

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Respondent.

Electronically Filed
May 20 2020 01:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Docket 79036 Document 2020-19226

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

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

1	Recorder's Transcript	
2	Defendant's Motion to Compel Production of	
	Discovery and Brady Material	
3	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	
6	Date of Hrg: 08/23/17	2547-2548
7	Recorder's Transcript	
8	Defendant's Motion to Sever	
9	Date of Hrg: 12/04/17	2562-2565
10	Recorder's Transcript	
11	Defendant's Motion to Stay Pending Resolution of	
12	Defendant's Petition for Writ of Mandamus/Prohibition;	
13	Defendant's Motion to Sever	
14	Date of Hrg: 12/11/17	2566-2568
15	Recorder's Transcript	
16	Defendant's Petition for Writ of Habeas Corpus	
17	Date of Hrg: 04/04/16	2500-2503
18	Recorder's Transcript	
19	Defendant's Petition for Writ of Habeas Corpus	
20	Date of Hrg: 06/06/16	2504-2506
21	Recorder's Transcript	
22	Defendant's Petition for Writ of Habeas Corpus	
23	Date of Hrg: 07/13/16	2507-2510
24	Recorder's Transcript	
25	Further Proceedings: Defendant's Petition for	
26	Writ of Habeas Corpus	
27	Date of Hrg: 10/12/16	2516-2524
28	Recorder's Transcript	
29	Further Proceedings: Defendant's Petition for	
30	Writ of Habeas Corpus-Count 97	
31	Date of Hrg: 08/29/16	2511-2515
32	Recorder's Transcript	
33	Initial Arraignment	
34	Date of Hrg: 01/05/16	2487-2489
35	Recorder's Transcript	
36	Pre-Trial Conference	
37	Date of Hrg: 08/09/17	2528-2537
38	Recorder's Transcript	
39	Pre-Trial Conference	
40	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		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

PAGES

2063-2114

INTENTIONALLY

LEFT BLANK

● ORIGINAL ●

AINF
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 89155-2211
(702) 671-2500
Attorney for Plaintiff

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

JAN 23 2019
BY, *Tia Everett*
TIA EVERETT, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-15-311453-1
AINF
Amended Information
4810600



THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-15-311453-1

-vs-

DEPT NO: XIX

CHRISTOPHER SENA,
#0779849

THIRD AMENDED
INFORMATION

Defendant.

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**, as 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**

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

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

14 COUNT 1 - CONSPIRACY TO COMMIT SEXUAL ASSAULT

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

19 COUNT 2 - 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 breast(s)
24 and/or area of the breast(s) of the said A.S., with the intent of arousing, appealing to, or
25 gratifying the lust, passions, or sexual desires of said Defendant, or said child.

26 //

27 //

28 //

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.

26 //

27 //

28 //

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.

27 //

28 //

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.

25 //

26 //

27 //

28 //

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.

28 //

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.

26 //

27 //

28 //

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.

28 //

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

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.

27 //

28 //

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.

27 //

28 //

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.

27 //

28 //

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.

28 //

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.

27 //

28 //

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.

28 //

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.

26 //

27 //

28 //

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.

27 //

28 //

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.

27 //

28 //

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.

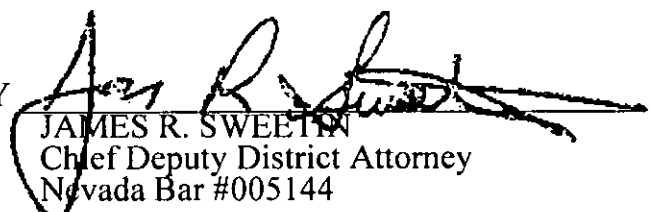
22 COUNT 120 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
23 CONDUCT OF A CHILD

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; and/or an image of the said M.C. sitting

1 nude on a bed with a vibrator between her breasts; an image of the said M.C. sitting nude on
2 a bed with a vibrator touching her mouth; an image of the said M.C. sitting on a bed in the
3 nude; an image of the said M.C. kneeling on a bed in the nude with an apparent vibrator
4 between her legs.

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

8 BY


9 
10 JAMES R. SWEETEN
11 Chief Deputy District Attorney
12 Nevada Bar #005144
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

ORIGINAL

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

OPI
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

FEB 01 2019
BY 
TIA EVERETT, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-15-311453-1
OPI
Order for Production of Inmate
4813586



THE STATE OF NEVADA,
Plaintiff,

-vs-

CHRISTOPHER SENA,
#0779849

Defendant.

CASE NO: C-15-311453-1

DEPT NO: XIX

ORDER FOR PRODUCTION OF INMATE

TERRIE SENA, aka Terrie Lynne Clark, BAC #1141092

DATE OF HEARING: FEBRUARY 4, 2019
TIME OF HEARING: 11:00 A.M.

TO: CAROLYN MYLES, Warden, Florence McClure Women's Correctional Center;

TO: JOE LOMBARDO, Sheriff of Clark County, Nevada

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that CAROLYN MYLES, Warden of Florence McClure Women's Correctional Center shall be, and is, hereby directed to produce TERRIE SENA, aka Terrie Lynne Clark, in Case Number C-15-311453-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said TERRIE SENA, aka Terrie Lynne Clark is currently incarcerated in the Florence McClure Correctional Center located in North Las

1 Vegas, Nevada, and her presence will be required in Las Vegas, Nevada, commencing on
2 FEBRUARY 4, 2019, at the hour of 11:00 o'clock A.M., and continuing until completion of
3 the prosecution's case against the said Defendant.

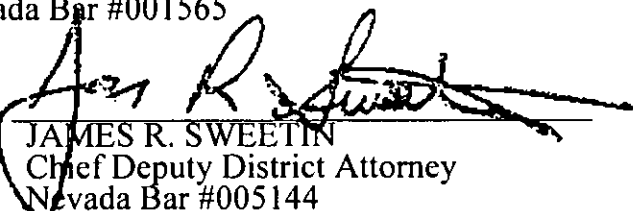
4 **IT IS FURTHER ORDERED** that JOE LOMBARDO, Sheriff of Clark County,
5 Nevada, shall accept and retain custody of the said in the Clark County Detention Center, Las
6 Vegas, Nevada, pending completion of said matter in Clark County, or until the further Order
7 of this Court; or in the alternative shall make all arrangements for the transportation of the said
8 TERRIE SENA, aka Terrie Lynne Clark to and from the Nevada State Prison facility which
9 are necessary to insure the TERRIE SENA, aka Terrie Lynne Clark's appearance in Clark
10 County pending completion of said matter, or until further Order of this Court.

11 DATED this 1st day of February, 2019.

12
13 
14 DISTRICT JUDGE

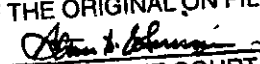
15 STEVEN B. WOLFSON
16 Clark County District Attorney
17 Nevada Bar #001565

18 BY

19 
20 JAMES R. SWEETIN
21 Chief Deputy District Attorney
22 Nevada Bar #005144

23
24
25
26
27
28 hjc/SVU

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

ORIGINAL

Electronically Filed
2/4/2019 4:05 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

OPI

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**

ORDER FOR PRODUCTION OF INMATE

TERRIE SENA, aka Terrie Lynne Clark, BAC #1141092

DATE OF HEARING: **FEBRUARY 8, 2019**
TIME OF HEARING: **11:00 A.M.**

TO: CAROLYN MYLES, Warden, Florence McClure Women's Correctional Center;

TO: JOE LOMBARDO, Sheriff of Clark County, Nevada:

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that CAROLYN MYLES, Warden of Florence McClure Women's Correctional Center shall be, and is, hereby directed to produce TERRIE SENA, aka Terrie Lynne Clark, in Case Number C-15-311453-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said TERRIE SENA, aka Terrie Lynne Clark is currently incarcerated in the Florence McClure Correctional Center located in North Las

1 Vegas, Nevada, and her presence will be required in Las Vegas, Nevada, commencing on
2 FEBRUARY ¹⁶ 2019, at the hour of 8:00AM, and continuing until completion of the
3 prosecution's case against the said Defendant.

4 **IT IS FURTHER ORDERED** that JOE LOMBARDO, Sheriff of Clark County,
5 Nevada, shall accept and retain custody of the said in the Clark County Detention Center, Las
6 Vegas, Nevada, pending completion of said matter in Clark County, or until the further Order
7 of this Court; or in the alternative shall make all arrangements for the transportation of the said
8 TERRIE SENA, aka Terrie Lynne Clark to and from the Nevada Department of Corrections
9 facility which are necessary to insure the TERRIE SENA, aka Terrie Lynne Clark's appearance
10 in Clark County pending completion of said matter, or until further Order of this Court.

11 DATED this 4th day of February, 2019.

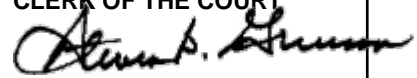
12
13 
14 DISTRICT JUDGE

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

18 BY


19 JAMES R. SWEETIN
20 Chief Deputy District Attorney
21 Nevada Bar #005144
22
23
24
25
26
27

28 hjc/SVU



ATEAR
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**

AUDIOVISUAL TRANSMISSION EQUIPMENT APPEARANCE REQUEST

Pursuant to Rule 4 of the Nevada Supreme Court RULES GOVERNING APPEARANCE BY AUDIOVISUAL TRANSMISSION EQUIPMENT, the State of Nevada, by and through JAMES R. SWEETIN, Chief Deputy District Attorney, requests that **DR. SANDRA CETL** be permitted to testify by remote court appearance via video conference for the trial scheduled for February 8, 2019.

Date: FEBRUARY 8, 2019

Time: 3:00 P.M.

Courtroom: 16B

DR. SANDRA CETL agrees to be bound by the oath given by the Court Clerk, Eighth Judicial District Court, and to be subject to the jurisdiction of this Court for purposes related to this testimony.

1 Any objection to this request must be made in writing within two (2) judicial days of
2 service of this request.

3 The State of Nevada agrees that by submitting this request, the State of Nevada and Dr.
4 Sandra Cetl, or their respective representatives, will test and verify the functionality of the
5 video conference connectivity with the Court's IT department at least two (2) judicial days
6 before the scheduled appearance. Contact information for the test is:

7 *Name of Party:* State of Nevada / JAMES R. SWEETIN

8 *Email Address:* james.sweetin@clarkcountynyda.com

9 *Phone Number:* (702) 671-2790

10 *Name of Witness:* Dr. Sandra Cetl

11 *Email Address:* drsandracetl@gmail.com

12 *Phone Number:* (702) 378-3931

13 Counsel certifies that the video connection has been successfully tested at
14 <http://bluejeans.com/111>, prior to submitting this application.

15 DATED this 6th day of July, 2018.

16 STEVEN B. WOLFSON
17 Clark County District Attorney
18 Nevada Bar #1565

19 BY /s/ JAMES R. SWEETIN
20 JAMES R. SWEETIN
21 Chief Deputy District Attorney
22 Nevada Bar #005144
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that service of the above and foregoing was made this 6th day of
3 February, 2019, to:

4 VIOLET RADOSTA, DPD
5 KiernyCL@clarkcountynv.gov

6 ANN McMAHAN, Legal Secretary
7 Ann.McMahan@clarkcountynv.gov

8 BY: /s/ HOWARD CONRAD
9

Secretary for the District Attorney's Office
10 Special Victims Unit

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 hjc/SVU

ORIGINAL

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

FEB 06 2019

BY, TIA EVERETT
TIA EVERETT, DEPUTY

OPI
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

ORDER FOR PRODUCTION OF INMATE

DEBORAH SENA, BAC #1156686

DATE OF HEARING: **FEBRUARY** _____, 2019
TIME OF HEARING: _____ A.M.

TO: CAROLYN MYLES, Warden, Florence McClure Women's Correctional Center;

TO: JOE LOMBARDO, Sheriff of Clark County, Nevada

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that CAROLYN MYLES, Warden of Florence McClure Women's Correctional Center shall be, and is, hereby directed to produce DEBORAH SENA, in Case Number C-15-311453-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as DEBORAH SENA is currently incarcerated in the Florence McClure Correctional Center located in North Las Vegas, Nevada, and her presence will be required in

C-15-311453-1

OPI

Order for Production of Inmate
4814369

W:\2014\2014F\147\85\14F14785-OPI-(SENA_CHRISTOPHER_T_R_N_S_DEBORAH)-002.DOCX



2165

2

1 Las Vegas, Nevada, commencing on FEBRUARY 7, 2019, at the hour of 11:00 o'clock A.M.,
2 and continuing until completion of the prosecution's case against the said Defendant.

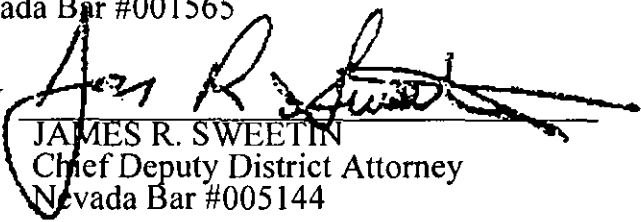
3 **IT IS FURTHER ORDERED** that JOE LOMBARDO, Sheriff of Clark County,
4 Nevada, shall accept and retain custody of the said in the Clark County Detention Center, Las
5 Vegas, Nevada, pending completion of said matter in Clark County, or until the further Order
6 of this Court; or in the alternative shall make all arrangements for the transportation of the said
7 DEBORAH SENA to and from the Nevada State Prison facility which are necessary to insure
8 the DEBORAH SENA's appearance in Clark County pending completion of said matter, or
9 until further Order of this Court.

10 DATED this 07 day of February, 2019.

11
12 
13 DISTRICT JUDGE

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

17 BY

18 
19 JAMES R. SWEETIN
20 Chief Deputy District Attorney
21 Nevada Bar #005144
22
23
24
25
26
27

28 hjc/SVU

ORIGINAL

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

FEB 06 2019

BY: TIA EVERETT
TIA EVERETT, DEPUTY

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

EX PARTE MOTION AND ORDER TO REMAND

WITNESS INTO CUSTODY

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and moves this Honorable Court for an Order to Remand Witness DEBORAH SENA, BAC #1141092, ID#7015095 Into Custody pending the State's conclusion of the examination of said witness in the trial of Defendant as captioned above, whereupon said Witness will be returned to the custody of the Nevada Department of Corrections.

Movant represents that said Witness, DEBORAH SENA, BAC #1141092, ID#7015095, who is in the custody of the Nevada Department of Corrections' Florence McClure Womens' Correctional Center, is necessary to the presentation of the State's case pending against the above-captioned Defendant, and that no other witness may testify in her stead.

C-15-311453-1
EXMT
Ex Parte Motion
4814370

\\2014\2014F\147\85\14F14785-ORDR-(SENA_CHRISTOPHER_R_M_D_DEBORAH_SENA)-001.DOCX



2167

2

ORDER

Upon the ex parte application and representation of STEVEN B. WOLFSON, Clark County District Attorney, by and through JAMES R. SWEETIN, Chief Deputy District Attorney, that the aforementioned Witness, DEBORAH SENA, BAC #1141092, ID#7015095, is a necessary witness in the State's presentation of the case pending against CHRISTOPHER SENA as captioned above, and with GOOD CAUSE APPEARING,

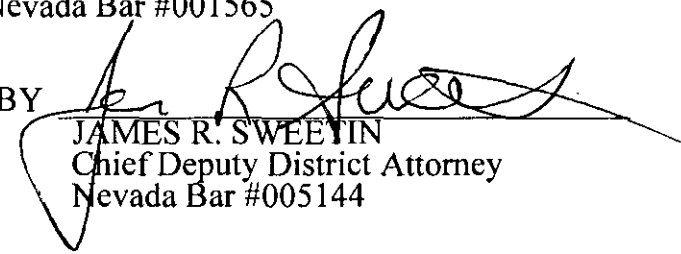
IT IS HEREBY ORDERED that JOE LOMBARDO, Sheriff of Clark County, Nevada, shall accept and retain custody of DEBORAH SENA, BAC #1141092, ID#7015095, in the Clark County Detention Center, Las Vegas, Nevada, pending completion of said matter in Clark County, or until the further Order of this Court, which is necessary to insure the appearance of DEBORAH SENA, BAC #1141092, ID#7015095.

DATED this 6th day of February, 2019.


DISTRICT JUDGE

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

BY


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

hjc/SVU

ORIGINAL

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

1 **ORDR**

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

FEB 06 2019

BY TIA EVERETT
TIA EVERETT, DEPUTY

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

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 **CHRISTOPHER SENA,**
13 **#0779849**

14 Defendant.

CASE NO: C-15-311453-1

DEPT NO: XIX

15 **EX PARTE MOTION AND ORDER TO REMAND**

16 **WITNESS INTO CUSTODY**

17
18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and moves
20 this Honorable Court for an Order to Remand Witness TERRIE SENA, aka Terrie Lynne
21 Clark, BAC #1141092, ID#1017309 Into Custody pending the State's conclusion of the
22 examination of said witness in the trial of Defendant as captioned above, whereupon said
23 Witness will be returned to the custody of the Nevada Department of Corrections.

24 Movant represents that said Witness, TERRIE SENA, aka Terrie Lynne Clark, BAC
25 #1141092, ID#1017309, who is in the custody of the Nevada Department of Corrections'
26 Florence McClure Womens' Correctional Center, is necessary to the presentation of the State's
27 case pending against the above-captioned Defendant, and that no other witness may testify in
28 her stead.



ORDER

Upon the ex parte application and representation of STEVEN B. WOLFSON, Clark County District Attorney, by and through JAMES R. SWEETIN, Chief Deputy District Attorney, that the aforementioned Witness, TERRIE SENA, aka Terrie Lynne Clark, BAC#1141092, ID#1017309, is a necessary witness in the State's presentation of the case pending against CHRISTOPHER SENA as captioned above, and with GOOD CAUSE APPEARING,

IT IS HEREBY ORDERED that JOE LOMBARDO, Sheriff of Clark County, Nevada, shall accept and retain custody of TERRIE SENA, aka Terrie Lynne Clark, BAC #1141092, ID#1017309, in the Clark County Detention Center, Las Vegas, Nevada, pending completion of said matter in Clark County, or until the further Order of this Court, which is necessary to insure the appearance of TERRIE SENA, aka Terrie Lynne Clark, BAC #1141092, ID#1017309.

DATED this 6th day of February, 2019.


DISTRICT JUDGE

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

BY


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

hjc/SVU

● ORIGINAL ●

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

FEB 13 2019

BY, Tia Everett
TIA EVERETT, DEPUTY

AINF
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 89155-2211
(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

FOURTH 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, as 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

C-15-311453-1
AINF
Amended Information
4815869

W:\2014\2014F\14785\14F14785-AINF-(SENA_CHRISTOPHER_4_A_I_N_F)-001.DOCX



2171

43

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

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

14 COUNT 1 - CONSPIRACY TO COMMIT SEXUAL ASSAULT

15 did, on or between May 22, 2004 and June 30, 2014, willfully, unlawfully, and
16 feloniously conspire with DEBORAH SENA and/or TERRIE SENA and/or others unknown
17 to commit a sexual assault, by performing those acts described in Counts 46 through 52; 54
18 through 59; 61 through 77; 79 through 85; 95 through 99; 101 through 103 and 105.

19 COUNT 2 - 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 breast(s)
24 and/or area of the breast(s) of the said A.S., with the intent of arousing, appealing to, or
25 gratifying the lust, passions, or sexual desires of said Defendant, or said child.

26 //

27 //

28 //

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.

26 //

27 //

28 //

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.

27 //

28 //

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.

25 //

26 //

27 //

28 //

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.

28 //

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.

26 //

27 //

28 //

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.

28 //

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

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.

27 //

28 //

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.

27 //

28 //

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.

27 //

28 //

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.

28 //

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.

27 //

28 //

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.

28 //

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.

26 //

27 //

28 //

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.

27 //

28 //

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.

27 //

28 //

COUNT 90 - LEWDNESS WITH A MINOR UNDER THE AGE OF 14

did, on or between June 14, 2010 and June 13, 2012, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to-wit: R.S., a child under the age of fourteen years, by said Defendant using his penis to touch and/or rub and/or fondle the anal area of the said R.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or R.S.

COUNT 91 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did, on or between June 14, 2010 and June 13, 2012, then and there willfully, unlawfully, and feloniously sexually assault and subject R.S., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into the anal opening of the said R.S., against the will of the said R.S., or under conditions in 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.

COUNT 92 - LEWDNESS WITH A MINOR UNDER THE AGE OF 14

did, on or between June 14, 2010 and June 13, 2012, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to-wit: R.S., a child under the age of fourteen years, by said Defendant using his penis to touch and/or rub and/or fondle the anal area of the said R.S., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or R.S.

COUNT 93 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did, on or between June 14, 2012 and June 13, 2014, then and there willfully, unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of age, to sexual penetration, to-wit: anal intercourse, by said Defendant inserting his penis into the anal opening of the said R.S., against the will of the said R.S., or under conditions in which 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 with R.S.; Defendant being liable under one or more of the following
14 principles of criminal liability: (1) by Defendant acting with TERRIE SENA and/or others
15 unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown in performing
16 such acts; and/or (2) by Defendant aiding and abetting the performance of such acts by
17 counseling, encouraging, inducing, or otherwise procuring TERRIE SENA to commit such
18 acts.

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

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

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

4 COUNT 99 - USE OF MINOR IN PRODUCING PORNOGRAPHY

5 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
6 unlawfully, feloniously and knowingly, use, encourage, entice or permit R.S., a minor under
7 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
8 and/or be the subject of a sexual portrayal, to-wit: TERRIE SENA engaging in sexual
9 intercourse with and performing fellatio on R.S., for the purpose of producing a pornographic
10 performance and that said performance was video recorded by said Defendant; Defendant
11 being liable under one or more of the following principles of criminal liability: (1) by
12 Defendant directly performing such acts; and/or (2) by Defendant acting with TERRIE SENA
13 and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown
14 in performing such acts; and/or (3) by Defendant aiding and abetting the performance of such
15 acts by counseling, encouraging, inducing or otherwise procuring TERRIE SENA to commit
16 such acts.

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

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

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

25 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
26 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
27 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE
28 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the

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

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

10 did, on or between June 14, 2010 and June 13, 2014, then and there willfully,
11 unlawfully, and feloniously sexually assault and subject R.S., a child under sixteen years of
12 age, to sexual penetration, to-wit: fellatio, by said Defendant assisting and/or causing TERRIE
13 SENA to have the penis of the said R.S. on and/or in the mouth of TERRIE SENA, against the
14 will of the said R.S., or under conditions in which Defendant knew, or should have known,
15 that R.S. was mentally or physically incapable of resisting or understanding the nature of
16 Defendant's conduct; Defendant being liable under one or more of the following principles of
17 criminal liability: (1) by Defendant directly performing such acts; and/or (2) by Defendant
18 acting with TERRIE SENA and/or others unknown pursuant to a conspiracy with TERRIE
19 SENA and/or others unknown in performing such acts; and/or (3) by Defendant 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 103 - USE OF MINOR IN PRODUCING PORNOGRAPHY

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

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

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

8 did, on or about September 18, 2014, willfully, unlawfully, feloniously and knowingly
9 have in his possession a film, photograph, or other visual presentation depicting R.S., a child
10 under the age of 16 years of age, as the subject of a sexual portrayal or engaging in, simulating,
11 or assisting others to engage in or simulate sexual conduct, to-wit: a video showing TERRIE
12 SENA performing fellatio on R.S.

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

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

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

26 did, on or between June 14, 2010 and June 13, 2014, then and there, willfully,
27 unlawfully, and feloniously, by intimidation or threats, prevent or dissuade, or hinder or delay
28 R.S., from reporting a crime to anyone by said Defendant telling the said R.S. that the said

1 Defendant would kill him and/or make his life a living hell if the said R.S. told anyone of the
2 sexual acts the said R.S. was forced to commit or have committed upon the said R.S.

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

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

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

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

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

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

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

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

1 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
2 desires of defendant, or E.C.

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

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

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

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

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

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

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

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

1 the said E.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
2 desires of defendant, or E.C.

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

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

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

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

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

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

1 Defendant showing T.G. photos of nude individuals including individuals engaged in sexual
2 activity.

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

5 did, on or between January 9, 2004 and January 8, 2013, then and there willfully,
6 unlawfully, feloniously and knowingly, use, encourage, entice or permit T.G., a minor under
7 the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct,
8 and/or be the subject of a sexual portrayal, to-wit: said Defendant video recording T.G.
9 showering in the nude, for the purpose of producing a pornographic performance; Defendant
10 being liable under one or more of the following principles of criminal liability: (1) by
11 Defendant directly performing such acts; and/or (2) by Defendant acting with TERRIE SENA
12 and/or others unknown pursuant to a conspiracy with TERRIE SENA and/or others unknown
13 in performing such acts; and/or (3) by Defendant 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 119 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL
17 CONDUCT OF A CHILD

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

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

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

1 sitting nude on a bed with a vibrator between her legs; and/or an image of the said M.C. sitting
2 nude on a bed with a vibrator between her breasts; an image of the said M.C. sitting nude on
3 a bed with a vibrator touching her mouth; an image of the said M.C. sitting on a bed in the
4 nude; an image of the said M.C. kneeling on a bed in the nude with an apparent vibrator
5 between her legs.

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

9 BY

10 
11 JAMES R. SWEETIN
12 Chief Deputy District Attorney
13 Nevada Bar #005144
14
15
16
17
18
19
20
21
22
23
24
25
26

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

FEB 15 2019

DISTRICT COURT

By: Tia Everett
TIA EVERETT, DEPUTY

CLARK COUNTY, NEVADA

THE STATE OF NEVADA

Plaintiff(s),

CASE NO. C311453

-vs-

DEPT. NO. XIX

CHRISTOPHER SENA ,

Defendant(s).

DEFENDANTS' PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: This February 15th day of, 2019

Steven D. Grierson, Clerk of the Court

By: Tia Everett
Tia Everett, Deputy Clerk

C - 15 - 311453 - 1
PINU
Proposed Jury Instructions Not Used At Tri.
4816531



1 DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
2 VIOLET R. RADOSTA, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 5747
3 **PUBLIC DEFENDERS OFFICE**
309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
Telephone: (702) 455-4685
5 Facsimile: (702) 455-5112
RadostVR@clarkcountynv.gov
6 *Attorneys for Defendant*

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

9 THE STATE OF NEVADA,)

10 Plaintiff,)

11 v.)

12 CHRISTOPHER SENA,)

13 Defendant,)
14 _____)

CASE NO. C-15-311453-1

DEPT. NO.

DATE:

TIME:

15 **DEFENDANT'S PROPOSED JURY INSTRUCTIONS**

16 COMES NOW, the Defendant, CHRISTOPHER SENA, by and through VIOLET
17 R. RADOSTA, Deputy Public Defender and hereby submits his proposed jury instructions.

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

20 DATED this 12th day of February, 2019.

21 DARIN F. IMLAY
22 CLARK COUNTY PUBLIC DEFENDER

23
24 By: /s/Violet R. Radosta
VIOLET R. RADOSTA, #5747
25 Deputy Public Defender
26
27
28

1
2 If the evidence in this case is susceptible to two constructions or interpretations, each
3 of which appears to you to be reasonable, and one of which points to the guilt of the
4 defendant, and the other to his innocence, it is your duty, under the law, to adopt that
5 interpretation which will admit of the defendant's innocence, and reject that which points to
6 his guilt.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The reasonable doubt standard requires the jury to reach a subjective state of near certitude on the fact in issue.

1
2 In the crimes of Sexual Assault with a Minor under Fourteen, Sexual Assault with a
3 Minor under Sixteen, and Sexual Assault, criminal intent must exist at the time of the
4 commission of the crime charged.

5 There is no criminal intent if the Defendant had a reasonable and good faith belief
6 that the other person voluntarily consented to engage in an act of sexual penetration.
7 Therefore, a reasonable and good faith belief that there was voluntary consent is a defense
8 to such a charge.

9 However, a belief that is based upon ambiguous conduct by the prosecuting witness
10 that is the product of force, violence, duress, menace, or fear of immediate and unlawful
11 bodily injury on the person of another is not a reasonable good faith belief.

12 If after consideration of all of the evidence you have a reasonable doubt as to whether
13 the prosecuting witness consented, whether the Defendant harbored a reasonably mistaken
14 belief of consent or whether the Defendant had criminal intent at the time of the accused
15 sexual activity, you must find the Defendant not guilty of the crime(s).
16
17
18
19
20
21
22
23
24
25
26
27
28

INSTRUCTION NO. _____

It is not essential to a conviction in this case that the testimony of the alleged victim be corroborated by other evidence. It is sufficient if, from all the evidence, you believe beyond a reasonable doubt that the crime of sexual assault was committed by the Defendant as alleged.

The crime of Open or Gross Lewdness consists of the following elements:

- 1) The defendant willfully and unlawfully;
- 2) Commits any act of "lewdness;"
- 3) That is "open" or "gross;"
- 4) With the specific intent of arousing, appealing to, or gratifying the lust or passions or sexual desires.

INSTRUCTION NO. _____

Where a single act of sexual conduct is interrupted briefly for some reason and then resumed, a separate charge for the continuing sexual conduct will not lie for activity after the brief interruption.

Where multiple sexual acts occur as part of a single criminal encounter, a defendant may be found guilty for each separate or distinct act of sexual assault and/or lewdness. However, when the sexual acts are part of the same episode, the Defendant may be found guilty of only one count of sexual assault or lewdness. When there is no interruption between the acts, or any interruption amounts to merely a hypertechnical division of a single act, the sexual acts are part of the same episode. Additionally, when the sexual act is done merely to predispose the alleged victim to a subsequent act[s], the acts are part of the same episode and the Defendant may be convicted of only one count of sexual assault or lewdness.

INSTRUCTION NO. _____

Where multiple counts are charged, the alleged victim must testify with some particularity regarding each incident in order to uphold each charge. There must be some reliable indicia that the number of acts charged actually occurred.

INSTRUCTION NO. _____

To find the Defendant guilty of sexual assault or lewdness with a child, you must first find that the State has proven beyond a reasonable doubt that there is some reliable indicia that the number of acts charged actually occurred. Mere conjecture on the part of the alleged victim is not enough. If you find that the State has not proven that there is a reliable indicia that the number of acts alleged actually occurred, you must find the Defendant not guilty of sexual assault and lewdness with a child.

INSTRUCTION NO. _____

For the crimes of sexual assault and lewdness with a child, there is no absolute requirement that the State allege the exact date of the offense charged, but may instead give the approximate date on which it believes the crime occurred. However, the alleged victim must testify with some particularity regarding the incident in order to find the Defendant guilty of sexual assault and/or lewdness with a child.

INSTRUCTION NO. _____

Sexual conduct means sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person's body or of any object manipulated or inserted by a person into the genital or anal opening of the body of another.

INSTRUCTION NO. _____

Photographic depiction of nudity alone is not pornography.

In determining whether a visual depiction of a minor constitutes a lewd exhibition of the genitals, you should look to the following factors:

- 1) Whether the focal point of the visual depiction is on the child's genitalia or pubic area;
- 2) Whether the setting of the visual depiction is sexually suggestive, i.e., in a place or pose generally associated with sexual activity;
- 3) Whether the child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child;
- 4) Whether the child is fully or partially clothed, or nude;
- 5) Whether the visual depiction suggests sexual coyness or a willingness to engage in sexual activity;
- 6) Whether the visual depiction is intended or designed to elicit a sexual response in the viewer.

The relevant factual inquiry is not whether the depiction at issue appealed or was intended to appeal to the Defendant's sexual interests but whether, on its face, it appears to be of a sexual nature. It is the character of the material or performance—not the purpose of the person possessing or viewing it—that determines whether it is a lewd exhibition of the genitals.

Sexual portrayal means the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political or scientific value.

INSTRUCTION NO. _____

A prurient interest in sex is a shameful or morbid interest in nudity, sex, or excretion.

INSTRUCTION NO. _____

The testimony of an accomplice ought to be viewed with distrust. This does not mean that you may arbitrarily disregard such testimony, but you should give to it the weight to which you find it to be entitled after examining it with care and caution and in light of all the evidence in the case.

1
2 You have heard testimony that a witness has received benefits from a negotiation
3 with the State in connection with this case. You should examine such witness's testimony
4 with greater caution than that of other witnesses. In evaluating the testimony, you should
5 consider the extent to which it may have been influenced by the receipt of the benefits from
6 the negotiation. This does not mean that you may arbitrarily disregard such testimony, but
7 you should give it the weight to which you find it to be entitled after examining it with care
8 and caution and in light of all the evidence in this case.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INSTRUCTION NO. _____

Agreement among two or more persons is an essential element of the crime of conspiracy, and mere association is insufficient to support a charge of conspiracy.

Absent an agreement to cooperate in achieving a criminal purpose, mere knowledge of, acquiescence in, or approval of that purpose, does not establish conspiracy.

INSTRUCTION NO. _____

A conspiracy requires an agreement by at least two people. When one of two persons merely pretends to agree, the other party, whatever he may believe, is in fact not conspiring with anyone.

INSTRUCTION NO. _____

A parent who disciplines a child in a physical manner does so lawfully if he intends to correct or alter the child's behavior.

FEB 15 2019

BY: TIA EVERETT
TIA EVERETT, DEPUTY

DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
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@clarkcountynv.gov
Attorneys for Defendant

C-15-311453-1
DOC
Document Filed
4816532



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

CHRISTOPHER SENA,

Defendant,

CASE NO. C-15-311453-1

DEPT. NO. 19

DATE:
TIME:

DEFENDANT'S BENCH MEMORANDUM

REGARDING CHILD PORNOGRAPHY CHARGES

COMES NOW Defendant CHRISTOPHER SENA, by and through Deputy Public
Defender VIOLET R. RADOSTA, and hereby submits briefing on the constitutionality of
"sexual portrayal" under NRS 200.700(4).

DATED this 14th day of February, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

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

[illegible]

VIOLET R. RADOSTA makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Christopher Sena in the present matter;

2. 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 14th day of February, 2019.

/s/Violet R. Radosta
VIOLET R. RADOSTA

1 **A. THE DEFINITION OF SEXUAL PORTRAYAL IS UNCONSTITUTIONAL.**

2 Notwithstanding Shue v. State, 407 P.3d 332 (2017), Sena cannot be convicted of
3 producing a “sexual portrayal” because NRS 200.700(4) is unconstitutional. In Counts 59, 60,
4 69, 77, 78, 99, 100, 103, 104, 115, 116, 118, 119, and 120, the State charged Sena with using
5 T.S., B.S., R.S., E.C., T.G., and M.C. as the subjects of a sexual portrayal in a performance in
6 violation of NRS 200.710(2). NRS 200.700(4) defines sexual portrayal as “the depiction of a
7 person in a manner which appeals to the prurient interest in sex and which does not have serious
8 literary, artistic, political or scientific value.”
9

10 **1. NRS 200.700(4) is facially invalid under the First Amendment.**

11 The Supreme Court reviews constitutional issues *de novo*. Ford v. State, 127 Nev. 608,
12 612 (2011). The First Amendment prohibits the government from criminalizing speech or
13 expressive conduct because it disapproves of the ideas expressed. R.A.V. v. City of St. Paul,
14 Minn, 505 U.S. 377, 382 (1992). Therefore, “content based regulations are presumptively
15 invalid.” *Id.*
16

17 To succeed in a facial attack, Sena must establish that NRS 200.700(4) “lacks any
18 ‘plainly legitimate sweep’”. Stevens, 559 U.S. at 472 (quoting Glucksburg, 521 U.S. at 740 n.
19 7). By criminalizing all images of children that appeal to a person’s “prurient interest in sex”,¹
20 NRS 200.700(4) is facially unconstitutional.
21

22 Criminalization of an image of a child based solely upon the effect it has on the viewer is
23 unconstitutional. See U.S. v. Villard, 855 F.2d 117, 125 (3rd Cir. 1989)(“[w]hen a picture does
24 not constitute child pornography, even though it portrays nudity, it does not become child
25 pornography because it is placed in the hands of a pedophile, or in a forum where pedophiles
26

27 ¹ The legislature explicitly intended A.B. 405 to “go after” persons who are sexually gratified by images of bathing-
28 suit-clad children. See Hearing on A.B. 405 Before the Assembly Comm. on Judiciary, 68th Leg. (Nev., April 12, 1995).

1 might enjoy it”); Jacobson v. U.S., 503 U.S. 540, 551-52 (1992); Paris Adult Theatre I v. Slaton,
2 413 U.S. 49, 67 (1973); Stanley v. Georgia, 394 U.S. 557, 565-566 (1969); Rhoden v. Morgan,
3 863 F. Supp. 612, 619 (M.D. Tenn. 1994) (“A determination that a photograph constitutes child
4 pornography focuses on the photograph itself rather than on the effect such photograph has on an
5 individual viewer”); Amy Adler, Inverting the First Amendment, 149 U. Pa. L. Rev. 921, 961
6 (2001)(“if the subjective viewpoint of the pedophile can turn any depictions of children into
7 erotic pictures, then all representations of children could be child pornography”).

8
9 Although NRS 200.700(4) is a content-based restriction on speech, this Court recently
10 held in a footnote to Shue v. State, 407 P.3d 332, 339, n.10 (2017), that the statute does not
11 “implicate protected speech under the First Amendment.” Relying on New York v. Ferber, 458
12 U.S. 747, 757 (1982), Shue concluded that the First Amendment does not protect *any* depictions
13 of children which “appeal to the prurient interest in sex” and which do not have “serious literary,
14 artistic, political, or scientific value.” 407 P.3d at 339.

15
16 However, in reaching this conclusion, Shue ignored United States v. Stevens, 559 U.S.
17 460 (2010), which was “one of the ‘most doctrinally significant constitutional opinions of the
18 Supreme Court’s October 2009 Term.’” People v. Hollins, 971 N.E.2d 504 (Ill. 2012) (J. Burke,
19 dissenting) (citation omitted).

20
21 In Stevens, 559 U.S. at 482, the Supreme Court struck down a federal statute that
22 criminalized the creation, sale or possession of certain depictions of animal cruelty. Stevens
23 rejected the government’s request that it apply Ferber and recognize “depictions of animal
24 cruelty” as a new category of speech wholly exempted from First Amendment protection. Id. at
25 469-471. As Chief Justice Roberts explained:

26
27 When we have identified categories of speech as fully outside the protection of
28 the First Amendment, it has not been on the basis of a simple cost-benefit
analysis. In Ferber, for example, we classified child pornography as such a

1 category, 458 U.S., at 763, 102 S.Ct. 3348. We noted that the State of New York
2 had a compelling interest in protecting children from abuse, and that the value of
3 using children in these works (as opposed to simulated conduct or adult actors)
4 was de minimis. *Id.*, at 756–757, 762, 102 S.Ct. 3348. *But our decision did not*
5 *rest on this “balance of competing interests” alone. Id.*, at 764, 102 S.Ct. 3348.
6 *We made clear that Ferber presented a special case: The market for child*
7 *pornography was “intrinsically related” to the underlying abuse, and was*
8 *therefore “an integral part of the production of such materials, an activity illegal*
9 *throughout the Nation.” Id.*, at 759, 761, 102 S.Ct. 3348. As we noted, “[i]t
rarely has been suggested that the constitutional freedom for speech and press
extends its immunity to speech or writing used as an integral part of conduct in
violation of a valid criminal statute.” *Id.*, at 761–762, 102 S.Ct. 3348 (quoting
Giboney, supra, at 498, 69 S.Ct. 684). Ferber thus grounded its analysis in a
previously recognized, long-established category of unprotected speech, and our
subsequent decisions have shared this understanding.

10 559 U.S. at 471 (emphasis added). Stevens made it clear that when Ferber exempted “child
11 pornography” from First Amendment protection, it did so because the speech at issue in that case
12 was “intrinsically related” to the “underlying sexual abuse” of children, *which was a crime in*
13 *and of itself*. 559 U.S. at 471 (citing Ashcroft v. Free Speech Coalition, 535 U.S. 232 (2002)).

14
15 After Stevens, a photograph *cannot* constitute “child pornography” that is wholly exempt
16 from First Amendment protection *unless* that photograph is “an integral part of conduct in
17 violation of a valid criminal statute.” Hollins, 971 N.E.2d at 520 (J. Burke, dissenting); accord
18 Harvard Law Review Association, The Supreme Court 2009 Term, Leading Cases, I.
19 Constitutional Law. D. Freedom of Speech and Expression, 124 Harv. L. Rev. 239, 247 (2010)
20 (“According to Stevens, Ferber did not affirm a new exception to the First Amendment, but was
21 a special example of the historically unprotected category of speech integral to the commission
22 of a crime”); Lawrence Walters, Symposium, Sexually Explicit Speech, How to Fix the Sexting
23 Problem: An Analysis of the Legal and Policy Considerations for Sexting Legislation, 9 First
24 Amend. L. Rev. 98, 113–14 (2010) (“Any doubts as to the limits of Ferber and Osborne pertaining
25 to the policy justifications for child pornography prohibitions, were laid to rest by the recent
26 Supreme Court decision in U.S. v. Stevens, where the Court made it clear that child pornography
27
28

1 laws cannot be constitutionally applied in circumstances where no actual minor is sexually
2 abused during the production of the material”).

3 Contrary to this Court’s ruling in Shue, 407 P.3d at 339, the phrase “which does not have
4 serious literary, artistic, political or scientific value” did not sufficiently narrow the statute’s
5 application to avoid criminalizing innocuous photos of minors. When the government tried to
6 make a similar argument to save the “depictions of animal cruelty” statute in Stevens, Justice
7 Roberts swiftly disposed of it:
8

9 The only thing standing between defendants who sell such depictions and five
10 years in federal prison – other than the mercy of a prosecutor – is the statute’s
11 exceptions clause. Subsection (b) exempts from the prohibition “any depiction
12 that has serious religious, political, scientific, educational, journalistic, historical,
13 or artistic value.”

14 Quite apart from the requirement of “serious” value in § 48(b), the excepted
15 speech must also fall within one of the enumerated categories. Much speech does
16 not. Most hunting videos, for example, are not obviously instructional in nature,
17 except in the sense that all life is a lesson. . . .

18 *Most* of what we say to one another lacks “religious, political, scientific,
19 educational, journalistic, historical, or artistic value” (let alone serious value) but
20 it is still sheltered from government regulation.

21 Stevens, 559 U.S. at 477-80.

22 Under the doctrine of *stare decisis*, the Supreme Court will not overturn precedent
23 “absent compelling reasons for doing so.” Miller v. Burk, 124 Nev. 579, 597 (2008). However,
24 the Court will depart from that doctrine “where such departure is necessary to avoid the
25 perpetuation of error.” Armenta-Carpio v. State, 129 Nev. 531, 536 (2013) (quoting Stocks v.
26 Stocks, 64 Nev. 431, 438 (1947)). Because the Court’s analysis in Shue was soundly rejected by
27 the United States Supreme Court in Stevens, it must be overruled to “avoid the perpetuation of
28 error.” See Armenta-Carpio, 129 Nev. at 536.

1 “If a statute regulates speech based on its content, it must be narrowly tailored to
2 promote a compelling Government interest.” U.S. v. Playboy Entertainment Group, Inc., 529
3 U.S. 803, 813 (2000). In addition, the regulation must be “the least restrictive means to further
4 the articulated interest.” Sable Communications of Cal., Inc., v. FCC, 492 U.S. 115, 126 (1989).
5 Courts have uniformly held that “overinclusive content-based measures fail [strict] scrutiny.”
6 Seres v. Lerner, 120 Nev. 928, 102 P.3d 91 (2004); see also Playboy, 529 U.S. at 818 (“It is rare
7 that a regulation restricting speech because of its content will ever be permissible.”).

8
9 Notwithstanding the government’s compelling interest in preventing “sexual exploitation
10 and abuse of children”, see Ferber, 458 U.S. at 757, Nevada’s child pornography statute fails
11 because it is not narrowly-tailored. In order for a restriction on “child pornography” to satisfy
12 the First Amendment, it must: (1) adequately define the prohibited conduct; (2) limit the
13 prohibition to works that visually depict sexual conduct of children below a specified age; (3)
14 suitably limit and describe “the category of sexual conduct proscribed;” and (4) require an
15 element of “scienter on the part of the defendant.” Ferber, 458 U.S. at 764-65; accord Stevens,
16 559 U.S. at 482. Because NRS 200.710(4) does none of these things, it is not narrowly tailored
17 and it fails strict scrutiny. NRS 200.710(4) is unconstitutional because it “lacks any ‘plainly
18 legitimate sweep.’” See Stevens, 559 U.S. at 472 (quoting Glucksburg, 521 U.S. at 740 n. 7).

21 **2. NRS 200.700(4) is unconstitutionally overbroad.**

22 “[T]he ‘overbreadth doctrine provides that a law is void on its face if it sweeps within its
23 ambit other activities that in ordinary circumstances constitute an exercise of protective First
24 Amendment rights[.]’” Silvar v. Eighth Judicial District Court, 122 Nev. 289, 292 (2006)
25 (citation omitted). In an overbreadth analysis, the “court’s first task is to determine whether the
26 enactment reaches a substantial amount of constitutionally protected conduct.” Hoffman Estates
27 v. Flipside, Hoffman Estates, 455 U.S. 489, 494 (1982).
28

1 In Shue, this Court held that NRS 200.700(4) was not overbroad because it barred “a core
2 of constitutionally unprotected expression which might be limited”. See Shue, 407 P.3d at 339.
3 However, as set forth above, the statute bars far more than the “child pornography” deemed
4 unprotected in Ferber and the “obscenity” deemed unprotected in Miller. See, e.g., Stevens, 559
5 U.S. at 471; Ashcroft v. Free Speech Coalition, 535 U.S. 234, 251 (2002) (“where the speech is
6 neither obscene nor the product of sexual abuse, it does not fall outside the protection of the First
7 Amendment.”); Hollins, 971 N.E.2d at 520 (J. Burke, dissenting) (photograph is not “child
8 pornography” exempt from First Amendment protection unless it is “an integral part of conduct
9 in violation of a valid criminal statute”, i.e., it is the product of sexual abuse).

11 Again, contrary to this Court’s ruling in Shue, 407 P.3d at 339, the phrase “which does
12 not have serious literary, artistic, political or scientific value” does not sufficiently narrow the
13 statute’s application to avoid criminalizing innocent photos of minors. See Stevens, 559 U.S. at
14 477-480. That phrase originated in Miller v. California, 413 U.S. 15 (1973), which established
15 an “obscenity” test to determine if an image was unprotected by the First Amendment.
16 However, Miller’s obscenity test was expressly limited to works which, *in and of themselves*,
17 depicted or described sexual conduct:

19 We acknowledge, however, the inherent dangers of undertaking to regulate any
20 form of expression. State statutes designed to regulate obscene materials must be
21 carefully limited. As a result, *we now confine the permissible scope of such*
22 *regulation to works which depict or describe sexual conduct.* That conduct must
23 be specifically defined by the applicable state law, as written or authoritatively
24 construed.

25 Miller, 413 U.S. at 23-24 (internal citations omitted) (emphasis added).

26 Unfortunately, NRS 200.700(4) applies to *all* photographs of children regardless of
27 whether they depict or describe any “sexual conduct” that is specifically defined under the
28 applicable state law. C.f. Miller, 413 U.S. at 23-24. In violation of Miller, the statute

1 impermissibly focuses on the effect the photographs have on the viewer and whether those
2 photographs appeal to the viewer's "prurient interest in sex".

3 Even with NRS 200.700(4)'s supposed limitations, the statute is undeniably overbroad.
4 A mother who takes photos of her children in the bath, wearing swimsuits on the beach, or
5 running around in their underwear at home and uploads them to Facebook could be a
6 pornographer if the photos are later obtained by a pedophile who finds them sexually
7 stimulating. A seventeen-year-old who takes a seductive "selfie" in her underwear and uploads
8 that photo to her Instagram feed could also be a child pornographer if anyone is sexually aroused
9 by the photo. Two fifteen-year-olds who use Snapchat to exchange "sexy" swimsuit selfies are
10 likewise child pornographers if they took the pictures for a "sexual" purpose. Indeed, the State
11 could have charged J.T. with producing pornography in this case because she took the "sexy"
12 photos herself. The only thing saving J.T. from criminal liability in this case was the State's
13 prosecutorial discretion.
14
15

16 NRS 200.700(4) is substantially overbroad because it criminalizes almost every non-
17 commercial photographic image of a minor that appeals to a viewer's "prurient interest in sex".
18 See Stevens, 559 U.S. at 480 ("Most of what we say to one another lacks 'religious, political,
19 scientific, educational journalistic, historical, or artistic value' (let alone serious value) but is still
20 sheltered from government regulation."). Given the widespread dissemination of such
21 photographs via text message, and on social media platforms like Facebook, Instagram and
22 Snapchat, NRS 200.700(4) is profoundly overbroad in its sweep. Shue must be overruled. See
23 Armenta-Carpio, 129 Nev. at 536.
24
25
26
27
28

3. NRS 200.700(4) is unconstitutionally vague, both on its face and as applied.

The “[v]agueness doctrine is an outgrowth not of the First Amendment, but of the Due Process Clause of the Fifth Amendment.” U.S. v. Williams, 533 U.S. 285, 304 (2008). “A conviction fails to comport with due process if the statute under which it is obtained fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.” Id. “Laws must give a person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly, and must also provide explicit standards for those who apply the laws, to avoid arbitrary and discriminatory enforcement.” Sheriff v. Martin, 99 Nev. 336, 339 (1983) (citing Hoffman Estates, 455 U.S. at 498).

Nevada’s definition of “sexual portrayal” fails to provide adequate notice as to what conduct, activity or imagery is prohibited. The statute focuses not on whether the image of the minor contains sexual conduct, but instead on the potential effect the image has on a viewer. Therefore, a reasonable person must guess at what images appeal to some person’s morbid interest in sex.

The definition lacks any objective standards to guide law enforcement. *Any parent* who takes a naked or semi-clothed photograph of their child and puts it on Facebook could be prosecuted and convicted as a child pornographer if the image is sexually gratifying to a pedophile. *Any teenagers* under the age of 18 who post “sexy” selfies on Instagram could be prosecuted and branded sex offenders for the rest of their lives. *Any teenagers* under the age of 18 who “sext” each other could likewise be prosecuted and branded lifelong sex offenders. This is particularly troubling given the high prevalence of sexting among teens. See Megan Sherman, Sixteen, Sexting, and A Sex Offender: How Advances in Cell Phone Technology Have Led to Teenage Sex Offenders, 17 B.U. J. Sci. & Tech. L. 138, 139 (2011) (“according to a study by the

1 National Campaign to Prevent Teen and Unplanned Pregnancy, one in five teenagers (twenty
2 percent) admit to participating in sexting.”); see also Sarah Wastler, The Harm in “Sexting”?:
3 Analyzing the Constitutionality of Child Pornography Statutes that Prohibit the Voluntary
4 Production, Possession, and Dissemination of Sexually Explicit Images by Teenagers, 33 Harv.
5 J.L. & Gender 687 (2010) (“existing child pornography statutes are unconstitutional to the extent
6 that they proscribe the voluntary production and dissemination of self-produced pornographic
7 images”).

8
9 Criminalizing “sexual portrayals” allows police and prosecutors to brand someone a
10 “pedophile” and then prosecute them for creating or possessing otherwise lawful photographs of
11 minors under the age of 18. To secure a conviction, the State need only argue that the so-called
12 “pedophile” was sexually aroused by the photographs and suddenly the photographs become
13 pornography. For all the foregoing reasons, NRS 200.700(4) is unconstitutionally vague, both
14 on its face and as applied.
15

16
17 DATED this 14th day of February, 2019.

18 DARIN F. IMLAY
19 CLARK COUNTY PUBLIC DEFENDER

20
21 By: /s/Violet R. Radosta
22 VIOLET R. RADOSTA, #5747
23 Deputy Public Defender
24
25
26
27
28

● **ORIGINAL** ●

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

FEB 15 2019

BY Tia Everett
TIA EVERETT, DEPUTY

1 **OPPS**
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

C-15-311453-1
OPPS
Opposition
4816533



12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 FOR DIRECTED VERDICT

DATE OF HEARING: FEBRUARY 15, 2019
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 this State's Opposition to Defendant's Motion for Directed Verdict.

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 Fourth Amended
4 Information with the crimes of CONSPIRACY TO COMMIT SEXUAL ASSAULT (Category
5 B Felony - NRS 200.364, 200.366, 199.480), SEXUAL ASSAULT WITH A MINOR UNDER
6 FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), LEWDNESS
7 WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), SEXUAL
8 ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony -
9 NRS 200.364, 200.366), INCEST (Category A Felony - NRS 201.180), OPEN OR GROSS
10 LEWDNESS (Category D Felony - NRS 201.210), SEXUAL ASSAULT (Category A Felony
11 - NRS 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 On January 28, 2019, trial commenced in the subject case. On February 14, 2019, both
24 sides rested. Defendant seeks a directed verdict as to currently unspecified charged acts in
25 which A.S. is the victim. Defendant contends that, through the evidence presented at trial, the
26 State has not satisfied the elements of the crime of Sexual Assault as to the noted Counts.
27 Specifically, Defendant contends that because A.S. submitted, at some point as she got older,
28 to sexual acts committed upon her by Defendant, the state is legally incapable of proving a

1 sexual assault occurred relative to such charged acts.

2 **TESTIMONY PRESENTED AT TRIAL**

3 A.S. testified at trial that Defendant was her biological father. She grew up in his
4 household and always knew him as her father. When A.S. was approximately 11 years of age,
5 Defendant began to sexually touch and penetrate A.S. This conduct went on with some
6 regularity as A.S. grew up. A.S. testified to the conduct happening regularly from the time
7 she was 11 years of age until it stopped when she was about 24 years of age. Specifically, she
8 testified to various frequency ranging from almost every day to at least once a year for the
9 various stated acts over that same period. A.S. detailed specific incidents of sexual conduct
10 as well as describing distinct and different locations where various acts of conduct occurred.
11 A.S. did not report the crimes because Defendant threatened to cause harm to her if she told.
12 The crimes were ultimately reported when A.S. was 24 years of age. Defendant continued to
13 have sexual contact with A.S. from the time she was 11 years of age until she was able to
14 report at 24 years of age.

15 A.S. grew up with siblings in the household. A.S. testified that she and her siblings
16 were subject to violence, threats of violence, and coercive tactics perpetrated upon them by
17 Defendant throughout the time they were in his household. A.S. noted that when Defendant
18 sexually abused her, he would be less violent with her and her siblings. At some point, when
19 A.S. was older, A.S. indicated she would submit herself to sexual conduct with Defendant in
20 order to avoid or minimize the violence being perpetrated upon her and her siblings.

21 **ARGUMENT**

22 NRS 200.364 States:

23 "A person who subject another person to sexual penetration, against
24 the victim's will, or under conditions in which the perpetrator knows
25 or should know that the victim is mentally or physically incapable of
resisting or understanding the nature of his/her conduct, is guilty of
sexual assault"

26 It has long been the law that submission is not the equivalent of consent. Tryon v. State,
27 567 P.2d 290, 293 (Wyo.1977). While consent inevitably involves submission, submission
28 does not inevitably involve consent. *Id.* Lack of protest by a victim is simply one among the

1 totality of circumstances to be considered by the trier of fact. *See State v. Thomas*, 9 Wash.App.
2 160, 510 P.2d 1137, 1139 (1973). The State submits that the submission of A.S. does not
3 mean the elements of a sexual assault cannot be met.

4 In *McNair v. State*, 108 Nev. 53 (1992), the defendant was a doctor who penetrated his
5 patient with his penis during a medical exam. *McNair* 108 Nev. At 55. The primary issue
6 raised on appeal was whether the State met its requisite burden of proving that the sexual acts
7 occurred without the consent of the victims. *McNair*, 108 Nev. At 56. The Defendant
8 contended that the victims were capable of understanding or resisting the sexual advances and
9 that the State had not met its burden absent a manifestation of protest that is reasonable under
10 the circumstances. *McNair*, 108 Nev. At 56.

11 The *McNair* Court first recognized that Nevada does not explicitly require the use of
12 overt force as an element of sexual assault as physical force is not a necessary element in the
13 commission of the crime of sexual assault. *See Dinkens v. State*, 92 Nev. 74, 77, 546 P.2d 228,
14 230 (1976).⁵ Specifically, our statute only requires the commission of the act of sexual
15 penetration against the will of the victim. *Id.* That Court concluded:

16 “Whether McNair's sexual advances occurred with the consent of his
17 complaining patients presented questions of fact for the jury to decide
18 from all the evidence it had a right to consider.”⁹ *See Thomas*, 510 P.2d
19 at 1139. Under certain circumstances, a lack of protest may properly
20 be viewed as evidence of consent. In this case, the jury decided from
21 all the surrounding circumstances that the victims' lack of protest was
22 not evidence of consent. A sharp conflict in the evidence confronted
23 the jury, and it was within the jury's province to resolve the evidence
24 against the physician. *See People v. Ogunmola*, 193 Cal.App.3d 274,
25 281, 238 Cal.Rptr. 300 (1987) (the jury or judge may resolve
26 conflicting testimonial evidence that an obstetrician/gynecologist
27 raped two patients although the physician claimed that the
28 configuration of the examining room made such events highly
unlikely); *Story v. State*, 721 P.2d 1020, 1026 (Wyo.), *cert. denied*,
479 U.S. 962, 107 S.Ct. 459, 93 L.Ed.2d 405 (1986) (it was the
function of the jury to resolve a testimonial dispute as to whether a
patient had been sexually assaulted in the course of medical
examination); *People v. Minkowski*, 204 Cal.App.2d 832, 843, 23
Cal.Rptr. 92 (1962) (adverse inferences could be drawn from evidence
of the circumstances and methodology of the medical examination
and the unusual behavior of the doctor).”

McNair 108 Nev. At 60-61.

//

1 In Shannon v. State, 105 Nev. 782 (1982), the Defendant was convicted of sexually
2 assaulting a child, while on a camping trip with him, as he slept. Shannon, 105 Nev. At 790.
3 The sexual assault was committed by the defendant placing his penis in the child's mouth
4 while the child feigned sleep. Id. The defendant contended the State had not met its burden
5 of proof because the child did not resist and, because the child later testified at trial that he
6 knew what Defendant did was wrong, he did not lack understanding. Id. The Shannon Court
7 concluded:

8 Shannon interprets "against one's will" to mean physical force, threats
9 of death or great bodily harm—exclusively. We are not willing to
10 interpret "against one's will" so narrowly. There are other actions
11 equally capable of impinging on one's free will.

12 In this factual scenario, the relationship between Shannon and the
13 child must be taken into account. Shannon, through his perfidious
14 conduct, created a false sense of trust with the child and his parents.
15 Shannon assumed a role of pseudo-parent and confidant which
16 encouraged the child to become dependent in a falsely created
17 atmosphere. Shannon manipulated his influence and imposed his
18 sexual will on the child.

19 Other factors must also be taken into consideration, such as the child's
20 age and his maturity level. In fact, the child's reaction of feigning sleep
21 is a clear attempt to avoid the situation and is indicative of a child's
22 expression of unwillingness. In light of all of the circumstances, the
23 element of "against the victim's will" is satisfied in this case. A
24 contrary finding would give an unscrupulous individual carte blanche
25 for cleverly executing a well thought out plan upon innocent children.

26 These circumstances support a finding of sexual assault because
27 Shannon knew or should have known the child was mentally or
28 physically incapable of resisting or understanding the nature of the
conduct. *See* NRS 200.366. In fact, Shannon's elaborate scheme was
designed to achieve this very end.

Where, as here, the verdict is supported by substantial evidence in the
record it will not be disturbed on appeal. McKinney v. State, 95 Nev.
494, 596 P.2d 503 (1979); Sanders v. State, 90 Nev. 433, 529 P.2d
206 (1974).

23 Shannon, 105 Nev. At 790-91.

24 McNair and Shannon make clear that the issue of consent is a factual issue for the jury.
25 Similarly, in the subject case, the issue of whether A.S. consented to the sexual conduct at
26 issue is a factual issue to be decided by the jury. As such, Defendant's Motion for a directed
27 verdict as detailed above should be denied.

28 //

1 CONCLUSION

2 Based upon the above and foregoing Points and Authorities, the State respectfully
3 requests Defendant's Motion for Directed Verdict be DENIED.

4 DATED this 15th day of February, 2019.

5 Respectfully submitted,

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

9 BY /s/ JAMES R. SWEETIN

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

13
14
15
16
17
18 CERTIFICATE OF SERVICE

19 I hereby certify that service of the above and foregoing was made this 15TH day of
20 FEBRUARY, 2019, to:

21 VIOLET RADOSTA, DPD
22 DAVID LOPEZ-NEGRETTE, DPD
23 mcmahaae@ClarkCountyNV.gov

24 BY /s/ HOWARD CONRAD

25 Secretary for the District Attorney's Office
26 Special Victims Unit

27
28 hjc/SVU

ORIGINAL

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

FEB 15 2019

BY: Tia Everett
TIA EVERETT, DEPUTY

C-15-311453-1
MEM
Trial Memorandum
4816534



TRIAL MEMO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JAMES R. SWEETIN
Chief Deputy District Attorney
Nevada Bar #005144
MICHELLE SUDANO
Deputy District Attorney
Nevada Bar #013260
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 TRIAL MEMORANDUM

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

POINTS AND AUTHORITIES

STATEMENT OF THE CASE PERTINENT TO THIS MEMORANDUM

Defendant, CHRISTOPHER SENA, is charged by way of Fourth Amended Information with the crimes of CONSPIRACY TO COMMIT SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 199.480), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), INCEST (Category A Felony - NRS 201.180),

1 OPEN OR GROSS LEWDNESS (Category D Felony - NRS 201.210), SEXUAL ASSAULT
2 (Category A Felony - NRS 200.364, 200.366), PREVENTING OR DISSUADING WITNESS
3 OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION (Category
4 D Felony - NRS 199.305), CHILD ABUSE AND NEGLECT, SEXUAL ABUSE OR
5 EXPLOITATION (Category B Felony - NRS 200.508(1)), POSSESSION OF VISUAL
6 PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony -
7 NRS 200.700, 200.730), USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A
8 Felony - NRS 200.700, 200.710.1, 200.750) and USE OF MINOR UNDER THE AGE OF 14
9 IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1,
10 200.750)

11 The Co-Defendants in this case are DEBORAH SENA and TERRIE SENA, both of
12 whom have pled guilty and are currently serving time in prison. The crimes occurred on or
13 between May 22, 2001 and June 30, 2014. The victims are A.S., T.S., B.S., R.S., E.C., T.G.,
14 and M.C.

15 On January 28, 2019, trial commenced in the subject case. On February 14, 2019, both
16 sides rested. Defendant seeks an advisory verdict or dismissal as to Counts 59, 60, 69, 77, 78,
17 99, 100, 103, 104, 115, 116, 118, 119, and 120. In each of the subject counts, Defendant is charged
18 either under NRS 200.730 with possession of visual presentation depicting sexual conduct of
19 a child, or under NRS 200.710 with use of a minor in producing pornography. For the counts
20 involving both statutes, Defendant is charged under two theories: (1) that the children were
21 caused to simulate or engage in sexual conduct and/or (2) that the children were caused to be
22 the subject of a sexual portrayal. Sexual conduct is defined as, "sexual intercourse, lewd
23 exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-
24 masochistic abuse, masturbation, or the penetration of any part of a person's body or of any
25 object manipulated or inserted by a person into the genital or anal opening of the body of
26 another." NRS 200.700(3). A sexual portrayal is defined as "the depiction of a person in a
27 manner which appeals to the prurient interest in sex and which does not have serious literary,
28 artistic, political or scientific value." NRS 200.700(4).

LEGAL ARGUMENT

I. Defendant's constitutional challenge is improperly made

Defendant's case has been pending for more than four years, and his jury trial commenced approximately three weeks ago. Despite the age of the case and the extensive pretrial litigation, Defendant waited until the close of evidence to raise the issue of the constitutionality of the "sexual portrayal" statute.

Defendant's challenge is untimely. Pursuant to NRS 174.095, "[a]ny defense or objection which is capable of determination without the trial of the general issue may be raised before trial by motion." See also United States v. Jimenez, 191 F. Supp. 3d 1038, 1039 (N.D. Cal. 2016) (recognizing that a defendant's vagueness challenge is appropriately raised in a pretrial motion, to the extent that it involves matters of law); Silvar v. Eighth Judicial Dist. Court, 122 Nev. 289, 292, 129 P.3d 682, 684 (2006) (**The constitutionality of a statute is a question of law** that we review de novo") (emphasis added). NRS 174.105 further provides that, "[d]efenses and objections based on defects in the institution of the prosecution, other than insufficiency of the evidence to warrant an indictment, or in the indictment, information or complaint, other than that it fails to show jurisdiction in the court or to charge an offense, may be raised only by motion before trial." Failure to timely present such an objection constitutes a waiver thereof. Id.; see also NRS 174.125(1) "[a]ll motions in a criminal prosecution...which by their nature, if granted, delay or postpone the time of trial must be made before trial, unless an opportunity to make such a motion before trial did not exist or the moving party was not aware of the grounds for the motion before trial."

Nothing in the instant case prevented Defendant from raising a challenge to the overbreadth or vagueness of NRS 200.700(4) prior to trial. The statute has not changed, the constitutional framework has not changed, and the application of the statute to Defendant's conduct has not changed based upon the presentation of weeks' worth of testimony. Furthermore, Defendant's memorandum is thoroughly researched and not the matter of a mere day's work; where the issue of a constitutional challenge was obviously considered prior to

the day the parties closed evidence, there is no excuse for waiting until such a late stage in the proceedings to raise the issue.

Instead of acknowledging the lateness of his challenge, Defendant couches his untimely constitutional challenge in the language of an advisory verdict. NRS 175.381, which governs the giving of advisory verdicts, states, “[i]f, at any time after the evidence on either side is closed, the court deems the evidence insufficient to warrant a conviction, it may advise the jury to acquit the defendant, but the jury is not bound by such advice.” In this critical area too, Defendant’s challenge must fail. Assuming, *arguendo*, that this Court did determine the statute to be unconstitutional, this Court would have an obligation to dismiss the charges. Dismissal of the charges, however, is not permitted under the procedure for an advisory verdict. The Nevada Supreme Court has deemed it an error for a trial judge to take the case from the jury by dismissing the action at the close of the prosecution's case in lieu of giving the jury an advisory instruction to acquit and advising the jury they could freely ignore the advisory instruction. *State v. Corinblit*, 72 Nev. 202, 205, 298 P.2d 470, 471 (1956).

Due to the lateness of Defendant's constitutional challenge, he has forfeited the right to have the matter determined at this juncture. Furthermore, seeking an advisory verdict is an improper method to challenge the constitutionality of a statute. For these reasons alone, Defendant's challenge must fail. However, out of an abundance of caution, the State addresses the remainder of Defendant's claims below.

II. NRS 200.700 (4) is not facially invalid

“Statutes are presumed to be valid, and the burden is on the challenging party to demonstrate that a statute is unconstitutional.” Cornella v. Justice Court, 132 Nev. —, 377 P.3d 97, 100 (2016) (internal quotation marks omitted). To overcome this presumption, the challenging party must make a “clear showing” of invalidity. Silvar v. Eighth Judicial Dist. Court, 122 Nev. 289, 292, 129 P.3d 682, 684 (2006) (citing Burdg, 118 Nev. at 857, 59 P.3d at 486-87). Moreover, the Nevada Supreme Court “construes statutes, if reasonably possible, so as to be in harmony with the constitution.” Cornella, 377 P.3d at 100 (internal quotation

1 marks omitted). Further, courts are required to “adhere to the precedent that every reasonable
2 construction must be resorted to, in order to save a statute from unconstitutionality” Id.

3 To succeed in a typical facial attack, a defendant must show that no set of circumstances
4 exists under which the challenged statute would be valid, or that the statute lacks any “plainly
5 legitimate sweep,” United States v. Stevens, 559 U.S. 460, 472, 130 S. Ct. 1577, 1587 (2010)
6 (internal citations omitted). A statute that regulates conduct must be substantially overbroad
7 before it may be invalidated on its face. City of Houston, Tex. v. Hill, 482 U.S. 451, 458-59,
8 107 S. Ct. 2502, 2508 (1987) (citing New York v. Ferber, 458 U.S. 747, 769, 102 S. Ct. 3348,
9 3361 (1982)); Broadrick v. Oklahoma, 413 U.S. 601, 630, 93 S. Ct. 2908, 2925 (1973). The
10 Supreme Court has, “never held that a statute should be held invalid on its face merely because
11 it is possible to conceive of a single impermissible application....” Id. at 630, 93 S. Ct. at 2925
12 (Brennan, J., dissenting). Instead, “[i]n a facial challenge to the overbreadth and vagueness of
13 a law, a court's first task is to determine whether the enactment reaches a substantial amount
14 of constitutionally protected conduct.” Vill. of Hoffman Estates v. Flipside, Hoffman Estates,
15 Inc., 455 U.S. 489, 495, 102 S. Ct. 1186, 1191 (1982).

16 Contrary to Defendant’s assertions that United States v. Stevens, 559 U.S. 460, 130 S.
17 Ct. 1577 (2010), somehow changes the category of child pornography to protected or partially
18 protected speech, this is simply untrue. Now, just as prior to Stevens, “child pornography [is]
19 a category of material outside the protection of the First Amendment.” New York v. Ferber,
20 458 U.S. 747, 763, 102 S. Ct. 3348, 3358 (1982). Defendant’s attempt to restrict the holding
21 in Ferber is misplaced. Defendant relies on the dissenting opinion in People v. Hollins, 971
22 N.E.2d 504 (2012) to posit that child pornography is nothing more than a historical category
23 of speech that is exempted from first amendment protection only when that speech is an
24 “integral part of conduct in violation of a valid criminal statute.” Id. at 520. This comment,
25 however, is merely dicta in the Stevens opinion, and was used to explain the distinction
26 between criminalizing the possession of child pornography and criminalizing the possession
27 of portrayals of animal cruelty.

1 Here, the scope of conduct criminalized by NRS 200.700(4) is clearly outside of
2 traditional First Amendment protections. In Shue v. State, the Nevada Supreme Court
3 determined that NRS 200.700(4) was not constitutionally overbroad because the limitation to
4 depictions which “do not have serious, literary, artistic, political or scientific value”
5 sufficiently narrows the definition of “sexual portrayal” to avoid the proscription of innocuous
6 photographs of minors.” 407 P.3d 332, 335 (Nev. 2017), reh'g denied (Feb. 23, 2018), cert.
7 denied, 139 S. Ct. 117 (2018). Where Defendant fails to make a clear showing that NRS
8 200.700(4) sweeps in far more content than allowable under the First Amendment, his facial
9 challenge must fail.

10 **III. NRS 200.700(4) is not unconstitutionally overbroad**

11 According to First Amendment overbreadth doctrine, a statute is facially invalid if it
12 prohibits a substantial amount of protected speech. The doctrine seeks to strike a balance
13 between competing social costs. Virginia v. Hicks, 539 U.S. 113, 119-20, 123 S.Ct. 2191
14 (2003). In order to maintain an appropriate balance, the Supreme Court has vigorously
15 enforced the requirement that a statute's overbreadth be *substantial*, not only in an absolute
16 sense, but also relative to the statute's plainly legitimate sweep. United States v. Williams, 553
17 U.S. 285, 292-93, 128 S.Ct. 1830, 1838 (2008) (upholding a pandering or solicitation of child
18 pornography statute against a claim of overbreadth under the First Amendment). Invalidity
19 for overbreadth is “ ‘ “strong medicine” ’ ” that is not to be “casually employed.” Id. citing
20 Los Angeles Police Dep't v. United Reporting Publishing Corp., 528 U.S. 32, 39, 120 S.Ct.
21 483 (1999).

22 The overbreadth doctrine, “invalidates laws...that infringe upon First Amendment
23 rights.” Silvar, 122 Nev. at 297-98, 129 P.3d at 687-88. Specifically, overbreadth challenges
24 target laws, “which do[] not aim specifically at evils within the allowable area of State control
25 but, on the contrary, sweep[] within [their] ambit other activities that in ordinary circumstances
26 constitute an exercise of freedom of speech or of the press.” Thornhill v. State of Alabama,
27 310 U.S. 88, 97-98, 60 S. Ct. 736, 742 (1940). Such a statute may be invalidated, even if the
28 intrusion on First Amendment rights is minor, because it, “readily lends itself to harsh and

1 discriminatory enforcement by local prosecuting officials, against particular groups deemed
2 to merit their displeasure, results in a continuous and pervasive restraint on all freedom of
3 discussion that might reasonably be regarded as within its purview.” Id.

4 Defendant correctly cites to Miller v. California, 413 U.S. 15, 93 S.Ct. 2607 (1973), as
5 the basis for the language in NRS 200.700(4) that criminalizes conduct, “which does not have
6 serious literary, artistic, political or scientific value.” Miller established a test for determining
7 whether a particular depiction of sexual conduct constituted obscenity. Ferber, however,
8 recognized that the Miller obscenity test was not a perfect fit for analyzing whether something
9 was properly deemed child pornography under State statutes:

10 The Miller standard, like all general definitions of what may be banned
11 as obscene, does not reflect the State's particular and more compelling interest
12 in prosecuting those who promote the sexual exploitation of children. Thus, the
13 question under the Miller test of whether a work, taken as a whole, appeals to
14 the prurient interest of the average person bears no connection to the issue of
15 whether a child has been physically or psychologically harmed in the production
16 of the work. Similarly, a sexually explicit depiction need not be “patently
17 offensive” in order to have required the sexual exploitation of a child for its
18 production. In addition, a work which, taken on the whole, contains serious
19 literary, artistic, political, or scientific value may nevertheless embody the
20 hardest core of child pornography. “It is irrelevant to the child [who has been
21 abused] whether or not the material ... has a literary, artistic, political or social
22 value.”

23 Ferber, 458 U.S. at 761, 102 S. Ct. at 3356–57.

24 Thus, while the Nevada legislature has adopted Miller’s language as the basis for NRS
25 200.700(4), it has not necessarily adopted Miller’s obscenity definition as an all-encompassing
26 take on what fits within the statute.

27 Interestingly, the Nevada Supreme Court has previously determined that surreptitiously
28 recording minor children naked in the bathroom is clearly proscribed by statute does not
implicate First Amendment protections. Shue v. State, 407 P.3d at 335 (Nev. 2017). In so
holding, the Shue Court cited to Ferber, for the proposition that, “[t]he prevention of sexual
exploitation and abuse of children constitutes a government objective of surpassing
importance” and that the United States Supreme Court has therefore “sustained legislation

1 aimed at protecting the physical and emotional well-being of youth even when the laws have
2 operated in the sensitive area of constitutionally protected rights”. 458 U.S. at 757, 102 S.Ct.
3 at 3348.

4 The conduct that Defendant is charged with in this case is similar to the conduct at
5 issue in Shue. The Nevada Supreme Court has recognized that, “[t]o invalidate a statute as
6 overbroad at the behest of one to whom it properly applies ‘is, manifestly, strong medicine’
7 that is administered ‘sparingly and only as a last resort.’” State v. Castaneda, 126 Nev. 478,
8 491, 245 P.3d 550, 559 (2010), opinion modified on denial of reh'g, No. 52911, 2010 WL
9 5559401 (Nev. Dec. 22, 2010) (quoting Broadrick v. Oklahoma, 413 U.S. 601, 612, 93 S.Ct.
10 2908 (1973)).

11 Contrary to Defendant’s assertions, NRS 200.700(4) is not unconstitutionally
12 overbroad. NRS 200.700(4)’s focus on depictions appealing to the prurient interest and lacking
13 societal value sufficiently limits the scope of the statute to protect innocuous depictions of
14 childhood nudity. See Shue, 407 P.3d at 335. Not only is NRS 200.700(4) not facially
15 constitutionally overbroad, it is not overbroad as applied to Defendant. Where the Nevada
16 Supreme Court has previously found that conduct similar to Defendant’s does not implicate
17 protected speech and fails an overbreadth challenge, there can be little doubt that Defendant’s
18 instant challenge must also fail.

19 **IV. NRS 200.700(4) is not unconstitutionally vague, either facially or as applied**

20 Vagueness doctrine is an outgrowth not of the First Amendment, but of the Due Process
21 Clause of the Fifth Amendment. See Holder v. Humanitarian Law Project, 561 U.S. ___, 130
22 S.Ct. 2705 (2010), citing Hoffman, 455 U.S. at 495, 102 S.Ct. at 1186. “Vagueness may
23 invalidate a criminal law for either of two independent reasons,” Chicago v. Morales, 527 U.S.
24 41, 56, 119 S.Ct. 1849 (1999): (1) if it “‘fails to provide a person of ordinary intelligence fair
25 notice of what is prohibited’”; or (2) if it “‘is so standardless that it authorizes or encourages
26 seriously discriminatory enforcement.’” Holder, 130 S.Ct. at 2718.). For this reason, in a
27 vagueness analysis the Court may only consider whether a statute is vague as applied to the
28 particular facts at issue, because “[a] plaintiff who engages in some conduct that is clearly

1 proscribed cannot complain of the vagueness of the law as applied to the conduct of others.”
2 Id.; see also Sheriff v. Martin, 99 Nev. 336, 340, 662 P.2d 634, 637 (1983). Thus, a reviewing
3 court must first, “examine the complainant's conduct before analyzing other hypothetical
4 applications of the law.” Hoffman, 455 U.S. at 495, 102 S. Ct. at 1191.

5 Regardless of whether Defendant intends to challenge the statute for vagueness “on its
6 face” or “as applied,” due process does not allow him to assert the rights of others. This rule
7 makes no exception for conduct in the form of speech. Id., citing Parker v. Levy, 417 U.S.
8 733, 755-57, 94 S.Ct. 2547 (1974). A party whose speech is clearly proscribed cannot raise a
9 successful vagueness claim for lack of notice as to the hypothetical speech of others.
10 Defendant’s attempts in his brief to argue various hypothetical scenarios in which the sexual
11 portrayal definition might run afoul of protected First Amendment speech have no place in an
12 analysis of the statute for vagueness. Defendant cannot complain of lack of notice as to facts
13 that might conceivably arise when his own conduct and speech is clearly proscribed.

14 **V. An advisory verdict as to NRS 200.700(3) is improper**

15 In addition to Defendant’s written brief addressing his challenges to NRS 200.700(4),
16 Defendant has also indicated a desire to make an oral request for an advisory verdict as to NRS
17 200.700(3), which defines sexual conduct as, “sexual intercourse, lewd exhibition of the
18 genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse,
19 masturbation, or the penetration of any part of a person's body or of any object manipulated or
20 inserted by a person into the genital or anal opening of the body of another.” Defendant
21 submits that photos and/or videos of Defendant’s victims showering in the nude and/or posing
22 with sex toys do not constitute a “lewd exhibition of the genitals” as required under NRS
23 200.700(3).

24 In Osborne v. Ohio, 495 U.S. 103, 113, 110 S. Ct. 1691, 1698 (1990) the United States
25 Supreme Court upheld a state statute prohibiting “the possession or viewing of material or
26 performance of a minor who is in a state of nudity, where such nudity constitutes a lewd
27 exhibition or involves a graphic focus on the genitals, and where the person depicted is neither
28 the child nor the ward of the person charged.” Several years prior the Court also upheld the

1 constitutionality of a statute proscribing, “actual or simulated sexual intercourse, deviate
2 sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition
3 of the genitals.” Ferber, 458 U.S. at 761, 102 S. Ct. at 3356–57.

4 Other states have defined lewd exhibition of the genitals to mean “exhibition with the
5 intent of stimulating the lust or sexual desires of the person who views it.” State v. Meyer, 120
6 Or. App. 319, 326, 852 P.2d 879, 884 (1993); see also Cruz v. State, 124 Nev. 1460, 238 P.3d
7 804 (2008) (an unpublished opinion relying on the Oregon Court’s definition of “lewd
8 exhibition of the genitals or anus”).

9 Where similar definitions have been repeatedly upheld by the United States Supreme
10 Court, there can be no challenge to the sufficiency of NRS 200.700(3). Furthermore, there can
11 be no basis for an advisory verdict. “The granting of an advisory instruction to acquit rests
12 within the sound discretion of the court” and it is not error to refuse an advisory instruction
13 where the court believes sufficient evidence has been presented. Geer v. State, 92 Nev. 221,
14 223, 548 P.2d 946, 947 (1976). In this case, as discussed *supra*, Defendant’s conduct is similar
15 to that in Shue. Shue was convicted of setting up a camera to surreptitiously film minors in the
16 bathroom, and that conduct was found to be within the purview of NRS 200.700 on appeal.
17 As such, Defendant’s request for an advisory verdict must fail.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///


CONCLUSION

For the foregoing reasons, Defendant's attempts to challenge the constitutionality of the child pornography statutes must fail. Any motion for a directed verdict or dismissal of the pornography counts must be denied.

DATED this 15th day of February, 2019.

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

BY



MICHELLE SUDANO
Deputy District Attorney
Nevada Bar #013260

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

CHRISTOPHER SENA,) No. 79036
)
 Appellant,)
)
 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 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
---	--

I hereby certify that this document was filed electronically with the Nevada Supreme Court 20 on the 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:

CHRISTOPHER SENA, #1217884
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Carrie Connolly
Employee, Clark County Public Defender's Office