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Respondent.

Electronically Filed  
May 20 2020 12:58 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

## Docket 79036 Document 2020-19222

**INDEX**  
**CHRISTOPHER SENA**  
**Case No. 79036**

**PAGE NO.**

Amended Criminal Complaint filed 10/22/14 .....	7-13
Amended Information filed 10/12/16 .....	1202-1246
Amended Judgment of Conviction filed 07/08/19 .....	2399-2407
Audiovisual Transmission Equipment Appearance Request filed 02/06/19 .....	2162-2164
Criminal Complaint filed 09/19/14.....	1-6
Defendant's Bench Memorandum Regarding Child Pornography Charges filed 02/15/19 .....	2236-2246
Defendant's Memorandum of Points and Authorities Opposing Bindover After Preliminary Hearing filed 09/19/15.....	917-933
Defendant's Motion for Juror Questionnaire Date of Hrg: 01/03/18.....	1679-1701
Defendant's Motion for Production of Co-Offenders' PSIs and Related Discovery Date of Hrg: 08/22/18.....	1941-1950
Defendant's Motion to Continue Trial Date of Hrg: 09/13/17 .....	1529-1545
Defendant's Notice of Expert Witnesses filed 12/29/17 .....	1731-1732
Defendant's Notice of Expert Witnesses filed 08/13/18 .....	1891-1896
Defendant's Notice of Witnesses filed 01/08/18.....	1733-1735
Defendant's Proposed Jury Instructions Not Used At Trial filed 02/15/19 .....	2214-2235
District Court Minutes from 01/05/16 through 05/28/19 .....	2408-2486
Ex Parte Motion and Order to Remand Witness Into Custody filed 02/06/19 .....	2167-2168
Ex Parte Motion and Order to Remand Witness Into Custody filed 02/06/19 .....	2169-2170
Ex Parte Order for Transcript filed 11/03/17.....	1552-1553
Ex Parte Order for Transcript filed 03/09/18.....	1741-1742
Ex Parte Order for Transport filed 12/05/17 .....	1675-1676
Findings of Fact, Conclusions, of Law and Order Date of Hrg: 10/12/16.....	1251-1301
Fourth Amended Information filed 02/13/19 .....	2171-2213

1	Information filed 12/16/15.....	1008-1052
2	Instructions to the Jury filed 02/21/19.....	2264-2358
3	Judgment of Conviction filed 05/31/19.....	2384-2392
4	Justice Court Minutes from 09/19/14 through 12/15/15 .....	77-111
5	Motion for Stay Pending Resolution of Defendant's Petition for Writ of Mandamus/Prohibition	
6	Date of Hrg: 12/11/17.....	1634-1641
7	Motion to Compel Production of Discovery & Brady Material	
8	Date of Hrg: 08/23/17.....	1302-1354
9	Motion to Continue Trial Date	
10	Date of Hrg: 10/26/16.....	1247-1250
11	Motion to Continue Trial Date	
12	Date of Hrg: 01/10/18.....	1736-1739
13	Motion to Dismiss Counts for Violation of Statute of Limitations	
14	Date of Hrg: 08/23/17.....	1390-1454
15	Motion to Sever	
16	Date of Hrg: 12/04/17.....	1554-1583
17	Notice of Appeal filed 06/14/19.....	2393-2398
18	Opposition to Motion to Strike Expert Witness Notice	
19	Date of Hrg: 08/22/18.....	1934-1938
20	Opposition to State's Motion to Amend Criminal Information filed 10/05/16.....	1195-1201
21	Opposition to State's Motion to Clarify and/or Motion to Reconsider	
22	Date of Hrg: 08/22/18.....	1849-1890
23	Order filed 03/31/16 .....	1093-1094
24	Order Denying Defendant's Motions of December 12/11/17	
25	Date of Hrg: 12/11/17.....	1677-1678
26	Order for Production of Inmate filed 07/10/15.....	115-116
27	Order for Production of Inmate filed 08/22/17.....	1524-1525
28	Order for Production of Inmate filed 08/25/17.....	1526-1527
	Order for Production of Inmate filed 02/01/19.....	2158-2159
	Order for Production of Inmate filed 02/04/19.....	2160-2161
	Order for Production of Inmate filed 02/06/19.....	2165-2166

1	Order Granting State's Motion in Limine to Present the Complete Story of the	
2	Crime and Motion to Admit Evidence of Other Sexual Offenses and or	
3	Evidence of Other Crimes, Wrongs or Acts	
4	Date of Hrg: 09/25/17 .....	1522-1523
5	Order Granting State's Motion to Strike Expert Witness	
6	Date of Hrg: 08/22/18 .....	1939-1940
7	Order to Show Cause RE: Contempt filed 09/06/18 .....	2011-2039
8	Petition for Writ of Habeas Corpus filed 03/18/16 .....	1053-1092
9	Receipt of Copy filed 08/23/17 .....	1528
10	Receipt of Copy filed 09/13/17 .....	1551
11	Receipt of Copy filed 03/08/18 .....	1740
12	Receipt of Copy filed 09/05/18 .....	2010
13	Receipt of Copy filed 09/18/18 .....	2040
14	Receipt of Copy filed 12/17/18 .....	2045-2046
15	Receipt of Copy filed 01/23/19 .....	2062
16	Reply to State's Opposition to Motion to Dismiss Counts for	
17	Violation of Statute of Limitations filed 08/28/17 .....	1455-1461
18	Return to Writ of Habeas Corpus	
19	Date of Hrg: 05/16/16 .....	1095-1141
20	Second Amended Criminal Complaint filed 12/18/14 .....	14-33
21	Second Amended Information filed 09/05/18 .....	1959-2001
22	State's Amended Fourth Supplemental Notice of	
23	Witnesses and/or Expert Witnesses filed 01/22/19 .....	2047-2061
24	State's Fourth Supplemental Notice of Witnesses and/or	
25	Expert Witnesses filed 12/12/18 .....	2041-2044
26	State's Memorandum of Points and Authorities in Support of	
27	Bindover After Preliminary Hearing	
28	Date of Hrg: 11/20/15 .....	827-916
29	State's Motion for Clarification and Supplement to Prior Motion in Limine to	
30	Present the Complete Story of the Crime and Motion to Admit Evidence of Other	
31	Sexual Crimes and/or Evidence of Other Crimes, Wrongs or Acts	
32	Date of Hrg: 08/27/18 .....	1764-1848
33	State's Motion to Strike Defendant's Notice of Expert Witnesses	
34	Date of Hrg: 09/05/18 .....	2002-2009



1	State's Notice of Motion and Motion in Limine to Present the Complete	
2	Story of the Crime and Motion to Admit Evidence of Other Sexual	
3	Offenses and/or Evidence of Other Crimes, Wrongs or Acts	
4	Date of Hrg: 08/06/17 .....	1462-1521
5	State's Notice of Motion and Motion to Strike Defendant's Notice of	
6	Expert Witnesses, on an Order Shortening Time	
7	Date of Hrg: 08/15/18 .....	1897-1933
8	State's Notice of Witnesses and/or Expert Witnesses filed 08/08/17 .....	1371-1389
9	State's Opposition to Defendant's Motion for Directed Verdict	
10	Date of Hrg: 02/15/19 .....	2247-2252
11	State's Opposition to Defendant's Motion for Juror Questionnaire	
12	Date of Hrg: 01/03/18 .....	1702-1730
13	State's Opposition to Defendant's Motion for Stay Pending Resolution of	
14	Defendant's Petition for Writ of Mandamus/Prohibition	
15	Date of Hrg: 12/11/17 .....	1642-1674
16	State's Opposition to Defendant's Motion to Compel	
17	Production of Discovery and Brady Material	
18	Date of Hrg: 08/16/17 .....	1355-1370
19	State's Opposition to Defendant's Motion to Continue Trial	
20	Date of Hrg: 09/06/17 .....	1546-1550
21	State's Opposition to Defendant's Motion to Sever	
22	Date of Hrg: 12/04/17 .....	1584-1633
23	State's Second Supplemental Notice of Witnesses and/or	
24	Expert Witnesses filed 08/31/18 .....	1951-1954
25	State's Supplemental Memorandum Points and Authorities	
26	Opposing Bindover After Preliminary Hearing	
27	Date of Hrg: 12/14/15 .....	934-966
28	State's Supplemental Notice of Witnesses and/or	
	Expert Witnesses filed 07/17/18 .....	1743-1763
	State's Third Supplemental Notice of Witnesses and/or	
	Expert Witnesses filed 09/04/18 .....	1955-1958
	State's Trial Memorandum filed 02/15/19 .....	2253-2263
	Stipulation and Order Regarding Discovery of	
	Child Pornographic Materials filed 02/19/15 .....	112-114
	Supplement to State's Return to Writ of Habeas Corpus and	
	Motion to Amend Criminal Information	
	Date of Hrg: 08/10/16 .....	1142-1194
	Third Amended Criminal Complaint filed 12/15/15 .....	34-76

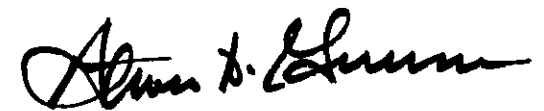
1	Third Amended Information filed 01/23/19 .....	2115-2157
2	Verdict filed 02/21/19.....	2359-2383
3		
4	<b><u>TRANSCRIPTS</u></b>	
5	Recorder's Transcript	
6	<b>JURY TRIAL DAY 1</b>	
6	Date of Hrg: 09/05/18.....	2722-3031
7	Recorder's Transcript	
8	<b>JURY TRIAL DAY 2</b>	
8	Date of Hrg: 09/06/18.....	3032-3185
9	Recorder's Transcript	
10	<b>JURY TRIAL DAY 3</b>	
10	Date of Hrg: 09/07/18.....	3186-3213
11	Recorder's Transcript	
12	<b>JURY TRIAL DAY 1</b>	
12	Date of Hrg: 01/28/19.....	3247-3467
13	Recorder's Transcript	
14	<b>JURY TRIAL DAY 2</b>	
14	Date of Hrg: 01/29/19.....	3468-3778
15	Recorder's Transcript	
16	<b>JURY TRIAL DAY 3</b>	
16	Date of Hrg: 01/30/19.....	3779-3988
17	Recorder's Transcript	
18	<b>JURY TRIAL DAY 4</b>	
18	Date of Hrg: 01/31/19.....	3989-4360
19	Recorder's Transcript	
20	<b>JURY TRIAL DAY 5</b>	
20	Date of Hrg: 02/01/19.....	4361-4455
21	Recorder's Transcript	
22	<b>JURY TRIAL DAY 6</b>	
22	Date of Hrg: 02/04/19.....	4456-4641
23	Recorder's Transcript	
24	<b>JURY TRIAL DAY 7</b>	
24	Date of Hrg: 02/05/19.....	4642-4957
25	Recorder's Transcript	
26	<b>JURY TRIAL DAY 8</b>	
26	Date of Hrg: 02/06/19.....	4958-5221
27	Recorder's Transcript	
28	<b>JURY TRIAL DAY 9</b>	
28	Date of Hrg: 02/07/19.....	5222-5385

1	Recorder's Transcript	
2	<b>JURY TRIAL DAY 10</b>	
	Date of Hrg: 02/08/19.....	5386-5699
3	Recorder's Transcript	
4	<b>JURY TRIAL DAY 11</b>	
	Date of Hrg: 02/11/19.....	5700-5979
5	Recorder's Transcript	
6	<b>JURY TRIAL DAY 12</b>	
	Date of Hrg: 02/13/19.....	5980-6200
7	Recorder's Transcript	
8	<b>JURY TRIAL DAY 13</b>	
	Date of Hrg: 02/14/19.....	6201-6399
9	Recorder's Transcript	
10	<b>JURY TRIAL DAY 14</b>	
	Date of Hrg: 02/15/19.....	6400-6432
11	Recorder's Transcript	
12	<b>JURY TRIAL DAY 15</b>	
	Date of Hrg: 02/19/19.....	6433-6676
13	Recorder's Transcript	
14	<b>JURY TRIAL DAY 16</b>	
	Date of Hrg: 02/20/19.....	6677-6682
15	Recorder's Transcript	
16	<b>JURY TRIAL DAY 17</b>	
	Date of Hrg: 02/21/19.....	6683-6711
17	Recorder's Transcript	
18	All Pending Motions	
	Date of Hrg: 08/22/18.....	2621-2690
19	Recorder's Transcript	
20	Arraignment	
	Date of Hrg: 01/20/16.....	2490-2499
21	Recorder's Transcript	
22	Calendar Call	
	Date of Hrg: 08/29/18.....	2691-2721
23	Recorder's Transcript	
24	Calendar Call	
	Date of Hrg: 01/23/19.....	3240-3246
25	Recorder's Transcript	
26	Calendar Call and All Pending Motions	
	Date of Hrg: 09/06/17.....	2549-2561
27	Recorder's Transcript	
28	Defendant's Motion for Juror Questionnaire	
	Date of Hrg: 01/03/18.....	2569-2573

1	Recorder's Transcript	
2	Defendant's Motion to Compel Production of	
3	Discovery and Brady Material	
	Date of Hrg: 08/16/17 .....	2538-2546
4	Recorder's Transcript	
5	Defendant's Motion to Dismiss Counts for	
	Violation of Statute of Limitations	
	Date of Hrg: 08/23/17 .....	2547-2548
6	Recorder's Transcript	
7	Defendant's Motion to Sever	
	Date of Hrg: 12/04/17 .....	2562-2565
8	Recorder's Transcript	
9	Defendant's Motion to Stay Pending Resolution of	
10	Defendant's Petition for Writ of Mandamus/Prohibition;	
	Defendant's Motion to Sever	
	Date of Hrg: 12/11/17 .....	2566-2568
11	Recorder's Transcript	
12	Defendant's Petition for Writ of Habeas Corpus	
	Date of Hrg: 04/04/16 .....	2500-2503
13	Recorder's Transcript	
14	Defendant's Petition for Writ of Habeas Corpus	
	Date of Hrg: 06/06/16 .....	2504-2506
15	Recorder's Transcript	
16	Defendant's Petition for Writ of Habeas Corpus	
	Date of Hrg: 07/13/16 .....	2507-2510
17	Recorder's Transcript	
18	Further Proceedings: Defendant's Petition for	
19	Writ of Habeas Corpus	
	Date of Hrg: 10/12/16 .....	2516-2524
20	Recorder's Transcript	
21	Further Proceedings: Defendant's Petition for	
	Writ of Habeas Corpus-Count 97	
	Date of Hrg: 08/29/16 .....	2511-2515
22	Recorder's Transcript	
23	Initial Arraignment	
	Date of Hrg: 01/05/16 .....	2487-2489
24	Recorder's Transcript	
25	Pre-Trial Conference	
	Date of Hrg: 08/09/17 .....	2528-2537
26	Recorder's Transcript	
27	Pre-Trial Conference	
	Date of Hrg: 08/01/18 .....	2590-2597

1	Recorder's Transcript Pre-Trial Conference	
2	Date of Hrg: 12/12/18.....	3223-3228
3	Recorder's Transcript Sentencing	
4	Date of Hrg: 04/29/19.....	6712-6723
5	Recorder's Transcript Sentencing	
6	Date of Hrg: 05/28/19.....	6724-6780
7	Recorder's Transcript Show Cause Hearing	
8	Date of Hrg: 09/26/18.....	3214-3222
9	Recorder's Transcript Status Check: Expert Issues	
10	Date of Hrg: 12/19/18.....	3229-3239
11	Recorder's Transcript Status Check: Juror Questionnaire	
12	Date of Hrg: 01/31/18.....	2580-2585
13	Recorder's Transcript Status Check: Juror Questionnaire	
14	Date of Hrg: 08/15/18.....	2598-2620
15	Recorder's Transcript Status Check: Outstanding Discover/Finalizing Jury Questionnaire	
16	Date of Hrg: 03/07/18.....	2586-2589
17	Recorder's Transcript Status Check: Trial Setting; Defendant's	
18	Motion for Juror Questionnaire	
19	Date of Hrg: 01/24/18.....	2574-2579
20	Recorder's Transcript Status Check: Trial Setting; Defendant's	
21	Motion to Continue Trial Date	
22	Date of Hrg: 10/26/16.....	2525-2527
23	Reporter's Transcript Argument and Bindover	
24	Date of Hrg: 12/15/15.....	967-1007
25	Reporter's Transcript Motions	
26	Date of Hrg: 07/13/15.....	117-121
27	Reporter's Transcript Preliminary Hearing Vol. I	
28	Date of Hrg: 08/27/15.....	122-223

1	Reporter's Transcript	
2	Preliminary Hearing Vol. II	
2	Date of Hrg: 08/28/15.....	224-557
3	Reporter's Transcript	
4	Preliminary Hearing Vol. III	
4	Date of Hrg: 09/03/15.....	558-705
5	Reporter's Transcript	
6	Preliminary Hearing Vol. IV	
6	Date of Hrg: 09/18/15.....	706-826
7		
8		
9		
10		
11		
12		
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CLERK OF THE COURT

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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

CHRISTOPHER SENA,  
#0779849

Defendant.

Case No. **C-15-311453-1**

Dept No. **XIX**

**SUPPLEMENT TO STATE'S RETURN TO WRIT OF HABEAS CORPUS**  
**AND MOTION TO AMEND CRIMINAL INFORMATION**

DATE OF HEARING: AUGUST 10, 2016  
TIME OF HEARING: 8:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and hereby submits the attached Supplement to State's Return to Writ of Habeas Corpus and Motion to Amend Criminal Information.

This Supplement and Motion 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 During argument of the subject Writ of Habeas Corpus, this Court expressed concern  
3 with regard to one of the alleged principles of criminal liability in Count 97 of the Information  
4 in the subject case. Specifically, the State alleges in Count 97 that Defendant directly  
5 committed the charged act of Incest as well as alleging he committed the act through the  
6 alternative theories of criminal liability of conspiracy and aiding and abetting such  
7 commission. The Court's concern was due to the fact that Defendant was in no way related  
8 to the victim, R.S., unlike Terrie Sena who is alleged in that same Count to have engaged in  
9 sexual intercourse with R.S. and/or that Defendant is the same sex as R.S. and therefore could  
10 not have directly committed the crime of incest upon said victim.

11 After consideration of the Court's concern, the State has no opposition to striking the  
12 first theory of Liability of "by Defendant directly performing such acts" from Count 97.  
13 However, based upon such portion of the existing Count being stricken, the State would ask  
14 to amend Count 97 in regard to the current third theory of liability of aiding and abetting in  
15 the commission of the crime. That theory currently states:

16 "(3) by Defendant and TERRIE SENA and/or other's unknown  
17 aiding and abetting each other by counseling, encouraging,  
18 inducing, or otherwise procuring each other to commit such acts."

18 Specifically, the State would ask to amend this theory of liability to state the following:

19 "(2) by Defendant aiding and abetting the performance of such act  
20 by counseling, encouraging, inducing, or otherwise procuring  
21 TERRIE SENA to commit such acts."

21 The State would further ask to similarly delete the first theory of liability and likewise  
22 amend similar Incest Counts 73 and 75. Additionally, for the sake of consistency, the State  
23 would also ask to amend the third alleged theory of liability in other Counts alleging aiding  
24 and abetting to reflect the same general wording as the previously reflected amendments. This  
25 would include Counts: 46 - 52; 54 - 59; 61 - 72; 74; 76 - 77; 79 - 85; 95 - 96; 98 - 99; 101 -  
26 103; 115; and 118.

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1 The State would also note there are other matters of clarification or correction that need  
2 to be amended in the information:

- 3 1. Count 35 and 40 should reflect an alleged period of such  
4 conduct of "May 22, 2006 through August 30, 2014";
- 5 2. Counts 78; 100; 104; and 120 - 124 should allege a date of  
6 such conduct of "on or about September 18, 2014";

7 It has long been the law that the referenced amendments are appropriate. Nevada  
8 Revised Statute 173.095(1) states:

9 The court may permit an indictment or information to be amended  
10 at any time before verdict or finding if no additional or different  
11 offense is charged and if substantial rights of the defendant are not  
12 prejudiced.

13 There are many cases in Nevada which provide insight concerning NRS 173.095.

14 In Hollander v. State, 82 Nev. 345 (1966), the Nevada Supreme Court upheld an  
15 amendment to the information to reflect an allegation that the defendant was a habitual  
16 criminal after the trial on the substantive offense.

17 In Nall v. State, 85 Nev. 1 (1969), the trial court allowed the State to amend the original  
18 information adding the charge of extortion. Nevada Supreme Court found no error and noted  
19 that "plentiful evidence of extortion was adduced at the preliminary hearing . . ."

20 In Collins v. State, 88 Nev. 10 (1972), the trial court properly exercised its discretion  
21 in allowing the information to be amended which corrected the spelling of the victim's name.

22 In Huntley v. Sheriff, 90 Nev. 187 (1974), the defendant was ordered to stand trial for  
23 robbery and for murder committed during the robbery. The pre-trial petition for habeas corpus  
24 contended that there was insufficient evidence for robbery and therefore, both robbery and the  
25 murder charge should fail because the murder was based upon the felony murder allegation.  
26 The State acknowledged that insufficient evidence of robbery existed, but moved to amend  
27 the information to allege the killing was committed by the defendant by shooting the victim  
28 "with a firearm". Nevada Supreme Court upheld the action of the trial court allowing the State  
to amend the information.

//

1 In Armstrong v. State, 92 Nev. 675 (1976), the State was permitted by the trial court to  
2 amend the information and add a witness to the witness list. This amendment was permitted  
3 the day before the trial but the defense had been informed of the witness four days before trial.  
4 The Nevada Supreme Court found no abuse of discretion on the part of the trial court.

5 In Green v. State, 94 Nev. 176 (1978), the State moved to amend the information after  
6 all the evidence had been presented at trial. The amendment changed the allegation of what  
7 the defendant had allegedly committed. The Supreme Court reversed the conviction and  
8 remanded the case for a new trial on an amended information.

9 In Shannon v. State, 105 Nev. 782 (1989), where the prosecution moved to amend  
10 during the State's case in chief. The State sought to amend the allegations set forth in the two  
11 counts of sexual assault where the factual allegation transposed the victim and the defendant  
12 as to who was committing the fellatio. The Nevada Supreme Court upheld the amendment,  
13 even though the defendant waived the preliminary hearing upon the original charges, because  
14 (1) the defendant was charged with sexual assault, (2) the act of fellatio was alleged in the  
15 information, (3) the offense remains sexual assault accomplished by fellatio, and (4) the  
16 substantial rights of the defendant were not prejudiced by the amendment of this information.

17 In DePasquale v. State, 106 Nev. 843 (1990), a death penalty case, the prosecution was  
18 allowed to amend an information at the end of its case-in-chief whereby the method of killing  
19 ("beating him with hands and fists") was amended by dropping the words "with hands and  
20 fists". The amendment was upheld because defense counsel hypothesized that the beating  
21 occurred with the use of a "heavy club" which the defendant did not possess and the  
22 amendment was not inconsistent with the defense. There was no prejudice to the substantial  
23 rights of the defendant.

24 In Dressler v. State, 107 Nev. 686 (1991), Nevada Supreme Court emphasized that NRS  
25 173.095(1) authorized information amendments before verdict, but avoided the propriety of  
26 post-verdict amendments where the sentencing judge amended a prior 1973 DUI conviction  
27 allegation from "San Metayo" to "Lassen" County. The amendment was not needed because  
28 NRS 484.3792(2) requires "notice" of the penalties and prior offense. Since the California

1 DUI conviction date was specifically alleged and since the Lassen County conviction records  
2 were introduced at preliminary hearing, the defendant could not have been surprised, mislead,  
3 or prejudiced by the error.

4 Although it may not be applicable, one statute interestingly allows the prosecution to  
5 submit a new information or indictment for a higher offense, even after a jury has been sworn  
6 in.

7 NRS 175.311 states:

8 If it appears by the testimony that the facts proved constitute an  
9 offense of a higher nature than that charged in the indictment or  
10 information, the court may direct the jury to be discharged, and all  
11 proceedings on the indictment or information to be suspended, and  
may order the defendant to be committed or continued on, or  
admitted to bail, to answer any new indictment or information  
which may be found or filed against him for the higher offense.

12 The referenced amendments are appropriate because such amendments do not result in  
13 any additional or different offenses being charged or otherwise prejudice the substantial rights  
14 of Defendant. A copy of a proposed Amended Information, which includes the above  
15 amendments, is attached hereto and incorporated herein as "Exhibit 1".

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1 CONCLUSION

2 Based upon the above, the State has no opposition to striking the first theory of Liability  
3 of “by Defendant directly performing such acts” from Count 97. However, the State seeks to  
4 amend Count 97 in regard to the third theory of liability of aiding and abetting in the  
5 commission of the crime. The State seeks to similarly strike and amend similarly situated  
6 Incest Counts 73 and 75. The State also seeks to similarly amend the third theory of liability  
7 in Counts: 46 – 52; 54 – 59; 61 – 72; 74; 76 – 77; 79 – 85; 95 – 96; 98 – 99; 101 – 103; 115;  
8 and 118. Finally, the State seeks to amend or include a specified date range for Counts 35;  
9 40; 78; 100; 104; and 120 – 124.

10 DATED this 26th day of July, 2016.

11 Respectfully submitted,

12 STEVEN B. WOLFSON  
13 Clark County District Attorney  
Nevada Bar # 001565

14  
15 BY

  
16 JAMES R. SWEETEN  
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19 BY

  
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**CERTIFICATE OF SERVICE**

I hereby certify that service of the above and foregoing was made this 26th day of JULY 2016, to:

VIOLET RADOSTA, DPD  
harrolah@ClarkCountyNV.gov

BY /s/ HOWARD CONRAD  
Secretary for the District Attorney's Office  
Special Victims Unit

hjc/SVU

## **EXHIBIT “1”**

1 **AINF**  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 JAMES R. SWEETIN  
Chief Deputy District Attorney  
4 Nevada Bar #005144  
MARY KAY HOLTHUS  
5 Nevada Bar #003814  
Chief Deputy District Attorney  
6 200 Lewis Avenue  
Las Vegas, Nevada 89155-2211  
7 (702) 671-2500  
Attorney for Plaintiff

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 THE STATE OF NEVADA,  
12 Plaintiff,

13 -vs-

14 CHRISTOPHER SENA,  
15 #0779849  
16 Defendant.

CASE NO: C-15-311453-1

DEPT NO: XIX

17 **A M E N D E D**  
18 **I N F O R M A T I O N**

17 STATE OF NEVADA )  
18 COUNTY OF CLARK ) ss.

19 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
20 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

21 That **CHRISTOPHER SENA**, the Defendant above named, having committed the  
22 crimes of **CONSPIRACY TO COMMIT SEXAUL ASSAULT (Category B Felony - NRS**  
23 **200.364, 200.366, 199.480 - NOC 50131), SEXUAL ASSAULT WITH A MINOR UNDER**  
24 **FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC**  
25 **50105), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony -**  
26 **NRS 201.230 - NOC 50975), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN**  
27 **YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50106), INCEST**  
28 **(Category A Felony - NRS 201.180 - NOC 50957), OPEN OR GROSS LEWDNESS**

1 (Category D Felony - NRS 201.210 - NOC 50972), SEXUAL ASSAULT (Category A  
2 Felony - NRS 200.364, 200.366 - NOC 50095), PREVENTING OR DISSUADING  
3 WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING  
4 PROSECUTION (Category D Felony - NRS 199.305 - NOC 52996), CHILD ABUSE  
5 AND NEGLECT, SEXUAL ABUSE OR EXPLOITATION (Category B Felony - NRS  
6 200.508(1) - NOC 55220), POSSESSION OF VISUAL PRESENTATION DEPICTING  
7 SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700, 200.730 - NOC  
8 50374), USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A Felony -  
9 NRS 200.700, 200.710.1, 200.750 - NOC 50367) and USE OF MINOR UNDER THE AGE  
10 OF 14 IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700,  
11 200.710.1, 200.750 - NOC 50368) in the manner following:

12 That the said Defendant, on or between May 22, 2001 and June 30, 2014, at and within  
13 the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such  
14 cases made and provided, and against the peace and dignity of the State of Nevada,

15 COUNT 1 - CONSPIRACY TO COMMIT SEXUAL ASSAULT

16 did, on or between May 22, 2007 and June 30, 2014, willfully, unlawfully, and  
17 feloniously conspire with DEBORAH SENA and/or TERRIE SENA and/or others unknown  
18 to commit a sexual assault, by performing those acts described in Counts 46 through 52; 54  
19 through 59; 61 through 77; 79 through 85; 95 through 99; 101 through 103 and 105.

20 COUNT 2 - 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 hand(s) and/or finger(s) to touch and/or rub and or fondle the breast(s)  
25 and/or area of the breast(s) of the said A.S., with the intent of arousing, appealing to, or  
26 gratifying the lust, passions, or sexual desires of said Defendant, or said child.

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1 COUNT 3 - 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: digital penetration, by said Defendant inserting his hand(s)  
6 and/or finger(s) into the genital opening of the said A.S., against the will of the said A.S., or  
7 under conditions in which Defendant knew, or should have known, that A.S. was mentally or  
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

9 COUNT 4 - 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 hand(s) and/or finger(s) to touch and/or rub and or fondle the genital  
14 area of the said A.S., with the intent of arousing, appealing to, or gratifying the lust, passions,  
15 or sexual desires of said Defendant, or said child.

16 COUNT 5 - 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 genital area of the said  
21 A.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires  
22 of said Defendant, or said child.

23 COUNT 6 - 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 7 - 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 area of the said A.S.,  
8 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
9 said Defendant, or said child.

10 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
11 AGE

12 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,  
13 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of  
14 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into  
15 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which  
16 Defendant knew, or should have known, that A.S. was mentally or physically incapable of  
17 resisting or understanding the nature of Defendant's conduct.

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

19 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,  
20 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
21 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by  
22 said Defendant using his penis to touch and/or rub and or fondle the anal and/or genital area  
23 of the said A.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
24 sexual desires of said Defendant, or said child.

25 COUNT 10 - 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 hand(s) and/or finger(s) to touch and/or rub and/or fondle the  
2 breast(s) of the said A.S., with the intent of arousing, appealing to, or gratifying the lust,  
3 passions, or sexual desires of said Defendant, or said child.

4 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
5 AGE

6 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,  
7 unlawfully, and feloniously sexually assault and subject A.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 A.S., against the will of the said A.S., or under conditions in which  
10 Defendant knew, or should have known, that A.S. was mentally or physically incapable of  
11 resisting or understanding the nature of Defendant's conduct.

12 COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

13 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,  
14 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
15 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by  
16 said Defendant using his penis to touch and/or rub and or fondle the anal area of the said A.S.,  
17 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
18 said Defendant, or said child.

19 COUNT 13 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

20 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,  
21 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
22 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by  
23 said Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the  
24 breast(s) of the said A.S., with the intent of arousing, appealing to, or gratifying the lust,  
25 passions, or sexual desires of said Defendant, or said child.

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1 COUNT 14 - 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: fellatio, by said Defendant causing the said A.S. to have the  
6 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said  
7 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was  
8 mentally or physically incapable of resisting or understanding the nature of Defendant's  
9 conduct.

10 COUNT 15 - 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 penis to touch and/or rub and/or fondle the mouth of the said A.S.,  
15 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
16 said Defendant, or said child.

17 COUNT 16 - 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 17 - 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 18 - 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 19 - 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 20 - 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 21 - 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: sexual intercourse, by said Defendant inserting his penis  
5 into the genital opening of the said A.S., against the will of the said A.S., or under conditions  
6 in which Defendant knew, or should have known, that the said victim was mentally or  
7 physically incapable of resisting or understanding the nature of Defendant's conduct.

8 COUNT 22 - INCEST

9 did, on or between May 22, 2004 and May 21, 2006, 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 sexual intercourse with the said A.S.

14 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

15 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
16 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of  
17 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into  
18 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which  
19 Defendant knew, or should have known, that the said victim was mentally or physically  
20 incapable of resisting or understanding the nature of Defendant's conduct.

21 COUNT 24 - OPEN OR GROSS LEWDNESS

22 did, on or between May 22, 2004 and May 21, 2006, willfully and unlawfully commit  
23 an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s) to touch  
24 and/or rub and/or fondle the breast(s) of A.S.

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

3 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
4 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of  
5 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said A.S. to have the  
6 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said  
7 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was  
8 mentally or physically incapable of resisting or understanding the nature of Defendant's  
9 conduct.

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

11 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
12 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of  
13 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
14 into the genital opening of the said A.S., against the will of the said A.S., or under conditions  
15 in which Defendant knew, or should have known, that the said victim was mentally or  
16 physically incapable of resisting or understanding the nature of Defendant's conduct.

17 COUNT 27 - INCEST

18 did, on or between May 22, 2004 and May 21, 2006, then and there willfully,  
19 unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter  
20 of said Defendant, the Defendant and A.S. being within the degree of consanguinity within  
21 which marriages are declared by law to be incestuous and void; the Defendant committing the  
22 crime by engaging in a sexual intercourse with the said A.S.

23 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

24 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
25 unlawfully, and feloniously sexually assault and subject A.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 A.S., against the will of the said A.S., or under conditions in which  
28 Defendant knew, or should have known, that the said victim was mentally or physically

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

COUNT 29 - OPEN OR GROSS LEWDNESS

did, on or between May 22, 2004 and May 21, 2006, willfully and unlawfully commit an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of A.S.

COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did, on or between May 22, 2004 and May 21, 2006, then and there, willfully, unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said A.S. to have the penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said A.S., or under conditions in which Defendant knew, or should have known, that A.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 31 - SEXUAL ASSAULT

did, on or between May 22, 2006 and August 30, 2014, then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis into the genital opening of the said A.S., against the will of the said A.S., or under conditions in which Defendant knew, or should have known, that A.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 32 - INCEST

did, on or between May 22, 2006 and August 30, 2014, then and there willfully, unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter of said Defendant, the Defendant and A.S. being within the degree of consanguinity within which marriages are declared by law to be incestuous and void; the Defendant committing the crime by engaging in a sexual intercourse with the said A.S.

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1 COUNT 33 - 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: anal  
4 intercourse, by said Defendant inserting his penis into the anal opening of the said A.S., against  
5 the will of the said A.S., or under conditions in which Defendant knew, or should have known,  
6 that A.S. was mentally or physically incapable of resisting or understanding the nature of  
7 Defendant's conduct.

8 COUNT 34 - OPEN OR GROSS LEWDNESS

9 did, on or between May 22, 2006 and August 30, 2014, willfully and unlawfully  
10 commit an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s)  
11 to touch and/or rub and/or fondle the breast(s) of A.S.

12 COUNT 35 - SEXUAL ASSAULT

13 did, on or between May 22, 2006 and August 30, 2014, then and there, willfully,  
14 unlawfully, and feloniously sexually assault and subject A.S., to sexual penetration, to-wit:  
15 fellatio, by said Defendant causing the said A.S. to have the penis of the said Defendant on  
16 and/or in the mouth of the said A.S., against the will of the said A.S., or under conditions in  
17 which Defendant knew, or should have known, that A.S. was mentally or physically incapable  
18 of resisting or understanding the nature of Defendant's conduct.

19 COUNT 36 - SEXUAL ASSAULT

20 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,  
21 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:  
22 sexual intercourse, by said Defendant inserting his penis into the genital opening of the said  
23 A.S., against the will of the said A.S., or under conditions in which Defendant knew, or should  
24 have known, that A.S. was mentally or physically incapable of resisting or understanding the  
25 nature of Defendant's conduct.

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1 COUNT 37 - 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 38 - 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 39 - 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 40 - SEXUAL ASSAULT

19 did, on or between May 22, 2006 and August 30, 2014, 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 41 - 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 42 - 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 43 - 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 44 - 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 45 - 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 46 - 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 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; Defendant being liable under one or more of the following  
8 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by  
9 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy  
10 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by  
11 Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
12 inducing or otherwise procuring DEBORAH SENA to commit such acts.

13 COUNT 47 - INCEST

14 did, on or between May 22, 2007 and June 30, 2008, willfully, unlawfully, and  
15 feloniously commit fornication or adultery with and/or on A.S., the daughter of and A.S. being  
16 within the degree of consanguinity within which marriages are declared by law to be  
17 incestuous and void; the Defendant committing the crime by engaging in sexual intercourse  
18 with said A.S.; Defendant being liable under one or more of the following principles of  
19 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
20 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with  
21 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant  
22 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
23 otherwise procuring DEBORAH SENA to commit such acts.

24 COUNT 48 - SEXUAL ASSAULT

25 did, on or between May 22, 2007 and June 30, 2008, then and there willfully,  
26 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:  
27 digital penetration, by said Defendant causing the finger(s) of the said A.S. to be placed into  
28 the genital opening of DEBORAH SENA, against the will of the said A.S., or under conditions

1 in which Defendant knew, or should have known, that A.S. was mentally or physically  
2 incapable of resisting or understanding the nature of Defendant's conduct; Defendant being  
3 liable under one or more of the following principles of criminal liability: (1) by Defendant  
4 directly performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or  
5 others unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
6 performing such acts; and/or (3) by Defendant aiding and abetting the performance of such  
7 acts by counseling, encouraging, inducing or otherwise procuring DEBORAH SENA to  
8 commit such acts.

9 COUNT 49 - OPEN OR GROSS LEWDNESS

10 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and  
11 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing  
12 DEBORAH SENA to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the  
13 breast(s) and/or genital area of A.S.; Defendant being liable under one or more of the following  
14 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by  
15 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy  
16 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by  
17 Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
18 inducing or otherwise procuring DEBORAH SENA to commit such acts.

19 COUNT 50 - OPEN OR GROSS LEWDNESS

20 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and  
21 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing  
22 A.S. to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
23 DEBORAH SENA; Defendant being liable under one or more of the following principles of  
24 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
25 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with  
26 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant  
27 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
28 otherwise procuring DEBORAH SENA to commit such acts.

1 COUNT 51 - OPEN OR GROSS LEWDNESS

2 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and  
3 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing  
4 A.S. to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area of  
5 the said A.S.; Defendant being liable under one or more of the following principles of criminal  
6 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with  
7 DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA  
8 and/or others unknown in performing such acts; and/or (3) by Defendant aiding and abetting  
9 the performance of such acts by counseling, encouraging, inducing or otherwise procuring  
10 DEBORAH SENA to commit such acts.

11 COUNT 52 - 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: anal intercourse, by said Defendant inserting his penis into  
15 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which  
16 Defendant knew, or should have known, that A.S. was mentally or physically incapable of  
17 resisting or understanding the nature of Defendant's conduct; Defendant being liable under one  
18 or more of the following principles of criminal liability: (1) by Defendant directly performing  
19 such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown  
20 pursuant to a conspiracy with DEBORAH SENA and/or others unknown in performing such  
21 acts; and/or (3) by Defendant aiding and abetting the performance of such acts by counseling,  
22 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

23 COUNT 53 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM

24 REPORTING CRIME OR COMMENCING PROSECUTION

25 did, on or about May 22, 2001 and June 30, 2014, then and there, willfully, unlawfully,  
26 and feloniously, by intimidation or threats, prevent or dissuade, or hinder or delay A.S., from  
27 reporting a crime to anyone by said Defendant telling the said A.S. that the said Defendant  
28 would kill and/or break the legs of the said A.S. and/or have A.S. taken away and sent to

juvenile detention if the said A.S. told anyone of the sexual acts the said A.S. was forced to commit or have committed upon the said A.S.

COUNT 54 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did, on or between December 2, 2008 and December 1, 2010, then and there willfully, unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing the penis of the said T.S. to be placed on and/or in the mouth of DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant knew, or should have known, that T.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 aiding and abetting the performance of such acts by counseling, encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

COUNT 55 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

did, on or between December 2, 2008 and December 1, 2010, willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: T.S. to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or cause T.S. to be placed in a situation where the said T.S. might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said Defendant causing and/or directing and/or encouraging the said T.S. to wash said DEBORAH SENA as said DEBORAH SENA washed the said T.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 aiding and abetting the performance of such acts by counseling, encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

1 COUNT 56 - OPEN OR GROSS LEWDNESS

2 did, on or between December 2, 2008 and December 1, 2010, willfully and unlawfully  
3 commit an act of open or gross lewdness by said Defendant assisting and/or causing  
4 DEBORAH SENA to get into a shower naked with T.S. and/or by said Defendant assisting  
5 and/or causing DEBORAH SENA to cause and/or direct and/or encouraging the said T.S. to  
6 wash DEBORAH SENA as DEBORAH SENA washed the said T.S.; Defendant being liable  
7 under one or more of the following principles of criminal liability: (1) by Defendant directly  
8 performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others  
9 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
10 performing such acts; and/or (3) by Defendant aiding and abetting the performance of such  
11 acts by counseling, encouraging, inducing or otherwise procuring DEBORAH SENA to  
12 commit such acts.

13 COUNT 57 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

14 did, on or between December 2, 2008 and December 1, 2010, willfully, unlawfully,  
15 and feloniously cause a child under the age of 18 years, to-wit: T.S. to suffer unjustifiable  
16 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or  
17 cause T.S. to be placed in a situation where the said T.S. might have suffered unjustifiable  
18 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by  
19 Defendant assisting and/or causing DEBORAH SENA to use her hand(s) and/or finger(s) to  
20 touch and/or rub and/or fondle the penis of T.S., and/or having the penis of the said T.S.  
21 between the legs and/or on the genital area of DEBORAH SENA; Defendant being liable  
22 under one or more of the following principles of criminal liability: (1) by Defendant directly  
23 performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others  
24 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
25 performing such acts; and/or (3) by Defendant aiding and abetting the performance of such  
26 acts by counseling, encouraging, inducing or otherwise procuring DEBORAH SENA to  
27 commit such acts.

28 //



1 COUNT 58 - OPEN OR GROSS LEWDNESS

2 did, on or between December 2, 2008 and December 1, 2010, wilfully and unlawfully  
3 commit an act of open or gross lewdness by Defendant assiting and/or causing DEBORAH  
4 SENA to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the penis of T.S.,  
5 and/or having the penis of the said T.S. between the legs and/or on the genital area of  
6 DEBORAH SENA; Defendant being liable under one or more of the following principles of  
7 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
8 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with  
9 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant  
10 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
11 otherwise procuring DEBORAH SENA to commit such acts.

12 COUNT 59 - USE OF MINOR IN PRODUCING PORNOGRAPHY

13 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
14 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.S., a minor under  
15 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
16 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA and T.S. showering  
17 together in the nude, for the purpose of producing a pornographic performance and that said  
18 performance was video recorded by said Defendant; Defendant being liable under one or more  
19 of the following principles of criminal liability: (1) by Defendant directly performing such  
20 acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant  
21 to a conspiracy with DEBORAH SENA and/or others unknown in performing such acts;  
22 and/or (3) by Defendant aiding and abetting the performance of such acts by counseling,  
23 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

24 COUNT 60 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
25 CONDUCT OF A CHILD

26 did, on or about the 18th day of September, 2014, then and there, feloniously,  
27 knowingly and willfully have in his possession a film, photograph, or other visual presentation  
28 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct

1 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA and T.S., a minor under  
2 the age of sixteen (16) showering together in the nude.

3 COUNT 61 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

4 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
5 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
6 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing  
7 DEBORAH SENA to have the penis of the said T.S. on and/or in the mouth of DEBORAH  
8 SENA, against the will of the said T.S., or under conditions in which Defendant knew, or  
9 should have known, that T.S. was mentally or physically incapable of resisting or  
10 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
11 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
12 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
13 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
14 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
15 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

16 COUNT 62 - SEXUAL ASSAULT

17 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,  
18 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:  
19 fellatio, by said Defendant assisting and/or causing DEBORAH SENA to have the penis of  
20 the said T.S. on and/or in the mouth of DEBORAH SENA, against the will of the said T.S., or  
21 under conditions in which Defendant knew, or should have known, that T.S. was mentally or  
22 physically incapable of resisting or understanding the nature of Defendant's conduct;  
23 Defendant being liable under one or more of the following principles of criminal liability: (1)  
24 by Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH  
25 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
26 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
27 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
28 DEBORAH SENA to commit such acts.

1 COUNT 63 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
3 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
5 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of  
6 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant  
7 knew, or should have known, that T.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
9 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
10 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
11 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
12 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
13 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

14 COUNT 64 - SEXUAL ASSAULT

15 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:  
17 sexual intercourse, by said Defendant assisting and/or causing DEBORAH SENA to have the  
18 penis of the said T.S. in the genital opening of DEBORAH SENA, against the will of the said  
19 T.S., or under conditions in which Defendant knew, or should have known, that T.S. was  
20 mentally or physically incapable of resisting or understanding the nature of Defendant's  
21 conduct; Defendant being liable under one or more of the following principles of criminal  
22 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with  
23 DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA  
24 and/or others unknown in performing such acts; and/or (3) by Defendant aiding and abetting  
25 the performance of such acts by counseling, encouraging, inducing or otherwise procuring  
26 DEBORAH SENA to commit such acts.

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1 COUNT 65 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
3 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
5 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of  
6 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant  
7 knew, or should have known, that T.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
9 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
10 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
11 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
12 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
13 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

14 COUNT 66 - SEXUAL ASSAULT

15 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
17 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
18 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of  
19 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant  
20 knew, or should have known, that T.S. was mentally or physically incapable of resisting or  
21 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
22 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
23 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
24 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
25 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
26 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

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1 COUNT 67 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
3 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing  
5 DEBORAH SENA to have the penis of the said T.S. on and/or in the mouth of DEBORAH  
6 SENA, against the will of the said T.S., or under conditions in which Defendant knew, or  
7 should have known, that T.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
9 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
10 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
11 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
12 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
13 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

14 COUNT 68 - SEXUAL ASSAULT

15 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:  
17 fellatio, by said Defendant assisting and/or causing DEBORAH SENA to have the penis of  
18 the said T.S. on and/or in the mouth of DEBORAH SENA, against the will of the said T.S., or  
19 under conditions in which Defendant knew, or should have known, that T.S. was mentally or  
20 physically incapable of resisting or understanding the nature of Defendant's conduct;  
21 Defendant being liable under one or more of the following principles of criminal liability: (1)  
22 by Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH  
23 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
24 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
25 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
26 DEBORAH SENA to commit such acts.

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1 COUNT 69 - USE OF MINOR IN PRODUCING PORNOGRAPHY

2 did, on or between December 2, 2008 and December 1, 2013, then and there willfully,  
3 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.S., a minor under  
4 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
5 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA engaging in sexual  
6 intercourse with and performing fellatio on T.S., for the purpose of producing a pornographic  
7 performance and that said performance was video recorded by said Defendant; Defendant  
8 being liable under one or more of the following principles of criminal liability: (1) by  
9 Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH  
10 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
11 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
12 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
13 DEBORAH SENA to commit such acts.

14 COUNT 70 CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

15 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and  
16 feloniously cause a child under the age of 18 years, to-wit: B.S. to suffer unjustifiable physical  
17 pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or cause B.S.  
18 to be placed in a situation where the said B.S. might have suffered unjustifiable physical pain  
19 or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said Defendant  
20 causing B.S. to remove his clothes and get into a pool with Defendant and Deborah Sena, both  
21 of whom were also nude, as Defendant and DEBORAH SENA proceeded to have sexual  
22 intercourse in the presence of B.S.; Defendant being liable under one or more of the following  
23 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by  
24 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy  
25 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by  
26 Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
27 inducing or otherwise procuring DEBORAH SENA to commit such acts.

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1 COUNT 71 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
3 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing the said  
5 DEBORAH SENA to have the penis of the said B.S. on and/or in the mouth of DEBORAH  
6 SENA, against the will of the said B.S., or under conditions in which Defendant knew, or  
7 should have known, that B.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
9 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
10 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
11 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
12 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
13 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

14 COUNT 72 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

15 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
17 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
18 causing the said DEBORAH SENA to have the penis of the said B.S. in the genital opening of  
19 DEBORAH SENA, against the will of the said B.S., or under conditions in which Defendant  
20 knew, or should have known, that B.S. was mentally or physically incapable of resisting or  
21 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
22 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
23 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
24 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
25 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
26 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

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1 COUNT 73 - INCEST

2 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and  
3 feloniously assist and/or cause DEBORAH SENA to commit fornication or adultery with  
4 and/or on B.S., the son of DEBORAH SENA; DEBORAH SENA and B.S. being within the  
5 degree of consanguinity within which marriages are declared by law to be incestuous and void;  
6 the Defendant committing the crime by assisting and/or causing DEBORAH SENA to engage  
7 in sexual intercourse with B.S.; Defendant being liable under one or more of the following  
8 principles of criminal liability: (1) by Defendant acting with DEBORAH SENA and/or others  
9 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
10 performing such acts; and/or (2) by Defendant aiding and abetting the performance of such  
11 acts by counseling, encouraging, inducing, or otherwise procuring DEBORAH SENA to  
12 commit such acts.

13 COUNT 74 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

14 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
15 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
16 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
17 causing DEBORAH SENA to have the penis of the said B.S. in the genital opening of  
18 DEBORAH SENA, against the will of the said B.S., or under conditions in which Defendant  
19 knew, or should have known, that B.S. was mentally or physically incapable of resisting or  
20 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
21 the following principles of criminal liability: (1) by Defendant acting with DEBORAH SENA  
22 and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
23 unknown in performing such acts; and/or (2) by Defendant and DEBORAH SENA and/or  
24 others unknown aiding and abetting each other by counseling, encouraging, inducing, or  
25 otherwise procuring each other to commit such acts, and/or (3) by aiding and abetting the  
26 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
27 DEBORAH SENA to commit such acts.

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1 COUNT 75 - INCEST

2 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and  
3 feloniously assist and/or cause DEBORAH SENA to commit fornication or adultery with  
4 and/or on B.S., the son of DEBORAH SENA; DEBORAH SENA and B.S. being within the  
5 degree of consanguinity within which marriages are declared by law to be incestuous and void;  
6 the Defendant committing the crime by assisting and/or causing DEBORAH SENA to engage  
7 in sexual intercourse with B.S.; Defendant being liable under one or more of the following  
8 principles of criminal liability: (1) by Defendant acting with DEBORAH SENA and/or others  
9 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
10 performing such acts; and/or (2) by Defendant aiding and abetting the performance of such  
11 acts by counseling, encouraging, inducing, or otherwise procuring DEBORAH SENA to  
12 commit such acts.

13 COUNT 76 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

14 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
15 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
16 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing  
17 DEBORAH SENA to have the penis of the said B.S. on and/or in the mouth of DEBORAH  
18 SENA, against the will of the said B.S., or under conditions in which Defendant knew, or  
19 should have known, that B.S. was mentally or physically incapable of resisting or  
20 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
21 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
22 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
23 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
24 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
25 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

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1 COUNT 77 - USE OF MINOR IN PRODUCING PORNOGRAPHY

2 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
3 unlawfully, feloniously and knowingly, use, encourage, entice or permit B.S., a minor under  
4 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
5 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA engaging in sexual  
6 intercourse with and performing fellatio on B.S., for the purpose of producing a pornographic  
7 performance and that said performance was video recorded by said Defendant; Defendant  
8 being liable under one or more of the following principles of criminal liability: (1) by  
9 Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH  
10 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
11 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
12 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
13 DEBORAH SENA to commit such acts.

14 COUNT 78 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
15 CONDUCT OF A CHILD

16 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
17 have in his possession a film, photograph, or other visual presentation depicting B.S., a child  
18 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
19 or assisting others to engage in or simulate sexual conduct, to-wit: a video showing  
20 DEBORAH SENA engaging in sexual intercourse with and performing fellatio on B.S.

21 COUNT 79 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

22 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
23 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
24 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE  
25 SENA to place her mouth on the penis of the said B.S., against the will of the said B.S., or  
26 under conditions in which Defendant knew, or should have known, that B.S. was mentally or  
27 physically incapable of resisting or understanding the nature of Defendant's conduct;  
28 Defendant being liable under one or more of the following principles of criminal liability: (1)

1 by Defendant directly performing such acts; and/or (2) by Defendant acting with TERRIE  
2 SENA and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others  
3 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
4 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
5 TERRIE SENA to commit such acts.

6 COUNT 80 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

7 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
8 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
9 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
10 causing TERRIE SENA to have the penis of the said B.S. in the genital opening of TERRIE  
11 SENA, against the will of the said B.S., or under conditions in which Defendant knew, or  
12 should have known, that B.S. was mentally or physically incapable of resisting or  
13 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
14 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
15 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a  
16 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)  
17 by Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
18 inducing or otherwise procuring TERRIE SENA to commit such acts.

19 COUNT 81 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

20 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and  
21 feloniously cause a child under the age of 18 years, to-wit: B.S. to suffer unjustifiable physical  
22 pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or cause B.S.  
23 to be placed in a situation where the said B.S. might have suffered unjustifiable physical pain  
24 or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said Defendant  
25 causing and/or directing and/or encouraging the said B.S. to fondle the breast(s) of TERRIE  
26 SENA; Defendant being liable under one or more of the following principles of criminal  
27 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with  
28 TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or

1 others unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
2 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
3 TERRIE SENA to commit such acts.

4 COUNT 82 - OPEN OR GROSS LEWDNESS

5 did, on or between August 13, 2011 and June 30, 2014, willfully and unlawfully  
6 commit an act of open or gross lewdness by said Defendant assisting and/or causing B.S. to  
7 touch and/or rub and/or fondle the breast(s) of TERRIE SENA; Defendant being liable under  
8 one or more of the following principles of criminal liability: (1) by Defendant directly  
9 performing such acts; and/or (2) by Defendant acting with TERRIE SENA and/or others  
10 unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing  
11 such acts; and/or (3) by Defendant aiding and abetting the performance of such acts by  
12 counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit such  
13 acts.

14 COUNT 83 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

15 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
17 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
18 causing TERRIE SENA to have the penis of the said B.S. in the genital opening of said  
19 TERRIE SENA, against the will of the said B.S., or under conditions in which Defendant  
20 knew, or should have known, that B.S. was mentally or physically incapable of resisting or  
21 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
22 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
23 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a  
24 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)  
25 by Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
26 inducing or otherwise procuring TERRIE SENA 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  
12 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
13 otherwise procuring TERRIE SENA 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 aiding and abetting the performance of such acts by  
22 counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit such  
23 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 aiding and  
20 abetting the performance of such acts by counseling, encouraging, inducing or otherwise  
21 procuring TERRIE SENA 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 aiding and abetting the performance of such acts by counseling, encouraging,  
6 inducing or otherwise procuring TERRIE SENA 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 acting with TERRIE SENA and/or others unknown  
15 pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing such acts;  
16 and/or (2) by Defendant aiding and abetting the performance of such acts by counseling,  
17 encouraging, inducing, or otherwise procuring TERRIE SENA to commit such acts.

18 COUNT 98 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

19 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,  
20 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of  
21 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE  
22 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the  
23 will of the said R.S., or under conditions in which Defendant knew, or should have known,  
24 that R.S. was mentally or physically incapable of resisting or understanding the nature of  
25 Defendant's conduct; Defendant being liable under one or more of the following principles of  
26 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
27 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE  
28 SENA and/or others unknown in performing such acts; and/or (3) by Defendant aiding and

1 abetting the performance of such acts by counseling, encouraging, inducing or otherwise  
2 procuring TERRIE SENA to commit such acts.

3 COUNT 99 - USE OF MINOR IN PRODUCING PORNOGRAPHY

4 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,  
5 unlawfully, feloniously and knowingly, use, encourage, entice or permit R.S., a minor under  
6 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
7 and/or be the subject of a sexual portrayal, to-wit: TERRIE SENA engaging in sexual  
8 intercourse with and performing fellatio on R.S., for the purpose of producing a pornographic  
9 performance and that said performance was video recorded by said Defendant; 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 aiding and abetting the performance of such  
14 acts by counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit  
15 such acts.

16 COUNT 100 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
17 CONDUCT OF A CHILD

18 did, on or about September 18, 2011, willfully, unlawfully, feloniously and knowingly  
19 have in his possession a film, photograph, or other visual presentation depicting R.S., a child  
20 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
21 or assisting others to engage in or simulate sexual conduct, to-wit: a video showing TERRIE  
22 SENA engaging in sexual intercourse with and performing fellatio on R.S.

23 COUNT 101 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

24 did, on or between June 14, 2010 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: fellatio, by said Defendant assisting and/or causing TERRIE  
27 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the  
28 will of the said R.S., or under conditions in which Defendant knew, or should have known,

1 that R.S. was mentally or physically incapable of resisting or understanding the nature of  
2 Defendant's conduct; Defendant being liable under one or more of the following principles of  
3 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
4 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE  
5 SENA and/or others unknown in performing such acts; and/or (3) by Defendant aiding and  
6 abetting the performance of such acts by counseling, encouraging, inducing or otherwise  
7 procuring TERRIE SENA to commit such acts.

8 COUNT 102 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,  
10 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of  
11 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE  
12 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the  
13 will of the said R.S., or under conditions in which Defendant knew, or should have known,  
14 that R.S. was mentally or physically incapable of resisting or understanding the nature of  
15 Defendant's conduct; Defendant being liable under one or more of the following principles of  
16 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
17 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE  
18 SENA and/or others unknown in performing such acts; and/or (3) by Defendant aiding and  
19 abetting the performance of such acts by counseling, encouraging, inducing or otherwise  
20 procuring TERRIE SENA to commit such acts.

21 COUNT 103 - USE OF MINOR IN PRODUCING PORNOGRAPHY

22 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,  
23 unlawfully, feloniously and knowingly, use, encourage, entice or permit R.S., a minor under  
24 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
25 and/or be the subject of a sexual portrayal, to-wit: TERRIE SENA performing fellatio on R.S.,  
26 for the purpose of producing a pornographic performance and that said performance was video  
27 recorded by said Defendant; Defendant being liable under one or more of the following  
28 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by

1 Defendant acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with  
2 TERRIE SENA and/or others unknown in performing such acts; and/or (3) by Defendant  
3 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
4 otherwise procuring TERRIE SENA to commit such acts.

5 COUNT 104 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
6 CONDUCT OF A CHILD

7 did, on or about September 18, 2011, willfully, unlawfully, feloniously and knowingly  
8 have in his possession a film, photograph, or other visual presentation depicting R.S., a child  
9 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
10 or assisting others to engage in or simulate sexual conduct, to-wit: a video showing TERRIE  
11 SENA performing fellatio on R.S.

12 COUNT 105 - CHILD ABUSE, NEGLECT OR ENDANGERMENT - SEXUAL  
13 EXPLOITATION

14 did, on or between June 14, 2010 and June 13, 2014, willfully, unlawfully, and  
15 feloniously cause a child under the age of 18 years, to-wit: R.S. to suffer unjustifiable physical  
16 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, and/or cause  
17 R.S. to be placed in a situation where the said R.S. might have suffered unjustifiable physical  
18 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, by said  
19 Defendant causing the said R.S. to observe videos showing Defendant having sexual contact  
20 with TERRIE SENA and/or pictures of DEBORAH SENA and TERRIE SENA in the nude  
21 and/or a video which shows sexual contact between Defendant and/or TERRIE SENA and/or  
22 DEBORAH SENA.

23 COUNT 106 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM  
24 REPORTING CRIME OR COMMENCING PROSECUTION

25 did, on or between June 14, 2010 and June 13, 2014, then and there, willfully,  
26 unlawfully, and feloniously, by intimidation or threats, prevent or dissuade, or hinder or delay  
27 R.S., from reporting a crime to anyone by said Defendant telling the said R.S. that the said  
28 Defendant would kill him and/or make his life a living hell if the said R.S. told anyone of the

1 sexual acts the said B.S. was forced to commit or have committed upon the said R.S.

2 COUNT 107 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

3 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
4 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
5 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
6 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area  
7 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
8 sexual desires of defendant, or E.C.

9 COUNT 108 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
11 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
12 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
13 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
14 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual  
15 desires of defendant, or E.C.

16 COUNT 109 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

17 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
18 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
19 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
20 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area  
21 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
22 sexual desires of defendant, or E.C.

23 COUNT 110 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

24 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
25 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
26 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
27 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
28 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual

1 desires of defendant, or E.C.

2 COUNT 111 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

3 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
4 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
5 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
6 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area  
7 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
8 sexual desires of defendant, or E.C.

9 COUNT 112 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
11 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
12 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
13 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
14 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual  
15 desires of defendant, or E.C.

16 COUNT 113 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

17 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
18 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
19 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
20 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area  
21 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
22 sexual desires of defendant, or E.C.

23 COUNT 114 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

24 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
25 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
26 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
27 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
28 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual

1 desires of defendant, or E.C.

2 COUNT 115 - USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING  
3 PORNOGRAPHY

4 did, on or between December 21, 2010 and June 30, 2014, then and there willfully,  
5 unlawfully, feloniously and knowingly, use, encourage, entice or permit E.C., a minor under  
6 the age of 14, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
7 and/or be the subject of a sexual portrayal, to-wit: E.C. showering in the nude, for the purpose  
8 of producing a pornographic performance and that said performance was video recorded by  
9 said Defendant and/or TERRIE SENA; Defendant being liable under one or more of the  
10 following principles of criminal liability: (1) by Defendant directly performing such acts;  
11 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a  
12 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)  
13 by Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
14 inducing or otherwise procuring TERRIE SENA to commit such acts.

15 COUNT 116 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
16 CONDUCT OF A CHILD

17 did, on or about the 18th day of September, 2014, then and there, feloniously,  
18 knowingly and willfully have in his possession a film, photograph, or other visual presentation  
19 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct  
20 and/or be as the subject of a sexual portrayal, to-wit: E.C. in the nude.

21 COUNT 117 - CHILD ABUSE, NEGLECT OR ENDANGERMENT - SEXUAL  
22 EXPLOITATION

23 did, on or between January 9, 2004 and January 8, 2013, willfully, unlawfully, and  
24 feloniously cause a child under the age of 18 years, to-wit: T.G. to suffer unjustifiable physical  
25 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, and/or cause  
26 T.G. to be placed in a situation where the said T.G. might have suffered unjustifiable physical  
27 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, by said  
28 Defendant showing T.G. photos of nude individuals including individuals engaged in sexual

1 activity.

2 COUNT 118 - USE OF MINOR UNDER THE AGE OF 18 IN PRODUCING  
3 PORNOGRAPHY

4 did, on or between January 9, 2004 and January 8, 2013, then and there willfully,  
5 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.G., a minor under  
6 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
7 and/or be the subject of a sexual portrayal, to-wit: said Defendant video recording T.G.  
8 showering in the nude, for the purpose of producing a pornographic performance; 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 TERRIE SENA  
11 and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown  
12 in performing such acts; and/or (3) by Defendant aiding and abetting the performance of such  
13 acts by counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit  
14 such acts.

15 COUNT 119 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
16 CONDUCT OF A CHILD

17 did, on or about the 18th day of September, 2014, then and there, feloniously,  
18 knowingly and willfully have in his possession a film, photograph, or other visual presentation  
19 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct  
20 and/or be the subject of a sexual portrayal, to-wit: T.G., a minor under the age of 16, showering  
21 in the nude.

22 COUNT 120 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
23 CONDUCT OF A CHILD

24 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
25 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
26 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
27 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
28 sitting nude on a bed with a vibrator between her legs.



1 COUNT 121 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
2 CONDUCT OF A CHILD

3 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
4 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
5 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
6 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
7 sitting nude on a bed with a vibrator between her breasts.

8 COUNT 122 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
9 CONDUCT OF A CHILD

10 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
11 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
12 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
13 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
14 sitting nude on a bed with a vibrator touching her mouth.

15 COUNT 123 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
16 CONDUCT OF A CHILD

17 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
18 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
19 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
20 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
21 sitting on a bed in the nude.

22 //

23 //

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COUNT 124 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
CONDUCT OF A CHILD


did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
have in his possession a film, photograph, or other visual presentation depicting M.C., 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: an image of the said M.C.  
kneeling on a bed in the nude with an apparent vibrator between her legs.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar # 001565

BY

  
JAMES R. SWEETEN  
Chief Deputy District Attorney  
Nevada Bar #005144

BY

  
MARY KAY HOETHUS  
Chief Deputy District Attorney  
Nevada Bar #003814

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

A.S.; c/o CCDA-SVU/VWAC

B.S.; c/o CCDA-SVU/VWAC

BARR, CANDACE ESQ.; UNK

BERNAT, K.; SNCAC/CPS/DFS

DAVIS, K.; SNCAC/CPA/DFS

E.C.; c/o CCDA-SVU/VWAC

GUARDIAN of B.S.; c/o CCDA-SVU/VWAC

GUARDIAN of E.C.; c/o CCDA-SVU/VWAC

GUARDIAN of R.S.; c/o CCDA-SVU/VWAC

GUARDIAN of R.S.; c/o CCDA-SVU/VWAC

IACULLO; LVMPD#07857

KURAU; LVMPD#07047

M.C.; c/o CCDA-SVU/VWAC

MADSEN; LVMPD#07315

R.S.; c/o CCDA-SVU/VWAC

RAMIREZ; LVMPD#04916

SAMPLES; LVMPD#09354

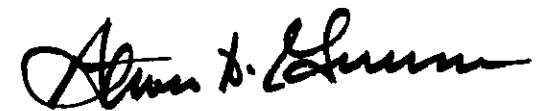
SENA, DEBORAH; CCDC

SENA, TERRI; NSP/FMWCC

T.G.; c/o CCDA-SVU/VWAC

T.S.; c/o CCDA-SVU/VWAC

DA#14F14785X/hjc/SVU  
LVMPD EV#1409151583  
(TK03)



CLERK OF THE COURT

0208  
PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
VIOLET R. RADOSTA, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 5747  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
radostvr@co.clark.nv.us  
Attorneys for Defendant

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-15-311453-1
	)	
v.	)	DEPT. NO. IXX
	)	
CHRISTOPHER SENA,	)	
	)	
Defendant,	)	
_____	)	

**OPPOSITION TO STATE'S MOTION TO AMEND CRIMINAL INFORMATION**

COMES NOW, the Defendant, CHRISTOPHER SENA, by and through VIOLET R. RADOSTA, Deputy Public Defender and DAVID LOPEZ NEGRETE, Deputy Public Defender, and hereby requests the Court deny the State's motion to amend the criminal information.

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

DATED this 5<sup>th</sup> day of October, 2016.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Violet R Radosta  
VIOLET R. RADOSTA, #5747  
Deputy Public Defender

By: /s/ David Lopez-Negrete  
DAVID LOPEZ-NEGRETE, #12027  
Deputy Public Defender

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**DECLARATION**

VIOLET R. RADOSTA makes the following declaration:

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

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

EXECUTED this 5<sup>th</sup> day of October, 2016.

/s/ Violet R Radosta  
VIOLET R. RADOSTA

1 **POINTS AND AUTHORITIES**

2  
3 **FACTS**

4  
5 **Procedural History**

6 Defendant, CHRISTOPHER SENA, is charged by way of State's Information with  
7 the crimes of CONSPIRACY TO COMMIT SEXUAL ASSAULT (Category B Felony - NRS  
8 200.364, 200.366, 199.480), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN  
9 YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), LEWDNESS WITH A CHILD  
10 UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), SEXUAL ASSAULT WITH A  
11 MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.),  
12 INCEST (Category A Felony - NRS 201.180), OPEN OR GROSS LEWDNESS (Category D  
13 Felony - NRS 201.210), SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366),  
14 PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR  
15 COMMENCING PROSECUTION (Category D Felony - NRS 199.305), CHILD ABUSE AND  
16 NEGLECT, SEXUAL ABUSE OR EXPLOITATION (Category B Felony - NRS 200.508(1)),  
17 POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD  
18 (Category B Felony - NRS 200.700, 200.730), USE OF MINOR IN PRODUCING  
19 PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750) and USE OF MINOR  
20 UNDER THE AGE OF 14 IN PRODUCING PORNOGRAPHY (Category A Felony - NRS  
21 200.700, 200.710.1, 200.750). The Co-Defendant's in this case are DEBORAH SENA and  
22 TERRIE SENA. The crimes allegedly occurred on or between May 22, 2001 and June 30, 2014.  
23 The alleged victims are A.S., T.S., B.S., R.S., E.C., I.G., T.G., and M.C.

24 A preliminary hearing commenced in this matter on August 27, 2015 and was concluded  
25 after four separate days of testimony on September 18, 2015. Justice of the Peace Janeice  
26 Marshall requested written briefs on the bind over argument. The argument on the bindover was  
27 heard by Justice of the Peace Marshall on December 15, 2015. After considering arguments from  
28 both sides, Justice of the Peace Marshall held Mr. Sena to answer on 124 counts, although the

1 State did declare approximately 15 felony counts are charged in the alternative to other counts.

2 Mr. Sena entered a NOT GUILTY plea to all charges on January 20, 2016. Mr. Sena  
3 waived his right to a speedy trial and the jury trial was set for the week of November 14, 2016.

4 The defense filed a Petition for Writ of Habeas Corpus. In the supplemental briefing  
5 requested by the Court, the State moved to amend the Information. This Opposition to the Motion  
6 to Amend follows.

7 The defense has previously cited to the extensive facts in this case in its Petition for Writ of  
8 Habeas Corpus. Should the Court have any questions regarding the facts as alleged by the defense,  
9 the defense respectfully requests the Court refer to the Petition for Writ of Habeas Corpus.

## 12 ARGUMENT

13 In its Motion to Amend, the State is seeking to amend specific language in multiple counts.  
14 This request to amend is occurring after the State conducted a 4 day long preliminary hearing  
15 where approximately 10 witnesses were called to testify.

16 Specifically, the State is seeking to amend the aiding and abetting language in counts 46-  
17 52, 54-59, 61-72, 73-77, 79-85, 95-96, 98-99, 101-103, 115 and 118.

18 Essentially, the State is seeking to alter its theory as to how the aiding and abetting  
19 occurred in this case. As the Court is aware, Mr. Sena was not the only adult in the household and  
20 not the only adult charged with crimes involving the alleged victims. Deborah Sena and Terrie  
21 Sena were both charged with similar crimes to Mr. Sena and both Deborah and Terrie were offered  
22 and accepted pleas of negotiation in their cases. It is expected that one or both of those women  
23 will testify during the trial of Mr. Sena. Additionally, it is important to note that Terrie Sena did  
24 testify at the preliminary hearing of Mr. Sena, when the defense was proceeding with its  
25 questioning under the language the State is now seeking to amend. (Terrie Sena is named as the  
26 aider/abettor in counts 79-85, 95-99, 101-103, 115 & 118).

27 Pursuant to Nevada Revised Statutes 173.095(1),  
28

1 The court may permit an indictment or information to be amended at any time before  
2 verdict or finding if no additional or different offense is charged and if substantial rights of  
3 the defendant are not prejudiced.

4 It is the defense's position that changing or altering the language (aka the theory) of how  
5 Mr. Sena aided and abetted or was aided or abetted amounts to a different offense. By altering the  
6 language from:

7 Defendant and Terrie Sena and/or others unknown aiding and abetting each other by  
8 counseling, encouraging, inducing or otherwise procuring each other to commit such acts.

9 to:

10 By Defendant aiding and abetting the performance of such act by counseling, encouraging,  
11 inducing or otherwise procuring Terrie Sena to commit such acts

12 allows the State to charge a different offense. The changed theory puts much more of the  
13 responsible behavior on Mr. Sena as opposed to the original theory of the State's prosecution being  
14 that all adults in the household were potentially responsible for these alleged crimes. Prior to and  
15 during preliminary hearing, the State put forth the theory that Mr. Sena AND Terrie Sena or Mr.  
16 Sena AND Deborah Sena acted together to aid and abet each other in the commission of these  
17 alleged offenses. As such, the defense cross examined multiple witnesses with that theory in mind.  
18 Now, after the State heard the cross examination at the preliminary hearing, it seeks to put all the  
19 responsibility on the shoulders of Mr. Sena by alleging he 'counseled, encouraged, induced or  
20 otherwise procured either Terrie Sena or Deborah Sena to aid and/or abet him in the alleged  
21 commission of these crimes. The proposed language changes the State's theory and charges a  
22 different offense. To allow the amendment now is a violation of Mr. Sena's due process.

23  
24 The Sixth Amendment and Article 1, Section 8 of the Nevada Constitution both guarantee  
25 a criminal defendant a fundamental right to be clearly informed of the nature and cause of the  
26 charges in order to permit adequate preparation of a defense. Jennings v. State, 116 Nev. 488, 490,  
27 998 P.2d 557, 559 (2000).  
28



Additionally, it is worth noting that an information cannot be amended so as to charge an offense not shown by the evidence taken at the preliminary examination (referring to an earlier version of NRS 173.095 which was NRS 173.100). Hanley v. Zenoff, 81 Nev. 9, 12, 398 P.2d 241, 243 (1965).

To allow the amendment would violate Mr. Sena's substantial rights and would be allowing the State to charge a different offense. Pursuant to NRS 173.095, such amendments are violative of Mr. Sena's Constitutional rights and not allowable. The defense respectfully requests the State's motion to amend counts 46-52, 54-59, 61-72, 73-77, 79-85, 95-96, 98-99, 101-103, 115 and 118 be denied.

## CONCLUSION

The defense respectfully requests the State's request to amend the criminal information be denied.

DATED this 5<sup>th</sup> day of October, 2016.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Violet R Radosta  
VIOLET R. RADOSTA, #5747  
Deputy Public Defender

By: /s/ David Lopez-Negrete  
DAVID LOPEZ-NEGRETE, #12027  
Deputy Public Defender

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was served via electronic e-filing to the Clark County District Attorney’s Office on 5<sup>th</sup> October, 2016 by Electronic Filing to:

District Attorneys Office  
E-Mail Address:  
[Jaclyn.Motl@clarkcountydade.com](mailto:Jaclyn.Motl@clarkcountydade.com)

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

ORIGINAL

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

OCT 12 2016

BY TIA EVERETT  
TIA EVERETT, DEPUTY

C-15-311453-1  
AINF  
Amended Information  
4590060



AINF  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JAMES R. SWEETIN  
Chief Deputy District Attorney  
Nevada Bar #005144  
MARY KAY HOLTHUS  
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200 Lewis Avenue  
Las Vegas, Nevada 89155-2211  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

CHRISTOPHER SENA,  
#0779849  
Defendant.

CASE NO: C-15-311453-1

DEPT NO: XIX

AMENDED  
INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That CHRISTOPHER SENA, the Defendant above named, having committed the crimes of CONSPIRACY TO COMMIT SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 199.480 - NOC 50131), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50106), INCEST (Category A Felony - NRS 201.180 - NOC 50957), OPEN OR GROSS LEWDNESS

(Category D Felony - NRS 201.210 - NOC 50972), SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366 - NOC 50095), PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION (Category D Felony - NRS 199.305 - NOC 52996), CHILD ABUSE AND NEGLECT, SEXUAL ABUSE OR EXPLOITATION (Category B Felony - NRS 200.508(1) - NOC 55220), POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700, 200.730 - NOC 50374), USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750 - NOC 50367) and USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750 - NOC 50368) in the manner following:

That the said Defendant, on or between May 22, 2001 and June 30, 2014, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - CONSPIRACY TO COMMIT SEXUAL ASSAULT

did, on or between May 22, 2007 and June 30, 2014, willfully, unlawfully, and feloniously conspire with DEBORAH SENA and/or TERRIE SENA and/or others unknown to commit a sexual assault, by performing those acts described in Counts 46 through 52; 54 through 59; 61 through 77; 79 through 85; 95 through 99; 101 through 103 and 105.

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

did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by said Defendant using his hand(s) and/or finger(s) to touch and/or rub and or fondle the breast(s) and/or area of the breast(s) of the said A.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

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//

1 COUNT 3 - 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: digital penetration, by said Defendant inserting his hand(s)  
6 and/or finger(s) into the genital opening of the said A.S., against the will of the said A.S., or  
7 under conditions in which Defendant knew, or should have known, that A.S. was mentally or  
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

9 COUNT 4 - 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 hand(s) and/or finger(s) to touch and/or rub and or fondle the genital  
14 area of the said A.S., with the intent of arousing, appealing to, or gratifying the lust, passions,  
15 or sexual desires of said Defendant, or said child.

16 COUNT 5 - 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 genital area of the said  
21 A.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires  
22 of said Defendant, or said child.

23 COUNT 6 - 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 7 - 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 area of the said A.S.,  
8 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
9 said Defendant, or said child.

10 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
11 AGE

12 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,  
13 unlawfully, and feloniously sexually assault and subject A.S., a child under fourteen years of  
14 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into  
15 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which  
16 Defendant knew, or should have known, that A.S. was mentally or physically incapable of  
17 resisting or understanding the nature of Defendant's conduct.

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

19 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,  
20 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
21 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by  
22 said Defendant using his penis to touch and/or rub and or fondle the anal and/or genital area  
23 of the said A.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
24 sexual desires of said Defendant, or said child.

25 COUNT 10 - 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 hand(s) and/or finger(s) to touch and/or rub and/or fondle the  
2 breast(s) of the said A.S., with the intent of arousing, appealing to, or gratifying the lust,  
3 passions, or sexual desires of said Defendant, or said child.

4 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
5 AGE

6 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully,  
7 unlawfully, and feloniously sexually assault and subject A.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 A.S., against the will of the said A.S., or under conditions in which  
10 Defendant knew, or should have known, that A.S. was mentally or physically incapable of  
11 resisting or understanding the nature of Defendant's conduct.

12 COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

13 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,  
14 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
15 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by  
16 said Defendant using his penis to touch and/or rub and or fondle the anal area of the said A.S.,  
17 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
18 said Defendant, or said child.

19 COUNT 13 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

20 did, on or between May 22, 2001 and May 21, 2004, then and there, willfully, lewdly,  
21 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
22 or member thereof, a child, to-wit: A.S., said child being under the age of fourteen years, by  
23 said Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the  
24 breast(s) of the said A.S., with the intent of arousing, appealing to, or gratifying the lust,  
25 passions, or sexual desires of said Defendant, or said child.

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1 COUNT 14 - 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: fellatio, by said Defendant causing the said A.S. to have the  
6 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said  
7 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was  
8 mentally or physically incapable of resisting or understanding the nature of Defendant's  
9 conduct.

10 COUNT 15 - 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 penis to touch and/or rub and/or fondle the mouth of the said A.S.,  
15 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
16 said Defendant, or said child.

17 COUNT 16 - 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 17 - 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 18 - 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 19 - 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 20 - 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 21 - 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: sexual intercourse, by said Defendant inserting his penis  
5 into the genital opening of the said A.S., against the will of the said A.S., or under conditions  
6 in which Defendant knew, or should have known, that the said victim was mentally or  
7 physically incapable of resisting or understanding the nature of Defendant's conduct.

8 COUNT 22 - INCEST

9 did, on or between May 22, 2004 and May 21, 2006, 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 sexual intercourse with the said A.S.

14 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

15 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
16 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of  
17 age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into  
18 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which  
19 Defendant knew, or should have known, that the said victim was mentally or physically  
20 incapable of resisting or understanding the nature of Defendant's conduct.

21 COUNT 24 - OPEN OR GROSS LEWDNESS

22 did, on or between May 22, 2004 and May 21, 2006, willfully and unlawfully commit  
23 an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s) to touch  
24 and/or rub and/or fondle the breast(s) of A.S.

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

3 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
4 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of  
5 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said A.S. to have the  
6 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said  
7 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was  
8 mentally or physically incapable of resisting or understanding the nature of Defendant's  
9 conduct.

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

11 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
12 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of  
13 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant inserting his penis  
14 into the genital opening of the said A.S., against the will of the said A.S., or under conditions  
15 in which Defendant knew, or should have known, that the said victim was mentally or  
16 physically incapable of resisting or understanding the nature of Defendant's conduct.

17 COUNT 27 - INCEST

18 did, on or between May 22, 2004 and May 21, 2006, then and there willfully,  
19 unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter  
20 of said Defendant, the Defendant and A.S. being within the degree of consanguinity within  
21 which marriages are declared by law to be incestuous and void; the Defendant committing the  
22 crime by engaging in a sexual intercourse with the said A.S.

23 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

24 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
25 unlawfully, and feloniously sexually assault and subject A.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 A.S., against the will of the said A.S., or under conditions in which  
28 Defendant knew, or should have known, that the said victim was mentally or physically

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

2 COUNT 29 - OPEN OR GROSS LEWDNESS

3 did, on or between May 22, 2004 and May 21, 2006, willfully and unlawfully commit  
4 an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s) to touch  
5 and/or rub and/or fondle the breast(s) of A.S.

6 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF  
7 AGE

8 did, on or between May 22, 2004 and May 21, 2006, then and there, willfully,  
9 unlawfully, and feloniously sexually assault and subject A.S., a child under sixteen years of  
10 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said A.S. to have the  
11 penis of the said Defendant on and/or in the mouth of the said A.S., against the will of the said  
12 A.S., or under conditions in which Defendant knew, or should have known, that A.S. was  
13 mentally or physically incapable of resisting or understanding the nature of Defendant's  
14 conduct.

15 COUNT 31 - SEXUAL ASSAULT

16 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,  
17 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:  
18 sexual intercourse, by said Defendant inserting his penis into the genital opening of the said  
19 A.S., against the will of the said A.S., or under conditions in which Defendant knew, or should  
20 have known, that A.S. was mentally or physically incapable of resisting or understanding the  
21 nature of Defendant's conduct.

22 COUNT 32 - INCEST

23 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,  
24 unlawfully, and feloniously commit fornication or adultery with and/or on A.S., the Daughter  
25 of said Defendant, the Defendant and A.S. being within the degree of consanguinity within  
26 which marriages are declared by law to be incestuous and void; the Defendant committing the  
27 crime by engaging in a sexual intercourse with the said A.S.

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1 COUNT 33 - 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: anal  
4 intercourse, by said Defendant inserting his penis into the anal opening of the said A.S., against  
5 the will of the said A.S., or under conditions in which Defendant knew, or should have known,  
6 that A.S. was mentally or physically incapable of resisting or understanding the nature of  
7 Defendant's conduct.

8 COUNT 34 - OPEN OR GROSS LEWDNESS

9 did, on or between May 22, 2006 and August 30, 2014, willfully and unlawfully  
10 commit an act of open or gross lewdness by said Defendant using his hand(s) and/or finger(s)  
11 to touch and/or rub and/or fondle the breast(s) of A.S.

12 COUNT 35 - SEXUAL ASSAULT

13 did, on or between May 22, 2006 and August 30, 2014, then and there, willfully,  
14 unlawfully, and feloniously sexually assault and subject A.S., to sexual penetration, to-wit:  
15 fellatio, by said Defendant causing the said A.S. to have the penis of the said Defendant on  
16 and/or in the mouth of the said A.S., against the will of the said A.S., or under conditions in  
17 which Defendant knew, or should have known, that A.S. was mentally or physically incapable  
18 of resisting or understanding the nature of Defendant's conduct.

19 COUNT 36 - SEXUAL ASSAULT

20 did, on or between May 22, 2006 and August 30, 2014, then and there willfully,  
21 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:  
22 sexual intercourse, by said Defendant inserting his penis into the genital opening of the said  
23 A.S., against the will of the said A.S., or under conditions in which Defendant knew, or should  
24 have known, that A.S. was mentally or physically incapable of resisting or understanding the  
25 nature of Defendant's conduct.

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1 COUNT 37 - 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 38 - 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 39 - 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 40 - SEXUAL ASSAULT

19 did, on or between May 22, 2006 and August 30, 2014, 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 41 - 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 42 - 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 43 - 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 44 - 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 45 - 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 46 - 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 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; Defendant being liable under one or more of the following  
8 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by  
9 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy  
10 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by  
11 Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
12 inducing or otherwise procuring DEBORAH SENA to commit such acts.

13 COUNT 47 - INCEST

14 did, on or between May 22, 2007 and June 30, 2008, willfully, unlawfully, and  
15 feloniously commit fornication or adultery with and/or on A.S., the daughter of and A.S. being  
16 within the degree of consanguinity within which marriages are declared by law to be  
17 incestuous and void; the Defendant committing the crime by engaging in sexual intercourse  
18 with said A.S.; Defendant being liable under one or more of the following principles of  
19 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
20 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with  
21 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant  
22 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
23 otherwise procuring DEBORAH SENA to commit such acts.

24 COUNT 48 - SEXUAL ASSAULT

25 did, on or between May 22, 2007 and June 30, 2008, then and there willfully,  
26 unlawfully, and feloniously sexually assault and subject A.S. to sexual penetration, to-wit:  
27 digital penetration, by said Defendant causing the finger(s) of the said A.S. to be placed into  
28 the genital opening of DEBORAH SENA, against the will of the said A.S., or under conditions



1 in which Defendant knew, or should have known, that A.S. was mentally or physically  
2 incapable of resisting or understanding the nature of Defendant's conduct; Defendant being  
3 liable under one or more of the following principles of criminal liability: (1) by Defendant  
4 directly performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or  
5 others unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
6 performing such acts; and/or (3) by Defendant aiding and abetting the performance of such  
7 acts by counseling, encouraging, inducing or otherwise procuring DEBORAH SENA to  
8 commit such acts.

9 COUNT 49 - OPEN OR GROSS LEWDNESS

10 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and  
11 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing  
12 DEBORAH SENA to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the  
13 breast(s) and/or genital area of A.S.; Defendant being liable under one or more of the following  
14 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by  
15 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy  
16 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by  
17 Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
18 inducing or otherwise procuring DEBORAH SENA to commit such acts.

19 COUNT 50 - OPEN OR GROSS LEWDNESS

20 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and  
21 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing  
22 A.S. to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
23 DEBORAH SENA; Defendant being liable under one or more of the following principles of  
24 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
25 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with  
26 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant  
27 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
28 otherwise procuring DEBORAH SENA to commit such acts.

1 COUNT 51 - OPEN OR GROSS LEWDNESS

2 did, on or between May 22, 2007 and June 30, 2008, then and there willfully and  
3 unlawfully commit an act of open or gross lewdness by said Defendant assisting and/or causing  
4 A.S. to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area of  
5 the said A.S.; Defendant being liable under one or more of the following principles of criminal  
6 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with  
7 DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA  
8 and/or others unknown in performing such acts; and/or (3) by Defendant aiding and abetting  
9 the performance of such acts by counseling, encouraging, inducing or otherwise procuring  
10 DEBORAH SENA to commit such acts.

11 COUNT 52 - 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: anal intercourse, by said Defendant inserting his penis into  
15 the anal opening of the said A.S., against the will of the said A.S., or under conditions in which  
16 Defendant knew, or should have known, that A.S. was mentally or physically incapable of  
17 resisting or understanding the nature of Defendant's conduct; Defendant being liable under one  
18 or more of the following principles of criminal liability: (1) by Defendant directly performing  
19 such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown  
20 pursuant to a conspiracy with DEBORAH SENA and/or others unknown in performing such  
21 acts; and/or (3) by Defendant aiding and abetting the performance of such acts by counseling,  
22 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

23 COUNT 53 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM  
24 REPORTING CRIME OR COMMENCING PROSECUTION

25 did, on or about May 22, 2001 and June 30, 2014, then and there, willfully, unlawfully,  
26 and feloniously, by intimidation or threats, prevent or dissuade, or hinder or delay A.S., from  
27 reporting a crime to anyone by said Defendant telling the said A.S. that the said Defendant  
28 would kill and/or break the legs of the said A.S. and/or have A.S. taken away and sent to

1 juvenile detention if the said A.S. told anyone of the sexual acts the said A.S. was forced to  
2 commit or have committed upon the said A.S.

3 COUNT 54 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

4 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
5 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
6 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing the penis  
7 of the said T.S. to be placed on and/or in the mouth of DEBORAH SENA, against the will of  
8 the said T.S., or under conditions in which Defendant knew, or should have known, that T.S.  
9 was mentally or physically incapable of resisting or understanding the nature of Defendant's  
10 conduct; 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 aiding and abetting  
14 the performance of such acts by counseling, encouraging, inducing or otherwise procuring  
15 DEBORAH SENA to commit such acts.

16 COUNT 55 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

17 did, on or between December 2, 2008 and December 1, 2010, willfully, unlawfully,  
18 and feloniously cause a child under the age of 18 years, to-wit: T.S. to suffer unjustifiable  
19 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or  
20 cause T.S. to be placed in a situation where the said T.S. might have suffered unjustifiable  
21 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said  
22 Defendant causing and/or directing and/or encouraging the said T.S. to wash said DEBORAH  
23 SENA as said DEBORAH SENA washed the said T.S. ; Defendant being liable under one or  
24 more of the following principles of criminal liability: (1) by Defendant directly performing  
25 such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown  
26 pursuant to a conspiracy with DEBORAH SENA and/or others unknown in performing such  
27 acts; and/or (3) by Defendant aiding and abetting the performance of such acts by counseling,  
28 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

1 COUNT 56 - OPEN OR GROSS LEWDNESS

2 did, on or between December 2, 2008 and December 1, 2010, willfully and unlawfully  
3 commit an act of open or gross lewdness by said Defendant assisting and/or causing  
4 DEBORAH SENA to get into a shower naked with T.S. and/or by said Defendant assisting  
5 and/or causing DEBORAH SENA to cause and/or direct and/or encouraging the said T.S. to  
6 wash DEBORAH SENA as DEBORAH SENA washed the said T.S.; Defendant being liable  
7 under one or more of the following principles of criminal liability: (1) by Defendant directly  
8 performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others  
9 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
10 performing such acts; and/or (3) by Defendant aiding and abetting the performance of such  
11 acts by counseling, encouraging, inducing or otherwise procuring DEBORAH SENA to  
12 commit such acts.

13 COUNT 57 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

14 did, on or between December 2, 2008 and December 1, 2010, willfully, unlawfully,  
15 and feloniously cause a child under the age of 18 years, to-wit: T.S. to suffer unjustifiable  
16 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or  
17 cause T.S. to be placed in a situation where the said T.S. might have suffered unjustifiable  
18 physical pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by  
19 Defendant assisting and/or causing DEBORAH SENA to use her hand(s) and/or finger(s) to  
20 touch and/or rub and/or fondle the penis of T.S., and/or having the penis of the said T.S.  
21 between the legs and/or on the genital area of DEBORAH SENA; Defendant being liable  
22 under one or more of the following principles of criminal liability: (1) by Defendant directly  
23 performing such acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others  
24 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
25 performing such acts; and/or (3) by Defendant aiding and abetting the performance of such  
26 acts by counseling, encouraging, inducing or otherwise procuring DEBORAH SENA to  
27 commit such acts.

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1 COUNT 58 - OPEN OR GROSS LEWDNESS

2 did, on or between December 2, 2008 and December 1, 2010, wilfully and unlawfully  
3 commit an act of open or gross lewdness by Defendant assiting and/or causing DEBORAH  
4 SENA to use her hand(s) and/or finger(s) to touch and/or rub and/or fondle the penis of T.S.,  
5 and/or having the penis of the said T.S. between the legs and/or on the genital area of  
6 DEBORAH SENA; Defendant being liable under one or more of the following principles of  
7 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
8 acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy with  
9 DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by Defendant  
10 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
11 otherwise procuring DEBORAH SENA to commit such acts.

12 COUNT 59 - USE OF MINOR IN PRODUCING PORNOGRAPHY

13 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
14 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.S., a minor under  
15 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
16 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA and T.S. showering  
17 together in the nude, for the purpose of producing a pornographic performance and that said  
18 performance was video recorded by said Defendant; Defendant being liable under one or more  
19 of the following principles of criminal liability: (1) by Defendant directly performing such  
20 acts; and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant  
21 to a conspiracy with DEBORAH SENA and/or others unknown in performing such acts;  
22 and/or (3) by Defendant aiding and abetting the performance of such acts by counseling,  
23 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

24 COUNT 60 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
25 CONDUCT OF A CHILD

26 did, on or about the 18th day of September, 2014, then and there, feloniously,  
27 knowingly and willfully have in his possession a film, photograph, or other visual presentation  
28 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct

1 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA and T.S., a minor under  
2 the age of sixteen (16) showering together in the nude.

3 COUNT 61 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

4 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
5 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
6 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing  
7 DEBORAH SENA to have the penis of the said T.S. on and/or in the mouth of DEBORAH  
8 SENA, against the will of the said T.S., or under conditions in which Defendant knew, or  
9 should have known, that T.S. was mentally or physically incapable of resisting or  
10 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
11 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
12 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
13 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
14 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
15 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

16 COUNT 62 - SEXUAL ASSAULT

17 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,  
18 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:  
19 fellatio, by said Defendant assisting and/or causing DEBORAH SENA to have the penis of  
20 the said T.S. on and/or in the mouth of DEBORAH SENA, against the will of the said T.S., or  
21 under conditions in which Defendant knew, or should have known, that T.S. was mentally or  
22 physically incapable of resisting or understanding the nature of Defendant's conduct;  
23 Defendant being liable under one or more of the following principles of criminal liability: (1)  
24 by Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH  
25 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
26 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
27 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
28 DEBORAH SENA to commit such acts.

1 COUNT 63 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
3 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
5 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of  
6 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant  
7 knew, or should have known, that T.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
9 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
10 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
11 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
12 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
13 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

14 COUNT 64 - SEXUAL ASSAULT

15 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:  
17 sexual intercourse, by said Defendant assisting and/or causing DEBORAH SENA to have the  
18 penis of the said T.S. in the genital opening of DEBORAH SENA, against the will of the said  
19 T.S., or under conditions in which Defendant knew, or should have known, that T.S. was  
20 mentally or physically incapable of resisting or understanding the nature of Defendant's  
21 conduct; Defendant being liable under one or more of the following principles of criminal  
22 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with  
23 DEBORAH SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA  
24 and/or others unknown in performing such acts; and/or (3) by Defendant aiding and abetting  
25 the performance of such acts by counseling, encouraging, inducing or otherwise procuring  
26 DEBORAH SENA to commit such acts.

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1 COUNT 65 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
3 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
5 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of  
6 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant  
7 knew, or should have known, that T.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
9 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
10 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
11 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
12 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
13 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

14 COUNT 66 - SEXUAL ASSAULT

15 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
17 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
18 causing DEBORAH SENA to have the penis of the said T.S. in the genital opening of  
19 DEBORAH SENA, against the will of the said T.S., or under conditions in which Defendant  
20 knew, or should have known, that T.S. was mentally or physically incapable of resisting or  
21 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
22 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
23 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
24 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
25 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
26 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

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1 COUNT 67 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between December 2, 2008 and December 1, 2010, then and there willfully,  
3 unlawfully, and feloniously sexually assault and subject T.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing  
5 DEBORAH SENA to have the penis of the said T.S. on and/or in the mouth of DEBORAH  
6 SENA, against the will of the said T.S., or under conditions in which Defendant knew, or  
7 should have known, that T.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
9 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
10 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
11 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
12 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
13 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

14 COUNT 68 - SEXUAL ASSAULT

15 did, on or between December 2, 2008 and December 1, 2012, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject T.S. to sexual penetration, to-wit:  
17 fellatio, by said Defendant assisting and/or causing DEBORAH SENA to have the penis of  
18 the said T.S. on and/or in the mouth of DEBORAH SENA, against the will of the said T.S., or  
19 under conditions in which Defendant knew, or should have known, that T.S. was mentally or  
20 physically incapable of resisting or understanding the nature of Defendant's conduct;  
21 Defendant being liable under one or more of the following principles of criminal liability: (1)  
22 by Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH  
23 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
24 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
25 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
26 DEBORAH SENA to commit such acts.

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1 COUNT 69 - USE OF MINOR IN PRODUCING PORNOGRAPHY

2 did, on or between December 2, 2008 and December 1, 2013, then and there willfully,  
3 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.S., a minor under  
4 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
5 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA engaging in sexual  
6 intercourse with and performing fellatio on T.S., for the purpose of producing a pornographic  
7 performance and that said performance was video recorded by said Defendant; Defendant  
8 being liable under one or more of the following principles of criminal liability: (1) by  
9 Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH  
10 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
11 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
12 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
13 DEBORAH SENA to commit such acts.

14 COUNT 70 CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

15 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and  
16 feloniously cause a child under the age of 18 years, to-wit: B.S. to suffer unjustifiable physical  
17 pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or cause B.S.  
18 to be placed in a situation where the said B.S. might have suffered unjustifiable physical pain  
19 or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said Defendant  
20 causing B.S. to remove his clothes and get into a pool with Defendant and Deborah Sena, both  
21 of whom were also nude, as Defendant and DEBORAH SENA proceeded to have sexual  
22 intercourse in the presence of B.S.; Defendant being liable under one or more of the following  
23 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by  
24 Defendant acting with DEBORAH SENA and/or others unknown pursuant to a conspiracy  
25 with DEBORAH SENA and/or others unknown in performing such acts; and/or (3) by  
26 Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
27 inducing or otherwise procuring DEBORAH SENA to commit such acts.

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1 COUNT 71 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
3 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
4 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing the said  
5 DEBORAH SENA to have the penis of the said B.S. on and/or in the mouth of DEBORAH  
6 SENA, against the will of the said B.S., or under conditions in which Defendant knew, or  
7 should have known, that B.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
9 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
10 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
11 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
12 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
13 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

14 COUNT 72 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

15 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
17 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
18 causing the said DEBORAH SENA to have the penis of the said B.S. in the genital opening of  
19 DEBORAH SENA, against the will of the said B.S., or under conditions in which Defendant  
20 knew, or should have known, that B.S. was mentally or physically incapable of resisting or  
21 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
22 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
23 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
24 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
25 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
26 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

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1 COUNT 73 - INCEST

2 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and  
3 feloniously assist and/or cause DEBORAH SENA to commit fornication or adultery with  
4 and/or on B.S., the son of DEBORAH SENA; DEBORAH SENA and B.S. being within the  
5 degree of consanguinity within which marriages are declared by law to be incestuous and void;  
6 the Defendant committing the crime by assisting and/or causing DEBORAH SENA to engage  
7 in sexual intercourse with B.S.; Defendant being liable under one or more of the following  
8 principles of criminal liability: (1) by Defendant acting with DEBORAH SENA and/or others  
9 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
10 performing such acts; and/or (2) by Defendant aiding and abetting the performance of such  
11 acts by counseling, encouraging, inducing, or otherwise procuring DEBORAH SENA to  
12 commit such acts.

13 COUNT 74 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

14 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
15 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
16 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
17 causing DEBORAH SENA to have the penis of the said B.S. in the genital opening of  
18 DEBORAH SENA, against the will of the said B.S., or under conditions in which Defendant  
19 knew, or should have known, that B.S. was mentally or physically incapable of resisting or  
20 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
21 the following principles of criminal liability: (1) by Defendant acting with DEBORAH SENA  
22 and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
23 unknown in performing such acts; and/or (2) by Defendant and DEBORAH SENA and/or  
24 others unknown aiding and abetting each other by counseling, encouraging, inducing, or  
25 otherwise procuring each other to commit such acts, and/or (3) by aiding and abetting the  
26 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
27 DEBORAH SENA to commit such acts.

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1 COUNT 75 - INCEST

2 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and  
3 feloniously assist and/or cause DEBORAH SENA to commit fornication or adultery with  
4 and/or on B.S., the son of DEBORAH SENA; DEBORAH SENA and B.S. being within the  
5 degree of consanguinity within which marriages are declared by law to be incestuous and void;  
6 the Defendant committing the crime by assisting and/or causing DEBORAH SENA to engage  
7 in sexual intercourse with B.S.; Defendant being liable under one or more of the following  
8 principles of criminal liability: (1) by Defendant acting with DEBORAH SENA and/or others  
9 unknown pursuant to a conspiracy with DEBORAH SENA and/or others unknown in  
10 performing such acts; and/or (2) by Defendant aiding and abetting the performance of such  
11 acts by counseling, encouraging, inducing, or otherwise procuring DEBORAH SENA to  
12 commit such acts.

13 COUNT 76 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

14 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
15 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
16 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing  
17 DEBORAH SENA to have the penis of the said B.S. on and/or in the mouth of DEBORAH  
18 SENA, against the will of the said B.S., or under conditions in which Defendant knew, or  
19 should have known, that B.S. was mentally or physically incapable of resisting or  
20 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
21 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
22 and/or (2) by Defendant acting with DEBORAH SENA and/or others unknown pursuant to a  
23 conspiracy with DEBORAH SENA and/or others unknown in performing such acts; and/or  
24 (3) by Defendant aiding and abetting the performance of such acts by counseling,  
25 encouraging, inducing or otherwise procuring DEBORAH SENA to commit such acts.

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1 COUNT 77 - USE OF MINOR IN PRODUCING PORNOGRAPHY

2 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
3 unlawfully, feloniously and knowingly, use, encourage, entice or permit B.S., a minor under  
4 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
5 and/or be the subject of a sexual portrayal, to-wit: DEBORAH SENA engaging in sexual  
6 intercourse with and performing fellatio on B.S., for the purpose of producing a pornographic  
7 performance and that said performance was video recorded by said Defendant; Defendant  
8 being liable under one or more of the following principles of criminal liability: (1) by  
9 Defendant directly performing such acts; and/or (2) by Defendant acting with DEBORAH  
10 SENA and/or others unknown pursuant to a conspiracy with DEBORAH SENA and/or others  
11 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
12 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
13 DEBORAH SENA to commit such acts.

14 COUNT 78 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
15 CONDUCT OF A CHILD

16 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
17 have in his possession a film, photograph, or other visual presentation depicting B.S., a child  
18 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
19 or assisting others to engage in or simulate sexual conduct, to-wit: a video showing  
20 DEBORAH SENA engaging in sexual intercourse with and performing fellatio on B.S.

21 COUNT 79 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

22 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
23 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
24 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE  
25 SENA to place her mouth on the penis of the said B.S., against the will of the said B.S., or  
26 under conditions in which Defendant knew, or should have known, that B.S. was mentally or  
27 physically incapable of resisting or understanding the nature of Defendant's conduct;  
28 Defendant being liable under one or more of the following principles of criminal liability: (1)

1 by Defendant directly performing such acts; and/or (2) by Defendant acting with TERRIE  
2 SENA and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others  
3 unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
4 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
5 TERRIE SENA to commit such acts.

6 COUNT 80 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

7 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
8 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
9 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
10 causing TERRIE SENA to have the penis of the said B.S. in the genital opening of TERRIE  
11 SENA, against the will of the said B.S., or under conditions in which Defendant knew, or  
12 should have known, that B.S. was mentally or physically incapable of resisting or  
13 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
14 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
15 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a  
16 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)  
17 by Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
18 inducing or otherwise procuring TERRIE SENA to commit such acts.

19 COUNT 81 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL ABUSE

20 did, on or between August 13, 2011 and June 30, 2014, willfully, unlawfully, and  
21 feloniously cause a child under the age of 18 years, to-wit: B.S. to suffer unjustifiable physical  
22 pain or mental suffering as a result of abuse or neglect, to wit: sexual abuse, and/or cause B.S.  
23 to be placed in a situation where the said B.S. might have suffered unjustifiable physical pain  
24 or mental suffering as a result of abuse or neglect, to wit: sexual abuse, by said Defendant  
25 causing and/or directing and/or encouraging the said B.S. to fondle the breast(s) of TERRIE  
26 SENA; Defendant being liable under one or more of the following principles of criminal  
27 liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant acting with  
28 TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or

1 others unknown in performing such acts; and/or (3) by Defendant aiding and abetting the  
2 performance of such acts by counseling, encouraging, inducing or otherwise procuring  
3 TERRIE SENA to commit such acts.

4 COUNT 82 - OPEN OR GROSS LEWDNESS

5 did, on or between August 13, 2011 and June 30, 2014, willfully and unlawfully  
6 commit an act of open or gross lewdness by said Defendant assisting and/or causing B.S. to  
7 touch and/or rub and/or fondle the breast(s) of TERRIE SENA; Defendant being liable under  
8 one or more of the following principles of criminal liability: (1) by Defendant directly  
9 performing such acts; and/or (2) by Defendant acting with TERRIE SENA and/or others  
10 unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing  
11 such acts; and/or (3) by Defendant aiding and abetting the performance of such acts by  
12 counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit such  
13 acts.

14 COUNT 83 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

15 did, on or between August 13, 2011 and June 30, 2014, then and there willfully,  
16 unlawfully, and feloniously sexually assault and subject B.S., a child under sixteen years of  
17 age, to sexual penetration, to-wit: sexual intercourse, by said Defendant assisting and/or  
18 causing TERRIE SENA to have the penis of the said B.S. in the genital opening of said  
19 TERRIE SENA, against the will of the said B.S., or under conditions in which Defendant  
20 knew, or should have known, that B.S. was mentally or physically incapable of resisting or  
21 understanding the nature of Defendant's conduct; Defendant being liable under one or more of  
22 the following principles of criminal liability: (1) by Defendant directly performing such acts;  
23 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a  
24 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)  
25 by Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
26 inducing or otherwise procuring TERRIE SENA 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  
12 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
13 otherwise procuring TERRIE SENA 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 aiding and abetting the performance of such acts by  
22 counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit such  
23 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 aiding and  
20 abetting the performance of such acts by counseling, encouraging, inducing or otherwise  
21 procuring TERRIE SENA 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 aiding and abetting the performance of such acts by counseling, encouraging,  
6 inducing or otherwise procuring TERRIE SENA 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 acting with TERRIE SENA and/or others unknown  
15 pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing such acts;  
16 and/or (2) by Defendant aiding and abetting the performance of such acts by counseling,  
17 encouraging, inducing, or otherwise procuring TERRIE SENA to commit such acts.

18 COUNT 98 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

19 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,  
20 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of  
21 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE  
22 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the  
23 will of the said R.S., or under conditions in which Defendant knew, or should have known,  
24 that R.S. was mentally or physically incapable of resisting or understanding the nature of  
25 Defendant's conduct; Defendant being liable under one or more of the following principles of  
26 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
27 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE  
28 SENA and/or others unknown in performing such acts; and/or (3) by Defendant aiding and

1 abetting the performance of such acts by counseling, encouraging, inducing or otherwise  
2 procuring TERRIE SENA to commit such acts.

3 COUNT 99 - USE OF MINOR IN PRODUCING PORNOGRAPHY

4 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,  
5 unlawfully, feloniously and knowingly, use, encourage, entice or permit R.S., a minor under  
6 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
7 and/or be the subject of a sexual portrayal, to-wit: TERRIE SENA engaging in sexual  
8 intercourse with and performing fellatio on R.S., for the purpose of producing a pornographic  
9 performance and that said performance was video recorded by said Defendant; 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 aiding and abetting the performance of such  
14 acts by counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit  
15 such acts.

16 COUNT 100 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
17 CONDUCT OF A CHILD

18 did, on or about September 18, 2011, willfully, unlawfully, feloniously and knowingly  
19 have in his possession a film, photograph, or other visual presentation depicting R.S., a child  
20 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
21 or assisting others to engage in or simulate sexual conduct, to-wit: a video showing TERRIE  
22 SENA engaging in sexual intercourse with and performing fellatio on R.S.

23 COUNT 101 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

24 did, on or between June 14, 2010 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: fellatio, by said Defendant assisting and/or causing TERRIE  
27 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the  
28 will of the said R.S., or under conditions in which Defendant knew, or should have known,

1 that R.S. was mentally or physically incapable of resisting or understanding the nature of  
2 Defendant's conduct; Defendant being liable under one or more of the following principles of  
3 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
4 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE  
5 SENA and/or others unknown in performing such acts; and/or (3) by Defendant aiding and  
6 abetting the performance of such acts by counseling, encouraging, inducing or otherwise  
7 procuring TERRIE SENA to commit such acts.

8 COUNT 102 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

9 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,  
10 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of  
11 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE  
12 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the  
13 will of the said R.S., or under conditions in which Defendant knew, or should have known,  
14 that R.S. was mentally or physically incapable of resisting or understanding the nature of  
15 Defendant's conduct; Defendant being liable under one or more of the following principles of  
16 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant  
17 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE  
18 SENA and/or others unknown in performing such acts; and/or (3) by Defendant aiding and  
19 abetting the performance of such acts by counseling, encouraging, inducing or otherwise  
20 procuring TERRIE SENA to commit such acts.

21 COUNT 103 - USE OF MINOR IN PRODUCING PORNOGRAPHY

22 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,  
23 unlawfully, feloniously and knowingly, use, encourage, entice or permit R.S., a minor under  
24 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
25 and/or be the subject of a sexual portrayal, to-wit: TERRIE SENA performing fellatio on R.S.,  
26 for the purpose of producing a pornographic performance and that said performance was video  
27 recorded by said Defendant; Defendant being liable under one or more of the following  
28 principles of criminal liability: (1) by Defendant directly performing such acts; and/or (2) by

1 Defendant acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with  
2 TERRIE SENA and/or others unknown in performing such acts; and/or (3) by Defendant  
3 aiding and abetting the performance of such acts by counseling, encouraging, inducing or  
4 otherwise procuring TERRIE SENA to commit such acts.

5 COUNT 104 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
6 CONDUCT OF A CHILD

7 did, on or about September 18, 2011, willfully, unlawfully, feloniously and knowingly  
8 have in his possession a film, photograph, or other visual presentation depicting R.S., a child  
9 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
10 or assisting others to engage in or simulate sexual conduct, to-wit: a video showing TERRIE  
11 SENA performing fellatio on R.S.

12 COUNT 105 - CHILD ABUSE, NEGLECT OR ENDANGERMENT - SEXUAL  
13 EXPLOITATION

14 did, on or between June 14, 2010 and June 13, 2014, willfully, unlawfully, and  
15 feloniously cause a child under the age of 18 years, to-wit: R.S. to suffer unjustifiable physical  
16 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, and/or cause  
17 R.S. to be placed in a situation where the said R.S. might have suffered unjustifiable physical  
18 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, by said  
19 Defendant causing the said R.S. to observe videos showing Defendant having sexual contact  
20 with TERRIE SENA and/or pictures of DEBORAH SENA and TERRIE SENA in the nude  
21 and/or a video which shows sexual contact between Defendant and/or TERRIE SENA and/or  
22 DEBORAH SENA.

23 COUNT 106 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM  
24 REPORTING CRIME OR COMMENCING PROSECUTION

25 did, on or between June 14, 2010 and June 13, 2014, then and there, willfully,  
26 unlawfully, and feloniously, by intimidation or threats, prevent or dissuade, or hinder or delay  
27 R.S., from reporting a crime to anyone by said Defendant telling the said R.S. that the said  
28 Defendant would kill him and/or make his life a living hell if the said R.S. told anyone of the



1 sexual acts the said B.S. was forced to commit or have committed upon the said R.S.

2 COUNT 107 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

3 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
4 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
5 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
6 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area  
7 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
8 sexual desires of defendant, or E.C.

9 COUNT 108 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
11 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
12 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
13 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
14 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual  
15 desires of defendant, or E.C.

16 COUNT 109 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

17 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
18 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
19 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
20 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area  
21 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
22 sexual desires of defendant, or E.C.

23 COUNT 110 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

24 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
25 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
26 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
27 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
28 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual

1 desires of defendant, or E.C.

2 COUNT 111 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

3 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
4 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
5 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
6 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area  
7 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
8 sexual desires of defendant, or E.C.

9 COUNT 112 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
11 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
12 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
13 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
14 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual  
15 desires of defendant, or E.C.

16 COUNT 113 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

17 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
18 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
19 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
20 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the genital area  
21 of the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or  
22 sexual desires of defendant, or E.C.

23 COUNT 114 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

24 did, on or between December 21, 2010 and June 30, 2014, willfully, lewdly,  
25 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
26 or member thereof, of a child, to-wit: E.C., a child under the age of fourteen years, by said  
27 Defendant using his hand(s) and/or finger(s) to touch and/or rub and/or fondle the breast(s) of  
28 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual

1 desires of defendant, or E.C.

2 COUNT 115 - USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING  
3 PORNOGRAPHY

4 did, on or between December 21, 2010 and June 30, 2014, then and there willfully,  
5 unlawfully, feloniously and knowingly, use, encourage, entice or permit E.C., a minor under  
6 the age of 14, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
7 and/or be the subject of a sexual portrayal, to-wit: E.C. showering in the nude, for the purpose  
8 of producing a pornographic performance and that said performance was video recorded by  
9 said Defendant and/or TERRIE SENA; Defendant being liable under one or more of the  
10 following principles of criminal liability: (1) by Defendant directly performing such acts;  
11 and/or (2) by Defendant acting with TERRIE SENA and/or others unknown pursuant to a  
12 conspiracy with TERRIE SENA and/or others unknown in performing such acts; and/or (3)  
13 by Defendant aiding and abetting the performance of such acts by counseling, encouraging,  
14 inducing or otherwise procuring TERRIE SENA to commit such acts.

15 COUNT 116 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
16 CONDUCT OF A CHILD

17 did, on or about the 18th day of September, 2014, then and there, feloniously,  
18 knowingly and willfully have in his possession a film, photograph, or other visual presentation  
19 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct  
20 and/or be as the subject of a sexual portrayal, to-wit: E.C. in the nude.

21 COUNT 117 - CHILD ABUSE, NEGLECT OR ENDANGERMENT - SEXUAL  
22 EXPLOITATION

23 did, on or between January 9, 2004 and January 8, 2013, willfully, unlawfully, and  
24 feloniously cause a child under the age of 18 years, to-wit: T.G. to suffer unjustifiable physical  
25 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, and/or cause  
26 T.G. to be placed in a situation where the said T.G. might have suffered unjustifiable physical  
27 pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, by said  
28 Defendant showing T.G. photos of nude individuals including individuals engaged in sexual

1 activity.

2 COUNT 118 - USE OF MINOR UNDER THE AGE OF 18 IN PRODUCING  
3 PORNOGRAPHY

4 did, on or between January 9, 2004 and January 8, 2013, then and there willfully,  
5 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.G., a minor under  
6 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,  
7 and/or be the subject of a sexual portrayal, to-wit: said Defendant video recording T.G.  
8 showering in the nude, for the purpose of producing a pornographic performance; 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 TERRIE SENA  
11 and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown  
12 in performing such acts; and/or (3) by Defendant aiding and abetting the performance of such  
13 acts by counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit  
14 such acts.

15 COUNT 119 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
16 CONDUCT OF A CHILD

17 did, on or about the 18th day of September, 2014, then and there, feloniously,  
18 knowingly and willfully have in his possession a film, photograph, or other visual presentation  
19 depicting a child under the age of 16 years of age to simulate or engage in sexual conduct  
20 and/or be the subject of a sexual portrayal, to-wit: T.G., a minor under the age of 16, showering  
21 in the nude.

22 COUNT 120 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
23 CONDUCT OF A CHILD

24 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
25 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
26 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
27 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
28 sitting nude on a bed with a vibrator between her legs.

1 COUNT 121 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
2 CONDUCT OF A CHILD

3 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
4 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
5 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
6 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
7 sitting nude on a bed with a vibrator between her breasts.

8 COUNT 122 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
9 CONDUCT OF A CHILD

10 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
11 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
12 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
13 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
14 sitting nude on a bed with a vibrator touching her mouth.

15 COUNT 123 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
16 CONDUCT OF A CHILD

17 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
18 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
19 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
20 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
21 sitting on a bed in the nude.

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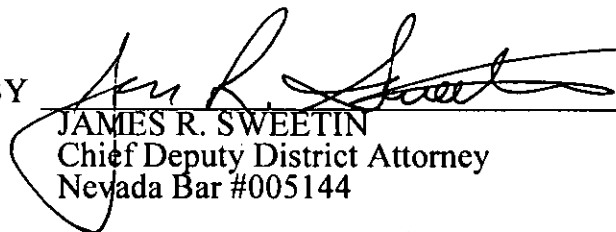
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1 COUNT 124 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
2 CONDUCT OF A CHILD

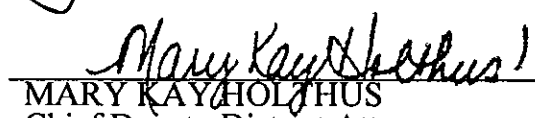
3 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly  
4 have in his possession a film, photograph, or other visual presentation depicting M.C., a child  
5 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,  
6 or assisting others to engage in or simulate sexual conduct, to-wit: an image of the said M.C.  
7 kneeling on a bed in the nude with an apparent vibrator between her legs.

8 STEVEN B. WOLFSON  
9 Clark County District Attorney  
Nevada Bar # 001565

10  
11 BY

  
12 JAMES R. SWEETIN  
13 Chief Deputy District Attorney  
Nevada Bar #005144

14 BY

  
15 MARY KAY HOLTHUS  
16 Chief Deputy District Attorney  
17 Nevada Bar #003814  
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Names of witnesses known to the District Attorney's Office at the time of filing this  
Information are as follows:

A.S.; c/o CCDA-SVU/VWAC

B.S.; c/o CCDA-SVU/VWAC

BARR, CANDACE ESQ.; UNK

BERNAT, K.; SNCAC/CPS/DFS

DAVIS, K.; SNCAC/CPA/DFS

E.C.; c/o CCDA-SVU/VWAC

GUARDIAN of B.S.; c/o CCDA-SVU/VWAC

GUARDIAN of E.C.; c/o CCDA-SVU/VWAC

GUARDIAN of R.S.; c/o CCDA-SVU/VWAC

GUARDIAN of R.S.; c/o CCDA-SVU/VWAC

IACULLO; LVMPD#07857

KURAU; LVMPD#07047

M.C.; c/o CCDA-SVU/VWAC

MADSEN; LVMPD#07315

R.S.; c/o CCDA-SVU/VWAC

RAMIREZ; LVMPD#04916

SAMPLES; LVMPD#09354

SENA, DEBORAH; CCDC

SENA, TERRI; NSP/FMWCC

T.G.; c/o CCDA-SVU/VWAC

T.S.; c/o CCDA-SVU/VWAC

DA#14F14785X/hjc/SVU  
LVMPD EV#1409151583  
(TK03)

0026  
PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
VIOLET R. RADOSTA, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 5747  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
radostvr@co.clark.nv.us  
*Attorneys for Defendant*

DEPARTMENT  
**NOTICE OF HEARING**  
DATE 10/24/16 TIME 8:30 AM  
APPROVED BY [Signature]

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10/24/2016 03:08:38 PM

[Signature]

CLERK OF THE COURT

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-15-311453-1
	)	
v.	)	DEPT. NO. XIX
	)	
CHRISTOPHER SENA,	)	
	)	DATE: October 26, 2016
Defendant,	)	TIME: 8:30 a.m.

**MOTION TO CONTINUE TRIAL DATE**

COMES NOW the Defendant, CHRISTOPHER SENA, by and through his attorney, VIOLET R. RADOSTA, Deputy Public Defender, and respectfully moves this court for an order vacating the November 7, 2016 trial date and requesting a new trial setting on a date convenient to the court, preferably in July or September, 2017.

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

DATED this 24<sup>th</sup> day of October, 2016.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Violet R Radosta  
VIOLET R. RADOSTA, #5747  
Deputy Public Defender



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## DECLARATION

VIOLET R. RADOSTA makes the following declaration:

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

2. This case involves the accusations of seven complaining witnesses and spans over 13 years. Very recently, the District Attorney filed an amended information changing the factual allegations of approximately 40 of the 124 counts currently charged.

3. While Mr. Sena was arrested in August, 2014, this is the first trial setting and the District Attorney's office is still altering and developing its prosecutorial theory on the counts involving the codefendants, Terrie Sena and Deborah Sena.

4. There are still outstanding discovery issues which will be addressed in the defense's Discovery Motion. Most importantly, there is extensive video and computer evidence in this case which was allegedly obtained from Mr. Sena's home computers. As of this point in time, the defense has only been provided the final forensic examination report. Much like a DNA report, there is a lot of work that goes into preparing the computer forensic examination report and that information has not been provided to the defense. Once it is provided, the defense will need to review it and possibly hire its own computer forensic expert to help sort through the information. Given the amount of video and photographic images in this case, the process to review the background information may take months.

5. Finally, there are additional motions and investigation to be completed in this case. As stated earlier, there are 7 complaining witnesses, all of who need to be interviewed by the defense if they wish to be interviewed. Terrie Sena and Deborah Sena, who were both co-defendants to Mr. Sena (charged in a separate case number), who will need to be interviewed now that they are listed as witnesses for the State after their pleas of guilty. It is the defense's understanding Terrie Sena completed a proffer prior to accepting a negotiations, but Deborah Sena did not. Considering that, the defense is at a huge disadvantage in preparing for Deborah Sena's testimony. To further complicate matters, both Terrie and Deborah are housed at the women's

1 prison on Smiley Road, which means interviews will need to be arranged with the permission of the  
2 Nevada Department of Prisons in addition to the permission of the attorneys for each. These  
3 interviews will not be easy to arrange and it may be necessary to have more than one interview.

4 6. There is also investigation that potentially involves the Las Vegas  
5 Metropolitan Police Department. While most cases involve LVMPD, this involvement is a bit  
6 different in that Mr. Sena worked with LVMPD on some business projects with his sound and  
7 lighting business. Some of the events were within the year or so prior to the allegations being made.  
8 It appears that many of the alleged victims helped in preparing the events and, thus, were in close  
9 contact with employees of the Las Vegas Metropolitan Police Department. It is the intention of the  
10 defense to interview any and all LVMPD employees who worked on those projects. The defense  
11 expects to have some difficulty obtaining the information it requires to investigate this.

12 7. There are additional areas of investigation that the defense is not prepared to  
13 discuss in this motion. They are areas of importance and should the Court need greater detail, the  
14 defense would be willing to discuss them ex parte.

15 8. For these reasons, the defense respectfully requests the trial in this matter be  
16 reset to any week after July 11, 2017 or any week after September 12, 2017.

17 I declare under penalty of perjury that the foregoing is true and correct. (NRS  
18 53.045).

19 EXECUTED this 24<sup>th</sup> day of October, 2016.

20  
21 /s/ Violet R Radosta  
22 VIOLET R. RADOSTA  
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YOU WILL PLEASE TAKE NOTICE that the foregoing Motion To Continue Trial Date will be heard on October 26, 2016, at 8:30 a.m. in District Court, Department XIX.

DATED this 24<sup>th</sup> day of October, 2016.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Violet R Radosta  
VIOLET R. RADOSTA, #5747  
Deputy Public Defender

## CERTIFICATE OF ELECTRONIC FILING

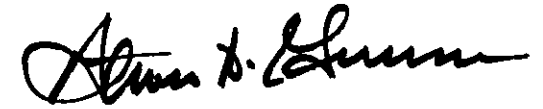
I hereby certify that service of the above and foregoing was served via electronic e-filing to the Clark County District Attorney's Office on 24<sup>th</sup> October, 2016 by Electronic Filing to:

**District Attorneys Office**  
**E-Mail Address:**  
**Jaclyn.Motl@clarkcountyda.com**

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

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CLERK OF THE COURT

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JAMES R. SWEETIN  
Chief Deputy District Attorney  
Nevada Bar #005144  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER SENA,  
#0779849

Defendant.

CASE NO: **C-15-311453-1**

DEPT NO: **XIX**

**FINDINGS OF FACT, CONCLUSIONS**

**OF LAW AND ORDER**

DATE OF HEARING: OCTOBER 12, 2016  
TIME OF HEARING: 8:30 A.M.

THIS CAUSE having come on for hearing before the Honorable WILLIAM D. KEPHART, Eighth Judicial District Judge, on the 12th day of October, 2016, the Petitioner present, represented by VIOLET R. RADOSTA. Deputy Public Defender, Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through JAMES R. SWEETIN, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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## **FINDINGS OF FACT**

1. Defendant, CHRISTOPHER SENA, is charged by way of Criminal Information with the crimes of CONSPIRACY TO COMMIT SEXAUL 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).

2. 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.

3. A preliminary hearing commenced in this matter on August 27, 2015 and was concluded after four separate days of testimony on September 18, 2015.

### **The Preliminary Hearing Testimony of Terrie Sena**

4. On August 27, 2015, Terri Sena testified that she was familiar with Defendant because he is her ex-husband and they were married from September 1990 to August 1997. Terrie Sena testified that she was familiar with the residence located at 6012 Yellowstone Avenue, Las Vegas, Clark County, Nevada, in that she lived there for fifteen (15) years, from 1998 through 2013; and, from January 2014 until June 2014. PHT, Vol. I, pp. 13-14. Terrie

1 Sena testified that over the period of time that she lived at the residence, she lived there with  
2 Defendant and his wife, Deborah Sena, Terrie's biological daughter with Defendant, A.S.,  
3 Terrie's biological son with Defendant, T.S., Terrie's step-son, B.S., who is the biological son  
4 of Defendant and Deborah Sena; and, R.S., Terrie Sena's biological son with another man.  
5 PHT, Vol. I, pp. 14-16. While living at the residence, Terrie's younger sister, M.C., and her  
6 niece, M.C.'s daughter, E.C., occasionally visited her at the Yellowstone address. Terrie Sena  
7 testified that her other sister, K.G., also had occasion to visit the residence. PHT, Vol I., pp.  
8 17-18.

9         5. Terrie Sena testified that she had been charged with things that happened at the  
10 Yellowstone address. Terrie Sena testified that those charges were resolved when she agreed  
11 to plead guilty to one count of sexual assault; and, agreed to a sentence of ten years to life in  
12 prison, as well as to testify truthfully in the court proceeding. PHT, Vol. I, pp. 18-20. Terrie  
13 Sena testified that she was, in fact, sentenced to 10 years to life in prison. PHT, Vol. I, p. 21.

14         6. Terrie Sena testified that while she was living at the Yellowstone residence, she  
15 became aware that sexual acts were being committed. Terrie Sena testified that when her  
16 sister, M.C., would visit from time to time, when M.C. was 15 and 16 years of age. During  
17 that time, naked pictures of M.C. were taken by Defendant. PHT, Vol. I, p. 22. Terrie observed  
18 State's proposed Exhibits 13-22 and recognized them as photos of her and M.C., naked  
19 together, with most of them being photos of M.C. PHT, Vol I, pp. 23-24. Terrie testified that  
20 some of the photos were taken in the office of her house, while others were taken in M.C.'s  
21 bedroom, at her parent's house, located at 2012 Tonopah, North Las Vegas, Clark County.  
22 Nevada. PHT, Vol. I, p. 24. Terrie Sena testified that Defendant took the photographs of her  
23 and M.C. PHT, Vol. I, p. 27.

24         7. Terrie testified that her niece, T.G., also came to the residence to visit, when  
25 T.G. was sixteen years of age. Terrie testified that T.G. had come over to have her hair dyed.  
26 Terrie Sena further testified that she dyed T.G.'s hair. After washing T.G.'s hair, T.G. went  
27 to take a shower and Defendant filmed T.G. taking a shower. Defendant would get on a step  
28 stool and hold the camcorder into the bathroom where the shower was. Terrie Sena testified

1 that while Defendant was recording T.G. in the shower, T.G. would have not been able to see  
2 him. **(COUNTS 118 AND 119)** PHT, Vol. I, pp. 28-29. Terrie Sena testified that she was  
3 giving Defendant oral sex while Defendant was filming T.G. in the shower. Terrie Sena  
4 viewed State's proposed Exhibits "5", "8", and "9", and indicated that they were still photos  
5 of the video that Defendant made of T.G. in the shower. PHT, Vol. I, p. 30.

6 8. Terrie Sena testified that her niece, E.C., also came to the residence to visit.  
7 Terrie testified that when E.C. visited she had gotten lice at school. All of the kids' hair had  
8 to be washed as a result and Terrie Sena took E.C. to the bathroom in the office area to wash  
9 her hair. E.C. took a shower and while that occurred, Defendant got the camcorder and  
10 recorded E.C. taking a shower, while standing on stool with the camera focused down.  
11 **(COUNTS 115 AND 116)**. Terrie Sena viewed State's proposed Exhibit "6" and identified it  
12 as a picture from the video that Defendant took of E.C. taking a shower. PHT, Vol. I, pp. 30-  
13 32

14 9. Terrie Sena testified that she also observed filming of R.S. Defendant told Terrie  
15 Sena to go and get R.S. from the front of the house and bring him to the office. When Terrie  
16 Sena got back to the office with R.S., she noticed the red light blinking on the computer.  
17 Defendant had her unbuckle R.S.'s pants and take them off, before Terrie Sena gave R.S. oral  
18 sex. While Terrie Sena was performing oral sex on R.S., Defendant was sitting at his computer  
19 masturbating. Defendant then approached Terrie Sena and had her perform oral sex on him.  
20 After Terrie Sena performed oral sex on Defendant, he instructed her to remove the rest of  
21 R.S.'s clothes and had R.S. remove Terrie Sena's top off, at which time he instructed R.S. to  
22 put his penis in Terrie Sena's vaginal opening. PHT, Vol. I, pp. 33-35.

23 10. Terrie Sena testified that she had sexual contact two other times in the presence  
24 of Defendant. One in the master bedroom and a second incident in the office. During the  
25 incident in the master bedroom of the residence Defendant had Terrie Sena lay on the bed with  
26 R.S., undress R.S. and then undress herself. Terrie Sena got on top of R.S. so that his penis  
27 penetrated her vaginal opening. Defendant got behind Terrie Sena and engaged in having anal  
28 sex with her. PHT, Vol. I, pp. 35-36. Terrie Sena viewed State's proposed Exhibit "7" and

1 indicated that it was a picture of the master bedroom with R.S. laying on the bed while Terrie  
2 Sena is getting undressed beside him. At the time the three incidents occurred, R.S. was 14  
3 years of age. PHT, Vol. I, p. 38. Terrie Sena testified that the first incident that occurred in the  
4 office happened sometime during the fall of 2012. The incident in the bedroom occurred when  
5 R.S. was a freshman in high school and 14 years of age. PHT, Vol. I, p. 41-42. Terrie Sena  
6 testified that R.S. was born on June 14, 1988 and that he was 14 years of age in 2012. Terrie  
7 Sena stated that the incident in the office and the one in the bedroom occurred over a three  
8 week period of time, from what she recollected. PHT, Vol. I, pp. 42-43.

9 11. The third incident occurred in the office. Defendant had Terrie Sena bring R.S.  
10 into the office, un-belt R.S.'s pants, and place his penis in her mouth. R.S. then placed his  
11 penis in Terrie Sena's vagina, while she was laying flat on her back. The red light was on the  
12 computer when the incident occurred which indicated that Defendant was filming it. The last  
13 incident occurred in 2014, just before Terrie Sena left the residence. PHT, Vol. I, pp. 44-45.

14 12. Besides the sexual contact she had with R.S., Terrie Sena also had sexual contact  
15 with B.S. Terrie Sena described an incident where she brought B.S. into the office, from the  
16 house, and performed oral sex on him. Terrie Sena removed B.S.'s clothes, as well as her own,  
17 at which time Defendant told B.S. to touch Terrie Sena's breast and to insert his penis into her  
18 vagina as she lay flat on her back. That incident occurred in December 2012. A second  
19 incident occurred a month later, in January 2013. During that incident, Defendant had B.S.  
20 touch Terrie's breasts with his hands. Terrie put B.S.'s penis in her mouth, and B.S. inserted  
21 his penis into Terrie's vagina, while she lay flat on her back, which was recorded by the  
22 Defendant. **(COUNTS 79 – 85)** PHT, Vol. I, pp. 45-48.

23 13. Terrie Sena described an incident that occurred with A.S., in the living room of  
24 the house. Terrie Sena was in the living room with Defendant and A.S. Defendant had A.S.  
25 lean over the ottoman and Defendant penetrated A.S.'s anus with his penis **(COUNT 52)**, while  
26 A.S. was touching Terrie Sena's breasts. PHT, Vol. I, pp. 48-49. A.S. was 17 years of age and  
27 a senior in High School when the incident occurred. PHT, Vol. I, p. 52.

28 //



1           14. Terrie Sena testified that the first time something sexual happened in the  
2 household with R.S. he was five years of age. During that incident, Defendant had Terrie Sena  
3 and 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.**

9           15. On August 27, 2015, M.C. testified that she has four sisters and one brother.  
10 M.C. testified that her brother's name is Jerry Clark and that he is older than her. M.C. testified  
11 that she was 34 years of age and her birthday is May 16, 1981. M.C. testified that she has  
12 three 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           16. M.C. testified that she has one child, E.C., age 14, date of birth December 21,  
16 2000. M.C. testified that Terrie Sena has three children, A.S., T.S., and R.S. M.C. testified  
17 that Kimberly Gresham has two children, Roy and T.G., age 18. PHT, Vol. I, pp. 138-139.  
18 M.C. testified that Defendant was married to her sister, Terrie Sena. M.C. testified that she  
19 was eight years of age when she first met Defendant and that her sister, Terrie, as eighteen.  
20 M.C. testified that she spent time with Defendant and Terrie. PHT, Vol. I, p. 140.

21           17. M.C. was shown pictures of State's proposed Exhibits 13 through 22 and she  
22 identified herself in those pictures. Each of the exhibits were photos of M.C. in the nude  
23 and/or in sexually oriented positions. In State's proposed Exhibit "13", M.C. testified that she  
24 was 16. M.C. testified that she believed Defendant took that picture as he was the only person  
25 in the room with her. PHT, Vol. I, p. 142. M.C. testified that State's proposed Exhibit "14"  
26 was taken when she was younger than 16. M.C. testified that she could not remember who  
27 took the picture. M.C. testified that she was naked in the picture and that Defendant was the  
28 only person who ever took pictures of her naked. **(Count 120)** PHT, Vol. I, pp. 141-144.

1 State's proposed Exhibit "15" was taken the same day as State's proposed Exhibit "14". M.C.  
2 was 15 years of age and the picture was also taken by Defendant. **(Count 121)** State's  
3 proposed Exhibit "16" was also taken that same day and showed a dildo being put into M.C.'s  
4 mouth, which was given to her by Defendant. **(Count 122)** PHT, Vol. I, pp. 144-145.

5 18. State's proposed Exhibit "17" was taken when M.C. was 16 years of age.  
6 Defendant is in the picture which shows M.C. putting his penis in her mouth, while Terrie  
7 Sena took the picture. PHT, Vol. I, p. 145. M.C. testified that State's Exhibit "17" was taken  
8 when she was 16 years of age. Terrie Sena is in the picture and appears to be pregnant. M.C.  
9 testified that Terrie Sena was pregnant with R.S., who was born on June 14, 1999. M.C.  
10 testified the picture was taken before June 1999, by Defendant. PHT, Vol. I, p. 146.

11 19. 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 20. On re-direct, M.C. clarified that in State's proposed Exhibit's 14, 15, 16, 21, and  
21 22, were taken when she was 15 years of age. PHT, Vol. I, p. 188.

22 **The Preliminary Hearing Testimony of Det. William Karau**

23 21. Detective Karau testified that he was employed with the Las Vegas Metropolitan  
24 Police 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 Det. Vince Ramirez**

9 22. Vince Ramirez testified that he was employed by the Las Vegas Metropolitan  
10 Police Department and had been so employed for 20 years. Detective Ramirez testified that  
11 he was currently assigned to Internet Crimes against Children Division and had been since  
12 2000. PHT, Vol. I, pp. 211-212. Detective Ramirez testified that he had occasion to perform  
13 a forensic review of certain items seized under LVMPD Event #1409151583. The item was  
14 previously seized pursuant to a search warrant executed on Defendant's residence on or about  
15 September 18, 2014. PHT, Vol.1, pp. 191-195. Specifically, Detective Ramirez received a  
16 Data Traveler G3 thumb drive booked as package 6, item No. 25. Detective Ramirez requested  
17 an 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 23. Detective Ramirez testified that when an item is received for forensic  
21 examination a digital copy is made and that copy is used for testing, so as not to touch any of  
22 the original evidence. PHT, Vol. I, p. 214. In the course of the analysis, Detective Ramirez  
23 obtained 8 videos from the electronic storage disk. Those videos were deemed relevant in this  
24 case based upon the individuals in the videos. Detective Ramirez testified that the main subject  
25 matters in the videos was Defendant, Terrie Sena, Deborah Sena, T.S., B.S. and R.S., all of  
26 which were of a sexual nature, involving fellatio and sexual intercourse. PHT, Vol. I, pp. 215-  
27 216. The disk of the videos was marked as State's proposed Exhibit "16" and was admitted  
28 into evidence. PHT, Vol. I, p. 217.

1           24.     Exhibit 1, video No. 1 (**COUNT 77, 78**) was played in court and showed B.S.  
2     and Deborah Sena engaged in sex acts. Defendant is in the video, partially, although not all  
3     of his face and only part of his body can be seen. As the video begins, B.S. can be seen laying  
4     on his back while Deborah Sena is performing oral sex (fellatio) on him. (**COUNT 71**)  
5     Deborah Sena is then shown positioning herself on top of B.S. and she is inserting his penis  
6     into her vagina. (**COUNT 72, 73**) Later, after a repositioning shown on the video, Defendant  
7     can be seen and then Deborah Sena is shown positioned on her back and B.S. is inserting his  
8     penis into her vagina, in a missionary position. PHT, Vol. I, pp. 218-220. (**COUNT 74, 75**)  
9     The video then shows B.S. repositioned to the right side of Deborah Sena, while a male  
10    individual is having sexual intercourse with her. The video shows Deborah Sena performing  
11    oral sex on B.S., (**COUNT 76**) while Christopher Sena is engaging in sexual intercourse with  
12    Deborah Sena. PHT, Vol. I, p. 220. A male voice can be heard on the video directing all of the  
13    actions that are occurring, which Detective Ramirez believed to be Defendant based upon his  
14    body type and the fact that the same voice can be heard instructing on all of the videos. PHT,  
15    Vol. I, p. 221. State's proposed Exhibit "2" was a still photograph of B.S. and Deborah Sena  
16    from the video that was viewed, and was admitted by the Court. PHT, Vol. I, p. 222.

17           25.     Exhibit 1, video No. 2, (**COUNT 69**) depicts an individual without any clothes  
18    on setting up the video camera. As he sits down he is identified as Defendant. Deborah Sena  
19    is 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 26. State's Exhibit "1", Video No. 3, depicted someone setting up a camera and a  
5 shower curtain of a standup shower comes into view. Defendant is seen in the video and then  
6 T.S. and Deborah Sena are observed entering the shower, neither are wearing clothes.  
7 Deborah Sena is observed wiping something off of T.S.'s face. Defendant can be seen  
8 walking to the camera and repositioning it. PHT, Vol. I, pp. 226-227. **(COUNTS 55 AND**  
9 **56)** Detective Ramirez testified that State's proposed Exhibit "4" was a still picture of T.S.  
10 and Deborah Sena in the shower, taken from Video No. 3, which was admitted by the Court.  
11 PHT, Vol. I, p. 228. **(COUNT 59 AND 60)**

12 27. Detective Ramirez described Exhibit 1, Video No. 4 as being shot through a  
13 door, with the person in the video being T.G., who is in the shower with no clothes on.  
14 **(COUNTS 118 AND 119)** The video then pans down and shows Defendant receiving oral  
15 sex. Detective Ramirez believed the Defendant to be the recipient of the oral sex based upon  
16 hearing his voice on the video which is similar in nature to all of the others. PHT, Vol. I, pp.  
17 228-229

18 28. On August 28, 2015, Detective Ramirez continued his preliminary hearing  
19 testimony. With regard to Exhibit 1, Video No. 5, Detective Ramirez testified that it depicts  
20 video being shot through an opening and is an image of E.C., in the stand-up shower.  
21 **(COUNTS 115-116)** State's proposed Exhibit "6" was identified as a picture of E.C. in the  
22 shower, from the video he had just observed. The video was admitted in to evidence by the  
23 Court. PHT, Vol. II, pp. 8-10.

24 29. Exhibit 1, Video No. 6 **(COUNTS 99 AND 100)** depicted a bedroom seen in  
25 previous videos as well as parts of the Defendant in the mirror while he is adjusting the video  
26 camera. The video proceeds to show Terrie Sena removing R.S.'s clothes. In the video, Terrie  
27 directs R.S. to lie on his back and she places his penis in her mouth. **(COUNT 95)** R.S. is  
28 observed using his left hand to fondle Terrie Sena's breast. The video also depicts Terrie

1 positioning R.S.'s hand on her breasts, showing him to massage her breasts, while she  
2 masturbates him with her left hand. PHT, Vol. II, pp. 10-11. The video goes on to show R.S.  
3 kissing Terrie Sena on her right breast and Terrie Sena continues to orally copulate R.S. The  
4 video shows Terrie Sena positioned on her back with R.S. positioned between her legs  
5 penetrating her vagina with his penis. **(COUNTS 96 AND 97)** PHT, Vol. II, pp. 11-12. The  
6 video shows both Terrie Sena and R.S. stop and appear to look back, after which point they  
7 reposition themselves in the missionary position and it appear that R.S. is penetrating Terrie  
8 Sena with his penis in her vagina while she massages R.S.'s buttocks. PHT, Vol. II, pp. 12-  
9 13. The video continues and Defendant appears and can be seen masturbating. Defendant  
10 points to R.S. to get on the right side of Terrie Sena and he positions himself behind Terrie  
11 Sena, where he appears to penetrate her vagina or anus while she performs oral sex on R.S.  
12 **(COUNT 98)** PHT, Vol. II, p. 13. A conversation is being had during the incident, involving  
13 Defendant; however, Detective Ramirez was not able to make out what was being said. PHT,  
14 Vol. II, p. 14. Detective Ramirez identified a still photograph, taken from the video, of R.S.  
15 and Terrie Sena as State's Exhibit "7" PHT, Vol. II, p. 14.

16 30. Detective Ramirez testified that Exhibit 1, Video No. 7 depicts T.G. in the  
17 shower, similar to the previous shower scenes **(COUNT 118 AND 119)**; and, identified State's  
18 Exhibit No. "8" as a still photograph of T.G. from the video just viewed. PHT, Vol. II, p. 15.  
19 Detective Ramirez testified that Exhibit 1, Video No. 8, depicts T.G. in the stand-up shower  
20 from the previous video with the same angle filming; and, State's Exhibit "9" as a still  
21 photograph of T.G., taken from the video. PHT, Vol. II, p. 16.

22 31. Detective Ramirez testified that other entries of evidentiary value came off the  
23 same electronic storage device to include State's Exhibits 13 through 22 which he identified  
24 as being images of M.C. and Terrie Sena. PHT, Vol. II, p. 17. State's proposed Exhibit "10"  
25 was identified as a DVD containing images of the printed copies, to include stills of R.S. Terrie  
26 Sena and Defendant. Those images were found to be relative to the investigation in that they  
27 were a video that had been broken up into unallocated space, and contain images of Terrie  
28 Sena, R.S. and Defendant engaging in sexual contact. PHT, Vol. II, pp. 18-19. Exhibit "10"

1 was admitted by the Court. **(COUNTS 103 AND 104)** PHT, Vol. II, p. 19.

2 32. Detective Ramirez identified frame number 0458 of Exhibit 10 as a room in the  
3 residence labeled office. PHT, Vol. II, p. 20. Frame number 750 depicted R.S. sitting on a  
4 stool, clothed, and other images of Terrie Sena. PHT, Vol. II, p. 21. Image number 1,000  
5 depicts R.S. playing with his foot and Terrie Sena. PHT, Vol. II, p. 21. Image number 1328  
6 depicts R.S. standing up and Terrie Sena knelt down and appearing to unbuckle R.S.'s shorts.  
7 PHT, Vol. II, p. 21. Image number 1500 depicts R.S. removing his polo shirt, his shorts are  
8 off and his penis is exposed. Terrie Sena is kneeling down holding a blue object of clothing  
9 and is wearing her brassiere. PHT, Vol. II, p. 22. Image number 1640 depicts R.S. with his  
10 shirt partially on and Terrie Sena has her mouth on R.S.'s penis, **(COUNT 101)** with her  
11 brassiere off and her breasts exposed. PHT, Vol. II, p. 22. Frame number 4111 depicts R.S.  
12 with his shirt partially on top. Terrie Sena has her mouth on R.S.'s penis and Defendant has  
13 his pants partially down and is masturbating. PHT, Vol. II, p. 23. In the course of  
14 viewing the frames Detective Ramirez was able to see Defendant's face and make a positive  
15 I.D. Detective Ramirez explained that the video proceeds with still images of Terrie Sena's  
16 mouth on Defendant's penis while she is holding R.S.'s penis and it goes back and forth with  
17 the same sexual action, by Terrie Sena placing her mouth on R.S.'s penis. PHT, Vol. II, pp.  
18 23-24. **(Count 102)** Detective Ramirez identified State's Exhibits 11 and 12 as follows:  
19 Exhibit "11" depicts R.S. sitting in front of Defendant and Terrie Sena is standing to the left  
20 of Defendant. Exhibit "12" depicts R.S. standing in front of Defendant, both still clothed, with  
21 Terrie Sena is unbuckling the pants of R.S. PHT, Vol. II, p. 25.

22 **The Preliminary Hearing Testimony of E.C.**

23 33. E.C. testified that she was 14 years of age and in the ninth grade. E.C. further  
24 testified that she lived with her mom, grandparents, cousin, two sisters, brother, and aunt.  
25 PHT, Vol. II, p. 50. E.C. identified Defendant and indicated that he was her aunt's ex-husband.  
26 E.C. testified that Defendant had been her uncle her entire life as far as she could remember  
27 and she visited his residence at 6012 Yellowstone in North Las Vegas, Clark County, Nevada.  
28 E.C. testified that she visited the residence more than one time and she began visiting when



1 she was 10 or 11 years of age, and in the fifth grade. PHT, Vol. II, p. 51. E.C. testified that  
2 she went to Defendant's house almost every weekend to visit her aunt Terrie and her cousins,  
3 R.S., A.S. and T.S. PHT, Vol. II, p. 52.

4 34. E.C. testified that when she was 11 years old Defendant would touch her breasts  
5 and vagina, underneath her clothes, by having her lift up her shirt and put her pants to her  
6 ankles, while they were in the office. PHT, Vol. II, p. 53. E.C. testified that it happened more  
7 than one time and Defendant would fondle her breasts with his hands and rub his hands over  
8 her vagina. PHT, Vol. II, p. 55. E.C. testified that she went to Defendant's house nearly  
9 every weekend from the ages of 11 to 12 or 13, from the third grade through the seventh grade.  
10 PHT, Vol. II, p. 56. E.C. testified that Defendant would fondle her breasts and vagina a couple  
11 of times during each weekend that she was there during the fifth grade when she was 11 years  
12 of age. E.C. remembered Defendant touched her more than three times, as it became a routine.  
13 PHT, Vol. II, p. 58-59. E.C. testified that her birthday is December 21, 2000. E.C. testified  
14 that the last time something happened was before Deborah Sena left in 2014. PHT, Vol. II, p.  
15 60. E.C. testified that she would expect Defendant to touch her when she went over there and  
16 she got used to it happening. PHT, Vol. II, p. 62. E.C. testified that she remembered those  
17 things happening in the fifth grade, sixth grade, seventh grade, and eighth grade. PHT, Vol II,  
18 p. 64. **(COUNTS 107-114).**

19 35. E.C. testified that she took a shower at the residence a couple of times.  
20 Specifically, E.C. recalled an incident when she had lice in her hair. E.C. was shown a picture  
21 of herself that was taken of her in the shower, in the office. E.C. testified the picture was taken  
22 sometime between the fifth and seventh grade. E.C. did not know that the picture was being  
23 taken. PHT, Vol. II, pp. 65-66. **(COUNTS 115 AND 116).**

#### 24 **The Preliminary Hearing Testimony of T.G.**

25 36. T.G. testified that she was 18 years of age and her date of birth is January 9,  
26 1997. T.G. testified that Terrie Sena is her aunt and her mother's sister. T.G. testified that her  
27 mom is Kimberly Grisham and that M.C. is her aunt, and E.C. is her cousin. T.G. testified that  
28 she grew up in Las Vegas. PHT, Vol. II, p. 86. While growing up, T.G. spent time with her



1 aunt, Terrie Sena, and visited her residence located at 6012 Yellowstone, Las Vegas, Clark  
2 County, Nevada. T.G. was seven or eight years of age when she began visiting Terrie Sena at  
3 that address. T.G. visited every weekend until she was 15 years age. T.G. stopped visiting  
4 because she no long wanted to go over to the residence. T.G. testified that Defendant, Terrie  
5 Sena, and Deborah Sena lived at the residence when she visited, as did her cousins, T.S., A.S.,  
6 B.S. and R.S. PHT, Vol. II, pp. 87-88.

7 37. T.G. testified that Defendant once showed her a picture of her aunt, M.C., giving  
8 him oral sex. **(COUNT 117)** T.G. was in the office when he showed her the picture, which  
9 was a separate building behind the residence, with computers, a T.V., a couch, a little kitchen,  
10 and a bathroom. PHT, Vol. II, p. 89. T.G. testified that Defendant showed her the pictures on  
11 the computer and that she was 11 or 12 when that occurred. T.G. testified that they were just  
12 looking at pictures and Defendant showed her that one. T.G. testified that she did not really  
13 say much to Defendant when he showed her the picture. PHT, Vol. II, pp. 90-91.

14 38. T.G. testified that she utilized the shower in the office from the time she was 7  
15 until she was 15. T.G. viewed State's Exhibits "5", "8", and "9" and identified herself in those  
16 photos. T.G. testified that the photos depicted her in the shower, in the office. T.G. testified  
17 that she had no idea that she was being photographed while showering. T.G. testified that she  
18 was 13 or 14 years of age in the photographs that were taken. **(COUNTS 118 AND 119)**. PHT,  
19 Vol. II, pp. 91-92. T.G. testified that she did not visit the residence or shower at the residence  
20 after she turned 16. PHT, Vol. II, p. 93.

#### 21 **The Preliminary Hearing Testimony of T.S.**

22 39. T.S. testified that he was 20 years of age and his birthday is December 2, 1994.  
23 T.S. testified Defendant is his father and Terrie Sena is his biological mother. T.S. testified  
24 that Deborah Sena is his stepmom; and, that he has a sister and two brothers. T.S. testified  
25 that A.S. is the biological child of Defendant and Terrie Sena; R.S. is the biological child of  
26 Terrie Sena; and, B.S. is the biological child of Defendant and Deborah Sena. PHT, Vol. II,  
27 pp. 107-108.

28 //

1           40.     T.S. testified that he had testified in a previous proceeding regarding sexual  
2 conduct that was going on at the trailer located at 6012 Yellowstone. PHT, Vol. II, p. 108.  
3 During that time, T.S., Defendant, Terrie Sena, Deborah Sena and the entire family lived there.  
4 T.S. resided there from the time he was 5 until he moved out a month after he turned 18. PHT,  
5 Vol. II, p. 109.

6           41.     When T.S. was 14 or 15 years of age, he engaged in having sexual intercourse  
7 with both of his parents, in the bedroom and in the shower. During the shower incident, he  
8 and 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           42.     T.S. testified that the incident occurring in the bedroom also happened when he  
17 was between the ages of 14 and 15, during the day. T.S. was called into the bedroom by  
18 Defendant. When T.S. went into the bedroom Defendant was naked. Defendant told T.S. to  
19 remove his clothes. Deborah Sena came into the bedroom and also got naked. T.S. inserted  
20 his penis between the lips of Deborah Sena's vaginal area, while Defendant inserted his penis  
21 into Deborah Sena's anal opening. T.S. testified that prior to such act but during the same  
22 incident Deborah Sena placed his penis in her mouth. PHT, Vol. II, pp. 117-118. T.S. watched  
23 the 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.

3 43. B.S. testified that he was 17 years of age and his date of birth is August 13, 1998.  
4 B.S. further testified that he is a senior at Bonanza High School. B.S. testified that he lives  
5 with 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, anime 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 44. B.S. testified that Defendant told him to pull down his pants and Terrie Sena  
15 gave him oral sex. (COUNT 79). B.S. testified that he put his penis in Terrie Sena's vagina.  
16 (COUNT 80) B.S. testified that Defendant stood and watched the entire thing and was trying  
17 to direct them. During the incident, Defendant also told B.S. to touch Terrie Sena's boobs with  
18 his hands. PHT, Vol. II, pp. 153-156. (COUNTS 81 AND 82).

19 45. B.S. testified that Defendant had him come to the back office to have sex with  
20 Terrie Sena and touch her breasts, twice. PHT, Vol. II, p. 156.

21 46. B.S. clarified that the first time he went to the back office his penis went into  
22 Terrie Sena's mouth; his penis went into Terrie Sena's vagina; and, he touched Terrie Sena's  
23 boobs, when he was 14 years of age. (COUNTS 79 – 82) PHT, Vol. II, p. 157.

24 47. B.S. testified that the second time something happened in the office he was still  
25 14 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. COUNT 83) B.S. provided specific

1 testimony that he did, in fact, touch Terrie Sena's breasts each time he went to the office and  
2 engaged in sexual acts with her, B.S. also testified that he may have touched Terrie Sena's  
3 breasts on that occasion but he could not remember. **(COUNTS 84-85)** PHT, Vol. II, pp. 161-  
4 162.

5 48. B.S. testified that he had sexual contact with Deborah Sena in the bedroom when  
6 he was 14 years of age. B.S. was watching T.V. Defendant called B.S. outside to the pool  
7 where Defendant was with Deborah Sena. Defendant and Deborah took off their clothes and  
8 began having sex in the pool. B.S. tried to look away but Defendant told him to remove his  
9 clothing and told B.S. to watch him and Deborah having sex. **(COUNT 70)** PHT, Vol. II, pp.  
10 163-164. After they left the pool and went back inside the house, Defendant brought B.S. into  
11 the bedroom where he and Deborah Sena were. Defendant had B.S. strip and get onto the bed.  
12 Defendant instructed Deborah to sit on B.S.'s "dick" which went inside Deborah Sena's  
13 vagina. PHT, Vol. II, pp. 165-166. **(COUNTS 72-73)**. B.S. then got on top of Deborah Sena  
14 and put his dick back inside her vagina **(COUNT 74-75)**. B.S. testified that before the sexual  
15 intercourse occurred, Defendant told Deborah Sena to give B.S. a blow job and she placed his  
16 penis in her mouth. **(COUNT 71)**. PHT, Vol. II, pp. 166-168.

17 49. B.S. testified that he never told anyone about what had been happening in the  
18 house due to death threats from the Defendant. Defendant told B.S. and other members of the  
19 household that he would kill them if they told what was going on with anything. On cross  
20 examination B.S. testified that he mentioned to the police something about [Defendant]  
21 threatening to break his legs. PHT, Vol. II, pp. 168-170. **(COUNT 86)**.

### 22 **The Preliminary Hearing of A.S.**

23 50. A.S. testified that she was 25 years of age and her birthday is May 22, 1990.  
24 A.S. graduated from high school in early June 2008. A.S. testified that Defendant is her father;  
25 Deborah Sena is her stepmother; and, Terrie Sena is her mother. A.S. testified that she had  
26 three brothers, B.S., age 17; R.S., a half-brother, age 17; and, T.S., age 20. PHT, Vol. III, pp.  
27 6-7. A.S. testified that when she was 11 years old she living at 6012 Yellowstone Avenue,  
28 North Las Vegas, Clark County, Nevada, with Defendant, Deborah Sena, Terrie Sena, T.S.,

1 B.S., and R.S. PHT, Vol. III, p. 8. During that time, A.S. would come home from school and  
2 Defendant would be there. Defendant would ask A.S. if she loved him and when she said yes,  
3 he wanted her to show him that she loved him. Defendant asked A.S. to take her clothes off  
4 and touched her breasts area. **(COUNT 2)** A.S. testified that Defendant rubbed her clit with  
5 his fingers, between the lips of her vagina area. **(COUNTS 3 AND 4)** PHT, Vol. III, pp. 13-  
6 14. Defendant told A.S. to get on the bed and removed his dick/penis from his jeans and began  
7 rubbing it on the outside of A.S.'s pussy/vagina. **(COUNT 5)** Defendant instructed A.S. to  
8 spread out a little and she was laying on her back on the bed with her legs hanging off the bed.  
9 Defendant lifted her legs and spit on his hands, rubbing saliva on his dick/penis. Defendant  
10 penetrated A.S.'s anus with his penis which hurt her. **(COUNT 6 AND 7)** A.S. told  
11 Defendant that it hurt her and he told her "It's going to hurt but this is life." Defendant came  
12 inside of A.S.'s anus and told her to get dressed because the moms would be home. PHT, Vol.  
13 III, pp. 15-16.

14 51. Defendant had anal intercourse with A.S. frequently, from time she was 11 years  
15 in May 2001 until 2009. A.S. testified that it normally happened when the moms were gone  
16 during the weekdays, two or three times a week. A.S. testified that on a rare occasion  
17 Defendant would go more than a week without doing it, but he never went more than one  
18 month without doing' it. In 2009, when A.S. was 19 years of age, it became less frequent.  
19 PHT, Vol. III, pp. 17-18. A.S. testified that Defendant would do that to her in his room; in her  
20 room; in the master bathroom; in the living room; and, in the boys' room. PHT, Vol. III, p.  
21 19-20. **(COUNTS 8, 9, 11, 12, 16, 17, 23, 28, 33, 38, 43).**

22 52. A.S. testified that Defendant would rub his hands on her boobs, at least once a  
23 month, when he was putting his penis in her. PHT, Vol. III, p. 21. **(COUNT 10, 13, 18, 24,**  
24 **29, 34, 39, 44)** When A.S. was 14 years of age (May 22, 2004) Defendant began doing other  
25 things to her. A.S. testified that she was taking a shower and Defendant came into the  
26 bathroom and jumped into the shower with her. Defendant rubbed A.S.'s boobs and then told  
27 her to get up against the wall. Defendant tried to put his penis in her anal opening but he  
28 inserted into her vagina, taking her virginity. (PHT, Vol. III, p. 22. A.S. testified that

1 Defendant put his penis into her vagina on more than one occasion; and, that it happened every  
2 two weeks; never less than once a month. Defendant would put his penis in A.S.'s vaginal  
3 opening in the living room; in the boys' room; in the master bedroom; and, in A.S.'s room.  
4 PHT, Vol. III, pp. 23-24. **(COUNTS 21, 22, 26, 27, 31, 32, 36, 37, 41, 42).**

5 53. A.S. testified that there were times that Defendant would put himself inside her  
6 vagina and then he would put himself inside her anal opening. There was also times that he  
7 would have anal sex one day and vaginal sex the other. PHT, Vol. III, p. 25. A.S. testified  
8 that during that time there were days that Defendant would put his penis up against her boobs  
9 and he would have her give him a blow job. A.S. was 12 years old the first time she gave  
10 Defendant a blow job. A.S. gave Defendant blow jobs from the time she was 12 years old up  
11 to 2013. A.S. would do this one or twice a month and some months not at all. A.S. would do  
12 this mainly in the living room and the master bedroom. **(COUNTS 14, 15, 19, 20, 25, 30, 35,**  
13 **40, 45)** A.S. was 23 years old in 2013. A.S. left the house in June 2013. The last time  
14 something happened with Defendant was in January 2013. PHT, Vol. III, pp. 25-27.

15 54. When A.S. was 14 years of age, Defendant, Terrie Sena, and A.S. were in the  
16 Defendant's back office. Terrie Sena gave Defendant a blow job, which A.S. described  
17 Defendant's penis in Terrie Sena's mouth, while A.S. watched. Defendant inserted his penis  
18 into A.S.'s anal opening, while Terrie Sena watched. **(COUNT 52)** PHT, Vol. III, pp. 29-31.

19 55. A.S. testified that when she was 17 to 18 years of age, during the last few months  
20 of high school, before graduation, A.S. got home from school and Defendant brought Deborah  
21 Sena out to where A.S. was. Defendant told A.S. to get naked and wanted her and Deborah  
22 Sena play with each other's boobs and rub each other's clits. A.S. played with Deborah Sena's  
23 clit and Deborah Sena rubbed the outside area of A.S.'s vagina. **(COUNTS 48, 49)** Defendant  
24 had Deborah Sena get on top of A.S. Defendant inserted his penis into A.S.'s vagina while  
25 Deborah was still on top of A.S. **(COUNTS 46 AND 47)** Defendant removed his penis and  
26 put it in Deborah Sena's vagina or anus, while Deborah Sena was on top of A.S., with her  
27 nipples touching A.S.'s chest. PHT, Vol. III, pp. 32-36. Defendant had Deborah Sena get on  
28 her back and he placed a pillow under Deborah Sena's back before penetrating her again.

1 Defendant had A.S. play with herself so he could watch. A.S. touched the outside of her vagina  
2 with her hand. (COUNT 51) PHT, Vol. III, p. 37. A.S. clarified that she touched Deborah  
3 Sena's boobs (COUNT 50) and Deborah Sena touched her boobs; that Deborah Sena touched  
4 the outside of A.S.'s pussy and A.S. touched Deborah Sena's clit. PHT, Vol. III, p. 38.

5 56. A.S. testified that she never told anybody in fear of what Defendant would do.  
6 A.S. testified that Defendant would use threats and tell her that she was going to be taken away  
7 and sent to Juvi. Defendant also told A.S. that she would do those things if she loved him.  
8 PHT, Vol. III, pp. 40. (COUNT 53)

9 57. A.S. testified that between the ages of 11 and 14, Defendant engaged primarily  
10 in anal intercourse with her. Additionally, without a doubt, Defendant engaged in vaginal  
11 and/or anal intercourse with her at least once a year from the time she was 11 years of age  
12 until she was 23 years of age. Defendant also put his finger in A.S.'s pussy at least once a year  
13 throughout that same time period. PHT, Vol. III, pp. 40-41.

#### 14 The Preliminary Hearing Testimony of R.S. Relevant

15 58. R.S. testified that he was 17 years of age and his date of birth is June 14, 1998.  
16 R.S. testified that he was a senior in high school and attends Sunset High School. R.S. testified  
17 that he lives with his biological dad and had been living there since December 2014. R.S.  
18 testified that his biological mother is Terrie Sena. PHT, Vol. IV, pp. 14-15. R.S. testified that  
19 he lived at the residence located at 6012 Yellowstone Avenue, Las Vegas, Clark County  
20 Nevada his entire life, until he moved out when he was 16 years old, back in June 2014. PHT,  
21 Vol. III, pp. 15-16. When R.S. lived at the residence, he lived there with A.S., T.S., B.S.,  
22 Deborah Sena, Defendant, and Terrie Sena. PHT, Vol. IV, pp. 17-29.

23 59. R.S. testified that when he was 12 and 13 years old, in the seventh or eighth  
24 grade, Defendant sexually abused him. The abuse happened more than once and it happened  
25 in R.S.'s room, Defendant's room, the office, and the living room. PHT, Vol. III, pp. 21-22.  
26 R.S. testified that Defendant made him remove his clothes and he would touch R.S.'s behind  
27 where poop comes out, with his dick. R.S. described an incident that occurred when he was  
28 12 or 13, in his bedroom, and Defendant came in and made R.S. remove his clothes, by yelling

1 at him and grabbing him. R.S. was afraid Defendant would come after him and hurt him if he  
2 did not do what Defendant said. R.S. got onto the bedroom floor and laid flat on his stomach  
3 while Defendant inserted his penis into R.S.'s anal opening. **(COUNT 87 AND 88)**. PHT,  
4 Vol. IV, pp. 27-29. Another incident occurred in the Defendant's office, a separate building  
5 at the back of the house, when R.S. was 14 or 15 years old. Defendant showed R.S. videos on  
6 his computer. R.S. testified that the video was of Defendant and Terrie Sena having sex in the  
7 back office. PHT, Vol. IV, pp. 29-31. **(COUNT 105)**

8 60. R.S. testified that when he was in junior high school, between 12 or 13 years of  
9 age, he and Defendant were in the living room. R.S. had no pants or underwear on, nor did  
10 Defendant. Defendant sat on the couch and had R.S. sit on his penis, inserting his penis into  
11 R.S.'s butt. R.S. did not want to do that and Defendant forced him. **(COUNTS 89 AND 90)**.  
12 R.S. testified that Defendant put his penis inside R.S.'s butt on three occasions when R.S. was  
13 in junior high school and 12 or 13 years old; once in R.S.'s bedroom; once in the living room;  
14 and, once in Defendant's room. **(COUNTS 91 AND 92)** PHT, Vol. IV, pp. 34-36.

15 61. R.S. testified that Defendant stopped his conduct for a little while when R.S. was  
16 15 years of age. R.S. had no idea why it stopped at that time. PHT, Vol. IV, p. 36. R.S. testified  
17 that when it started again he was still 15 years old and it went on until R.S. moved out of the  
18 residence in June 2014. R.S. testified that it happened on two separate occasions, once in  
19 Defendant's office and once in Defendant's room. The incident in the office occurred while  
20 Defendant was sitting naked, on his computer chair, and R.S. sat on him and he inserted his  
21 penis into R.S.'s butt. **(COUNT 93)**. The incident in Defendant's bedroom occurred with R.S.  
22 laying on his stomach, on the bed, and Defendant inserting his penis into R.S.'s butt. **(COUNT**  
23 **94)** PHT, Vol. IV, pp. 38-40.

24 62. R.S. testified that his mom, Terrie Sena, also engaged in sexually abusing him,  
25 on two separate occasions. The incidents occurred in the office and in Defendant's room. The  
26 first incident occurred in the bedroom prior to R.S. turning 16. R.S. went into the bedroom  
27 because his mom was in there. Terrie Sena was talking to R.S. and began taking off his clothes.  
28 Defendant was in the hallway and watching what was happening. Terrie Sena took all of



1 R.S.'s clothes off and Defendant told R.S. to lay on the bed, on his back. Terrie Sena removed  
2 her clothes and began sucking on R.S.'s dick. PHT, Vol. IV, pp. 41-44. **(COUNT 95)**.  
3 Defendant instructed Terrie Sena to lay on her back and had R.S. get on top of her and insert  
4 his dick into her private spot. **(COUNTS 96 AND 97)**. PHT, Vol, IV, p. 45. Defendant had  
5 R.S. get off of Terrie Sena and lay down on his back. Terrie Sena sucked R.S.'s dick while  
6 Defendant got behind Terrie Sena. **(COUNT 98)**. R.S. testified that he did not want to do any  
7 of those things but he was forced to do it by Defendant. PHT, Vol. IV, p. 46.

8 63. When R.S. was 12 or 13, he went to Defendant's office so that Defendant could  
9 help him with an ingrown toenail. Afterward, Defendant told R.S. to stand up and Terrie Sena  
10 removed R.S.'s clothes from the waist down. Terrie Sena sucked on R.S.'s dick. Terrie Sena  
11 alternated and began sucking on Defendant's dick and then sucked on R.S.'s dick PHT, Vol.  
12 IV, pp. 48-50. **(COUNTS 101 AND 102)**. R.S. testified that Defendant told him that if he  
13 ever told somebody he and Terrie Sena would hate him and Defendant would make his life a  
14 living hell. PHT, Vol. IV, p. 50. **(COUNT 106)**.

#### 15 State's Motion to Amend Information

16 64. During argument of the subject Writ of Habeas Corpus, this Court expressed  
17 concern with regard to one of the alleged principles of criminal liability in Count 97 of the  
18 Information in the subject case. Specifically, the State alleges in Count 97 that Defendant  
19 directly committed the charged act of Incest as well as alleging he committed the act through  
20 the alternative theories of criminal liability of conspiracy and aiding and abetting such  
21 commission. The Court's concern was due to the fact that Defendant was in no way related  
22 to the victim, R.S., unlike Terrie Sena who is alleged in that same Count to have engaged in  
23 sexual intercourse with R.S. and/or that Defendant is the same sex as R.S. and therefore could  
24 not have directly committed the crime of incest upon said victim.

25 65. After consideration of the Court's concern, the State had no opposition to  
26 striking the first theory of Liability of "by Defendant directly performing such acts" from  
27 Count 97. However, based upon such portion of the existing Count being stricken, the State  
28 requested to amend Count 97 in regard to the current third theory of liability of aiding and

1 abetting in the commission of the crime. That theory currently stated:

2 “(3) by Defendant and TERRIE SENA and/or other’s unknown  
3 aiding and abetting each other by counseling, encouraging,  
4 inducing, or otherwise procuring each other to commit such acts.”

5 66. Specifically, the State requests to amend this theory of liability to state the  
6 following:

7 “(2) by Defendant aiding and abetting the performance of such act  
8 by counseling, encouraging, inducing, or otherwise procuring  
9 TERRIE SENA to commit such acts.”

10 67. The State requested to similarly delete the first theory of liability and likewise  
11 amend similar Incest Counts 73 and 75. Additionally, for the sake of consistency, the State  
12 would also ask to amend the third alleged theory of liability in other Counts alleging aiding  
13 and abetting to reflect the same general wording as the previously reflected amendments. This  
14 would include Counts: 46 - 52; 54 - 59; 61 - 72; 74; 76 - 77; 79 - 85; 95 - 96; 98 - 99; 101 -  
15 103; 115; and 118.

16 68. The State also noted there were other matters of clarification or correction that  
17 need to be amended in the information:

- 18 1. Count 35 and 40 should reflect an alleged period of such  
19 conduct of “May 22, 2006 through August 30, 2014”;
- 20 2. Counts 78; 100; 104; and 120 - 124 should allege a date of  
21 such conduct of “on or about September 18, 2014”;

## 22 **CONCLUSIONS OF LAW**

### 23 **STANDARD OF PROOF AT PRELIMINARY HEARING**

24 1. In order to hold a person for trial, a justice of the peace must find probable cause  
25 to believe that an offense was committed and that the defendant in question committed the  
26 offense. NRS 172. 155; Kirksey v. State. 112 Nev. 980, 923 P.2<sup>nd</sup> 1102, 1108 (1996). In other  
27 words, during the preliminary proceeding, the State must elicit sufficient evidence  
28 demonstrating probable cause that a crime was committed and that the accused was likely the  
perpetrator. Sheriff v. Miley, 99 Nev. 377, 379, 663 P.2d 343, 344 (1983); NRS 172.155. As  
such, an Information will be sustained where the State submits sufficient legal evidence to  
establish probable cause. Sheriff v. Simpson, 109 Nev. 430, 434-35, 851 P.2d 428, 431- 32

(1993). “The finding of probable cause may be based on slight, even ‘marginal’ evidence, because it does not involve a determination of the guilt or innocence of an accused.” Id. at 435, 851 P.2d at 432 (quoting Sheriff v. Hodes, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980) (citations omitted)). A preliminary hearing need not be perfect; the proceeding need only provide a defendant with fair consideration. Franklin v. State, 89 Nev. 382, 389, 513 P.2d 1252, 1257 (1973). The preliminary hearing functions merely to determine whether the State has sufficient probable cause to pursue charges against the defendant. Since the burden of proof at a preliminary hearing is so much lower than that required at trial, the evidence adduced at the hearing need not be sufficient to support a conviction. Abbott v. Sheriff, 87 Nev. 397, 487 P.2d 1067 (1971). The State need not produce the quantum proof necessary to establish guilt of the accused beyond a reasonable doubt. Id. The State only has to present enough evidence to support a reasonable inference that the accused committed the crime and does not need to negate all possible inferences as to doubt. *See*, Lamb v. Holsten, 85 Nev. 566, 568, 459 P.2d 771, 772 (1969); Johnson v. State, 82 Nev. 338, 341, 418 P.2d 495, 496 (1966). Further, a Petition for Writ of Habeas Corpus is not a vehicle to determine factual disputes as those are matters reserved for the trier of fact at the time of trial. Brymer v. Sheriff, 92 Nev. 598 (1976); Wrenn v. Sheriff, 87 Nev. 85 (1971). In sum, if the evidence produced at the preliminary examination establishes a reasonable inference that the defendant committed the charged crimes, probable cause exists to order the defendant to answer in the district court. Morgan v. Sheriff, 86 Nev. 23, 476 P.2d 600 (1970).

**I. The State Presented Sufficient Evidence that CHRISTOPHER SENA Committed the Crime of Conspiracy to Commit Sexual Assault as Further Alleged in Count 1 of the Information**

2. Count 1 charges CHRISTOPHER SENA with Conspiracy to Commit Sexual Assault as follows:

did, on or between May 22, 2007 and January 31, 2014, willfully, unlawfully, and feloniously conspire with DEBORAH SENA and/or TERRIE SENA and/or others unknowns to commit a sexual assault, by performing those acts described in Counts 46 through 52; 54 through 59; 61 through 77; 79 through 85; 95 through 99; 101 through 103 and 105.

//

1           3.     A conspiracy is an agreement between two or more persons for an unlawful  
2 purpose. Doyle v. State, 112 Nev. 879, 886, 921 P.2d 901, 911 (1996). The conspiracy  
3 agreement may be inferred by a “coordinated series of acts” in furtherance of the underlying  
4 offense. Doyle, supra; *see also*, Gaitor v. State, 106 Nev. 785, 790 n.1, 801 P.2d 1372, 1376  
5 n.1 (1990); *overruled on other grounds* by, Barone v. State, 109 Nev. 1168, 1171, 866 P.2d  
6 291, 292 (1993).

7           4.     The law concerning the sufficiency of the evidence to support a conspiracy  
8 charge is well established as recognized by the Nevada Supreme Court:

9                     ... Direct evidence is not required to establish a conspiracy, but  
10                    circumstantial evidence may be relied upon. This rule is  
11                    sanctioned for the obvious reason that experience has  
                     demonstrated that as a general proposition a conspiracy can only  
                     be established by circumstantial evidence.

12           Sheriff v. Lang, 104 Nev. 539, 543, 763 P.2d 56 (1988) *citing* Goldsmith v. Sheriff, 85 Nev.  
13 295, 304, 454 P.2d 86, 92 (1969), (*quoting* People v. Massey, 312 P.2d 365, 382 (Cal. Ct. App.  
14 1957)).

15           5.     The issue of sufficiency of the evidence for conviction has been addressed by  
16 the Nevada Supreme Court:

17                   We recognize and appreciate the concerns expressed in the  
18                   dissenting opinion. Nonetheless, “[c]onspiracy is seldom  
19                   susceptible of direct proof and is usually established by inference  
20                   from the conduct of the parties.” State v. Dressel, 513 P.2d 187,  
21                   188 (N.M. 1973), *citing* Oliver v. United States, 121 F.2d 245  
22                   (10th Cir. 1941), *cert. denied* 314 U.S. 666 (1941). The facts of  
23                   this case do demonstrate a coordinated series of acts, sufficient to  
24                   infer the existence of an agreement essential to the conspiracy  
25                   convictions of the appellants: Gaitor and Allen approached the  
26                   victim together, at the same time of the night, in the same location,  
27                   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.

28           Gaitor v. State, 106 Nev. 785, 790 at fn 2, 801 P.2d 1372 (1990).

1           6.     Further, NRS 195.020 is applicable and states:

2           Every person concerned in the commission of a felony, gross  
3           misdemeanor or misdemeanor, whether the person directly  
4           commits the act constituting the offense, or aids or abets in its  
5           commission, and whether present or absent; and every person  
6           who, directly or indirectly, counsels, encourages, hires,  
7           commands, induces or otherwise procures another to commit a  
8           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.

9           7.     In Walker v. State, 6 P.3d 477 (2000), the Supreme Court of Nevada held, “the  
10          State may proceed on alternate theories of liability as long as there is evidence in support of  
11          those theories.” Further, “although the State must allege specific facts concerning its theories  
12          of liability so as to afford a criminal defendant adequate notice to prepare his defense, it is not  
13          necessary to plead a conspiracy in the charging document if the evidence actually shows its  
14          existence.” The Supreme Court then concluded “that the information in this case was  
15          sufficiently detailed to put Walker on notice that the State was pursuing alternate theories of  
16          criminal liability. In particular, the State alleged three theories of principal liability in Walker's  
17          information: (1) Walker directly committed the offense; (2) Walker aided and abetted in the  
18          offense by acting in concert in its commission; and (3) Walker conspired to commit the offense  
19          and is vicariously liable for acts committed in furtherance of the conspiracy.” Id. at 479.

20          8.     It is a well settled principle in Nevada that evidence of participation in a  
21          conspiracy may, in itself, be sufficient evidence of aiding and abetting an act in furtherance of  
22          the conspiracy to subject the participant to criminal liability as a principal pursuant to NRS  
23          195.020. Lewis v. State, 100 Nev. 456, 460, 686 P.2d 219 (1984).

24          9.     Therefore, in Nevada the acts of one conspirator in furtherance of the conspiracy  
25          are the acts of all, and each and every individual will be held criminally responsible for the  
26          acts of the other. Therefore, in Nevada the acts of one conspirator in furtherance of the  
27          conspiracy are the acts of all, and each and every individual will be held criminally responsible  
28          for the acts of the other.

1           10. In this case, CHRISTOPHER SENA, has, in fact, engaged in directly  
2 committing the crimes charged along with DEBORAH SENA and/or TERRIE SENA.  
3 Moreover, the State is entitled to allege other theories of principle liability as was done in  
4 Walker, supra. The State has also rightfully put CHRISTOPHER SENA on notice that he is  
5 being charged with assisting or aiding and abetting DEBORAH SENA and/or TERRIE SENA.  
6 The State contends that there was sufficient evidence provided, for purposes of Preliminary  
7 Hearing, to show Defendant is either directly or vicariously liable for the criminal conduct  
8 detailed in Counts 46 through 52 (as detailed at pgs. 20-21 of the subject Return); 54  
9 through 58 (as detailed at pg. 16 of the subject Return); 59 (as detailed at pg. 11 of the  
10 subject Return); 61 through 69 (as detailed at pgs. 10 through 11 and 16 through 17 of  
11 the subject Return); 70 through 76 (as detailed at pg. 10 and 18 of the subject Return);  
12 77 (as detailed at pg. 18 of the subject Return); 79 through 85 (as detailed at pgs. 17  
13 through 18 of the subject Return); 95 through 98 (as detailed at pg. 12 of the subject  
14 Return); 99 (as detailed at pg. 12 of the subject Return); 101 through 102 (as detailed at  
15 pg. 23 of the subject Return); 103 (as detailed at pgs. 12 through 13 of the subject Return)  
16 and 105 (as detailed at pg. 22 of the subject Return); and 1 (as detailed via the above  
17 references of the subject Return), along with Debora Sena and/or Terri Sena. As such,  
18 those counts must stand.

19 **II. The State Presented Sufficient Evidence that Defendant Committed the Crimes**  
20 **Further Alleged in Counts 8-20 and 23-45 Involving Victim A.S.**

21           11. Defendant's Petition for Writ of Habeas Corpus challenged the specificity of  
22 dates and details of A.S.'s testimony related to the crimes of Sexual Assault with a Minor  
23 Under the Age of 14; Lewdness with a Child Under the Age of 14; Incest; Sexual Assault with  
24 a Minor Under Sixteen Years of Age; Open or Gross Lewdness; and Sexual Assault.

25 **A. SPECIFICITY**

26           12. In LaPierre v. State, 108 Nev. 528, 531 (1992), the Nevada Supreme Court  
27 stated:

28 //

1 “We have repeatedly held that the testimony of a sexual assault  
2 victim alone is sufficient to uphold a conviction. (Citations  
3 omitted). However, the victim must testify with some particularity  
4 regarding the incident in order to uphold the charge. We are  
5 cognizant that child victims are often unable to articulate specific  
6 times of events and are oftentimes reluctant to report the abuse to  
7 anyone until quite some time after the incident. Cunningham v.  
8 State, 100 Nev. 396, 400, 683 P.2d 500, 502 (1984). We also  
9 understand that it is difficult for a child victim to recall exact  
10 instances when the abuse occurs repeatedly over a period of time.  
11 **We do not require that the victim specify exact numbers of  
12 incidents, but there must be some reliable indicia that the  
13 number of acts charged actually occurred. . .**” (Emphasis  
14 Added).

15 The victim, in *LaPierre*, testified with particularity to four of the  
16 ten incidents of sexual assault. At trial the child was asked how  
17 many times the Defendant had assaulted her and she answered  
18 “Ten or more.” When asked how she knew that was the number  
19 she answered, “Because he was doing - - I don’t know. I know  
20 it’s ten or more because he was doing it up until he left.” When  
21 she was asked later if she was absolutely sure how many times it  
22 happened she answered, “No I am not absolutely sure. That’s why  
23 I said ten or more.”<sup>2</sup> *Id.*

24 13. The Supreme Court further stated:

25 “In this case, the child's testimony consisted of her speculation that  
26 it must have happened at least ten times. Something more is  
27 required to support *a conviction*. If the victim in this case had  
28 testified that the incidents occurred every weekend for the period  
of time Richard resided in the family home or that he assaulted her  
nearly every weekend, we might view this case differently.”  
(Emphasis added)

*LaPierre*, at 529 (Emphasis added).

14. In *Rose v. State*, 123 Nev. 24, 163 P.3d 408 (2007), our Nevada Supreme Court  
stated:

The Due Process Clause of the United States Constitution requires  
that an accused may not be convicted unless each fact necessary  
to constitute the crime with which he is charged has been proven  
beyond a reasonable doubt. [FN3]<sup>1</sup> When determining whether a  
jury verdict was based on sufficient evidence to meet due process  
requirements, we will inquire “whether, after viewing the  
evidence in the light most favorable to the prosecution, any  
rational trier of fact could have found the essential elements of the  
crime beyond a reasonable doubt.” [FN4]<sup>2</sup> “[I]t is the jury's

<sup>1</sup> FN3. *Fiore v. White*, 531 U.S. 225, 228-29, 121 S.Ct. 712, 148 L.Ed.2d 629 (2001); *In re Winship*, 397 U.S. 358, 364, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970); *Origel-Candido v. State*, 114 Nev. 378, 382, 956 P.2d 1378, 1381 (1998).

<sup>2</sup> FN4. *Origel-Candido*, 114 Nev. at 381, 956 P.2d at 1380 (quoting *Koza v. State*, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984)).



function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses.” [FN5]<sup>3</sup>

Id., 123 Nev. 194 at 202-203, 163 P.3d 408 at 414.

15. The Court went on to state:

When considering the sufficiency of the evidence in sexual assault cases, we have held that the victim's testimony alone is sufficient to uphold a conviction. [FN6]<sup>4</sup> Although the victim's testimony need not be corroborated, we have held that “the victim must testify with some particularity regarding the incident in order to uphold the charge.” [FN7]<sup>5</sup> In evaluating whether a child-victim's uncorroborated testimony was sufficient to support multiple charges in *LaPierre v. State*, we acknowledged that “child victims are often unable to articulate specific times of events” and have difficulty recalling “exact instances when the abuse occurs repeatedly over a period of time.” [FN8]<sup>6</sup> Accordingly, we explained in *LaPierre* that to support multiple charges of sexual abuse over a period of time, a child victim need not “specify exact numbers of incidents, but there must be some reliable indicia that the number of acts charged actually occurred.” [FN9].<sup>7</sup>

Rose, 123 Nev. 194 at 203, 163 P.3d 408 at 414-415.

16. The Rose Court concluded:

In this case, the State charged Rose with twenty counts of sexual assault. C.C. and others testified that from late 1999 to July 2002, she spent at least one night at the Roses' house almost every weekend. C.C. testified that Rose touched her nearly every time she spent the night. The only times he did not touch her were when he was away in the Navy from September 2001 to March 2002. Although she could not specify an exact number of incidents, she testified that he touched her vagina with his fingers more than ten times and with his tongue more than ten times. She described different locations where she was touched and graphically detailed his actions. She recalled seeing the time on the clock when he assaulted her in certain rooms, and she described how she sometimes tried to fight him off and how he would flip her over if she was on her stomach.

The victim's testimony in this case is distinguishable from that of the victim in *LaPierre*. C.C. definitively testified that Rose assaulted her nearly every time she spent the night at his house before and after he was away in the Navy and that she spent the night at his house almost every weekend during that time. This is the kind of testimony that we opined “might” have made a difference in *LaPierre*. Faced with such testimony here, we conclude it is sufficient. Taking the evidence in the light most favorable to the prosecution, a rational trier of fact could have

<sup>3</sup> FN5. *Id.* (quoting *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992)) (alteration in original).

<sup>4</sup> *La Pierre v. State*, 108 Nev. 528, 531, 836 P.2d 56, 58 (1992).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*



found the essential elements of the charged sexual assaults beyond a reasonable doubt. Accordingly, Rose's conviction was supported by sufficient evidence.

Rose, 123 Nev. 194 at 203-204, 163 P.3d 408 at 414-415.

**1. Initial Incident Involving A.S. and Defendant (COUNTS 2 – 7):**

17. A.S.'s first memories of sexual abuse at the hands of Defendant was on or between May 22, 2001 and June 30, 2004, when A.S. was approximately eleven (11) years of age. PHT, Vol. III, p. 8. At that time, Defendant committed various crimes upon A.S.:

**SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE:**

- Digital Penetration of the Vaginal Opening (COUNT 3)

- 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 circumstances under which Defendant knew, or should have known, that A.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct

**LEWDNESS WITH A CHILD UNDER FOURTEEN YEARS OF AGE:**

- Fondle Vaginal Area with Hand (COUNT 4 IN ALTERNATIVE TO COUNT 3)

- Fondle Anal Area with Penis (COUNT 7 IN ALTERNATIVE TO COUNT 6)

- Fondle Breasts (COUNT 2)

- Fondle Genital Area with Penis (COUNT 5)

19. The acts of Lewdness with a Child Under the Age of 14 were clearly committed with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant or A.S.

PHT, Vol. III, pp. 13-16.

**1. Defendant is not challenging Counts 2-7 for lack of specificity.**

**2. Course of Continual Abuse on or Between May 22, 2001 and August 30, 2014 (COUNTS 8 – 45)**

1           20.     After the first incident, A.S. was sexually abused by Defendant from the time  
2 she was approximately eleven (11) years of age until she was twenty-five (25). The regular  
3 abuse began with Defendant regularly penetrating the anal opening of A.S. with his penis and  
4 fondling her breasts. Such abuse later progressed to Defendant penetrating the vaginal  
5 opening of A.S., his biological daughter, with his penis, and causing A.S. to perform fellatio  
6 on him.

7           **SEXUAL ASSAULT / WITH A MINOR UNDER FOURTEEN YEARS OF**  
8           **AGE / UNDER SIXTEEN YEARS OF AGE:**

- 9                     - Penile Penetration of the Anal Opening (COUNT 8, 11, 16, 23, 28, 33, 38,  
10                     43)  
11                     - Penile Penetration of the Vaginal Opening (COUNTS 21, 26, 31, 36, 41)  
12                     - Fellatio (COUNTS 14, 19, 25, 30, 35, 40, 45)

13           21.     The acts of sexual penetration were committed either against the will of A.S. or  
14 under circumstances under which Defendant knew, or should have known, that A.S. was  
15 mentally or physically incapable of resisting or understanding the nature of Defendant's  
16 conduct.

17           **LEWDNESS WITH A CHILD UNDER FOURTEEN YEARS OF AGE:**

- 18                     - Fondle Anal Area with Penis (COUNT 9, 12, 17 in the alternative to  
19                     COUNT 8, 11, 16)  
20                     - Fondle Mouth with Penis (COUNT 15, 20 – in the alternative to COUNT  
21                     14, 19)  
22                     - Fondle Breasts (COUNT 10, 13, 18)

23           22.     The acts of Lewdness with a Child Under the Age of 14 were clearly committed  
24 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
25 the Defendant or A.S.

26           **OPEN OR GROSS LEWDNESS:**

- 27                     - Fondle Breasts (COUNT 24, 29, 34, 39, 44)

28     //

1                   **INCEST:**

2                   - Sexual Intercourse (**COUNT 22, 27, 32, 37, 42**)

3           **PHT, Vol. III, pp. 17-27**

4           23.     Contrary to Defendant's assertions, A.S.'s provided explicit testimony with  
5 regard to when and where the Defendant engaged in sexually abusing her. The crimes against  
6 A.S. were committed on regular basis. LaPierre and its progeny contemplate that a victim can  
7 testify as to when and where something occurred; and, how often it occurred. The State  
8 will direct this Court's attention to the Statement of Facts above, as it relates to the Preliminary  
9 Hearing testimony of A.S. (See pp. 18-21 of this document), wherein she described in detail  
10 her ongoing victimization by this Defendant. As such, Counts 8-20 and 23-45 must stand.

11  
12           **III. The State Presented Sufficient Evidence that Defendant Committed the Crimes**  
13           **Further Alleged in Counts 107-114 Involving Victim E.C.**

14           24.     On or between December 21, 2010 and June 30, 2014, E.C. was sexually touched  
15 by Defendant on a weekly basis when she was approximately 11, 12, and 13 years of age, in  
16 the 5th, 6th and 7th grade. Defendant would regularly touch her breasts and vaginal area with  
17 his hand, almost every weekend, when she visited her aunt Terrie, Defendant, and her cousins  
18 at the Yellowstone residence.

19           **LEWDNESS WITH A CHILD UNDER FOURTEEN YEARS OF AGE:**

20                   - Fondle Genital Area of E.C. (**COUNT 107, 109, 111, 113**)

21                   - Fondle Breasts of E.C. (**COUNT 108, 110, 112, 114**)

22           25.     The acts of Lewdness with a Child Under the Age of 14 were clearly committed  
23 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
24 the Defendant or A.S.

25           26.     Again, LaPierre supra, and its progeny contemplate that a victim will testify as  
26 to when and where something occurred; and, how often it occurred. The State will direct this  
27 Court's attention to the Statement of Facts above, as it relates to the Preliminary Hearing  
28 testimony of E.C. (See pp. 13-14 of this document), wherein she described in detail her

1 ongoing victimization by this Defendant. As such, Counts 107-114 must stand.

2 **IV. The State Presented Sufficient Evidence that Defendant Committed the**  
3 **Crimes of Sexual Assault with a Minor Under Fourteen Years of Age and**  
4 **Lewdness with a Child Under the age of 14 as Further Alleged in Counts**  
5 **91-92 of the Information, involving Victim R.S.**

6 27. Defendant's Petition challenges Counts 91-92 Sexual Assault With a Minor  
7 Under Fourteen Years of Age or, in the alternative, Lewdness With a Child Under Fourteen  
8 Years of Age.

9 28. R.S. testified that when he was 12 and 13 years old, in the seventh or eighth  
10 grade, Defendant sexually abused him. The abuse happened more than once and it happened  
11 in R.S.'s room, Defendant's room, the office, and the living room. PHT, Vol. III, pp. 21-22.

12 29. R.S. testified that Defendant made him remove his clothes and he would touch  
13 R.S.'s behind where poop comes out, with his dick. R.S. described an incident that occurred  
14 when he was 12 or 13, in his bedroom, and Defendant came in and made R.S. remove his  
15 clothes, by yelling at him and grabbing him. R.S. was afraid Defendant would come after him  
16 and hurt him if he did not do what Defendant said. R.S. got onto the bedroom floor and laid  
17 flat on his stomach while Defendant inserted his penis into R.S.'s anal opening. **(COUNT 87**  
18 **AND 88 –R.S.'S BEDROOM).**

19 30. R.S. testified that when he was in junior high school, between 12 or 13 years of  
20 age, he and Defendant were in the living room. R.S. had no pants or underwear on, nor did  
21 Defendant. Defendant sat on the couch and had R.S. sit on his penis, inserting his penis into  
22 R.S.'s butt. R.S. did not want to do that and Defendant forced him. **(COUNTS 89 AND 90-**  
23 **LIVINGROOM).**

24 31. R.S. testified that Defendant put his penis inside R.S.'s butt on three occasions  
25 when R.S. was in junior high school and 12 or 13 years old; once in R.S.'s bedroom; once in  
26 the living room; and, once in Defendant's room. **(COUNTS 91 AND 92)** PHT, Vol. IV, pp.  
27 34-36.

28 32. Based upon the above, the State presented sufficient evidence that Defendant  
committed the crimes as further alleged in Counts 91 and 92 of the Information.

1 V. The State Presented Sufficient Evidence that Defendant Committed the  
2 Crimes of Child Abuse and Neglect, Sexual Abuse or Exploitation as further  
3 alleged in Counts 55, 57, 70, and 81 of the Information Involving Victims T.S.  
4 and B.S.

4 **CHILD ABUSE, NEGLECT, OR ENDANGERMENT – SEXUAL ABUSE**

5 - By Defendant causing B.S. to remove his clothes and get into the swimming  
6 pool with Defendant and **Deborah Sena** who were nude and proceeded to have  
7 sexual intercourse in the presence of B.S. (**COUNT 70**).

8 PHT, Vol. II, pp. 163-164

9 - Fondle Breast Area by Defendant causing and/or directing and/or  
10 encouraging B.S. to touch/rub/fondle the breast(s) of **Terrie Sena**. (**COUNT**  
11 **81**).

12 PHT, Vol. II, pp. 153-157.

13 - Fondle Breast Area by Defendant causing and/or directing and/or  
14 encouraging B.S. to touch/rub/fondle the breast of **Terrie Sena**. (**COUNT 84**).

15 PHT, Vol. II, pp. 153-157.

16 33. The State presented sufficient evidence at the preliminary hearing that  
17 Defendant directed and/or encouraged B.S. to fondle the breasts area of Terrie Sena, on two  
18 separate occasions, when B.S. was 14 years of age; and, to be forced to watch Defendant and  
19 Deborah Sena have sexual intercourse in the swimming pool, all of which constitute acts of  
20 Child Abuse, Neglect or Endangerment – Sexual Abuse; and, which were committed under  
21 circumstances in which B.S. was placed in a situation where he suffered unjustifiable physical  
22 pain or mental suffering or placed in a situation where B.S. might have suffered unjustifiable  
23 physical pain or mental suffering.

24 **CHILD ABUSE, NEGLECT, OR ENDANGERMENT – SEXUAL ABUSE:**

25 - T.S. and Deborah Sena wash each other in the shower while nude and in the  
26 presence of Defendant (**COUNT 55**)

27 - T.S. caused to rub his penis between the legs and/or on the genital area of  
28 Debora Sena in the presence of Defendant (**COUNT 57**)

1 PHT, Vol. II, pp. 110-114.

2 34. The State presented sufficient evidence of such offenses as detailed in the  
3 subject return at pg. 16.

4 35. Defendant's Petition suggests that the referenced charges must be dismissed  
5 because the State did not prove the element of physical pain and/or mental suffering. The State  
6 disagrees with Defendant's assertion. NRS. 200.508(1) sets forth **alternative** means of  
7 committing the offense. Under 200.508(1) the State has to prove that a person willfully caused  
8 a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering  
9 as a result of abuse or neglect. Or, in the alternative the State has to prove that a person  
10 willfully caused a child who is less than 18 years of age to be **placed in a situation where the**  
11 **child may suffer physical pain or mental suffering** as the result of abuse or neglect.  
12 Important to note is the fact that the fourth element of both alternatives still uses the language  
13 "abuse or neglect," which is defined in NRS 200.508(4)(a). Under that specific part of the  
14 statute there are five kinds of conduct that are considered to be "abuse and neglect": (1) non-  
15 accidental physical injury, (2) non-accidental mental injury, (3) sexual abuse, (4) sexual  
16 exploitation, and (5) negligent treatment or maltreatment. NRS 432B.100 defines "Sexual  
17 Abuse" to include Open or Gross Lewdness per NRS 201.210 such as existed in the current  
18 case.

19 36. Clearly, based upon the above referenced facts in the subject case, the State  
20 presented sufficient evidence of Child Abuse, Neglect, or Endangerment – Sexual Abuse, as  
21 further alleged in Counts 55, 57, 70 and 81 of the Information.

22 **VI. The State Presented Sufficient Evidence that Defendant Committed the**  
23 **Crimes of Child Abuse and Neglect, Sexual Abuse or Exploitation as further**  
24 **alleged in Counts 105 and 117 of the Information Involving Victims R.S. and**  
**T.G.**

25 **CHILD ABUSE, NEGLECT OR ENDANGERMENT – SEXUAL**

26 **EXPLOITATION:**

27 - Defendant showed R.S. a sexually explicit video when he was under the age  
28 of 18 years (**COUNT 105**)

1           37. When R.S. was 14 or 15 years of age, while in Defendant's office, a separate  
2 building at the back of the house, Defendant showed R.S. a video on his computer, of  
3 Defendant and Terrie Sena having sex in the back office. PHT, Vol. IV, pp. 29-31.

4                 - Defendant showed T.G. sexually explicit video when she was under the age  
5 of 18 years (COUNT 117)

6           38. When T.G. was 11 or 12 years of age, Defendant showed her a picture of her  
7 aunt, M.C., giving Defendant oral sex. Defendant and T.G. were in the office when he showed  
8 her the picture. PHT, Vol. II, pp. 89-91.

9           39. Under 200.508(1) the State has to prove that a person willfully caused a child  
10 who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a  
11 result of abuse or neglect. Or, in the alternative the State has to prove that a person willfully  
12 caused a child who is less than 18 years of age to be **placed in a situation where the child**  
13 **may suffer physical pain or mental suffering** as the result of abuse or neglect. Important to  
14 note is the fact that the fourth element of both alternatives still uses the language "abuse or  
15 neglect," which is defined in NRS 200.508(4)(a). Under that specific part of the statute there  
16 are five kinds of conduct that are considered to be "abuse and neglect": (1) non-accidental  
17 physical injury, (2) non-accidental mental injury, (3) sexual abuse, (4) sexual exploitation,  
18 and (5) negligent treatment or maltreatment. NRS 432B.110 defines "Sexual Exploitation" to  
19 include "... forcing, allowing or encouraging a child: ... [t]o view a pornographic film or  
20 literature ..." such as existed in the current case.

21           40. Clearly, the State presented sufficient evidence of Child Abuse, Neglect, or  
22 Endangerment – Sexual Abuse, as further alleged in Counts 105 and 117 of the Information.

23 **VII. The State Presented Sufficient Evidence that Defendant Committed the**  
24 **Crimes of Sexual Assault with a Minor Under Sixteen Years of Age; Child**  
25 **Abuse, Neglect, or Endangerment - Sexual Abuse; Open or Gross Lewdness;**  
**and, Sexual Assault as Further Alleged in Counts 54-58 and 61-68 of the**  
**Information, Involving Victim T.S.**

26 **CHARGES INVOLVING VICTIM T.S.**

27           1. **Incident Involving Shower of T.S. and Debora Sena (COUNTS 54 –**  
28 **58)**

1           41. When T.S. was approximately 14 or 15 years of age, on or between December  
2 2, 2008 and December 1, 2010, T.S. was caused to take a shower with Debora Sena. He and  
3 Debora Sena got into the shower naked and began to clean each other. Debora Sena performed  
4 fellatio on T.S. and also caused his penis to be rubbed between her legs in the area of her  
5 vaginal opening. Defendant was present throughout and directed some of the activity. A video  
6 documenting some of the conduct was later found in Defendant's possession. PHT, Vol. II,  
7 pp. 110-114

8           **SEXUAL ASSAULT / WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

9                       -Debora Sena performed Fellatio on T.S. in presence of Defendant

10                      **(COUNT 54)**

11           **CHILD ABUSE, NEGLECT, OR ENDANGERMENT – SEXUAL ABUSE:**

12                      - T.S. and Deborah Sena wash each other in the shower while nude and in the  
13 presence of Defendant **(COUNT 55)**

14                      - T.S. caused to rub his penis between the legs and/or on the genital area of  
15 Debora Sena in the presence of Defendant **(COUNT 57)**

16           **OPEN OR GROSS LEWDNESS:**

17                      - T.S. and Deborah Sena wash each other in the shower while nude and in the  
18 presence of Defendant **(COUNT 56 – in the alternative to COUNT 55)**

19                      - T.S. caused to rub his penis between the legs and/or on the genital area of  
20 Debora Sena in the presence of Defendant **(COUNT 58 in the alternative to**  
21 **COUNT 57)**

22           **2. Incident Involving Sexual Contact Between Debora Sena and T.S.**  
23                      **in a Residence Bedroom (COUNTS 61 – 69)**

24           42. On or between December 2, 2008 and December 1, 2012, T.S. was caused to  
25 have sexual contact with Debora Sena in a bedroom within his residence. Defendant was  
26 present throughout and directed some of the activity. A video documenting some of the  
27 conduct was later found in Defendant's possession. PHT, Vol. I, pp. 222-226; PHT, Vol. II,  
28 pp. 117-122.



1                    **SEXUAL ASSAULT / WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

2                    - Debora Sena Performing Fellatio on T.S. in the presence of Defendant

3                    **(COUNT 61 alternative to 62; 67 alternative to 68)**

4                    - Penile Penetration of Vaginal Opening of Debora Sena by T.S. in the

5                    presence of Defendant **(COUNT 63 alternative to 64; 65 alternative to 66)**

6                    43. Defendant's sole argument reference these counts are that the State failed to  
7 provide sufficient evidence that Defendant aided and abetted Deborah Sena and/or directly  
8 committed the crimes charged. The State has previously addressed the Conspiracy to Commit  
9 Sexual Assault to include these charges. See State's Argument I, pp. 24-27, of the State's  
10 Return.

11                    44. Defendant cites authority standing for the proposition that "mere presence" at  
12 the location of a crime, on it's own, is not sufficient to establish culpability for a given crime.  
13 However, it has long been the law that "[a]lthough mere presence cannot support an inference  
14 that one is a party to an offense, . . . (citation omitted), presence together with other  
15 circumstances may do so." Winston v. Sheriff, 92 Nev. 616 (1976); See Also Walker v. State,  
16 95 Nev. 321 (1979). Clearly, in the referenced incidents there is ample "other circumstances"  
17 evidencing Defendant actually performing and/or aiding and abetting in the charged acts.  
18 Such "other circumstances are detailed in the subject Return on pages 15-17. Some of the  
19 highlights of Defendant's participation are detailed below.

20                    45. First, in the case of **Counts 54 – 58**, it was Defendant who directed T.S. to do  
21 the following:

- 22                    - to take his clothes off;
- 23                    - to get into the shower with his naked step-mother, Deborah Sena;
- 24                    - for T.S. and Deborah Sena to clean each other's naked bodies; and
- 25                    - for T.S. to place his penis around Deborah Sena's vaginal area.

26                    It is also noted that Defendant is charged with using a camera to record such conduct in Count  
27 59 of the subject Information.

28                    //

1           46. In the case of **Counts 61 – 69**, it is Defendant who direct T.S. to do the  
2 following:

3           -to go into the bedroom where the sex acts occurred where Defendant was  
4 waiting already in the nude; and

5           -for T.S. to take all his clothes off as Deborah Sena also took all her clothes off.

6           47. Further, similar to the above referenced incident, Defendant is also charged with  
7 using a camera to record such conduct in Count 69 of the subject information. It is further  
8 noted that the video of such incident shows Defendant moving around the area of the sex acts  
9 and can be heard even giving some instruction as both Deborah Sena and T.S. appear to look  
10 to Defendant for direction from time to time. Finally, Defendant is observed in the video to  
11 engage in some sex acts with Deborah Sena at the same time other parts of Deborah Sena's  
12 body are enagaging in sex acts with T.S.

13           48. In support of his contention that Defendant was merely present for the above  
14 referenced sex acts, Defendant cites Walker v. State, 95 Nev. 321 (1979) and Rodriguez v.  
15 State, 107 Nev. 432 (1991). Neither case supports Defendant's position.

16           49. In Walker, an individual was robbed by multiple assailants in a casino. Walker,  
17 95 Nev. At 322. That Court recognized the evidence aduced at trial to include evidence that  
18 the defendant was seen standing over the victim with no other person present in the area, the  
19 defendant had shoes similar to those described by the victim to be worn by one of the  
20 assailants, and the defednant was previously seen with another person who was seen leaving  
21 the casino just after the robbery and ran from a security officer following such other person.  
22 The Walker Court found that such evidence was sufficient to show that Defendant was more  
23 than merely present during the commission of the robbery. Id. The State submits that the  
24 evidence in the subject case supporting Defendant either directly committing the referenced  
25 crimes charged, or aiding and abetting in the commission of such crimes, is much more  
26 substantial than the evidence found sufficent to defeat a mere presense claim in Walker.

27 //

28 //

1           50. In Rodriguez, the victim was kidnapped and sexually assaulted after leaving a  
2 bar. Rodriguez, 107 Nev. At 433. The defendant also sexually assaulted the victim; however,  
3 the defendant was charged with kidnapping the victim and also the fact that the victim was  
4 sexually assaulted by two other individuals as well as himself. The Rodriguez Court reversed  
5 the convictions of kidnapping and the sexual assault of the two other individuals noting that  
6 there was no evidence adduced showing that the defendant was even present when the  
7 kidnapping and other two rapes occurred and the victim made no reference to anyone acting  
8 as a lookout. However, the defendant's conviction for the sexual assault which he personally  
9 committed was affirmed. Rodriguez, 107 Nev. At 435. This is not at all similar to the facts  
10 in the subject case. As such, Rodriguez is clearly inapposite to this case.

11           51. In this case, CHRISTOPHER SENA, was, in fact, engaged in directly  
12 committing the referenced crimes charged along with DEBORAH SENA. Moreover, the State  
13 is entitled to allege other theories of principle liability as was done in Walker, *supra*. The  
14 State has also rightfully put CHRISTOPHER SENA on notice that he is being charged with  
15 assisting or aiding and abetting DEBORAH SENA. The State contends that Defendant is either  
16 directly or vicariously liable for the criminal conduct alleged in the referenced counts. As  
17 such, those counts must stand.

18 **VIII. The State Presented Sufficient Evidence that Defendant Committed the**  
19 **Crimes of Sexual Assault with a Minor Under Sixteen Years of Age and Incest as**  
20 **Further Alleged in Counts 95-98 and 101-102 of the Information, Involving**  
21 **Victim R.S.**

22           **1. Sexual Conduct with R.S. involving Terri Sena and Defendant in a**  
23 **Residence Bedroom (COUNTS 95 – 98)**

24           52. Prior to R.S. turning 16 years of age, on or between June 14, 2010 and June 13,  
25 2014, R.S. was caused to have sexual contact with Terri Sena, the biological mother of R.S.,  
26 in a bedroom of his Las Vegas residence while Defendant was present. Terri Sena performed  
27 fellatio of R.S. and R.S. was subsequently caused to penetrate the vaginal opening of Terri  
28 Sena with his penis. Terri Sena then, subsequently, again performed fellatio on R.S.  
Defendant videotaped the event and was later found in possession of such video. PHT, Vol.

IV, pp. 41-46.

**SEXUAL ASSAULT WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

- Terri Sean performed Fellatio on R.S. in presence of Defendant (**COUNT 95, 98**)

- R.S. caused to place his penis in the vaginal opening of Terri Sena in the presence of Defendant (**COUNT 96**)

53. The acts of sexual penetration were committed either against the will of R.S. or under circumstances under which Defendant knew, or should have known, that R.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

**INCEST:**

- Sexual Intercourse with Terri Sena in the presence of Defendant (**COUNT 97**)

**2. Sexual Conduct with R.S. involving Terri Sena and Defendant in a Residence Office (COUNTS 101 - 102)**

54. Prior to R.S. turning 16 years of age, on or between June 14, 2010 and June 13, 2014, R.S. was caused to have sexual contact with Terri Sena, the biological mother of R.S., in an office of his Las Vegas residence while Defendant was present. Terri Sena performed fellatio on R.S. and then performed fellatio on Defendant while R.S. watched. Terri Sena subsequently performed fellatio on R.S. again. Defendant videotaped the event and was later found in possession of such video. PHT, Vol. IV, pp.48-50.

**SEXUAL ASSAULT WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

-Terri Sean performed Fellatio on R.S. in presence of Defendant (**COUNT 101, 102**)

55. Defendant's sole argument reference these counts are that the State failed to provide sufficient evidence that Defendant aided and abetted Terrie Sena and/or directly committed the crimes charged. The State has previously addressed the Conspiracy to Commit Sexual Assault to include these charges. See State's Argument I, pp. 24-27, of the State's

1 Return.

2 56. Similar to his argument in VII, above, Defendant appears to contend that he was  
3 merely present during the commission of the referenced crimes. Similar to the State's response  
4 above in VIII, in the subject case there is ample circumstances evidencing Defenant's  
5 participation in the subject crimes. Such circumstances are outlined in the subject State's  
6 return at pages 21 – 23. Some of the highlights of Defendant's participation are detailed below.

7 57. First, in the case of **Counts 95 – 98**, it was Defendant who did the following:  
8 -observed as Terrie Sena began to take off the clothing of R.S. inside of  
9 Defendant's bedroom;  
10 -Defendant directed R.S. to lay on his back on the bed in such room;  
11 -observed Terrie Sena remove her clothing and begin performing fellatio on R.S.  
12 on such bed;  
13 -told Terrie Sena to get on her back on the bed and directed R.S. to get on top of  
14 her and put his penis in her vagina;  
15 -Directed R.S. to get off of Terrie Sena and lay down on his back on the bed;  
16 -Observed as Terrie Sena performed fellatio on R.S. as Defendant sexually  
17 penetrated Terrie Sena from behind.

18 58. It is also noted that Defendant is charged with using a camera to record such  
19 conduct in Count 99 of the subject Information.

20 In the case of **Counts 101 – 102**, it is Defendant who did the following:

21 -Told R.S. to stand up while in his office and Terrie Sena removed the clothing  
22 of R.S.;  
23 -observed as Terrie Sena performed fellatio on R.S.;  
24 -took his own pants down to allow Terrie Sena to perform fellatio on Defendant  
25 as she alternated between Defendant and R.S.;  
26 -After such incident, Defendant told R.S. that if he told anyone what had  
27 happened that Terrie Sena would hate him and Defendant would make his life a  
28 living hell.

1           59. It is also noted that Defendant is charged with using a camera to record such  
2 conduct in Count 103 of the subject Information.

3           60. In this case, CHRISTOPHER SENA, was, in fact, engaged in directly  
4 committing the referenced crimes charged along with TERRIE SENA. Moreover, the State is  
5 entitled to allege other theories of principle liability as was done in Walker, supra. The State  
6 has also rightfully put CHRISTOPHER SENA on notice that he is being charged with assisting  
7 or aiding and abetting TERRIE SENA. The State contends that Defendant is either directly or  
8 vicariously liable for the criminal conduct alleged in the referenced counts. As such, those  
9 counts must stand.

10 **IX. The State Presented Sufficient Evidence that Defendant Committed the Crime of**  
11 **Incest as Further Alleged in Count 97 of the Information**

12           61. As alleged in Counts 95 – 98, prior to R.S. turning 16 years of age, on or between  
13 June 14, 2010 and June 13, 2014, R.S. was caused to have sexual contact with Terri Sena, the  
14 biological mother of R.S., in a bedroom of his Las Vegas residence while Defendant was  
15 present. Terri Sena performed fellatio of R.S. and R.S. was subsequently caused to penetrate  
16 the vaginal opening of Terri Sena with his penis. Terri Sena then, subsequently, again  
17 performed fellatio on R.S. Defendant videotaped the event and was later found in possession  
18 of such video. PHT, Vol. IV, pp. 41-46.

19 **INCEST:**

20 - Sexual Intercourse with Terri Sena in the presence of Defendant (**COUNT**  
21 **97)**

22           62. R.S. is the biological son of Terrie Sena. PHT, Vol. IV, pp. 14-15. R.S. testified  
23 that he went into the bedroom because his mom was in there. Terrie Sena was talking to R.S.  
24 and began taking off his clothes. Defendant was in the hallway and watching what was  
25 happening. Terrie Sena took all of R.S.'s clothes off and Defendant R.S. to lay on the bed, on  
26 his back. Terrie Sena removed her clothes and began sucking on R.S's dick. PHT, Vol. IV,  
27 pp. 41-44. Defendant instructed Terrie Sena to lay on her back and had R.S. get on top of her  
28 and insert his dick into her private spot. (**COUNTS 96 AND 97**). PHT, Vol, IV, p. 45.

1 Defendant had R.S. get off of Terrie Sena and lay down on his back. Terrie Sena sucked R.S.'s  
2 dick while Defendant got behind Terrie Sena. R.S. testified that he did not want to do any of  
3 those things but he was forced to do it by Defendant. PHT, Vol. IV, p. 46.

4 63. In this case, CHRISTOPHER SENA, has, in fact, directed, instructed and caused  
5 R.S. to place his penis in the vagina of Terrie Sena, the mother of R.S. Moreover, the State is  
6 entitled to allege other theories of principle liability as was done in Walker, supra. In the  
7 Amended Information, the State has also rightfully put CHRISTOPHER SENA on notice that  
8 he is being charged with conspiring with and/or assisting or aiding and abetting TERRIE  
9 SENA to commit the referenced act. The State properly contends that Defendant is vicariously  
10 liable for the criminal conduct. This is a natural consequence of Defendant's actions and the  
11 operation of law.

12 **X. The State presented Sufficient Evidence that Defendant Committed the Crimes**  
13 **of Sexual Assault and Open or Gross Lewdness as Further Alleged in Counts 48-**  
14 **51 Against Victim A.S.**

15 64. Defendant makes reference to **Counts 48 – 51** of the subject Information which  
16 are actually part of a sexual event which includes **Counts 46 – 51** of the subject Information.  
17 The entire sexual event is described in the subject Return at pages 20-21. The highlights of  
18 Defendant's conduct in such event are described as follows:

19 -When A.S. came home from high school one day, during the last few months  
20 of her senior year, Defendant brought both Deborah Sena and A.S. into the same  
21 room at the residence they shared;

22 -Defendant told A.S. to get naked which she did;

23 -Defendant told both A.S. and Deborah Sena to play with each other by rubbing  
24 each other's breasts and vaginal areas with their hands which both of them did  
25 in a manner in which A.S. digitally penetrated the vaginal opening of Deborah  
26 Sena (**Counts 48, 49**);

27 - Defendant caused Deborah Sena to get on top of A.S. while Defendant inserted  
28 his penis in the vagina of A.S. (**Counts 46, 47**);

//

1 - While Deborah Sena was still on top of A.S. and each of their nipples were  
2 touching each other, Defendant removed his penis from the vagina of A.S. and  
3 placed it in the vagina or anus of Deborah Sena;

4 - Defendant caused A.S. to fondle the breasts of Deborah Sena (**Count 50**)

5 - Defendant caused Deborah Sena to get on her back as he penetrated her while  
6 telling A.S. to play with herself as Defendant watched which A.S. did in the  
7 course of which she fondled her own vaginal area with her hand (**Count 51**);

8 - A.S. was clear that she did not want to perform the acts Defendant directed and  
9 didn't initially disclose the conduct because she was afraid of what might happen  
10 because of Defendant's threats of what would happen if she told which conduct  
11 Defendant is currently charged with (**Count 53**)

12 The referenced counts are detailed as follows:

13 **SEXUAL ASSAULT / WITH MINOR UNDER SIXTEEN YEARS OF AGE:**

14 - Penile Penetration of Vaginal Opening of A.S. by Defendant in the Presence  
15 of Debora Sena (**COUNT 46**)

16 - Digital Penetration of the Vaginal Opening of Deborah Sena by A.S. in the  
17 presence of Defendant (**COUNT 48**)

18 65. The acts of sexual penetration were committed either against the will of A.S.  
19 or under circumstances under which Defendant knew, or should have known, that A.S. was  
20 mentally or physically incapable of resisting or understanding the nature of Defendant's  
21 conduct.

22 **INCEST:**

23 - Sexual Intercourse between Defendant and A.S. in presence of Debora Sena  
24 (**COUNT 47**)

25 **OPEN OR GROSS LEWDNESS:**

26 - Deborah Sena Fondled the Breast / Genital Area of A.S. in the presence of  
27 Defendant (**COUNT 49**)

28 //



1 - A.S. Fondled the Breast of Debora Sena in the Presence of Defendant  
2 (COUNT 50)

3 - A.S. Fondled Her Own Vaginal Area in the Presence of Defendant and  
4 Debora Sena (COUNT 51)

5 66. Defendant appears to challenge **Counts 48-51** contending that Defendant was  
6 merely present while A.S. and Deborah Sena had consensual sex. The above facts in no way  
7 support this contention. In this case, CHRISTOPHER SENA, has, in fact, engaged in directly  
8 committing the crimes charged along with DEBORAH SENA. Moreover, the State is entitled  
9 to allege other theories of principle liability as was done in Walker, supra. The State has also  
10 rightfully put CHRISTOPHER SENA on notice that he is being charged with assisting or  
11 aiding and abetting DEBORAH SENA. The State contends that Defendant is either directly  
12 or vicariously liable for the criminal conduct.

13 **XI. The State's Supplement to Return to Writ of Habeas Corpus and Motion to**  
14 **Amend Criminal Information was Proper**

15 67. It has long been the law that the referenced amendments are appropriate. Nevada  
16 Revised Statute 173.095(1) states:

17 The court may permit an indictment or information to be amended  
18 at any time before verdict or finding if no additional or different  
19 offense is charged and if substantial rights of the defendant are not  
20 prejudiced.

21 68. There are many cases in Nevada which provide insight concerning NRS  
22 173.095.

23 69. In Hollander v. State, 82 Nev. 345 (1966), the Nevada Supreme Court upheld an  
24 amendment to the information to reflect an allegation that the defendant was a habitual  
25 criminal after the trial on the substantive offense.

26 70. In Nall v. State, 85 Nev. 1 (1969), the trial court allowed the State to amend the  
27 original information adding the charge of extortion. Nevada Supreme Court found no error  
28 and noted that "plentiful evidence of extortion was adduced at the preliminary hearing . . ."

//

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1           71.    In Collins v. State, 88 Nev. 10 (1972), the trial court properly exercised its  
2 discretion in allowing the information to be amended which corrected the spelling of the  
3 victim's name.

4           72.    In Huntley v. Sheriff, 90 Nev. 187 (1974), the defendant was ordered to stand  
5 trial for robbery and for murder committed during the robbery. The pre-trial petition for  
6 habeas corpus contended that there was insufficient evidence for robbery and therefore, both  
7 robbery and the murder charge should fail because the murder was based upon the felony  
8 murder allegation. The State acknowledged that insufficient evidence of robbery existed, but  
9 moved to amend the information to allege the killing was committed by the defendant by  
10 shooting the victim "with a firearm". Nevada Supreme Court upheld the action of the trial  
11 court allowing the State to amend the information.

12           73.    In Armstrong v. State, 92 Nev. 675 (1976), the State was permitted by the trial  
13 court to amend the information and add a witness to the witness list. This amendment was  
14 permitted the day before the trial but the defense had been informed of the witness four days  
15 before trial. The Nevada Supreme Court found no abuse of discretion on the part of the trial  
16 court.

17           74.    In Green v. State, 94 Nev. 176 (1978), the State moved to amend the information  
18 after all the evidence had been presented at trial. The amendment changed the allegation of  
19 what the defendant had allegedly committed. The Supreme Court reversed the conviction and  
20 remanded the case for a new trial on an amended information.

21           75.    In Shannon v. State, 105 Nev. 782 (1989), where the prosecution moved to  
22 amend during the State's case in chief. The State sought to amend the allegations set forth in  
23 the two counts of sexual assault where the factual allegation transposed the victim and the  
24 defendant as to who was committing the fellatio. The Nevada Supreme Court upheld the  
25 amendment, even though the defendant waived the preliminary hearing upon the original  
26 charges, because (1) the defendant was charged with sexual assault, (2) the act of fellatio was  
27 alleged in the information, (3) the offense remains sexual assault accomplished by fellatio, and  
28 (4) the substantial rights of the defendant were not prejudiced by the amendment of this

1 information.

2 76. In DePasquale v. State, 106 Nev. 843 (1990), a death penalty case, the  
3 prosecution was allowed to amend an information at the end of its case-in-chief whereby the  
4 method of killing ("beating him with hands and fists") was amended by dropping the words  
5 "with hands and fists". The amendment was upheld because defense counsel hypothesized  
6 that the beating occurred with the use of a "heavy club" which the defendant did not possess  
7 and the amendment was not inconsistent with the defense. There was no prejudice to the  
8 substantial rights of the defendant.

9 77. In Dressler v. State, 107 Nev. 686 (1991), Nevada Supreme Court emphasized  
10 that NRS 173.095(1) authorized information amendments before verdict, but avoided the  
11 propriety of post-verdict amendments where the sentencing judge amended a prior 1973 DUI  
12 conviction allegation from "San Metayo" to "Lassen" County. The amendment was not  
13 needed because NRS 484.3792(2) requires "notice" of the penalties and prior offense. Since  
14 the California DUI conviction date was specifically alleged and since the Lassen County  
15 conviction records were introduced at preliminary hearing, the defendant could not have been  
16 surprised, mislead, or prejudiced by the error.

17 78. Although it may not be applicable, one statute interestingly allows the  
18 prosecution to submit a new information or indictment for a higher offense, even after a jury  
19 has been sworn in.

20 79. NRS 175.311 states:

21 If it appears by the testimony that the facts proved constitute an  
22 offense of a higher nature than that charged in the indictment or  
23 information, the court may direct the jury to be discharged, and all  
24 proceedings on the indictment or information to be suspended, and  
may order the defendant to be committed or continued on, or  
admitted to bail, to answer any new indictment or information  
which may be found or filed against him for the higher offense.

25 80. The referenced amendments are appropriate because such amendments do not  
26 result in any additional or different offenses being charged or otherwise prejudice the  
27 substantial rights of Defendant.

28 //

**ORDER**

Based upon the Findings of Fact and Conclusions of Law contained herein, it is hereby:  
**ORDERED, ADJUDGED, and DECREED** that Defendant's Pre-Trial Petition for Writ of Habeas Corpus shall be, and it is, hereby DENIED, with the Amendment to Count 97 as requested by the Court.


**IT IS FURTHER ORDERED, ADJUDGED, and DECREED** that the State's Motion to Amend Information shall be, and it is, hereby GRANTED.

DATED this 19<sup>th</sup> day of October, 2016.

  
DISTRICT JUDGE

STEVEN B. WOLFSON  
DISTRICT ATTORNEY  
Nevada Bar #001565

BY

  
JAMES R. SWEETIN  
Chief Deputy District Attorney  
Nevada Bar #005144

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VIOLET R. RADOSTA, DPD  
Email: harrolah@ClarkCountyNV.gov

/s/ HOWARD CONRAD  
Secretary for the District Attorney's Office

hjc/SVU

**Howard Conrad**

---

**From:** Howard Conrad  
**Sent:** Thursday, October 13, 2016 2:51 PM  
**To:** Violet Radosta  
**Cc:** James Sweetin  
**Subject:** 14F14785-FCL-(Sena\_Christopher\_10\_12\_2016)-001  
**Attachments:** 14F14785-FCL-(Sena\_Christopher\_10\_12\_2016)-001.pdf

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER SENA,  
#0779849

Defendant.

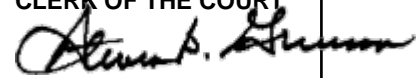
CASE NO: **C-15-311453-1**

DEPT NO: **XIX**

**FINDINGS OF FACT, CONCLUSIONS**

**OF LAW AND ORDER**

DATE OF HEARING: OCTOBER 12, 2016  
TIME OF HEARING: 8:30 A.M.



MOT  
PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
VIOLET R. RADOSTA, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 5747  
**PUBLIC DEFENDERS OFFICE**  
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radostvr@co.clark.nv.us  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-15-311453-1
	)	
v.	)	DEPT. NO. XIX
	)	
CHRISTOPHER SENA,	)	
	)	
Defendant,	)	DATE: August 23, 2017
	)	TIME: 8:30 a.m.

**MOTION TO COMPEL PRODUCTION OF DISCOVERY & BRADY MATERIAL**

Defendant, CHRISTOPHER SENA, through counsel, VIOLET R. RADOSTA, Deputy Public Defender, hereby requests this Honorable Court to order the State of Nevada to produce the discovery and Brady material discussed herein pursuant to NRS 174.235; NRS 174.285; Kyles v. Whitley, 514 U.S. 419 (1995); Brady v. Maryland, 373 U.S. 83 (1963) (and their progeny).

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

DATED this 7<sup>th</sup> day of August, 2017.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Violet r Radosta  
VIOLET R. RADOSTA, #5747  
Deputy Public Defender

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VIOLET R. RADOSTA makes the following declaration:

1. I am an attorney licensed to practice law in the State of Nevada and I am a Deputy Public Defender for the Clark County Public Defender's Office, counsel of record for Defendant CHRISTOPHER SENA, in the present matter;

2. I make this Declaration in support of Mr. Sena's Motion for Production of Discovery & Brady material;

3. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

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

EXECUTED this 7<sup>th</sup> day of August, 2017.

/s/ Violet R Radosta  
VIOLET R. RADOSTA



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 **Procedural History**

4 Defendant, CHRISTOPHER SENA, is charged by way of State's Information  
5 with the crimes of CONSPIRACY TO COMMIT SEXUAL ASSAULT (Category B Felony -  
6 NRS 200.364, 200.366, 199.480), SEXUAL ASSAULT WITH A MINOR UNDER  
7 FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), LEWDNESS  
8 WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), SEXUAL  
9 ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS  
10 200.364, 200.), INCEST (Category A Felony - NRS 201.180), OPEN OR GROSS LEWDNESS  
11 (Category D Felony - NRS 201.210), SEXUAL ASSAULT (Category A Felony - NRS 200.364,  
12 200.366), PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING  
13 CRIME OR COMMENCING PROSECUTION (Category D Felony - NRS 199.305), CHILD  
14 ABUSE AND NEGLECT, SEXUAL ABUSE OR EXPLOITATION (Category B Felony - NRS  
15 200.508(1)), POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL  
16 CONDUCT OF A CHILD (Category B Felony - NRS 200.700, 200.730), USE OF MINOR IN  
17 PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750) and  
18 USE OF MINOR UNDER THE AGE OF 14 IN PRODUCING PORNOGRAPHY (Category A  
19 Felony - NRS 200.700, 200.710.1, 200.750). The Co-Defendant's in this case are DEBORAH  
20 SENA and TERRIE SENA. The crimes allegedly occurred on or between May 22, 2001 and  
21 June 30, 2014. The alleged 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 concluded  
23 after four separate days of testimony on September 18, 2015. Justice of the Peace Janeice  
24 Marshall requested written briefs on the bind over argument. The argument on the bindover was  
25 heard by Justice of the Peace Marshall on December 15, 2015. After considering arguments  
26 from both sides, Justice of the Peace Marshall held Mr. Sena to answer on 124 counts, although  
27 the State did declare approximately 15 felony counts are charged in the alternative to other  
28

1 counts.

2 Mr. Sena entered a NOT GUILTY plea to all charges on January 20, 2016. Mr. Sena  
3 waived his right to a speedy trial and the jury trial was set for the week of November 14, 2016.  
4 That trial date was continued. The current trial date is September 11, 2017.

5  
6 **Factual History**

7 Per the evidence presented by the State during the 4 days of preliminary hearing  
8 testimony on August 27<sup>th</sup> and 28<sup>th</sup>, September 3<sup>rd</sup> and September 18<sup>th</sup>, this factual summary is  
9 presented in the order of the witnesses presented by the State. Additionally, the defense will not  
10 extensively recite the testimony of witnesses that are not relevant to this Motion. *In light of the*  
11 *voluminous nature of the preliminary hearing transcript, the Defense has elected not to attach it*  
12 *as an exhibit. Should the Court require a copy, the Defense will be happy to provide one.*

13  
14 **Terrie Sena –**

15 Terrie Sena is the mother of A.S., T.S. and R.S. She is also the sister of M.C. and aunt to  
16 E.C. and T.G. She was married to Christopher Sena from 1990 to 1997. After her divorce from  
17 Mr. Sena, Terrie lived with him and their children at 6012 Yellowstone Avenue. She lived there,  
18 off and on, from 1998 to 2014. Mr. Sena's second wife and the mother of B.S., along with B.S.  
19 also lived at 6012 Yellowstone during the years of 1998-2014. R.S. was not the biological son  
20 of Mr. Sena, despite having the same last name. PHT Vol. I, pp 12-17. Terrie Sena pleaded  
21 guilty to one count of Sexual Assault and had already been sentenced to 10 years to life at the  
22 time of her testimony. She also agreed to testify truthfully at all subsequent hearings as part of  
23 her plea agreement. PHT Vol. I, pp 18-21.

24 Terrie Sena testified that there were 3 separate sexual incidents she participated in with  
25 her biological son, R.S. and that all 3 incidents were recorded. She saw the red light on the  
26 computer camera was on, so that indicated to her that they were being recorded. She also  
27 testified that there were 2 incidents that she participated in with B.S. and that both of those  
28

1 incidents were also recorded to her knowledge. PHT Vol. I, pp 33-47. Terrie Sena testified to  
2 multiple other sexual activities she either participated in within the house or watched happen  
3 within the house.

4 There were 2 incidents of sexual contact with B.S. Per her testimony, Terrie Sena got  
5 B.S. from the house and brought him back to the office. She unbuckled his pants, took them off  
6 B.S., and took off her own clothes. B.S. touched her breasts because Mr. Sena 'had him' touch  
7 her breasts. Terrie then lay on her back and had sexual intercourse with B.S. The second  
8 incident also occurred in the office. She unbuckled his pants, performed oral sex and engaged in  
9 sexual intercourse with B.S. while lying on her back. B.S. touched her breasts because Mr. Sena  
10 made him, per Terrie Sena's testimony. PHT Vol. I, pp 44-48.

11 Terrie also recalled an incident involving A.S. Terrie testified the incident occurred in  
12 the living room and Mr. Sena was also present. A.S had taken off her clothes and was leaning  
13 over an ottoman while touching Terrie Sena's breasts. Per Terrie Sena, Mr. Sena had her remove  
14 her own top. Terrie Sena's testimony was that Mr. Sena was penetrating A.S. While this was  
15 allegedly happening, Terrie Sena was sitting near A.S. on the couch facing her. A.S. was 17  
16 when that alleged incident occurred. PHT Vol. I, pp 48-52.

17 Terrie Sena also related details of a sexual interaction with herself and Deborah when  
18 R.S. and B.S. were both approximately 5 years old. Terrie brought R.S. into the master bedroom  
19 at the same time that Deborah brought B.S. into the bedroom. They each took off the pants of  
20 the boys and Terrie placed her mouth on the penis of B.S. while Deborah placed her mouth on  
21 the penis of R.S. Terrie testified that Mr. Sena made them bring the boys into the bedroom and  
22 made them perform oral sex on the boys. PHT Vol. I, pp 52-53. She elaborated on cross that he  
23 made her and Deborah perform oral sex by asking them to do it. There was no weapon involved  
24 and no threats of physical violence against herself, Deborah or any of the children in order to  
25 persuade Terrie to put her mouth on the penis of 5 year old B.S.<sup>1</sup> PHT Vol. I, pp 120-121.

---

26  
27 <sup>1</sup> There are no charges against Mr. Sena, Terrie Sena or Deborah Sena relating to the allegation of Terrie Sena that  
28 she performed fellatio on B.S. when he was 5 years old. The State elicited this testimony of uncharged acts of  
Terrie Sena on direct.

1 M.C.

2 M.C. is the biological sister of Terrie Sena. She is the youngest of 5 siblings. Terrie is  
3 10 years older than M.C. M.C. is also the mother of E.C., another alleged victim in this case.  
4 PHT Vol. I, pp. 135-138.

5 M.C. met Mr. Sena when she was 8 years old and she was 34 at the time of her  
6 testimony. She spent time with her sister, Terrie and Mr. Sena. She reviewed several photos  
7 during the course of her testimony including at least one where she was naked. It was her  
8 testimony that her sister was not present when that photo was taken. She was approximately 16  
9 years old in the photo. She was aware that the photo was taken. PHT Vol. I, pp. 142-144.  
10 There were multiple photos that she testified about during the preliminary hearing. She testified  
11 that Terrie was also present when some of the photos were taken and was aware that the photos  
12 were being taken. She also testified that she had previously reviewed the photos about 2 months  
13 prior for the purpose of identifying her age in the photos. She was specifically told to look for  
14 photos where she was under the age of 16 during that interview. PHT Vol. I, pp. 161-164.

15  
16 **Detective William Kurau**

17 Las Vegas Metropolitan Police Department Detective Kurau testified that he assisted in  
18 the serving of a search warrant on 6012 Yellowstone Avenue on September 18, 2014. He  
19 watched the residence with another detective for several hours prior to SWAT arriving. Once the  
20 SWAT team arrived and secured the house and the residents, Detective Kurau searched the  
21 residence for the items listed in the search warrant. He impounded several items and had them  
22 secured and transported back to his office. PHT Vol. I, pp 191-194.

23 He also testified that he wasn't in charge of the investigation, but the entire juvenile  
24 sexual assault unit was involved in the investigation of this case at one point or another. PHT  
25 Vol. I, pp 196.

26  
27 **Detective Vincente Ramirez**

1 Las Vegas Metropolitan Police Detective Vincente Ramirez testified regarding the  
2 forensic review of evidence seized in this case under LMVPD event #1409151583. PHT Vol. I,  
3 pp 212. The defense will only provide a brief summary of the testimony that is pertinent to this  
4 motion.

5 Detective Ramirez reviewed videos and photographs that contained images of individuals  
6 that he identified as Christopher Sena, Deborah Sena, Terrie Sena, T.S., B.S. and R.S. as well as  
7 other alleged named victims not relevant to this writ.

8  
9 Video #1 –

10 Showed B.S. and Deborah Sena engaged in sexual acts. PHT Vol. I, pp 218.

11  
12 Video #2 –

13 Sexual acts involving Deborah and T.S., including fellatio and sexual intercourse.  
14 Detective Vincente Ramirez testified regarding the content of the video. Mr. Sena was present  
15 during parts of the video and engage in sexual intercourse with Deborah. PHT Vol. 1, pp. 225.

16  
17 Video #3 –

18 Detective Ramirez testified that this video showed someone setting up the camera and  
19 then the image of a shower and shower curtain can be seen. Allegedly, Mr. Sena and T.S are  
20 then visible in the frame. Deborah Sena enters the frame and gets into the shower with T.S. Mr.  
21 Sena is then seen walking away from the shower. Both T.S. and Deborah are naked in the scene.

22  
23 Video #4 –

24 Allegedly depicts a young woman in the shower.

25 Video #5 –

26 Allegedly depicts a young woman in the shower

27 Video #6  
28

1 Detective Ramirez testified about video images of this event. He described sexual acts  
2 involving R.S. and Terrie Sena in the room. Mr. Sena is present at times during the sexual acts  
3 of masturbation, fellatio and sexual intercourse between R.S. and Terrie Sena. PHT Vol. II, pp.  
4 10-14.

5  
6 Video #7 –

7 Allegedly depicts a woman in the shower identified as T.G.

8 Video #8 –

9 Allegedly depicts a woman in the shower identified as E.C.

10  
11 Detective Ramirez also testified about certain files that had been a video file that had  
12 broken up when it went into the unallocated space. The images were of R.S., Terrie Sena and  
13 Mr. Sena. There were approximately 4500 to 5000 still images that were the broken down  
14 frames from a video. It appears that Terrie Sena had her mouth on the penis of R.S. and MR.  
15 Sena. PHT Vol. II, pp 18-23.

16  
17 **E.C.**

18 E.C. testified she was 14 years old on the day of her preliminary hearing testimony. Her  
19 mother is M.C., another alleged victim in this case. Mr. Sena is E.C.'s uncle through his  
20 marriage to Terrie Sena. Terrie Sena is the sister of M.C.

21 E.C. would visit her aunt and cousins, R.S., A.S and T.S. at 6012 Yellowstone. From the  
22 ages of 10 or 11 years old until she was 13, she would visit almost every weekend. E.C. testified  
23 that when she was 11 years old, Mr. Sena allegedly touched her breasts and vagina. He would  
24 allegedly touch her under her clothes. The alleged touching happened in the office sometimes at  
25 night and sometimes during the day. PHT Vol. II, pp 51-53. E.C. testified that she was allegedly  
26 touched more than one time, but said the touching was always the same.

1 **T.S.**

2 T.S. testified that he is the biological son of Terrie Sena and Christopher Sena. He was  
3 born in 1994, so he was 20 years old on the day he testified. PHT Vol. II, pp 106-107. He  
4 testified about 2 separate sexual encounters with Deborah Sena. One was in the shower and one  
5 was in the master bedroom. He was 14 or 15 years old during each alleged incident. Mr. Sena  
6 was purportedly present during both incidents. PHT Vol. II pp. 110-120.

7  
8 **B.S.**

9 B.S is the biological son of Deborah Sena and Christopher Sena. He was born August  
10 13, 1998, which made him 17 years old on the day of his preliminary hearing testimony. PHT  
11 Vol. II pp 147-148.

12 B.S. testified about alleged sexual acts with himself and Terrie Sena that occurred in the  
13 back office. He was 14 years old when Terrie Sena allegedly performed oral sex on him. Per his  
14 testimony, Mr. Sena was present when this allegedly occurred. Terrie Sena also engaged in  
15 sexual intercourse with B.S. on that day. B.S. also testified that he touched her boobs on that  
16 day. B.S. recalled that there was a second separate incident when Terrie Sena performed oral  
17 sex on him. PHT Vol. II pp 153-159.

18 B.S. also testified about an incident with Deborah Sena. Per his testimony, Mr. Sena  
19 dragged B.S. into the master bedroom and had him strip. Deborah Sena was already in the room  
20 and she was naked on the bed. B.S lay on the bed and then Deborah Sena got on top of him and  
21 inserted his penis into her vagina. Per his testimony, Deborah also performed oral sex on him  
22 that day as well. Per his testimony, Deborah was forced to perform fellatio that day, but no  
23 further details were testified to regarding how she was forced. PHT Vol. II pp165-168.

24  
25 **A.S.**

26 A.S. testified her birth date is May 22, 1990. PHT Vol. III, pp 6. She was 25 years old  
27 on the day of her testimony and she also testified that she graduated high school in 2008. Her  
28

1 biological mother is Terrie Sena and her biological father is Mr. Sena.

2 According to A.S., the first incident of sexual contact was when she was 11 years old  
3 when she was living at 6012 Yellowstone Avenue in Las Vegas. She was in the living room,  
4 and Mr. Sena came in and asked her to take her clothes off. A.S. did and then Mr. Sena  
5 allegedly started touching her breasts. He touched her vagina with his hands and rubbed her  
6 clitoris. Mr. Sena allegedly lifted her legs off the bed and penetrated her anus with his penis.  
7 Afterwards, Mr. Sena told her to get dressed. PHT Vol. III, pp 12-17.

8 A.S testified that similar conduct happened frequently until 2009 when she was 19 years  
9 old. She said it allegedly happened twice a week, almost every week. She turned 19 in 2009  
10 when the conduct became less frequent. Between the ages of 11 and 13, A.S. testified that  
11 similar conduct occurred in the living room, her room, the master bathroom, master bedroom and  
12 the boys' room. PHT Vol. III, pp 17-19.

13 At the age of 14, the alleged conduct by Mr. Sena changed, per A.S.'s testimony. She  
14 alleged that one day after she turned 14, she was taking a shower and Mr. Sena got into the  
15 shower with her. He allegedly touched her breasts and had her 'go up against the wall.' Per her  
16 testimony, Mr. Sean allegedly inserted his penis into her vagina that day, taking her virginity.  
17 After the first time, the same conduct would happen once every two to three weeks. A.S.  
18 testified that vaginal intercourse would occur in the living room, the boys' bedroom, the master  
19 bedroom, the bathroom and A.S.'s room. PHT Vol. III, pp 22-25.

20 A.S. also testified about the alleged first incident of her performing oral sex on Mr. Sena.  
21 She testified she was 12 years old. No other details were given regarding the first incident of  
22 oral sex. PHT Vol. III, pp 26.

23 A.S. recalled the last time 'he did anything' to her was in January 2013. She could not  
24 recall any details about the last incident. She recalled it was January 2013 because she knew it  
25 was the January before she moved out of the house at 6012 Yellowstone with B.S. and Deborah.  
26 PHT Vol. III, pp 27. On cross examination, A.S. realized that she moved out of the house in  
27 2014, so she amended her testimony regarding the date of the last alleged incident to January of  
28



1 2014. PHT Vol. III, pp 43.

2 A.S. then testified regarding an incident of anal intercourse when Terrie Sena was  
3 present. A.S. was 14 years old, but could not recall the month or the day of the week. A.S.  
4 recalled that the incident occurred in the office. and the subject turned to sex with Mr. Sena,  
5 Terrie and A.S. Mr. Sena got undressed and A.S. got undressed, but Terrie ‘became undressed’  
6 during the incident per A.S.’s testimony. Terrie Sena gave Mr. Sena oral sex and A.S. watched  
7 while that was happening. After the oral sex, Mr. Sena inserted his penis into A.S.’s anus and  
8 Terrie watched. After that incident, A.S.’s attitude towards her mother became more hateful.  
9 PHT Vol. III, pp 28-32.

10 Finally, A.S. testified regarding an alleged incident between herself and Deborah Sena.  
11 A.S. was 17 or 18. It was right before the end of the school year and A.S. was graduating high  
12 school. When A.S. arrived home, Mr. Sena was already naked in the living room and then  
13 Deborah came into the living room. She was also naked. Per A.S., there was sexual contact  
14 between herself and Deborah. At some point, Mr. Sena inserted his penis into A.S.’s vagina.  
15 Then, he allegedly inserted his penis into Deborah’s vagina or anus. PHT Vol. III, pp 33-38, 50.  
16 The boys got home from school approximately one hour after the incident ended. Additionally,  
17 Terrie was not home during the alleged incident. PHT Vol. III, pp 48-49.

18 A.S testified that Mr. Sena threatened her over the years that if she told about the abuse  
19 she would be sent away or sent to juvie. PHT Vol. III, pp 40.

20 A.S. testified that when she was 9 years old, she was physically abused by Mr. Sena  
21 when he hit her with a pipe. She went to the school nurse because her head was hurting. She  
22 said the nurse saw the bruising and called Child Protective Services, who in turn interviewed her  
23 at the school about the alleged physical abuse. Per A.S. there was no further contact with any  
24 authorities regarding that alleged incident, but she was physically abused for telling. PHT Vol.  
25 III, pp. 111-113.

26 A.S. also testified that Mr. Sena had friends who were LMVPD officers and those friends  
27 would come over to the house regularly. She testified that Mr. Sena threatened her if she ever  
28

1 told his LVMPD friends about the abuse. She specifically recalled such a conversation when she  
2 was 14 years old. PHT Vol III, pp. 115-116. One of the officers A.S. remembered coming to the  
3 house was Officer Brinkley and his wife. PHT Vol III pp. 117.

4 A.S. testified that she worked at the Albertson's located at Sloan and Charleston for  
5 almost 2 years. She stated that Mr. Sena had friends that worked at the store who spied on her  
6 for him. One of the individuals was Ms. Christine who worked security. According to A.S.,  
7 Ms. Christine would report to Mr. Sena. There was also another 'friend' of Mr. Sena's named  
8 Shawn. It is unclear from her testimony if Shawn worked at the Albertson's or just shopped  
9 there, but A.S. believed he was spying on her for Mr. Sena. A.S. did not know Shawn's name.  
10 She testified that whenever she saw Shawn in the store he was speaking with Mr. Sena on the  
11 phone and made sure she knew it. PHT Vol III pp. 118-120.

12 A.S. testified that she had many boyfriends that Mr. Sena scared away over the years by  
13 'terrorizing' them. However, A.S. stated that her boyfriend Kristoff/Christoff figured out that  
14 she had been raped. A.S. did not provide Kristoff's last name when asked for it on cross because  
15 it was a long name and hard to pronounce. She testified that he asked her if she was a rape  
16 victim at some point and she declined to answer. She testified that he did not accuse Mr. Sena,  
17 Deborah, or Terrie of sexually abusing her. PHT Vol III pp. 122-123.

18 The first person A.S. told about the alleged abuse who was outside the family was Aunt  
19 Barbara, who is Deborah's stepsister. A.S. testified on cross that she did not know Aunt  
20 Barbara's last name and that she lived somewhere in Maryland. It is unclear from the testimony  
21 of A.S. if she ever spoke to Aunt Barbara about the alleged abuse or if Deborah spoke to Aunt  
22 Barbara. It was a phone conversation. PHT Vol III pp. 124-125.

23 Per her testimony, the first person A.S. told of the allegations was Richard Tuchman. No  
24 further information was provided during the preliminary hearing about Mr. Tuchman. PHT Vol  
25 III pp. 124-125.

26 A.S. related that she was audio and video interviewed by LVMPD detectives/officers on  
27 two separate occasions. There was one interview conducted by Detective Samples on September  
28

1 15, 2014. A.S. clearly remembered a separate interview that was audio and video recorded on  
2 the she, Deborah and B.S. all went to the LVMPD substation to report the alleged abuse. PHT  
3 Vol. 111, pp126-127. A.S. stated there was approximately a two week span between the 2  
4 interviews. She also related that she was called by Detective Samples on a third occasion to  
5 come to his office to review photos and videos. PHT Vol. III 134-135.

6 A.S. also reviewed the video footage in the case with employees of the District attorney's  
7 office prior to Deborah Sena's preliminary hearing. She specifically testified that Mr. Sweetin  
8 and Ms. Holthus were present for this interview. PHT Vol. III, pp. 136.

9 A.S. recalled receiving one on one therapy when she, B.S. and Deborah when to  
10 Safehouse (as she called it during testimony). Her therapist's name was Felicia and she had  
11 weekly sessions. After leaving SafeNest, A.S. testified she continued her therapy regarding the  
12 alleged abuse. This therapist was affiliated with SafeNest and her name is Lorene. At the time  
13 of the preliminary hearing, A.S. had been attending weekly therapy sessions regarding the  
14 alleged abuse for approximately 15 months. PHT Vol. III 128-130.

15 A.S. stated that at one point in time there were sexual photos on her phone of herself and  
16 Mr. Sena. She testified that she no longer had the phone and that she had thrown the phone out  
17 after deleting the photos. She testified that every time she and Mr. Sena had sexual intercourse,  
18 the phone would be used to take photos. A.S. routinely deleted those photos from the phone  
19 because her brothers would use her phone at times. Even though the photos were deleted, the  
20 date from the old LG phone transferred to her subsequent phone and to the phone she had with  
21 her in court on the day of the preliminary hearing. PHT Vol. III 142- 143.

22 A.S. revealed that she had prepared some documents for Detective Samples to aid in the  
23 investigation. Specifically, she drew a map of the house either just prior or during her interview  
24 with Detective Samples, which he kept. She apparently drew a second map prior to Deborah's  
25 preliminary hearing. It is unclear if anyone kept that document. PHT Vol III, pp. 145.

26 There were friends of A.S. that would come over to her house when Mr. Sena was home.  
27 Per her testimony these friends all got a bad vibe from Mr. Sena when they spent time at 6012  
28

1 Yellowstone Avenue. One of the girls named Jennifer flashed Mr. Sena on one occasion. The  
2 name provided of that individual was Jennifer Schunke. The other girls were Desiree Lemons,  
3 Blanca (LNU) and Amanda (LNU). PHT Vol. III, pp 145- 146.

4 A.S. testified that Deborah first revealed the allegations of sexual abuse in the home  
5 when she was consulting with an attorney for a possible divorce. They had left the residence on  
6 June 12, 2014, but had not reported the allegations of physical and sexual abuse until September  
7 2014. At some time after the meeting with the divorce attorney, Deborah reported the  
8 allegations to LVMPD. A.S. also testified that she decided to report the allegations to the police  
9 because there were some incidents involving Deborah's Facebook account. A.S. believed that  
10 Mr. Sena hacked into Deborah's Facebook account apparently to post fake updates. Per A.S, the  
11 hacking of Deborah's Facebook account was reported to Facebook. There was also an  
12 allegation that Mr. Sena sent sexual videos to Deborah's workplace via email in an effort to get  
13 her fired. PHT Vol. III, pp. 82-86.

14 A.S. also alleged during the preliminary hearing that Mr. Sena stole Deborah's truck at  
15 some point prior to the sexual abuse report to LVMPD. She stated they filed a police report  
16 regarding the stolen truck but were told nothing could be done because Deborah and Mr. Sena  
17 were still married. PHT Vol. III, pp. 83-84.

18 A.S. received emails and voicemails from Mr. Sena in the days after she, Deborah and  
19 Brandon left the house on June 12, 2014. A.S. testified one email revealed that Terrie and R.S.  
20 had also left the house. She also received at least one voicemail and possible more from Mr.  
21 Sena. In one voicemail, Mr. Sena apparently threatened to commit suicide. PHT Vol. III, pp.  
22 75-77.

23  
24 **R.S.**

25 R.S. is the biological son of Terrie Sena. R.S. stated that the alleged abuse by Mr. Sena  
26 started when he was 12 or 13 years old; when he was in 7<sup>th</sup> or 8<sup>th</sup> grade in junior high. PHT Vol.  
27 IV, pp 20. He also testified that the alleged abuse stopped for a period of time when he was 15  
28

1 years old. PHT Vol. IV, pp. 36. R.S. testified that he recalled Mr. Sena touching the area of his  
2 behind where the poop comes out. R.S. testified that he was touched by Mr. Sena's dick. This  
3 happened when he was 12 or 13. He also testified that it allegedly happened in his bedroom  
4 when Mr. Sena walked into R.S.'s bedroom and made him take off his clothes. The alleged  
5 incident occurred on the floor of the bedroom. PHT Vol. IV, pp. 25-27. R.S. also testified  
6 regarding an alleged incident in the living room. He testified regarding the alleged details of Mr.  
7 Sena making R.S sit on Mr. Sena's dick while he was sitting on the couch. PHT Vol. IV, pp. 33-  
8 35.

9 R.S. recalled 2 separate incidents with his mother Terrie Sena. One incident happened in  
10 the office and the other in 'his' room. The first incident R.S testified about was the incident in  
11 Mr. Sena's room, apparently 'his' room. R.S. did not remember his age or what grade he was  
12 attending in school. He did remember he was under the age of 16, though. R.S. went into the  
13 room because his mother was in there. Once in there, she began taking off his clothes. Mr. Sena  
14 was not in the room when R.S.'s clothes were removed. R.S. got on the bed and then, Terrie  
15 Sena removed her clothes. After removing her clothes, she started performing oral sex on R.S.  
16 R.S alleges that then Mr. Sena 'made' Terrie Sena get on her back on the bed, and then makes  
17 R.S. get on top of her. Terrie Sena had sexual intercourse with R.S. According to R.S., Mr.  
18 Sena makes him get off Terrie Sena. He then lies on the bed and she performs oral sex again on  
19 R.S. PHT Vol. IV, pp 41-46.

20 The second alleged incident between Terrie Sena and R.S. occurred in the office. R.S  
21 testified that he came into the room for help with an ingrown toenail. Mr. Sena was the person  
22 R.S. was seeking the help from in the office. After arriving in the office and talking with Mr.  
23 Sena for a while, Terrie Sena also came into the office. Once in the office, Terrie Sena took off  
24 R.S.'s clothes. She also took off her own shirt. She then performed fellatio on R.S. After a  
25 while, Terrie Sena started performing oral sex on Mr. Sena at the same time, alternating between  
26 R.S. and Mr. Sena. PHT Vol. IV, pp 49-50.

27 This Motion for Discovery follows.  
28

## ARGUMENT

Prior to trial, prosecutors are required to disclose both inculpatory and exculpatory information within their actual or constructive possession.

### **I. Prosecutors must Disclose *Inculpatory* Evidence**

NRS 174.235 requires prosecutors to disclose evidence “within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known,” including:

- The defendant’s written or recorded statements or confessions,
- Any witness’s written or recorded statements the prosecuting attorney intends to call during the witness during the State’s case in chief,
- Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case,<sup>2</sup> and
- Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the State’s case in chief.

NRS 174.235(1)(a)-(c).

#### A. Prosecutors must disclose all inculpatory evidence, regardless of whether the material is intended for use in the government’s case in chief

Prosecutors may not lawfully withhold inculpatory information from the defense simply because they do not intend to present the information in the government’s case-in-chief. State v. Harrington, 9 Nev. 91, 94 (1873); People v. Carter, 312 P.2d 665, 675 (Cal.1957); People v. Bunyard, 756 P.2d 795, 809 (Cal. 1988). Any holding to the contrary would allow prosecutors to engage in unfair surprise by withholding inculpatory material from the government’s case-in-chief, only to surprise the defense by using it in rebuttal. Thus, prosecutors must disclose all

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<sup>2</sup> This includes medical data, imaging, films, reports and slides, histological, colposcopic, or otherwise. The right to counsel guaranteed by the Sixth Amendment obligates defense counsel to conduct “an adequate pre-trial investigation into . . . medical evidence.” Gersten v. Senkowski, 426 F.3d 588, 605 (2d Cir. 2005). This duty includes obtaining and reviewing pertinent medical imaging even if the testing reveals no significant findings. Id. at 605, 607-10 (discussing the exculpatory nature of “normal” medical examinations in cases in which a complainant alleges physical harm). Thus, the discovery obligations set forth in NRS 174.235(2) require prosecutors to disclose physical imaging and testing.

1 inculpatory evidence of which they are actually or constructively aware, including material not  
2 necessarily intended for introduction in the prosecution's case-in-chief.

3 B. Fundamental fairness requires that NRS 174.235 be interpreted to encompass all  
4 statements made by a defendant, regardless of whether they are reduced to writing or  
5 recorded

6 While NRS 174.235 obligates prosecutors to disclose a defendant's written or recorded  
7 statements, fundamental fairness requires disclosure of unrecorded statements and statements for  
8 which a defendant can be held vicariously liable.<sup>3</sup> Courts have recognized the fundamental  
9 fairness involved in "granting the accused equal access to his own words, no matter how the  
10 government came by them." U.S. v. Caldwell, 543 F.2d 1333, 1353 (D.D.C. 1974). This  
11 includes allowing an accused access to his unrecorded words, including adoptive or vicarious  
12 admissions. Since these admissions are admissible at trial whether recorded or not, NRS  
13 174.235 must be construed to require pretrial disclosure of any unrecorded statements or  
14 admissions, including those for which the defendant can be held vicariously liable.

## 15 **II. Prosecutors Must Disclose Exculpatory Evidence as Required by the U.S. and** 16 **Nevada Constitutions**

17 The United States and Nevada Constitutions require prosecutors to disclose all  
18 exculpatory information of which they are actually or constructively aware. U.S. Const. Amend.  
19 V, VI, XIV; Nev. Const. Art. 1, Sect. 8; Brady v. Maryland, 373 U.S. 83 (1963); Kyles v.  
20 Whitley, 514 U.S. 419, (1995). A prosecutor's failure to disclose exculpatory evidence violates  
21 the Due Process Clause. Jimenez v. State, 112 Nev. 610, 618 (1996). A due process violation  
22 occurs when exculpatory evidence is withheld, regardless of the prosecution's motive. Jimenez,  
23 112 Nev. 610.

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25 ///

26 ///

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27 <sup>3</sup> NRS 51.035(3)(a)-(e) provides that a defendant can be held vicariously liable for  
28 statements made by third parties. See also Fields v. State, 129 Nev. 785 (2009) (finding  
evidence of defendant's silence following wife's complaint that she was in jail because of his  
conduct admissible as an adoptive admission).

1           A. Brady Places Broad Disclosure Obligations on Prosecutors, Questions About Which Must  
2           Be Resolved In Favor Of Disclosure

3           Exculpatory evidence is information favorable to the defendant that is material to the  
4 issue of guilt or punishment. U.S. v. Bagley, 473 U.S. 667, 675 (1985). Evidence is material  
5 and favorable to the accused if its non-disclosure undermines confidence in the outcome of the  
6 trial. Kyles, 514 U.S. at 434-35. This evidence must be disclosed even in the absence of a Brady  
7 request.<sup>4</sup> Bagley, 473 U.S. at 680-82.

8           Ultimately, prosecutors are tasked with a “broad duty of disclosure.” Strickler, 527 U.S.  
9 at 281; cf. U.S. v. Agurs, 427 U.S. 97, 108 (1976) (holding that “the prudent prosecutor will  
10 resolve doubtful questions in favor of disclosure”). As the Nevada Supreme Court has  
11 explained:

12           Due process does not require simply the disclosure of “exculpatory” evidence.  
13 Evidence also must be disclosed if it provides grounds for the defense to attack the  
14 reliability, thoroughness, and good faith of the police investigation, to impeach the  
15 credibility of the state’s witnesses, or to bolster the defense case against  
prosecutorial attacks. Furthermore, “discovery in a criminal case is not limited to  
investigative leads or reports that are admissible in evidence.” Evidence “need not  
have been independently admissible to have been material.”

16 Mazzan v. Warden, 116 Nev. 48, 67 (2000) (internal citations omitted). Thus, any question as to  
17 whether certain material, information, or evidence falls within the purview of Brady should be  
18 resolved in favor of disclosure. Agurs, 427 U.S. at 108; see also Kyles, 514 U.S. at 439 (“a  
19 prosecutor anxious about tacking too close to the wind will disclose a favorable piece of  
20 evidence.”).

21 ///

22 ///

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23  
24           <sup>4</sup> However, a specific Brady request changes the standard of review on appeal. When a  
25 defendant makes a specific request, a reversal is warranted when “there exists a reasonable  
26 *possibility* that the claimed evidence would have affected the judgment of the trier of fact.”  
27 Jimenez, 112 Nev. 619; State v. Bennett, 119 Nev. 589 (2003). However, absent a specific  
28 request, reversal is warranted, “if there exists a reasonable *probability* that, had the evidence  
been disclosed, the result of the proceeding would have been different.” Bagley, 473 U.S. at  
667, 682, 685; Pennsylvania v. Ritchie, 480 U.S. 39, 57 (1986). A reasonable probability is a  
probability sufficient to undermine confidence in the outcome. Bagley, 473 U.S. at 678, 685;  
Ritchie, 480 U.S. at 57.



1       B. Favorable Evidence Includes Impeachment Information

2       The Due Process Clause of the Fifth and Fourteenth Amendments requires prosecutors to  
3 disclose “any information about its witnesses that could cast doubt on their credibility.” U.S. v.  
4 Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992). A witness can be attacked by “revealing possible  
5 biases, prejudices, or ulterior motives of the witnesses as they may relate directly to issues or  
6 personalities in the case at hand. The partiality of a witness is . . . always relevant [to]  
7 discrediting the witness and affecting the weight of his testimony.” Davis, 415 U.S. at 316; see  
8 also Lobato v. State, 120 Nev. 512 (2004) (discussing the nine basic modes of impeachment).  
9 Accordingly, favorable evidence includes impeachment information pertaining to all government  
10 witnesses. Giglio v. U.S., 405 U.S. 150, 154 (1972); Youngblood v. West Virginia, 547 U.S.  
11 867 (2006); U.S. v. Bagley, 473 U.S. at 676 (requiring disclosure of all impeachment evidence).

12       *1. Impeachment information includes cooperation agreements and benefits*

13       Impeachment information includes all cooperation agreements between a government  
14 witness and prosecutors. Giglio v. U.S., 405 U.S. 150, 154 (1972) (requiring disclosure of  
15 cooperation agreement between government witness and prosecutors). It also includes benefits  
16 provided to a government witness, regardless of whether an explicit deal is outlined. Browning  
17 v. State, 120 Nev. 347, 369 (2004). It is the witness’s own anticipation of reward, not the intent  
18 of the prosecutor, which gives rise to the required disclosure. Moore v. Kemp, 809 F.2d 702,  
19 726, 729-30 (11th Cir. 1987); Duggan v. State, 778 S.W.2d 465, 468 (Tex. Crim. App. 1989)  
20 (noting that agreements need not be express or formal arrangements, and recognizing favorable  
21 treatment that is merely implied, suggested, insinuated, or inferred to be of possible benefit to a  
22 witness constitutes proper material for impeachment).

23       Notably, benefits are not limited to agreements made in relation to the case in which they  
24 are sought. Jimenez, 112 Nev. at 622-23. Benefits include evidence that a witness acted as a  
25 paid informant on one or more occasions. State v. Bennett, 119 Nev. 589, 603 (2003).  
26 Additionally, benefits include travel and lodging compensation, immigration assistance of any  
27 kind, whether actual or anticipatory, as well as counseling, treatment, or other assistance  
28

1 provided to any witness. These benefits are relevant to issues regarding possible bias,  
2 credibility, and motive to lie, all of which constitute impeachment evidence. Davis v. Alaska,  
3 415 U.S. 308 (1974).

4 *2. A witness's criminal history constitutes impeachment information*

5 Impeachment information includes evidence relating to a witness's criminal history.  
6 Briggs v. Raines, 652 F.2d 862, 865-66 (9th Cir. 1981). Under Brady, prosecutors must produce  
7 criminal histories useful to demonstrating a witness's history of, or propensity for, a relevant  
8 character trait. Id. Prosecutors must also produce criminal histories disclosing a witness's bias,  
9 prejudice or motive to lie. Davis, 415 U.S. at 354.

10 A witness's entire criminal record should be disclosed, even if it is more than ten years  
11 old. Moore, 809 F.2d 702. Prosecutors are often under the mistaken impression that they must  
12 disclose only felony convictions within the last ten years that can be utilized for impeachment  
13 under NRS 50.095. However, in Davis, the U.S. Supreme Court found that a witness can be  
14 attacked by "revealing possible biases, prejudices, or ulterior motives . . . . The partiality of a  
15 witness is . . . always relevant [to] discrediting the witness and affecting the weight of his  
16 testimony." 415 U.S. at 354 (internal quotations omitted). The Davis Court found that the  
17 policy interest in protecting offender records must yield to the defendant's right to cross-examine  
18 as to bias. Id. at 356; see also Lobato v. State, 120 Nev. 512 (2004), discussing the "nine basic  
19 modes of impeachment." Therefore, even juvenile records, misdemeanors, and older criminal  
20 records may yield information relevant to many forms of impeachment other than that outlined in  
21 NRS 50.095.

22 Prosecutors must also produce criminal history information maintained by law  
23 enforcement agencies other than the Las Vegas Metropolitan Police Department, such as the  
24 federal government's National Crime Information Center ("NCIC") database.<sup>5</sup> "[K]nowledge

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25 <sup>5</sup> Federal law permits disclosure of NCIC information under circumstances such as those  
26 here. 28 C.F.R. Chapter 1 addresses the U.S. Dept. of Justice and Criminal Justice Information  
27 Systems. 28 C.F.R. Sec. 20.33 sets forth the instances in which NCIC information may be  
28 disclosed. It provides for NCIC disclosure "(1) To criminal justice agencies for criminal justice  
purposes . . . ." 28 C.F.R. Sec. 20.3(g) defines criminal justice agencies as *inter alia* courts.  
Additionally, 28 C.F.R. Sec. 20.3 defines the "[a]dministration of criminal justice" to include the

1 [of the NCIC database] may be imputed to the prosecutor, or a duty to search may be imposed, in  
2 cases where a search for readily available background information is routinely performed, such  
3 as routine criminal background checks of witnesses.” Odle v. Calderon, 65 F. Supp. 2d 1065,  
4 1072 (N.D. Cal. 1999), rev’d on other grounds by Odle v. Woodford, 238 F.3d 1084 (9th Cir.  
5 2001). A prosecutor’s lack of knowledge regarding a witness’s criminal history does not relieve  
6 the prosecutorial obligation to obtain and produce that information. Martinez v. Wainwright,  
7 621 F.2d 184, 187-89 (5th Cir. 1980) (defendant entitled to criminal records of state-government  
8 witnesses, including data obtainable from the FBI; prosecutor’s lack of awareness of alleged  
9 victim’s criminal history did not excuse duty to obtain and produce rap sheet).

10 Requiring prosecutors to run background checks on their witnesses is not a novel  
11 proposition. See U.S. v. Perdomo, 929 F.2d 967 (3d Cir. 1991) (adopting 5th Circuit’s rationale  
12 in requiring government to obtain complete criminal history on prosecution witnesses). It is the  
13 prosecutor’s “obligation to make a thorough inquiry of all enforcement agencies that had a  
14 potential connection with the witnesses . . . .” U.S. v. Thornton, 1 F.3d 149 (3d Cir. 1993). If the  
15 witness has no criminal history, the prosecutor is not required to produce the NCIC printout, as it  
16 need not disclose a lack of criminal history. U.S. v. Blood, 435 F.3d 612, 627 (6th Cir. 2006).  
17 Thus, prosecutors must run a thorough background check on every witness they intend to call,  
18 and produce all criminal history information to the defense.

19 *3. Impeachment information includes evidence contradicting a government witness’s*  
20 *statement*

21 Impeachment evidence encompasses prior inconsistent statements and other evidence that  
22 contradicts government witnesses. Accordingly, prosecutors must disclose prior inconsistent  
23 statements by prosecution witnesses. Lay v. State, 116 Nev. 1185, 1199 (2000). Prosecutors  
24 must also disclose other evidence contradicting the testimony of government witnesses. Rudin v.  
25 State, 120 Nev. 121, 139 (2004).

26 “performance of any of the following activities . . . adjudication . . . .” Therefore, the C.F.R.  
27 authorizes prosecutors to access and disclose NCIC data pursuant to Court order as part of a  
28 criminal case adjudication.

1           4. *Confidential records must be disclosed if they contain impeachment information*

2           Impeachment evidence can derive from privileged or confidential material. When this  
3 occurs, the privileged or confidential nature of the material at issue must yield to a defendant's  
4 constitutionally secured right to confront and cross-examine those who testify against him.  
5 Davis, 415 U.S. at 356 (finding the State's interest in maintaining confidentiality of juvenile  
6 records must yield to defendant's right to cross-examine as to bias); see also U.S. v. Nixon, 418  
7 U.S. 683, 713 (1974) (generalized assertion of privilege must yield to demonstrated, specific  
8 need for evidence in a pending criminal case). Thus, prosecutors must obtain and disclose  
9 privileged and confidential records when the records contain information bearing on witness  
10 credibility.<sup>6</sup>

11           This includes mental health records. U.S. v. Lindstrom, 698 F.2d 1154, 1166-67 (11th  
12 Cir. 1983); U.S. v. Robinson, 583 F.3d 1265, 1271-74 (10th Cir. 2009); Wyman v. State, 125  
13 Nev. 592, 607-08 (2009). It also includes Child Protective Services (or the functional  
14 equivalent) and school records. See Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (defendant  
15 entitled to *in camera* review of Child and Youth Services records<sup>7</sup>); and State v. Cardall, 982  
16 P.3d 79, 86 (Utah 1999) (defendant entitled to complainant's school psychological records  
17 indicating she had propensity to lie and had fabricated prior rape allegations). It further includes  
18 adult and juvenile parole, probation, jail, and prison records. U.S. v. Strifler, 851 F.2d 1197,  
19 1201 (9th Cir. 1988); Carriger v. Stewart, 132 F.3d 463, 479-82 (9th Cir. 1997) (requiring  
20 production of Department of Corrections file on principle government witness); Davis, 415 U.S.  
21 at 356; see also Bennett, 119 Nev. at 603 (2003) (failure to disclose co-conspirator's juvenile  
22 records in penalty hearing amounted to Brady violation). Thus, prosecutors cannot refuse

23  
24           <sup>6</sup> At a minimum, otherwise confidential or privileged material must be submitted to the  
25 Court for an *in camera* review to determine materiality. Pennsylvania v. Ritchie, 480 U.S. 39, 60  
(1987).

26           <sup>7</sup> The Ritchie Court held that the State cannot claim privilege to refuse disclosure of CPS  
27 records, unless there is a statutory scheme that forbids any use, including disclosure to a  
28 prosecutor, of such records. Ritchie, 480 U.S. at 57-58. NRS 432B.290 allows for disclosure of  
such records to the prosecutor and to the court for *in camera* review.

1 disclosure of impeachment information on the basis that the information is privileged or  
2 confidential.

3 *5. Impeachment Information Includes Prior Allegations of Sexual Misconduct and Prior*  
4 *Sexual Knowledge*

5 Under Nevada law, prior false allegations of sexual misconduct amount to an exception  
6 to rape shield laws. Miller v. State 105 Nev. 497 (1989). Accordingly, Nevada law authorizes  
7 disclosure of prior false allegations, including those made by juvenile complainants. NRS  
8 432B.290(3) specifically authorizes child welfare agencies to disclose “the identity of a person  
9 who makes a report or otherwise initiates an investigation . . . if a court, after reviewing the  
10 record *in camera* and determining that there is reason to believe that the person knowingly made  
11 a false report, orders the disclosure.” Similarly, the Ninth Circuit recognizes it is error to  
12 exclude evidence of minor’s prior false sexual assault allegations as this evidence “might  
13 reasonably have influenced the jury’s assessment of [the complainant’s] reliability or credibility .  
14 . . .” Fowler v. Sacramento Co. Sheriff’s Dept., 421 F.3d 1027, 1032-33; 1040 (9th Cir. 2005).

15 Impeachment evidence in sexual misconduct cases further includes evidence of a  
16 complainant’s prior sexual conduct to show sexual knowledge. Summitt v. State, 101 Nev. 159  
17 (1985); see also Holley v. Yarborough, 568 F.3d 1091, 1099-1100 (9th Cir. 2009) (finding it was  
18 error to exclude evidence that complainant made comments to friends regarding a prior sexual  
19 encounter and claimed other boys expressed a desire to engage in sexual acts with her, as this  
20 evidence revealed complainant’s active sexual imagination, and may have altered jury’s  
21 perception of the complainant’s credibility and reliability of her claims). Thus, prosecutors must  
22 disclose evidence of a complainant’s prior accusations of sexual misconduct as well as evidence  
23 of a complainant’s prior sexual conduct in cases where such evidence bears on the charged  
24 crimes.

25 *6. Law enforcement personnel files may contain impeachment information*

26 Under U.S. v. Henthorn, 931 F.2d 29, 31 (9th Cir. 1991), prosecutors must examine law  
27 enforcement personnel files upon defense request. See also U.S. v. Cadet, 727 F.2d 1453 (9th  
28

1 Cir. 1984). A defendant is not required to make an initial showing of materiality before  
2 prosecutors must examine the files—the examination obligation arises solely from the  
3 defendant’s request. Henthorn, 931 F.2d at 31. “Absent such an examination, [the State] cannot  
4 ordinarily determine whether it is obligated to turn over the files.” Id. Once examined,  
5 prosecutors must “disclose information favorable to the defense that meets the appropriate  
6 standard of materiality . . . . If the prosecution is uncertain about the materiality of the  
7 information within its possession, it may submit the information to the trial court for an in  
8 camera inspection and evaluation . . . .” Henthorn, 931 F.2d at 30-31 (quoting Cadet, 727 F.2d at  
9 1467-68). Thus, if requested to do so by the defense, the prosecution must canvass relevant law  
10 enforcement personnel files for information material to the case.

11 C. Favorable Evidence Includes Witnesses with Exculpatory Information

12 Prosecutors must disclose the identity of witnesses possessing exculpatory information,  
13 as no legitimate interest is served by precluding the defense from calling such witnesses for trial.  
14 U.S. v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); U.S. v. Houston, 339 F.Supp. 762 (N.D. GA  
15 1972).

16 D. Favorable Evidence Includes Evidence of Third-Party Guilt

17 The U.S. Constitution guarantees a criminal defendant the right to present evidence of  
18 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to  
19 allow defendant to present evidence of third party guilt deprives him of a meaningful right to  
20 present a complete defense under the Sixth and Fourteenth Amendments to the U.S.  
21 Constitution). Under Brady, prosecutors must disclose all evidence suggesting another  
22 perpetrator committed the charged crimes. Lay, 116 Nev. at 1195-96. This includes evidence  
23 that another individual was arrested in connection with the charged crime. Banks v. Reynolds,  
24 54 F.3d 1508, 1518 n.21 (10th Cir. 1995). It also includes evidence of investigative leads  
25 pointing to other suspects. Jimenez, 112 Nev. at 622-23 (withholding evidence of investigative  
26 leads to other suspects, regardless of admissibility, constitutes Brady violation).

1        Additionally, prosecutors must provide the actual documents, evidence, and reports  
2        pertaining to evidence of third-party guilt; it is not enough for prosecutors to provide the defense  
3        with a summary of the information relating to other suspects. Mazzan, 116 Nev. at 69 (summary  
4        of prosecutor’s perspective on written reports relating to potential suspects were constitutionally  
5        inadequate; actual reports should have been disclosed pursuant to Brady); Bloodworth v. State,  
6        512 A.2d 1056, 1059-60 (Md. 1986). Thus, prosecutors must disclose any information or  
7        evidence indicating someone other than the instant defendant committed the charged crimes.

8        E. Favorable Evidence Includes All Evidence that May Mitigate a Defendant’s Sentence

9        Favorable evidence also includes evidence which could serve to mitigate a defendant’s  
10       sentence upon conviction. Jimenez, 112 Nev. 610. Accordingly, prosecutors must disclose any  
11       evidence tending to mitigate punishment in the instant matter.

12       **III. The Disclosure Obligations Conferred by NRS 174.235 and Brady Include Rough**  
13       **Notes**

14       Raw notes made by any law enforcement officer or other prosecution agent in connection  
15       with the investigation of instant matter must be disclosed to the defense. See, e.g., State v.  
16       Banks, 2014 WL 7004489 (Nev. S.Ct. Dec. 10, 2014) (unpublished) (court did not take issue  
17       with lower court’s order requiring preservation and disclosure of police officer’s rough notes);  
18       see also U.S. v. Clark, 385 F.3d 609, 619 (6th Cir. 2004) (finding rough notes discoverable under  
19       F.R.C.P. 16); U.S. v. Molina-Guevara, 96 F.3d 698, 705 (3d Cir. 1996) (remanding on other  
20       grounds but noting that, on remand, production of rough notes required under F.R.C.P. 16); U.S.  
21       v. Harris, 543 F.2d 1247 (9th Cir. 1976) (noting as important, and requiring preservation of, law  
22       enforcement rough notes). Notably, this does not include information amounting to work  
23       product.

24       In Hickman v. Taylor, 329 U.S. 495, 508-11 (1947), the U.S. Supreme Court recognized  
25       the privileged nature of discussions relating to the preparation of a case for trial.<sup>8</sup> The work

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26       <sup>8</sup> “In performing his various duties, however, it is essential that a lawyer work with a  
27       certain degree of privacy, free from unnecessary intrusion by opposing parties and their  
28       counsel... Proper preparation of a client’s case demands that he assemble information, sift what  
     he considers to be the relevant from the irrelevant facts, prepare his legal theories and plan his

product doctrine announced in Hickman shelters not only material generated by an attorney in preparation for trial, but by his agent, as well:

At its core, the work product doctrine shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case. But the doctrine is an intensely practical one, grounded in the realities of litigation in our adversary system. One of those realities is that attorneys often must rely on the assistance of investigators and other agents in preparation for trial. It is therefore necessary that the doctrine protect material prepared by agents for the attorney as well as those prepared by the attorney himself. Moreover, the concerns reflected in the work-product doctrine do not disappear once trial has begun . . . .

U.S. v. Nobles, 422 U.S. 225, 238-39 (1975). Codifying this, NRS 174.235(2) exempts from discovery:

- a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.
- b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

Accordingly, only raw notes generated by, or on behalf of, the prosecutor are exempted from disclosure under the work product doctrine. Any other raw notes compiled during the investigation of this matter must be turned over pursuant to the disclosure obligations imposed by NRS 174.235 and Brady.

#### **IV. The Disclosure Obligations Set Forth Above Extend to All Material in the Prosecutors Actual or Constructive Possession**

Prosecutors must turn over all material related to the case in the possession, control and custody of any government agent or agency. See U.S. v. Blanco, 392 F.3d 382, 388 (9th Cir. 2004). Prosecutors are responsible for disclosing evidence in their possession as well as

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strategy without undue and needless interference... This work is reflected, of course, in interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways – aptly... termed... as the ‘work product of the lawyer.’ Were such materials open to opposing counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney’s thoughts, heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be demoralizing. And the interests of clients and the cause of justice would be poorly served.” Id.



1 evidence held or maintained by other government agents, as “it is appropriate to charge the State  
2 with constructive knowledge” of evidence held by any investigating agency. Bennett, 119 Nev.  
3 at 603.

4 This constructive possession rule applies to evidence that is *withheld* by other agencies.  
5 Bennett, 119 Nev. at 603. Even if investigating officers withhold reports without the  
6 prosecutor’s knowledge, “the state attorney is *charged with constructive knowledge and*  
7 *possession of evidence withheld by other state agents*, such as law enforcement officers.” Id.  
8 (internal quotations and citation omitted) (emphasis added). “Exculpatory evidence cannot be  
9 kept out of the hands of the defense just because the prosecutor does not have it, where an  
10 investigative agency does.” U.S. v. Zuno-Arce, 44 F.3d 1420, 1427 (9th Cir. 1995). “It is a  
11 violation of due process for the prosecutor to withhold exculpatory evidence, and his motive for  
12 doing so is immaterial.” Jimenez, 112 Nev. at 618.

13 In fact, a prosecutor has an *affirmative obligation* to obtain Brady material and provide it  
14 to the defense, *even if the prosecutor is initially unaware of its existence*. “The prosecution’s  
15 affirmative duty to disclose evidence favorable to a defendant can trace its origins to early 20th  
16 century strictures against misrepresentation and is of course most prominently associated with  
17 this Court’s decision in Brady . . . .” Kyles, 514 U.S. at 432. This obligation exists even where  
18 the defense does not make a request for such evidence. Id. As the U.S. Supreme Court  
19 explained:

20 This in turn means that the individual prosecutor *has a duty to learn* of any  
21 favorable evidence known to the others acting on the government’s behalf in the  
22 case, including the police. But whether the prosecutor succeeds or fails in meeting  
23 this obligation (whether, that is, a failure to disclose is in good faith or bad faith),  
24 the prosecution’s responsibility for failing to disclose known, favorable evidence  
25 rising to a material level of importance is inescapable. . . . Since then, the  
prosecutor has the means to discharge the government’s Brady responsibility if he  
will, any argument for excusing a prosecutor from disclosing what he does not  
happen to know about boils down to a plea to substitute the police for the  
prosecutor, and even for the courts themselves, as the final arbiters of the  
government’s obligation to ensure fair trials.

26 Kyles, 514 U.S. at 437-38 (emphasis added) (citations and footnotes omitted); see also Carriger,  
27 132 F.3d at 479-82 (holding that “the prosecution has a duty to learn of any exculpatory evidence  
28

1 known to others acting on the government's behalf. *Because the prosecution is in a unique*  
2 *position to obtain information known to other agents of the government, it may not be excused*  
3 *from disclosing what it does not know but could have learned."* (citations omitted) (emphasis  
4 added). Thus, the disclosure obligations outlined above extend not only to material directly in  
5 the possession of prosecutors, but material prosecutors constructively possess, as well.

6 **V. An "Open File" Policy Does Not Obviate the Disclosure Obligations Outlined Above**

7 Historically, the Clark County District Attorney's Office (CCDA) has employed an open  
8 file policy in which prosecutors allow defense counsel to review the discovery contained in the  
9 government's trial file. While the CCDA currently may not be adhering to this practice, it is  
10 worth noting that an open file policy does not vitiate above-referenced disclosure obligations.  
11 Strickler, 527 U.S. at 283 (holding that a prosecutor's open file policy does not in any way  
12 substitute for or diminish the State's obligation to turn over Brady material). "If a prosecutor  
13 asserts that he complies with Brady through an open file policy, defense counsel may reasonably  
14 rely on that file to contain all materials the State is constitutionally obligated to disclose under  
15 Brady." Strickler, 527 U.S. at 283, n.23.; see also Amando v. Gonzalez, 758 F.3d 1119, 1136  
16 (9th Cir. 2014); McKee v. State, 112 Nev. 642, 644 (1996) (reversing a judgment of conviction  
17 based on prosecutorial misconduct where the prosecutor did not make available all relevant  
18 inculpatory and exculpatory evidence consistent with the county district attorney's open file  
19 policy); see also Furbay v. State, 116 Nev. 481 (2000) (discussing prosecution's duty to provide  
20 all evidence in its possession where it has promised to do so). Accordingly, if the defense relies  
21 on the government's assurance of an open file policy, the defense is not required to hunt down  
22 information otherwise obtained and maintained pursuant to that policy.

23 **VI. Adjudication of the Instant Motion is Necessary for Preservation of Issues Relating**  
24 **to Discovery Disclosures**

25 NRS 174.235 requires disclosure of (1) written and recorded statements of a defendant or  
26 any witness the prosecutor intends to call in his case-in-chief; (2) results and reports of any  
27 examinations or tests conducted in connection with the case at bar; and (3) any document or  
28

1 tangible object the prosecutor intends to introduce in his case in chief—upon the request of the  
2 defense. Additionally, constitutional jurisprudence requires disclosure of any evidence tending  
3 to exculpate the accused. The instant Motion is brought, *inter alia*, to ensure the availability of  
4 appropriate sanctions should later discovery issues arise. This requires a Court Order compelling  
5 the production of the information and material sought herein. Donovan v. State, 94 Nev. 671  
6 (Nev. 1978).

7 A. Nevada Law Provides for Judicial Oversight of the State’s Discovery Obligations

8 Eighth Judicial District Court Rule (EDCR) 3.24 governs discovery motions in local  
9 criminal practice. It states:

10 (a) Any defendant seeking a court order for discovery pursuant to the provisions of  
11 NRS 174.235 or NRS 174.245 may make an oral motion for discovery at the  
12 time of initial arraignment. The relief granted for all oral motions for discovery  
will be as follows:

13 (1) That the State of Nevada furnish copies of all written or recorded  
14 statements or confessions made by the defendant which are within the  
possession, custody or control of the State, the existence of which is  
15 known or by the exercise of due diligence may become known to the  
district attorney.

16 (2) That the State of Nevada furnish copies of all results or reports of  
17 physical or mental examinations, and of scientific tests or experiments  
made in connection with this case which are within the possession,  
18 custody or control of the State, the existence of which is known or by  
the exercise of due diligence may become known to the district  
attorney.

19 (3) That the State of Nevada permit the defense to inspect and copy or  
20 photograph books, papers, documents, tangible objects, buildings,  
places, or copies or portions thereof, which are within the possession,  
21 custody or control of the State, provided that the said items are material  
to the preparation of the defendant’s case at trial and constitute a  
22 reasonable request.

23  
24 (b) Pursuant to NRS 174.255, the court may condition a discovery order upon a  
25 requirement that the defendant permit the State to inspect and copy or  
26 photograph scientific or medical reports, books, papers, documents, tangible  
objects, or copies or portions thereof, which the defendant intends to produce at  
27 the trial and which are within the defendant’s possession, custody or control  
provided the said items are material to the preparation of the State’s case at trial  
28 and constitute a reasonable request.

1 Thus, EDCR 3.24 specifically provides for the discovery motion brought in the instant matter.

2 Not surprisingly, the Nevada Supreme Court has held that a discovery motion and  
3 corresponding order is a prerequisite to obtaining relief under NRS 174.295<sup>9</sup> for later discovery  
4 violations:

5 Although NRS 174.295 provides relief for a prosecutor’s failure to notify defense  
6 counsel of all discoverable material, that statute is only operative in situations  
7 where a previous defense motion has been made and a court order issued. That  
8 provision is not applicable to any informal arrangements that are made, as here  
between counsel without benefit of court sanction.

9 Donovan, 94 Nev. 671 (internal citations omitted).

10 This comports with other portions of NRS 174, which, by implication, suggests criminal  
11 discovery is a matter that must be pursued by way of motion rather than a simple written or oral  
12 request. For example, NRS 174.285 states that “a request made pursuant to NRS 174.235 or  
13 174.245 may be made only within 30 days after arraignment or at such reasonable time *as the*  
14 *court may permit*. A party shall comply with a request made pursuant to NRS 174.235 or  
15 174.245 not less than 30 days before trial or at such reasonable later time *as the court may*  
16 *permit*.” (Emphasis added). The judicial permission required for late discovery requests and late  
17 compliance contemplates judicial oversight of discovery matters.

18 Similarly, NRS 174.125 contemplates discovery requests via written motion. NRS  
19 174.125 requires that, any motion “which by [its] nature, if granted, delay[s] or postpone[s] the  
20 time of trial must be made before trial, unless an opportunity to make such a motion before trial  
21 did not exist or the moving party was not aware of the grounds for the motion before trial.” A  
22 discovery request, depending on the timing and nature of the request, may necessarily cause a  
23 trial delay. Accordingly, under NRS 174.125, discovery requests should be made via motion  
24 prior to trial. Id.

25 Thus, the statutorily-based discovery requests set forth herein are properly brought before  
26 this Honorable Court and must be adjudicated. Refusal to adjudicate the instant Motion obviates

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27 <sup>9</sup> NRS 174.295 sets forth sanctions for discovery violations, such as inspection of material not properly  
28 disclosed, trial continuance, or exclusion of the undisclosed material.

1 Mr. Sena’s statutorily created liberty interest in (1) ensuring access to the discoverable material  
2 covered by NRS 174 and (2) ensuring application of the enforcement and sanction provisions  
3 outlined in NRS 174. Such an arbitrary deprivation of a state-created liberty interest violates the  
4 Due Process Clause. See Hicks v. Oklahoma, 447 U.S. 343, 346 (1980) (arbitrary deprivation of  
5 state-created liberty interest amounts to Due Process violation).

6 B. Brady Material and Relevant Authority

7 Brady and related authority also contemplate pre-trial regulation and adjudication of  
8 prosecutorial disclosures. Brady is not a discovery rule but a rule of fairness and minimum  
9 prosecutorial obligation. Curry v. U.S., 658 A.2d 193, 197 (D.C. 1995) (internal quotations and  
10 citations omitted). It does not require the production of specific documents. It requires the  
11 production of information. This prosecutorial obligation is non delegable—it is not contingent  
12 on, nor is the defense required to make, specific Brady requests. See Strickler, 527 U.S. at 281-  
13 82 (setting forth the elements of a Brady claim and clarifying that there is no requirement that  
14 defense make request).<sup>10</sup>

15 However, to prevail on a Brady claim, should one arise, a defendant must establish that  
16 (1) the prosecution was in actual or constructive possession of favorable information; (2) the  
17 prosecution failed to disclose this information to the defense in a timely fashion or at all; and (3)  
18 the withheld information was material to the outcome of the trial. Strickler, 527 U.S. at 281-82.  
19 The standard for determining materiality depends upon whether defense counsel requested the  
20 information at issue and, if a request was made, whether the request was specific or general in  
21 nature. “If a defendant makes no request or only a general request for information, the evidence  
22 is material when a reasonable *probability* exists that the result would have been different had it  
23 been disclosed.” Bennett, 119 Nev. at 600 (emphasis added). Yet, “if the defense request is

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24  
25 <sup>10</sup> Any argument by prosecutors that “the defense is able to independently seek out any discovery which  
26 they desire . . . it is not the State’s responsibility to perform investigations or inquiries on behalf of the defense,”—  
27 common responses to defense discovery motions—is patently wrong. Strickler, 527 U.S. at 281-82 (rejecting the  
28 argument that defense counsel should have uncovered Brady information); Banks v. Dretke, 540 U.S. 668, 695-98  
(2004) (“A rule thus declaring ‘prosecutor may hide, defendant must seek’ is not tenable in a system constitutionally  
bound to accord defendants due process.”).

1 specific, the evidence is material upon the lesser showing that a reasonable *possibility* exists of a  
2 different result had there been disclosure.” Id. (emphasis added) Accordingly, the fact and  
3 nature of a Brady request is critical to later adjudication of alleged Brady violations.

4 Defense counsel enjoys to the right to pursue Brady requests—and thereby construct the  
5 record on them—in the manner counsel sees fit. The best way to ensure that the record  
6 adequately reflects the nature and scope of a Brady request is via pre-trial discovery motion—a  
7 motion, as set forth above, specifically provided for by Nevada law.<sup>11</sup> See Myles v. State, 127  
8 Nev. 1161 (2011) (unpublished) (no discovery violation where undisclosed photo not requested  
9 as part of discovery motion).

10 A cursory review of federal discovery jurisprudence reveals the broad authority with  
11 which trial courts are vested to regulate pretrial Brady disclosures and thereby ensure that this  
12 constitutional rule—which exists to prevent a miscarriage of justice—works as it should.  
13 Bagley, 473 U.S. at 675; U.S. v. Odom, 930 A.2d 157, 158 (D.C. 2007); see also U.S. v. W.R.  
14 Grace, 526 F.3d 499, 509 (9th Cir. 2008) (affirming trial court’s order requiring government to  
15 disclose its finalized witness list a year prior to trial as an exercise of the court’s inherent  
16 authority to manage its docket”); U.S. v. Coppa, 267 F.3d 132, 146 (2d Cir. 2001)  
17 (acknowledging trial court’s discretion to order pretrial disclosures as a matter of sound case  
18 management); U.S. v. Rigas, 779 F. Supp. 408, 414 (M.D. Pa. 2011 (recognizing authority of  
19 trial court to order pretrial disclosure of Brady material to ensure effective administration of  
20 criminal justice system); U.S. v. Cerna, 633 F. Supp. 2d 1053, 1057 (N.D. Cal. 2009) (exercising  
21 power to issue Brady order); U.S. v. Thomas, 2006 WL 3095956 (D.N.J. 2006) (issuing pretrial  
22 order regulating, *inter alia*, Brady disclosures).

23 Indeed, trial courts must, as a constitutional matter, exercise this oversight power. Boyd  
24 v. U.S., 908 A.2d 39, 61 (D.C. 2006) (“courts have the obligation to assure that [prosecutorial  
25 discretion] is exercised in a manner consistent with the right of the accused to a fair trial”); see  
26 also Smith v. U.S., 665 A.2d 962 (D.C. 2008) (abuse of discretion for court to refuse to review a

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27 <sup>11</sup> This is especially true given the absence of compelling Nevada or other authority  
28 recognizing an informal Brady request as sufficient to preserve the record on this critical issue.

transcript *in camera* where prosecution concede there were “minor inconsistencies in the testimony as to how the shooting happened”). As such, judicial oversight of Brady disclosures is commonplace in federal criminal prosecutions. See, e.g., U.S. v. Johnson, 2010 WL 322143 (W.D. Pa. 2010) (trial court ordering government to disclose all Brady material, including impeachment material no later than ten days prior to trial); U.S. v. Lekhtman 2009 WL 5095379 at 1 (E.D.N.Y. 2009) (ordering disclosure of Brady material as it is discovered and Giglio material two weeks before commencement of trial); U.S. v. Rodriguez, 2009 WL 2569116 at 12 (S.D.N.Y. 2009) (ordering government to turn over Brady material as it is discovered and Giglio material twenty-one days before trial); U.S. v. Libby, 432 F. Supp. 2d 81, 86-87 (D.D.C. 2006) (ordering immediate production of all Brady material); U.S. v. Thomas, 2006 CR 553, 2006 WL 3095956 (D.N.J. 2006) (unpublished) (ordering disclosure of “[a]ny material evidence favorable to the defense related to issues of guilt, lack of guilt, or punishment . . . within the purview of Brady and its progeny” within ten days of order). Thus, the constitutionally-based Brady requests set forth herein are properly brought before this Honorable Court and must be adjudicated to preserve Mr. Sena’s rights.

## **VII. The Court Must Adjudicate the Instant Motion Regardless of Whether a Discovery Dispute Exists**

A dispute over the discoverability of certain material is not a prerequisite to compelling production of discovery and exculpatory information. This is because such disputes rarely occur. With the exception of records that are otherwise privileged (such as CPS or medical records), prosecutors typically do not inform defense counsel of material they intend to withhold from the defense. They simply keep the information hidden. The withheld information is later discovered by the defense either through subsequent defense investigation, fortuitous circumstances, or during the post-conviction discovery process.

Recognizing this, the U.S. Supreme Court has not required defense counsel to divine (and bring to the Court’s attention) particular information within the government’s file that is being shielded from defense view:

We rejected a similar argument in Strickler. There, the State contended that examination of a witness's trial testimony, alongside a letter the witness published in a local newspaper, should have alerted the petitioner to the existence of undisclosed interviews of the witness by the police. We found this contention insubstantial. In light of the State's open file policy, we noted, 'it is especially unlikely that counsel would have suspected that additional impeaching evidence was being withheld. Our decisions lend no support to the notion that defendants must scavenge for hints of undisclosed Brady material when the prosecution represents that all such material has been disclosed. As we observed in Strickler, defense counsel has no 'procedural obligation to assert constitutional error on the basis of mere suspicion that some prosecutorial misstep may have occurred.

Banks, 540 U.S. at 695-96 (internal citations omitted). Thus, a dispute need not exist over the discoverability of a particular piece of information in order for this Court to entertain motions such as that brought here and enforce the government's discovery obligations. Accordingly, Mr. Sena respectfully requests that this Honorable Court adjudicate his Motion to Compel Production of Discovery.

#### **VIII. Prosecutors Must Oppose or Concede Each Discovery Request; and the Court Must Adjudicate Each Request**

Prosecutors often respond to discovery requests some combination of the following: (1) the government is aware of its discovery obligation and will act accordingly; (2) the government has complied with the requests or will facilitate review of discovery as needed; or (3) the request is objectionable as overbroad, immaterial, or not authorized by law. Only the last of these is responsive to a particular request; the first two are not. Each request needs to be opposed or conceded. Saying "we have complied" or "we are aware of our discovery obligations" or "we will facilitate a review of detective notebooks" is nothing more than attempt to subvert a ruling enforcing the discovery provisions mandated by state and federal law. It is a way to goad the court into believing the issue is moot. Discovery is a continuing obligation. A criminal defendant is entitled to an order enforcing the discovery provisions outlined by state and federal law, regardless of whether the prosecutor has already provided certain requested material, is aware of pertinent discovery rules, and is willing to facilitate further discovery review. The



1 prosecutor needs to oppose or concede each request. The Court needs to rule on each request,  
2 accordingly.<sup>12</sup>

### 3 **IX. Defendant's Specific Discovery Requests**

4 Based upon the foregoing, Mr. Sena requests that this Honorable Court enter an order  
5 directing prosecutors to provide the following related to this case:<sup>13</sup>

#### 6 **General Discovery**

##### 7 **1. Defendant's Statements and Any Potential Co-Defendants' Statements**

8 All statements made by the defendant and any co-defendants, regardless of whether  
9 the statements were written or recorded, including but not limited to:

- 10 • Comments made at the time of arrest or during transport to the detention center,
- 11 • **All conversations, telephonic or otherwise, intercepted by any law**  
12 **enforcement agencies, including federal authorities, and**
- 13 • The substance of any statements, conversations, or correspondence overheard or  
14 intercepted by any jail personnel or other inmates which have not been recorded  
15 or memorialized.
- 16 • **Audio and video copies of statement given by Mr. Sena on day of his arrest**
- 17 • Copy of signed waiver of Miranda rights
- 18 • Audio copies and transcripts of any and all voicemail or email messages Mr. Sena  
19 made to any named witness, specifically, but not limited to voicemail messages  
20 A.S. received. These messages purportedly stated Mr. Sena was suicidal. These  
21 alleged voicemail messages were made prior to A.S. or any other member of the  
22 family contacting LVMPD regarding the allegations against Mr. Sena, but after  
23 they had left the residence in June 2014.

##### 24 **2. Potential Witnesses' Statements**

25 All written or recorded statements of witnesses and potential witnesses, including, but  
26 not limited to:

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27 <sup>12</sup> Combination responses, which contain conciliatory language in conjunction with some form of  
28 opposition, must be treated as an opposition to a particular request, thereby warranting adjudication by this  
Honorable Court.

<sup>13</sup> Significantly, this request is not in any way intended to be a substitute for the generalized duties  
described above.

- 1 • **Audio and video recording** in any form collected by investigating officers or any  
2 other law enforcement agent as part of the investigation of this matter, as well as  
3 any related matters,
- 4 • Notes of interviews, such as notes of patrol officers, or notes of phone calls made  
5 to potential witnesses, or attempts to contact such witnesses, and
- 6 • Interviews of the following individuals: A.S., R.S., B.S., T.S., E.C., M.C., T.G.,  
7 Deborah Sena, Terrie Sena, and any other witness or investigative official  
8 involved in the instant matter and any related matter. Defense counsel has a  
9 transcript of an interview with A.S. conducted by Detective Samples dated  
10 September 17, 2014. **A.S. testified at the preliminary hearing that she was**  
11 **audio taped and videotaped during that interview and that there was a**  
12 **second interview with a different LVMPD officer or detective. (PHT 126-**  
13 **127).** Defense counsel has not been provided with the transcript, audio or video  
14 of A.S.'s second LMVPD interview.
- 15 • A.S. also testified that she was interviewed specifically about photos and videos  
16 relating to the allegations several weeks after her initial interview. **Defense**  
17 **counsel requests any and all documentation of this interview with A.S. and**  
18 **any other interviews with B.S., R.S., T.S., E.C., M.C., T.G., Deborah or**  
19 **Terrie Sena specifically regarding the photos and videos.**
- 20 • A.S. stated that she drew a **map of the house** during her interview with Detective  
21 Samples and that he kept the map.
- 22 • B.S. also provided written information during his interview with the forensic  
23 interview. Defense counsel requests **copies of any/all written material**  
24 **produced by B.S. during his interview.**
- 25 • Audio, video and transcript of proffer of Deborah Sena obtained by Clark County  
26 District Attorney's Office
- 27 • Audio, video and transcript of proffer of Terrie Sena obtained by Clark County  
28 District Attorney's Office
- Audio, video and transcript of any and all interviews conducted with members of  
Las Vegas Metropolitan Police Department officers and/or employees who  
interacted with Mr. Sena either socially or professionally and spent time at his  
residence of 6012 Yellowstone prior to his arrest but during the alleged violation  
date range of May 22, 2001 through June 30, 2014. **A.S. recalled Officer**  
**Brinkley and his wife were frequent guests at the house.**
- **Notes, transcripts, audio and video recordings of conversations employees of**  
**the Clark County District Attorney's Office had with any named witness or**  
**potential witness in this case.** Per an interview with Victoria Hacker provided to  
the defense, it was noted that A.S. contacted 'her attorney' at the Clark County  
District Attorney's office to help Ms. Hacker get in contact regarding potential  
evidence in this case. Other than Ms. Hacker's mention of this, defense counsel  
would have no knowledge that there was contact between A.S. and an employee  
of the Clark County District Attorney's office regarding the collections of  
potential evidence in the case. This contact purportedly occurred after the  
preliminary hearing.

### 3. Records Related to Investigation

All records of the Las Vegas Metropolitan Police Department and any other law enforcement agencies involved in the investigation of this or any related matter, including, but not limited to:

- Copies of handwritten or other notes,
- Investigative leads that were not followed up on,
- Any other matter bearing on the credibility of any State witness,
- Information pertaining to this case or any witnesses in this case, no matter what the form or title of the report, including:
  - “Case Monitoring Forms,”
  - Use of Force reports,
  - 911 recordings,
  - Dispatch logs, and
  - Information regarding leads or tips provided to law enforcement or a crime tip organization such as Crime Stoppers, including any reward or benefit received for such tip.
  - **Search warrant and all accompanying documents for the search of 6012 Yellowstone Avenue on September 18, 2014.** This includes, but is not limited to **any and all documents** of the Las Vegas Metropolitan Police Department **SWAT team** that participated in the serving of the search warrant.
  - **Search warrant** and all accompanying documents for any **subsequent search of 6012 Yellowstone Avenue.**
  - **Search warrant** and all accompanying documents under **LVMPD event # 161013-0763 for the search of a trailer** located at 465 Ash Street, Henderson Nevada.
  - **Search warrant** and all accompanying documents for search and **forensic examination of computers** located and seized at 6012 Yellowstone Avenue.
  - **LVMPD report** regarding the allegation that **Deborah Sena’s truck was stolen** and that Mr. Sena was the person who stole it. This report purportedly was filed prior to the report of the alleged sexual assaults.
  - LVMPD reports, 911 calls, interviews or medical reports confirming **domestic violence** perpetrated by Mr. Sena **against Deborah Sena** at any point during the violation date range of May 2001 through June 2014.

- LVMPD reports, 911 calls, interviews or medical reports confirming **domestic violence** perpetrated by Mr. Sena **against Terrie Sena** at any point during the violation date range of May 2001 through June 2014.
- LVMPD reports, 911 calls, interviews or medical reports confirming **domestic or physical violence** perpetrated by Mr. Sena **against A.S., B.S. T.S. or R.S.** at any point during the violation date range of May 2001 through June 2014.

For the Court's information, the only LMVPD documents counsel has been provided are the **arrest report** (there are 4 or 5 different versions of this document. It appears that it was continually updated as the case investigation progressed) and an **incident report** entered on 9/15/14.

#### 4. Crime Scene Analysis, Evidence Collection, and Forensic Testing

All requests, results, reports, and bench notes pertaining to all crime scene analysis, evidence collection and forensic testing performed in this case,<sup>14</sup> including, but not limited to:

- **Photographic, video, and audio recordings of evidence collection and testing,**
- Fingerprint Evidence: All latent prints recovered in the instant matter, regardless of their value for identification, as well as exemplars compiled in connection with the investigation of this matter, including:
  - photographs, reports, and recordings related to collecting and testing of fingerprints,
  - Results of fingerprint collection and comparison, and
  - Automated Fingerprint Identification System (AFIS) searches and results,
- DNA Evidence: DNA testing, raw data and Combined DNA Index System (CODIS) searches and results,
- Scientific Evidence: toxicological, chemical, biochemical, laboratory, and other laboratory or forensic analyses, including trace evidence analyses, crime scene reconstruction or blood spatter analysis, and
- Forensic Analysis: reports and notes related to any forensic analysis and requests for forensic analysis, regardless of the outcome of such request.

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<sup>14</sup> This is required under NRS 171.1965(1)(b) and NRS 174.235(1)(b).

- **This request encompasses, but it not limited to, any work done by the following individuals: Detective Vincente Ramirez and LVMPD Internet Crimes against Children division.**
- A.S. testified that incriminating photos of herself and Mr. Sena were on her previous phone, but that she deleted the photos. She also testified that all data from that phone transferred to her current phone. **Defense counsel respectfully requests any/all documents, reports, photos and analysis of A.S. current phone in an effort to locate those photos that confirms her allegations.**

## **5. Medical Records**

All records, including photos, reports, imaging studies, test results, and notes pertaining to:

- Any alleged victim or alleged co-conspirator (including A.S., R.S., B.S., E.C., T.G., M.C., T.S., Deborah Sena and Terrie Sena) generated pursuant to treatment provided in connection with the instant matter; including, without limitation, all emergency medical, fire department, hospital, or other medical care provider records, including all relevant prior medical records,
- All pathological, neuropathological, toxicological, or other medical evaluations of (A.S., R.S., B.S., E.C., T.G., M.C., T.S., Deborah Sena and Terrie Sena), including all relevant prior medical records and
- The name and badge number of any paramedics who responded to the scene, and all documentation, notes, reports, charts, conclusions, or other diagnostic, prognostic, or treatment information pertaining to any person evaluated, assessed, treated, or cleared by a paramedic at the scene, or transported to a hospital from the scene.

## **6. Preservation of and Access to Raw Evidence**

Access to and preservation of all material collected in the investigation of this case to include but not limited to:

- forensic material, raw data, biological samples and toxicological samples; and
- video surveillance, photographic negatives, and digital negatives.

## **7. Electronic Communications and Associated Warrants**

All intercepted communications, whether electronic oral or otherwise, as well as communications sent to and from a handset, telephone, or computer obtained by any law enforcement agency, including federal authorities via subpoena, interception, or

1 other means, pertaining to the instant matter or any related matter, including but not  
2 limited to:

- 3 • Audio, Push to Talk, Data, and Packet Data
- 4 • Electronic messaging such as: Global System for Mobile Communications (GMS), Short Message Service (SMS), Multimedia Messaging Service (MMS),  
5 and Internet Relay Chat,
- 6 • File Transfer Protocol (FTP), Internet Protocol (IP), Voice Over Internet Protocol (VOIP), Transmission Control Protocol (TCP), and  
7
- 8 • Electronic mail or other internet based communications.

### 9 **8. Law Enforcement Video or Audio Recordings**

10 All video and audio recordings obtained by the Las Vegas Metropolitan Police  
11 Department recording device, including but not limited to:

- 12 • Dashboard cameras,
- 13 • Body-mounted officer cameras,
- 14 • Any other recording equipment operational during the investigation of this case,  
15 and
- 16 • **Any video footage captured by body cameras** worn by Detective Kurau,  
17 Detective Samples or Detective Madsen, or any other officer present for Las  
18 Vegas Metropolitan Police Department Event number 0140915-1583 and any  
19 other related or connected Event Number. **Specifically, but not limited to the  
20 serving of the search warrant on 6012 Yellowstone Ave on 9/18/14 under  
21 event number 140915-1583 and the serving of a search warrant on 465 Ash  
22 Street on October 13, 2016 under 161013-0763.**

### 23 **9. Non-Activated Body Camera**

24 The name and "P#" of any officer present for Las Vegas Metropolitan Police  
25 Department Event number 0140915-1583 and 161013-0763 and any related or  
26 connected Event Number who is required by department policy to wear, but did not  
27 activate his body-worn camera.

### 28 **10. Monitoring, Tracking, and Associated Warrants**

All data, recordings, reports, and documentation of the following: voice monitoring  
devices, geographic tracking devices, pen registers, trap and trace devices installed

pursuant to interception, warrant, or other means, obtained by law enforcement pertaining to the instant matter or any related matter.

### 11. 911 and 311 Calls

Any and all 911 and 311 recordings to include, but not limited to:

- Car-to-car audio communications,
- Car-to-dispatch radio communications, and
- Unit Log incident print out related to the event.

### 12. Chain of Custody

All relevant chain of custody reports, including reports showing the destruction of any evidence in the case.<sup>15</sup>

### 13. Witness Contact Information

All updated witness contact information, including last known addresses and phone numbers. This includes the names and contact information for witnesses who may have information tending to exculpate Mr. Sena.

During her preliminary hearing testimony, A.S. mentioned several people that were potential witnesses to questionable conduct by Mr. Sena. Some of her friends allegedly felt uncomfortable around Mr. Sena. She also testified that she told some friends about the conduct before she spoke to LVMPD on 9/15/14. Defense counsel respectfully requests the full names, addresses and phone numbers of

**Christoff** – boyfriend of A.S. who suspected something wasn't 'right'.

**Desiree Lemons** – Friend who came over to house and who A.S. was scared to leave alone with Mr. Sena.

**Blanca** - Friend who came over to house and who A.S. was scared to leave alone with Mr. Sena.

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<sup>15</sup> Destruction of evidence can result in dismissal of the case or a jury instruction stating such evidence is presumed favorable to the accused. Crockett v. State, 95 Nev. 859, 865 (1979); Sparks v. State, 104 Nev. 316, 319 (1988); Sanborn v. State, 107 Nev. 399, 409 (1991).

1           **Jennifer Schunke** – same as above

2           **Amanda** – same as above

3           **Aunt Barbara** – stepsister of Deborah Sena

4           **Ms. Christine** – worked at Albertsons and ‘kept an eye’ on A.S. for Mr. Sena

5           **Shawn** – friend of Mr. Sena’s who spied on A.S. for Mr. Sena

6           **LVMPD Officer Brinkley** – friend of Mr. Sena who spent time at house

7           **Richard Tuchman** –person A.S. spoke to about allegations

8  
9           **14. Information Obtained from Confidential Informants**

10           All information obtained from confidential informants for any aspect of the  
11           investigation of this case. This includes, but is not limited to, informants who  
12           purportedly obtained information about this case while incarcerated, whether the  
13           information came from Mr. Sena, a co-defendant, unindicted co-conspirator, or  
14           another source, regardless of whether prosecutors intend to use the informant-related  
15           information at the upcoming trial of this matter.

16           **Exculpatory Evidence**

17           **15. Alternative Suspects**

18           All information which shows that Mr. Sena did not commit the crimes alleged, or  
19           which shows the possibility of another perpetrator, co-conspirator, aider and abettor,  
20           or accessory after the fact, including the names of those individuals. This includes,  
21           but is not limited to, any information concerning the arrest of any other individual for  
22           the charged crimes and any information suggesting that someone other than Mr. Sena  
23           perpetrated one or more of the charged crimes.

24           **16. Identification and Mis-Identification**

25           All statements of identification associated with this case, including any information  
26           concerning witnesses who did not identify Mr. Sena as the perpetrator of the alleged  
27           crimes. This request includes:



- Statements identifying another person as the perpetrator of this offense,
- Prior non-identifications by eyewitnesses now identifying Mr. Sena as the perpetrator, and
- Color copies of all photographic lineups shown to any witness (including lineups created without Mr. Sena) as well as any other identification procedures used to identify suspects including show-ups, lineups, photo-array lineups, single photo show-ups, photo compilations and composite drawings. This request includes:
  - The identification of each witness who was shown an identification procedure,
  - The date and time such procedures occurred,
  - The names of all persons who were present when the procedures took place,
  - Instructions given to the witnesses prior to the procedure,
  - The results of the procedure, including an accounting of each witness's statements before, during and after the identification procedure; the amount of time taken by each witness to make an identification; and any hesitancy or uncertainty of each witness in making an identification, and
  - Whether officers informed any witness that he identified the suspect officers believed committed the crime.

#### **17. General Exculpatory Evidence Request**

All information which shows that Mr. Sena is not guilty of the offenses he is facing. This includes any evidence, in the form of records, witness interviews, or other information bearing on the charge(s) at issue herein.

### **General Impeachment**

#### **18. Witness Benefits**

Disclosure of all express or implied compensation, promises of favorable treatment or leniency, or any other benefit that any of the State's witnesses received in exchange for their cooperation with this or any related prosecution. This includes, but is not limited to:

- Records and notes from the CCDA Victim Witness Office, including records of any expectation of any benefit or assistance to be received, or already received by any witness in this case,
- Monetary benefits received as well as any express or implied promises made to any witness to provide counseling, treatment, or immigration assistance as a result of the witness's participation in this case,

- Names of all agencies, workers or other referrals that were given to any witness or his family member, relative, or guardian in connection with this case or any related matter, and
- Estimate of future benefits to be received by any witness during or after the trial, including travel expenses.

#### **19. Prior Witness Statements**

Disclosure of any and all statements, tangible or intangible, recorded or unrecorded, made by any witness that are in any manner inconsistent with the written or recorded statements previously provided to the defense. This includes oral statements made to an employee or representative of the CCDA or any other government employee, local or federal, during pre-trial conferences or other investigative meetings.

#### **20. Law Enforcement Impeachment Information—Henthorn Request**

Mr. Sena hereby requests the prosecutor review the personnel files of each officer involved in this case. After review, the prosecutor must disclose all impeachment information located in the personnel files of any police witness called to testify at trial or any pretrial hearing in this matter, including, but not limited to, any Statement of Complaint regarding the witness or this investigation, any Employee Notice of Internal Investigation, any Internal Affairs Investigative Report of Complaint, any witness statement, any Bureau Investigation Supervisory Intervention, and any other document maintained or generated by the Office of Internal Affairs, Critical Incident Review Panel, or other investigative agency.

#### **21. Criminal History Information**

Criminal history information on any actual or potential witness, showing specific instances of misconduct, instances from which untruthfulness may be inferred or instances which could lead to the discovery of admissible evidence. To this end, the defense requests that, in addition to any other lay witnesses the State intends to call at trial or upon whose testimony or statements the State will rely during either the guilt or penalty phases of trial, the CCDA provide NCIC reports on the following individuals: A.S., R.S., B.S., E.C., T.G., M.C., T.S., Deborah Sena and Terrie Sena.

1 The defense further requests that the NCIC information be provided to defense  
2 counsel as soon as possible and that prosecutors identify those individuals for whom  
3 no NCIC information is found. While the defense is not insisting that prosecutors run  
4 NCICs on expert or law enforcement witnesses, the defense requests that the State be  
5 ordered to comply with its Brady obligations with respect to these witnesses. The  
6 instant criminal history request includes, but is not limited to:

- 7 • Juvenile records,
- 8 • Misdemeanors,
- 9 • Out-of-state arrests and convictions,
- 10 • Outstanding arrest warrants or bench warrants,
- 11 • Cases which were dismissed or not pursued by the prosecuting agency, and
- 12 • Any other information that would go to the issues of credibility or bias, or lead to  
13 the discovery of information bearing on credibility or bias, regardless of whether  
14 the information is directly admissible by the rules of evidence.
- 15 • **Reports and documentation that Mr. Sena hacked Deborah's Facebook**  
16 **account and/or reports and documentation confirming that the suspected**  
**hack was reported to Facebook. In the alternative, defense counsel requests**  
**Deborah's Facebook account information, so we can prepare a subpoena for**  
**the information.**

17  
18 **U Visa and Immigration Related Benefits**<sup>16</sup>

19 22.

20 23.

21 24.

22 25.

23 26.

24 27.

25 28.

26  
27 <sup>16</sup> These requests are made out of an abundance of caution as the defense is unaware of  
28 the victim's and witnesses' alienage and legal statuses in the United States.

1       **29.**

2       **30.**

3       **31.**

4       **32.**

5       **33.**

6       **34.**

7       **35.**

8       **36.**

9       **CPS and sexual assault related information**

10       **37. Child Protective Services Records**

11       All Department of Child and Family Services or Child Protective Service (or  
12       equivalent department in another state) records relating to the instant case, including:

- 13       • Notes of caseworkers or their agents or assistants,
- 14       • Referrals to therapists by anyone at any of the above mentioned agencies, and
- 15       • Reports prepared for Family Court or any domestic relations proceedings related  
16       to the issues or witnesses in the instant matter.
- 17       • This request includes, without limitation, information pertaining to the following  
18       individuals: Deborah Sena and Terrie Sena in their individual capacity as mother  
19       to their children. A.S., R.S., T.S., B.S. as the minor children who lived at 6012  
20       Yellowstone Avenue.
- 21       • Specifically, A.S. made accusations of physical abuse when she was  
22       approximately 9 years old to an adult, possibly an employee of Clark County  
23       School District. The matter was referred to Child Protective Services and A.S.  
24       was interviewed about the alleged physical abuse of being hit with a pipe. This  
25       allegedly occurred after the alleged sexual abuse had begun. Defense counsel  
26       requests all documents, interviews, case worker notes, transcripts and audio/video  
27       of interviews concerning his contact with Child Protective Services.

28       **38. Social Worker or Case Work Notes**

29       All notes of government social workers or case workers, including employees of  
30       Child Haven, or any governmental agency supervising foster care or any other living  
31       arrangement made for any alleged victim or witness in the case, even if on a  
32       temporary basis, as well as notes on referrals to any physicians, psychologists,

1 psychiatrists, social workers or other mental health workers, including contract  
2 providers pertaining to the following individuals: A.S., B.S., R.S., T.S., E.C. and  
3 T.G.

### 4 **39. Mental Health Worker Records and Notes**

5 All records and notes of any counselors and/or mental health professionals who have  
6 had contact with the alleged victim or any other person related to events in this case,  
7 including, without limitation, Deborah Sena, Terrie Sena, A.S, B.S., R.S., T.S., E.C.  
8 and T.G.. This request includes any records reflecting the mental state or cognitive  
9 abilities of the alleged victim or any other government witness, including the  
10 individuals listed herein, that are relevant to each individual's competency as a  
11 witness.<sup>17</sup>

12  
13 \* Specifically, after leaving the residence in May 2014, Deborah Sena, A.S. and  
14 B.S. went to SafeNest, which is a residential program for women and children who  
15 have possibly been abused. At this point, no one had reported any physical or sexual  
16 abuse to LVMPD. **Defense counsel respectfully requests names of SafeNest**  
17 **counselors Deborah Sena spoke with about their need to stay at that location.**  
18 They stayed at SafeNest for approximately 1 month, but the alleged sexual abuse  
19 wasn't reported to LVMPD for 2-3 months after they left SafeNest. Additionally,  
20 Deborah states that she participated in group therapy sessions while at SafeNest. It is  
21 unclear if she spoke of the alleged sexual abuse/physical abuse that allegedly  
22 occurred at 6012 Yellowstone. Defense counsel respectfully requests **the name of**  
23 **the counselor in charge of the group therapy sessions, the names and contact**

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24  
25 <sup>17</sup> In addition to the authority outlined above, if such counselors are seeing the alleged victims after  
26 being referred by a State or County agency or worker, or are paid by victim witness or through aid especially due to  
27 the individual's status as a "victim" then there is no provider-patient privilege as the information is being sought  
28 with the purpose to disclose to third parties. Further, under general discovery principles, anything disclosed that  
bears on the credibility of the witness, on the credibility of any other witness, or any evidence that suggests that the  
defendant did not commit the crime, that someone else may have perpetrated the crime, or anything else relevant to  
discovery, then such information must be disclosed under case law cited in this brief.

1 **information of all other participants in those group therapy sessions, the sign-in**  
2 **sheet for every group session** that Deborah attended while at SafeNest or after she  
3 moved out and the names of anyone she spoke with about the alleged sexual abuse.

4  
5 \* B.S. – as the biological child of Deborah, B.S. apparently would have been  
6 allowed to stay at SafeNest with his mother. Defense counsel respectfully requests  
7 the **name of any counselor/social worker that B.S. was working with at SafeNest.**  
8 Information of any group or individual counseling B.S. participated in while staying  
9 at SafeNest or after leaving SafeNest.

10  
11 \* A.S. – as she was not the biological daughter of Deborah Sena and not a minor at  
12 the time of their stay at SafeNest, A.S. would not been allowed to stay at SafeNest  
13 unless she was also an alleged victim of sexual or physical abuse. **Defense counsel**  
14 **respectfully requests the intake information A.S. provided to SafeNest to explain**  
15 **her need for their services.** Defense counsel respectfully requests the name of the  
16 counselor in charge of the group therapy sessions, the names and contact information  
17 of all other participants in those group therapy sessions, the sign-in sheet for every  
18 group session that A.S. attended while at SafeNest or after she moved out and the  
19 names of anyone she spoke with about the alleged sexual abuse.

20 \* A.S. specifically testified that she spoke with at least **two different counselors**  
21 **named Felicia and Lorene while at SafeNest.** Defense counsel requests last names  
22 and contact information for these individuals as well as any and all documentation  
23 regarding counseling they provided to A.S. included but not limited to case notes,  
24 counseling notes, interviews, transcripts and referrals to other counselors or agencies.

1           \* **Therapy or counseling records of R.S.** including, but not limited to name and  
2 contact information of the counselor, case notes, counseling notes, interviews,  
3 transcripts and referrals to other counselors or agencies.

4           \* **Therapy or counseling records of T.S.** including, but not limited to name and  
5 contact information of the counselor, case notes, counseling notes, interviews,  
6 transcripts and referrals to other counselors or agencies.

7           \* **Therapy or counseling records of E.C.** including, but not limited to name  
8 and contact information of the counselor, case notes, counseling notes, interviews,  
9 transcripts and referrals to other counselors or agencies.

10          \* **Therapy or counseling records of M.C.** including, but not limited to name  
11 and contact information of the counselor, case notes, counseling notes, interviews,  
12 transcripts and referrals to other counselors or agencies.

13          \* **Therapy or counseling records of T.G.** including, but not limited to name  
14 and contact information of the counselor, case notes, counseling notes, interviews,  
15 transcripts and referrals to other counselors or agencies.

16          \* **Therapy or counseling records of Terrie Sena.** including, but not limited to  
17 name and contact information of the counselor, case notes, counseling notes,  
18 interviews, transcripts and referrals to other counselors or agencies. Additionally,  
19 name of her NDOC case worker, who may have referred to her therapy while in  
20 custody.

#### 21 22 **40. Physical Examinations**

23          **All notes and records of any physical exams done on the alleged victim or anyone**  
24 **else in connection with this case, including, but not limited to: A.S. (or reason**  
25 **why she was not subjected to a physical exam), B.S., R.S. and T.S. (or reason**  
26 **why he was not subjected to a physical exam).** This includes any photographs,  
27 videos, colposcopes or recordings taken in conjunction with such exam, and any lab  
28

1 or toxicology reports done in conjunction with such exam. This includes all  
2 documents recording what physical evidence was taken in the case, where it was  
3 stored, and any related chain of custody documents.

#### 4 **41. Prior Allegations of Sexual Misconduct**

5 All information known, or which could be known by diligent action, of any previous  
6 allegations of sexual misconduct or physical abuse made by the alleged victims or  
7 any material witness in the case.

#### 8 **42. Sources of Sexual Knowledge**

9 All information known or obtainable through the exercise of due diligence indicating  
10 that A.S., B.S., R.S., T.S., M.C. may have had sources of sexual knowledge outside  
11 the events at issue here.

#### 12 **Taser-related discovery requests**

13 **43.**

14 **44.**

15 **45.**

16 **46.**

17 **47.**

18 **48.**

19 **49.**

#### 20 **Canine Unit Information**

21 **50.**

22 **51.**

23 **52.**

24 **53.**

25 **54.**

26 **55.**

27 **56.**



1 **Arson-related requests**

2 57.

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9 64.

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11 66.

12 67.

13 68.

14 69.

15 **Catch-all request**

16 **70. Contacting Other Agencies**

17 Finally, the defendant requests that this Court order the prosecution to contact other  
18 agencies or agents acting on behalf of or working with the prosecution, or in any  
19 other way a part of the prosecution team, and initiated to ascertain whether any of  
20 those agencies or agents possess or know of any material information that would tend  
21 to exculpate Mr. Sena, impeach a prosecution witness, or mitigate Mr. Sena's  
22 possible punishment.

23 \*

24 **IX. Request for Timely Disclosure**

25 NRS 174.285(1) requires that any discovery request pursuant to NRS 174.235 be made  
26 "within 30 days after arraignment or at such reasonable later time as the court may permit."  
27 NRS 174.285(2) mandates that "A party shall comply with a request made pursuant to NRS  
28

1 174.235 . . . not less than 30 days before trial or at such reasonable later time as the court may  
2 permit.” Accordingly, Mr. Sena requests that this Honorable Court enter an order directing  
3 prosecutors to provide the discovery sought herein within a reasonable time in advance of trial so  
4 as to enable counsel to effectively prepare. Further, Mr. Sena requests that this Honorable Court  
5 order that prosecutors be precluded from admitting at trial any discovery or evidence not timely  
6 produced. See NRS 174.295 (“If at any time during the course of the proceedings it is brought to  
7 the attention of the court that a party has failed to comply with the provisions of NRS 174.235 to  
8 174.295, inclusive, the court may order the party to permit the discovery or inspection of  
9 materials not previously disclosed, grant a continuance, or *prohibit the party from introducing in*  
10 *evidence the material not disclosed*, or it may enter such other order as it deems just under the  
11 circumstances.”) (emphasis added).

## 12 CONCLUSION

13 Based on the foregoing, Mr. Sena, respectfully requests that this Honorable Court grant  
14 the instant motion, and order the timely disclosure of the material sought herein. NRS 174.235;  
15 Brady v. Maryland, 373 U.S. 83 (1963); U.S.C.A. V, VI, XIV; and Nev. Const. Art. 1 § 8.

16 DATED this 7th day of August, 2017.

17 PHILIP J. KOHN  
18 CLARK COUNTY PUBLIC DEFENDER

19 By: /s/ Violet R Radosta  
20 VIOLET R. RADOSTA, #5747  
21 Deputy Public Defender  
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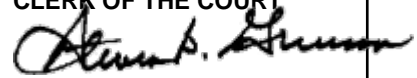
YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the foregoing Motion on for hearing before the Court on the 23rd day of August, 2017 at 8:30AM a.m.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

## CERTIFICATE OF ELECTRONIC FILING

District Attorneys Office  
E-Mail Address:  
[Jaclyn.Motl@clarkcountydade.com](mailto:Jaclyn.Motl@clarkcountydade.com)

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



**OPPS**  
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200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
 )  
CHRISTOPHER SENA, )  
#0779849 )  
 )  
Defendant. )

CASE NO: **C-15-311453-1**  
DEPT NO: **XIX**

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL**  
**PRODUCTION OF DISCOVERY AND BRADY MATERIAL**

DATE OF HEARING: **AUGUST 16, 2017**  
TIME OF HEARING: **8:30 A.M.**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Opposition to Defendant's Motion to Compel Production of Discovery and Brady Material.

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

//

//

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE PERTINENT TO THIS OPPOSITION**

3 Defendant, CHRISTOPHER SENA, is charged by way of Amended Information with  
4 the crimes of CONSPIRACY TO COMMIT SEXUAL ASSAULT (Category B Felony - NRS  
5 200.364, 200.366, 199.480), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN  
6 YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), LEWDNESS WITH A  
7 CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), SEXUAL ASSAULT  
8 WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364,  
9 200.366), INCEST (Category A Felony - NRS 201.180), OPEN OR GROSS LEWDNESS  
10 (Category D Felony - NRS 201.210), SEXUAL ASSAULT (Category A Felony - NRS  
11 200.364, 200.366), PREVENTING OR DISSUADING WITNESS OR VICTIM FROM  
12 REPORTING CRIME OR COMMENCING PROSECUTION (Category D Felony - NRS  
13 199.305), CHILD ABUSE AND NEGLECT, SEXUAL ABUSE OR EXPLOITATION  
14 (Category B Felony - NRS 200.508(1)), POSSESSION OF VISUAL PRESENTATION  
15 DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700,  
16 200.730), USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A Felony - NRS  
17 200.700, 200.710.1, 200.750) and USE OF MINOR UNDER THE AGE OF 14 IN  
18 PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750)

19 The Co-Defendants in this case are DEBORAH SENA and TERRIE SENA, both of  
20 whom have pled guilty and are currently serving time in prison. The crimes occurred on or  
21 between May 22, 2001 and June 30, 2014. The victims are A.S., T.S., B.S., R.S., E.C., I.G.,  
22 T.G., and M.C.

23 Trial of this matter is scheduled to commence on September 11, 2017. On August 7,  
24 2017, Defendant filed a Motion to Compel Production of Discovery and Brady Material. The  
25 State's Opposition follows.

26 //

27 //

28 //

## LEGAL ARGUMENT

### **I. The State is not refusing to turn over any discoverable items.**

First and foremost, the State wishes to make it clear that by filing the instant Opposition it is not refusing to turn over discoverable information. The purpose of the instant Opposition is to attempt to persuade this Court to follow the language of the statutes in lieu of what has become a tradition of granting overbroad defense discovery requests. This tradition has caused resources and efficiency to be wasted on behalf of the Court and the State, and has failed to accomplish the ultimate goal of all parties: to ensure the defense receives the information they need to proceed to trial.

The discovery statutes presume that the defense has done their due diligence and a file review has been conducted (or at least a request made) prior to filing a motion. Motions related to discovery issues are by their very nature motions to compel the State to comply. Whether titled “Motion for Discovery,” “Motion to Compel Discovery” or any other variation, the motions ultimately conclude with this Court signing an Order compelling the State to turn over items related to requests made by the defense. This becomes problematic with broad discovery requests and requests for information that is not in the control of the State or its agents.

For this reason, the State implores this Court to deviate from what has become the *status quo* of mechanically addressing requests for discovery, and instead request the defense conduct a file review prior to filing a motion to compel discovery. Once a file review is conducted (assuming the State refuses to turn over information in its possession or control) the defense can then file a more narrowly tailored motion setting forth *specific* items to which they believe they are entitled, which can then be litigated in this Court. Assuming the State has the items the defense seeks in its possession and provides said items, no motion would be necessary and no resources wasted. At a minimum, this would cause any litigation regarding discovery to be narrowly tailored to only relevant requests and issues.

It is not the State’s intention to obstruct defense attempts to seek discovery by opposing the instant Motion. The routine filing of defense motions for discovery prior to conducting defense due diligence has become a burden on the State (who must respond to overbroad and

1 non-specific requests without having the benefit of an oral request or clarifying discussion  
2 with opposing counsel beforehand) and the courts (who must calendar and address these  
3 motions, often knowing nothing about the facts of the underlying cases or what attempts have  
4 been made to resolve without the court's intervention). Based on the foregoing, the State  
5 respectfully sets forth its legal basis and reasoning for denial of the instant motion, *infra*.

6 **II. No appellate issues are preserved by filing boilerplate discovery motions.**

7 The law stated by the defense in the instant motion sets forth what the defense believes  
8 the courts have defined as "discoverable information." However, nowhere in the motion does  
9 it state what steps the defense has taken to attempt to obtain the items it seeks, nor does it state  
10 what items the defense has already been provided – as discovery is routinely provided at a  
11 defendant's initial arraignment in justice court.

12 The defense often claims it is mandated to file a discovery motion in order to preserve  
13 the record on appeal. In the instant motion, the defense claims the case of Donovan v. State,  
14 94 Nev. 671 (1978) mandates the filing of such a motion. Defense Motion, p. 29. However,  
15 the Donovan opinion was issued prior to the 1995 amendments to NRS 174.235; Donovan was  
16 interpreting the 1967 version of NRS 174.235. Prior to the 1995 amendments, NRS 174.235(1)  
17 read as follows:

18 **Upon motion** of a defendant, **the court may order the district attorney** to  
19 permit the defendant to inspect and copy or photograph any relevant:

- 20 1. Written or recorded statements or confessions made by the defendant, or  
21 copies thereof, within the possession, custody or control of the state, the  
existence of which is known, or by the exercise of due diligence may  
become known, to the district attorney ...

22 Emphasis added. However, in 1995 the legislature changed the numbering and wording of  
23 NRS 174.235 such that NRS 174.235(1)(a) read:

- 24 1. **At the request** of a defendant, **the prosecuting attorney shall** permit  
25 the defendant to inspect and copy or photograph any relevant:

26 (a) Written or recorded statements or confessions made by the defendant,  
27 **or any written or recorded statements made by any witness**, or  
copies thereof, within the possession, custody or control of the state,  
28 the existence of which is known, or by the exercise of due diligence  
may become known, to the **prosecuting** attorney ...

Emphasis added indicating changes to the 1967 version of the statute.

1 The 1995 amendment expressly changed the requirement of a “motion” (which was the  
2 issue addressed by the Donovan Court) and made only a “request” necessary. The amendment  
3 also removed the discretionary language “the court may order” and placed an express  
4 obligation on the State: “the prosecuting attorney shall.” NRS 174.235 was last amended in  
5 1997 to its current form:

- 6 1. **Except as otherwise provided in NRS 174.233 to 174.295, inclusive,** at  
7 the request of a defendant, the prosecuting attorney shall permit the  
defendant to inspect and to copy or photograph any:

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

12 Emphasis added indicating changes from the 1995 amendments. Given the history of NRS  
13 174.235, *supra*, it is perplexing why the defense insists on citing case law which was  
14 subsequently addressed by legislative amendments to the statute. In fact, although Donovan  
15 receives “positive” treatment on the legal research website utilized by the State (Lexis  
16 Advance), the holding of the case that receives positive treatment is the proposition that  
17 “counsel cannot be deemed ineffective for failing to file futile motions.” See, for example, the  
18 recent case of State v. Kelsey, 2017 Nev. App. Unpub. LEXIS 106 (2017) (Citing Donovan  
19 for the proposition that “counsel was not deficient for failing to file futile motions.”). This  
20 holding directly contradicts Defendant’s interpretation of the Donovan case.

21 Another case often cited for the proposition that these discovery motions are necessary  
22 to preserve the record on appeal is State v. Bennett, 119 Nev. 589 (2003). In Bennett (cited on  
23 page 19 of Defendant’s brief) the Nevada Supreme Court does, indeed, set forth a lower  
24 standard if a specific discovery request is made. *Id* at 600. However, the Bennett Court’s  
25 definition of what constitutes a “specific request” differs greatly from the requests commonly  
26 found in boilerplate motions to compel discovery.

27 //

28 //



1 In Bennett, a death penalty case, one of the issues raised was the State's failure to  
2 disclose certain evidence that would have potentially aided Bennett during his penalty hearing.  
3 The Court concluded that violations occurred with respect to three items in the context of the  
4 penalty hearing, one of which was a statement made by a jailhouse informant. Id at 599.

5 With respect to the statement made by a jailhouse informant, the Court stated, in  
6 pertinent part:

7 We consider first the State's claim that the district court erred in  
8 concluding that the State had a duty, pursuant to Brady, to disclose  
9 the statement of Richard Perkins, a jailhouse informant. The State  
10 argues that Perkins' statement was not favorable to the defense and  
11 would not have changed the result. Bennett claims that the  
statement would have aided him during the penalty hearing to  
show that Beeson was the leader and instigator and, in turn, to  
persuade the jury to return a verdict less than death. We agree.

12 In 1988, Perkins was an inmate in the Clark County Detention  
13 Center along with Beeson. On October 3, 1988, after both the guilt  
14 and penalty phase of Bennett's trial had been completed, but before  
15 Bennett's formal sentencing, the LVMPD interviewed Perkins  
16 regarding information he had received from Beeson about the  
17 crimes at the Stop N' Go Market. According to Perkins, Beeson  
said that he and Bennett were on drugs; they went into the store  
with the intention to rob the clerk and had agreed to kill all  
witnesses in the store; Bennett shot and killed the clerk; and  
Beeson shot the customer but did not kill him. According to  
Perkins, Beeson also admitted that he planned the murder of the  
people in the store and convinced Bennett to do the killing.

18 Under Brady, the first question is whether the evidence at issue is  
19 favorable to the defense. In regard to the guilt phase of the trial,  
20 Perkins' statement was not favorable to the defense because it  
21 indicated that Bennett killed the store clerk. However, in regard to  
22 the penalty phase, the statement was favorable to Bennett. It  
provided mitigating evidence characterizing Bennett as a follower  
with Beeson planning and instigating the murder and convincing  
Bennett to participate.

23 The second question is whether the State withheld the evidence.  
24 The statement was made after the trial was concluded and the jury  
25 had rendered its verdict of death, but before Bennett was formally  
26 sentenced. If disclosed then, the fact of the statement would have  
27 provided grounds for a new penalty hearing. In 1990, after Bennett  
28 filed his direct appeal, **he specifically moved for discovery of  
statements made by an informant who, while in jail in 1988,  
received information from Beeson.** The district court granted the  
discovery motion, but the State never produced Perkins' statement.  
If it had been disclosed when this request was made, the statement  
would have provided grounds for post-conviction habeas relief, as  
it does now. The State, of course, has an affirmative duty to  
provide favorable evidence, if material, to a defendant even absent

1 a request for the evidence. Moreover, that duty exists regardless of  
2 whether the State uncovers the evidence before trial, during trial,  
3 or after the defendant has been convicted.

4 Bennett only discovered Perkins' statement in 1999 when he  
5 conducted an investigation for his federal habeas petition.  
6 Therefore, the answer to the second question under Brady is  
7 affirmative: the State did withhold the evidence from the defense.  
8 And as explained above, the nondisclosure of the evidence also  
9 provides good cause for Bennett's raising this issue for the first  
10 time in his instant habeas petition.

11 The third question is whether the withheld evidence was material.  
12 **Because Bennett made a specific request for this evidence,**  
13 **materiality is demonstrated if there is merely a reasonable**  
14 **possibility that the jury would not have returned a verdict of**  
15 **death had it been disclosed.** We conclude that this evidence was  
16 significant, and that there is not only a reasonable possibility, but  
17 there is also a reasonable probability of a different result if it had  
18 been disclosed, particularly when it is considered collectively with  
19 the other undisclosed evidence discussed below. Bennett argued  
20 in mitigation that he was young and had fallen under Beeson's  
21 influence and that Beeson had instigated the crimes. Absent  
22 Perkins' testimony, this claim rested mainly on Bennett's own self-  
23 serving statement in allocution which the jurors were apt to easily  
24 disregard as nothing more than an attempt to evade responsibility.  
25 Perkins' testimony as to Beeson's admission would have  
26 corroborated Bennett and shown that Beeson himself  
27 acknowledged that he had been the leader and Bennett the  
28 follower, lending Bennett much needed credibility. This evidence  
could have been crucial in the jury's decision-making process.

17 Id. at 600-602, emphasis added. The Court found the defense request for “statements made by  
18 an informant who, while in jail in 1988, received information from Beeson” to be a specific  
19 request, raising the standard of review to “a reasonable *possibility* that the jury would not have  
20 returned a verdict of death had it been disclosed.”

21 Another example of the Nevada Supreme Court applying the reasonable possibility  
22 standard after a specific request was made is found in Roberts v. State, 110 Nev. 1121, 1134-  
23 1135 (1994). Roberts was convicted after jury trial of three counts of sale of a controlled  
24 substance and one count of trafficking a controlled substance. Id. at 1123. The State presented  
25 evidence at trial that Roberts sold cocaine on four occasions to an undercover police officer  
26 who was introduced to him through a confidential informant (CI). Id. Roberts maintained at  
27 trial that the CI pressured him and entrapped him into selling cocaine when he had no  
28 predisposition to do so by telling him an elaborate story about how the CI's life was in danger

1 from the mafia. Id. On appeal, Roberts contended that the district court erred in denying his  
2 pretrial request to dismiss the indictment based on the failure of the State to make the proper  
3 Brady disclosures by turning over the CI police file. Id. Roberts made a specific request for  
4 the CI file in District Court, and articulated a specific basis for the alleged materiality of the  
5 CI file. Id. Roberts supported his request for the file with an affidavit claiming that the CI  
6 recruited Roberts over a period of weeks. Id. at 1133. The Supreme Court found that had the  
7 relevant portions, if any, of the CI file corroborated this, Roberts may have been able to  
8 substantiate his claim of entrapment. Id. The Court concluded that once defendant had  
9 articulated a specific basis for claiming the materiality of the CI file, it became the prosecutor's  
10 burden to seek an in camera review to avoid disclosure. Id. at 1134-35. The Court remanded  
11 the case to the district court for the purpose of conducting a review of the CI file to determine  
12 whether it contained evidence material to defendant's entrapment defense. Id. at 1135.

13 The State's position is that the majority of allegedly "specific requests" set forth by the  
14 defense are not at all "specific." Instead, the requests are general, broad, compound,  
15 nonspecific requests that do not rise to the level of the specific requests made in Bennett or  
16 Roberts and do not entitle Defendant to the higher standard of review on appeal. Furthermore,  
17 *none* of the requests made by Defendant set forth any "specific basis for claiming the  
18 materiality" of the items sought. Each request is simply a broad demand for information to be  
19 provided. Thus, since the State is already required to make all discoverable information  
20 available pursuant to clearly established law, the instant non-specific, boilerplate motion  
21 serves no purpose other than to expend the resources of the State in responding to it. This  
22 motivation is made clear by page 23 of the motion, which suggest that the State "must oppose  
23 or concede each discovery request," citing no authority whatsoever for this ludicrous  
24 proposition.

### 25 **III. Defendant's motion is premature and should be denied in its entirety.**

26 Defendant filed a motion to compel prior to ever inspecting the information in the  
27 possession of the State. Thus, the instant motion to compel discovery is not properly before  
28 the court. NRS 174.235 requires the State to allow the defense to inspect and copy various

1 pieces of information. NRS 174.295, allows for the defense to seek an order to compel only  
2 upon the State's failure to allow such an inspection. Specifically, NRS 174.295(2) states:

3 If at any time during the course of the proceedings it is brought to the attention  
4 of the court that a party **has failed to comply** with the provisions of NRS  
5 174.234 to 174.295, inclusive, the court may order the party to permit the  
6 discovery or inspection of materials not previously disclosed, grant a  
continuanace, or prohibit the party from introducing in evidence the material not  
disclosed, or it may enter such other order as it deems just under the  
circumstances.

7 (Emphasis added). It is clear from the language of the statutes that a motion to compel is only  
8 appropriate where the State refuses a defendant's request to review the discoverable material  
9 in its possession. As the State has complied with NRS 174.235, the Court must deny the instant  
10 motion in its entirety.

11 Moreover, Defendant seeks to compel items which are not discovery. Defendant  
12 predicates the Court's authority on a line of cases beginning with Brady v. Maryland.  
13 However, Brady and its progeny are not cases granting the Court the authority to compel  
14 discovery, but cases defining remedies upon the failure of the State to fulfill its constitutional  
15 obligations. Thus, the Court should not be in the business of usurping the constitutional  
16 authority of the State in making Brady determinations. As such, the Court should deny the  
17 motion in its entirety.

#### 18 **IV. Constitutional Requirements**

19 The State has and will continue to comply with the controlling opinions of the Nevada  
20 Supreme Court, the Ninth Circuit Court of Appeals, and the United States Supreme Court with  
21 regard to Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 10 (1972),  
22 and their progenies.

#### 23 **V. Statutory Requirements**

24 The State has and will continue to comply with the statutory discovery obligations  
25 contained within the Nevada Revised Statutes, as well as those legal opinions interpreting the  
26 State's discovery obligations.

27 //

28 //

1 All inculpatory evidence that the deputy district attorney intends to use at trial during  
2 his case-in-chief will made available for the defense. Inculpatory evidence that the deputy  
3 district attorney does not intend to use during his case-in-chief, but may use in cross-  
4 examination or in rebuttal, is not discoverable and will not be made available for the defense.  
5 Irrelevant material will also not be made available for the defense.

6 Pursuant to NRS 174.235(1), at the request of the defense, the prosecuting attorney will  
7 permit the defense to inspect and to copy or photograph any:

- 8 • Written or recorded statements or confessions made by the defendant, or any  
9 written or recorded statements made by a witness the prosecuting attorney  
10 intends to call during the case in chief of the State, or copies thereof, within  
11 the possession, custody or control of the State, the existence of which is  
12 known, or by the exercise of due diligence may become known, to the  
13 prosecuting attorney;
- 14 • Results or reports of physical or mental examinations, scientific tests or  
15 scientific experiments made in connection with the particular case, or copies  
16 thereof, within the possession, custody or control of the State, the existence  
17 of which is known, or by the exercise of due diligence may become known,  
18 to the prosecuting attorney; and
- 19 • Books, papers, documents, tangible objects, or copies thereof, which the  
20 prosecuting attorney intends to introduce during the case in chief of the State  
21 and which are within the possession, custody or control of the State, the  
22 existence of which is known, or by the exercise of due diligence may become  
23 known, to the prosecuting attorney.

## 24 **VI. Case File Review**

25 On February 18, 2016, the Nevada Court of Appeals, in Quisano v. State, considered  
26 "whether, *under the facts of the present case*, the State maintained an open-file policy"  
27 (emphasis added). In a 2-1 opinion, the Court held that "the State's discovery policy  
28 constituted an open-file policy."

The Clark County District Attorney's Office does not have an "open-file" policy, as that  
phrase has been interpreted by courts to relieve defense counsel of its obligation to exercise  
due diligence in discovering impeachment and exculpatory evidence. Upon request, however,  
a defense attorney may be permitted to review the case file of the deputy district attorney  
assigned the prosecution.

//

1 The invitation for a "case file review" is not a promise to disclose the entirety of the  
2 State's case file and does not extend to anything more than discovery required by statute and  
3 Brady. Expressly excluded from the case file is any attorney work product or other privileged  
4 material not otherwise discoverable under Brady. The invitation for a "case file review" shall  
5 not be construed as a representation that the deputy district attorney is in possession of all  
6 material in possession of law enforcement. Finally, the invitation for a "case file review" does  
7 not relieve defense counsel of its obligation to discover material which is available to the  
8 defense from other sources, including diligent investigation by the defense.

### 9 **VII. Las Vegas Metropolitan Police Department Requests**

10 The Clark County District Attorney's Office does not represent any police agency,  
11 including the Las Vegas Metropolitan Police Department ("LVMPD"). However, in an effort  
12 to facilitate the acquisition of material from LVMPD, the Clark County District Attorney's  
13 Office provides the following procedure for informational purposes only and, where  
14 applicable, will comply with the procedure outlined below:

15 As a general rule, upon receipt of a defense subpoena, LVMPD will contact the deputy  
16 district attorney assigned the case to determine if the requested material already has been  
17 provided to the State. If so, the State will be asked to provide the material to the defense.

18 A valid defense subpoena to LVMPD must include the trial date or an evidentiary  
19 hearing date (this is true even though the subpoena may request documents or records "in lieu  
20 of appearance"), unless the defense has a court order authorizing the subpoena for pre-trial  
21 production of records. LVMPD will not comply with a subpoena which includes a date other  
22 than the trial date or an evidentiary hearing date as provided by NRS 174.315. Calendar Call  
23 is not an evidentiary hearing.

24 LVMPD will not comply with a subpoena which requests investigative records related  
25 to someone other than the client of the defense attorney issuing the subpoena.

26 Subject to the conditions outlined above, if LVMPD receives a subpoena for any of the  
27 following items, LVMPD will voluntarily provide the information to the defense:

28 //

- 1) LVMPD 911 and Radio Traffic Recordings and CAD printouts.
- 2) LVMPD photographs from the event number assigned the case.
- 3) CCDC records if the attorney issuing the subpoena represents the person whose records are being requested.

In the case of 911 calls, CADs and photographs, the deputy district attorney assigned to the case will not be notified of the request and will not receive a copy of items being provided. In the case of CCDC records, the deputy district attorney assigned to the case will get a copy of the records being provided.

All other subpoena's *duces tecum* for discovery-type materials will be objected to by LVMPD. The following process will be instituted to protect LVMPD should litigation ensue from that objection:

If LVMPD does not have their own objection to releasing the records:

1) If the subpoena is not for a pending court date and merely orders records to be provided directly to the defense, LVMPD will send a letter indicating that the Nevada Revised Statutes in criminal cases do not provide a lawful mechanism for records to be provided directly to the defense without a court order. Should the defense seek these records, they should request the records from the deputy district attorney assigned to the case.

2) If the subpoena is for a pending court date, but indicates that the records may be provided directly to the defense in lieu of appearance, LVMPD will send a similar letter indicating that the Nevada Revised Statutes in criminal cases do not provide a lawful mechanism for records to be provided directly to the defense. Notwithstanding, LVMPD will inform the defense that the request for records has been forwarded to the deputy district attorney assigned to the case and the deputy should be prepared to address the issue regarding the records at the identified court date. At that next court date, the deputy should raise the issue regarding the records with the court and either provide them to the defense as discovery or, if there is an issue with disclosure, litigate the issue before the court.

In the case of records to which LVMPD has an independent objection, LVMPD will send a similar letter indicating not only that the Nevada Revised Statutes in criminal cases do not provide a lawful mechanism for records to be provided directly to the defense, but that they also object to certain records on substantive grounds. Notwithstanding, the procedure above will be followed with the exception that LVMPD will decide whether it wants to intervene by way of motion to quash for the records to which LVMPD has an independent

1 objection.

2 **VIII. Discovery Provided by the State to Date**

3 The State has already provided discovery in this matter, to include everything the State  
4 has deemed discoverable in its file. *At this point, no case file review has been requested or*  
5 *scheduled, nor have any specific requests been made to the State prior to the defense filing*  
6 *the instant Motion.*

7 **IX. The State Respectfully Declines to Address Defendant's Overbroad,**  
8 **Boilerplate Requests Individually – As Should this Court**

9 Defendant - citing no authority whatsoever - argues that the State “must oppose or  
10 concede each discovery request,” then proceeds to declare “the court must adjudicate each  
11 request,” neither of these statements are supported by the law. Defense Motion, p. 34. The  
12 defense purports to set forth specific requests on page 35 of their motion, then proceeds to  
13 number approximately 70 individual requests (some numbered without specific requests and  
14 some with various subparts); and some, that are anything but “specific.”

15 The State is happy to respond to requests that set forth specific material sought by the  
16 defense in this particular case, even in the absence of a motion. However, the vast majority of  
17 the requests in the instant motion are so overbroad they could apply to any case. The State is  
18 not required to conduct the defense's investigation for them, which is where these overbroad,  
19 non-specific requests are aimed. This is merely a fishing expedition as evidenced by the  
20 overabundance of requests for “any and all” material. The State cannot respond coherently to  
21 a request when neither party knows if the material even exists, this is the reason that the law  
22 addresses “specific” requests and provides remedies for the State's failure to comply with  
23 “specific” requests. Nothing about the instant motion is specific; thus, requiring the State to  
24 respond to non-specific requests individually would be an exercise in futility as the State's  
25 response to every request is to object on the basis that the request is overly broad, non-specific,  
26 and fails to state a basis for the materiality of the information it seeks.

27 //

28 //



1 The State's position is that Defendant's motion should be denied in its entirety, not  
2 responded to in kind. The defense has not done its due diligence by first requesting specific  
3 items from the State before requesting this Court order the State to provide information that it  
4 either does not possess or has not refused to turn over; therefore, this Court should deny the  
5 defense motion to compel outright.

6 **RECIPROCAL DISCOVERY REQUEST BY THE STATE**

7 NRS 174.245 states in pertinent part that:

- 8 1. Except as otherwise provided in NRS 174.233 to 174.295  
9 inclusive, at the request of the prosecuting attorney, the  
10 defendant shall permit the prosecuting attorney to inspect and  
11 to copy or photograph any  
12 (a) Written or recorded statements made by a witness the  
13 defendant intends to call during the case in chief of the  
14 defendant, or copies thereof, within the possession,  
15 custody or control of the defendant, the existence of  
16 which is known, or by the exercise of due diligence  
17 may become known, to the defendant;  
18 (b) Results or reports of physical or mental examinations,  
19 scientific tests or scientific experiments that the  
20 defendant intends to introduce in evidence during the  
21 case in chief of the defendant, or copies thereof, within  
22 the possession, custody or control of the defendant, the  
23 existence of which is known, or by the exercise of due  
24 diligence may become known, to the defendant; and  
25 (c) Books, papers, documents or tangible objects that the  
26 defendant intends to introduce in evidence during the  
27 case in chief of the defendant, or copies thereof, within  
28 the possession, custody or control of the defendant, the  
existence of which is known, or by the exercise of due  
diligence may become known, to the defendant..

22 The State formally requests that the defense provide all discovery consistent with the  
23 requirements of NRS 174.245 in a timely manner and well before the trial in the instant case.  
24 This request includes copies of all reports, tests, videos, photographs or any other item or items  
25 prepared by or produced from any noticed defense expert witnesses pursuant to NRS 174.234.

26 //

27 //

28 //

1 **CONCLUSION**

2 Defendant's instant motion evidences a clear misunderstanding of the State's discovery  
3 obligation. The motion is simply a request for the State to fully investigate Defendant's case  
4 for him, then provide the results of this investigation. Additionally, as noted, *supra*, the  
5 generalized, non-specific requests in the instant motion do not rise to the level of those held  
6 by the Supreme Court to raise the standard of review on appeal. In general, the defense's  
7 instant request for discovery is outside the scope of what is required by the State under Brady  
8 and its progeny. The defense is fully within its ability and power to independently request  
9 and/or subpoena the evidence they seek without the intervention of the State.

10 Based upon the above and foregoing Points and Authorities, Defendant's Motion for  
11 Discovery should be denied to the extent any of the requested information does not comply  
12 with the discovery statutes and/or is privileged or irrelevant as to the guilt or punishment of  
13 Defendant.

14 DATED this 10th day of August, 2017.

15 Respectfully submitted,

16 STEVEN B. WOLFSON  
17 Clark County District Attorney  
Nevada Bar #005391

18  
19 BY /s/ JAMES R. SWEETIN  
20 JAMES R. SWEETIN  
21 Chief Deputy District Attorney  
22 Nevada Bar #005144  
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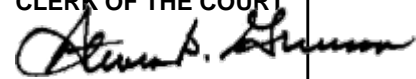
**CERTIFICATE OF SERVICE**

I hereby certify that service of the above and foregoing was made this 10th day of  
AUGUST, 2017, to:

VIOLET RADOSTA, DPD  
harrolah@ClarkCountyNV.gov

BY /s/ HOWARD CONRAD  
Secretary for the District Attorney's Office  
Special Victims Unit

hjc/SVU



1 **NWEW**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **JAMES R. SWEETIN**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #005144**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

12 **DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

14 **THE STATE OF NEVADA,**  
15 **Plaintiff,**

16 **-vs-**

17 **CHRISTOPHER SENA,**  
18 **#0779849**

19 **Defendant.**

20 **CASE NO: C-15-311453-1**

21 **DEPT NO: XIX**

22 **STATE'S NOTICE OF WITNESSES AND/OR EXPERT WITNESSES**  
23 **[NRS 174.234]**

24 **TO: CHRISTOPHER SENA, Defendant; and**

25 **TO: VIOLET RADOSTA, DPD, Counsel of Record:**

26 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE OF  
27 **NEVADA** intends to call the following witnesses and/or expert witnesses in its case in chief:

28 **A.S.; c/o CCDA-SVU/VWAC**

**B.S.; c/o CCDA-SVU/VWAC**

**BARR, CANDACE ESQ.; UNK**

**BERNAT, K.; SNCAC/CPS/DFS**

**BOLOGNINI, MIKE; COX COMMUNICATIONS**

**BRINKLEY; LVMPD#09819**

1 CETL, DR SANDRA; SUNRISE HOSPITAL/SNCAC; Will testify as an expert as to  
2 the nature, process and limitations of sexual assault examinations, and/or as to the sexual  
3 assault examinations conducted in the instant case.

4 COOLEY, CHERYL; CPS/DFS

5 COR or Designee; CCDC

6 COR or Designee; COX COMMUNICATIONS

7 COR or Designee; LVMPD COMMUNICATIONS

8 COR or Designee; LVMPD RECORDS

9 DAVIS, K.; SNCAC/CPS/DFS

10 DETWEILER; LVMPD#05460

11 E.C.; c/o CCDA-SVU/VWAC

12 EDWARDS, KALENA; CPS/DFS

13 GRISHAM, KIMBERLY; UNK

14 HENSON; FARAH; CPS/DFS

15 HINKSON, PATTY; UNK

16 HINKSON, STEVE; UNK

17 IACULLO; LVMPD#07857

18 JASAMES, LYNN; CPS/DFS

19 KURAU; LVMPD#07047

20 LOEFFLER; LVMPD#09247

21 M.C.; c/o CCDA-SVU/VWAC

22 MADSEN; LVMPD#07315

23 MARIAM; LVMPD#14401;

24 MARTINEZ; LVMPD#07775

25 MILLER; LVMPD#06507

26 PARENT/GUARDIAN of E.C.; c/o CCDA-SVU/VWAC

27 PARENT/GUARDIAN of R.C.; c/o CCDA-SVU/VWAC

28 PARENT/GUARDIAN of R.S.; c/o CCDA-SVU/VWAC

1 PARENT/GUARDIAN of T.S.; c/o CCDA-SVU/VWAC  
2 PARISH, SHARICE; CPS/DFS  
3 R.S.; c/o CCDA-SVU/VWAC  
4 RAMIREZ, VINCENTE; LVMPD#04916; Will testify as an expert as to the forensic  
5 examination of computers and related electronics technology, and/or as to the forensic  
6 examination of computers and related technology acquired in the instant case.  
7 RENHARD; LVMPD#05223  
8 SAMPLES; LVMPD#09354  
9 SANTAROSA; LVMPD#06930  
10 SCOTT, STACEY; CPS/DFS  
11 SENA, DEBRA; NEVADA DEPARTMENT OF CORRECTIONS  
12 SENA, TERRI; NEVADA DEPARTMENT OF CORRECTIONS  
13 T.G.; c/o CCDA-SVU/VWAC  
14 T.S.; c/o CCDA-SVU/VWAC  
15 TINDALL, JILLIAN ESQ.; 3838 RAYMERE DR #1, LVN 89121  
16 WHEELER, JENNIFER; CPS/DFS  
17 ZINGELMAN; LVMPD#14791

18 These witnesses are in addition to those witnesses endorsed on the Information or  
19 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
20 Witnesses has been filed.

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

22 STEVEN B. WOLFSON  
23 Clark County District Attorney  
24 Nevada Bar #001565

25 BY /s/ JAMES R. SWEETIN  
26 JAMES R. SWEETIN  
27 Chief Deputy District Attorney  
28 Nevada Bar #005144

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VIOLET RADOSTA, DPD  
harrolah@clarkcountynv.gov

BY /s/ HOWARD CONRAD  
Secretary for the District Attorney's Office  
Special Victims Unit

hjc/SVU

**Sandra Cetl, MD, FAAP**

Sunrise Children's Hospital  
Pediatric Administration  
3186 Maryland Parkway  
Las Vegas, Nevada 89109  
702-784-1933

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**Education:**

University of Nevada, School of Medicine  
Las Vegas, Nevada  
Residency in Pediatrics  
July 2007 – June 2010

University of Vermont, College of Medicine  
Burlington, Vermont  
M.D.  
August 2002 – May 2007

University of California, Los Angeles  
Los Angeles, California  
B.S. in Neuroscience, cum laude  
September 1997 – May 2001

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**Current Attending Responsibilities: September 2010 to current**

- Sunrise Children's Hospital Child Abuse Pediatrician
  - Medical evaluations of patients with suspected physical abuse, sexual abuse and/ or neglect. Patients are seen in the ER setting as well as on the pediatric ward and PICU.
- Sunrise Children's Hospital SCAN call
  - Sole M.D. provider taking night call for suspected child sexual abuse medical evaluations in the ER. (2010 – 2012)
- Sunrise Children's Hospital ER
  - Average 2-5 shifts per month in the pediatric ER, managing and treating patient triage levels 2-5.
- South Nevada Children's Assessment Center
  - Sole M.D. provider of medical evaluations of patients with concerns of child sexual abuse.
- Assistant Clinical Professor at the University of Nevada, School of Medicine (October 2012 – present)



### **Additional Work Experience:**

#### **Juvenile Diabetes Camp Physician August 2010**

**Job Title:** Physician

**Primary Responsibilities:** Observation and management of insulin use during the 3 day camp. Children were aged 12- 17.

#### **Planned Parenthood, Los Angeles August 2001 – May 2002**

**Job Title:** Senior Program Manager

**Primary Responsibilities:** I was in charge of the all volunteers, teachers and coordinators. Duties ranged from the management of staff to reviewing and editing the curriculum as well as ensuring the program's educators were properly trained and prepared for the situations they would encounter.

#### **Planned Parenthood, Los Angeles August 2000 – August 2001**

**Job Title:** Reproductive Health Educator

**Primary Responsibilities:** I was responsible for educating inner city teens and young adults on topics including reproductive health, sexually transmitted diseases, the use contraceptives and the possible social, economic and health consequences of various sexual choices.

#### **University of California, Los Angeles 1997 – 2001**

**Title:** Research Associate

**Responsibilities:** rodent husbandry, surgery, data collection, perfusions, histology and result analysis over the course of four consecutive years; the data from my efforts resulted in two publications in the Journal of Neuroscience.

Laura H. Corbit, Janice L. Muir, and Bernard W. Balleine. *The Role of the Nucleus Accumbens in Instrumental Conditioning: Evidence of a Functional Dissociation between Accumbens Core and Shell*. J. Neurosci., May 2001; 21: 3251 - 3260.

Laura H. Corbit and Bernard W. Balleine. *The Role of the Hippocampus in Instrumental Conditioning*. J. Neurosci., Jun 2000; 20: 4233 - 4239.

I was awarded 1<sup>st</sup> place in the annual UCLA Neuroscience Poster Session with a presentation titled *The Effects of Lesions in the Nucleus Accumbens on Instrumental Conditioning*. Additionally, I was responsible for teaching presentations for undergraduate and graduate students regarding both the research completed and other topics in neuroscience.

#### **Private Math and Science Tutor 1999 – 2003**

I conducted weekly sessions for several junior high and high school students in subjects ranging from Algebra to Calculus and Life Sciences to Physics.

**Care Extenders at UCLA – Santa Monica Hospital 1997 – 1999**

I transported patients and aided in the care of patients in obstetrics, medical-surgical wards, and the emergency department.

**Rockwell Aerospace and Defense and The California Museum of Science and Industry - Summer 1996**

I was the primary instructor for an inner city program to promote the benefits of mathematics and science to fourth and fifth grade disadvantaged children.

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**Licensure and Certification:**

Fellow of the American Academy of Pediatrics 2012 – present

Assistant Clinical Professor at the University of Nevada, School of Medicine

Oct.2012 - present

Board Certified in Specialty of Pediatrics by the American Board of Pediatrics  
current to 2018

PALS Current to May 2017

BLS Current to May 2017

Nevada State Board of Medical Examiners Current to June 2017

Nevada State Board of Pharmacy current to 2018

Drug Enforcement Agency License current to 2019

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**Current Outreach and Committees:**

Adjunct Instructor for Nye County Sheriff's Office 2017

Clark County Office of the Coroner/Medical Examiner Advanced Review Committee on  
Sudden Death in the Young

August 2016 – current

The SDY committee is comprised of physicians, researchers and representatives  
of the coroner's office reviewing cases of sudden death in the young that are  
designated as undetermined deaths..

Southern Nevada Children's Assessment Center Steering Committee Member

April 2016 – current

Clark County Child Fatality Review, Chair

January 2013 – January 2014

Nevada Alliance for Drug Endangered Children, Member

2012 – present

Clark County Child Fatality Review, Vice Chair

June 2011 – December 2012

Clark County Child Fatality Review Team, Member and Core Voting Member  
September 2010 – current

Clark County Child Fatality Task Force, Member  
October 2010 – current

CARES Committee (Child Abuse Case Review and Education Service)  
September 2010 – current

Facilitator of a multidisciplinary team where cases are presented by medical staff, CPS, Law Enforcement and District Attorneys when there are concerns of child physical abuse

Children's Assessment Center Case Review Team  
September 2010 – present

•Member of a multidisciplinary team where cases are presented by medical staff, CPS, Law Enforcement, and District Attorneys where there are concerns of child sexual or physical abuse at the Southern Nevada Children's Assessment Center

Prevent Child Abuse Nevada, Member  
2012 – 2014

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### **Research Participation:**

Currently approved for IRB participation in for a Multi-Center Prospective Research Project. Topic: the yield of medical screening of pediatric contacts- siblings and other children- in the home of an abused child. Currently concluded.

Currently approved for IRB participation in a second Multi-Center Prospective Research Project. Topic: Risk perception of physically abused children and how to use a child's social history when evaluating injuries that may be due to physical abuse. Currently concluded.

### **Presentations:**

**May 2017: Neurobiology of Trauma, Las Vegas, NV**  
**Center for the Application of Substance Abuse Technologies (CASAT)**

- Power point presentation regarding the neurobiological and neuroanatomical reactions during a trauma, specifically sexual assault. Additional discussion with long term consequences of the neurobiological cascade resulting from trauma and management strategies. (approximately 8 hour lecture)

**May 2017: Drug Exposed Babies**

- Power point presentation given to foster parents and foster program staff via DFS, both live and through webinar about normal embryology, how specific legal, illicit and prescription drugs effect in utero development of a fetus, and the life long consequence of drug exposures.

**April 2017: Mimics and Missed Opportunities**

- Power point presentation to residents regarding testing for concerns of child abuse, mimics of child abuse and review of the significance of sentinel injuries on young children.

**April 2017: Child Maltreatment Overview**

- Power point presentation for DFS investigators. Discussion of cutaneous findings of abuse, abusive head trauma, abdominal trauma, mimics, sexual abuse and genital examinations.

**April 2017: Neurobiology of Trauma, Reno, NV****Center for the Application of Substance Abuse Technologies (CASAT)**

- Power point presentation regarding the neurobiological and neuroanatomical reactions during a trauma, specifically sexual assault. Additional discussion with long term consequences of the neurobiological cascade resulting from trauma and management strategies. (approximately 8 hour lecture)

**March 2017, 1, 8, 12th: Nye County Sheriff's Office: Child Abuse and Evaluations**

- 3 separate Power point presentation for Nye County Sheriff's office, consisting of patrol officers, detectives, and commanding officers. Discussion of cutaneous findings of abuse, abusive head trauma, abdominal trauma, mimics, sexual abuse and genital examinations. (approximately 4 hour lecture)

**November 2016: Overdose and Accidental Poisonings**

- Power point presentation given to foster parents and foster program staff via DFS about accidental deaths of children and adolescents from accidental overdose or poison ingestion.

**November 2016: Nye County Sheriff's Office: Child Abuse and Evaluations**

- Power point presentation for Nye County Sheriff's office, consisting of patrol officers, detectives, Sheriff, and commanding officers. Discussion of cutaneous findings of abuse, abusive head trauma, abdominal trauma, mimics, sexual abuse and genital examinations. (approximately 8 hour lecture)

**November 2016: Child Physical Abuse**

- Two hour power point presentation to Pediatric Residents at the UNSOM residency program about all medical aspects of evaluating and recognizing physical child abuse.

**October 2016: Child Sexual Abuse**

- Power point presentation given to foster parents and foster program staff via DFS about child sexual abuse including signs and symptoms, examination, risk factors and forensic findings

**September 2016: Drug Exposed Babies**

- Power point presentation given to foster parents and foster program staff via DFS, both live and through webinar about normal embryology, how specific legal, illicit and prescription drugs effect in utero development of a fetus, and the life long consequence of drug exposures.

#### **June 2016: Board Review on Child Maltreatment**

- 2 hour review for residents of University of Nevada, School of Medicine in preparation of the American Academy of Pediatrics Board exam. Topics covered are high yield review of child physical abuse, sexual abuse, and neglect.

#### **June 2016: Child Maltreatment Overview**

- Power point presentation for Positively Kids Clinic staff, consisting of physicians, nurses, and nursing assistants. Discussion of cutaneous findings of abuse, abusive head trauma, abdominal trauma, mimics, sexual abuse and genital examinations.

#### **June 2016: Sexually Transmitted Infections and Myths of Female Anatomy**

- “First Wednesday” Luncheon presenter discussing sexually transmitted infections and myths surrounding sexual abuse in the pediatric population.

#### **May 2016: Child Maltreatment Overview**

- Power point presentation for Henderson Police Department, consisting of detectives, sergeants, and lieutenant. Discussion of cutaneous findings of abuse, abusive head trauma, abdominal trauma, mimics, sexual abuse and genital examinations. (approximately 7 hour lecture)

#### **May 2016: Drug Exposed Babies**

- Power point presentation given to foster parents and foster program staff via DFS, both live and through webinar about normal embryology, how specific legal, illicit and prescription drugs effect in utero development of a fetus, and the life long consequence of drug exposures.

#### **April 2016: Child Sexual Abuse**

- Power point presentation given to foster parents and foster program staff via DFS about child sexual abuse including signs and symptoms, examination, risk factors and forensic findings.

#### **February 2016: Antipsychotic Use and Misuse**

##### **Center for the Application of Substance Abuse Technologies (CASAT)**

- Power point presentation on use and misuse of antipsychotic medications for an audience of drug counselors, rehab workers, social workers and nurses. The talk provided a 7 hour daylong conference going into the subject in detail.

#### **August 2015: Failure to Thrive and Pediatric Nutrition**

- Power point presentation given to foster parents and foster program staff via DFS on consequences, findings, evaluation and management of failure to thrive. Additionally, discussion on proper nutrition.

**May 2015: Drug Exposed Babies**

- Power point presentation given to foster parents and foster program staff via DFS, both live and through webinar about normal embryology, how specific legal, illicit and prescription drugs effect in utero development of a fetus, and the life long consequence of drug exposures:

**April 2015: Failure to Thrive and Pediatric Nutrition**

- Power point presentation given to foster parents and foster program staff via DFS on consequences, findings, evaluation and management of failure to thrive. Additionally, discussion on proper nutrition.

**March 2015: Commercial Sexual Exploitation of Children, Medical Management**

- Power Point presentation for the NAPNAP: National Association of Pediatric Nurse Practitioners Conference. Discussion included medical signs and symptoms of CSEC, evaluation, pitfalls and concerns, and medical management.

**September and October 2015: Genital Findings, Sexually Transmitted Infections and Photo-documentation in Child Sexual Abuse**

- Power point presentation for nursing staff at Sunrise Children's Hospital as a part of a day long class on child sexual abuse evaluations and management.
- Discussion about genital exam, normal anatomy, findings, pathology, and sexual abuse

**December 2014: Antipsychotic Use and Misuse**

**Center for the Application of Substance Abuse Technologies (CASAT)**

- Power point presentation on use and misuse of antipsychotic medications for an audience of drug counselors, rehab workers, social workers and nurses. The talk provided a 7 hour daylong conference going into the subject in detail.

**August, September, and December 2014: Drug Endangered Children**

- Power point co presented through the Attorney General's program on Drug Endangered Children. The presentation was given in Las Vegas, Reno, and rural Nevada, in addition to a shortened webinar on the same subject. The purpose of the activity is to educate physicians & other healthcare practitioners on the identification and treatment of the drug endangered child. Assess needs of the newborn infant that is drug exposed, apply best practices for immediate identification and management of drug exposed children, and describe types of child abuse and the role drug use and exposure plays

**June 2014: Technology and Ethical Considerations in Forensic Photo-documentation**

- Power point co presented at the annual American Professional Society on the Abuse of Children (APSAC) in the 2014 national conference in New Orleans, LA. Audience of approximately 50 clinicians, law enforcement, and attorneys focused on technology of photo-documentation and review of storage of material. Discussed ethical consideration of technology use, misuse, storage, alternate light sources, and global filters.

#### **April 2014: Child Sexual Abuse**

- Power point presentation given to foster parents and foster program staff via DFS about child sexual abuse including signs and symptoms, examination, risk factors and forensic findings.

#### **March 2014: Overdose and Accidental Poisonings**

- Power point presentation given to foster parents and foster program staff via DFS about accidental deaths of children and adolescents from accidental overdose or poison ingestion.

#### **January 2014: Cutaneous Injuries and Physical child abuse**

- Power point presentation for CPS and DFS workers and investigators, and students of forensic investigators of CSI law enforcement on the external findings of child physical abuse. Discussion of mimics of abuse and accidental injuries.

#### **December 2013: Female Genital Evaluation**

- Power point presentation for residents and attendings of UNSOM Emergency Medicine Residency Program about the female genital exam, pathology, and child sexual abuse.

#### **December 2013: Abusive Head Trauma and Fractures in Child Abuse**

- Power point presentation for residents and attendings of UNSOM Emergency Medicine Residency Program about findings with abusive head trauma, fractures and abdominal trauma, including mimics of abuse and proper complete evaluation in the ED setting.

#### **December 2013: Drug Exposed Babies**

- Power point presentation given to foster parents and foster program staff via DFS, both live and through webinar about normal embryology, how specific legal, illicit and prescription drugs effect in utero development of a fetus, and the life long consequence of drug exposures.

#### **November 2013: Female Genital Evaluation**

- Power point presentation for medical students and residents of UNSOM. Discussion about genital exam, normal anatomy, findings, pathology, and sexual abuse.

#### **October 2013: Child Maltreatment Overview**

- Power point presentation for Positively Kids Clinic staff, consisting of physicians, nurses, and nursing assistants. Discussion of cutaneous findings of abuse, abusive head trauma, abdominal trauma, mimics, sexual abuse and genital examinations.

#### **August 2013: Cutaneous Finding in Child Physical Abuse, Bruises**

- Power point presentation to University of Nevada, School of Medicine Emergency Department residents for grand rounds. Discussed skin findings associated with child physical abuse and accidental injury.

#### **April 2013 Visual Diagnosis**

- Power point presentation regarding a visual diagnosis of a patient at the Ray E. Helfer Society Annual Meeting, which is attended by Pediatricians and Child Abuse Pediatricians practicing nationally and internationally.

#### **March 2013: Grand Rounds “The Long Term Effects of Child Abuse”**

- One hour power point presentation for Grand Rounds at the University of Nevada, School of Medicine. Discussion on Adverse Childhood Events and the studies stemming from the CDC data collection in response to adverse childhood events in the community through the life time.

#### **March 2013: Sexual Abuse Nurse Examiner**

- Guest speaker at the SANE class at Sunrise Children’s Hospital on mandated reporting and description of the Southern Nevada Children’s Assessment Center.

#### **February 2013: Child Physical Abuse**

- Two hour power point presentation to Pediatric Residents at the UNSOM residency program about all medical aspects of evaluating and recognizing physical child abuse.

#### **September 2012: Sexual Child Abuse**

- Two 3 hour power point presentations on child sexual abuse examinations and Sexual Assault Nurse Examiner (SANE) program given to pediatric emergency department nurses at Sunrise Children’s Hospital.

#### **April 2012: Overdose and Accidental Poisoning Deaths**

- Power point presentation given to members of the Southern Nevada Child Fatality Review Team about accidental deaths of children and adolescents from accidental overdose or poison ingestion.

#### **January 2012: Sex Trafficking Among Adolescents**

- Modified Power point presentation on sex trafficking among adolescent males and females in the U.S. as well as locally in Las Vegas, NV. Presentation given to hospital clergy members in Clark County, NV at Sunrise Children’s Hospital.

#### **June 2011: Child Abuse Signs and Symptoms**



- Power point presentation given to University of Nevada School of Medicine medical students transitioning from classroom learning to clinical practice.

**May 2011: Sexually Transmitted Infections and Testing in Child Sexual Abuse**

- Power point presentation given at Sunrise Children's Hospital for ER nurses training to become pediatric sexual abuse nurse examiners

**March 2011: Adolescent Drug Overdose**

**Center for the Application of Substance Abuse Technologies (CASAT)**

- Regional conference in Las Vegas and Reno, Nevada on accidental overdose in the adolescent population
- Two 7 hour trainings on aspects of adolescent drug use and overdose

**February 2011: Child Physical Abuse**

- Power point presentation on skin manifestations of child physical abuse
- Attendees included hospital social workers and case managers

**October 2010: Child Abuse and Neglect Prevention Conference**

- Regional for South Western United States
- Provided a conference session on Adolescent Accidental Overdose
- Attendees included teachers, school nurses, social workers, attorneys, and psychology care workers

**October 2010 Sexually Transmitted Infections in Child Sexual Abuse**

- Power point presentation at the Southern Nevada Children's Assessment Center on sexually transmitted infections in sexually abused children.
- Attendees included law enforcement, CPS and DFS workers and staff

**January 2010 University Medical Center Ward Teaching Senior**

- Morning Report for residents and faculty including subjects such as burn management and seizure evaluation
- Morbidity and Mortality power point presentation for residents and faculty about evaluation and management of extravasation injuries
- Resident Lecture Power Points on variety of topics including Newborn screening, Non Accidental Trauma, Pediatric Brain Tumors, and Apparent Life Threatening Events

**December 2010 Lied Clinic, Senior Resident**

- Morbidity and Mortality power point presentation on consequences of RSV mismanagement

**October 2009 University Medical Center NICU**

- Power point presentation for residents and faculty in Glucose Metabolism of Neonates

**September 2009 Endocrinology**

- Power point presentation for residents and faculty on Short Stature

**August 2009 Adolescent Medicine**

- Noon Conference power point for residents and faculty on Chronic Pain Management

**July 2009 Sunrise Hospital Ward Teaching Senior**

- Morning Report presentations for residents and faculty on subjects including Abdominal Pain, Peritonsillar abscesses, and Kawasaki's Disease
- Resident Lecture Power Points on a variety of topics including Diabetes Management, Neonatal Fever, and Substance Overdose

**January 2009 CPS, DFS, Child Haven Staff**

- Presentation to staff on Medical Neglect and Newborn Screening

**January 2009 Noon Conference**

- Journal Club on Office Based Treatment and Outcomes for Febrile Infants With Clinically Diagnosed Bronchiolitis

**August 2007 Noon Conference**

- Journal Club on the Early Intervention and Outcome of Children with Failure to Thrive

**Memberships:**

- American Academy of Pediatrics Section on Child Death Review and Prevention 2016- current
- American Professional Society on the Abuse of Children – May 2014 - current
- American Academy of Pediatrics Member 2007-2010, 2012 – current
- American Academy of Pediatrics Section on Child Abuse and Neglect (SOCAN) 2012 – current
- Helfer Society Member June 2011- current
- ACGME Resident Forum Representative, 2008 – 2010
- Created curriculum for Child Development resident rotation, August 2007

**Professional Development:**

- “Blue dye guy” presentation on burn injuries and investigation, February 2017
- San Diego International Conference on Child and Family Maltreatment, January, 2017
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) July, 2016

- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) July, 2015
- San Diego International Conference on Child and Family Maltreatment, January, 2015
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) July, 2014
- American Professional Society on the Abuse of Children Conference (New Orleans, LA) June 2014
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) June, 2013
- Ray E. Helfer Society Annual Meeting (Sonoma, CA) April 2013
- San Diego International Conference on Child and Family Maltreatment, January, 2013
- Valley High School Lecture Series about Sex Trafficking, Las Vegas, Nevada October 2012
- Basic High School Lecture Series about Sex Trafficking, Henderson, Nevada October, 2012
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) June, 2012
- San Diego International Conference on Child and Family Maltreatment, January, 2012
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) June, 2011
- Ray E. Helfer Society Annual Meeting; (Amelia Island, FL) April 2011
- San Diego International Conference on Child and Family Maltreatment, January, 2011
- Child Abuse and Neglect Prevent Conference (Reno, NV) October 2010
- Shaken Baby Conference (Atlanta, GA) September 2010
- Western States Child Sexual Abuse Conference (Las Vegas, NV) September 2010
- International Association of Coroners and Medical Examiners Conference, June 2010
- SANE P Training, June 2010
- Clark County School District Nursing Conference on various Genetic Disorders and Behavior Disorders, November 2009
- Clark County School District Nursing Conference on many aspects of school nursing, including Child Maltreatment, August 2009
- AAP Conference Nevada Chapter (Las Vegas, NV) August 2009

#### **Awards:**

- Clark County District Attorney Meritorious Award
  - 2013
  - Including recognition by the Governor's Office.
- University of Nevada, School of Medicine Resident award for Sub-Specialist of the year

- 2015

**Languages:**

- Fluent in Serbo-Croatian
- Conversant in Medical Spanish

Vicente R. Ramirez #4916

Police Detective with the Las Vegas Metropolitan Police Department since February 1995, and is assigned to the Detective Bureau, Crimes Against Youth and Family Bureau, Internet Crimes Against Children Task Force. As a result of his assignment, he investigates matters relating to child exploitation and the use of high technology and the Internet. This typically involves cases related to child luring and child pornography.

Currently in the nineteenth (20th) year as a law enforcement officer with the LVMPD, fourteen years of which I have been conducting computer forensic and cell phone investigations, including sexual assaults, child sexual abuse, child pornography and child luring, etc. Assignments within the Crimes Against Youth and Family Bureau have also included duties in the Computer Forensic Lab.

I have conducted and participated in, and/or consulted in sexual related crimes, including investigations of individuals and locations suspected of the sexual exploitation of children and have participated in the execution of numerous search warrants which have resulted in the seizure of multiple items of child pornography and various items of evidence consisting of child sexual exploitation and abuse.

I have received specialized training in the realm of sex crimes and sexually motivated crimes.

I have attended over 1,000 hours of training, course work and study in child sexual abuse, child exploitation and computer investigations / forensics.

06/14/2010	Protecting Children Online: Technology	36 hrs
07/26/2010	Defcon Preconference Training (Network Threats)	15 hrs
01/04/2011	Access Data Bootcamp	21 hrs
01/11/2011	Windows Forensics Registry (Access Data)	21 hrs
01/18/2011	<b>Cellular Forensics, Data Recovery, Mobile Spyware</b>	24 hrs
01/24/2011	<b>Call Detail Records &amp; GPS Devices</b>	7 hrs
02/23/2011	Internet Forensics (Access Data)	21 hrs
03/01/2011	EnCase Computer Forensic II	32 hrs
04/08/2011	<b>Phone Repair and Chip Off Analysis</b>	40 hrs
	<b>Certified Cellular Master Technician</b>	
05/12/2011	SANS Advanced Analysis and Incident Response	36 hrs
06/01/2011	<b>iOS Forensic Analysis and Lantern Training</b>	16 hrs
06/08/2011	Techno Security Conference	32 hrs
08/08/2011	23 <sup>rd</sup> Annual Crimes Against Children Conference	19 hrs
09/17/2011	<b>SANS (563) Mobile Device Forensics</b>	30 hrs
10/03/2011	Reid Technique Interview and Interrogation	24 hrs
10/13/2011	<b>Cellebrite UFED Physical Certification</b>	08 hrs
10/13/2011	<b>Cellebrite UFED Certification</b>	16 hrs
04/17/2012	2012 National LE Training on Child Exploitation	22 hrs
05/07/2012	ICAC Undercover Chat Training Program	36 hrs
06/05/2012	Access Data Bootcamp	21 hrs

07/19/2013	EnCase Computer Forensic I Course (V7)	32 hrs
08/15/2013	Crimes against Children Conference 25 <sup>th</sup> Annual	19.5 hrs
09/21/2013	SANS Computer Forensic Investigations (408)	36 hrs
11/07/2013	Lantern Certified Examiner (Katana Forensics)	24 hrs
06/05/2014	Macintosh Forensics (FTK)	21 hrs
07/18/2014	EnCase Computer Forensic II Course (V7)	32 hrs
08/14/2014	Crimes against Children Conference 26 <sup>th</sup> Annual	19.5 hrs
10/24/2014	SANS Introduction to Information Security (301)	30 hrs
08/25/2015	Internet Evidence Finder (IEF) Training	24 hrs
11/30/2015	"X-Ways Forensics".	32 hrs

This CV only covers from the year 2010 to 2015. ICAC members are FBI Task Force Officers with Federal Credentials.

Graduate from University of Nevada of Las Vegas.

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CHRISTOPHER SENA, ) No. 79036  
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 Appellant, )  
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 v. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )  
 )

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610  Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 <sup>rd</sup> Floor Las Vegas, Nevada 89155  ADAM LAXALT Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538  Counsel for Respondent
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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:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

BY /s/ Carrie Connolly  
Employee, Clark County Public Defender's Office