

1 **NOAS**

2 DARIN F. IMLAY, PUBLIC DEFENDER
3 NEVADA BAR No. 5674
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

Electronically Filed
Oct 23 2019 01:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

10 THE STATE OF NEVADA,)
11)
12 Plaintiff,) CASE NO. C-16-318461-1
13 v.) DEPT. NO. XXVIII
14)
15 GUSTAVO ADONAY GUNERA-PASTRANA,)
16)
17 Defendant.)

18 **NOTICE OF APPEAL**

19 TO: THE STATE OF NEVADA

20 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
21 NEVADA and DEPARTMENT NO. XXVIII OF THE EIGHTH JUDICIAL
22 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
23 COUNTY OF CLARK.

24 NOTICE is hereby given that Defendant, Gustavo Adonay
25 Gunera-Pastrana, presently incarcerated in the Nevada State
26 Prison, appeals to the Supreme Court of the State of Nevada from
27 the judgment entered against said Defendant on the 26 day of
28 September, 2019, whereby he was convicted of Cts. 1 and 4 -
Lewdness with a Child Under the Age of 14; Cts. 2 and 3 - Sexual
Assault with a Minor Under Fourteen Years of Age and sentenced to
\$25 Admin. Fee; \$600 Restitution to Clark County Social Services,
\$240 to Victims of Crime and \$150 DNA analysis fee including
testing to determine genetic markers plus \$3 DNA analysis fee; Ct.
1 - 10 years to Life in prison concurrent with Ct. 2; Ct. 2 - 35
years to Life in prison; Ct. 3 - 35 years to Life in prison,

1 concurrent with Ct. 2; Ct. 4 - 10 years to Life in prison,
2 concurrent with Ct. 2; 1,171 days CTS. Special sentence of
3 lifetime supervision; ordered to register as a sex offender within
4 48 hours of release from custody.

5 DATED this 16 day of October, 2019.

6 DARIN F. IMLAY
7 CLARK COUNTY PUBLIC DEFENDER

8
9 By: /s/ Howard S. Brooks
10 HOWARD S. BROOKS, #3374
11 Chief Deputy Public Defender
12 309 S. Third Street, Ste. 226
13 Las Vegas, Nevada 89155
14 (702) 455-4685
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 16 day of October, 2019, by Electronic Filing to:

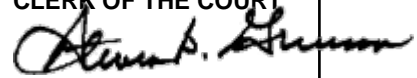
District Attorneys Office
E-Mail Address:

PDMotions@clarkcountyda.com

Jennifer.Garcia@clarkcountyda.com

Eileen.Davis@clarkcountyda.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office



CAS

DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR No. 5674
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-16-318461-1
)	
v.)	DEPT. NO. XXVIII
)	
GUSTAVO ADONAY GUNERA-PASTRANA,)	
)	
Defendant.)	
)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement:
Gustavo Adonay Gunera-Pastrana.

2. Judge issuing the decision, judgment, or order
appealed from: Richard Scotti.

3. All parties to the proceedings in the district
court (the use of et al. To denote parties is prohibited): The
State of Nevada, Plaintiff; Gustavo Adonay Gunera-Pastrana,
Defendant.

4. All parties involved in this appeal (the use of
et. al. to denote parties is prohibited): Gustavo Adonay
Gunera-Pastrana, Appellant; The State of Nevada, Respondent.

1 5. Name, law firm, address, and telephone number of
2 all counsel on appeal and party or parties whom they represent:

3 DARIN F. IMLAY
4 Clark County Public Defender
309 South Third Street, #226
5 Las Vegas, Nevada 89155-2610

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

6 Attorney for Appellant

AARON D. FORD
Attorney General
100 North Carson Street
8 Carson City, Nevada 89701-4717
(702) 687-3538

9 Counsel for Respondent

10 6. Whether appellant was represented by appointed or
11 retained counsel in the district court: Appointed.

12 7. Whether appellant is represented by appointed or
13 retained counsel on appeal: Appointed.

14 8. Whether appellant was granted leave to proceed in
15 forma pauperis, and the date of entry of the district court
16 order granting such leave: N/A.

17 9. Date proceedings commenced in the district court
18 (e.g., date complaint, indictment, information, or petition was
19 filed): Information filed 09/30/16.

20 DATED this 16th day of October, 2019.

21 DARIN F. IMLAY
22 CLARK COUNTY PUBLIC DEFENDER

23
24 By: /s/Howard S. Brooks
25 HOWARD S. BROOKS, #3374
26 Chief Deputy Public Defender
27 309 S. Third Street, Ste. 226
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District Attorneys Office
E-Mail Address:
PDMotions@ccdandv.com

Jennifer.Garcia@ccdandv.com

Eileen.Davis@ccdandv.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-16-318461-1**

State of Nevada
vs
Gustavo Gunera-Pastrana

§ Location: **Department 28**
§ Judicial Officer: **Israel, Ronald J.**
§ Filed on: **09/30/2016**
§ Case Number History:
§ Cross-Reference Case **C318461**
§ Number:
§ Defendant's Scope ID #: **2697473**
§ ITAG Booking Number: **1600032947**
§ ITAG Case ID: **1799454**
§ Lower Court Case # Root: **16F11626**
§ Lower Court Case Number: **16F11626X**
§ Metro Event Number: **1607121162**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 PCN: 0025634076 ACN: 1607121162 Arrest: 07/12/2016 MET - Metro	201.230.2	F	08/01/2015	Case Status:	09/26/2019 Closed
2. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	F	06/01/2016		
3. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	F	06/01/2016		
4. LEWDNESS WITH A CHILD UNDER THE AGE OF 14	201.230.2	F	06/01/2016		

Statistical Closures

09/26/2019 Jury Trial - Conviction - Criminal

DATE**CASE ASSIGNMENT****Current Case Assignment**


Case Number C-16-318461-1
Court Department 28
Date Assigned 07/02/2018
Judicial Officer Israel, Ronald J.

PARTY INFORMATION


		Lead Attorneys
Defendant	Gunera-Pastrana, Gustavo Adonay	Public Defender Public Defender 702-455-4685(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**


09/30/2016

 Information
Information

09/30/2016

 Criminal Bindover Packet Las Vegas Justice Court

10/18/2016

 Reporters Transcript

CASE SUMMARY
CASE NO. C-16-318461-1

Reporter's Transcript of Preliminary Hearing 9/30/16

11/23/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Expert Witnesses</i>
12/16/2016	 Motion for Discovery <i>Motion For Discovery</i>
12/20/2016	 Order <i>Order</i>
12/20/2016	 Motion to Continue <i>Motion To Continue Trial Date</i>
12/20/2016	 Ex Parte <i>Ex Parte Request For Hearing On An Order Shortening Time and Order</i>
12/21/2016	 Opposition <i>State's Opposition In Part to Defendant's Motion for Discovery</i>
01/02/2017	Case Reassigned to Department 1 <i>Case reassigned from Judge Elizabeth Gonzalez Dept 11</i>
01/12/2017	 Motion <i>Motion To Suppress All Oral And Written Statements Made By The Defendant To Detectives D. Huth and L. Samples</i>
01/19/2017	 Opposition <i>State's Opposition to Defendant's Motion to Suppress All Oral and Written Statements Made by Defendant to Detectives D. Huth and L. Samples</i>
03/10/2017	 Order <i>Order For The Release Of Confidential Records To The Eighth Judicial District Court - Clark County, Nevada</i>
03/10/2017	 Order <i>Order</i>
05/31/2017	 Ex Parte Filed By: Plaintiff State of Nevada <i>Ex Parte Motion and Order for Release of Medical Records</i>
12/20/2017	 Motion in Limine Filed By: Defendant Gunera-Pastrana, Gustavo Adonay <i>Motion in Limine</i>
07/02/2018	Case Reassigned to Department 28 <i>Reassigned From Judge Cory - Dept 1</i>
12/14/2018	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>
12/18/2018	

CASE SUMMARY

CASE NO. C-16-318461-1

	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>State's Second Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>
12/26/2018	 Motion to Quash Filed By: Other The Immigrant Home Foundation <i>Motion to Quash Subpoena-Criminal Duces Tecum</i>
01/03/2019	 Certificate of Mailing Filed By: Defendant Gunera-Pastrana, Gustavo Adonay <i>Certificate of Mailing</i>
01/11/2019	 Opposition to Motion Filed By: Defendant Gunera-Pastrana, Gustavo Adonay <i>Defendant's Opposition to the Immigrant Home Foundations's Procedurally and Substantively Infirm Motion to Quash Subpoena-Criminal Duces Tecum</i>
01/17/2019	 Motion to Quash Filed By: Other The Immigrant Home Foundation <i>Amended Motion to Quash Subpoena-Criminal Duces Tecum</i>
01/17/2019	 Amended Certificate of Mailing Filed By: Other The Immigrant Home Foundation <i>Amended Certificate of Mailing</i>
01/24/2019	 Recorders Transcript of Hearing <i>Motion to Quash Subpoena Criminal Duces Tecum</i>
02/20/2019	 Order Filed By: Other The Immigrant Home Foundation <i>Order Granting the Immigrant Home Foundation's Motion to Quash Subpoena-Criminal Duces Tecum</i>
03/15/2019	 Certificate of Mailing Filed By: Other The Immigrant Home Foundation <i>Certificate of Mailing</i>
05/20/2019	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>State's Third Supplemental Notice of Witnesses and/or Expert Witnesses</i>
05/22/2019	 Motion in Limine Filed By: Defendant Gunera-Pastrana, Gustavo Adonay <i>Motion in Lline to Exclude Impermissible Evidence of Prior Incidents Where the Defendant Pleaded Nolo Contendere</i>
05/24/2019	 Notice of Witnesses Party: Defendant Gunera-Pastrana, Gustavo Adonay <i>Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>
05/28/2019	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>Receipt of Copy for Discovery Provided</i>

CASE SUMMARY

CASE NO. C-16-318461-1

05/28/2019	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to to Defendant s Motion to Exclude Impermissible Evidence of Prior Incidents Where the Defendant Pleaded Nolo Contendere</i>
05/28/2019	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>State's Fourth Supplemental Notice of Witnesses and/or Expert Witnesses</i>
05/29/2019	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>Receipt of Copy for Discovery Provided</i>
06/04/2019	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff State of Nevada <i>Audiovisual Transmission Equipment Appearance Request</i>
06/04/2019	 Receipt of Copy <i>Receipt of Copy for Discovery Provided</i>
06/10/2019	 Jury List
06/12/2019	 Amended Information <i>Amended Information</i>
06/13/2019	 Proposed Jury Instructions Not Used At Trial
06/14/2019	 Amended Jury List
06/17/2019	 Verdict
06/17/2019	 Instructions to the Jury
06/18/2019	 Order <i>Order Scheduling Status Hearing: At Request Of Court</i>
07/08/2019	 Motion for New Trial Filed By: Defendant Gunera-Pastrana, Gustavo Adonay <i>Motion for a Judgment of Acquittal After a Verdict of Guilty, or in the Alternative, Motion for New Trial Based Upon Per Se Jury Misconduct</i>
07/08/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/22/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>States Opposition to Defendant's Motion for a Judgment of Acquital After a Verdict of Guilty, or in The Alternative, Motion for New Trial Based Upon Per Se Jury Misconduct</i>
08/16/2019	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law and Order</i>

CASE SUMMARY

CASE NO. C-16-318461-1

09/10/2019



PSI

09/26/2019



Judgment of Conviction

Judgment of Conviction (Jury Trial)

10/16/2019



Notice of Appeal (criminal)

Notice of Appeal

10/16/2019



Case Appeal Statement

Case Appeal Statement

HEARINGS

10/04/2016



Initial Arraignment (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Matter Continued;

Journal Entry Details:

COURT ORDERED, matter CONTINUED for counsel's appearance. CUSTODY (COC) 10/06/16 10:00 AM ARRAIGNMENT COURT (LLA);

10/06/2016



Arraignment Continued (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Matter Continued;

Journal Entry Details:

COURT ORDERED, matter CONTINUED for Mr. Speed's presence. CUSTODY (COC) 10/12/16 10:00 AM ARRAIGNMENT CONTINUED (LLA);

10/12/2016



Arraignment Continued (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Trial Date Set;

Journal Entry Details:

Deft assisted by Spanish interpreter Alexandra Andrade. Deft WAIVED a formal reading of the Information. DEFT. GUNERA-PASTRANA ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial on January 3, 2017. Mr. Speed noted he will not be in the jurisdiction that close to the holiday. Upon Court's inquiry, Deft objected to setting trial for January 30th. COURT ORDERED, January 3rd trial date STANDS. CUSTODY (COC) 11-30-16 9:00 AM STATUS CHECK: TRIAL READINESS 12-28-16 9:00 AM CALENDAR CALL 1-3-17 1:00 PM JURY TRIAL;

11/30/2016



Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Deft. present in custody with assistance from Certified Spanish Court Interpreter, Maria Peters. Mr. Speed advised Calendar Call is one month away, and he does not think defense will be ready for trial on January 3, 2017. Additionally, Deft. has invoked, and defense does not know if Deft. understands about invoking and rushing into a trial if defense is not ready. Upon Court's inquiry, Mr. Speed estimated one week for trial. Court stated it will leave the trial date where it is, and parties can return at Calendar Call to discuss scheduling. Trial date STANDS. CUSTODY (COC) 12/28/16 9:00 A.M. CALENDAR CALL 1/03/17 1:00 P.M. TRIAL BY JURY;

12/21/2016



Motion to Continue Trial (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Per Order filed 12/20/16

Granted;

Journal Entry Details:

Deft assisted by Spanish interpreter Jeffrey Hanks. Ms. Demonte advised the State has no opposition to continuing trial to any date other than February. Mr. Speed advised Deft has indicated that he will never waive his right to a speedy trial and will not agree to continuing trial to March 13; however, that is the best that can be done. Court inquired of Mr. Speed when, if earlier than March 13, he can be ready. Mr. Speed stated he will be ready later than that date. COURT ORDERED, given the invocation trial will NOT be moved further than the March 13, 2017 stack. Trial VACATED and RESET to March 13, 2017 understanding that


CASE SUMMARY

CASE NO. C-16-318461-1

*Deft is MAINTAINING his right to a speedy trial. CUSTODY 1-18-17 9:00 AM
DEFENDANT'S MOTION FOR DISCOVERY 2-8-17 9:00 AM STATUS CHECK: TRIAL
READINESS 3-8-17 9:00 AM CALENDAR CALL 3-13-17 1:00 PM JURY TRIAL;*

12/28/2016 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Vacated - per Judge


01/03/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Cory, Kenneth)
Vacated - per Judge

01/18/2017  **Motion for Discovery** (9:00 AM) (Judicial Officer: Cory, Kenneth)
Defendant's Motion For Discovery

Granted in Part;

Journal Entry Details:

Defendant Gunera-Pastrana PRESENT in custody. Mr. Speed listed the disc's requested from the Clark County School District. Ms. Ferreira argued there is no requirement under NRS 174 and the Brady law. Mr. Speed advised he would request the information, but requested the State issue a subpoena. COURT ORDERED, the Public Defender's Office to the subpoena. Mr Speed requested CPS's records. COURT ORDERED, records can be requested by way of subpoena. Further arguments by counsel. COURT ORDERED, the following: 1. The complete Clark County School District student files for M.M. (DOB: 1 2/5/2002), these records are to include any and all disciplinary reports and records maintained at each individual elementary and middle school that J.B. has attended in the CCSD; DENIED, defendant may serve any necessary subpoenas upon the Clark County School District. 2. Any and all information from the Clark County Department of Family Services - CPS (Child Protective Services) Division including memoranda, reports, UNITY notes, pleadings, certificates, letters, e-mails, interview transcripts, specialists notes, voluntary statements (oral and written) concerning: M.M. , all information to be provided in un-redacted form to the Court for review in chambers and dissemination to the District Attorney and defense counsel; GRANTED, defendant may serve any necessary subpoenas upon the Department of Family Services - CPS 3. Any LVMPD records, photographs, investigative notes, all audio recordings, and video recordings for Event Number(s) 160712-1162; GRANTED. 4. Any and all records or information concerning financial benefits, fees, reimbursement for travel expenses and/or any payments for rent or other services provided to Meili Casillas-Ortiz or to M.M. by the Clark County District Attorney s office, the Clark County Victim Witness Advocacy Center, the Department of Family Services (CPS), or any other state or county governmental agency; GRANTED. The State also being directed to inquire with the family of the complaining witness concerning the receipt of any counseling services either provided by the District Attorney's Office, the Victim Witness Advocacy Center or any other assistance agency, counseling services received from providers referred by the District Attorney's office, the VWAC or any other assistance agency or private provider counseling services, and to disclose confirmation or denial of receipt of said services to the Defendant's counsel. 5. Evidence, to include any DNA analyses and/or medical reports, related to any medical or forensic examinations conducted on the person of the Defendant by LVMPD officers, detectives or staff, or by police department personnel at the Clark County Detention Center, and any SANE exam reports or other medical records created in the course of the investigation of the allegations in the instant case; GRANTED. 6. Recordings of any intercepted telephone communications (jail calls) between the Defendant and any party where Mr. Pastrana is speaking on telephones in the Clark County Detention Center; GRANTED. 7. Copies of any intercepted written communication alleged to have been made by Mr. Pastrana at any time during his incarceration at the Clark County Detention Center; GRANTED. 8. The Defendant asks that this Court execute Certificate(s) of Materiality for the purpose of obtaining documents that may exist and/or are held outside the Court s physical jurisdiction in discovery pursuant to NRS 174.425(1), Nevada s Uniform Act to Secure the Attendance of Witnesses From Without a State in Criminal Proceedings; DENIED. Mr. Speed to prepare the Order. ;

01/23/2017  **Motion to Suppress** (9:00 AM) (Judicial Officer: Cory, Kenneth)

Motion To Suppress All Oral And Written Statements Made By The Defendant To Detectives D. Huth and L. Samples

Hearing Set;

Journal Entry Details:

Defendant Gunera-Pastrana PRESENT in custody. Maria Gomez, Interpreter, also present. Mr. Speed argued as to suppressing as there needs to something in the record indicating the defendant understood. Ms. Clemons suggested the matter be continued for the Court to review

CASE SUMMARY

CASE NO. C-16-318461-1

the transcripts. Mr. Speed suggested holding a Jackson v. Denno hearing. COURT ORDERED, Hearing SET. CUSTODY 2/16/17 9:00 AM JACKSON V. DENNO;

02/08/2017



Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Cory, Kenneth)

Matter Heard;

Journal Entry Details:

Defendant Gunera-Pastrana PRESENT in custody. Interpreter, Carlos Calvo also present. Mr. Speed advised as of now the trial date can stand, but could change after the hearing next week. CUSTODY;

02/15/2017



Minute Order (4:00 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

Please be advised due to the Court's schedule, COURT ORDERS, the Calendar Call RESCHEDULED from Wednesday, 3/8/17 to Wednesday, 3/1/17 for the 3/13/17 trial. RESCHEDULED TO: 3/1/17 9:00 AM CLERK'S NOTE: The above minute order has been distributed to: Jeff Banks, Esq. (banksjm@clarkcountynv.gov). /mlt;

02/23/2017



Jackson v Denno Hearing (1:30 PM) (Judicial Officer: Cory, Kenneth)

Matter Heard;

Journal Entry Details:

Mr. Speed advised the purpose of the hearing is to find out if the defendant understood the admonition. Court inquired if the defendant's statements would be used during trial. Ms. Clemens advised this was Ms. Ferreira's case; do not believe there where any statements made, do not want to hinder Ms. Ferreira at trial if there are. Mr. Speed advised he like the interpreter who was at he interview to come in and see if the defendant recognizes her. Maria Jimenez sworn & testified; Detective Denise Huth sworn and testified; and Lawrence Samples sworn and testified. Mr. Speed argued any statements must be suppressed as there is no way to know the defendant knew he was entitled to counsel, whether defendant understood his rights, and argued the defendant's will was overborne. Ms. Clemens argued as to the length of the interview. The defendant was offered water and was not threatened. Statements by the Court as to miranda, volunteer test, and how long defendant was in custody before the interview. Ms. Clemens advised the Court she had found the CAD report and provided Mr. Speed with a copy of it. The date on the report is 7/12/2016 when the call came in and they take the defendant into custody at 11:13 am. The Court is satisfied there is no factor that would have a real impact on the Court's decision. Court inquired if the CAD report needed to be made part of the record. Mr. Speed advised he has information and belief that his client was arrested on the 11th of July and was held in custody for well over 12 hrs if the interview occurred at 3:00 in the afternoon. If the Court is satisfied with the representations that are contained in the report he will be too. Court STATED it would make a difference in making a totality test if the State can show the defendant was not arrested before the interview. If the State can show what they have represented so far is correct the Court would find for a totality of circumstances it was a voluntary statement. At this point the Court does not find the defendant's will was overborne and he maintained his innocence. Further arguments by counsel. Mr. Speed requested the State inquire if there was any body cams. Court directed the State to inquire. Ms. Clemens advised if there is body cam footage she can provide a link to defense counsel;metro will not turn over hard copy of the footage, as that is their policy. Mr. Speed moved for an Order directing the Metro Police Department to turn over any body cam footage from this arrest and he would not limit it to this particular event number, but from this arrest to the Court. COURT ORDERED, the footage to be turned over to this Court. Mr. Speed advised he would have in Order to Chambers by Monday, February 27, 2017. Mr. Speed requested a CD of the JAVS recording.;

03/01/2017



Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth)

Matter Heard;



Journal Entry Details:

Defendant Gunera-Pastrana PRESENT in custody. Mr. Speed advised an offer has been made and rejected. Mr. Speed further advised there are still pending issues and he hesitates to say ready for trial. Statements by Mr. Speed regarding the body cam and an order being submitted. Mr. Speed advised two weeks for trial. COURT ORDERED, Trial date VACATED and RESET. CUSTODY 5/31/17 9:00 AM CALENDAR CALL 6/5/17 1:30 PM JURY TRIAL;

EIGHTH JUDICIAL DISTRICT COURT




CASE SUMMARY

CASE NO. C-16-318461-1

03/13/2017	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i>
05/31/2017	 Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth) Continued; Journal Entry Details: <i>Defendant Gunera-Pastrana, PRESENT in Custody. Ms. Speed advised he was still waiting on outstanding discovery and requested a continuance. Statements by Defendant. COURT ORDERED, trial dates VACATED and RESET. CUSTODY 01/17/18 9:00 A.M. CALENDAR CALL 01/22/18 1:30 P.M. JURY TRIAL;</i>
06/05/2017	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i>
01/08/2018	 Motion in Limine (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Motion in Limine for an Order Excluding Impermissible Evidence</i> Granted; Journal Entry Details: <i>Defendant Gunera-Pastrana PRESENT, IN CUSTODY. Ms. Ferreira advised no objection the Motion in Limine for an Order Excluding Impermissible Evidence, but if the door is opened the State will go there. Mr. Speed advised the defendant will be going into witness immigration status. Mr. Speed inquired if the Court had reviewed the records received from CPS. Court STATED it will notify counsel if the records have been received. Court advised the trial will have to be continued. Defendant advised he has paperwork for the Court. Ms. Ferreira objected to any ex parte review of the records. Defendant further stated he is having issues with counsel. Court ADMONISHED defendant to cooperate with his counsel. Mr. Speed advised the defendant has expressed his issues with and defendant is capable of representing himself. Court further ADMONISHED the defendant to confer with his counsel. Defendant STATED he refuses to give his paperwork to his counsel. COURT ORDERED, Trial date VACATED and Matter SET for Status Check. CUSTODY 1/17/18 9:00 AM STATUS CHECK: RESETTING OF TRIAL;</i>
01/17/2018	CANCELED Calendar Call (8:45 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i>
01/17/2018	 Status Check: Reset Trial Date (9:00 AM) (Judicial Officer: Cory, Kenneth) Matter Heard; Journal Entry Details: <i>Defendant Gunera-Pastrana PRESENT, IN CUSTODY. Mr. Speed advised the defendant has WAIVED his right to a speedy trial and would take two weeks. Mr. Speed further advised the defendant refuses to share his paperwork with counsel and only wants to turn it over to the Court. Statements by the Defendant. Court ADMONISHED the defendant to provide his counsel with the paperwork and further STATED the Court would not be reviewing the papers. COURT ORDERED, Trial Date SET. CUSTODY 1/22/18 9:00 AM STATUS CHECK: FAMILY COURT RECORDS 12/12/18 8:45 AM CALENDAR CALL 1/7/19 1:30 PM JURY TRIAL;</i>
01/22/2018	 Status Check (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Status Check: Records</i> Matter Heard; Journal Entry Details: <i>Defendant Gunera-Pastrana PRESENT, IN CUSTODY. Interpreter Ximena Fiene, also present. Deputy District Attorney Bryan Schwartz advised he would stand in for Ms. Ferreira if there is nothing to be argued. Court gave summary of previous hearings. Court advised it had received and reviewed the documents from CPS and the Court will turn over the entire file which includes a CD of the hearings; a copy for the State and defense will be ready for pickup tomorrow. The Court has marked the pages it feels are material.;</i>
01/22/2018	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i>
01/02/2019	 Calendar Call (9:00 AM) (Judicial Officer: Israel, Ronald J.)

CASE SUMMARY

CASE NO. C-16-318461-1

	<p>Vacated and Reset; Journal Entry Details: <i>Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter, Ricardo Pico, present. Mr. Speed stated he was preparing to announce ready. However he was surprised with the Motion to Quash Subpoena filed and set for 01/23/19. State announced ready and stated there is information in the reports the mother is seeking a new visa and is a witness and a victim in this case. Colloquy regarding testimony, investigation of seeking a new visa and the immigration home foundation. COURT ORDERED, Trial VACATED and RESET. Upon Mr. Speeds inquiry, Court noted Counsel should respond to the Motion to Quash. Motion to Quash, stands. CUSTODY 03/11/19 9:00 AM CALENDAR CALL 03/18/19 10:30 AM JURY TRIAL;</i></p>
01/07/2019	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i></p>
01/23/2019	<p> Motion to Quash (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Motion to Quash Subpoena Criminal Duces Tecum</i> Denied in Part; Motion to Quash Subpoena Criminal Duces Tecum Journal Entry Details: <i>Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter, Jeff Hanks for Deft. Also present Kathia Pereira, Esq. appearing on behalf of the Immigrant Home Foundation. Ms. Pereira requested the Court refer to her Amended Motion as a Reply. Arguments by Counsel. Mr. Speed noted the subpoena granted by Judge Cory, to request the information from the Immigrant Home Foundation regarding the witness applying for a U-Visa. Stated noted they did not have that information from the immigrant Home Foundation. Further arguments. Colloquy regarding taking a deposition and discovery. Counsel noted depositions within a criminal case would require Court approval. Court noted counsel may only ask if she is filing with the Immigration Foundation for a U-Visa. Ms. Pereira explained the U-Visa is for victims of crime. State referred to NRS 174.175. Court suggested an affidavit of the witness, only stating she applied for the U-Visa, be provided to counsel. Ms. Pereira agreed. Court directed Ms. Pereira provide counsel an affidavit, within two weeks, only stating if she applied for the U-Visa and all other information is irrelevant. COURT ORDERED, Motion to Quash Subpoena Criminal Duces Tecum, DENIED IN PART, Under the condition they provide the affidavit, then the Motion is GRANTED. CUSTODY;</i></p>
03/11/2019	<p> Calendar Call (9:00 AM) (Judicial Officer: Israel, Ronald J.) Vacated and Reset; Journal Entry Details: <i>Deft. GUNERA-PASTRANA present, in custody. Spanish interpreter, Irma Sanchez present for Deft. Mr. Speed noted he had a death in his family and would be leaving out-of-town. Court gave its condolences to Mr. Speed. State had no objection to continue the trial. Colloquy regarding scheduling issues and the age of the case. COURT ORDERED, Trial VACATED and RESET. CUSTODY 05/29/19 9:00 AM CALENDAR CALL 06/03/19 10:30 AM JURY TRIAL;</i></p>
03/18/2019	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Israel, Ronald J.) <i>Vacated - per Judge</i></p>
05/29/2019	<p>Calendar Call (9:00 AM) (Judicial Officer: Israel, Ronald J.) Trial Date Set;</p>
05/29/2019	<p>Motion in Limine (9:00 AM) (Judicial Officer: Israel, Ronald J.) 05/29/2019, 06/07/2019 <i>Defendant's Motion in Limine to Exclude Impermissible Evidence of Prior Incidents where the Defendant Pleaded NOLO Contendere</i> Decision Pending; Defendant's Motion in Limine to Exclude Impermissible Evidence of Prior Incidents where the Defendant Pleaded NOLO Contendere</p>
05/29/2019	<p> All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.) <i>All Pending Motions (05/29/19)</i> Matter Heard; All Pending Motions (05/29/19) Journal Entry Details:</p>

CASE SUMMARY

CASE NO. C-16-318461-1

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE IMPERMISSIBLE EVIDENCE OF PRIOR INCIDENTS WHERE THE DEFENDANT PLEADED NOLO CONTENDERE: Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter, Soledad Garcia present for Deft. Arguments by Counsel regarding the Motion to exclude the prior incidents of domestic violence. Colloquy regarding the possible testimony at trial, avoiding opening the door to bring domestic violence in and the application and eligibility of the mothers pending U-Visa. Court suggested they hold a hearing outside the presence of the jury and further noted Court's preliminary ruling to deny the motion. Mr. Speed noted the victim is the child not the mother. Conference at the bench. State noted they would have a video testimony of the doctor. Court directed Mr. Speed to prepare the order. CALENDAR CALL: Counsel and State announced ready, estimated 6 to 7 trial days with 10 to 18 witnesses. COURT ORDERED, Trial Date SET. CUSTODY 06/04/19 10:30 AM JURY TRIAL (7 TRIAL DAYS);

06/04/2019



Jury Trial (10:30 AM) (Judicial Officer: Israel, Ronald J.)

06/04/2019-06/07/2019, 06/10/2019-06/14/2019, 06/17/2019

Trial Continues;
Trial Continues;
Trial Continues;
Vacated and Reset the time of trial. kt
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

Journal Entry Details:

Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters for the Deft.: Yul Haasmann, Mariella Lopez and Ricardo Pico. OUTSIDE THE PRESENCE OF THE JURY: Court noted they will be able to show the playback of the State playing the CPS video hearing. Counsel agreed. JURY PRESENT: Counsel acknowledged the presence of the jury. Court advised the Jury, they had received the jury request to playback the trial where the video of the CPS hearing was shown. Playback was conducted. Jury returned to deliberations. OUTSIDE THE PRESENCE OF THE JURY: Court received another note from the Jury. Upon Court's inquiry, Counsel agreed to answer the question; "continue deliberating". Jury note and answer returned to the jury. At the hour of 5:05 P.M. Verdict returned; COUNT 1 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14 COUNT 2 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE COUNT 3 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE COUNT 4 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Jury polled. Court Thanked and excused the Jury. Jury Instructions and Verdict Form, FILED IN OPEN COURT. COURT ORDERED, Deft REMANED into custody and matter SET for sentencing and referred to Parole and Probation (P & P) for and Pre-Sentence Investigation (PSI) Report and Psychosexual Evaluation. CUSTODY 09/18/19 9:00 AM SENTENCING ;

Trial Continues;
Trial Continues;
Trial Continues;
Vacated and Reset the time of trial. kt
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

Journal Entry Details:

Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters: Maria Peters & Elissa Mendoza for Deft. OUTSIDE THE PRESENCE OF THE JURY: Instructions settled. JURY PRESENT: Court instructed the jury. Closing arguments. Marshal and Judicial Executive Assistant sworn and given charge of the jury. Court Thanked and released the 3 secret alternate jurors. Amended Jury List FILED IN OPEN COURT. At the hour of 12:21 PM the jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY: Jury Question discussed regarding a playback of the CPS. Court will recess the jury to return Monday to

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watch the playback and continue deliberations. Weekend recess. CUSTODY 06/17/19 10:30 AM JURY TRIAL;

Trial Continues;

Trial Continues;

Trial Continues;

Vacated and Reset the time of trial. kt

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY: Kathy Thomas, Court Clerk Present. Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters for the Deft.; Soledad Garcia & Elissa Mendoza. State noted they had provided the Court and counsel a copy of their proposed jury instructions with sites. Ms. Machnich stated they would have their proposed jury instructions later today after the State rests. JURY PRESENT: Parties acknowledge the presence of the jury. Testimony and exhibits presented. (See worksheets). State read the CPS Hearing Transcript. Alice Jacobson, Court Clerk (Present from 10:45 AM- Noon). Further testimony, CPS video played and exhibits presented. (See worksheets). Amended Information, filed 06/12/19, read by the Clerk of the Court. Kathy Thomas, Court Clerk (Present from 1:00 PM to 5:00 PM). OUTSIDE THE PRESENCE OF THE JURY: Ms. Machnich noted the Defense will not be calling the Deft. and will rest. Upon Court's inquiry, Defendant confirmed he understood his right not to testify and had discussed the issues with his counsel. JURY PRESENT: Defendant Rested. Jury to return tomorrow at 9:00 AM for instructions and closing arguments. OUTSIDE THE PRESENCE OF THE JURY: Oral arguments regarding proposed jury instructions and verdict forms. Court signed instructions and verdict proposed and not signed and FILED IN OPEN COURT. Counsel to complete the changes of the instructions and return tomorrow at 8:30 AM to finalize the jury instructions. Evening recess. 06/14/19 9:00 AM JURY TRIAL;

Trial Continues;

Trial Continues;

Trial Continues;

Vacated and Reset the time of trial. kt

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. The State has an AMENDED INFORMATION that they would like to admit COUNTS 2, 3 & 4. Defense counsel objects to the late admittance of the AMENDED INFORMATION. The Court stated it will allow the AMENDED INFORMATION TO BE ADMITTED. The State requested to admit the transcript and redacted video from FAMILY COURT. The Defense counsel objects to the video being admitted. The Court will allow the State to bring in consistent statements. The Court WILL NOT ALLOW the transcript to go back with the jury. Both sides agreed that the transcript with redactions can be admitted as Court's exhibits. JURY PRESENT. Testimony and exhibits presented (see worksheets) OUTSIDE THE PRESENCE OF THE JURY. The Court gives Deft his rights to testify. JURY PRESENT. Testimony and exhibits presented (see worksheets). CONFERENCE AT THE BENCH OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel regarding the HEARSAY RULE., JURY PRESENT. Testimony and exhibits presented (see worksheets). COURT ORDERED, TRIAL CONTINUED. The Court recessed the Jury for the evening. CUSTODY 6-13-19 9:00 AM JURY TRIAL;

Trial Continues;

Trial Continues;

Trial Continues;

Vacated and Reset the time of trial. kt

Trial Continues;

Trial Continues;

CASE SUMMARY

CASE NO. C-16-318461-1

Trial Continues;
 Trial Continues;
 Trial Continues;
 Trial Continues;
 Verdict;

Journal Entry Details:

APPEARANCES CONTINUED: Deft. present in custody with the assistance of Spanish Interpreters Alicia Herrera. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding the trial potentially lasting longer than what was originally conveyed to the jury, what to advise the jury of, and whether to inquire if any Jurors would not be available next week. Further colloquy regarding the trial schedule. Ms. Sudano requested a continuing objection be imposed with respect to improper statements and the manner the defense is attempting to impeach the witness. COURT NOTED, the witness was asked, it didn't think it was read verbatim, and under the Lobato case they were allowed to impeach the witness and ADVISED that was it's decision. Argument by Ms. Sudano regarding the Lobato case. COURT FURTHER ADVISED, this wasn't the same issue. Further argument by Ms. Sudano that she gets to bring those statements in. COURT ADVISED, it had indicated they would be able to read it. IN THE PRESENCE OF THE JURY. COURT ADVISED, the trial may run through Monday. Testimony and Exhibits presented (see worksheets). CONFERENCES AT THE BENCH. Testimony and Exhibit presentation continued. OUTSIDE THE PRESENCE OF THE JURY. COURT NOTED, the interpreter was here to interpret the questions for the witness. OUTSIDE THE PRESENCE OF THE JURY & WITNESS. Colloquy regarding the family court case related to custody, and the transcript related to the CD of the proceedings. COURT ADVISED they had the right to check the authenticity of the transcripts; therefore, it was providing time to review the CD and check the transcript. Matter TRAILED. Matter RECALLED, same parties present as before. Ms. DiGiacomo stated there were numerous files on the disk that she received from the defense and they did have the opportunity to review the disk; argued she had concerns with the transcript as there were substantial errors and typos; however, she was fine moving forward. Ms. Machnich stated she was ready to proceed. COURT ADVISED the authenticity of the transcript should be done as it is here, where the transcript is the official record. Argument by Ms. DiGiacomo regarding if the defense reads something from the transcript that was different from the video. Ms. Sudano stated she would be seeking to admit some of the things on the video. IN THE PRESENCE OF THE JURY. Testimony and Exhibit presentation continued. CONFERENCE AT THE BENCH. Testimony and Exhibit presentation continued. OUTSIDE THE PRESENCE OF THE JURY. Mr. Speed stated earlier this morning he observed Juror no. 1 was speaking with the disabled person who was observing court; therefore, stated an additional admonishment may be needed; noted he did not hear the conversation. COURT ADVISED it had admonished the jury numerous times already and it didn't think it needed to inquire what they were talking about. IN THE PRESENCE OF THE JURY. Testimony and Exhibit presentation continued. CONFERENCES AT THE BENCH. Testimony and Exhibit presentation continued. COURT ADMONISHED the Jury and DIRECTED the jury to return tomorrow at the given time. COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY. Ms. DiGiacomo argued that she intended on introducing the transcripts of the preliminary hearing and family court CPS hearings; noted the transcripts had been redacted and copies were provided to the defense; argued it was admissible and was not hearsay. COURT ADVISED, this matter will be discussed tomorrow morning. Mr. Speed reserved the right to present his objections tomorrow. Evening Recess. 6/12/19 - 8:30 AM - JURY TRIAL ;

Trial Continues;
 Trial Continues;
 Trial Continues;
 Vacated and Reset the time of trial. kt
 Trial Continues;
 Trial Continues;
 Trial Continues;
 Trial Continues;
 Trial Continues;
 Trial Continues;
 Verdict;

Journal Entry Details:

Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters for Deft.: Soldad Garcia, Rapheal Leal, Maria Peters. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Colloquy regarding juror #272 bringing his four children to the courthouse today. Counsel agreed to use their Third Alternate Peremptory Challenge. Counsel confirmed the Peremptory Challenges. SEALED HEARING: Out-side the presence of the State. Counsel noted concern of

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the Opening Statements, opening the door. Counsel explained the State was not allowed to bring in the domestic violence and prior convictions related to the mother and/or children. Court noted it could not imagine what the State will say and noted they would need to wait. COURT ORDERED, Hearing SEALED. State present. Upon Court's inquiry, State provided the limited instruction, agreed by Counsel. PROSPECTIVE JURY PANEL PRESENT: Clerk took the roll of the prospective jury. Jury and 3 secret alternates selected and sworn. Jury List FILED IN OPEN COURT. Clerk read the Information to the jury and stated the Defendant s plea thereto. Opening statements by Counsel. Exclusionary Rule. Testimony and exhibits presented. (See worksheets). OUTSIDE THE PRESENCE OF THE JURY: Counsel noted the victim understands and speaks English, However during her testimony they will have a stand-by interpreter for her. JURY PRESENT: Counsel acknowledged the presence of the jury. Further testimony and exhibits presented. (See worksheets). OUTSIDE THE PRESENCE OF THE JURY: Mr. Speed moved for dismissal and noted on break the victim was sent to the back room and the State went in with the victim. State noted they did not talk about testimony only comforting the victim. Arguments by Counsel. COURT ORDERED, Deft's Motion to Dismiss, DENIED. JURY PRESENT: Counsel acknowledged the presence of the jury. Further testimony of the victim presented. (See worksheets). OUTSIDE THE PRESENCE OF THE JURY: State objected to Counsel reading from the transcript for impeachment of the victim. Arguments by Counsel. Court noted under NRS 50.135 regarding bring the witness in and will allow the Deft's cross. State noted if they are bringing this in, they should be able to read the entire document. Colloquy regarding cited cases. Court noted the transcript would not come into evidence, However the State may be allowed to rehabilitate and introduce the statement and read the transcript However it will not be admitted to go to the jury. At the request of Ms. Machnich, Court reminded the victim not to talk about her testimony. Evening recess. CUSTODY 06/11/19 10:30 AM JURY TRIAL ;

Trial Continues;

Trial Continues;

Trial Continues;

Vacated and Reset the time of trial. kt

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Trial Continues;

Trial Continues;

Trial Continues;

Vacated and Reset the time of trial. kt

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters: Jeff Hanks, Rafael Leal, Yul Haasmann, Mariella Lopez, Ximena Fiena and Ricardo Pico for the Deft. PROSPECTIVE JURY PANEL PRESENT: Counsel acknowledged the presence of the jury. Voir Dire continued. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Colloquy regarding scheduling issues. Court excused the late arrival of juror 059. PROSPECTIVE JURY PANEL PRESENT: Counsel acknowledged the presence of the jury. Voir Dire continued. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Court Interpreter, questioned regarding interpreters speaking of a case in the elevator. juror #086 was questioned. Counsel agreed the juror #086 could remain on the panel. PROSPECTIVE JURY PANEL PRESENT: Counsel acknowledged the presence of the jury. Voir Dire continued. State passed the panel for cause. Defense Voir Dire. PROSPECTIVE JURY PANEL PRESENT: State moved for a challenge for cause and Mr. Speed objected noting the State already passed the panel. COURT ORDERED, State's challenge for cause, DENIED. Colloquy regarding the Defense challenges for cause and scheduling issues. Evening recess. CUSTODY 06/07/19 9:00 AM DEFENDANT'S MOTION IN LIMINE 06/07/19 10:00 AM JURY TRIAL ;

Trial Continues;

CASE SUMMARY

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Trial Continues;
Trial Continues;
Vacated and Reset the time of trial. kt
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF POTENTIAL JURY. State requested the Court either admonish the jury panel regarding Juror #123's statements about one of the witnesses, or order a new panel. Argument by the State. Argument by counsel. Colloquy. POTENTIAL JURY PRESENT. Court thanked the panel for appearing, explained there had been improper statements yesterday and excused the jury panel. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Ms. Digiacomo requested the Court inquire the jury panel regarding children during Voir Dire. Counsel made no objection. Ms. Machnich advised having read the new potential jury panel information, none had identified as Hispanic or Latino and requested the Jury Commissioner testify as to the lack of diversity of the panel. COURT ORDERED, request DENIED. POTENTIAL JURY PRESENT. Voir Dire Oath given. Voir Dire began. CONFERENCE AT BENCH. Voir Dire continued. CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Juror #026 present for private Voir Dire. CUSTODY CONTINUED TO: 6/6/19 9:30 AM;

Trial Continues;
Trial Continues;
Trial Continues;
Vacated and Reset the time of trial. kt
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

Journal Entry Details:

Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters; Yul Hassmann and Soledad Garcia for the Deft. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: State noted there were no negotiations pending, the last offer that was pending was for child abuse with substantial bodily harm (8 to 20 years), Deft. rejected. Mr. Speed noted the last offer was with Deputy Ferreira (3 to 9 years) and it was rejected. State agreed and noted that offer was in December. Mr. Speed noted there was no offer as of today. Upon Court's inquiry, Mr. Speed noted he was not able to discuss with the Deft. the potential sentence, because an interpreter was not available at that facility. Court trailed matter for Counsel to speak with the Deft. with the interpreter present. Later recalled: Upon Court's inquiry, Mr. Speed noted he discussed the charges facing his client and they were ready to proceed with trial. Counsel estimated 8 trial days and agreed to having 3 alternates and the alternate peremptory challenges could be from any seat. Colloquy regarding the trial scheduling issues. Court noted only one counsel each side may question the jury panel. Court directed Counsel to submit the proposed jury instructions by Thursday (agreed & not-agreed sets). Mr. Speed requested an issue be addressed out-side the presence of the State. SEALED CONFERENCE: Out-side the presence of the State. Counsel noted a question of law regarding Family Court and effect of child custody issues. Colloquy. Court noted it could not change anything in Family Court, other then, if Deft. was convicted it could affect the custody issue. COURT ORDERED, Conference SEALED. State present. Counsel received the jury list prior to the jury appearing and Ms. Machnich challenged the jury panel as to bias. Arguments by Counsel. Court noted the Jury Commissioner complied, the jury selection is random and being unable to obtain a statistical cross section, Court further finds based on prior testimony of the Jury Commissioner stating they draw from a population of a cross section that does not discriminate in any way. COURT ORDERED, Deft's Oral Motion for a new jury panel, DENIED. State's Receipt of Copy for Discovery Provided, FILED IN OPEN COURT. JURY PRESENT: Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Colloquy regarding Juror #123 and questioning of an incident that the juror explained regarding a State's witness. Counsel requested the Brady disclosures. State noted there was a Brady investigation and there was no record of an incident. State objected to turning over their Brady investigation and noted the

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State will not be calling that witness, this now would be irrelevant. State further noted they found juror #123 was fired from the Police Department. COURT, stated findings, noting the Officer would not be testifying and ORDERED, Deft's Oral request for documents, DENIED. Evening recess. CUSTODY 06/05/19 11:00 AM JURY TRIAL;

06/07/2019



All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.)

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE IMPERMISSIBLE EVIDENCE OF PRIOR INCIDENTS WHERE THE DEFENDANT PLEADED NOLO CONTENDERE...JURY TRIAL As to Defendant's Motion in Limine to Exclude Impermissible Evidence of Prior Incidents where the Defendant Pleaded NOLO Contendere: Spanish Interpreter present Ximena Chica present assisting witness Meili Casillas. Spanish Interpreters Mariella Lopez, Mario Torres, and Soledad Garcia also present assisting Defendant. OUTSIDE THE PRESENCE OF THE POTENTIAL JURY: Court indicated it would excuse juror number 086 due to financial hardship. Mr. Speed requested to excuse juror 068 noting due to his statement he could not be fair and impartial. No opposition by State. Meili Casillas SWORN and TESTIFIED. CONFERENCE AT BENCH. COURT NOTED the issue was not whether or not she was applying for a visa, it was because the Defense wanted to preclude the testimony as related to the domestic violence in total and to preclude her from saying anything as to the domestic violence as grounds for filing. Mr. Speed indicated that was correct. Arguments by counsel regarding the merits of Defendant's Motion in Limine to Exclude Impermissible Evidence of Prior Incidents where the Defendant Pleaded NOLO Contendere. COURT FINDS the law was clear as to prior bad acts, convictions, and NOLO. This Court had difficulty with impeaching this witness based upon her filing for a U Visa. This Court would not prevent the witness from telling the truth that her application was not just based on the sexual allegations, but her statement, that it was based on domestic violence noting that she did not go into the details. The Court would not allow her to talk about the conviction. To preclude her from explaining that there was not just one cause or grounds, but they were both done simultaneously and together was equal to manufacturing evidence. It was not the reality and not the factual basis of her application. It excluded her basis and in fact was not obligated to use that to impeach her. The Court would not preclude or require the State to instruct her. COURT FINDS she could say she was a victim of domestic violence if that was the basis for the application. It not a necessity to say what exactly occurred, but there was domestic violence by the Defendant. That was the basis along with the sexual allegations, that was the basis and application for the U-visa, therefore, COURT ORDERED, motion DENIED to preclude her from testifying other than how the Court explained it. Mr. Speed advised he would prepare the Order. Colloquy regarding the emotional display by witness Casillas. Court noted the witness left the courtroom door crying and was being supported by the interpreter. Ms. Machnich noted the Defense concern was that the jurors saw her breakdown. Ms. Machnich requested to speak to the jurors individually. The marshall noted the jurors were spread all over and inquired of the jurors and two said they did not notice really what had occurred. Court noted an admonishment regarding anything that happens outside the courtroom should not be considered. Mr. Speed requested that the Court instruct the jurors as a group or individually noting that the Defense needed to know whether they observed the emotional breakdown and if that would impact the jury. Ms. Digiacoimo argued that would highlight and suggested the Court provide an admonishment that anything that happens outside the courtroom should not be considered. COURT NOTED this was not uncommon and there was not a guarantee it would not happen again; however, the Court would admonish that they were not to pay attention to anything outside the courtroom whether a witness or not. The Court would ask them if they could not be fair and impartial based on what they did or did not see. Mr. Speed advised the Defense would stand by their request to have the eight to twelve people brought in; however, would submit. INSIDE THE PRESENCE OF THE POTENTIAL JURY: Voir dire continued. OUTSIDE THE PRESENCE OF THE POTENTIAL JURY: Challenges for cause placed on the record. INSIDE THE PRESENCE OF SELECT POTENTIAL JURORS: Voir dire. OUTSIDE THE PRESENCE OF THE POTENTIAL JURY: Jury selected. CONTINUED TO: 06/10/19 11:00 AM;

06/18/2019



At Request of Court (1:30 PM) (Judicial Officer: Israel, Ronald J.)

06/18/2019, 06/21/2019

At Request of Court: Evidentiary Hearing

Matter Continued;

Hearing Set;

Journal Entry Details:

CASE SUMMARY**CASE NO. C-16-318461-1**

APPEARANCES CONTINUED: Deft. present in custody with the assistance of Spanish Interpreter Yule Haasman. **OUTSIDE THE PRESENCE OF THE JURY. COURT ADVISED,** it was able to contact all of the jurors to come in, staggering their time, and the foreperson will be brought in first. **FURTHER,** it had researched this matter and **ADVISED NRS 50.065** limited its inquiry. Mr. Speed argued that Marshal Moody be required to testify as to when the alleged incident occurred and when it was reported to the court. **COURT NOTED,** that was the reason the jury was here. Ms. DiGiacomo argued the Marshal's testimony was not necessary at this point unless the juror denied making the comment; noting she needed to know whether the foreperson researched "common sense" and whether that was conveyed to the other jurors. **COURT FURTHER ADVISED** as to what the jurors would be asked about. **FURTHER,** counsel could provide written briefs about using a dictionary and regarding what the foreperson said to the other jurors, if at all anything, whether the foreperson communicated with his fellow jurors; **NOTED** it would determine whether it was prejudicial. **OUTSIDE THE PRESENCE OF THE JURY / IN THE PRESENCE OF FOREPERSON / JUROR NO. 7 BADGE 050.** Sworn testimony by Juror no. 7 regarding googling the term "common sense", the timeframe in which the term was researched, the timeframe that the verdicts were reached on each count with respect to when the term was researched. **OUTSIDE THE PRESENCE OF THE JURY. COURT ADVISED,** the foreperson testified that it had happened and **NOTED** when the juror told the Court was outside the scope. Argument by Mr. Speed that the information about when the juror had notified the court, was important, as he may have had the opportunity to move for a mistrial. Colloquy regarding when counsel was notified of this matter and what had been conveyed to them. **COURT ADVISED** it happened after the jurors were leaving. Ms. DiGiacomo stated she did not think the rest of the jurors needed to stay her. Counsel concurred there was no need to recall Juror no. 7. Mr. Speed regarding questioning the officers of the court as he now knew there was juror misconduct. Sworn testimony by Marshal Moody regarding it being after the verdict was read and he was taking the jurors into the jury room; additionally, that he had conveyed that information to the Judge after the jurors were already walking out. Upon Courts' inquiry on whether counsel wanted to hear from the rest of the jurors, Mr. Speed stated he believed the record was clear and Ms. DiGiacomo so agreed. **COURT ORDERED,** the jurors are **ALLOWED TO LEAVE.** Upon Mr. Speeds request, **COURT FURTHER ORDERED** the timeframe to file a motion for a new trial **EXPANDED,** matter **SET** for argument, and the parties were notified of the following briefing schedule: Defendant's motion **DUE BY 7/8/19,** State's response **DUE BY 7/22/19,** Defendant's reply **DUE BY 8/2/19.** At the request of Ms. DiGiacomo, **COURT FURTHER ORDERED,** sentencing date **VACATED** and **RESET** for Status Check. **FURTHER ORDERED,** Deft. to **REMAIN IN CUSTODY. CUSTODY 8/7/19 - 9:00 AM - ARGUMENT: DEFENSE MOTION FOR NEW TRIAL ... STATUS CHECK: RESET SENTENCING DATE ;**

Matter Continued;

Hearing Set;

Journal Entry Details:

Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter Ricardo Pico for Deft. Court noted the Marshal has advised the Court, the foreperson stated he googled "common sense". Mr. Speed inquired of when did it occur, if during deliberations, if he shared it with the entire jury panel and if it was used for their verdict. State agreed. **COURT ORDERED,** Matter **SET** for a hearing. Court directed Counsel to research this issue. Mr. Speed requested the hearing within 7 days. Colloquy regarding bringing one juror or all and if a subpoena would be needed. Court Clerk called the Juror- Coleman and was unable to leave a message due to his voicemail being full. Court to reach out to the Juror to request his presence for Friday. **CUSTODY 06/21/19 10:00 AM AT THE REQUEST OF THE COURT: EVIDENTIARY HEARING CLERK'S NOTE:** Following court the Judicial Executive Assistant (JEA) was able to reach Mr. Coleman and he was willing to appear on Friday.;

08/07/2019 **Argument** (9:00 AM) (Judicial Officer: Israel, Ronald J.)

Argument: Defense Motion for New Trial

Denied;

08/07/2019 **Status Check** (9:00 AM) (Judicial Officer: Israel, Ronald J.)

Status Check: Reset Sentencing Date

Matter Heard;

08/07/2019 **Motion** (9:00 AM) (Judicial Officer: Israel, Ronald J.)

Defendant's Motion for a Judgment of Acquittal After a Verdict of Guilty, or in the Alternative, Motion for New Trial Based Upon Per Se Jury Misconduct

Denied;

CASE SUMMARY

CASE NO. C-16-318461-1

08/07/2019



All Pending Motions (9:00 AM) (Judicial Officer: Israel, Ronald J.)

Matter Heard;

Journal Entry Details:

ARGUMENT: DEFENSE MOTION FOR NEW TRIAL COURT ORDERED, motion DENIED. DEFENDANT'S MOTION FOR A JUDGEMENT OF ACQUITTAL AFTER A VERDICT OF GUILTY, OR IN THE ALTERNATIVE, MOTION FOR NEW TRIAL BASED UPON PER SE JURY MISCONDUCT Counsel submitted. COURT STATED its findings and ORDERED, motion DENIED. State to prepare the order and findings of fact and conclusions of law and submit to opposing counsel before final submission to the Court. State requested a copy of JAVS. COURT SO ORDERED. STATUS CHECK: RESET SENTENCING DATE COURT ORDERED, matter SET for sentencing. CUSTODY 9/25/19 9:00 AM SENTENCING;

09/18/2019

CANCELED Sentencing (9:00 AM) (Judicial Officer: Israel, Ronald J.)

Vacated - per Judge

09/25/2019



Sentencing (9:00 AM) (Judicial Officer: Israel, Ronald J.)

Defendant Sentenced;

Journal Entry Details:

Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter, Elissa Mendoza present for Deft. State noted the Pre-Sentence Investigation (PSI) Report recommended running counts consecutive. Argument by Mr. Speed. Pursuant to Verdict, DEFT GUNERA-PASTRANA ADJUDGED GUILTY of COUNTS 1 & 4- LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F) and COUNTS 2 & 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee and Restitution in the amounts of \$600.00 payable to Clark County Social Services and \$240.00 payable to Victims of Crime. (Total Restitution of \$840.00); Deft. SENTENCED to COUNT 1- LIFE with parole eligibility after serving a MINIMUM of TEN (10) YEARS, in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 2; and as to, COUNT 2 - LIFE with parole eligibility after serving a MINIMUM of THIRTY-FIVE (35) YEARS, in the Nevada Department of Corrections (NDC), and as to, COUNT 3 - LIFE with parole eligibility after serving a MINIMUM of THIRTY-FIVE (35) YEARS, in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 2; and as to, COUNT 4 - LIFE with parole eligibility after serving a MINIMUM of TEN (10) YEARS, in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 2; with 1,171 DAYS credit for time served. AGGREGATE TOTAL sentence is LIFE with parole eligibility after serving a MINIMUM of THIRTY-FIVE (35) YEARS. FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of imprisonment, probation or parole. In addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of the Mental Health and Development Services of the Department of Human Resources or his designee; the Director of the Department of Corrections or his designee; and a psychologist licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must certify that the Defendant does not represent a high risk to re-offend based on current accepted standards of assessment. ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from custody. Bond, if any, EXONERATED. NDC;

Steven D. Grierson

AJOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

GUSTAVO ADONAY GUNERA-PASTRANA
#2697473

Defendant.

CASE NO. C-16-318461-1

DEPT. NO. XXVIII

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 and 4 – LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony) in violation of NRS 201.230; and COUNT 2 and 3 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony) in violation of NRS 200.364, 200.366; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNTS 1 and 4 – LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony) in violation of NRS 201.230; and COUNT 2 and 3 – SEXUAL ASSAULT

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquitted
<input type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input checked="" type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

(B)

9/25/19

1 WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony) in violation of
2 NRS 200.364, 200.366; thereafter, on the 25th day of September, 2019, the Defendant was
3 present in Court for sentencing with counsel KEVIN SPEED, Deputy Public Defender, and
4 good cause appearing,
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6 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition
7 to the \$25.00 Administrative Assessment Fee, \$600.00 Restitution to Clark County Social
8 Services, \$240.00 to Victims of Crime and \$150.00 DNA Analysis Fee including testing to
9 determine genetic markers plus \$3.00 DNA Analysis Fee, the Defendant is sentenced to the
10 Nevada Department of Corrections (NDC) as follows: COUNT 1 – LIFE with parole eligibility
11 after serving a MINIMUM of TEN (10) YEARS, CONCURRENT with COUNT 2; COUNT 2
12 – LIFE with parole eligibility after serving a MINIMUM of THIRTY-FIVE (35) YEARS;
13 COUNT 3 – LIFE with parole eligibility after serving a MINIMUM of THIRTY-FIVE (35)
14 YEARS, CONCURRENT with COUNT 2; and COUNT 4 – LIFE with parole eligibility after
15 serving a MINIMUM of TEN (10) YEARS, CONCURRENT with COUNT 2; with ONE
16 THOUSAND ONE HUNDRED SEVENTY-ONE (1,171) DAYS credit for time served.
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19 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is
20 imposed to commence upon release from any term of imprisonment, probation or parole. In
21 addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of
22 the Mental Health and Development Services of the Department of Human Resources or his
23 designee; the Director of the Department of corrections or his designee; and a psychologist
24 licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must
25 certify that the Defendant does not represent a high risk to re-offend based on current accepted
26 standards of assessment.
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1 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
2 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from
3 custody.
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5 DATED this 26 day of September, 2019.

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8 RONALD J. ISRAEL
9 DISTRICT COURT JUDGE
10 C-16-318461-1
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 04, 2016

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

October 04, 2016 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Derjavina, Ekaterina Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for counsel's appearance.

CUSTODY (COC)

10/06/16 10:00 AM ARRAIGNMENT COURT (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 06, 2016

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

October 06, 2016 10:00 AM Arraignment Continued

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Bunnett, Matthew T. Attorney
 Gaston, Tyler Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Public Defender Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for Mr. Speed's presence.

CUSTODY (COC)

10/12/16 10:00 AM ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 2016**

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

October 12, 2016 9:00 AM Arraignment Continued

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

PRESENT:	Ferreira, Amy L.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft assisted by Spanish interpreter Alexandra Andrade.

Deft WAIVED a formal reading of the Information. DEFT. GUNERA-PASTRANA ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial on January 3, 2017. Mr. Speed noted he will not be in the jurisdiction that close to the holiday. Upon Court's inquiry, Deft objected to setting trial for January 30th. COURT ORDERED, January 3rd trial date STANDS.

CUSTODY (COC)

11-30-16	9:00 AM	STATUS CHECK: TRIAL READINESS
12-28-16	9:00 AM	CALENDAR CALL
1-3-17	1:00 PM	JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 21, 2016

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

December 21, 2016 9:00 AM Motion to Continue Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Demonte, Noreen C. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Speed, Kevin Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft assisted by Spanish interpreter Jeffrey Hanks.

Ms. Demonte advised the State has no opposition to continuing trial to any date other than February. Mr. Speed advised Deft has indicated that he will never waive his right to a speedy trial and will not agree to continuing trial to March 13; however, that is the best that can be done. Court inquired of Mr. Speed when, if earlier than March 13, he can be ready. Mr. Speed stated he will be ready later than that date. COURT ORDERED, given the invocation trial will NOT be moved further than the March 13, 2017 stack. Trial VACATED and RESET to March 13, 2017 understanding that Deft is MAINTAINING his right to a speedy trial.

CUSTODY

1-18-17 9:00 AM DEFENDANT'S MOTION FOR DISCOVERY

2-8-17 9:00 AM STATUS CHECK: TRIAL READINESS

3-8-17	9:00 AM	CALENDAR CALL
3-13-17	1:00 PM	JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 18, 2017

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

January 18, 2017 9:00 AM Motion for Discovery

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Ferreira, Amy L. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Public Defender Attorney
 Speed, Kevin Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant Gunera-Pastrana PRESENT in custody.

Mr. Speed listed the disc's requested from the Clark County School District. Ms. Ferreira argued there is no requirement under NRS 174 and the Brady law. Mr. Speed advised he would request the information, but requested the State issue a subpoena. COURT ORDERED, the Public Defender's Office to the subpoena. Mr Speed requested CPS's records. COURT ORDERED, records can be requested by way of subpoena. Further arguments by counsel.

COURT ORDERED, the following:

1. The complete Clark County School District student files for M.M. (DOB: 12/5/2002), these records are to include any and all disciplinary reports and records maintained at each individual elementary and middle school that J.B. has attended in the CCSD; DENIED, defendant may serve any necessary subpoenas upon the Clark County School District.

2. Any and all information from the Clark County Department of Family Services - CPS (Child Protective Services) Division including memoranda, reports, UNITY notes, pleadings, certificates, letters, e-mails, interview transcripts, specialists notes, voluntary statements (oral and written) concerning: M.M. , all information to be provided in un-redacted form to the Court for review in chambers and dissemination to the District Attorney and defense counsel; GRANTED, defendant may serve any necessary subpoenas upon the Department of Family Services - CPS
3. Any LVMPD records, photographs, investigative notes, all audio recordings, and video recordings for Event Number(s) 160712-1162; GRANTED.
4. Any and all records or information concerning financial benefits, fees, reimbursement for travel expenses and/or any payments for rent or other services provided to Meili Casillas-Ortiz or to M.M. by the Clark County District Attorney's office, the Clark County Victim Witness Advocacy Center, the Department of Family Services (CPS), or any other state or county governmental agency; GRANTED. The State also being directed to inquire with the family of the complaining witness concerning the receipt of any counseling services either provided by the District Attorney's Office, the Victim Witness Advocacy Center or any other assistance agency, counseling services received from providers referred by the District Attorney's office, the VWAC or any other assistance agency or private provider counseling services, and to disclose confirmation or denial of receipt of said services to the Defendant's counsel.
5. Evidence, to include any DNA analyses and/or medical reports, related to any medical or forensic examinations conducted on the person of the Defendant by LVMPD officers, detectives or staff, or by police department personnel at the Clark County Detention Center, and any SANE exam reports or other medical records created in the course of the investigation of the allegations in the instant case; GRANTED.
6. Recordings of any intercepted telephone communications (jail calls) between the Defendant and any party where Mr. Pastrana is speaking on telephones in the Clark County Detention Center; GRANTED.
7. Copies of any intercepted written communication alleged to have been made by Mr. Pastrana at any time during his incarceration at the Clark County Detention Center; GRANTED.
8. The Defendant asks that this Court execute Certificate(s) of Materiality for the purpose of obtaining documents that may exist and/or are held outside the Court's physical jurisdiction in discovery pursuant to NRS 174.425(1), Nevada's Uniform Act to Secure the Attendance of Witnesses From Without a State in Criminal Proceedings; DENIED.

Mr. Speed to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2017

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

January 23, 2017 9:00 AM Motion to Suppress

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Clemons, Jennifer M. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Public Defender Attorney
 Speed, Kevin Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant Gunera-Pastrana PRESENT in custody. Maria Gomez, Interpreter, also present.

Mr. Speed argued as to suppressing as there needs to something in the record indicating the defendant understood. Ms. Clemons suggested the matter be continued for the Court to review the transcripts. Mr. Speed suggested holding a Jackson v. Denno hearing. COURT ORDERED, Hearing SET.

CUSTODY

2/16/17 9:00 AM JACKSON V. DENNO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 08, 2017

C-16-318461-1 State of Nevada
vs
Gustavo Gunera-Pastrana

February 08, 2017 9:00 AM Status Check: Trial Readiness

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gunera-Pastrana, Gustavo Adonay	Defendant
	Jobe, Michelle Y.	Attorney
	Public Defender	Attorney
	Speed, Kevin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant Gunera-Pastrana PRESENT in custody. Interpreter, Carlos Calvo also present.

Mr. Speed advised as of now the trial date can stand, but could change after the hearing next week.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 15, 2017

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

February 15, 2017 4:00 PM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Please be advised due to the Court's schedule, COURT ORDERS, the Calendar Call
RESCHEDULED from Wednesday, 3/8/17 to Wednesday, 3/1/17 for the 3/13/17 trial.

RESCHEDULED TO: 3/1/17 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Jeff Banks, Esq.
(banksjm@clarkcountynv.gov). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2017

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

February 23, 2017 1:30 PM Jackson v Denno Hearing

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Clemons, Jennifer M. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Public Defender Attorney
 Speed, Kevin Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Speed advised the purpose of the hearing is to find out if the defendant understood the admonition. Court inquired if the defendant's statements would be used during trial. Ms. Clemens advised this was Ms. Ferreira's case; do not believe there where any statements made, do not want to hinder Ms. Ferreira at trial if there are. Mr. Speed advised he like the interpreter who was at he interview to come in and see if the defendant recognizes her.

Maria Jimenez sworn & testified;
Detective Denise Huth sworn and testified; and
Lawrence Samples sworn and testified.

Mr. Speed argued any statements must be suppressed as there is no way to know the defendant knew he was entitled to counsel, whether defendant understood his rights, and argued the defendant's will was overborne. Ms. Clemens argued as to the length of the interview. The defendant was offered water and was not threatened. Statements by the Court as to miranda, volunteer test, and

how long defendant was in custody before the interview. Ms. Clemens advised the Court she had found the CAD report and provided Mr. Speed with a copy of it. The date on the report is 7/12/2016 when the call came in and they take the defendant into custody at 11:13 am. The Court is satisfied there is no factor that would have a real impact on the Court's decision. Court inquired if the CAD report needed to be made part of the record. Mr. Speed advised he has information and belief that his client was arrested on the 11th of July and was held in custody for well over 12 hrs if the interview occurred at 3:00 in the afternoon. If the Court is satisfied with the representations that are contained in the report he will be too. Court STATED it would make a difference in making a totality test if the State can show the defendant was not arrested before the interview. If the State can show what they have represented so far is correct the Court would find for a totality of circumstances it was a voluntary statement. At this point the Court does not find the defendant's will was overborne and he maintained his innocence. Further arguments by counsel. Mr. Speed requested the State inquire if there was any body cams. Court directed the State to inquire. Ms. Clemens advised if there is body cam footage she can provide a link to defense counsel; metro will not turn over hard copy of the footage, as that is their policy. Mr. Speed moved for an Order directing the Metro Police Department to turn over any body cam footage from this arrest and he would not limit it to this particular event number, but from this arrest to the Court. COURT ORDERED, the footage to be turned over to this Court. Mr. Speed advised he would have in Order to Chambers by Monday, February 27, 2017. Mr. Speed requested a CD of the JAVS recording.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 01, 2017

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

March 01, 2017 9:00 AM Calendar Call

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Ferreira, Amy L. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Public Defender Attorney
 Speed, Kevin Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant Gunera-Pastrana PRESENT in custody.

Mr. Speed advised an offer has been made and rejected. Mr. Speed further advised there are still pending issues and he hesitates to say ready for trial. Statements by Mr. Speed regarding the body cam and an order being submitted. Mr. Speed advised two weeks for trial. COURT ORDERED, Trial date VACATED and RESET.

CUSTODY

5/31/17 9:00 AM CALENDAR CALL

6/5/17 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 31, 2017

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

May 31, 2017 9:00 AM Calendar Call

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker
 Cassidy Wagner

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Gunera-Pastrana, Gustavo Adonay Defendant
 Jobe, Michelle Y. Attorney
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant Gunera-Pastrana, PRESENT in Custody.

Ms. Speed advised he was still waiting on outstanding discovery and requested a continuance. Statements by Defendant. COURT ORDERED, trial dates VACATED and RESET.

CUSTODY

01/17/18 9:00 A.M. CALENDAR CALL

01/22/18 1:30 P.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 08, 2018**

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

January 08, 2018 9:00 AM Motion in Limine

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Ferreira, Amy L.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Public Defender	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant Gunera-Pastrana PRESENT, IN CUSTODY.

Ms. Ferreira advised no objection the Motion in Limine for an Order Excluding Impermissible Evidence, but if the door is opened the State will go there. Mr. Speed advised the defendant will be going into witness immigration status. Mr. Speed inquired if the Court had reviewed the records received from CPS. Court STATED it will notify counsel if the records have been received. Court advised the trial will have to be continued. Defendant advised he has paperwork for the Court. Ms. Ferreira objected to any ex parte review of the records. Defendant further stated he is having issues with counsel. Court ADMONISHED defendant to cooperate with his counsel. Mr. Speed advised the defendant has expressed his issues with and defendant is capable of representing himself. Court further ADMONISHED the defendant to confer with his counsel. Defendant STATED he refuses to give his paperwork to his counsel. COURT ORDERED, Trial date VACATED and Matter SET for Status Check.

CUSTODY

1/17/18 9:00 AM STATUS CHECK: RESETTING OF TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 17, 2018**

C-16-318461-1 State of Nevada
vs
Gustavo Gunera-Pastrana

**January 17, 2018 9:00 AM Status Check: Reset Trial
Date**

HEARD BY: Cory, Kenneth**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Michele Tucker**RECORDER:** Lisa Lizotte**REPORTER:****PARTIES**

PRESENT:	Ferreira, Amy L.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Public Defender	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant Gunera-Pastrana PRESENT, IN CUSTODY.

Mr. Speed advised the defendant has WAIVED his right to a speedy trial and would take two weeks. Mr. Speed further advised the defendant refuses to share his paperwork with counsel and only wants to turn it over to the Court. Statements by the Defendant. Court ADMONISHED the defendant to provide his counsel with the paperwork and further STATED the Court would not be reviewing the papers. COURT ORDERED, Trial Date SET.

CUSTODY

1/22/18 9:00 AM STATUS CHECK: FAMILY COURT RECORDS

12/12/18 8:45 AM CALENDAR CALL

1/7/19 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 22, 2018

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

January 22, 2018 9:00 AM Status Check

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Gunera-Pastrana, Gustavo Adonay Defendant
 Public Defender Attorney
 Schwartz, Bryan A. Attorney
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant Gunera-Pastrana PRESENT, IN CUSTODY. Interpreter Ximena Fiene, also present.

Deputy District Attorney Bryan Schwartz advised he would stand in for Ms. Ferreira if there is nothing to be argued. Court gave summary of previous hearings. Court advised it had received and reviewed the documents from CPS and the Court will turn over the entire file which includes a CD of the hearings; a copy for the State and defense will be ready for pickup tomorrow. The Court has marked the pages it feels are material.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 02, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

January 02, 2019 9:00 AM Calendar Call

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter, Ricardo Pico, present. Mr. Speed stated he was preparing to announce ready, However he was surprised with the Motion to Quash Subpoena filed and set for 01/23/19. State announced ready and stated there is information in the reports the mother is seeking a new visa and is a witness and a victim in this case. Colloquy regarding testimony, investigation of seeking a new visa and the immigration home foundation. COURT ORDERED, Trial VACATED and RESET. Upon Mr. Speeds inquiry, Court noted Counsel should respond to the Motion to Quash. Motion to Quash, stands.

CUSTODY

03/11/19 9:00 AM CALENDAR CALL

03/18/19 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2019

C-16-318461-1 State of Nevada
vs
Gustavo Gunera-Pastrana

January 23, 2019 9:00 AM Motion to Quash Motion to Quash
Subpoena Criminal
Duces Tecum

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Craggs, Genevieve C.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Pereira, Kathia I.	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter, Jeff Hanks for Deft. Also present Kathia Pereira, Esq. appearing on behalf of the Immigrant Home Foundation. Ms. Pereira requested the Court refer to her Amended Motion as a Reply. Arguments by Counsel. Mr. Speed noted the subpoena granted by Judge Cory, to request the information from the Immigrant Home Foundation regarding the witness applying for a U-Visa. Stated noted they did not have that information from the immigrant Home Foundation. Further arguments. Colloquy regarding taking a deposition and discovery. Counsel noted depositions within a criminal case would require Court approval. Court noted counsel may only ask if she is filing with the Immigration Foundation for a U-Visa. Ms. Pereira explained the U-Visa is for victims of crime. State referred to NRS 174.175. Court suggested an affidavit of the witness, only stating she applied for the U-Visa, be provided to counsel. Ms. Pereira agreed. Court directed Ms. Pereira provide counsel an affidavit, within two weeks, only stating if she applied for the U-Visa and all other information is irrelevant. COURT ORDERED,

Motion to Quash Subpoena Criminal Duces Tecum, DENIED IN PART, Under the condition they provide the affidavit, then the Motion is GRANTED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

March 11, 2019 9:00 AM Calendar Call

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Craggs, Genevieve C. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish interpreter, Irma Sanchez present for Deft. Mr. Speed noted he had a death in his family and would be leaving out-of-town. Court gave its condolences to Mr. Speed. State had no objection to continue the trial. Colloquy regarding scheduling issues and the age of the case. COURT ORDERED, Trial VACATED and RESET.

CUSTODY

05/29/19 9:00 AM CALENDAR CALL

06/03/19 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 29, 2019**

C-16-318461-1 State of Nevada
vs
Gustavo Gunera-Pastrana

May 29, 2019**9:00 AM****All Pending Motions****All Pending Motions
(05/29/19)****HEARD BY:** Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Thomas**RECORDER:** Trisha Garcia**REPORTER:****PARTIES**

PRESENT:	Digiacombo, Sandra K.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE TO EXCLUDE IMPERMISSIBLE EVIDENCE OF PRIOR INCIDENTS WHERE THE DEFENDANT PLEADED NOLO CONTENDERE: Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter, Soledad Garcia present for Deft. Arguments by Counsel regarding the Motion to exclude the prior incidents of domestic violence. Colloquy regarding the possible testimony at trial, avoiding opening the door to bring domestic violence in and the application and eligibility of the mothers pending U-Visa. Court suggested they hold a hearing outside the presence of the jury and further noted Court's preliminary ruling to deny the motion. Mr. Speed noted the victim is the child not the mother. Conference at the bench. State noted they would have a video testimony of the doctor. Court directed Mr. Speed to prepare the order.

CALENDAR CALL: Counsel and State announced ready, estimated 6 to 7 trial days with 10 to 18 witnesses. COURT ORDERED, Trial Date SET.

CUSTODY

PRINT DATE: 10/17/2019

Page 26 of 57

Minutes Date: October 04, 2016

06/04/19 10:30 AM JURY TRIAL (7 TRIAL DAYS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 04, 2019**

C-16-318461-1 State of Nevada
vs
Gustavo Gunera-Pastrana

June 04, 2019**10:30 AM****Jury Trial****HEARD BY:** Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Thomas**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

PRESENT:	Digiacomio, Sandra K.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Machnich, Tegan	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters; Yul Hassmann and Soledad Garcia for the Deft.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: State noted there were no negotiations pending, the last offer that was pending was for child abuse with substantial bodily harm (8 to 20 years), Deft. rejected. Mr. Speed noted the last offer was with Deputy Ferreira (3 to 9 years) and it was rejected. State agreed and noted that offer was in December. Mr. Speed noted there was no offer as of today. Upon Court's inquiry, Mr. Speed noted he was not able to discuss with the Deft. the potential sentence, because an interpreter was not available at that facility. Court trailed matter for Counsel to speak with the Deft. with the interpreter present.

Later recalled: Upon Court's inquiry, Mr. Speed noted he discussed the charges facing his client and they were ready to proceed with trial. Counsel estimated 8 trial days and agreed to having 3 alternates and the alternate peremptory challenges could be from any seat. Colloquy regarding the

trial scheduling issues. Court noted only one counsel each side may question the jury panel. Court directed Counsel to submit the proposed jury instructions by Thursday (agreed & not-agreed sets). Mr. Speed requested an issue be addressed out-side the presence of the State.

SEALED CONFERENCE: Out-side the presence of the State. Counsel noted a question of law regarding Family Court and effect of child custody issues. Colloquy. Court noted it could not change anything in Family Court, other then, if Deft. was convicted it could affect the custody issue. COURT ORDERED, Conference SEALED.

State present. Counsel received the jury list prior to the jury appearing and Ms. Machnich challenged the jury panel as to bias. Arguments by Counsel. Court noted the Jury Commissioner complied, the jury selection is random and being unable to obtain a statistical cross section, Court further finds based on prior testimony of the Jury Commissioner stating they draw from a population of a cross section that does not discriminate in any way. COURT ORDERED, Deft's Oral Motion for a new jury panel, DENIED. State's Receipt of Copy for Discovery Provided, FILED IN OPEN COURT.

JURY PRESENT: Voir Dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Colloquy regarding Juror #123 and questioning of an incident that the juror explained regarding a State's witness. Counsel requested the Brady disclosures. State noted there was a Brady investigation and there was no record of an incident. State objected to turning over their Brady investigation and noted the State will not be calling that witness, this now would be irrelevant. State further noted they found juror #123 was fired from the Police Department. COURT, stated findings, noting the Officer would not be testifying and ORDERED, Deft's Oral request for documents, DENIED.

Evening recess.

CUSTODY

06/05/19 11:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

June 05, 2019

11:00 AM

Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Michaela Tapia

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Digiacomio, Sandra K.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Machnich, Tegan	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF POTENTIAL JURY. State requested the Court either admonish the jury panel regarding Juror #123's statements about one of the witnesses, or order a new panel. Argument by the State. Argument by counsel. Colloquy. POTENTIAL JURY PRESENT. Court thanked the panel for appearing, explained there had been improper statements yesterday and excused the jury panel. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Ms. Digiacomio requested the Court inquire the jury panel regarding children during Voir Dire. Counsel made no objection. Ms. Machnich advised having read the new potential jury panel information, none had identified as Hispanic or Latino and requested the Jury Commissioner testify as to the lack of diversity of the panel. COURT ORDERED, request DENIED. POTENTIAL JURY PRESENT. Voir Dire Oath given. Voir Dire began. CONFERENCE AT BENCH. Voir Dire continued. CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Juror #026 present for private Voir Dire.

C-16-318461-1

CUSTODY

CONTINUED TO: 6/6/19 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 06, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

June 06, 2019

9:30 AM

Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Machnich, Tegan Attorney
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff
 Sudano, Michelle L. Attorney

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters: Jeff Hanks, Rafael Leal, Yul Haasmann, Mariella Lopez, Ximena Fiena and Ricardo Pico for the Deft.

PROSPECTIVE JURY PANEL PRESENT: Counsel acknowledged the presence of the jury. Voir Dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Colloquy regarding scheduling issues. Court excused the late arrival of juror 059.

PROSPECTIVE JURY PANEL PRESENT: Counsel acknowledged the presence of the jury. Voir Dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Court Interpreter, questioned regarding

interpreters speaking of a case in the elevator. juror #086 was questioned. Counsel agreed the juror #086 could remain on the panel.

PROSPECTIVE JURY PANEL PRESENT: Counsel acknowledged the presence of the jury. Voir Dire continued. State passed the panel for cause. Defense Voir Dire.

PROSPECTIVE JURY PANEL PRESENT: State moved for a challenge for cause and Mr. Speed objected noting the State already passed the panel. COURT ORDERED, State's challenge for cause, DENIED. Colloquy regarding the Defense challenges for cause and scheduling issues.

Evening recess.

CUSTODY

06/07/19 9:00 AM DEFENDANT'S MOTION IN LIMINE

06/07/19 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 07, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

June 07, 2019 9:00 AM All Pending Motions

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Natalie Ortega

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Machnich, Tegan Attorney
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff
 Sudano, Michelle L. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE TO EXCLUDE IMPERMISSIBLE EVIDENCE OF PRIOR INCIDENTS WHERE THE DEFENDANT PLEADED NOLO CONTENDERE...JURY TRIAL

As to Defendant's Motion in Limine to Exclude Impermissible Evidence of Prior Incidents where the Defendant Pleaded NOLO Contendere:

Spanish Interpreter present Ximena Chica present assisting witness Meili Casillas. Spanish Interpreters Mariella Lopez, Mario Torres, and Soledad Garcia also present assisting Defendant.

OUTSIDE THE PRESENCE OF THE POTENTIAL JURY: Court indicated it would excuse juror number 086 due to financial hardship. Mr. Speed requested to excuse juror 068 noting due to his statement he could not be fair and impartial. No opposition by State. Meili Casillas SWORN and TESTIFIED. CONFERENCE AT BENCH. COURT NOTED the issue was not whether or not she was

applying for a visa, it was because the Defense wanted to preclude the testimony as related to the domestic violence in total and to preclude her from saying anything as to the domestic violence as grounds for filing. Mr. Speed indicated that was correct. Arguments by counsel regarding the merits of Defendant's Motion in Limine to Exclude Impermissible Evidence of Prior Incidents where the Defendant Pleaded NOLO Contendere. COURT FINDS the law was clear as to prior bad acts, convictions, and NOLO. This Court had difficulty with impeaching this witness based upon her filing for a U Visa. This Court would not prevent the witness from telling the truth that her application was not just based on the sexual allegations, but her statement, that it was based on domestic violence noting that she did not go into the details. The Court would not allow her to talk about the conviction. To preclude her from explaining that there was not just one cause or grounds, but they were both done simultaneously and together was equal to manufacturing evidence. It was not the reality and not the factual basis of her application. It excluded her basis and in fact was not obligated to use that to impeach her. The Court would not preclude or require the State to instruct her. COURT FINDS she could say she was a victim of domestic violence if that was the basis for the application. It not a necessity to say what exactly occurred, but there was domestic violence by the Defendant. That was the basis along with the sexual allegations, that was the basis and application for the U-visa, therefore, COURT ORDERED, motion DENIED to preclude her from testifying other than how the Court explained it. Mr. Speed advised he would prepare the Order.

Colloquy regarding the emotional display by witness Casillas. Court noted the witness left the courtroom door crying and was being supported by the interpreter. Ms. Machnich noted the Defense concern was that the jurors saw her breakdown. Ms. Machnich requested to speak to the jurors individually. The marshall noted the jurors were spread all over and inquired of the jurors and two said they did not notice really what had occurred. Court noted an admonishment regarding anything that happens outside the courtroom should not be considered. Mr. Speed requested that the Court instruct the jurors as a group or individually noting that the Defense needed to know whether they observed the emotional breakdown and if that would impact the jury. Ms. Digiacomo argued that would highlight and suggested the Court provide an admonishment that anything that happens outside the courtroom should not be considered. COURT NOTED this was not uncommon and there was not a guarantee it would not happen again; however, the Court would admonish that they were not to pay attention to anything outside the courtroom whether a witness or not. The Court would ask them if they could not be fair and impartial based on what they did or did not see. Mr. Speed advised the Defense would stand by their request to have the eight to twelve people brought it; however, would submit.

INSIDE THE PRESENCE OF THE POTENTIAL JURY: Voir dire continued.

OUTSIDE THE PRESENCE OF THE POTENTIAL JURY: Challenges for cause placed on the record.

INSIDE THE PRESENCE OF SELECT POTENTIAL JURORS: Voir dire.

OUTSIDE THE PRESENCE OF THE POTENTIAL JURY: Jury selected.

CONTINUED TO: 06/10/19 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 10, 2019

C-16-318461-1 State of Nevada
vs
Gustavo Gunera-Pastrana

June 10, 2019 11:00 AM Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Digiacoimo, Sandra K.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Machnich, Tegan	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters for Deft.: Soldad Garcia, Rapheal Leal, Maria Peters.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Colloquy regarding juror #272 bringing his four children to the courthouse today. Counsel agreed to use their Third Alternate Peremptory Challenge. Counsel confirmed the Peremptory Challenges.

SEALED HEARING: Out-side the presence of the State. Counsel noted concern of the Opening Statements, opening the door. Counsel explained the State was not allowed to bring in the domestic violence and prior convictions related to the mother and/or children. Court noted it could not imagine what the State will say and noted they would need to wait. COURT ORDERED, Hearing SEALED.

State present. Upon Court's inquiry, State provided the limited instruction, agreed by Counsel.

PROSPECTIVE JURY PANEL PRESENT: Clerk took the roll of the prospective jury. Jury and 3 secret alternates selected and sworn. Jury List FILED IN OPEN COURT. Clerk read the Information to the jury and stated the Defendant's plea thereto. Opening statements by Counsel. Exclusionary Rule. Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Counsel noted the victim understands and speaks English, However during her testimony they will have a stand-by interpreter for her.

JURY PRESENT: Counsel acknowledged the presence of the jury. Further testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Mr. Speed moved for dismissal and noted on break the victim was sent to the back room and the State went in with the victim. State noted they did not talk about testimony only comforting the victim. Arguments by Counsel. COURT ORDERED, Deft's Motion to Dismiss, DENIED.

JURY PRESENT: Counsel acknowledged the presence of the jury. Further testimony of the victim presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: State objected to Counsel reading from the transcript for impeachment of the victim. Arguments by Counsel. Court noted under NRS 50.135 regarding bring the witness in and will allow the Deft's cross. State noted if they are bringing this in, they should be able to read the entire document. Colloquy regarding cited cases. Court noted the transcript would not come into evidence, However the State may be allowed to rehabilitate and introduce the statement and read the transcript However it will not be admitted to go to the jury. At the request of Ms. Machnich, Court reminded the victim not to talk about her testimony.

Evening recess.

CUSTODY

06/11/19 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 11, 2019

C-16-318461-1	State of Nevada
	vs
	Gustavo Gunera-Pastrana

June 11, 2019

10:30 AM

Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Andrea Natali

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Digiacomio, Sandra K.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Machnich, Tegan	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Deft. present in custody with the assistance of Spanish Interpreters Alicia Herrera.

OUTSIDE THE PRESENCE OF THE JURY.

Colloquy regarding the trial potentially lasting longer than what was originally conveyed to the jury, what to advise the jury of, and whether to inquire if any Jurors would not be available next week. Further colloquy regarding the trial schedule. Ms. Sudano requested a continuing objection be imposed with respect to improper statements and the manner the defense is attempting to impeach the witness. COURT NOTED, the witness was asked, it didn't think it was read verbatim, and under the Lobato case they were allowed to impeach the witness and ADVISED that was it's decision. Argument by Ms. Sudano regarding the Lobato case. COURT FURTHER ADVISED, this wasn't the same issue. Further argument by Ms. Sudano that she gets to bring those statements in. COURT ADVISED, it had indicated they would be able to read it.

IN THE PRESENCE OF THE JURY.

COURT ADVISED, the trial may run through Monday. Testimony and Exhibits presented (see worksheets). CONFERENCES AT THE BENCH. Testimony and Exhibit presentation continued.

OUTSIDE THE PRESENCE OF THE JURY.

COURT NOTED, the interpreter was here to interpret the questions for the witness.

OUTSIDE THE PRESENCE OF THE JURY & WITNESS.

Colloquy regarding the family court case related to custody, and the transcript related to the CD of the proceedings. COURT ADVISED they had the right to check the authenticity of the transcripts; therefore, it was providing time to review the CD and check the transcript. Matter TRAILED.

Matter RECALLED, same parties present as before. Ms. DiGiacomo stated there were numerous files on the disk that she received from the defense and they did have the opportunity to review the disk; argued she had concerns with the transcript as there were substantial errors and typos; however, she was fine moving forward. Ms. Machnich stated she was ready to proceed. COURT ADVISED the authenticity of the transcript should be done as it is here, where the transcript is the official record. Argument by Ms. DiGiacomo regarding if the defense reads something from the transcript that was different from the video. Ms. Sudano stated she would be seeking to admit some of the things on the video.

IN THE PRESENCE OF THE JURY.

Testimony and Exhibit presentation continued. CONFERENCE AT THE BENCH. Testimony and Exhibit presentation continued.

OUTSIDE THE PRESENCE OF THE JURY.

Mr. Speed stated earlier this morning he observed Juror no. 1 was speaking with the disabled person who was observing court; therefore, stated an additional admonishment may be needed; noted he did not hear the conversation. COURT ADVISED it had admonished the jury numerous times already and it didn't think it needed to inquire what they were talking about.

IN THE PRESENCE OF THE JURY.

Testimony and Exhibit presentation continued. CONFERENCES AT THE BENCH. Testimony and Exhibit presentation continued. COURT ADMONISHED the Jury and DIRECTED the jury to return tomorrow at the given time. COURT ORDERED, matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY.

Ms. DiGiacomo argued that she intended on introducing the transcripts of the preliminary hearing and family court CPS hearings; noted the transcripts had been redacted and copies were provided to the defense; argued it was admissible and was not hearsay. COURT ADVISED, this matter will be discussed tomorrow morning. Mr. Speed reserved the right to present his objections tomorrow.

Evening Recess.

6/12/19 - 8:30 AM - JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 12, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

June 12, 2019

8:30 AM

Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Phyllis Irby

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Machnich, Tegan Attorney
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff
 Sudano, Michelle L. Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. The State has an AMENDED INFORMATION that they would like to admit COUNTS 2, 3 & 4.

Defense counsel objects to the late admittance of the AMENDED INFORMATION. The Court stated it will allow the AMENDED INFORMATION TO BE ADMITTED.

The State requested to admit the transcript and redacted video from FAMILY COURT. The Defense counsel objects to the video being admitted.

The Court will allow the State to bring in consistent statements. The Court WILL NOT ALLOW the transcript to go back with the jury. Both sides agreed that the transcript with redactions can be admitted as Court's exhibits.

JURY PRESENT. Testimony and exhibits presented (see worksheets)

OUTSIDE THE PRESENCE OF THE JURY. The Court gives Deft his rights to testify.

JURY PRESENT. Testimony and exhibits presented (see worksheets).

CONFERENCE AT THE BENCH

OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel regarding the HEARSAY RULE.,

JURY PRESENT. Testimony and exhibits presented (see worksheets).

COURT ORDERED, TRIAL CONTINUED. The Court recessed the Jury for the evening.

CUSTODY

6-13-19 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 13, 2019**

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

June 13, 2019**9:00 AM****Jury Trial****HEARD BY:** Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Thomas
 Alice Jacobson

RECORDER: Judy Chappell**REPORTER:****PARTIES**

PRESENT:	Digiacomo, Sandra K.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Machnich, Tegan	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Kathy Thomas, Court Clerk Present. Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters for the Deft.; Soledad Garcia & Elissa Mendoza. State noted they had provided the Court and counsel a copy of their proposed jury instructions with sites. Ms. Machnich stated they would have their proposed jury instructions later today after the State rests.

JURY PRESENT: Parties acknowledge the presence of the jury. Testimony and exhibits presented. (See worksheets). State read the CPS Hearing Transcript.

Alice Jacobson, Court Clerk (Present from 10:45 AM- Noon). Further testimony, CPS video played and exhibits presented. (See worksheets). Amended Information, filed 06/12/19, read by the Clerk of the Court.

Kathy Thomas, Court Clerk (Present from 1:00 PM to 5:00 PM).

OUTSIDE THE PRESENCE OF THE JURY: Ms. Machnich noted the Defense will not be calling the Deft. and will rest. Upon Court's inquiry, Defendant confirmed he understood his right not to testify and had discussed the issues with his counsel.

JURY PRESENT: Defendant Rested. Jury to return tomorrow at 9:00 AM for instructions and closing arguments.

OUTSIDE THE PRESENCE OF THE JURY: Oral arguments regarding proposed jury instructions and verdict forms. Court signed instructions and verdict proposed and not signed and FILED IN OPEN COURT. Counsel to complete the changes of the instructions and return tomorrow at 8:30 AM to finalize the jury instructions.

Evening recess.

06/14/19 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 14, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

June 14, 2019

9:00 AM

Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Machnich, Tegan Attorney
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff
 Sudano, Michelle L. Attorney

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters: Maria Peters & Elissa Mendoza for Deft.

OUTSIDE THE PRESENCE OF THE JURY: Instructions settled.

JURY PRESENT: Court instructed the jury. Closing arguments.

Marshal and Judicial Executive Assistant sworn and given charge of the jury. Court Thanked and released the 3 secret alternate jurors. Amended Jury List FILED IN OPEN COURT.

At the hour of 12:21 PM the jury retired to deliberate.

OUTSIDE THE PRESENCE OF THE JURY: Jury Question discussed regarding a playback of the CPS.

Court will recess the jury to return Monday to watch the playback and continue deliberations.

Weekend recess.

CUSTODY

06/17/19 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 17, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

June 17, 2019

10:30 AM

Jury Trial

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Digiacomio, Sandra K.	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	Machnich, Tegan	Attorney
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreters for the Deft.: Yul Haasmann, Mariella Lopez and Ricardo Pico.

OUTSIDE THE PRESENCE OF THE JURY: Court noted they will be able to show the playback of the State playing the CPS video hearing. Counsel agreed.

JURY PRESENT: Counsel acknowledged the presence of the jury. Court advised the Jury, they had received the jury request to playback the trial where the video of the CPS hearing was shown. Playback was conducted. Jury returned to deliberations.

OUTSIDE THE PRESENCE OF THE JURY: Court received another note from the Jury. Upon Court's inquiry, Counsel agreed to answer the question; "continue deliberating". Jury note and answer returned to the jury.

At the hour of 5:05 P.M. Verdict returned;

COUNT 1 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14

COUNT 2 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

COUNT 3 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

COUNT 4 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14

Jury polled.

Court Thanked and excused the Jury. Jury Instructions and Verdict Form, FILED IN OPEN COURT.

COURT ORDERED, Deft REMANED into custody and matter SET for sentencing and referred to Parole and Probation (P & P) for and Pre-Sentence Investigation (PSI) Report and Psychosexual Evaluation.

CUSTODY

09/18/19 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 18, 2019**

C-16-318461-1 State of Nevada
vs
Gustavo Gunera-Pastrana

June 18, 2019**1:30 PM****At Request of Court****HEARD BY:** Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Kathy Thomas**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

PRESENT:	Digiacombo, Sandra K.	Attorney
	Gaston, Tyler	Attorney
	Gunera-Pastrana, Gustavo Adonay	Defendant
	SPEED, KEVIN	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter Ricardo Pico for Deft. Court noted the Marshal has advised the Court, the foreperson stated he googled "common sense". Mr. Speed inquired of when did it occur, if during deliberations, if he shared it with the entire jury panel and if it was used for their verdict. State agreed. COURT ORDERED, Matter SET for a hearing. Court directed Counsel to research this issue. Mr. Speed requested the hearing within 7 days. Colloquy regarding bringing one juror or all and if a subpoena would be needed. Court Clerk called the Juror-Coleman and was unable to leave a message due to his voicemail being full. Court to reach out to the Juror to request his presence for Friday.

CUSTODY

06/21/19 10:00 AM AT THE REQUEST OF THE COURT: EVIDENTIARY HEARING

CLERK'S NOTE: Following court the Judicial Executive Assistant (JEA) was able to reach Mr. Coleman and he was willing to appear on Friday.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 21, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

June 21, 2019 10:00 AM At Request of Court

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Andrea Natali

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 Machnich, Tegan Attorney
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Deft. present in custody with the assistance of Spanish Interpreter Yule Haasman.

OUTSIDE THE PRESENCE OF THE JURY.

COURT ADVISED, it was able to contact all of the jurors to come in, staggering their time, and the foreperson will be brought in first. FURTHER, it had researched this matter and ADVISED NRS 50.065 limited its inquiry. Mr. Speed argued that Marshal Moody be required to testify as to when the alleged incident occurred and when it was reported to the court. COURT NOTED, that was the reason the jury was here. Ms. DiGiacomo argued the Marshal's testimony was not necessary at this point unless the juror denied making the comment; noting she needed to know whether the foreperson researched "common sense" and whether that was conveyed to the other jurors. COURT FURTHER ADVISED as to what the jurors would be asked about. FURTHER, counsel could provide written briefs about using a dictionary and regarding what the foreperson said to the other jurors, if at all anything, whether the foreperson communicated with his fellow jurors; NOTED it would

determine whether it was prejudicial.

OUTSIDE THE PRESENCE OF THE JURY / IN THE PRESENCE OF FOREPERSON / JUROR NO. 7
BADGE 050.

Sworn testimony by Juror no. 7 regarding googling the term "common sense", the timeframe in which the term was researched, the timeframe that the verdicts were reached on each count with respect to when the term was researched.

OUTSIDE THE PRESENCE OF THE JURY.

COURT ADVISED, the foreperson testified that it had happened and NOTED when the juror told the Court was outside the scope. Argument by Mr. Speed that the information about when the juror had notified the court, was important, as he may have had the opportunity to move for a mistrial. Colloquy regarding when counsel was notified of this matter and what had been conveyed to them. COURT ADVISED it happened after the jurors were leaving. Ms. DiGiacomo stated she did not think the rest of the jurors needed to stay her. Counsel concurred there was no need to recall Juror no. 7. Mr. Speed regarding questioning the officers of the court as he now knew there was juror misconduct. Sworn testimony by Marshal Moody regarding it being after the verdict was read and he was taking the jurors into the jury room; additionally, that he had conveyed that information to the Judge after the jurors were already walking out. Upon Courts' inquiry on whether counsel wanted to hear from the rest of the jurors, Mr. Speed stated he believed the record was clear and Ms. DiGiacomo so agreed. COURT ORDERED, the jurors are ALLOWED TO LEAVE. Upon Mr. Speeds request, COURT FURTHER ORDERED the timeframe to file a motion for a new trial EXPANDED, matter SET for argument, and the parties were notified of the following briefing schedule:
Defendant's motion DUE BY 7/8/19,
State's response DUE BY 7/22/19,
Defendant's reply DUE BY 8/2/19.

At the request of Ms. DiGiacomo, COURT FURTHER ORDERED, sentencing date VACATED and RESET for Status Check. FURTHER ORDERED, Deft. to REMAIN IN CUSTODY.

CUSTODY

8/7/19 - 9:00 AM - ARGUMENT: DEFENSE MOTION FOR NEW TRIAL ... STATUS CHECK: RESET
SENTENCING DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 07, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

August 07, 2019 9:00 AM All Pending Motions

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Athena Trujillo

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Gunera-Pastrana, Gustavo Adonay Defendant
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff
 Sudano, Michelle L. Attorney

JOURNAL ENTRIES

- ARGUMENT: DEFENSE MOTION FOR NEW TRIAL
COURT ORDERED, motion DENIED.

DEFENDANT'S MOTION FOR A JUDGEMENT OF ACQUITTAL AFTER A VERDICT OF GUILTY,
OR IN THE ALTERNATIVE, MOTION FOR NEW TRIAL BASED UPON PER SE JURY
MISCONDUCT

Counsel submitted. COURT STATED its findings and ORDERED, motion DENIED. State to prepare
the order and findings of fact and conclusions of law and submit to opposing counsel before final
submission to the Court. State requested a copy of JAVS. COURT SO ORDERED.

STATUS CHECK: RESET SENTENCING DATE
COURT ORDERED, matter SET for sentencing.

CUSTODY

9/25/19 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 25, 2019

C-16-318461-1 State of Nevada
 vs
 Gustavo Gunera-Pastrana

September 25, 2019 9:00 AM Sentencing

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 Gunera-Pastrana, Gustavo Adonay Defendant
 SPEED, KEVIN Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. GUNERA-PASTRANA present, in custody. Spanish Interpreter, Elissa Mendoza present for Deft. State noted the Pre-Sentence Investigation (PSI) Report recommended running counts consecutive. Argument by Mr. Speed. Pursuant to Verdict, DEFT GUNERA-PASTRANA ADJUDGED GUILTY of COUNTS 1 & 4- LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F) and COUNTS 2 & 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee and Restitution in the amounts of \$600.00 payable to Clark County Social Services and \$240.00 payable to Victims of Crime. (Total Restitution of \$840.00); Deft. SENTENCED to

COUNT 1- LIFE with parole eligibility after serving a MINIMUM of TEN (10) YEARS, in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 2; and as to,

COUNT 2 - LIFE with parole eligibility after serving a MINIMUM of THIRTY-FIVE (35) YEARS, in the Nevada Department of Corrections (NDC), and as to,

COUNT 3 - LIFE with parole eligibility after serving a MINIMUM of THIRTY-FIVE (35) YEARS, in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 2; and as to,

COUNT 4 - LIFE with parole eligibility after serving a MINIMUM of TEN (10) YEARS, in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 2; with 1,171 DAYS credit for time served.

AGGREGATE TOTAL sentence is LIFE with parole eligibility after serving a MINIMUM of THIRTY-FIVE (35) YEARS.

FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of imprisonment, probation or parole. In addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of the Mental Health and Development Services of the Department of Human Resources or his designee; the Director of the Department of Corrections or his designee; and a psychologist licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must certify that the Defendant does not represent a high risk to re-offend based on current accepted standards of assessment.

ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from custody. Bond, if any, EXONERATED.

NDC

EXHIBIT(S) LIST

Case No.: **C318461-1**

Trial Date: **06/04/19**

Dept. No.: **XXVIII**

Judge: **RONALD J. ISRAEL**

Court Clerk: **KATHY THOMAS**

Recorder: **JUDY CHAPPELL**

Counsel for Plaintiff: **SANDRA DIGIACOMO, ESQ.**

STATE'S: **STATE OF NEVADA**

vs.

DEFENDANT'S: **GUSTAVO GUNERA-
PASTRANA**

Counsel for Defendant: **KEVIN SPEED, ESQ.**

TRIAL BEFORE THE COURT

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	Photo - Map - Miracle Mile	6/10/19	NO	6/10/19	wt
2	Photo - Map - Aerial	6/10/19	NO	6/10/19	wt
3	Photo - 2 Children Malie Moran	6/10/19	NO	6/10/19	wt
4	Photo - → Jose Moran	6/10/19	NO	6/10/19	wt
5	Photo - Mother & Child - Meili Casillas	6/10/19	NO	6/10/19	wt
6	Visit Record History	6/10/19	NO	6/10/19	wt
7	Parent/Caregiver Resource				wt
8	Video - Body Cam - NO SOUND	6/10/19	NO	6/10/19	wt
9	M.M. ^{Initial} Video no sound	6/10/19	obj	6/10/19	wt
10	M.M. ^{Initial} Video with Sound	6-12-19	NO	6-12-19	wt
11	M.M. Video NO SOUND	6/10/19	obj	6/10/19	wt
12	M.M. Video with Sound	6-12-19	NO	6-12-19	wt
13	M.M. VIDEO W/SOUND	6-12-19	NO	6-12-19	wt
14	M.M. VIDEO NO SOUND	6-12-19	NO	6-12-19	wt
15					
16					

EXHIBIT(S) LIST

Case No.: **C318461-1**

Trial Date: **06/04/19**

Dept. No.: **XXVIII**

Judge: **RONALD J. ISRAEL**

Court Clerk: **KATHY THOMAS** **MICHAELA TAPIA**
Natalie Ortega

Recorder: **JUDY CHAPPELL**

STATE'S: **STATE OF NEVADA**

Counsel for Plaintiff: **SANDRA DIGIACOMO, ESQ.**

vs.

DEFENDANT'S: **GUSTAVO GUNERA-
PASTRANA**

Counsel for Defendant: **KEVIN SPEED, ESQ.**

TRIAL BEFORE THE COURT

COURT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Census Bureau Quick facts			6/4/19
2	Note from Juror #031	6/5/19	—	6/5/19
3	" " #046	6/5/19	—	6/5/19
4	note from Juror #123	6/6/19	—	6/6/19
5	note from Juror #086	6/6/19	—	6/6/19
6	Notice of Historical Discrimination	6-7-19	—	6-7-19
7	Peremptory Challenges & Box Seating	6-10-19	—	6-10-19
8	Juror Question (asked) #058	6-11-19	—	6-11-19
9	Juror Question (asked) #206	6-11-19	—	6-11-19
10	Juror Question (NOT asked) #216	6-11-19	—	6-11-19
11	S.N.V. Children's Asses. Center <i>Melly Moran 11-14-16</i>	6-11-19	—	6-11-19
12	NOTE FROM JUROR #267	6-12-19	—	6-12-19
13	EX PARTE ORDER FOR TRANSCRIPT	6-12-19	—	6-12-19
14	EX PARTE ORDER RELEASE VIDEO	6-12-19	—	6-12-19
15	TRANSCRIPT OF GUSTAVO GUNERA	6-12-19	—	6-12-19
16	JUROR QUESTION (ASKED)	6-12-19	—	6-12-19
17	JUROR QUESTION (ASKED)	6-12-19	—	6-12-19

EXHIBIT(S) LIST

C318461-1

STATE OF NEVADA

VS.

GUSTAVO GERNERA-PASTRANA

COURT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
18	JUROR QUESTION (ASKED)	6-12-19	-	6-12-19
19	JUROR QUESTION (NOT ASKED)	6-12-19	-	6-12-19
20	JUROR QUESTION (NOT ASKED)	6-12-19	-	6-12-19
21	JUROR QUESTION (ASKED) #15		-	
22	JUROR QUESTION (ASKED) #13		-	
23	JUROR QUESTION (NOT ASKED)		-	
24	JUROR QUESTION (ASKED) #10		-	
25	JUROR QUESTION			6/12/19
26	Juror question to w/Huth ^{state's} not Asked			6/13/19
27	Juror question to ^{state's} witness Huth Asked			6/13/19
28	CPS Hearing Transcript			6/13/19
29	CPS Hearing - CD			6/13/19
30	Jury Question			6/14/19
31	Jury Question			6/14/19
32	Jury Question			6/17/19
33	A Closing Power Point			6/17/19
34	State's Closing Power Point			6/17/19

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

GUSTAVO ADONAY GUNERA-PASTRANA,

Defendant(s).

Case No: C-16-318461-1

Dept No: XXVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of October 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk