 (1) Judge;

14 (2) Peace officer;

15 (3) Parole or probation officer;

16 (4) Prosecuting attorney;

17 (5) Warden or other employee at an institution of the Department
18 of Corrections; or

19 (6) Superintendent or other employee at a juvenile correctional
institution;

20 (b) Commencing a criminal prosecution or a proceeding for the
21 revocation of a parole or probation, or seeking or assisting in such
a prosecution or proceeding; or

22 (c) Causing the arrest of a person in connection with a crime,
23 or who hinders or delays such a victim, agent or witness in an
effort to carry out any of those actions is guilty of a category D
24 felony and shall be punished as provided in NRS 193.130.

25 2. As used in this section, "victim of a crime" means a person
against whom a crime has been committed.

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1 **I. CHILD ABUSE AND NEGLECT, SEXUAL ABUSE OR**
2 **EXPLOITATION**

3 NRS 200.508 imposes a responsibility upon a person who is responsible for the safety
4 and welfare of a child to not allow or permit the child to suffer from abuse or neglect which
5 causes or may cause the child to suffer unjustifiable pain or mental suffering. Additionally,
6 NRS 200.508 cross-references several provision of NRS Chapter 432B which pertain to child
7 abuse and neglect.

8 NRS 200.508 states:

9 1. A person who willfully causes a child who is less than 18 years
10 of age to suffer unjustifiable physical pain or mental suffering as
11 a result of abuse or neglect or to be placed in a situation where the
child may suffer physical pain or mental suffering as the result of
abuse or neglect:

12 (a) If substantial bodily or mental harm results to the child:

13 (1) If the child is less than 14 years of age and the harm is the result
14 of sexual abuse or exploitation, is guilty of a category A felony
15 and shall be punished by imprisonment in the state prison for life
with the possibility of parole, with eligibility for parole beginning
when a minimum of 15 years has been served; or

16 (2) In all other such cases to which subparagraph (1) does not
17 apply, is guilty of a category B felony and shall be punished by
18 imprisonment in the state prison for a minimum term of not less
than 2 years and a maximum term of not more than 20 years; or

19 (b) If substantial bodily or mental harm does not result to the child:

20 (1) If the person has not previously been convicted of a violation
21 of this section or of a violation of the law of any other jurisdiction
22 that prohibits the same or similar conduct, is guilty of a category
B felony and shall be punished by imprisonment in the state prison
for a minimum term of not less than 1 year and a maximum term
of not more than 6 years; or

23 (2) If the person has previously been convicted of a violation of
24 this section or of a violation of the law of any other jurisdiction
25 that prohibits the same or similar conduct, is guilty of a category
B felony and shall be punished by imprisonment in the state prison
26 for a minimum term of not less than 2 years and a maximum term
of not more than 15 years, unless a more severe Penilety is
prescribed by law for an act or omission that brings about the
abuse or neglect.

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1 2. A person who is responsible for the safety or welfare of a child
2 and who permits or allows that child to suffer unjustifiable
3 physical pain or mental suffering as a result of abuse or neglect or
4 to be placed in a situation where the child may suffer physical pain
5 or mental suffering as the result of abuse or neglect:

6 (a) If substantial bodily or mental harm results to the child:

7 (1) If the child is less than 14 years of age and the harm is the result
8 of sexual abuse or exploitation, is guilty of a category A felony
9 and shall be punished by imprisonment in the state prison for life
10 with the possibility of parole, with eligibility for parole beginning
11 when a minimum of 10 years has been served; or

12 (2) In all other such cases to which subparagraph (1) does not
13 apply, is guilty of a category B felony and shall be punished by
14 imprisonment in the state prison for a minimum term of not less
15 than 2 years and a maximum term of not more than 20 years; or

16 (b) If substantial bodily or mental harm does not result to the child:

17 (1) If the person has not previously been convicted of a violation
18 of this section or of a violation of the law of any other jurisdiction
19 that prohibits the same or similar conduct, is guilty of a gross
20 misdemeanor; or

21 (2) If the person has previously been convicted of a violation of
22 this section or of a violation of the law of any other jurisdiction
23 that prohibits the same or similar conduct, is guilty of a category
24 C felony and shall be punished as provided in NRS 193.130,
25 unless a more severe Penalty is prescribed by law for an act or
26 omission that brings about the abuse or neglect.

27 3. A person does not commit a violation of subsection 1 or 2 by
28 virtue of the sole fact that he delivers or allows the delivery of a
child to a provider of emergency services pursuant to NRS
432B.630.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a
nonaccidental nature, sexual abuse, sexual exploitation, negligent
treatment or maltreatment of a child under the age of 18 years, as
set forth in paragraph (d) and NRS 432B.070, 432B.100,
432B.110, 432B.140 and 432B.150, under circumstances which
indicate that the child's health or welfare is harmed or threatened
with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or
neglect of a child in circumstances where the person knows or has
reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not
grant and which amounts to a neglect of responsibility attending
the care, custody and control of a minor child.

1 (d) "Physical injury" means:

2 (1) Permanent or temporary disfigurement; or

3 (2) Impairment of any bodily function or organ of the body.

4 (e) "Substantial mental harm" means an injury to the intellectual
5 or psychological capacity or the emotional condition of a child as
6 evidenced by an observable and substantial impairment of the
ability of the child to function within his normal range of
performance or behavior.

7 Additionally, NRS 200.508 cross-references several provision of NRS Chapter 432B
8 which pertain to child abuse and neglect.

9 NRS 432B.020 defines "Abuse or neglect of a child" as follows:

10 1. "Abuse or neglect of a child" means, except as otherwise
11 provided in subsection 2:

12 (a) Physical or mental injury of a nonaccidental nature;

13 (b) Sexual abuse or sexual exploitation; or

14 (c) Negligent treatment or maltreatment as set forth in NRS
15 432B.140, of a child caused or allowed by a person responsible for
his welfare under circumstances which indicate that the child's
health or welfare is harmed or threatened with harm.

16 2. A child is not abused or neglected, nor is his health or welfare
17 harmed or threatened for the sole reason that his:

18 (a) Parent delivers the child to a provider of emergency services
19 pursuant to NRS 432B.630, if the parent complies with the
requirements of paragraph (a) of subsection 3 of that section; or

20 (b) Parent or guardian, in good faith, selects and depends upon
21 nonmedical remedial treatment for such child, if such treatment is
22 recognized and permitted under the laws of this State in lieu of
medical treatment. This paragraph does not limit the court in
ensuring that a child receive a medical examination and treatment
pursuant to NRS 62E.280.

23 3. As used in this section, "allow" means to do nothing to prevent
24 or stop the abuse or neglect of a child in circumstances where the
person knows or has reason to know that a child is abused or
neglected.

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1 **II. APPLICATION OF LAW TO FACTS OF THIS CASE**

2 A Fourth Amended Criminal Complaint is attached hereto as "Exhibit 1", and proposed to
3 be filed on the date of argument of the subject bind over, as a reflection of the evidence
4 produced at the subject Preliminary Hearing. The following is a summary of evidence
5 supporting each count in the proposed Fourth Amended Criminal Complaint which evidence
6 is detailed in the above section entitled Statement of Facts.

7 It is first noted, in the subject case the State contends that Defendant is either directly
8 or vicariously liable for the criminal conduct detailed in **COUNTS 1, 46-52, 54-59, 61-77, 79-**
9 **85, 95-99, 101-103, 105, 115, AND 118** along with Debora Sena and/or Terri Sena.

10 **A. CHARGES INVOLVING VICTIM A.S.**

11 **1. Initial Incident Involving A.S. and Defendant (COUNTS 2 – 7):**

12 A.S.'s first memories of sexual abuse at the hands of Defendant was on or between
13 May 22, 2001 and June 30, 2004, when A.S. was approximately eleven (11) years of age. At
14 that time, Defendant committed various crimes upon A.S.:

15 **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE:**

- 16 - Digital Penetration of the Vaginal Opening (**COUNT 3**)
17 - Penile Penetration of the Anal Opening (**COUNT 6**)

18 The acts of sexual penetration were committed either against the will of A.S. or under
19 circumstances under which Defendant knew, or should have known, that A.S. was mentally
20 or physically incapable of resisting or understanding the nature of Defendant's conduct

21 **LEWDNESS WITH A CHILD UNDER FOURTEEN YEARS OF AGE:**

- 22 - Fondle Vaginal Area with Hand (**COUNT 4 IN ALTERNATIVE TO**
23 **COUNT 3**)
24 - Fondle Anal Area with Penis (**COUNT 7 IN ALTERNATIVE TO**
25 **COUNT 6**)
26 - Fondle Breasts (**COUNT 2**)
27 - Fondle Genital Area with Penis (**COUNT 5**)

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1 The acts of Lewdness with a Child Under the Age of 14 were clearly committed with
2 the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the
3 Defendant or A.S.

4 **2. Course of Continual Abuse On or Between May 22, 2001 and**
5 **August 30, 2014 (COUNTS 8 – 45)**

6 After the first incident, A.S. was sexually abused by Defendant from the time she was
7 approximately eleven (11) years of age until she was twenty-five (25). The regular abuse
8 began with Defendant regularly penetrating the anal opening of A.S. with his penis and
9 fondling her breasts. Such abuse later progressed to Defendant penetrating the vaginal
10 opening of A.S., his biological daughter, with his penis, and causing A.S. to perform fellatio
11 on him.

12 **SEXUAL ASSAULT / WITH A MINOR UNDER FOURTEEN YEARS OF AGE**
13 **/ UNDER SIXTEEN YEARS OF AGE:**

- 14 - Penile Penetration of the Anal Opening (COUNT 8, 11, 16, 23, 28, 33, 38,
15 43)
16 - Penile Penetration of the Vaginal Opening (COUNTS 21, 26, 31, 36, 41)
17 - Fellatio (COUNTS 14, 19, 25, 30, 35, 40, 45)

18 The acts of sexual penetration were committed either against the will of A.S. or under
19 circumstances under which Defendant knew, or should have known, that A.S. was mentally
20 or physically incapable of resisting or understanding the nature of Defendant's conduct.

21 **LEWDNESS WITH A CHILD UNDER FOURTEEN YEARS OF AGE:**

- 22 - Fondle Anal Area with Penis (COUNT 9, 12, 17 in the alternative to COUNT
23 8, 11, 16)
24 - Fondle Mouth with Penis (COUNT 15, 20 – in the alternative to COUNT
25 14, 19)
26 - Fondle Breasts (COUNT 10, 13, 18)

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1 The acts of Lewdness with a Child Under the Age of 14 were clearly committed with
2 the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the
3 Defendant or A.S.

4 **OPEN OR GROSS LEWDNESS:**

5 - Fondle Breasts (COUNT 24, 29, 34, 39, 44)

6 **INCEST:**

7 - Sexual Intercourse (COUNT 22, 27, 32, 37, 42)

8 **3. Sexual Contact with Defendant, Debora Sena and Terri Sena**
9 **(COUNTS 46 – 52):**

10 When A.S. was approximately 14 years of age, on or between May 22, 2004 and May
11 21, 2006, A.S. was caused to engage in sexual contact with both Defendant and Terri Sena.
12 When A.S. was 17 or 18 years of age, on or between May 22, 2007 and June 30, 2008, A.S.
13 was caused to engage in sexual contact with both Defendant and Debora Sena.

14 **SEXUAL ASSAULT / WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

15 - Penile Penetration of Vaginal Opening of A.S. by Defendant in the Presence
16 of Debora Sena (COUNT 46)

17 - Digital Penetration of the Vaginal Opening of Deborah Sena by A.S. in the
18 presence of Defendant (COUNT 48)

19 - Penile Penetration of the Anal Opening by Defendant in the Presence of Terri
20 Sena (COUNT 52)

21 The acts of sexual penetration were committed either against the will of A.S. or under
22 circumstances under which Defendant knew, or should have known, that A.S. was mentally
23 or physically incapable of resisting or understanding the nature of Defendant's conduct.

24 **INCEST:**

25 - Sexual Intercourse between Defendant and A.S. in presence of Debora Sena
26 (COUNT 47)

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1 **OPEN OR GROSS LEWDNESS:**

2 - Deborah Sena Fondled the Breast / Genital Area of A.S. in the presence of
3 Defendant (COUNT 49)

4 - A.S. Fondled the Breast of Debora Sena in the Presence of Defendant
5 (COUNT 50)

6 - A.S. Fondled Her Own Vaginal Area in the Presence of Defendant and Debora
7 Sena (COUNT 51)

8 4. **Defendant's Conduct to Prevent the Reporting of his Acts (COUNT**
9 **53):**

10 **PREVENTING OR DISSUADING WITNESS OR VICTIM FROM**
11 **REPORTING CRIME OR COMMENCING PROSECUTION (COUNT 53):**

12 - Defendant threatened Victim not to tell (COUNT 53)

13 **B. CHARGES INVOLVING VICTIM T.S.**

14 1. **Incident Involving Shower of T.S. and Debora Sena (COUNTS 54 –**
15 **60)**

16 When T.S. was approximately 14 or 15 years of age, on or between December 2, 2008
17 and December 1, 2010, T.S. was caused to take a shower with Debora Sena. He and Debora
18 Sena got into the shower naked and began to clean each other. Debora Sena performed fellatio
19 on T.S. and also caused his penis to be rubbed between her legs in the area of her vaginal
20 opening. Defendant was present throughout and directed some of the activity. A video
21 documenting some of the conduct was later found in Defendant's possession.

22 **SEXUAL ASSAULT / WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

23 -Debora Sean performed Fellatio on T.S. in presence of Defendant
24 **(COUNT 54)**

25 **CHILD ABUSE, NEGLECT, OR ENDANGERMENT – SEXUAL ABUSE:**

26 - T.S. and Deborah Sena wash each other in the shower while nude and in the
27 presence of Defendant (COUNT 55)

28 - T.S. caused to rub his penis between the legs and/or on the genital area of

1 Debora Sena in the presence of Defendant (COUNT 57)

2 **OPEN OR GROSS LEWDNESS:**

3 - T.S. and Deborah Sena wash each other in the shower while nude and in the
4 presence of Defendant (COUNT 56 – in the alternative to COUNT 55)

5 - T.S. caused to rub his penis between the legs and/or on the genital area of
6 Debora Sena in the presence of Defendant (COUNT 58 in the alternative to
7 COUNT 57)

8 **USE OF MINOR IN PRODUCING PORNOGRAPHY:**

9 - Defendant recorded incident in shower (COUNT 59)

10 **POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL**
11 **CONDUCT OF A CHILD:**

12 - Defendant maintained video of incident in shower (COUNT 60)

13 **2. Incident Involving Sexual Contact Between Debora Sena and T.S.**
14 **in a Residence Bedroom (COUNTS 61 – 69)**

15 On or between December 2, 2008 and December 1, 2012, T.S. was caused to have
16 sexual contact with Debora Sena in a bedroom within his residence. Defendant was present
17 throughout and directed some of the activity. A video documenting some of the conduct was
18 later found in Defendant's possession.

19 **SEXUAL ASSAULT / WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

20 - Debora Sena Performing Fellatio on T.S. in the presence of Defendant
21 (COUNT 61 alternative to 62; 67 alternative to 68)

22 - Penile Penetration of Vaginal Opening of Debora Sena by T.S. in the presence
23 of Defendant (COUNT 63 alternative to 64; 65 alternative to 66)

24 The acts of sexual penetration were committed either against the will of A.S. or under
25 circumstances under which Defendant knew, or should have known, that A.S. was mentally
26 or physically incapable of resisting or understanding the nature of Defendant's conduct.

27 **USE OF MINOR IN PRODUCING PORNOGRAPHY:**

28 - Defendant recorded incident (COUNT 69)

1 **C. CHARGES INVOLVING VICTIM B.S**

2 **1. Incident Involving B.S. and Deborah Sena (COUNTS 70-78)**

3 **SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE:**

- 4 - Penile Penetration by Defendant assisting and/or causing Deborah Sena to
5 place B.S.'s penis in her genital opening. (COUNTS 72 and 74)
6 - Fellatio by Defendant causing and/or assisting Deborah Sena to place B.S.'s
7 penis on or in her mouth. (COUNTS 71 and 76)

8 **INCEST:**

- 9 - Sexual Intercourse between Deborah Sena and B.S. (COUNTS 73 and 75)

10 **CHILD ABUSE, NEGLECT, OR ENDANGERMENT – SEXUAL ABUSE**

- 11 - By Defendant causing B.S. to remove his clothes and get into the swimming
12 pool with Defendant and Deborah Sena who were nude and proceeded to have
13 sexual intercourse in the presence of B.S. (COUNT 70).

14 The act of Child Abuse, Neglect or Endangerment – Sexual Abuse was committed
15 under circumstances in which B.S. was placed in a situation where he suffered unjustifiable
16 physical pain or mental suffering or placed in a situation where B.S. might have suffered
17 unjustifiable physical pain or mental suffering.

18 **USE OF A MINOR IN PRODUCING PORNOGRAPHY**

- 19 - Defendant recorded incident between Deborah Sena and B.S. (COUNT 77)

20 **POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL**

21 **CONDUCT OF A CHILD**

- 22 - Defendant maintained recording of incident between Deborah Sena and B.S.
23 (COUNT 78)

24 **2. Initial Incident Involving B.S. and Terrie Sena (COUNTS 79-82):**

25 B.S. testified that when he was fourteen (14) years of age, on or between August 13,
26 2011 and June 30, 2014, he engaged in sex acts with Terrie Sena, in the back office area;
27 Defendant was present when he engaged in the sex acts.

28 //

1 **SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE:**

2 - Fellatio by Defendant causing and/or assisting Terrie Sena to place B.S.'s
3 penis on or in her mouth (**COUNT 79**)

4 - Penile Penetration by Defendant causing and/ or assisting Terrie Sena to
5 place B.S.'s penis in her genital opening. (**COUNT 80**)

6 The acts of sexual penetration were committed either against the will of B.S. or under
7 circumstances under which Defendant knew, or should have known, that B.S. was mentally or
8 physically incapable of resisting or understanding the nature of Defendant's conduct

9 **OPEN OR GROSS LEWDNESS:**

10 - Fondle Breast Area by Defendant causing and/or assisting B.S. to rub
11 and/or fondle the breasts of Terrie Sena. (**COUNT 82**).

12 **CHILD ABUSE, NEGLECT, OR ENDANGERMENT – SEXUAL ABUSE**

13 - Fondle Breast Area by Defendant causing and/or directing and/or
14 encouraging B.S. to touch/rub/fondle the breast(s) of Terrie Sena. (**COUNT**
15 **81**).

16 The act of Child Abuse, Neglect or Endangerment – Sexual Abuse was committed
17 under circumstances in which B.S. was placed in a situation where he suffered unjustifiable
18 physical pain or mental suffering or placed in a situation where B.S. might have suffered
19 unjustifiable physical pain or mental suffering.

20 **3. Second Incident involving B.S. and Terrie Sena (COUNTS 83-85)**

21 B.S. testified that a second incident occurred, early in the morning, when he was still
22 fourteen (14) years of age in the back office area; and, Defendant was present when he
23 engaged in the sex acts.

24 **SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF**
25 **AGE:**

26 - Penile Penetration Penile Penetration by Defendant causing and/ or
27 assisting Terrie Sena to place B.S.'s penis in her genital opening.
28 (**COUNT 83**)

1 The acts of sexual penetration were committed either against the will of B.S. or under
2 circumstances under which Defendant knew, or should have known, that B.S. was mentally or
3 physically incapable of resisting or understanding the nature of Defendant's conduct.

4 **OPEN OR GROSS LEWDNESS:**

5 - Fondle Breast Area by Defendant causing and/or assisting B.S. to
6 touch and/or rub and/or fondle the breast(s) of Terrie Sena. (COUNT
7 85).

8 **CHILD ABUSE, NEGLECT, OR ENDANGERMENT – SEXUAL ABUSE**

9 - Fondle Breast Area by Defendant causing and/or directing and/or
10 encouraging B.S. to touch/rub/fondle the breast of Terrie Sena. (COUNT 84).

11 The act of Child Abuse, Neglect or Endangerment – Sexual Abuse was committed
12 under circumstances in which B.S. was placed in a situation where he suffered unjustifiable
13 physical pain or mental suffering or placed in a situation where B.S. might have suffered
14 unjustifiable physical pain or mental suffering.

15 4. Defendant's Conduct to Prevent the Reporting of his Acts (COUNT
16 86):

17 **PREVENTING OR DISSUADING WITNESS OR VICTIM FROM**
18 **REPORTING CRIME OR COMMENCING PROSECUTION**

19 - Defendant threatened to break B.S.'s legs and/or kill B.S. if he told. (COUNT
20 86)

21 **D. CHARGES INVOLVING VICTIM R.S.**

22 1. Defendant's Direct Sexual Abuse of R.S. (COUNTS 87-94):

23 R.S. remembers Defendant sexually abusing him when he was approximately between the
24 ages of 12 and 13, on or between June 14, 2010 and June 13, 2012. The abuse occurred at
25 various places within Defendant's Las Vegas residence and on multiple occasions. R.S.
26 described the abuse as Defendant placing his penis in the anal opening of R.S. R.S. recalled
27 that such occurred on at least three (3) described occasions before R.S. turned 14 and at least
28 two (2) described occasions after he turned 14 but before he turned 16.

1 **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE /**
2 **WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

- 3 - Defendant placed his penis in the anal opening of R.S. (**COUNT 87, 89, 91,**
4 **93, 94)**

5 The acts of sexual penetration were committed either against the will of A.S. or under
6 circumstances under which Defendant knew, or should have known, that A.S. was mentally
7 or physically incapable of resisting or understanding the nature of Defendant's conduct.

8 **LEWDNESS WITH A CHILD UNDER FOURTEEN YEARS OF AGE:**

- 9 - Defendant place his penis on the anal opening of R.S. (**COUNT 88, 90, 92 –**
10 **in the alternative to COUNTS 87, 89, 91)**

11 The acts of Lewdness with a Child Under the Age of 14 were clearly committed with
12 the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the
13 Defendant or A.S.

14 **2. Sexual Conduct with R.S. involving Terri Sena and Defendant in a**
15 **Residence Bedroom (COUNTS 95 – 100)**

16 Prior to R.S. turning 16 years of age, on or between June 14, 2010 and June 13, 2014,
17 R.S. was caused to have sexual contact with Terri Sena, the biological mother of R.S., in a
18 bedroom of his Las Vegas residence while Defendant was present. Terri Sena performed
19 fellatio of R.S. and R.S. was subsequently caused to penetrate the vaginal opening of Terri
20 Sena with his penis. Terri Sena then, subsequently, again performed fellatio on R.S.
21 Defendant videotaped the event and was later found in possession of such video.

22 **SEXUAL ASSAULT WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

- 23 - Terri Sean performed Fellatio on R.S. in presence of Defendant (**COUNT 95,**
24 **98)**
25 - R.S. caused to place his penis in the vaginal opening of Terri Sena in the
26 presence of Defendant (**COUNT 96)**

27 //

28 //

1 The acts of sexual penetration were committed either against the will of A.S. or under
2 circumstances under which Defendant knew, or should have known, that A.S. was mentally
3 or physically incapable of resisting or understanding the nature of Defendant's conduct.

4 **INCEST:**

5 - Sexual Intercourse with Terri Sena in the presence of Defendant (COUNT 97)

6 **USE OF MINOR IN PRODUCING PORNOGRAPHY:**

7 - Defendant recorded incident (COUNT 99)

8 **POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL**
9 **CONDUCT OF A CHILD:**

10 - Defendant maintained video of incident (COUNT 100)

11 **3. Sexual Conduct with R.S. involving Terri Sena and Defendant in a**
12 **Residence Office (COUNTS 101 - 104)**

13 Prior to R.S. turning 16 years of age, on or between June 14, 2010 and June 13, 2014,
14 R.S. was caused to have sexual contact with Terri Sena, the biological mother of R.S., in an
15 office of his Las Vegas residence while Defendant was present. Terri Sena performed fellatio
16 on R.S. and then performed fellatio on Defendant while R.S. watched. Terri Sena
17 subsequently performed fellatio on R.S. again. Defendant video taped the event and was later
18 found in possession of such video.

19 **SEXUAL ASSAULT WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

20 -Terri Sean performed Fellatio on R.S. in presence of Defendant (COUNT 101,
21 102)

22 The acts of sexual penetration were committed either against the will of A.S. or under
23 circumstances under which Defendant knew, or should have known, that A.S. was mentally
24 or physically incapable of resisting or understanding the nature of Defendant's conduct.

25 **USE OF MINOR IN PRODUCING PORNOGRAPHY:**

26 - Defendant recorded incident (COUNT 103)

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1 **POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL**
2 **CONDUCT OF A CHILD:**

3 - Defendant maintained video of incident (COUNT 104)

4 **4. Defendant Showed R.S. a Video Depicting Nude Adults (COUNTS**
5 **105)**

6 When R.S. was 15 or 16, on or between June 14, 2010 and June 13, 2014, Defendant
7 brought R.S. to the office located at his residence. Once at the office, Defendant showed R.S.
8 a video which depicted the biological mother of R.S., Terri Sena, having sexual intercourse
9 with Defendant.

10 **CHILD ABUSE, NEGLECT OR ENDANGERMENT – SEXUAL**
11 **EXPLOITATION:**

12 - Defendant showed R.S. a sexually explicit video when she was 15 or 16 years
13 of age (COUNT 105)

14 **5. Defendant's Conduct to Prevent the Reporting of his Acts (COUNT**
15 **106):**

16 On or between June 14, 2010 and June 13, 2014, Defendant told R.S. that if he told
17 anyone about the sexual conduct referenced above that he would kill him or make his life a
18 living hell.

19 **PREVENTING OR DISSUADING WITNESS OR VICTIM FROM**
20 **REPORTING CRIME OR COMMENCING PROSECUTION:**

21 - Defendant threatened Victim not to tell (COUNT 106)

22 **E. CHARGES INVOLVING VICTIM E.C.**

23 **1. Course of Conduct Resulting in Sexual Touching of E.C. by**
24 **Defendant (COUNTS 107-114):**

25 On or between December 21, 2010 and June 30, 2014, M.C. was sexually touched by
26 Defendant on a weekly basis when she was approximately 11, 12, and 13 years of age.
27 Defendant would regularly touch her breasts and vaginal area with his hand.

28 //

1 **LEWDNESS WITH A CHILD UNDER FOURTEEN YEARS OF AGE:**

- 2 - Fondle Genital Area of E.C. (COUNT 107, 109, 111, 113)
- 3 - Fondle Breasts of E.C. (COUNT 108, 110, 112, 114)
- 4 - Fondle Mouth with Penis (COUNT 15, 20 – in the alternative to COUNT
- 5 14, 19)
- 6 - Fondle Breasts (COUNT 10, 13, 18)

7 The acts of Lewdness with a Child Under the Age of 14 were clearly committed with

8 the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the

9 Defendant or A.S.

10 **2. Defendant Video Recorded E.C. Taking a Shower (COUNTS 115-**

11 **116):**

12 On or between December 21, 2010 and June 30, 2014, E.C. was 11, 12 or 13 years of

13 age. During this period, while E.C. took a shower in a shower attached to an office at

14 Defendant's residence, Defendant video recorded E.C. E.C. was nude in the shower.

15 Defendant was subsequently found in possession of such video.

16 **USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING**

17 **PORNOGRAPHY:**

- 18 - Defendant recorded E.C. in the shower nude (COUNT 115)

19 **POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL**

20 **CONDUCT OF A CHILD:**

- 21 -Defendant maintained video of E.C. in shower (COUNT 116)

22 **F. CHARGES INVOLVING VICTIM T.G**

23 **1. Defendant Showed T.G. a Video Depicting Nude Adults (COUNT**

24 **117)**

25 When T.G. was approximately 11 or 12 years of age, on or between January 9, 2004

26 and January 8, 2013, Defendant showed T.G. a video which depicted her aunt performing

27 fellatio on Defendant. Defendant showed T.G. the video while she was visiting his Las Vegas

28 residence.

1 **CHILD ABUSE, NEGLECT OR ENDANGERMENT – SEXUAL**
2 **EXPLOITATION:**

3 - Defendant showed T.G. sexually explicit video when she was 11 or 12 years
4 of age (COUNT 117)

5 **2. Defendant Video Taped T.G. in the Nude Taking a Shower**
6 **(COUNT 118 – 119)**

7 On or between January 9, 2004 and January 8, 2013, Defendant video taped T.G. in the
8 nude while she showered and was under the age of 18. Defendant was later found in
9 possession of such video.

10 **USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING**
11 **PORNOGRAPHY:**

12 - Defendant recorded T.G. in the shower nude (COUNT 118)

13 **POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL**
14 **CONDUCT OF A CHILD:**

15 - Defendant maintained video of E.C. in shower (COUNT 119)

16 **G. CHARGES INVOLVING VICTIM M.C.**

17 When M.C. was under the age of 16, Defendant took various photos of M.C. showing
18 such M.C. in the nude and/or involved in sexually explicit activity. Defendant was later, on
19 or about September 18, 2014, in possession of such images.

20 **POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL**
21 **CONDUCT OF A CHILD:**

22 -Defendant maintained nude and/or sexually explicit photos of M.C. taken when
23 she was under the age of 16 (COUNTS 120-124)

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1 CONCLUSION

2 Based upon the above, the State asks that this Court bind over Defendant to stand trial
3 in District Court on Court 1 through 124 of the Fourth Amended Criminal Complaint.

4 DATED this _____ day of October, 2015.

5 STEVEN B. WOLFSON
6 DISTRICT ATTORNEY
Nevada Bar #001565

7
8 BY 

JAMES R. SWEETIN
Chief Deputy District Attorney
Nevada Bar #005144

11
12 BY 

MARY KAY HOLTHUS
Chief Deputy District Attorney
Nevada Bar #003814

14
15
16
17
18 CERTIFICATE OF SERVICE

19 I hereby certify that service of the above and foregoing was made this 26th day of
20 OCTOBER 2015, to:

21 VIOLET RADOSTA, DPD
22 harrolah@ClarkCountyNV.gov

23
24 BY /s/ HOWARD CONRAD
25 Secretary for the District Attorney's Office
26 Special Victims Unit

27
28 hjc/SVU

EXHIBIT “1”

1 JUSTICE COURT, LAS VEGAS TOWNSHIP
2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -VS-

6 CHRISTOPHER SENA,
#0779849,

7 Defendant.

CASE NO: 14F14785X

DEPT NO: 3

FOURTH AMENDED
CRIMINAL COMPLAINT

8 The Defendant above named having committed the crimes of CONSPIRACY TO
9 COMMIT SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 199.480 -
10 NOC 50131), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), LEWDNESS WITH A
12 CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975),
13 SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category
14 A Felony - NRS 200.364, 200.366 - NOC 50106), INCEST (Category A Felony - NRS
15 201.180 - NOC 50957), OPEN OR GROSS LEWDNESS (Category D Felony - NRS
16 201.210 - NOC 50972), SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366
17 - NOC 50095), PREVENTING OR DISSUADING WITNESS OR VICTIM FROM
18 REPORTING CRIME OR COMMENCING PROSECUTION (Category D Felony -
19 NRS 199.305 - NOC 52996), CHILD ABUSE AND NEGLECT, SEXUAL ABUSE OR
20 EXPLOITATION (Category A Felony - NRS 200.508(1) - NOC 55220), POSSESSION
21 OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
22 (Category B Felony - NRS 200.700, 200.730 - NOC 50374), USE OF MINOR IN
23 PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750
24 - NOC 50367) and USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING
25 PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750 - NOC 50368)
26 in the manner following:

27 That the said Defendant, on or between May 22, 2001 and June 30, 2014, at and within
28 the County of Clark, State of Nevada,

1 COUNT 1 - CONSPIRACY TO COMMIT SEXUAL ASSAULT

2 did, on or between May 22, 2007 and June 30, 2014, willfully, unlawfully, and
3 feloniously conspire with DEBORAH SENA and/or TERRIE SENA and/or others unknown
4 to commit a sexual assault, by performing those acts described in Counts 46 through 52; 54
5 through 59; 61 through 77; 79 through 85; 95 through 99; 101 through 103; 105; 115; and 118.

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

7 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
8 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
9 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
10 said Defendant using his hand(s) and/or finger(s) to touch and/or rub and or fondle the breast(s)
11 and/or area of the breast(s) of the said A.S., with the intent of arousing, appealing to, or
12 gratifying the lust, passions, or sexual desires of said Defendant, or said child.

13 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
14 AGE

15 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,
16 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of
17 age, to sexual penetration, to-wit: digital penetration, by said Defendant inserting his hand(s)
18 and/or finger(s) into the genital opening of the said A.S., against the will of the said A.S., or
19 under conditions in which Defendant knew, or should have known, that A.S. was mentally or
20 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

22 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
23 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
24 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
25 said Defendant using his hand(s) and/or finger(s) to touch and/or rub and or fondle the genital
26 area of the said A.S., with the intent of arousing, appealing to, or gratifying the lust, passions,
27 or sexual desires of said Defendant, or said child.

28 //

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

2 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
3 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
4 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
5 said Defendant using his penis to touch and/or rub and/or fondle the genital area of the said
6 A.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires
7 of said Defendant, or said child.

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

10 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,
11 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of
12 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
13 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which
14 Defendant knew, or should have known, that A.S. was mentally or physically incapable of
15 resisting or understanding the nature of Defendant's conduct.

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

17 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
18 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
19 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
20 said Defendant using his penis to touch and/or rub and or fondle the anal area of the said A.S.,
21 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
22 said Defendant, or said child.

23 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
24 AGE

25 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,
26 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of
27 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
28 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which

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

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

4 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
5 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
6 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
7 said Defendant using his penis to touch and/or rub and or fondle the anal and/or genital area
8 of the said A.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or
9 sexual desires of said Defendant, or said child.

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

11 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
12 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
13 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
14 said Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the
15 breast(s) of the said A.S., with the intent of arousing, appealing to, or gratifying the lust,
16 passions, or sexual desires of said Defendant, or said child.

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

19 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,
20 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of
21 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
22 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which
23 Defendant knew, or should have known, that A.S. was mentally or physically incapable of
24 resisting or understanding the nature of Defendant's conduct.

25 COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

26 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
27 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
28 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by

1 said Defendant using his penis to touch and/or rub and or fondle the anal area of the said A.S.,
2 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
3 said Defendant, or said child.

4 COUNT 13 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

5 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
6 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
7 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
8 said Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the
9 breast(s) of the said A.S., with the intent of arousing, appealing to, or gratifying the lust,
10 passions, or sexual desires of said Defendant, or said child.

11 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
12 AGE

13 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,
14 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of
15 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said A.S. to have the
16 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said
17 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was
18 mentally or physically incapable of resisting or understanding the nature of Defendant's
19 conduct.

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

21 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
22 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
23 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
24 said Defendant using his penis to touch and/or rub and/or fondle the mouth of the said A.S.,
25 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
26 said Defendant, or said child.

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1 COUNT 16 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,
4 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of
5 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
6 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which
7 Defendant knew, or should have known, that A.S. was mentally or physically incapable of
8 resisting or understanding the nature of Defendant's conduct.

9 COUNT 17 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
11 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
12 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
13 said Defendant using his penis to touch and/or rub and or fondle the anal area of the said A.S.,
14 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
15 said Defendant, or said child.

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

17 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
18 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
19 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
20 said Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the
21 breast(s) of the said A.S., with the intent of arousing, appealing to, or gratifying the lust,
22 passions, or sexual desires of said Defendant, or said child.

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

25 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,
26 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of
27 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said A.S. to have the
28 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said

1 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was
2 mentally or physically incapable of resisting or understanding the nature of Defendant's
3 conduct.

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

5 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,
6 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
7 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by
8 said Defendant using his penis to touch and/or rub and/or fondle the mouth of the said A.S.,
9 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
10 said Defendant, or said child.

11 COUNT 21 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

12 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
13 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of
14 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis
15 into the genital opening of the said A.S., against the will of the said A.S., or under conditions
16 in which Defendant knew, or should have known, that the said victim was mentally or
17 physically incapable of resisting or understanding the nature of Defendant's conduct.

18 COUNT 22 - INCEST

19 did, on or between May 22, 2004 and May 21, 2006, then and there willfully,
20 unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter
21 of said Defendant, the Defendant and A.S. being within the degree of consanguinity within
22 which marriages are declared by law to be incestuous and void; the Defendant committing the
23 crime by engaging in sexual intercourse with the said A.S.

24 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

25 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
26 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of
27 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
28 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which

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

3 COUNT 24 - OPEN OR GROSS LEWDNESS

4 did, on or between May 22, 2004 and May 21, 2006, willfully and unlawfully commit
5 an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s) to touch
6 and/or rub and/or fondle the breast(s) of A.S.

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

9 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
10 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of
11 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said A.S. to have the
12 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said
13 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was
14 mentally or physically incapable of resisting or understanding the nature of Defendant's
15 conduct.

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

17 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
18 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of
19 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis
20 into the genital opening of the said A.S., against the will of the said A.S., or under conditions
21 in which Defendant knew, or should have known, that the said victim was mentally or
22 physically incapable of resisting or understanding the nature of Defendant's conduct.

23 COUNT 27 - INCEST

24 did, on or between May 22, 2004 and May 21, 2006, then and there willfully,
25 unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter
26 of said Defendant, the Defendant and A.S. being within the degree of consanguinity within
27 which marriages are declared by law to be incestuous and void; the Defendant committing the
28 crime by engaging in a sexual intercourse with the said A.S.

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

2 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
3 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of
4 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
5 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which
6 Defendant knew, or should have known, that the said victim was mentally or physically
7 incapable of resisting or understanding the nature of Defendant's conduct.

8 COUNT 29 - OPEN OR GROSS LEWDNESS

9 did, on or between May 22, 2004 and May 21, 2006, willfully and unlawfully commit
10 an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s) to touch
11 and/or rub and/or fondle the breast(s) of A.S.

12 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF
13 AGE

14 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
15 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of
16 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said A.S. to have the
17 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said
18 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was
19 mentally or physically incapable of resisting or understanding the nature of Defendant's
20 conduct.

21 COUNT 31 - SEXUAL ASSAULT

22 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
23 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:
24 sexual intercourse, by said Defendant inserting his penis into the genital opening of the said
25 A.S., against the will of the said A.S., or under conditions in which Defendant knew, or should
26 have known, that A.S. was mentally or physically incapable of resisting or understanding the
27 nature of Defendant's conduct.

28 //

1 COUNT 32 - INCEST

2 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
3 unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter
4 of said Defendant, the Defendant and A.S. being within the degree of consanguinity within
5 which marriages are declared by law to be incestuous and void; the Defendant committing the
6 crime by engaging in a sexual intercourse with the said A.S.

7 COUNT 33 - SEXUAL ASSAULT

8 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
9 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit: anal
10 intercourse, by said Defendant inserting his penis into the anal opening of the said A.S., against
11 the will of the said A.S., or under conditions in which Defendant knew, or should have known,
12 that A.S. was mentally or physically incapable of resisting or understanding the nature of
13 Defendant's conduct.

14 COUNT 34 - OPEN OR GROSS LEWDNESS

15 did, on or between May 22, 2006 and August 30, 2014, willfully and unlawfully
16 commit an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s)
17 to touch and/or rub and/or fondle the breast(s) of A.S.

18 COUNT 35 - SEXUAL ASSAULT

19 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
20 unlawfully, and feloniously sexually assault and subject A.S., to sexual penetration, to-wit:
21 fellatio, by said Defendant causing the said A.S. to have the penis of the said Defendant on
22 and/or in the mouth of the said A.S., against the will of the said A.S., or under conditions in
23 which Defendant knew, or should have known, that A.S. was mentally or physically incapable
24 of resisting or understanding the nature of Defendant's conduct.

25 COUNT 36 - SEXUAL ASSAULT

26 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
27 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:
28 sexual intercourse, by said Defendant inserting his penis into the genital opening of the said

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

4 COUNT 37 - INCEST

5 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
6 unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter
7 of said Defendant, the Defendant and A.S. being within the degree of consanguinity within
8 which marriages are declared by law to be incestuous and void; the Defendant committing the
9 crime by engaging in a sexual intercourse with the said A.S.

10 COUNT 38 - SEXUAL ASSAULT

11 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
12 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit: anal
13 intercourse, by said Defendant inserting his penis into the anal opening of the said A.S., against
14 the will of the said A.S., or under conditions in which Defendant knew, or should have known,
15 that A.S. was mentally or physically incapable of resisting or understanding the nature of
16 Defendant's conduct.

17 COUNT 39 - OPEN OR GROSS LEWDNESS

18 did, on or between May 22, 2006 and August 30, 2014, willfully and unlawfully
19 commit an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s)
20 to touch and/or rub and/or fondle the breast(s) of A.S.

21 COUNT 40 - SEXUAL ASSAULT

22 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
23 unlawfully, and feloniously sexually assault and subject A.S., to sexual penetration, to-wit:
24 fellatio, by said Defendant causing the said A.S. to have the penis of the said Defendant on
25 and/or in the mouth of the said A.S., against the will of the said A.S., or under conditions in
26 which Defendant knew, or should have known, that A.S. was mentally or physically incapable
27 of resisting or understanding the nature of Defendant's conduct.

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1 COUNT 41 - SEXUAL ASSAULT

2 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
3 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:
4 sexual intercourse, by said Defendant inserting his penis into the genital opening of the said
5 A.S., against the will of the said A.S., or under conditions in which Defendant knew, or should
6 have known, that A.S. was mentally or physically incapable of resisting or understanding the
7 nature of Defendant's conduct.

8 COUNT 42 - INCEST

9 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
10 unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter
11 of said Defendant, the Defendant and A.S. being within the degree of consanguinity within
12 which marriages are declared by law to be incestuous and void; the Defendant committing the
13 crime by engaging in a sexual intercourse with the said A.S.

14 COUNT 43 - SEXUAL ASSAULT

15 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,
16 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit: anal
17 intercourse, by said Defendant inserting his penis into the anal opening of the said A.S., against
18 the will of the said A.S., or under conditions in which Defendant knew, or should have known,
19 that A.S. was mentally or physically incapable of resisting or understanding the nature of
20 Defendant's conduct.

21 COUNT 44 - OPEN OR GROSS LEWDNESS

22 did, on or between May 22, 2006 and August 30, 2014, willfully and unlawfully
23 commit an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s)
24 to touch and/or rub and/or fondle the breast(s) of A.S.

25 COUNT 45 - SEXUAL ASSAULT

26 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,
27 unlawfully, and feloniously sexually assault and subject A.S., to sexual penetration, to-wit:
28 fellatio, by said Defendant causing the said A.S. to have the penis of the said Defendant on

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

4 COUNT 46 - SEXUAL ASSAULT

5 did, on or between May 22, 2007 and June 30, 2008, then and there willfully,
6 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:
7 sexual intercourse, by said Defendant inserting his penis into the genital opening of the said
8 A.S., against the will of the said A.S., or under conditions in which Defendant knew, or should
9 have known, that A.S. was mentally or physically incapable of resisting or understanding the
10 nature of Defendant's conduct; Defendant being liable under one or more of the following
11 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by
12 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy
13 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by
14 Defendant and DEBORAH SENA and/or others unknown aiding and abetting each other by
15 counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

16 COUNT 47 - INCEST

17 did, on or between May 22, 2007 and June 30, 2008, willfully, unlawfully, and
18 feloniously commit fornication or adultery with and/or on A.S., the daughter of and A.S. being
19 within the degree of consanguinity within which marriages are declared by law to be
20 incestuous and void; the Defendant committing the crime by engaging in sexual intercourse
21 with said A.S.; Defendant being liable under one or more of the following principles of
22 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
23 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with
24 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant
25 and DEBORAH SENA and/or others unknown aiding and abetting each other by counseling,
26 encouraging, inducing, or otherwise procuring each other to commit such acts.

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1 COUNT 48 - SEXUAL ASSAULT

2 did, on or between May 22, 2007 and June 30, 2008, then and there willfully,
3 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:
4 digital penetration, by said Defendant causing the finger(s) of the said A.S. to be placed into
5 the genital opening of DEBORAH SENA, against the will of the said A.S., or under conditions
6 in which Defendant knew, or should have known, that A.S. was mentally or physically
7 incapable of resisting or understanding the nature of Defendant's conduct; Defendant being
8 liable under one or more of the following principles of criminal liability: (1) by Defendant
9 directly performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or
10 others unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in
11 performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or others unknown
12 aiding and abetting each other by counseling, encouraging, inducing, or otherwise procuring
13 each other to commit such acts.

14 COUNT 49 - OPEN OR GROSS LEWDNESS

15 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and
16 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing
17 DEBORAH SENA to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the
18 breast(s) and/or genital area of A.S.; Defendant being liable under one or more of the following
19 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by
20 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy
21 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by
22 Defendant and DEBORAH SENA and/or others unknown aiding and abetting each other by
23 counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

24 COUNT 50 - OPEN OR GROSS LEWDNESS

25 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and
26 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing
27 A.S. to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of
28 DEBORAH SENA; Defendant being liable under one or more of the following principles of

1 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
2 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with
3 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant
4 and DEBORAH SENA and/or others unknown aiding and abetting each other by counseling,
5 encouraging, inducing, or otherwise procuring each other to commit such acts.

6 COUNT 51 - OPEN OR GROSS LEWDNESS

7 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and
8 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing
9 A.S. to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area of
10 the said A.S.; Defendant being liable under one or more of the following principles of criminal
11 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with
12 DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA
13 and/or others unknown in performing such acts; and/or (3) by Defendant and DEBORAH
14 SENA and/or others unknown aiding and abetting each other by counseling, encouraging,
15 inducing, or otherwise procuring each other to commit such acts.

16 COUNT 52 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

17 did, on or between May 22, 2004 and May 21, 2006, then and there willfully,
18 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of
19 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
20 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which
21 Defendant knew, or should have known, that A.S. was mentally or physically incapable of
22 resisting or understanding the nature of Defendant's conduct; Defendant being liable under one
23 or more of the following principles of criminal liability: (1) by Defendant directly performing
24 such acts; and/or (2) by Defendant acting with TERRIE SENA and/or others unknown
25 pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing such acts;
26 and/or (3) by Defendant and TERRIE SENA and/or others unknown aiding and abetting each
27 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such
28 acts.

1 COUNT 53 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM
2 REPORTING CRIME OR COMMENCING PROSECUTION

3 did, on or about May 22, 2001 and June 30, 2014, then and there, willfully, unlawfully,
4 and feloniously, by intimidation or threats, prevent or dissuade, or hinder or delay A.S., from
5 reporting a crime to anyone by said Defendant telling the said A.S. that the said Defendant
6 would kill and/or break the legs of the said A.S. and/or have A.S. taken away and sent to
7 juvenile detention if the said A.S. told anyone of the sexual acts the said A.S. was forced to
8 commit or have committed upon the said A.S.

9 COUNT 54 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

10 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,
11 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of
12 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing the penis
13 of the said T.S. to be placed on and/or in the mouth of DEBORAH SENA, against the will of
14 the said T.S., or under conditions in which Defendant knew, or should have known, that T.S.
15 was mentally or physically incapable of resisting or understanding the nature of Defendant's
16 conduct; Defendant being liable under one or more of the following principles of criminal
17 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with
18 DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA
19 and/or others unknown in performing such acts; and/or (3) by Defendant and DEBORAH
20 SENA and/or others unknown aiding and abetting each other by counseling, encouraging,
21 inducing, or otherwise procuring each other to commit such acts.

22 COUNT 55 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

23 did, on or between December 2, 2008 and December 1, 2010, willfully, unlawfully,
24 and feloniously cause a child under the age of 18 years, to-wit: T.S. to suffer unjustifiable
25 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or
26 cause T.S. to be placed in a situation where the said T.S. might have suffered unjustifiable
27 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said
28 Defendant causing and/or directing and/or encouraging the said T.S. to wash said DEBORAH

1 SENA as said DEBORAH SENA washed the said T.S. ; Defendant being liable under one or
2 more of the following principles of criminal liability: (1) by Defendant directly performing
3 such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown
4 pursuant to a conspiracy with DEBORAH SENA and/or others unknown in performing such
5 acts; and/or (3) by Defendant and DEBORAH SENA and/or others unknown aiding and
6 abetting each other by counseling, encouraging, inducing, or otherwise procuring each other
7 to commit such acts.

8 COUNT 56 - OPEN OR GROSS LEWDNESS

9 did, on or between December 2, 2008 and December 1, 2010, willfully and unlawfully
10 commit an act of open or gross lewdness by said Defendant assisting and/or causing
11 DEBORAH SENA to get into a shower naked with T.S. and/or by said Defendant assisting
12 and/or causing DEBORAH SENA to cause and/or direct and/or encouraging the said T.S. to
13 wash DEBORAH SENA as DEBORAH SENA washed the said T.S.; Defendant being liable
14 under one or more of the following principles of criminal liability: (1) by Defendant directly
15 performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others
16 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in
17 performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or others unknown
18 aiding and abetting each other by counseling, encouraging, inducing, or otherwise procuring
19 each other to commit such acts.

20 COUNT 57 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

21 did, on or between December 2, 2008 and December 1, 2010, willfully, unlawfully,
22 and feloniously cause a child under the age of 18 years, to-wit: T.S. to suffer unjustifiable
23 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or
24 cause T.S. to be placed in a situation where the said T.S. might have suffered unjustifiable
25 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by
26 Defendant assisting and/or causing DEBORAH SENA to use her hand(s) and/or finger(s) to
27 touch and/or rub and/or fondle the penis of T.S., and/or having the penis of the said T.S.
28 between the legs and/or on the genital area of DEBORAH SENA; Defendant being liable

1 under one or more of the following principles of criminal liability: (1) by Defendant directly
2 performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others
3 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in
4 performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or others unknown
5 aiding and abetting each other by counseling, encouraging, inducing, or otherwise procuring
6 each other to commit such acts.

7 COUNT 58 - OPEN OR GROSS LEWDNESS

8 did, on or between December 2, 2008 and December 1, 2010, wilfully and unlawfully
9 commit an act of open or gross lewdness by Defendant assiting and/or causing DEBORAH
10 SENA to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the penis of T.S.,
11 and/or having the penis of the said T.S. between the legs and/or on the genital area of
12 DEBORAH SENA; Defendant being liable under one or more of the following principles of
13 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
14 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with
15 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant
16 and DEBORAH SENA and/or others unknown aiding and abetting each other by counseling,
17 encouraging, inducing, or otherwise procuring each other to commit such acts.

18 COUNT 59 - USE OF MINOR IN PRODUCING PORNOGRAPHY

19 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,
20 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.S., a minor under
21 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
22 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA and T.S. showering
23 together in the nude, for the purpose of producing a pornographic performance and that said
24 performance was video recorded by said Defendant; Defendant being liable under one or more
25 of the following principles of criminal liability: (1) by Defendant directly performing such
26 acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant
27 to a conspiracy with DEBORAH SENA and/or others unknown in performing such acts;
28 and/or (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting

1 each other by counseling, encouraging, inducing, or otherwise procuring each other to commit
2 such acts.

3 COUNT 60 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
4 CONDUCT OF A CHILD

5 did, on or about the 18th day of September, 2014, then and there, feloniously,
6 knowingly and willfully have in his possession a film, photograph, or other visual presentation
7 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct
8 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA and T.S., a minor under
9 the age of sixteen (16) showering together in the nude.

10 COUNT 61 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

11 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,
12 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of
13 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing
14 DEBORAH SENA to have the penis of the said T.S. on and/or in the mouth of DEBORAH
15 SENA, against the will of the said T.S., or under conditions in which Defendant knew, or
16 should have known, that T.S. was mentally or physically incapable of resisting or
17 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
18 the following principles of criminal liability: (1) by Defendant directly performing such acts;
19 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a
20 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or
21 (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each
22 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such
23 acts.

24 COUNT 62 - SEXUAL ASSAULT

25 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,
26 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:
27 fellatio, by said Defendant assisting and/or causing DEBORAH SENA to have the penis of
28 the said T.S. on and/or in the mouth of DEBORAH SENA, against the will of the said T.S., or

1 under conditions in which Defendant knew, or should have known, that T.S. was mentally or
2 physically incapable of resisting or understanding the nature of Defendant's conduct;
3 Defendant being liable under one or more of the following principles of criminal liability: (1)
4 by Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH
5 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others
6 unknown in performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or
7 others unknown aiding and abetting each other by counseling, encouraging, inducing, or
8 otherwise procuring each other to commit such acts.

9 COUNT 63 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

10 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,
11 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of
12 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or
13 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of
14 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant
15 knew, or should have known, that T.S. was mentally or physically incapable of resisting or
16 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
17 the following principles of criminal liability: (1) by Defendant directly performing such acts;
18 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a
19 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or
20 (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each
21 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such
22 acts.

23 COUNT 64 - SEXUAL ASSAULT

24 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,
25 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:
26 sexual intercourse, by said Defendant assisting and/or causing DEBORAH SENA to have the
27 penis of the said T.S. in the genital opening of DEBORAH SENA, against the will of the said
28 T.S., or under conditions in which Defendant knew, or should have known, that T.S. was

1 mentally or physically incapable of resisting or understanding the nature of Defendant's
2 conduct; Defendant being liable under one or more of the following principles of criminal
3 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with
4 DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA
5 and/or others unknown in performing such acts; and/or (3) by Defendant and DEBORAH
6 SENA and/or others unknown aiding and abetting each other by counseling, encouraging,
7 inducing, or otherwise procuring each other to commit such acts.

8 COUNT 65 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,
10 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of
11 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or
12 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of
13 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant
14 knew, or should have known, that T.S. was mentally or physically incapable of resisting or
15 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
16 the following principles of criminal liability: (1) by Defendant directly performing such acts;
17 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a
18 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or
19 (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each
20 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such
21 acts.

22 COUNT 66 - SEXUAL ASSAULT

23 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,
24 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of
25 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or
26 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of
27 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant
28 knew, or should have known, that T.S. was mentally or physically incapable of resisting or

1 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
2 the following principles of criminal liability: (1) by Defendant directly performing such acts;
3 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a
4 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or
5 (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each
6 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such
7 acts.

8 COUNT 67 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,
10 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of
11 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing
12 DEBORAH SENA to have the penis of the said T.S. on and/or in the mouth of DEBORAH
13 SENA, against the will of the said T.S., or under conditions in which Defendant knew, or
14 should have known, that T.S. was mentally or physically incapable of resisting or
15 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
16 the following principles of criminal liability: (1) by Defendant directly performing such acts;
17 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a
18 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or
19 (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each
20 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such
21 acts.

22 COUNT 68 - SEXUAL ASSAULT

23 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,
24 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:
25 fellatio, by said Defendant assisting and/or causing DEBORAH SENA to have the penis of
26 the said T.S. on and/or in the mouth of DEBORAH SENA, against the will of the said T.S., or
27 under conditions in which Defendant knew, or should have known, that T.S. was mentally or
28 physically incapable of resisting or understanding the nature of Defendant's conduct;

1 Defendant being liable under one or more of the following principles of criminal liability: (1)
2 by Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH
3 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others
4 unknown in performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or
5 others unknown aiding and abetting each other by counseling, encouraging, inducing, or
6 otherwise procuring each other to commit such acts.

7 COUNT 69 - USE OF MINOR IN PRODUCING PORNOGRAPHY

8 did, on or between December 2, 2008 and December 1, 2013, then and there willfully,
9 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.S., a minor under
10 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
11 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA engaging in sexual
12 intercourse with and performing fellatio on T.S., for the purpose of producing a pornographic
13 performance and that said performance was video recorded by said Defendant; Defendant
14 being liable under one or more of the following principles of criminal liability: (1) by
15 Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH
16 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others
17 unknown in performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or
18 others unknown aiding and abetting each other by counseling, encouraging, inducing, or
19 otherwise procuring each other to commit such acts.

20 COUNT 70 CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

21 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and
22 feloniously cause a child under the age of 18 years, to-wit: B.S. to suffer unjustifiable physical
23 pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or cause B.S.
24 to be placed in a situation where the said B.S. might have suffered unjustifiable physical pain
25 or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said Defendant
26 causing B.S. to remove his clothes and get into a pool with Defendant and Deborah Sena, both
27 of whom were also nude, as Defendant and DEBORAH SENA proceeded to have sexual
28 intercourse in the presence of B.S.; Defendant being liable under one or more of the following

principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each other by counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

COUNT 71 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did, on or between August 13, 2011 and June 30, 2014, then and there willfully, unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing the said DEBORAH SENA to have the penis of the said B.S. on and/or in the mouth of DEBORAH SENA, against the will of the said B.S., or under conditions in which Defendant knew, or should have known, that B.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct; Defendant being liable under one or more of the following principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each other by counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

COUNT 72 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did, on or between August 13, 2011 and June 30, 2014, then and there willfully, unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or causing the said DEBORAH SENA to have the penis of the said B.S. in the genital opening of DEBORAH SENA, against the will of the said B.S., or under conditions in which Defendant knew, or should have known, that B.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct; Defendant being liable under one or more of the following principles of criminal liability: (1) by Defendant directly performing such acts;

1 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a
2 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or
3 (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each
4 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such
5 acts.

6 COUNT 73 - INCEST

7 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and
8 feloniously assist and/or cause DEBORAH SENA to commit fornication or adultery with
9 and/or on B.S., the son of DEBORAH SENA; DEBORAH SENA and B.S. being within the
10 degree of consanguinity within which marriages are declared by law to be incestuous and void;
11 the Defendant committing the crime by assisting and/or causing DEBORAH SENA to engage
12 in sexual intercourse with B.S.; Defendant being liable under one or more of the following
13 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by
14 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy
15 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by
16 Defendant and DEBORAH SENA and/or others unknown aiding and abetting each other by
17 counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

18 COUNT 74 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

19 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,
20 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of
21 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or
22 causing DEBORAH SENA to have the penis of the said B.S. in the genital opening of
23 DEBORAH SENA, against the will of the said B.S., or under conditions in which Defendant
24 knew, or should have known, that B.S. was mentally or physically incapable of resisting or
25 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
26 the following principles of criminal liability: (1) by Defendant directly performing such acts;
27 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a
28 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or

1 (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each
2 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such
3 acts.

4 COUNT 75 - INCEST

5 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and
6 feloniously assist and/or cause DEBORAH SENA to commit fornication or adultery with
7 and/or on B.S., the son of DEBORAH SENA; DEBORAH SENA and B.S. being within the
8 degree of consanguinity within which marriages are declared by law to be incestuous and void;
9 the Defendant committing the crime by assisting and/or causing DEBORAH SENA to engage
10 in sexual intercourse with B.S.; Defendant being liable under one or more of the following
11 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by
12 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy
13 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by
14 Defendant and DEBORAH SENA and/or others unknown aiding and abetting each other by
15 counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

16 COUNT 76 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

17 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,
18 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of
19 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing
20 DEBORAH SENA to have the penis of the said B.S. on and/or in the mouth of DEBORAH
21 SENA, against the will of the said B.S., or under conditions in which Defendant knew, or
22 should have known, that B.S. was mentally or physically incapable of resisting or
23 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
24 the following principles of criminal liability: (1) by Defendant directly performing such acts;
25 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a
26 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or
27 (3) by Defendant and DEBORAH SENA and/or others unknown aiding and abetting each
28 other by counseling, encouraging, inducing, or otherwise procuring each other to commit such

1 acts.

2 COUNT 77 - USE OF MINOR IN PRODUCING PORNOGRAPHY

3 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,
4 unlawfully, feloniously and knowingly, use, encourage, entice or permit B.S., a minor under
5 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
6 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA engaging in sexual
7 intercourse with and performing fellatio on B.S., for the purpose of producing a pornographic
8 performance and that said performance was video recorded by said Defendant; Defendant
9 being liable under one or more of the following principles of criminal liability: (1) by
10 Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH
11 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others
12 unknown in performing such acts; and/or (3) by Defendant and DEBORAH SENA and/or
13 others unknown aiding and abetting each other by counseling, encouraging, inducing, or
14 otherwise procuring each other to commit such acts.

15 COUNT 78 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
16 CONDUCT OF A CHILD

17 did, willfully, unlawfully, feloniously and knowingly have in his possession a film,
18 photograph, or other visual presentation depicting B.S., a child under the age of 16 years of
19 age, as the subject of a sexual portrayal or engaging in, simulating, or assisting others to engage
20 in or simulate sexual conduct, to-wit: a video showing DEBORAH SENA engaging in sexual
21 intercourse with and performing fellatio on B.S.

22 COUNT 79 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

23 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,
24 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of
25 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE
26 SENA to place her mouth on the penis of the said B.S., against the will of the said B.S., or
27 under conditions in which Defendant knew, or should have known, that B.S. was mentally or
28 physically incapable of resisting or understanding the nature of Defendant's conduct;

1 Defendant being liable under one or more of the following principles of criminal liability: (1)
2 by Defendant directly performing such acts; and/or (2) by Defendant acting with TERRIE
3 SENA and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others
4 unknown in performing such acts; and/or (3) by Defendant and TERRIE SENA and/or others
5 unknown aiding and abetting each other by counseling, encouraging, inducing, or otherwise
6 procuring each other to commit such acts.

7 COUNT 80 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

8 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,
9 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of
10 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or
11 causing TERRIE SENA to have the penis of the said B.S. in the genital opening of TERRIE
12 SENA, against the will of the said B.S., or under conditions in which Defendant knew, or
13 should have known, that B.S. was mentally or physically incapable of resisting or
14 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
15 the following principles of criminal liability: (1) by Defendant directly performing such acts;
16 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a
17 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)
18 by Defendant and TERRIE SENA and/or others unknown aiding and abetting each other by
19 counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

20 COUNT 81 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

21 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and
22 feloniously cause a child under the age of 18 years, to-wit: B.S. to suffer unjustifiable physical
23 pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or cause B.S.
24 to be placed in a situation where the said B.S. might have suffered unjustifiable physical pain
25 or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said Defendant
26 causing and/or directing and/or encouraging the said B.S. to fondle the breast(s) of TERRIE
27 SENA; Defendant being liable under one or more of the following principles of criminal
28 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with

1 TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or
2 others unknown in performing such acts; and/or (3) by Defendant and TERRIE SENA and/or
3 others unknown aiding and abetting each other by counseling, encouraging, inducing, or
4 otherwise procuring each other to commit such acts.

5 COUNT 82 - OPEN OR GROSS LEWDNESS

6 did, on or between August 13, 2011 and June 30, 2014, willfully and unlawfully
7 commit an act of open or gross lewdness by said Defendant assisting and/or causing B.S. to
8 touch and/or rub and/or fondle the breast(s) of TERRIE SENA; Defendant being liable under
9 one or more of the following principles of criminal liability: (1) by Defendant directly
10 performing such acts; and/or (2) by Defendant acting with TERRIE SENA and/or others
11 unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing
12 such acts; and/or (3) by Defendant and TERRIE SENA and/or others unknown aiding and
13 abetting each other by counseling, encouraging, inducing, or otherwise procuring each other
14 to commit such acts.

15 COUNT 83 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

16 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,
17 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of
18 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or
19 causing TERRIE SENA to have the penis of the said B.S. in the genital opening of said
20 TERRIE SENA, against the will of the said B.S., or under conditions in which Defendant
21 knew, or should have known, that B.S. was mentally or physically incapable of resisting or
22 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
23 the following principles of criminal liability: (1) by Defendant directly performing such acts;
24 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a
25 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)
26 by Defendant and TERRIE SENA and/or others unknown aiding and abetting each other by
27 counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

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1 COUNT 84 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

2 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and
3 feloniously cause a child under the age of 18 years, to-wit: B.S. to suffer unjustifiable physical
4 pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or cause B.S.
5 to be placed in a situation where the said B.S. might have suffered unjustifiable physical pain
6 or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said Defendant
7 causing and/or directing and/or encouraging the said B.S. to touch and/or rub and/or fondle
8 the breast(s) of TERRIE SENA; Defendant being liable under one or more of the following
9 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by
10 Defendant acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with
11 TERRIE SENA and/or others unknown in performing such acts; and/or (3) by Defendant and
12 TERRIE SENA and/or others unknown aiding and abetting each other by counseling,
13 encouraging, inducing, or otherwise procuring each other to commit such acts.

14 COUNT 85 - OPEN OR GROSS LEWDNESS

15 did, on or between August 13, 2011 and June 30, 2014, willfully and unlawfully
16 commit an act of open or gross lewdness by said Defendant assisting and/or causing B.S. to
17 touch and/or rub and/or fondle the breast(s) of TERRIE SENA; Defendant being liable under
18 one or more of the following principles of criminal liability: (1) by Defendant directly
19 performing such acts; and/or (2) by Defendant acting with TERRIE SENA and/or others
20 unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing
21 such acts; and/or (3) by Defendant and TERRIE SENA and/or others unknown aiding and
22 abetting each other by counseling, encouraging, inducing, or otherwise procuring each other
23 to commit such acts.

24 COUNT 86 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM

25 REPORTING CRIME OR COMMENCING PROSECUTION

26 did, on or between August 13, 2011 and June 30, 2014, then and there, willfully,
27 unlawfully, and feloniously, by intimidation or threats, prevent or dissuade, or hinder or delay
28 B.S., from reporting a crime to anyone by said Defendant telling the said B.S. that the said

1 Defendant would break the legs of the said B.S. and/or kill the said B.S. if the said B.S. told
2 anyone of the sexual acts the said B.S. was forced to commit or have committed upon the said
3 B.S.

4 COUNT 87 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
5 AGE

6 did, on or between June 14, 2010 and June 13, 2012, then and there willfully,
7 unlawfully, and feloniously sexually assault and subject R.S., a child under fourteen years of
8 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
9 the anal opening of the said R.S., against the will of the said R.S., or under conditions in which
10 Defendant knew, or should have known, that R.S. was mentally or physically incapable of
11 resisting or understanding the nature of Defendant's conduct.

12 COUNT 88 - LEWDNESS WITH A MINOR UNDER THE AGE OF 14

13 did, on or between June 14, 2010 and June 13, 2012, willfully, lewdly, unlawfully, and
14 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
15 thereof, of a child, to-wit: R.S., a child under the age of fourteen years, by said Defendant
16 using his penis to touch and/or rub and/or fondle the anal area of the said R.S., with the intent
17 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or
18 R.S.

19 COUNT 89 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
20 AGE

21 did, on or between June 14, 2010 and June 13, 2012, then and there willfully,
22 unlawfully, and feloniously sexually assault and subject R.S., a child under fourteen years of
23 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
24 the anal opening of the said R.S., against the will of the said R.S., or under conditions in which
25 Defendant knew, or should have known, that R.S. was mentally or physically incapable of
26 resisting or understanding the nature of Defendant's conduct.

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1 COUNT 90 - LEWDNESS WITH A MINOR UNDER THE AGE OF 14

2 did, on or between June 14, 2010 and June 13, 2012, willfully, lewdly, unlawfully, and
3 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
4 thereof, of a child, to-wit: R.S., a child under the age of fourteen years, by said Defendant
5 using his penis to touch and/or rub and/or fondle the anal area of the said R.S., with the intent
6 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or
7 R.S.

8 COUNT 91 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
9 AGE

10 did, on or between June 14, 2010 and June 13, 2012, then and there willfully,
11 unlawfully, and feloniously sexually assault and subject R.S., a child under fourteen years of
12 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
13 the anal opening of the said R.S., against the will of the said R.S., or under conditions in which
14 Defendant knew, or should have known, that R.S. was mentally or physically incapable of
15 resisting or understanding the nature of Defendant's conduct.

16 COUNT 92 - LEWDNESS WITH A MINOR UNDER THE AGE OF 14

17 did, on or between June 14, 2010 and June 13, 2012, willfully, lewdly, unlawfully, and
18 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
19 thereof, of a child, to-wit: R.S., a child under the age of fourteen years, by said Defendant
20 using his penis to touch and/or rub and/or fondle the anal area of the said R.S., with the intent
21 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or
22 R.S.

23 COUNT 93 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

24 did, on or between June 14, 2012 and June 13, 2014, then and there willfully,
25 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
26 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
27 the anal opening of the said R.S., against the will of the said R.S., or under conditions in which
28 Defendant knew, or should have known, that R.S. was mentally or physically incapable of

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

2 COUNT 94 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

3 did, on or between June 14, 2012 and June 13, 2014, then and there willfully,
4 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
5 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into
6 the anal opening of the said R.S., against the will of the said R.S., or under conditions in which
7 Defendant knew, or should have known, that R.S. was mentally or physically incapable of
8 resisting or understanding the nature of Defendant's conduct.

9 COUNT 95 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

10 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
11 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
12 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE
13 SENA to have the penis of the said R.S. on and/or in the mouth of said TERRIE SENA, against
14 the will of the said R.S., or under conditions in which Defendant knew, or should have known,
15 that R.S. was mentally or physically incapable of resisting or understanding the nature of
16 Defendant's conduct; Defendant being liable under one or more of the following principles of
17 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
18 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE
19 SENA and/or others unknown in performing such acts; and/or (3) by Defendant and TERRIE
20 SENA and/or others unknown aiding and abetting each other by counseling, encouraging,
21 inducing, or otherwise procuring each other to commit such acts.

22 COUNT 96 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

23 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
24 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
25 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or
26 causing TERRIE SENA to have the penis of the said R.S. in the genital opening of said
27 TERRIE SENA, against the will of the said R.S., or under conditions in which Defendant
28 knew, or should have known, that R.S. was mentally or physically incapable of resisting or

1 understanding the nature of Defendant's conduct; Defendant being liable under one or more of
2 the following principles of criminal liability: (1) by Defendant directly performing such acts;
3 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a
4 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)
5 by Defendant and TERRIE SENA and/or others unknown aiding and abetting each other by
6 counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

7 COUNT 97 - INCEST

8 did, on or between June 14, 2010 and June 13, 2014, willfully, unlawfully, and
9 feloniously assist and/or cause TERRIE SENA to commit fornication or adultery with and/or
10 on R.S., the son of TERRIE SENA; TERRIE SENA and R.S. being within the degree of
11 consanguinity within which marriages are declared by law to be incestuous and void; the
12 Defendant committing the crime by assisting and/or causing TERRIE SENA to engage in
13 sexual intercourse R.S.; Defendant being liable under one or more of the following principles
14 of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
15 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE
16 SENA and/or others unknown in performing such acts; and/or (3) by Defendant and TERRIE
17 SENA and/or others unknown aiding and abetting each other by counseling, encouraging,
18 inducing, or otherwise procuring each other to commit such acts.

19 COUNT 98 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

20 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
21 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
22 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE
23 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the
24 will of the said R.S., or under conditions in which Defendant knew, or should have known,
25 that R.S. was mentally or physically incapable of resisting or understanding the nature of
26 Defendant's conduct; Defendant being liable under one or more of the following principles of
27 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
28 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE

1 SENA and/or others unknown in performing such acts; and/or (3) by Defendant and TERRIE
2 SENA and/or others unknown aiding and abetting each other by counseling, encouraging,
3 inducing, or otherwise procuring each other to commit such acts.

4 COUNT 99 - USE OF MINOR IN PRODUCING PORNOGRAPHY

5 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
6 unlawfully, feloniously and knowingly, use, encourage, entice or permit R.S., a minor under
7 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
8 and/or be the subject of a sexual portrayal, to-wit: TERRIE SENA engaging in sexual
9 intercourse with and performing fellatio on R.S., for the purpose of producing a pornographic
10 performance and that said performance was video recorded by said Defendant; Defendant
11 being liable under one or more of the following principles of criminal liability: (1) by
12 Defendant directly performing such acts; and/or (2) by Defendant acting with TERRIE SENA
13 and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown
14 in performing such acts; and/or (3) by Defendant and TERRIE SENA and/or others unknown
15 aiding and abetting each other by counseling, encouraging, inducing, or otherwise procuring
16 each other to commit such acts.

17 COUNT 100 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
18 CONDUCT OF A CHILD

19 did, willfully, unlawfully, feloniously and knowingly have in his possession a film,
20 photograph, or other visual presentation depicting R.S., a child under the age of 16 years of
21 age, as the subject of a sexual portrayal or engaging in, simulating, or assisting others to engage
22 in or simulate sexual conduct, to-wit: a video showing TERRIE SENA engaging in sexual
23 intercourse with and performing fellatio on R.S.

24 COUNT 101 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

25 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
26 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
27 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE
28 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the

1 will of the said R.S., or under conditions in which Defendant knew, or should have known,
2 that R.S. was mentally or physically incapable of resisting or understanding the nature of
3 Defendant's conduct; Defendant being liable under one or more of the following principles of
4 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
5 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE
6 SENA and/or others unknown in performing such acts; and/or (3) by Defendant and TERRIE
7 SENA and/or others unknown aiding and abetting each other by counseling, encouraging,
8 inducing, or otherwise procuring each other to commit such acts.

9 COUNT 102 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

10 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
11 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
12 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE
13 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the
14 will of the said R.S., or under conditions in which Defendant knew, or should have known,
15 that R.S. was mentally or physically incapable of resisting or understanding the nature of
16 Defendant's conduct; Defendant being liable under one or more of the following principles of
17 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
18 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE
19 SENA and/or others unknown in performing such acts; and/or (3) by Defendant and TERRIE
20 SENA and/or others unknown aiding and abetting each other by counseling, encouraging,
21 inducing, or otherwise procuring each other to commit such acts.

22 COUNT 103 - USE OF MINOR IN PRODUCING PORNOGRAPHY

23 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
24 unlawfully, feloniously and knowingly, use, encourage, entice or permit R.S., a minor under
25 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
26 and/or be the subject of a sexual portrayal, to-wit: TERRIE SENA performing fellatio on R.S.,
27 for the purpose of producing a pornographic performance and that said performance was video
28 recorded by said Defendant; Defendant being liable under one or more of the following

principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3) by Defendant and TERRIE SENA and/or others unknown aiding and abetting each other by counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

COUNT 104 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

did, willfully, unlawfully, feloniously and knowingly have in his possession a film, photograph, or other visual presentation depicting R.S., a child under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating, or assisting others to engage in or simulate sexual conduct, to-wit: a video showing TERRIE SENA performing fellatio on R.S.

COUNT 105 - CHILD ABUSE, NEGLECT OR ENDANGERMENT - SEXUAL EXPLOITATION

did, on or between June 14, 2010 and June 13, 2014, willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: R.S. to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, and/or cause R.S. to be placed in a situation where the said R.S. might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, by said Defendant causing the said R.S. to observe videos showing Defendant having sexual contact with TERRIE SENA and/or pictures of DEBORAH SENA and TERRIE SENA in the nude and/or a video which shows sexual contact between Defendant and/or TERRIE SENA and/or DEBORAH SENA.

COUNT 106 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION

did, on or between June 14, 2010 and June 13, 2014, then and there, willfully, unlawfully, and feloniously, by intimidation or threats, prevent or dissuade, or hinder or delay R.S., from reporting a crime to anyone by said Defendant telling the said R.S. that the said

1 Defendant would kill him and/or make his life a living hell if the said R.S. told anyone of the
2 sexual acts the said B.S. was forced to commit or have committed upon the said R.S.

3 COUNT 107 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

4 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,
5 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
6 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said
7 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area
8 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or
9 sexual desires of defendant, or E.C.

10 COUNT 108 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

11 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,
12 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
13 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said
14 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of
15 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
16 desires of defendant, or E.C.

17 COUNT 109 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

18 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,
19 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
20 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said
21 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area
22 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or
23 sexual desires of defendant, or E.C.

24 COUNT 110 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

25 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,
26 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
27 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said
28 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of

1 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
2 desires of defendant, or E.C.

3 COUNT 111 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

4 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,
5 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
6 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said
7 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area
8 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or
9 sexual desires of defendant, or E.C.

10 COUNT 112 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

11 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,
12 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
13 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said
14 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of
15 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
16 desires of defendant, or E.C.

17 COUNT 113 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

18 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,
19 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
20 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said
21 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area
22 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or
23 sexual desires of defendant, or E.C.

24 COUNT 114 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

25 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,
26 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
27 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said
28 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of

1 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
2 desires of defendant, or E.C.

3 COUNT 115 - USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING

4 PORNOGRAPHY

5 did, on or between December 21, 2010 and June 30, 2014, then and there willfully,
6 unlawfully, feloniously and knowingly, use, encourage, entice or permit E.C., a minor under
7 the age of 14, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
8 and/or be the subject of a sexual portrayal, to-wit: E.C. showering in the nude, for the purpose
9 of producing a pornographic performance and that said performance was video recorded by
10 said Defendant and/or TERRIE SENA; Defendant being liable under one or more of the
11 following principles of criminal liability: (1) by Defendant directly performing such acts;
12 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a
13 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)
14 by Defendant and TERRIE SENA and/or others unknown aiding and abetting each other by
15 counseling, encouraging, inducing, or otherwise procuring each other to commit such acts.

16 COUNT 116 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL

17 CONDUCT OF A CHILD

18 did, on or about the 18th day of September, 2014, then and there, feloniously,
19 knowingly and willfully have in his possession a film, photograph, or other visual presentation
20 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct
21 and/or be as the subject of a sexual portrayal, to-wit: E.C. in the nude.

22 COUNT 117 - CHILD ABUSE, NEGLECT OR ENDANGERMENT - SEXUAL

23 EXPLOITATION

24 did, on or between January 9, 2004 and January 8, 2013, willfully, unlawfully, and
25 feloniously cause a child under the age of 18 years, to-wit: T.G. to suffer unjustifiable physical
26 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, and/or cause
27 T.G. to be placed in a situation where the said T.G. might have suffered unjustifiable physical
28 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, by said

1 Defendant showing T.G. photos of nude individuals including individuals engaged in sexual
2 activity.

3 COUNT 118 - USE OF MINOR UNDER THE AGE OF 18 IN PRODUCING

4 PORNOGRAPHY

5 did, on or between January 9, 2004 and January 8, 2013, then and there willfully,
6 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.G., a minor under
7 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
8 and/or be the subject of a sexual portrayal, to-wit: said Defendant video recording T.G.
9 showering in the nude, for the purpose of producing a pornographic performance; Defendant
10 being liable under one or more of the following principles of criminal liability: (1) by
11 Defendant directly performing such acts; and/or (2) by Defendant acting with TERRIE SENA
12 and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown
13 in performing such acts; and/or (3) by Defendant and TERRIE SENA and/or others unknown
14 aiding and abetting each other by counseling, encouraging, inducing, or otherwise procuring
15 each other to commit such acts.

16 COUNT 119 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL

17 CONDUCT OF A CHILD

18 did, on or about the 18th day of September, 2014, then and there, feloniously,
19 knowingly and willfully have in his possession a film, photograph, or other visual presentation
20 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct
21 and/or be the subject of a sexual portrayal, to-wit: T.G., a minor under the age of 16, showering
22 in the nude.

23 COUNT 120 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL

24 CONDUCT OF A CHILD

25 did, willfully, unlawfully, feloniously and knowingly have in his possession a film,
26 photograph, or other visual presentation depicting M.C., a child under the age of 16 years of
27 age, as the subject of a sexual portrayal or engaging in, simulating, or assisting others to engage
28 in or simulate sexual conduct, to-wit: an image of the said M.C. sitting nude on a bed with a

1 vibrator between her legs.

2 COUNT 121 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
3 CONDUCT OF A CHILD

4 did, willfully, unlawfully, feloniously and knowingly have in his possession a film,
5 photograph, or other visual presentation depicting M.C., a child under the age of 16 years of
6 age, as the subject of a sexual portrayal or engaging in, simulating, or assisting others to engage
7 in or simulate sexual conduct, to-wit: an image of the said M.C. sitting nude on a bed with a
8 vibrator between her breasts.

9 COUNT 122 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
10 CONDUCT OF A CHILD

11 did, willfully, unlawfully, feloniously and knowingly have in his possession a film,
12 photograph, or other visual presentation depicting M.C., a child under the age of 16 years of
13 age, as the subject of a sexual portrayal or engaging in, simulating, or assisting others to engage
14 in or simulate sexual conduct, to-wit: an image of the said M.C. sitting nude on a bed with a
15 vibrator touching her mouth.

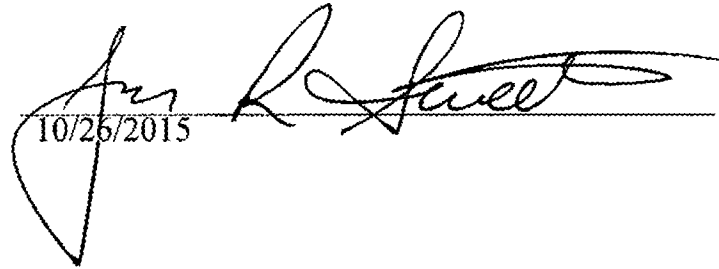
16 COUNT 123 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
17 CONDUCT OF A CHILD

18 did, willfully, unlawfully, feloniously and knowingly have in his possession a film,
19 photograph, or other visual presentation depicting M.C., a child under the age of 16 years of
20 age, as the subject of a sexual portrayal or engaging in, simulating, or assisting others to engage
21 in or simulate sexual conduct, to-wit: an image of the said M.C. sitting on a bed in the nude.

22 COUNT 124 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
23 CONDUCT OF A CHILD

24 did, willfully, unlawfully, feloniously and knowingly have in his possession a film,
25 photograph, or other visual presentation depicting M.C., a child under the age of 16 years of
26 age, as the subject of a sexual portrayal or engaging in, simulating, or assisting others to engage
27 in or simulate sexual conduct, to-wit: an image of the said M.C. kneeling on a bed in the nude
28 with an apparent vibrator between her legs.

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

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(TK3)

ORIGINAL

FILED

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Nov 19 1 46 PM '15

JUSTICE COURT, LAS VEGAS

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

CHRISTOPHER SENA,

Defendant.

CASE NO. 14F14785X

DEPT. NO. 3

**DEFENDANT'S MEMORANDUM OF POINTS & AUTHORITIES
OPPOSING BINDER AFTER PRELIMINARY HEARING**


COMES NOW Defendant CHRISTOPHER SENA, by and through Deputy Public
Defenders VIOLET R. RADOSTA and DAVID E. LOPEZ-NEGRETTE, and submits the instant
brief opposing binder following preliminary hearing.

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

DATED this 19th day of November, 2015.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: 
VIOLET R. RADOSTA, #5747
Deputy Public Defender

By: 
DAVID LOPEZ-NEGRETTE, #12027
Deputy Public Defender

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917 121

1 VIOLET R. RADOSTA and DAVID LOPEZ-NEGRETE make the following
2 declaration:

3 1. That they are duly licensed to practice law in the State of Nevada; that they
4 are Deputy Public Defenders assigned to represent the Defendant in the instant matter, and the
5 Defendant has represented the following facts and circumstances of this case.

6 We declare under penalty of perjury that the foregoing is true and correct. (NRS
7 53.045).

8 EXECUTED this 19th day of November, 2015.

9
10 By: 
11 VIOLET R. RADOSTA

12
13 By: 
14 DAVID LOPEZ-NEGRETE
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POINTS AND AUTHORTIES

FACTS

The State summarizes the testimony of the witnesses at the preliminary hearing in their memorandum. The defense will refrain from doing a similar recitation of the testimony. Instead, the defense will point out differences and factual discrepancies in its argument against individual counts.

Except as argued below and for the purposes of preliminary hearing only, Sena adopts the State's recitation of facts. It is as follows:

Defendant, CHRISTOPHER SENA, is charged by way of State's Proposed Fourth Amended Criminal Complaint with the crimes of CONSPIRACY TO COMMIT SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 199.480), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.), INCEST (Category A Felony - NRS 201.180), OPEN OR GROSS LEWDNESS (Category D Felony - NRS 201.210), SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366), PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION (Category D Felony - NRS 199.305), CHILD ABUSE AND NEGLECT, SEXUAL ABUSE OR EXPLOITATION (Category A Felony - NRS 200.508(1)), POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700, 200.730), USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750) and USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750). The Co-Defendant's in this case are DEBORAH SENA and TERRIE SENA. The crimes occurred on or between May 22, 2001 and June 30, 2014. The victims are A.S., T.S., B.S., R.S., E.C., I.G., T.G., and M.C.

A preliminary hearing commenced in this matter on August 27, 2015 and was concluded after four separate days of testimony on September 18, 2015. At the conclusion of the preliminary hearing the Court requested bindover briefing from the parties.

APPLICABLE LAW

Sufficiency of evidence/Standard of Review

Nevada Revised Statutes 171.206 states, in pertinent part,

If from the evidence it appears to the magistrate that there is probable cause to believe that an offense has been committed and that the defendant has committed it, the magistrate shall forthwith hold him to answer in the district court; otherwise the magistrate shall discharge him. . .

The Nevada Supreme Court has held that although the State's burden at the preliminary hearing is 'slight, it remains incumbent upon the state to produce some evidence' as to each of the State's burdens. Woodall v. Sheriff, 95 Nev. 218, 220 (1979); see also Marcum v. Sheriff, 85 Nev. 175, 178 (1969) ('The state must offer some competent evidence on those points to convince the magistrate that a trial should be held').

'The purpose of the preliminary proceedings is to weed out groundless or unsupported charges of grave offense and to relieve the accused of the degradation and the expense of a criminal trial. Many unjustifiable prosecutions are stopped at that point, where the lack of probable cause is clearly disclosed.' State v. Von Brincken, 86 Nev. 769, 772 (1970).

The "very reason for the preliminary hearing is to weed out groundless or unsupported charges, so that the accused may be relieved of the degradation of a criminal trial." Lamb v. Loveless, 86 Nev. 286, 290 (1970).

Specificity

"We have held that the testimony of a sexual assault victim alone sufficient to uphold a conviction. However, the victim must testify with some particularity regarding the incident in order to uphold the charge. We are cognizant that child victims are often unable to articulate specific times of events and are oftentimes reluctant to report the abuse to anyone until quite some time after the incident. We also understand that it is difficult for a child victim to recall exact instances when the abuse occurs repeatedly over a period of time. We do not require that the victim specify exact numbers of incidents, but there must be some reliable indicia that the number

1 of acts charged actually occurred. In this case, the child's testimony consisted of their
2 speculation that it must have happened at least ten times. Something more is required to
3 support a conviction." LaPierre v. State, 108 Nev. 528, 531 (1992). (emphasis added).

4 The State is not 'absolutely required to alleged the exact date' of an allegation of a sexual
5 offense on a child. Cunningham v. State, 100 Nev. 396, 400 (1984). However, the 'the state
6 should wherever possible, allege the exact date on which it believes a crime was committed, or as
7 closely thereto as possible.' Id.

8 Conspiracy

9
10 Conspiracy is an agreement between two or more for an unlawful purpose. Unlawful
11 agreement is the essence of conspiracy. Conspiracy is committed upon reaching the unlawful
12 agreement. Nunery v. Eighth Judicial District Court, 124 Nev. 477, 480 (2008).

13
14 However, absent an agreement to cooperate in achieving the purpose of a conspiracy, mere
15 knowledge of, acquiescence in, or approval of that purpose does not make one a party to
16 conspiracy." Bolden v. State, 121 Nev. 908, 913.

17 Aiding and Abetting

18
19 Nevada Revised Statutes 195.020 states, in pertinent part. . .

20
21 Every person concerned in the commission of a felony, gross misdemeanor or
22 misdemeanor, whether the person directly commits the act constituting the offense, or
23 aids or abets in its commission, and whether present or absent; and every person who,
24 directly or indirectly, counsels, encourages, hires, commands, induces or otherwise
25 procures another to commit a felony, gross misdemeanor or misdemeanor is a principal,
26 and shall be proceeded against and punished as such.

27
28 Mere presence at the scene of the crime cannot support an inference that one is a party to
an offense. Walker v. State, 113 Nev. 853 (1997). See also Labastida v. State, 115 Nev. 298
(1999), "Defendant's mere presence in the home with her husband, without more, was insufficient

1 to establish that defendant aided and abetted the willful, deliberate and premeditated first-degree
2 murder of their child, where husband rather than defendant personally inflicted the child's fatal
3 injuries."

4 5 **ARGUMENT**

6 For the Court's information, the defense opted to group its arguments against individual
7 counts based on the nature of the objection rather than numerically in order.

8 9 **Count 1 – Conspiracy to commit sexual assault**

10 The State specifically alleges that Christopher Sena conspired with Deborah Sena and/or
11 Terrie Sena to commit the crime of sexual assault against A.S., T.S. B.S. and R.S. The State also
12 alleges that crimes involving E.C. and T.G (count 115 and 118) are part of the conspiracy.
13 However, counts 115 and 118 are not charges of Sexual Assault, but rather Use of a Minor under
14 the Age of 14 in Producing Pornography. In light of this obvious fact, the defense respectfully
15 requests count 115 and 118 be stricken from Count 1 as they do not comport with the alleged
16 charge of Conspiracy to Commit Sexual Assault.

17 Furthermore, the State failed to produce any evidence of an agreement between Deborah
18 Sena, Terrie Sena and Christopher Sena. Evidence of an agreement, specifically an unlawful
19 agreement is necessary to support a charge of conspiracy. (Nunery v. Eighth Judicial District
20 Court, 124 Nev. 477, 480 (2008)). The State seems content to show that Christopher Sena was
21 present when Deborah Sena and/or Terrie Sena committed acts of Sexual Assault and then rely the
22 nature of the charge of Sexual Assault of a Minor to compensate for the lack of evidence of an
23 agreement. The defense respectfully requests Count 1 be dismissed.

24 Additionally, the defense requests the conspiracy language be stricken from every count
25 where it is alleged as a theory of the State. In light of the lack of evidence of an unlawful
26 agreement presented by the State, the language should be stricken in counts 46-52; 54-59; 61-77;
27 79-85; 95-99; 101-103 and 105.
28

1 **Counts 8-13; 16-20; 23-45** – Sexual Assault Minor under 14; Lewdness with Minor; Sexual
2 Assault Minor under 16, Open/Gross Lewdness; Incest; Sexual Assault (A.S. complaining witness)

3 The State is required to present slight evidence that the alleged crimes occurred.
4 Additionally, the State must present some amount of specificity and detail regarding the alleged
5 crimes. LaPierre v. State, 108 Nev. 528, 531 (1992). The testimony provided by A.S. regarding
6 counts 8- 13 and 16-20 of Sexual Assault Minor under 14 and counts of Lewdness with Minor
7 (some of which are alternate counts of the Sexual Assault counts) is that the alleged act of anal
8 intercourse happened frequently from May, 2001 through 2009. A.S. testified that it started when
9 she was 11 and continued until 2009 two or three times a week. The only details provided
10 regarding counts 8-13 and 16-20 is that the act happened in her room, in the master bath, in the
11 master bedroom, the living room and the boys' room. It happened with the most frequency in the
12 master bedroom and the living room. Sometimes, in addition to anal intercourse, A.S. alleged Mr.
13 Sena would rub his hands on her boobs. That happened at least once a month. PHT Volume 3, pp
14 19-21. For those 11 counts, that is the testimony elicited from A.S. by the State. Regarding counts
15 23-45, the only detail that changed the age of A.S.. She testified that the acts alleged in counts 23-
16 45 occurred both before and after her 16th birthday. PHT Volume 3, pp 18, 26. When asked
17 about the specific act of sexual intercourse and where it occurred in the residence of 6012
18 Yellowstone, A.S. testified it occurred in the bathroom, the master bathroom, her room, the boys'
19 room and the living room. PHT Volume 3, pp 24. A.S. testified that she gave Mr. Sena a blow
20 job "not very often . . .once or twice every month, some months not at all." The first alleged
21 incident was when A.S. was 12 years old and it allegedly continued until she moved out at the age
22 of 23. PHT Volume 3, pp 26. As stated in LaPierre, speculation that something must have
23 happened at least ten times is not enough detail to sustain a charge. That is exactly what is
24 happening in counts 8-13; 16-20 and 23-45. No detail has been provided. No specificity of where
25 in the master bedroom or living room or master bathroom the alleged acts of Sexual Assault, etc.
26 occurred. No details as to how long each incident lasted, how it began or how it ended was
27 elicited. No specific number as to how many times it allegedly occurred in A.S.'s room versus
28 how many times it occurred in the boys' room. No details regarding what A.S. was wearing, how
her clothes were removed or how Mr. Sena's clothes were removed or if they were removed at all.

1 The State was able to elicit such details regarding counts 2-7 and counts 21 and 22 along with
2 minimal details regarding the first incident of alleged fellatio (counts 14-15), so it becomes clear
3 that A.S. is able to describe certain alleged incidents with some detail albeit minimal. In light of
4 the lack of specificity provided regarding counts 8-13, 16-20 and 23-45, the defense respectfully
5 requests those counts be dismissed.

6
7 **Counts 91-92; Sexual Assault Minor Under 14, Lewdness Minor under 14 (R.S. complaining**
8 **witness)**

9 R.S. testified that he recalled Mr. Sena touching the area of his behind where the poop
10 comes out. R.S. testified that he was touched by Mr. Sena's dick. This happened when he was 12
11 or 13. He also testified that it allegedly happened in his bedroom when Mr. Sena walked into
12 R.S.'s bedroom and made him take off his clothes. The alleged incident occurred on the floor of
13 the bedroom. PHT Volume 4, pp. 25-27. R.S. also testified regarding an alleged incident in the
14 living room. He testified regarding the alleged details of Mr. Sena making R.S sit on Mr. Sena's
15 dick while he was sitting on the couch. PHT Volume 4, pp. 33-35. Beyond these two incidents,
16 R.S provided no additional details for the additional count of Sexual Assault Minor under
17 14/Lewdness of Minor under 14 that is the basis of Counts 91-92. As a result, the defense
18 respectfully requests Counts 91- 92 be dismissed.

19
20 **Counts 107-114 Lewdness with a Child under 14 (E.C complaining witness)**

21 E.C. testified that she is the niece of Terrie Sena and that she would visit the residence on
22 6012 Yellowstone to visit her Aunt Terrie and her cousins, A.S., T.S. and R.S. E.C. also testified
23 that when she was 11 years old, Mr. Sena allegedly touched her breasts and her vagina. PHT
24 Volume 2 pp 52-53. She testified that it occurred in the office, but could not recall if it happened
25 during the day or during the night. She testified that it happened more than once and that it was
26 'always the same'. She testified that she visited the residence almost every weekend between the
27 ages of 11 to 12 or 13. She also recalled during this period of time, her family didn't speak with
28 Terrie's family for a few years. PHT Volume 2 pp 57. She testified she didn't remember if it

1 happened every weekend she visited. She didn't remember if there was a weekend it didn't
2 happen. Sometimes it occurred at night and sometimes it occurred during the daytime. When
3 specifically asked for details to separate once alleged incident of touching from another, she was
4 unable to provide any specific details. When asked if it happened a lot of the weekends she was in
5 fifth grade, she testified yes. She could not provide details as to the type of clothes she was
6 wearing for any individual alleged incident including the first or last.

7 Most interestingly, when asked if she specifically remembered it happening when she was
8 in 6th grade, E.C testified she didn't remember. She also didn't remember if it happened in 7th
9 grade. PHT Volume 2 pp 60. She also specifically answered that she didn't remember it
10 happening after 5th grade. PHT Volume 2 pp 62. Then, a moment later in her testimony, when
11 asked again by the prosecutor if she definitely remembered it happening in 6th grade, she answered
12 affirmatively. She also answered affirmatively about 7th grade, when asked a second time by the
13 State. PHT Volume 2 pp 64. The testimony of E.C. provides absolutely no specificity regarding
14 any counts of Lewdness with a Minor. While she was able to testify the alleged touching of her
15 vagina and breast occurred at least one time, it is completely unknown when that alleged incident
16 occurred when viewing her testimony in its entirety. Maybe it happened when she was in 5th
17 grade, maybe 6th or maybe 7th.

18 Additionally, it is unclear from the testimony elicited by the State if the acts of touching
19 her breast and touching her vagina occurred on the same day as part of one interaction, or if they
20 occurred separately. The only details about the touching provided by E.C. were that Mr. Sena used
21 his hands to touch her breasts and used his hands to touch her vagina. PHT Volume 2 pp 55.
22 Finally, beyond the allegation of one incident of touching, E.C. clearly had no details to offer
23 regarding the additional 6 counts of Lewdness with a Child. The defense respectfully requests the
24 Court dismiss counts 107-114.

25 **Count 48 Sexual Assault (A.S complaining witness)**

26
27 In this count, the State is alleging A.S. is the victim of sexual assault or possibly that
28 Deborah Sena is the victim of sexual assault. The charge alleges the crime is the act of digital

1 penetration of Deborah Sena by A.S. and the act is against the will of A.S. Mr. Sena is charged as
2 directly committing this act (clearly not how the crime is alleged), acting with Deborah in
3 furtherance of a conspiracy or aiding or abetting Deborah in the commission of this act. A.S.
4 testified that when she got home one day her father, Mr. Sena was naked. Deborah was brought
5 into the room and she was already naked. A.S. got undressed when told to by Mr. Sena. She then
6 testifies that she rubbed Deborah's clit and that it was between the lips of Deborah's vagina.

7
8 **Count 54-58 Sexual Assault under 16, Child Abuse, Neglect or Endangerment (sexual abuse),**
9 **Open/ Gross Lewdness (T.S. complaining witness)**

10 These charges related to the shower incident between Deborah Sena and T.S. Despite the
11 fact Mr. Sena is charged with directly committing these acts, the Court will recall the video.
12 Deborah Sena was naked in the shower with T.S. Mr. Sena was not present in the shower with
13 T.S. More accurately, Mr. Sena is charged under the theory of aiding or abetting Deborah Sena
14 with committing these crimes or conspiring with her to commit these crimes. As previously
15 discussed, it is the position of the defense that the State has failed to produce any evidence of a
16 conspiracy between Deborah Sena and Mr. Sena. This section of the Defense response will
17 address the aiding and abetting allegation.

18 T.S testified that when he was 14 or 15 there was an incident in the shower with his
19 stepmother Deborah Sena. He testified that after painting, he and Deborah got in the shower and
20 started cleaning each other. Deborah got in the shower first and then Mr. Sena asked T.S. to get in
21 the shower as well. Deborah gave T.S. a blowjob. T.S. testified that he didn't ask her to do that.
22 He also testified that no one told Deborah to give him a blow job. It was something she did of her
23 own free will. After the blowjob, Deborah bent over and his penis 'went around her vagina area'.
24 T.S testified that no one told Deborah to bend over. PHT Volume 2, pp 110-114. Specifically
25 regarding Mr. Sena, T.S. testified that he was walking in and out of the bathroom occasionally. He
26 also testified that it was Mr. Sena's idea to put his penis 'around her vaginal area'. PHT Volume
27 2, pp 110-114.

28 In order to prove that Mr. Sena aided and abetted Deborah Sena in the commission of these

1 acts, there needs to be more than his presence in the room. Walker v. State, 113 Nev. 853 (1997).
2 The testimony of T.S. states that Deborah Sena was already naked in the shower when he got in.
3 While the suggestion to get in the shower may have come from Mr. Sena, he is not charged with
4 that as a crime. T.S. was also clear that the blow job by Deborah Sena was her idea and she did it
5 on her own. (Count 54). There is absolutely no evidence presented that Mr. Sena counseled,
6 encouraged, hired, commanded, induced or otherwise procured Deborah to give T.S. fellatio in the
7 shower. The defense requests count 54 be dismissed.

8 Next, regarding the alleged action of T.S. penis 'going around Deborah's vagina' or
9 touching her vagina in some way, the totality of the testimony regarding Mr. Sena potential
10 involvement is that it was his idea. No further details were elicited by the State. Why did T.S.
11 think it was Mr. Sena's idea? If it indeed was his idea, how did Mr. Sena communicate that to
12 T.S.? The court viewed the video. Mr. Sena's voice could not be heard telling T.S. to touch his
13 penis to Deborah's vaginal area. Additionally, you don't see Mr. Sena coming into the frame of
14 the video and directly T.S. to commit that act. Without any evidence of Mr. Sena's alleged
15 involvement in the act of T.S. touching his penis to Deborah Sena's vagina, the defense
16 respectfully requests counts 57 and 58 be dismissed.

17 Finally, regarding the allegation that Mr. Sena aiding and abetting Deborah Sena in the
18 action of washing T.S. in the shower, it is a similar analysis as the allegation mentioned above.
19 Other than T.S. stating that it was Mr. Sena's idea for he and Deborah to wash each other, the
20 video does not support this testimony. While Mr. Sena is visible during the shower, there is no
21 evidence he was verbally suggesting the act of washing each other and there is no demonstration
22 on the video of him directing T.S. and Deborah to wash each other. As such, there is insufficient
23 evidence presented by the State to support counts 55 and 56. The defense respectfully requests
24 those two counts be dismissed.

25 **Counts 61, 63, 65, 67 Sexual Assault Minor under 16 (T.S. complaining witness)**
26

27 T.S. testified that one day he was called into the master bedroom by Mr. Sena. When T.S.
28 arrived, he found Mr. Sena naked. T.S. recalled this incident happened when he was 14 or 15. He

1 removed his clothes when Mr. Sena told him to and then, Deborah Sena walked into the room.
2 She took her clothes off after entering the room. T.S. did not testify that Mr. Sena directed or told
3 Deborah to take off her clothes. She didn't say anything. Per T.S.'s testimony, Deborah's
4 'vaginal area went around [his] penis'. At the same time, Deborah Sena was having anal
5 intercourse with Mr. Sena. Deborah also performed oral sex on T.S. before the sexual intercourse.
6 When asked if there was another incident of oral sex after the sexual intercourse, T.S. did not
7 recall. PHT Volume 2 pp. 115-120. He also did not testify about another incident of sexual
8 intercourse; however, the video offered by the State of this alleged incident did show Deborah
9 performing oral sex on T.S., followed by her laying on her back while he inserted his penis into
10 her vagina. Then, T.S. is then laying on his back while Deborah is on top of him engaging in
11 sexual intercourse. Finally, Deborah is show giving T.S. oral sex once again.

12 While Mr. Sena was present during these sexual acts and may have engaged in separate
13 sexual acts during the interaction, the State failed to produce any evidence that he was counseling,
14 encouraging, hiring, commanding, inducing or otherwise procuring the behavior of Deborah Sena.
15 She was acting of her own free will. As such, the State failed to produce sufficient evidence to
16 support counts 61, 63, 65 and 67. The defense respectfully request those counts be dismissed.

17 **Counts 62, 64, 66, 68 Sexual Assault (T.S. complaining witness)**
18

19 The State is offering these counts as alternatives counts to 61, 63, 65 and 67. The
20 testimony of T.S. is clear regarding his age at the time of the alleged acts of sexual intercourse
21 with Deborah Sena in the master bedroom. He testified he was 14 or 15 years old. PHT Volume
22 2, pp 115. There is no basis to allow the State to add these counts as alternates when the evidence
23 is clear that he was under the age of 16. The defense respectfully requests the counts of Sexual
24 Assault in 62, 64 and 68 be dismissed for lack of evidence.

25 **Counts 95- 98; 101-102 Sexual Assault under 16, Incest (R.S. complaining witness)**
26

27 Mr. Sena is alleged to have committed the crimes of Sexual Assault Minor under 16 and
28 Incest against R.S.. He is alleged to have either committed the alleged crimes himself (not what
the State elicited as testimony), or worked with Terrie Sena either to conspire to commit the act or

1 aiding and abetting her in the commission of those crimes. As argued earlier, there was no
2 evidence presented of a conspiracy between Terrie Sena and Mr. Sena. This section will address
3 the aiding and abetting allegation.

4 There are 2 separate incidents R.S. testified to regarding sexual interactions with Terrie
5 Sena. R.S. testified that Terrie Sena is his biological mother. R.S. also testified that at the time of
6 the preliminary hearing he was living with his biological father. Mr. Sena is not the biological
7 father of R.S. PHT Volume 2 pp. 15.

8 R.S. recalled 2 separate incidents with his mother Terrie Sena. One incident happened in
9 the office and the other in 'his' room. The first incident R.S testified to was the incident in Mr.
10 Sena's room. R.S. did not remember his age or what grade he was attending in school. He did
11 remember he was under the age of 16, though. R.S. went into the room because his mother was in
12 there. Once in there, she began taking off his clothes. Mr. Sena was not in the room when R.S.'s
13 clothes were removed. He laid on the bed and then, Terrie Sena removed her clothes. After
14 removing her clothes, she started performing oral sex on R.S. R.S alleges that then Mr. Sena
15 'made' Terrie Sena get on her back on the bed, and then makes R.S. get on top of her. Terrie Sena
16 had sexual intercourse with R.S. According to R.S., Mr. Sena makes him get off Terrie Sena. He
17 then lays on the bed and she performs oral sex again on R.S. PHT Volume 2, pp 41-46.

18 While Mr. Sena was present during some parts of the sexual interaction, R.S.'s testimony is
19 that while Mr. Sena may have told him to get on or off the bed, Terrie Sena was acting on her own.
20 The acts of sexual intercourse and fellatio on R.S. were performed by Terrie Sena, not by Mr.
21 Sena. Simply because he was present in the room does not make him responsible for the actions of
22 Terrie Sena.

23 Additionally, R.S. and Mr. Sena are not biologically related. This is an element of the
24 crime of incest. The biological relationship or degree of consanguinity is between Terrie Sena and
25 R.S.. Once again, mere presence in the room is not enough to charge Mr. Sena with the crime of
26 incest against R.S.

27 The second alleged incident between Terrie Sena and R.S. occurred in the office. R.S
28 testified that he came into the room for help with an ingrown toenail. Mr. Sena was the person

1 R.S. was seeking the help from in the office. Once in the office, Terrie Sena took off R.S.'s
2 clothes. She then performed fellatio on R.S. After a while, Terrie Sena started performing oral
3 sex on Mr. Sena at the same time, alternating between R.S. and Mr. Sena. PHT Volume 2 pp 49-
4 50. Mr. Sena is charged via an aiding and abetting theory for the 2 counts of fellatio agasint R.S.
5 No testimony was presented that he aiding or encouraged Terrie Sena to commit these acts of
6 Sexual Assault. He was in the room while the alleged crime was being committed. Without
7 something more, the State failed to produce sufficient evidence Mr. Sena aiding or abetted Terrie
8 Sena.

9 Per the arguments above, the defense respectfully request counts 95- 98 and 101-102 be
10 dismissed.

11 **Count 117 - Charges regarding T.G.**

12
13 The count of Child Abuse – Sexual Exploitation (Count 117) regarding T.G. cannot stand
14 because there was no evidence she suffered “substantial mental harm” under NRS
15 200.508(1)(a)(1). Alleging sexual exploitation requires that a child suffer substantial bodily or
16 mental harm; for this serious level of abuse, the charge is a category A felony punishable by 15
17 years to life in prison. The statute specifically defines substantial mental harm as:

18 an injury to the intellectual or psychological capacity or the emotional condition of
19 a child **as evidenced by an observable and substantial impairment of the ability**
20 **of the child to function** within his or her normal range of performance or behavior.

21 NRS 200.508(4)(e)(emphasis added).

22 Here, the State argues that Sena perpetrated this kind of child abuse on T.G. by showing
23 her a picture of her aunt, M.C., performing oral sex on him. PHT, Vol. II, p. 89. While they were
24 browsing through other pictures on his computer, he “just went to that one.” PHT, Vol. II, p. 90.
25 Then they moved on to looking at pictures of more mundane things. PHT, Vol. II, p. 94. Her
26 reaction was to think it was weird but not much else. PHT, Vol. II, p. 93, 94. In fact, T.G. did not
27 mention the episode to anybody besides M.C.—which she brought up two years later. PHT, Vol.
28 II, p. 94-95.

1 But, crucially, the State did not present any testimony to support that her “intellectual or
2 psychological capacity or emotional condition” even suffered an injury. NRS 200.508(4)(e).
3 Similarly, the State failed to produce any evidence that seeing the picture noticeably and
4 substantially impaired T.G.’s ability to function normally. While the State may presumably argue
5 that exposing a child to a pornographic image constitutes sexual exploitation under NRS
6 432B.110, a material element for the child abuse charge demands that the child actually suffer an
7 observable and significant mental injury. But, T.G.’s testimony—or her family members’—does
8 not exhibit this. Needless to say, there was no expert testimony from a psychologist or other
9 mental health professional detailing how T.G. endured harm and ensuing deficits in her normal
10 functioning. Rather, T.G.’s account—the only evidence on this issue—depicts a child who saw a
11 picture she thought was strange but was not affected by it in any meaningful way. Given this clear
12 evidence, Sena should not face trial on the Count 117 Child Abuse – Sexual Exploitation.

13
14 **Count 105 – Child abuse/sexual exploitation (R.S complaining witness)**

15 Similar to the argument above, the State has charged Mr. Sena with the crime of Child
16 abuse via sexual exploitation for showing R.S. videos of Mr. Sena having sex with Terrie Sena and
17 or pictures of Terrie Sena or Deborah Sena in the nude. Just to be clear, the testimony the State
18 presented in support of this charge is that R.S. was shown videos on one occasion of Mr. Sena and
19 Terrie Sena having sex. He never testified to being shown any naked photos of Terrie Sena or
20 Deborah Sena or any videos of Mr. Sena, Terrie Sena and Deborah Sena having sex as is alleged in
21 the charging document. PHT Volume 4, pp 30-31.

22 Once again, the State did not produce any testimony to support the required element of
23 injury to R.S.’s ‘intellectual or psychological capacity or emotional condition’. As such, the
24 defense respectfully request Count 105 be dismissed.

25
26 **Counts 55, 57, 70, 81 and 84 – Child abuse/Sexual abuse (T.S and B.S. complaining wits)**

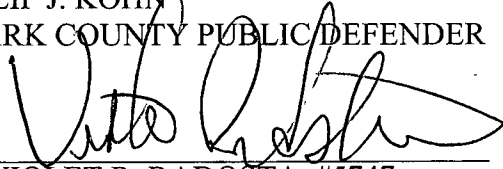
27 The State charged Mr. Sena with 5 counts of Child abuse and Neglect – Sexual abuse for
28 committing various sexual acts against T.S. and B.S. The allegation of Child Abuse by Sexual

1 Abuse once again requires the State to produce evidence of injury to the "intellectual or
2 psychological capacity or emotional condition" of T.S. and B.S, respectively. No such evidence
3 was presented by the State during the preliminary hearing. No expert testimony was presented.
4 To be specific, no testimony regarding the psychological or emotional condition of either T.S. or
5 B.S. was elicited by the State. The State merely presented the evidence of the alleged sexual acts
6 committed by either Deborah or Terrie Sena against T.S. or B.S. and went no further to produce
7 evidence in support of the charge of Child Abuse, Neglect or Endangerment – Sexual Abuse. The
8 defense respectfully requests counts 55, 57, 70, 81 and 84 be dismissed for lack of evidence.

9
10 **CONCLUSION**

11 In summary, the defense requests the dismissal of Counts 1, 8-13, 16-20, 23-45, 48, 54-58,
12 61-68, 70, 81, 84, 91-92, 95-98, 101-102, 105, 107-114 and 117.

13
14
15 PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

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17 By: 
VIOLET R. RADOSTA, #5747
18 Deputy Public Defender

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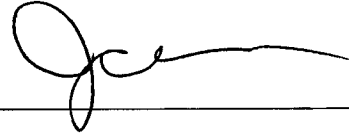
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20 By: 
DAVID LOPEZ-NEGRETE, #12027
21 Deputy Public Defender
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RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Response is hereby acknowledged
this 19 day of November, 2015.

CLARK COUNTY DISTRICT ATTORNEY

By: _____



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CHRISTOPHER SENA,) No. 79036
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 Appellant,)
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 v.)
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 THE STATE OF NEVADA,)
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 Respondent.)
)

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|---|--|
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|---|--|

I hereby certify that this document was filed electronically with the Nevada Supreme Court 20 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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INDIAN SPRINGS, NV 89070

BY /s/ Carrie Connolly
Employee, Clark County Public Defender's Office