

IN THE SUPREME COURT OF THE STATE OF NEVADA

Henry Aparicio,	)	Supreme Court Case No.: 80072
Appellant)	
	)	Electronically Filed
vs.	)	Apr 10 2020 10:27 a.m.
	)	Elizabeth A. Brown
	)	Clerk of Supreme Court
The State of Nevada,)	APPELLANT'S APPENDIX INDEX
Respondent,)	Vol. II
)	Pages 176-328
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September 22, 2019

Sentencing of Henry Aparicio Case # 18-332496-1

Fatal victims: Damaso and Christa Puente

Judge: Cristina Silva

Honorable Cristina Silva,

My name is William Buell. I am Christa Puente's uncle. I am the brother of Christa's mother.

We all lived near one another on a small farm in Missouri for many years after Christa was born. We were all very close and my sister and her children experienced love, life and happiness to the fullest. The smiles of Christa were continuous and contagious since the time she could walk. She brought love and joy to everyone.

Christa's mother, father, family and friends will never experience the joy of being in her presence again. Knowing how this "joy of life," Christa, was taken away from this world is devastating.

This disregard for other people's lives and the unremorseful attitude of Henry Aparicio is a confirmation of what he would bring to everyone. Maybe someday he can receive forgiveness from God, but Henry Aparicio needs to suffer the consequences of his own actions. We can only make this world a better place when people know that they have to take personal responsibility for their own behavior.

The consequences of Henry Aparicio's behavior is a loss for a lifetime. The restitution that he owes could never equal those heartbreaking losses of both Christa and Damaso.

For this reason, I am asking you, Judge Cristina Silva, to issue the maximum penalty of 8-20 years be given for each count to run consecutively.

Thank you for taking the time to read this and consider my thoughts pertinent to this case.

Respectfully,

A handwritten signature in blue ink that reads "William M. Buell". The signature is written in a cursive, flowing style.

William M Buell

September 22, 2019

Sentencing of Henry Aparicio Case # 18-332496-1

Fatal victims: Damaso and Christa Puente

Judge: Cristina Silva

Dear Honorable Cristina Silva,

My name is Kerry Buell. I am Christa Puente's aunt. Christa's mother is my husband's sister.

I was at a Red Cross blood drive and had just starting my donation when my phone rang. It was my husband. I will *never* forget the tone of his voice when he said, "Whatever you're doing; stop. I have to tell you something." I braced myself for what I could tell was horrible news and walked to the corner of the room. Nothing could have prepared me for his next words. "Christa and Damaso were hit by a drunk driver last night." I remember losing my breath. "They were both killed instantly." I remember crying in that public place in a way that was impossible to control.

On May 15th, 2018, our family experienced a devastating loss and we were all changed forever by the senseless, selfish, evil act of Henry Aparicio.

Your honor, Christa was an uncommonly beautiful soul. She grew up playing with my four children and was at our home often. My children loved her dearly; as did I. Christa's heart was huge and she was truly a joy and a blessing to be with.

She loved her husband, Damaso, profoundly. At their wedding, I remember thinking that I had never seen a couple look more in love than they did. It was beautiful to witness.

The world lost two loving, kind, giving people at the hands of a man with no remorse for his reprehensible actions. Christa and Damaso's families will never experience the joy of their presence again in our lifetimes. We have received a life sentence of separation.

My hope and prayer is that Henry Aparicio never inflicts this pain on another family. Your honor, I respectfully request that you give Henry Aparicio the maximum penalty of 8-20 years for each count to run consecutively.

Thank you, your honor, for reading this letter and for considering my thoughts.

Respectfully

A handwritten signature in blue ink that reads "Kerry Buell". The signature is written in a cursive, flowing style.

Kerry Buell

To the Honorable Judge Silva,

My name is Jonathan Buell. Christa Puente is my first cousin on my father's side. We grew up together as little kids in Grubville, MO. Christa was my first friend and playmate that I have memory of. We spent countless hours and days playing together. Outside in the woods, playing pretend, picking blackberries, riding bikes and always sledding in the wintertime. Inside watching movies, playing with toys or putting on little performances for our siblings, parents and grandparents. The memories I have of our time together as children are precious and fill my heart with joy.

Christa and her family moved from Grubville around the time she was starting high school. I was sad, but they were only about an hour away, so I still got to see her from time to time. I remember thinking it was pretty cool that my older cousin still wanted to hang out with me even though I know she had lots of other things she could be doing. We were family, we were friends and we would always have a connection.

Not too long after high school Christa moved to Las Vegas. The other side of her immediate family is from there. With her being there and studying to be a nurse, and myself back in Missouri doing high school and eventually college, we naturally drifted apart. Such is life. I have always regretted deeply that we didn't keep in contact more during those years. I hadn't seen Christa in a few years when I heard news that she was getting married. I was so happy for her and so glad I was able to attend her wedding. Christa and Damaso's story is heart-warming and their wedding was absolutely beautiful. They were both so happy, so in love and so full of life. I can still see Christa's smile from that day. It never left her face.

Fast-forward 5 years and my now wife and I are moving to Los Angeles. It's only a half day drive to Las Vegas and the prospect of being able to see my family there more often was very exciting. That first year of my move out west I spent Thanksgiving with Christa and Damaso, as well as my grandmother and aunt and uncle who were living there. We had such a great time and even though we had a lot of catching up to do and learning who each other were now as adults, I felt like my desire to re-kindle the friendship we had as children was shared by Christa.

The next Fourth of July Christa and Damaso were in LA on a trip and stayed at my house one night when I was having a BBQ get together. I felt so blessed that they had come. I felt so happy that we were becoming friends again. I felt so excited for the trip we had planned that day to attend the Blues v. Golden Knights hockey game the upcoming season. But that never happened. And it never will. That summer BBQ was the last time I saw, and ever will see, Christa and Damaso. At least in this life.

Your Honor, I respectfully ask that the maximum sentences of 8-20 years be given to Henry Aparicio. His senseless, immoral act of violence stole the lives of two people who

couldn't have deserved their fate any less. He is alive today and they are gone. That injustice can never fully be righted, but I plead to you to give Henry Aparicio the maximum penalty the law allows. The family and friends of Christa and Damaso will never fully recover from this loss, but knowing he is off the streets will keep him from hurting anyone else.

Christa and Damaso's close friends and family have been eternally devastated by this incident. I have seen firsthand the infinite pain Christa's parents, siblings, etc. have been going through. You can see it in their eyes and hear it in their voices. That pain will never go away. At the funeral I heard numerous co-workers of Christa's speak about the void that will never be filled at the hospital. She was an amazing nurse and her work was only getting started. She had a long career ahead of helping sick people that will now never be. Henry Aparicio stole that from her when he decided to drive drunk, having no regard for human life. Your Honor, I ask you to do what you can to give Christa, Damaso and their loved ones justice.

Christa was born a kind, caring, fun-loving and all around wonderful human being. I can't think of one instance where she ever did or said anything mean. I have loving memories that will always stay with me, but I should have had so many more. Her infectious smile and laugh will never leave my mind, but we all should have been able to experience it for decades longer. She was a joy in the truest sense of the word. The impact of her death will never be fully known because her influence would have had no bounds.

Thank you, Judge Silva, for taking the time to hear my thoughts and concerns.

Respectfully,

Jonathan Buell

9/17/2019

Sentencing of Henry Aparicio Case # 18332496X, Date of Sentencing October 18, 2019

Fatal victims: Damaso and Christa Puente

Judge: Cristina D. Silva

Honorable Cristina D. Silva,

My name is Ryan Jeffrey Buell and I am 1st cousin to Christa. We grew up together on the same street in rural Missouri outside of St. Louis. When Christa moved with her family to Las Vegas, we didn't get to see them as much anymore. I had visited Christa the year before she died, and that was really the 1st time I ever got to spend any significant amount of time with Damaso as an adult...but I could tell immediately that they were great together, and very much in love.

I was in my office, as I am now, and my dad (Christa's uncle – brother to Diane) got a call from my 85 year old grandma (his mother)...and I could tell from the other room that something awful had happened. My stomach dropped. A couple minutes later, I walked over and my dad told me that Christa and Damaso had been killed by a drunk driver in a car accident, and that it was all over the news.

I live in a different city from my cousins, but we grew up together. I am who I am today because of our childhood years together. I have very great memories of my cousin Christa, making home movies with my brother around the house. I think this is in part why she fell in love with Damaso, who was a videographer and film maker...and why my brother Jonathan decided to move out to LA to pursue an acting career. She was such a beautiful child, and soul.

When my Grandpa had terminal cancer, Damaso came to his house and made a special video for our family so my grandpa could give his last bit of wisdom before he passed away, and it was shown at my grandpa's funeral. Christa and Damaso were incredibly considerate and loving people, and they both made the world a brighter place. Since the accident, my aunt Diane isn't doing very well at all. She will never be okay. Her daughter was taken from her.

This wasn't merely a crazy fluke accident. It wasn't expected or typical. This was a severe lack of judgement on the part of the defendant. Does he regret what he did...I don't know. If free today, would he change how he is living today? I don't believe so. He will have to live with what he did for the rest of his life....but living with the knowledge of a sin committed isn't punishment enough.

If he is let out on the streets prematurely, he will likely do it again. Please don't let this happen. The only way to prevent this from happening to someone else is to let Henry Aparicio grow up before he is released back into the world, if that ever can happen.

I believe the maximum penalty of 8-20 years should be given for each count to run consecutively.

Thank you, Judge Cristina Silva, for taking the time to consider my thoughts and concerns.

Respectfully,



Ryan J Buell

Sentencing of Henry Aparicio #C-18-332496-1

Fatal victims: Damaso and Christa Puente

Judge: Cristina Silva

Your Honor,

Will the carnage of drunk driving and the intense grief of the victim's loved ones ever end? Probably not! Not unless there are technological developments or ways to force the servers to become more responsible and proactive and to play a role in stopping these preventable tragedies.

At a time when drinking in businesses can be easily tracked and monitored and when obtaining rides for intoxicated drivers is more simple than ever - it is simply not happening!

We are Norman and Marla Jahn. Christa was Marla's niece. The last time we saw her was at her wedding because we moved out of state. From joyous memories of that day to reading about a double fatal traffic accident in the Las Vegas news before we knew who was involved! The shock of every parent's nightmare was even more profound when we learned details and then had to inform Christa's grandmother (Annabelle Malone) who was living with us at the time of the fatalities.

Norm was a career police officer serving over 21 years in Las Vegas. He used to visit Christa at her valet parking job at Bills Gambling Hall. Christa was interested in riding along. Instead of pursuing a career as a police officer she entered another 'helping profession' - she became a nurse.

Christa and Damaso were two of the most incredible people that blessed the lives of those they met. It is such a tragedy that these two beautiful people lost their lives so early in life. They were so successful in all they did and there was certainly more 'good' they would have contributed to Las Vegas and our society.

Nothing will reduce the impact of drunk driving if those responsible even get the idea that they can deny that they were involved! Henry Aparicio attempted to slither his way out of being held accountable which greatly added to the grief of Christa and Damaso's loved ones. Drunk drivers who kill in so many cases will not be deterred if they think they can make up stories, deny their role, and use this tactic to get a plea deal. We were both sick to our stomachs to see the media coverage of how he was denying that he was driving!

Christa and Damaso Puente filled so many friends and relatives with happiness and positivity. In order to do them and their lives 'justice' please hand down the maximum penalty of 8-20 years for each count to run consecutively.

Judge Silva, thank you for taking the time to consider our thoughts and concerns as well as those of so many others living through this preventable crime!

Respectfully,

Norman & Marla Jahn
1925 Riverside Drive
Sault Ste. Marie, Michigan 49854
(702) 401-8210

Sentencing of Henry Aparicio #C-18-332496-1
Fatal Victims: Damaso and Christa Puente
Judge: Cristina Silva

To the Honorable Judge Silva,

My name is Melody Malone, and I am the aunt of the beautiful, gifted, lovely soul, Christa Puente. There are people in this world that *do* good, and there are people who are *no* good, and then there are people like Christa, who are *just good*, inherently good. There are too few inherently good people in this world, too few Christa Puentes, and now even one less. Christa did good and was good. She gave to all within her influence. She lifted others with her generous smile and kind heart. I've seen firsthand the devastating effects this unfathomable loss has had on her family. Her's is a family that loves deeply, impeding and prolonging the healing process. Her sweet mother has had to bear this type of particular burden twice, as she first lost a daughter many years before Christa was born. Wounds like that never fully heal, and this second travesty not only opened a new, cavernous wound, but it also mercilessly ripped open the old one. I just returned from visiting my precious daughter who lives across the country from me. My heart swelled with aching pain when it came time to say goodbye. My only consolation was knowing that we would talk often, everyday, and that I will see her again during the holidays. Still yet, my last text to her before boarding the plane was: "My heart still hurts." I can't imagine the pain in Diane's heart knowing she will never get to talk to her daughter on the phone again, she will not be seeing her over the holidays or any day for that matter, she will never get to put her arms around her and say, "I love you," she will never see the grandchildren that Christa and Damaso planned to have. No, she will never have her daughter again. The pain that comes from that thought alone breaks my heart. I speak from the perspective of a mother, but Christa's passing has also devastated her devoted, loving father, brother, sister and other extended family members.

Your Honor, no one will ever take drunk driving seriously until the judicial system takes it seriously. I plead with you, Judge Silva, to take this seriously and hold Mr. Aparicio accountable for his actions. I plead with you to issue the maximum penalty possible of 8-20 years for each occurrence to run consecutively. Please bestow some peace on this family.

Respectfully,

Melody Malone

Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

Honorable Judge Silva,

My name is Master Sergeant John Ryan Flanagan. I have served eighteen years in the United States Air Force, and for the past six years I have been assigned to Nellis Air Force Base here in Las Vegas. As proud as I am of my service to this great country, one of my crowning achievements since residing in Las Vegas was my acceptance and continued enrollment in the William S. Boyd School of Law.

Several years ago during my first semester at Boyd through mutual friends from the Boyd, I met Damaso and Christa Puente. This group of people took me in as one of their friends, and over the next few years it became more like a family. We did holidays, birthdays, kid's events, and regularly just a Sunday dinner. Because I am stationed so far from my own family the amount of joy these two people brought to a tired military non-commissioned officer was immense. Being able to have a group of people who accepted me as a member of their own is one of the best things that a troop can have when we are stationed so far from home. Their loss has impacted me tremendously.

I am writing this at work on Nellis Air Force base, and I am in charge of lots of Airmen who every single week we preach the dangers of drink and driving. When we raise our hand and volunteer for military service we are saying that we will hold ourselves to a higher standard than the civilian population. We are saying that believe in the constitution, the laws, and will defend them with our lives.

This is why it troubles me greatly that Henry Aparicio was prior military. It troubles me greatly that this man raised his hand and believed in the constitution, believed in the laws of this nation, then willingly and knowingly, with the full plan in his own mind, would go to a bar get shit faced drunk, then get behind the wheel of a car and drive and speeds in excess of 100 mph.

THIS IS NOT WHAT THE MILITARY TEACHES

Over the last eighteen years, it has been preached, horrifying examples told and retold, and punishments handed down in the form of military confinement and dishonorable discharge. Every single military member gets these same briefings every week they are in. Every single service has the same briefings every week. Every single military member knows the dangers of drinking and driving, and every single service members is told to have a plan or they could kill someone or kill themselves. **Henry Aparicio does not represent any of the military's core values.** If him or his lawyer tries to represent that Your Honor should go lighter on Henry Aparicio because of his military service. I would strongly disagree. He should be held to a higher standard for these reasons. He signed up to be held to these higher standards. He failed to meet those standards, and did so with knowing intent to go to the bar, not have a plan to get home safely, then he got into car and drove at excessive speeds. The intent to not have a plan when visiting a bar where his was going to drink at, and then driving his car at excessive speeds, and killing two of my dear friends is appalling to every military member worldwide. We have great pride in what we do, and killing civilians is the gravest of treason.

I know before this case was circulated to you it was before the Honorable Judge Douglas Smith. I had the great privilege of interning my 1L year in Judge Smith's chambers as a legal intern. I learned more about the law that summer than I could in hours and hours of torts class. One of the things I learned after watching court every day for months was Judge Smith sentencing practices which were always critiqued as being on the high side. I'm absolutely sure that Your Honor has her own standards and guidelines. However, I would implore Your Honor to uphold Judge Smith's ideals when it came to sentencing in this matter, and sentence Henry Aparicio to maximum for both Crista and Damaso needless deaths. I realize this is Henry Aparicio first DUI, but I promise you this was not the first time he drove drunk, it is not the first time he knew his actions could kill someone or himself, it's not the first time he intend to go to the bar and drive home drunk. He was told while he was in the military of the dangers, and he intended to do it anyway.

I request the maximum penalty of 20 years for Crista Puente and 20 years for Damaso Puente to run consecutively. Once again Henry Aparicio does not represent any of the Military Values, and it would be a mark against all of who honorably serve for Your Honor to take a lighter sentence because of his prior service.

Thank you Your Honor for taking time to consider my thoughts,

Respectfully,

//signed//

Master Sergeant John Ryan Flanagan

Sentencing of Henry Aparicio #C-18-332496-1

Fatal victims: Damaso and Christa Puente

To the Honorable Cristina D Silva:

My name is Kerry Giles. I am a charge nurse at Mountain-View Hospital where I worked with Christa Puente for three years on the Oncology unit.

I was not at work on May 16, 2018 but was told by one of my co-workers around 1000 that Christa had not shown up for work and they were working short. My co-worker stated that several of them had called and sent her texts but she hadn't responded. I thought that to be very unusual that Christa was a no call no show. She was a very responsible person that cared for her patients and co-workers and it was strange that she hadn't realized that she was working that day and that she wasn't answering calls. As the day went on, I had not forgotten that Christa did not show up. I sent a text to my co-worker around two that afternoon to see if anyone had gotten a hold of her. I was told no and that Christa still had not reached out. At the time I had a weird feeling in my stomach that something was wrong as that was just not like Christa to do this. At approximately 4:15 pm on May 16, I was out with friends and I received a call from another charge nurse at Mountain-View Hospital that worked with us. She was hysterically crying and told me that Christa and her husband Damaso had been in a car wreck the night before and were both killed. I was stunned and almost in shock. I had had a feeling that something was wrong but I had no idea it would be this news. I told my friends I needed to leave and I drove straight to Mountain-View Hospital as I felt a strange need to be around my co-workers as we were all grieving for the same thing. The mood at the hospital was so strange and the nurses on my floor had all been crying yet they were carrying on with work as they had no choice. I put on scrubs and decided to help them as I knew that's what Christa would have wanted. We had long term patients that had been told of Christa's death and they were also crying. This terrible news was a huge shock to our entire floor including our patients.

Christa Puente had come to our Oncology unit three years prior as a new graduate nurse. She quickly developed into a very good nurse. She had an extremely calm demeanor and in a high stress profession this is rare. One thing I remember well about Christa is that no matter what she always had a smile on her face. One day, about two months prior to her death, we moved our unit from one floor to another. It was a very stressful day that I'm sure most of us working that day would like to forget. Around 5:00 pm, Christa had come up to the desk to inform me of something and she was smiling. I asked her how she was still smiling after all the stress we had been through that day (when most of the nurses working were crying) and she just laughed and said "I don't know. What're you going to do?". That was Christa. Always smiling and continuing on with her work despite the stress. Christa was a very caring oncology nurse. She loved her patients and they loved her. When we held a vigil for her a week after her death at the crash site, there were three patients in attendance, along with several physicians and

almost the entire Oncology unit. When her funeral was held a month after her death, the entire Oncology unit was there minus a few that had to work that night. She was an extremely good nurse despite only being out of school for three years. Her co-workers loved her, her patients loved her and it was a huge blow to our unit when she was killed by Henry Aparicio because he chose to drive drunk.

After Christa's death our Oncology unit began to fall apart. Nurses who had worked on the unit for 10+ years were leaving one by one. Some nurses stated they needed to do something different and the oncology unit was too stressful for them after Christa's death. Some said they wanted to move on and do something different with their life as they realized that life was short and you could be gone in an instant. There are only a few of us left on the unit since Christa's death. Most nurses working there now never knew Christa or the impact she had on our lives. Her picture still sits in our breakroom as a reminder to us of how much she meant to us, to our unit, and to our patients. Even now, a year and a half after her death, we still get emotional when talking about her. The fact that Henry Aparicio chose to drive drunk and take the life of our co-worker and her husband has completely torn our Oncology unit apart.

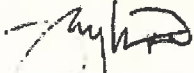
Every now and then Christa's mom comes to our unit to see us. We can see the toll this has taken on her. She looks exhausted and sad every time I see her. Last November, Christa's mom walked with us in the Leukemia/Lymphoma Light the Night walk in Christa's honor. She even wore the same hat that Christa had worn the year before. She wanted to make sure that Christa was represented in the walk with her team. I know it was hard for her and I know it's hard for her to be around us as it only brings memories of Christa being with us. She is torn apart by Christa and Damaso's death as we all are.

My final thoughts on Christa are that she was a very caring, loving, talented person who cared about her family, friends, co-workers, and patients. She was dedicated to her job and her oncology patients. She loved her co-workers and always brought a huge smile to work with her. She brightened our unit up every single day and now that she's gone there's a huge hole and sadness at work that will never be refilled. I miss her terribly and am angry that Henry Aparicio chose to drive drunk and take her from this life.

Your honor, I am asking that you please consider the maximum penalty for Henry Aparicio and please consider that each count run consecutively. He knew what he was doing that night when he chose to drink. He could have requested a cab, gotten an Uber ride, or a ride from a friend but he chose to drive drunk instead at excessive speeds and killed two fantastic people. In addition to that he never admitted fault nor did he show any kind of remorse. I am asking you please consider the maximum penalty for justice for my friend Christa and her husband Damaso Puente.

Thank you, Judge Silva, for taking the time to consider my thoughts and concerns.

Respectfully,



Kerry Giles, RN

Thought you might like this. Christa was a great nurse!

Received: ➡ Tuesday, October 9, 2018 5:38 PM

From: **Giles Kerry Kerry.Giles@hcahealthcare.com**

To: **DanDiane80@protonmail.ch DanDiane80@protonmail.ch**

CC: **DanDiane80@icloud.com DanDiane80@icloud.com**

Kerry Giles, BSN, RN-BC
5S Oncology Charge RN
MountainView Hospital



Christa.docx
11.70 KB

Christa (forgive me if spelling is wrong) was another amazing, beautiful nurse that I remember fondly. As I cried my eyes out I never expected a nurse to be so caring and gentle as she held my hand and reassured me about my treatment. She was with me twice, even took my calls after I left the hospital and needed to ask questions about my aftercare. I was devastated to find out she had passed so suddenly. I'm sure her family and friends suffered much more from her loss - but this sweet young woman was an outstanding nurse and personally deeply affected me in the brief time I knew her.

Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims. Damaso and Christa Puente
Judge: Cristina Silva

Dear Honorable Judge Silva;

My name is Jessica Povey and I am an Oncology Certified Nurse at MountainView Hospital on the oncology unit where Christa once worked. I only worked with her for a year and half but her impact on myself, our co-workers and her patients is immeasurable. She had a passion for oncology and cancer patients. She was always making sure each of her patients felt like they were her only patient. She made a point to spend time in each room and create a connection with each patient. She would learn about their stories, their families and what their passions were. She was always a leader for our Light the Night Walk for the Lymphoma and Leukemia Society. She would be the first person to donate money, treats for our bake sales and volunteer her time for all of our fundraisers. There was never a time that she wasn't smiling. Her laugh was infectious and I always knew it was going to be a great day on the unit when I saw Christa when I clocked in for the day.

I can very clearly remember the day that I found out that she had been killed. I was at work and I had noticed she was not there when I clocked in, she was always at work before me. I figured she must be stuck in traffic. During report several night shift nurses were asking where Christa was and I realized she still had not arrived. I then went to our charge nurse and told her Christa wasn't here yet. We both agreed it was strange and decided that we would both try to reach her thinking maybe her alarm didn't go off, or she miss read her schedule or stuck in traffic. I text her several times with no response, so I called her and left several messages with no return call. I was beginning to worry as this was not like Christa and I was getting a very sick, sinking feeling that something was very wrong. I did remember her telling me she had been going out of town so in a last ditch attempt I sent her several messages on social media asking her to call me or text or anything and that I was worried and just needed to know she was okay. There was no response. At this point it was late morning and I noticed several people from our HR department come up to the unit and then our charge nurse was asked to go to the director's office. I knew something very bad had happened and I knew it was Christa. After a little while the entire staff was asked to come into the breakroom and other staff from other units arrived to help take care of our patients. We were told there had been an accident and that Christa and her husband had not survived, we were given minimal details about the accident but were told that it was likely a drunk driver and that they had died on impact. Although we all wondered if they felt anything or if they suffered in anyway, we will never know. We then had to return to work, it was one of the most difficult things to do. We had to push our pain, our tear and our anger aside and care for our patients as if nothing had happened. We were blessed to work with a team that rallied together to care for our patients because that is what Christa would have wanted. I remember telling several of our long term patients that had close connections with Christa what had happened. We cried together, we grieved together knowing that there would always be a hole on our unit where Christa should have been.

After Christa was taken from us our unit fell apart, it was never the same. The enthusiasm, joy and laughter was gone. Most of the staff that worked with Christa have left. The long term patients who still get admitted to our unit point out the difference. There is and will always be something missing with

Christa gone. I remember the last conversation I had with Christa. We were at lunch break together and we were talking about having children, we both were struggling with conceiving and sharing our frustrations and sympathy for one another. She was the eternal optimist I remember her telling me "don't worry, it will happen I know!" and I told her the same thing. The difference being that I did have a son but she never got the chance. Her opportunity to have a family was taken that day she was killed. She never got to be the mother she always wanted to be.

Judge Silva the world is a less bright without Christa. I request of you the maximum penalty of 8-20 years to be given for each count to run consecutively. As 16-40 year for the loss of both Christa and Damaso is too lenient for the loss of two incredible individuals and upstanding members of our community.

Thank you Judge Silva for taking the time to consider my thoughts and concerns.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jessica Povey', with a stylized, cursive script.

Jessica Povey, RN, OCN, RN-BC

Tammie Lewis
8420 Viansa Loma Ave.
Las Vegas, NV. 89149
(702) 250-4901
Tammielou1@icloud.com

Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

Your Honor,

My name is Tammie Lewis and I was one of Christa's coworkers and friends. I am forever grateful that Christa came into my life. I am sure you probably hear that statement a lot but it is so true. It is almost like she was this pure Angel sent down to show us all of the things we were missing inside of ourselves. She was one of those people that we all aspire to be. Smart, funny, genuine, ethical, devoted, healthy... the perfect person. She was the employee you could count on to pull everyone together. I can still see her face like it was yesterday, her big smile, she was always smiling. In the years we spent working together at Mountain View Hospital, I never saw Christa so much as complain. Crazy that she is gone, crazy that the man she loved is gone as well. They were trying to start a family of their own. Christa was so excited at the thought of being a mother. Sadly, they were unable to make that dream become a reality.

I remember very clearly the day after she was killed. I received a phone call at approximately 9:30am on May 16, 2018 from a fellow charge nurse, Tammie Garcia. They were calling to see if people could come into work and to let me know that Christa had not shown up for her scheduled shift that morning. We discussed how completely out of character this was and wondered what had happened. Having worked as a charge nurse on many shifts with Christa I too knew that something very important must have happened to keep her from even calling. I heard back from Tammie at 4:30pm that Christa and Damaso had been hit and killed by a drunk driver the previous night. My heart literally broke at that moment. The most perfect precious person had been taken from us. You had to know Christa to realize she really was that person. I remember thinking the thought in my head at the candlelight vigil that, 'only the good die young.' I was told that the hospital had set up trauma specialists to come in for our unit and given details about the times.

I can tell you that still to this day, most of the nurses on that floor have not been able to properly grieve the death of our sweet friend. It is difficult for me to explain what a huge void her death has left in the Oncology unit at the hospital. Christa was not just beloved by her coworkers and friends but also the patients who we become very close to. Being an Oncology nurse is different than other types of nursing because due to the intense nature of the treatment you build much more personal relationships. It was extraordinarily difficult to explain to her many terminally ill patients that she had been killed by a drunk driver. To those fighting with everything they have for just a little more time, the thought of a being killed by a drunk while just on a night out is unfathomed. Christa is quite honestly missed as much for her compassion and caring as for her experience as a nurse. Our halls of 5 South Oncology have not been the same without this dear spirit. I wish you could have met her. No doubt she would have left your heart feeling genuine compassion.

I ask that this man, Henry Araricio, be sentenced to the maximum penalty for each count to be run consecutively.

Thank you, Judge Silva, for taking the time to consider my thoughts and concerns.

Respectfully,

Tammie Lewis
Tammie Lewis, RN-BC





VICTIM IMPACT STATEMENT FOR
Sentencing of Henry Aparicio #C-18-332496-1
Fatal Victims: Damaso and Christa Puente
Judge Cristina D. Silva

Honorable Judge Cristina Silva,

I have found this letter extremely challenging to write today. Not a day goes by that I do not think of my friends Christa and Damaso and I have no idea how a letter is enough to convey the hurt and pain that will always be in my heart after May 15, 2018.

Christa was the most selfless person I have ever met, dedicating her life to her passion of helping others. I was always amazed at her gracefulness in every challenging situation she faced. She was never judgmental, she got along with everyone, and she didn't have a mean bone in her body. Christa and I both worked the night shift at Mountain View hospital, and we spent countless hours sharing life experiences and getting to know one another. She had been with Damaso for so many years of her life, and I was always asking her for relationship advice since she seemed to have it all figured out. Dam was one of the most wonderful husbands I have ever encountered. Just an all-around good person, and he loved Christa from the depth of his heart. Christa and I talked a lot those nights about having kids and how her and Dam were hoping to get pregnant soon. I think about those conversations mostly now that they're gone and so many of our friends are moving on with their lives and starting families. It's impossible not to feel extreme sadness in this tragedy knowing that two people who would have made the most amazing parents in the world will never get that opportunity now.

Christa and I shared the same birthday week as well, only two days apart, so we celebrated our birthdays together with our group of friends. Celebrating my birthday, without Christa, will never be the same. That week will always be something I shared with my friend and I will always feel like there is something miss now. I still have every photo I own of Christa and Dam hanging in my kitchen, so that I see their smiling faces every day. I am not sure that I will ever find peace with the loss of these two souls, but I do believe that the man responsible for their murder should be punished to the maximum sentence. Those of us that have survived their death are currently serving a lifetime sentence; forced to learn how to move on and never given the choice. This tragedy has impacted the entire community and this man responsible has shown no remorse. I pray that their families are given justice for this awful tragedy. There is no amount of time enough for what has been done, but I pray that justice prevails, and this man is locked up for the maximum sentence allowed.

Sincerely,

Tamara Komes

October 1, 2019



Sentencing of Henry Aparicio #C-18-332496-1
Fatal Victims: Damaso and Christa Puente
Judge: Cristina Silva

To the Honorable Judge Silva,

My name is Tammie Garcia and I was the charge nurse of the Oncology unit that Christa worked on prior to her tragic death . I clearly remember that day when I learned of Christa's and Damaso's horrific tragedy. I was at work and Christa was actually scheduled to come to work that day. I remember thinking that it's not like her not to show up to work or be late. She was always so responsible and hardworking. I attempted to call her several times, of course with no answer. My fellow co-workers attempted as well to reach out to her , we all became a little worried and then thought maybe she just left her phone somewhere or maybe she just looked at her schedule wrong and thought she was off that day and maybe went out of town. As the day went on I was in a meeting when my Director had called me and told me to come to her office when I was done. When I walked in there was two people from human resources there with my director and she was crying. At that moment my I just knew something bad had happened and I just started to cry hysterically, and I just said " please don't tell me something bad happened to Christa?" Then, one of them said there was an accident, and neither Christa or her husband survived. Everyone was asked to come in the breakroom and then in one horrible moment ,it seemed as if our lives were changed forever. The grief and sadness was overwhelming and staff actually came in on their day off just to come in and help out because we were all crying in devastation.It was almost impossible to care for our patients. One of our very special Leukemia patients that Christa had taken care of cried as we delivered the news to him and his mother. We all gathered in his room and his mom recited a special prayer for Christa and Damaso.

Our unit has seen several nurses come and go through the years, but I can honestly say in the eighteen years that I have been there, only a very few are as special as Christa. We truly miss her positive energy that she brought to our unit. Patient's loved her, doctors loved her, we loved her. To care for cancer patients take a special person like Christa and our unit has never been the same since she was taken away from us. She was a beautiful ,smart and caring person who had the most wonderful relationship with her husband Damaso. She talked about her dreams of traveling to Europe and starting a family, but those dreams have been taken away by someone else's choice to drink and drive. We as her Oncology family here at Mountainview Hospital are asking for the maximum sentence of 8-20 years for each count to run consecutively for the sentencing of the senseless deaths of our beautiful Christa and her husband Damaso.

Thank you Judge Silva for taking the time to consider my thoughts and concerns.

Respectfully,

Tammie Garcia

26 September 2019

Victim Impact Statement

Cecille Shappee for Damaso and Christa Puente

Your Honor:

My name is Cecille Shappee. I am a registered nurse, and Christa was a colleague of mine, working at the Oncology unit of Mountain View Hospital. I transferred over two years ago to the unit as a novice nurse trying to grasp all that I can learn about cancer. Christa works day shift; I work nights. My transition from my previous unit of post-surgical was quite different from what I began to experience in oncology, and Christa was one of the few that made my transition better than I imagined it to be.

Christa was an honest and hardworking nurse. She was a very accommodating and understanding individual that even when I have not had the chance to fulfill everything I needed to do during my shift, she will smile at you and say “don’t worry, I’ll take care of it.” So she does. Christa had been open to us about her hopes; her dream was to start a family with her husband, Damaso. For us who knew that dream, we were all just ecstatic for her and even gave her “nurse tips.” That dream was cut short. On the night of May 15, 2018, the ten o’clock news showed an active investigation that just occurred. I saw a totaled Prius car being pulled up to a tow truck; two individuals were lost. Only when I got to work the next day did I found out that it was Christa and Damaso who died that night in that fatal accident.

It was a devastating loss for our oncology unit that night. We lost a colleague, a friend, and a skilled oncology nurse who had cared for so many of our cancer patients. However, losing Christa and Damaso was more dreadful for their families. They lost a daughter and a son. They also lost a future family. It was heartbreaking for them because this was an event that neither Damaso or Christa had any control over.

Your Honor, with due respect, I ask that you, please consider the maximum penalty of 18-20 years for each count and have them run consecutively.

Thank you, Judge Silva, for taking the time to consider my thoughts and concerns.

Respectfully,

Cecille D. Shappee, RN

On Sat, Sep 28, 2019 at 10:28 PM, <groysden@cox.net> wrote:

29 September 2019

Victim Impact Statement

Cirila Roysden for Damaso and Christa Puente

Your Honor:

My name is Cirila Roysden, and I am a nurse who had worked with Christa Puente for 5 yrs. Christa was a colleague who I appreciated very much. I miss her smile, her enthusiasm about life. She has a lot to offer to our patients because of her compassion and love. It was such a big loss for the nursing community to have a life of the nurse like Christa to be ended drastically. Christa has so many plans in the future as a nurse. She worked full time and continued to go to school to be a nurse who conducts research in nursing. She had much potential, her smile is infectious, she can never hurt a fly. She is a loving daughter, a devoted wife, a dependable and hardworking nurse and so much more. We still are grieving in our hearts in our department. Damaso and Christa's pictures stays in our breakroom for us to always remember them in our hearts and we will never forget the audacity and the negligence of the person that took their life.

Your Honor, with due respect, I ask that you consider giving the maximum penalty of 18 to 20 years for each count and have them run consecutively.

Thank you, Judge Silva, for taking the time to read and reconsider my petition on behalf of Damaso and Christa Puente.

Respectfully,

Cirila Roysden,RN

Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina D. Silva

Your Honor,

My name is Ian Flowers and I'm writing this to share with you some information regarding my relationship with Christa and the type of person I knew her to be.

Christa was a Nurse and I first met her in March 2016 when I assumed the role of Nursing director on Christa's unit. Christa was an oncology Nurse and took care of patients with cancer. She was simply one of the very best at what she did and treated everyone she met with kindness and compassion. She truly cared for her patients and coworkers and her high level of character was evident every day.

I first learned of Christa and Damaso's passing through one of Christa's close friends and coworkers on our unit. It was devastating news for so many people and still hurts to this day. There is a void at our hospital and in our hearts that will never be filled because Henry Aparicio chose to drive drunk. I'm requesting the maximum penalty of 8-20 years be given for each count to run consecutively.

Thank you Judge, for taking the time to consider my thoughts and concerns.

Respectfully,

Ian Flowers

Sentencing of Henry Aparicio #C-18-332496-1

Fatal victims: Damaso and Christa Puente

Judge: Cristina Silva

You Honor,

My name is Alejandra Barragan. I am a registered nurse, and Christa was a colleague of mine at Mountainview Hospital's oncology unit. Christa came to the oncology unit as a newly graduate nurse. Christa was an honest, reliable oncology nurse. It was always a pleasure to work with her. Christa was very caring. Christa was the type of nurse that would sit next to patients to comfort them after they found out about their cancer diagnosis, which is not an easy thing to do, it just came natural to her.

I first learned about Christa's and her husband death the day after it happened via a phone call from my oncology director. I was in shock and could not believe what I was hearing. That night I could barely sleep. The next day, I was scheduled to work. As I was walking in the parking lot towards the hospital building, I still could not believe it. Our usual morning huddle was overwhelmingly filled with sadness. Christa's senseless death left a void on our unit, things would never be the same for us. Christa's dream of advancing her nursing career would never happen as her dreams were cut short on May 15, 2018.

Your Honor, with due respect, I ask you to please consider the maximum penalty for each count and have them run consecutively.

Thank you, Judge Silva, for taking the time to consider my thoughts and concerns.

Respectfully,

Alejandra Barragan, BSN

Sentencing Henry Aparicio #C-18-332496-1

Fatal Victims: Damaso & Christa Puente

Judge: Cristina D. Silva

Dear Judge Cristina D. Silva,

My name is Giovanni Hernandez, and Christa was a friend who I met while volunteering in the oncology unit of Mountain View Hospital in the month of October in 2017.

When I first began volunteering at a hospital, I was only beginning to make the decision that I wanted a career in the medical field. On meeting Christa, she was very friendly, a little sassy, and overall genuine; we got on like a house on fire. Christa was instrumental in sparking my decision to go to school to become a nurse, and she was always willing to teach me new things, including how to read the EKG monitor and using an infrared vein finder when attaching an IV. She was a compassionate character who took her job seriously, but she still knew how to have fun with it. I wanted to be just like her.

I learned of Christa's death one morning when I entered the hospital only to be told by our charge nurse that Christa and her husband had passed away. As a volunteer who was not wholly necessary to the team, I decided to call it an early day; I did not feel up to the task of performing any work with a smile on my face. The days that would follow were surreal, as I had difficulty coming to terms with the idea that Christa would simply not be showing up to work as usual. As a nurse and a friend, she had the largest impact on my life compared to anyone else in the oncology unit, and it felt impossible to believe that the one nurse who really inspired me had so quickly been taken away from my life. Even today, Christa continues to be a powerful drive for me to continue my education to become a nurse – it was because of her that I felt ready to take a small step into the field and become a certified nursing assistant.

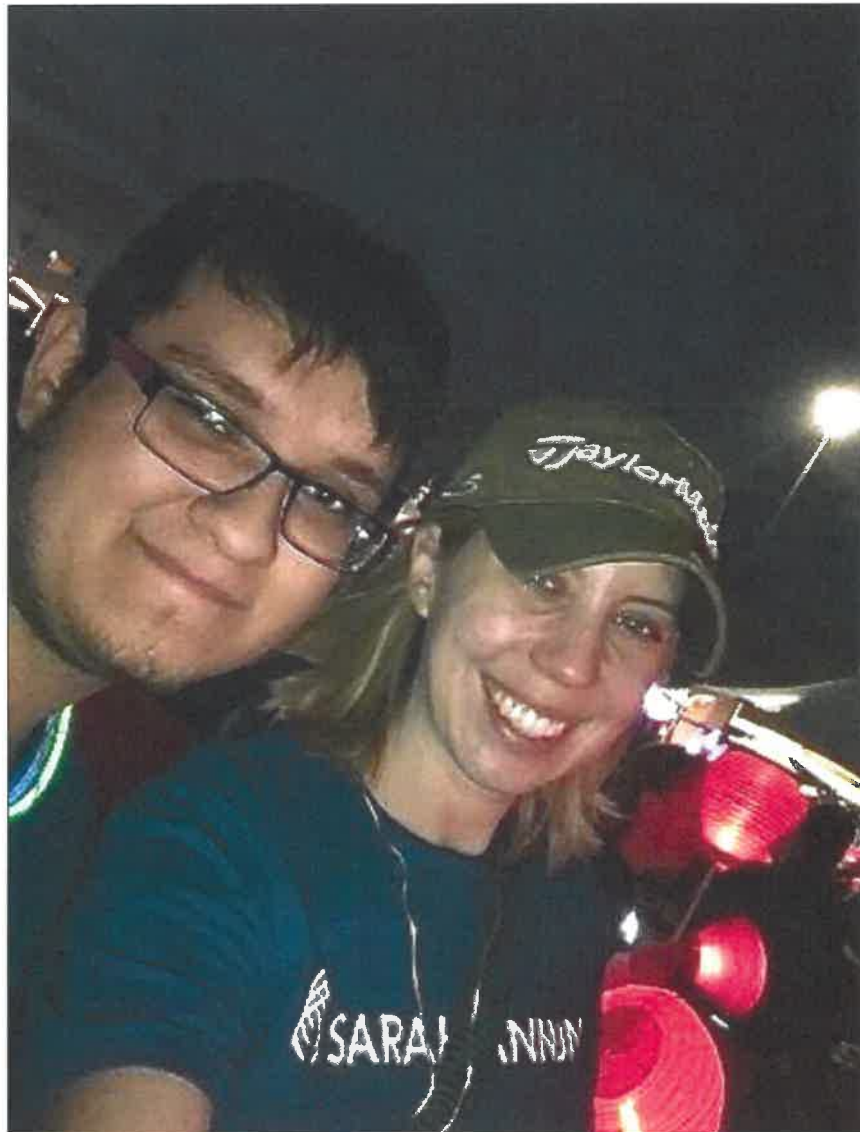
I had the pleasure of meeting Christa's parents during vigils and the funeral held for the couple. Christa's mother, Diane, seems to be bearing majority of the emotional weight, and understandably so. Between volunteer hours and clinicals, many patients I have met were terminal or coming to their age limit, but there was always time for them to say goodbye to their loved ones. Knowing Christa and Damaso had so quickly left this world in the span of a single night with no warning leaves many, including myself, with regrets of not having gotten the chance to see or talk to them for the last time.

The decision to drink and drive will never be an acceptable decision and should not be taken lightly. In a single night, Mr. Aparicio took two incredibly beloved lives and that has affected many lives more. I would like to request Mr. Aparicio does not receive anything less than the maximum prison sentence of 20 years. He must be held accountable for his carelessness and lack of compassion for humanity. At the very least, Mr. Aparicio will have a chance to continue life after his sentence, which is not something that can be said about the innocent couple that were simply unlucky and in his path.

Thank you for taking time to read through my statement, Your Honor.

Respectfully,

Giovanni Hernandez



Victim Impact Statement

Case #: C-18-332496-1

Honorable Judge Cristina Silva,

If you did not know Damaso and Christa, it would be easy to mistake them for a new couple. Christa clutched to his arm, glancing at Damaso in adoration. Damaso, holding her close, her protector. They were inseparable from the moment they met. They personified a steady, resilient, confident, and inspirational love that got stronger over time. People gravitated towards them just to get an essence of what they were about. Because of them, I know what love is. Without them, I would have never met my wife with whom I have a beautiful daughter.



It is difficult to write this impact statement without writing a complete biography of their lives because I was blessed to have shared memories in many of their chapters. Damaso and I met about 17 years ago working valet at a local casino. From our first meeting, I was drawn to his friendly, confident, and most importantly authentic demeanor. We soon became close friends and I consider him one of my brothers. We had the opportunity to stand next to each other in our weddings and I always envisioned him at my daughter's wedding. Damaso was the older brother I never had. His independent spirit was uplifting and fueled my propensity to better myself by finishing Graduate School. He always told me it was never too late to chase your dreams. By his example, I understood that pursuing something I am passionate about was far more significant than seeking money or status. I am saddened that he did not get to see me obtain my Master's degree this past December and that I did not get to see him continue his passion for film making.

Reflected in his work and personal relationships, Damaso had the ability to bring out the best of people. He had no problem breaking the ice in a room full of strangers. Damaso could easily have a casual conversation with a stranger about the weather and have that evolve into a 2-hour conversation about politics, philosophy, music, and every Quentin Tarantino movie. In his presence, I felt comfortable and assured that he would not tell me the things I wanted to hear. Instead, he told me the things I had to hear; forever giving me valuable



perspective on significant matters in my life. Those long nights sitting in his garage having conversations until the early morning hours are now forever taken from me.

In many ways, Christa was the opposite of Damaso. Unlike him, she was not the one to initiate a conversation in a room full of strangers. She preferred to be in the background. This did not make her less impactful than Damaso. Instead, she taught me that strength is not measured by the volume of words spoken but by the value of the message delivered. When she spoke, it mattered, and you listened. If you spent a few moments with her, it was obvious why Damaso was the way he was. She was the foundation to his world. She had the ability to soften the hardest of hearts and be your beacon of light during the hardest of times. Because of her, there was no feat that was too big for them to conquer together. Regardless of what was thrown at them, everyone knew that Christa could devise a strategy for success. Her career as an oncology nurse was fitting because in the middle of your worst day, she could lift your spirits, restore hope, and refocus your direction if you just followed her lead.



Over 13 years ago, Christa introduced me to her best friend from high school, Jessica. As cliché as it may sound, the first time I met her, I knew she would be the one I wanted to marry. She was not



the “stereotypical” woman I dated, she did not live in Nevada, and we were quite opposite. There was something about her that had me gravitating towards her. I knew that I found my “Christa”. I believe that we are a collective reflection of those who are significant in our lives. Christa was the full package and those attributes reflected on my wife. Knowing Christa, I understood which attributes embody a strong, independent, inspiring, and loving partner. I am eternally grateful to her for not only introducing us but also helping her move to Las Vegas to finish college. We have been together ever since.

Together, Damaso and Christa showed us the formula for a striving and resilient relationship. They made numerous sacrifices so that they both could realize their dreams. Damaso worked multiple jobs so that Christa could finish nursing school. When she was done, she encouraged him to leave his job to pursue his dreams as an independent film maker; working graveyard shifts as an oncology nurse. No matter how hard, they remained on course. When Jessica and I did the same for each other, we knew it would be possible because Damaso and Christa had done it and because of it, they were a stronger couple.

The defendant's actions robbed us of a lifetime of memories because of his arrogance and disregard of others. His actions after the crash further exacerbated the pain and agony. He denied everyone the opportunity to commence some semblance of closure with each subsequent court filing. It was not until the 11th hour, right before the start of the trial, that he finally decided to plead guilty. His allocution, empty and insincere, was an insult to the memory of Damaso and Christa, their friends and family, and to the court. He did not accurately portray his actions before and after he killed Damaso and Christa. He deserves the **maximum** sentence because this was not a random occurrence of chance. **His many choices** before and after he murdered my friends afford him this harsh sentence. These are the facts:

- He admitted that he was celebrating the graduation of his then girlfriend. This was **NOT** a random night of partying. He should have planned accordingly. He **CHOSE** to drive to and from the celebration even though the defendant lived about 2 miles away. In the time that it took him to walk to his car, he could have reserved a ride for him and his girlfriend via Uber, Lyft, or taxi.
- The defendant and his girlfriend consumed about **20 drinks** in approximately **3 hours**. The defendant's BAC was estimated to be **over 0.32** when he killed Damaso and Christa.
- He **CHOSE** to not take responsibility for the crime and instead **CHOSE** to erroneously claim that he was not behind the wheel of the car; dragging out court proceedings in excess of a year after he killed Damaso and Christa. Amidst numerous witness statements and a robust investigation, this was the angle he **CHOSE** to take.

Because of these actions, our numerous plans of adventures together are over. No longer will we celebrate our March birthdays; something we have done for over 16 years. Damaso and Christa were trying to have a baby and we were all anticipating our kids growing up together. My daughter still asks, "Why did that man have to hurt Damaso and Christa? Why did they have to go to heaven?". I wish I had the words to explain the defendant's actions, but I never will. I wish she could experience Damaso and Christa like we all did. We are better people because of them; their impression forever stamped in our hearts. I see the effects of the defendant's actions on my wife and close friends every day. The life and energy have been taken away from their parents. Since their deaths, there has never been a time when I did not see Christa's mom in tears. We want to live our best lives and not take anything for granted to honor them. Unfortunately, it has been difficult for us to leave the house. Pursuing justice for Damaso and Christa has taken a toll on us spiritually and physically.

Once benign tasks such as running to the grocery store, taking my daughter to school, or going on a road trip, are now met with reluctance and fear of being the next victim. Often, I freeze while I am

going through a street intersection. Over a year later, I still have sleepless nights where I find myself reliving their deaths. I often think, "Did they feel any pain? What were they talking about before they were killed? Can they hear me when I talk to them? Why did this happen to them?"

Your Honor, I understand there is no sentence that can take away the pain and loss of Damaso and Christa, but you have an opportunity to ensure that the defendant will not hurt another family for a very long time and their deaths were not in vain. Hopefully through their deaths and the defendant's sentence, others will be encouraged to make more responsible decisions. Please consider sentencing the defendant to the maximum allowable sentence to run consecutively.

Your Honor, thank you for your time and consideration.

Sincerely,



Jorge L. Bertran



Victim Impact Statement

Sentencing of Henry Aparicio #C-18-332496-1

Fatal Victims: Damaso and Christa Puente

Judge: Cristina Silva

Honorable Judge Silva,

"They're not here anymore." *They're not here anymore.* Those are the words from my husband, Jorge, that have echoed in my mind every single day since May 16th, 2018. Every single day I live with those words and the vision of a beautiful couple, Damaso and Christa, leaving this earth together side by side, just as they'd lived for nearly 16 years.

I was at work when Jorge told me that Christa and Damaso had been killed by a drunk driver the night before. My heart broke at that moment and will never fully recover. I also realized in that moment why I had an unread message from Christa's mom, Diane, asking me to call her ASAP. So, I did, and amongst tears and info about her and Christa's



dad, Dan, catching the next flight home to Las Vegas, she asked me to go to the house and check on the dogs who had been alone all night. Jorge immediately picked me up with Maya, our daughter, and that's what we did. We walked in to the home of our best friends, to the sight of their 3 dogs unknowingly waiting on their people who would never greet them again. I sat down on the couch and saw a piece of paper...Christa's handwriting with a list of meals she was planning dated out a couple weeks. Weeks she would never see. Weeks her and Damaso were obviously planning to continue their journey to eating healthier. I think of this often, how all the plans for my life and my family could be shattered instantly by the selfishness of another person.

Christa and Damaso are impossible to describe in mere words. Their adoration for one another was obvious and enviable. The gaze in their eyes toward each other was still there just the same as it was in the beginning. They had so many bold dreams, some that came true, and plenty more they were working towards. Professional dreams, family

dreams, artistic dreams. They never hesitated to take chances, and whether their intentions worked out or not, they always had fun trying just because they were in it together. Even with normal life stresses, they always seemed stress free because of their optimism. They were truly the best kind of people...funny, compassionate, loyal, honest, and humble; and the goodness in the world is at a great imbalance without them. Christa and Damaso were happy, admired, and the friends I knew I was lucky to have.



Their impact on my life, individually and as a couple, is immeasurable, which is why life without them is so difficult. I could go on forever about the experiences Christa and I have had together in our nearly 20-year friendship. She was the friend I needed most for all those years, and still need. There is no one person on this earth, outside of my



immediate family, that has had a greater impact on my life or that I have shared more of life with. Memories of her, millions it seems, literally surround me every day. When she and her family moved to Las Vegas our sophomore year of high school, I made the road trip with them. Between that trip and subsequent visits, but primarily with the inspiration and support of Christa and Damaso, I was eventually drawn to move to Las Vegas too. And so, one summer, they showed up at my door in Illinois, helped me pack up my car, and they whisked me away on an adventure that changed the course of my life forever. Life with them was full of fun and spontaneity. Damaso became like a brother, protective and genuinely caring. I was always interested in his opinion on nearly every topic, because he always had new perspective to offer. Together, they were an example of true love, and I am forever grateful for them introducing me to mine, Jorge. So many of life's special moments have included all of us. We stood by their side at their wedding, just as they stood by us at ours. But it is the simple day to day experiences with all of us together I cherish and miss most. Jorge and I consider them family, and we should

be growing old with them. The most special outcome of their introducing us? Our beautiful daughter, Maya, who is now without their influence in her life.

In a new reality without Christa and Damaso: Vacationing in Maui where our wedding took place, and looking at our wedding photos is bittersweet. I must answer questions from my 4-year old, "Why are Christa and Damaso in Heaven?" "Why did someone hurt them?" Since I work at the same hospital as Christa, I avoid the unit she worked on because I can't stomach being there when she's not. I walk outside on



dry summer evenings and wish for their laughter and storytelling for hours on end on the patio. I watch movies and wonder if they would have liked them. I answer the questions "Why did you move to Vegas?" and "How did you meet your husband?" and I cry, because the answer is always them. I used to love telling our story and how our lives intertwined so perfectly, but now the story has a heart wrenching page that can never turn. I wait at stoplights, glancing in the rear view, praying they never saw what was coming. I panic if my husband or daughter are driving somewhere without me there and I don't hear from them when I think I should. My head goes to places it shouldn't have to. I hear my daughter say, "Drive safe!" as I leave for work knowing that driving safe didn't make any difference for Christa and Damaso as they sat innocently at that stop light.

I have also witnessed the devastation inflicted on the Malone and Puente families. I've seen their overwhelming sadness. I've seen their grief worsen due to the disregard for life and lack of accountability of the defendant. Each of their youngest children and the dreams they were supposed to witness were stolen from them. It is extremely difficult knowing that that nothing can take away their pain and emptiness. Nothing can take away the life sentence they're now forced to endure.

I was shocked and saddened to learn that the recidivism rate for drunk driving is ~30%, making the likelihood the defendant will reoffend extremely concerning. I firmly believe that the most effective way to lessen the risk the defendant poses to society in the future, is to sentence him to the maximum penalty allowable by law. I ask that his sentences, one for Damaso and one for Christa, run consecutively. The defendant has shown his true colors through this process. He has not shown remorse, and even on the day he pleaded guilty, after 14 months of denying he was driving the car, his own words to the court were about how "It was the worst day of MY life." He has proven to be everything opposite of Damaso and Christa, and his actions and choices before and after he killed my friends have only shown selfishness and disregard for their lives and those who love them. He has forced us to relive the nightmare at each court date, allowing arguments he knew were not true. He deserves no leniency. Christa and Damaso deserve justice. Those of us still living deserve a world that is safe from such senseless tragedy. The death of Christa and Damaso will not be in vain if a precedent is set that will deter others from making such reckless and irresponsible decisions. Thank you, Judge, for your time and consideration.

Respectfully,

Jessica Bertran

Jessica Bertran



Sentencing of Henry Aparicio #C-18-332496-1

Fatal victims: Damaso and Christa Puente

Dear Judge Silva:

It's never a good thing when you answer a phone call and you're told that you better sit down "I have some horrible news." That's essentially how the conversation started between my wife Linda and the caller Jorge Bertran, our son-in-law, who was calling from Las Vegas on May 16, 2018.

"Christa and Damaso were killed last night by a drunk driver while sitting at a stoplight," Jorge said, having gone through the previous night's horror and misery shared by the young couple's relatives and friends.

As soon as Linda got off the phone with Jorge, she came into the living room where I was recuperating from prostate surgery and gave me the horrible news. I couldn't help but cry.

That's how we got the news of this nightmare that has remained with us ever since. The horror of it all came in bits and pieces for weeks afterward ... and we still hear things over 14 months later in 2019, disturbing things about the carnage. You do not want to dwell on it, but you can't help it. You hope and pray that it was all instantaneous ... if there is God, any kind of god, at least give them that you think. And make yourself try to believe it.

Of course you cry, if you knew Christa and Damaso you have to cry. Sometimes I wonder about the ocean of tears that must have been cried at their deaths and continues to rise on an undiminished tide of emotions now closing in on a year and a half later. Is this ocean testament to what this couple meant or is it merely a pool of heartbreak and distress. Maybe it's all of that and more.

Christa and Damaso Puente were personal friends. My wife Linda and I had known Christa from the time she and our daughter Jessica were teenage high school classmates at Columbia High School in Columbia, Illinois. It is no small thing that it was Christa's connection that brought Jessica to Las Vegas to ultimately meet and marry Jorge Bertran (a friend of Christa and Damaso's) and expand their family with their beautiful four-year-old daughter Maya.

When our four-year-old granddaughter Maya mentions Christa and Damaso (friends of her mother and father's), and how they are in heaven, not to be seen by her on earth again, these senseless deaths tear at aging hearts such as ours. Christa and Damaso should be here to watch and help mold Maya for the future, long after we ourselves are gone. They should be here for Jessica and Jorge, to grow old together and share memories of their youth. What's more they should be here to have and raise their own children in the midst of loving family and friends ... all denied to them so callously by all the consideration it takes to raise another glass or bottle to drunken lips.

Linda and I were fortunate to inherit both Christa and Damaso as friends of our own through their connection to Jessica and Jorge. Our world is now much smaller and more isolated without the presence of this wonderful couple. To see them together was truly a joy. They were a team, each making the other better and able to contribute their skills to benefit us all. We lost that bright future of their contributions. And Judge Silva, I can't overemphasize this, YOUR world is smaller, too, as it could easily have been Christa to provide medical care to you or a loved one in her role as nurse and YOU no longer have the opportunity to enjoy Damaso's uplifting creativity in the realm of writing and small or very possibly big screen visual medium projects within his horizon.

The last time Linda and I saw Christa and Damaso was while entering the Sprouts grocery store on Lake Mead, near where they lived. We had a quick conversation in the "cart lobby" where they were exiting, Damaso munching on some healthy veggies supporting his then recent and successful weight loss efforts, as we quickly said our hellos, how you doings and goodbyes. I thought at the time, I wish we had gotten there earlier because I would have liked paying for their groceries that day. You see, Damaso had volunteered to create a video for me months earlier at no cost, although it took his time and Cactusboy Productions professional talents. The wonderful favor paid off and generated attention that I had turned into cash. As we left one another, I thought to myself, "Groceries are cheap, I want to do more than just that. I'll write him a check later and they can use it for whatever they like." And that's how we parted and that's what was on my mind when we did. Of course, later never came.

Judge Silva, the guilty defendant, who you are about to sentence, willingly took the lives of Christa and Damaso Puente on May 15, 2018 and Linda and I urge you to impose the maximum penalty to run consecutively for each of their deaths. The guilty defendant made a deal with the devil the Tuesday night he chose to drive drunk and recklessly with no consideration to the possible horrific consequences of his actions. There is a price to

be paid for such actions and he is in arrears. Christa and Damaso, and those relatives and friends of that innocent couple, were unwitting partners in the guilty defendant's devil deal that night and OUR SENTENCE, the sentence of all Christa and Damaso's many relatives and friends, unlike his, goes on without possible parole or end.

Judge Siva, thank you for considering our impact statement prior to the guilty defendant's sentencing. Linda and I consider ourselves secondary victims compared to those many relatives and close, intimate friends of Christa and Damaso who have been completely devastated by this tragedy that was completely avoidable. Linda and I will soon be 70 years old. We have seen our share of tragic occurrences with our own immediate circle of relatives and friends over seven decades, but the deaths of Christa and Damaso has hit us especially hard because of what they meant to us and what we know they meant to so very many others.

Sincerely yours,

Linda A. Peach *Roger Peach*

Linda A. Peach

Roger Peach

3601 Lisandro St., Unit 102

Las Vegas, NV 89108

PS: Linda and I spend about 5 months each year in Las Vegas to be near the Bertran family. In the 14-plus months it has taken to get to this point of a guilty plea and sentencing, I often find myself sitting at Las Vegas stoplights, looking in my rearview mirror. I'm looking for that vehicle coming at me doing 100 m.p.h. in a 45 m.p.h. speed zone. Why does someone do that on a city street? What gives them the insane disregard for such action? As I sit at stoplights, I know I'm at the mercy of the driver behind me, just as Christa and Damaso were at the mercy of the guilty defendant. No mercy was granted. The guilty defendant saw to that.

Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

Your Honor,

My name is Michelle Gillum and I am one of the lucky ones. Not one of the really lucky ones, but lucky none the less. Perhaps you'll spare me a moment to explain. I didn't know Damaso and Christa closely. I'm not able to say that this senseless, avoidable tragedy took away two of my friends. I'm not able to say that I miss seeing their names appear on my phone. I'm not able to say that I miss seeing the way they laugh together. And I'm not able to say that I miss being able to participate in their latest video skits. But what I am lucky enough to say is that they have taught me how life should be lived.

My sister, Jessica Bertran, was in high school in Illinois when she met and became friends with Christa. They were close – so much so that when Christa's family later packed up to move, Jessica took the road trip to Las Vegas with them. From then on, Jessica traveled back and forth to Las Vegas to visit Christa before eventually deciding she would transfer there during college. I think my parents thought Jessica was a little nuts – up and moving halfway across the country to be close to only one friend and no family. I remember the day Christa pulled up into my parent's driveway with a couple of guys we'd never met to pack my sister's worldly possessions into an already cramped four-door sedan and whisk her away to Sin City. This is when I first met Damaso, Christa's then-boyfriend. He was nothing but polite and assured my dad that they would look after Jessica. We didn't know it at the time, but Damaso and Christa would also gift my family with a son-/brother-in-law because once Jessica lived in Las Vegas, she spent time with Damaso's best friend, Jorge. Jessica and Jorge got married in August 2012. Damaso and Christa were two of less than 25 people that ventured to Maui for the ceremony and both served in the wedding party. So even though I spent limited time around Damaso and Christa, it was plenty of time to see how close they were to my family.

On May 16, 2018, my parents called me and asked me to stop by their house on my way home from work. They were sitting in the living room when I walked in, waiting for me to sit down. Once I did, my dad came out by saying that Damaso and Christa were killed in a car accident the night before. My dad barely got the words out before bursting into tears. You see, even my parents had grown fond of Damaso and Christa. They now split their time between living in Illinois and Las Vegas and had seen Damaso and Christa on different occasions. Damaso was also always willing to help people any chance he could. When my dad published a book that year, Damaso volunteered to record a promotional video for my dad, free of charge, out of the kindness of his heart. After my dad composed himself a bit about the news, he then went on to say how he had never paid Damaso back for the favor. It seems like so many times when we lose somebody, we regret not doing something for them to show them what they meant to us.

Damaso and Christa lived their lives by not missing those opportunities, though. That's what they have taught me. They showed their friends and family they loved them. The countless people with broken hearts who continue to be thankful to have known them prove that. Seeing the devastation of so many people close to them has been heartbreaking to watch from afar but watching the uplifting stories and memories of Damaso and Christa being shared between so many people makes it clear that they were two people worth loving. So I'm not one of the really lucky ones who can say Damaso and Christa were

my friends. But I am thankful that I'm lucky enough to have been shown how two beautiful souls can impact those around them. Christa's smile was infectious and Damaso's sense of humor was contagious. Their compassion and kind hearts were continuous. Anyone who has met them would say that.

My sister and brother-in-law have lost two of the closest people in their lives. They have stood strong for Damaso and Christa's families through their grief while learning to grieve themselves. A message posted in all capital letters from May 16, 2018 is still on my sister's social media page from Diane Malone, Christa's mother, "Jessica. Please call ASAP. PKEASE". Shortly after Damaso and Christa's deaths, I called my sister to arrange plans with her for a Father's Day gift for our dad. She answered the phone in a hesitant whisper, "Hello?" I greeted her and said she must be busy at work and asked if there was a better time to talk. My sister's response still gives me a sunken feeling in my stomach. She told me she had time, she just didn't really like unexpected phone calls anymore. Nobody should have to feel anxious when a friend or family member calls them because they are scared something terrible has happened. On a recent family trip to Maui, we were preparing to check out of our condo on the last day. Jessica and Jorge had walked off with their four year old daughter, Maya (my niece). I wasn't sure where they went and wanted to ask what the plan was before we all left to catch our respective flights home. I turned the corner from the pavilion we were sitting in and saw Maya holding hands gracefully with her parents while looking into the ocean. A flower lei they had gotten the night before was floating in the waves. I realized I had caught a glimpse of a private moment. When they came back to the group, I overheard Maya asking about mommy and daddy's friends in heaven who they had obviously just had a moment of respect for. No child should have to see their parents grieve senseless loss.

The purposeful actions of Henry Aparicio have taken two people from this world before their time was meant to be up. He cheated this world out of seeing what more Damaso and Christa could have contributed. Their lives were not lost in an "accident." The guilty defendant knowingly and purposefully endangered the lives of everyone he encountered on the night of May 15, 2018. The world was undoubtedly a better place before Damaso and Christa were taken from us. The guilty defendant serving the maximum allowable penalty in this case will not be restitution for the lives lost and the hearts shattered. But a stern sentence of serving the maximum 20 years to be given for each count to run consecutively has the potential to affect the actions of others, and most certainly will protect society from any reckless actions of the guilty defendant for which he has proven he is capable. The world can never be better without Damaso and Christa. But it can be safer.

Thank you Judge Silva for taking the time to consider my thoughts and concerns.

Respectfully,

Michelle Gillum

Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

Your Honor,

As a 7+ year veteran in law enforcement, I believe strongly in the sanctity of our criminal justice system. I served as a police officer for 5 years in Memphis, TN before taking my current position as a police officer in Cahokia, IL, a small Metro-East community right outside of St. Louis, MO. I have seen the worst of the worst in people. And on some lucky occasions, I have seen the best of the best.

To be honest, I only met Damaso and Christa once. But from all accounts, Damaso and Christa were some of the best. I may not know the direct impacts of their lives and untimely deaths. But I have seen loss due to DUIs. I have supported colleagues through anniversaries of losing a veteran officer within my department. I have been the one to explain to families that arrive on the scene of a DUI crash why there are so many flashing lights illuminating paramedics and firefighters toting heaving "jaws-of-life" contraptions surrounding the car of their loved one. I have had to comfort someone's grandmother after being petrified when a drunk driver drove their car through the wall of her home. And I have watched and supported my wife, Michelle Gillum, as her family learned to navigate the horrific reality of Damaso and Christa's deaths. My sister- and brother-in- law, Jessica and Jorge Bertran, were best friends with this young, promising couple. No family should have to lose loved ones this way. And the fact is, nobody does have to. If it weren't for the reckless and purposeful actions of the guilty party you are about to sentence, Damaso and Christa would be here. Nothing and nobody changed their fates aside from Henry Aparicio. For that, he deserves a strict and unforgiving penalty. The guilty defendant knowingly drank in excess, chose to get behind the wheel of a vehicle, and elected to disregard numerous traffic laws put in place to protect each and every one of us, laws that you have been given the opportunity to enforce each day. His conscious and premeditated actions were deadly and his history proves this is not his first encounter on the wrong side of the law.

Judge Silva, you now have the opportunity to use the parameters of justice to sentence the sole person responsible for two deaths and endless heartaches. Please use your influence to ensure that this world is a safer and more just place by sentencing the guilty defendant to the maximum sentence of 20 years on each count, to be served consecutively. There is a reason DUI laws have become stricter over time and why the harshest of penalties still fall short of retribution. According to the Centers for Disease Control and Prevention (CDC), every day, 29 people in the United States die in motor vehicle crashes that involve an alcohol-impaired driver. These deaths are preventable. 10,000 lives lost each year that never had to happen. Please, Judge Silva, do your part to eliminate these preventable tragedies by sentencing the guilty defendant in front of you to the maximum extent allowed by law. My loved ones, your loved ones, and the loved ones of everyone deserve to be protected from the negligent actions of Henry Aparicio.

Thank you for taking the time to consider my thoughts.

Respectfully,

Dan Gillum

Victim Impact Statement

Adam Rivera for Christa and Damaso Puente

#C-18-332496-1

Your Honorable Judge Cristina Silva,

I first learned of Christa and Damaso's tragic death reading a local news channels website. Although I did not know it at the time. Their names had not yet been released. I remember thinking how horrible it is that someone could be so careless and kill two innocent people who were simply in the wrong place at the wrong time. I felt sorrow for their friends and family. I carried on with my work. Hours later, I learned that those two people who were tragically killed, were people that I knew.

Every day I mourn. I mourn for Christa and Dom. The life that they had together, and the life they were supposed to have still. I mourn for their families, and the indescribable pain that they suffer. Every moment that I shared with them was a joyous one. I have tremendous guilt and shame for not spending more time with them when I could have. I no longer encourage my teenage son to hurry and apply for his driver's license. As ridiculous as that sounds, it is the truth. I have been unable to enter any vehicle, regardless of who is driving, and not wonder if someone will be as careless as the defendant. A carelessness that extended to his court hearings, prolonging pain and suffering to everyone that loved Christa and Damaso.

Your Honor, I request the maximum penalty be given for each count to run consecutively.

Sincerely,

Adam Rivera



Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

To the Honorable Judge Cristina Silva,

This is by far the hardest and most difficult letter I have ever had to write. My name is Jamison Derfler and I first met Damaso Puente when I started a new job at the CW TV station, one week after Damaso first started working there. Being the new hires, we immediately bonded over work assignments and learning the ins and outs of a new work place. We also quickly became fast friends, sharing similar tastes in movies, humor and pop culture. It wasn't long before we were inseparable at work. Fortunately, our job titles allowed us to work alongside each other and we frequently had the benefit of each other's insight when planning and carrying out our work objectives.

Beneficially for us, our friendship soon spilled over from work life, to personal life and also included our wives. Damaso introduced my wife, Lisa and I to his wife Christa and we all became good friends. Christa was a guiding light for Damaso, helping and encouraging him in his dreams, desires and goals; where Damaso was also a beacon for Christa, helping her to reach her goal of becoming a nurse. They were a perfect compliment to each other and shared a love that anyone would immediately be envious of because of its purity and absolute perfection. Everyone wanted to be around them. There were no two people ever better matched for each other. They were a perfect compliment to each other and the love they shared for each other was easily seen by anyone that had the pleasure of meeting them.

I received a phone call from Damaso's best friend, Jacob Lucero, the day after the car crash and was informed about what happened and that both Damaso and Christa were killed. I was shocked and dumbfounded, unable to truly grasp what Jacob was telling me. It wasn't until some hours later, when discussing Damaso and Christa and remembering some of the fond times we shared together, that the weight of the truth finally hit me full force. Great sobs of tears were shed and I knew then that the spot in my heart for these two amazing souls would be vacant from then on. I can't describe the pain that goes along with a piece of one's heart dying for the loss of loved ones. There is now a hole, a void in my heart that will never again be filled.

Because of one stupid, selfish decision by Henry Aparicio, the world became a less bright place. The beauty of two amazing people was quickly extinguished and can never be brought back. Their love for life, their love for each other and their love for their family and friends, is now forever lost. The potential and the good that Damaso and Christa were giving to the world and the greatness they were to bestow upon this life in the future, was ripped from all of us. I'll never have the pleasure of seeing them meet their greatest potential, to see them raise a family as they both so desired. I won't have the opportunity to share a laugh with my good friend or bounce ideas off each other. I won't ever be able to hear Damaso laugh again or witness the loving reprimand that Christa would so often direct at Damaso when he got overly excited about nothing in particular.

Henry Aparicio can never give us back Damaso and Christa, but he can surely take responsibility for his actions and pay for what he has done. I would ask that the

maximum sentence of 20 years each for Damaso and Christa be handed down and that the counts run consecutively.

Thank you Judge Silva, for taking the time to read my statement and for weighing and considering this judgment.

Respectfully,
Jamison Derfler

ajjRjm mibet

Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

To the Honorable Judge Silva,

My name is Lisa Derfler. I became friends with Damaso and Christa when my husband and Damaso started working for a local tv station together back in 2010. They started within a couple of weeks of each other so they were the new guys together. Our friendship grew over the years as we celebrated birthdays, holidays and just the every days.

My husband and I were called by Damaso's best friend Jacob Lucero the day after they were tragically killed. I was absolutely shocked that not only one of our friends, but two, were killed by a drunk driver, to no fault of their own. How could this even be possible. They were sitting at a red light and were struck by a man behind the wheel who chose to drink and drive. Despite being only a few minutes away from his home, he chose to drink and drive recklessly slamming into them at 100 mph. Stealing two of the most beautiful souls from this world.

Damaso was just at our house the week prior as we were helping him to create his own wedding videography business. Damaso had occasionally worked for us filming weddings and he was ready to spread his wings and create his own business. He was always such a joy to work with. He was just a sweet, funny and genuine guy who put everyone at ease and put a smile on your face. He was extremely hard working and always went above and beyond. He and Christa hoped to start a family soon and he wanted to make sure he could support them and their dream of having children.

Christa and Damaso had an amazing marriage. One that everyone dreamed about having. A love full of happiness, laughter, support and friendship. My husband and I looked up to them and wanted a relationship such as theirs. We admired their willingness to support each others dreams and how each of them stepped up to the plate. When Christa attended college to become a nurse, Damaso worked his regular job plus many side jobs to make sure the bills were paid. When Christa became an oncology nurse, she supported Damaso in his dream of becoming a film maker. The devotion they had to each others happiness and their relationship was to be admired.

Everyone was so excited after 16 years together, 8 years of marriage they were beginning the next stage of their life, adding children to their family. They were never allowed this opportunity because Henry Aparicio chose to drive drunk. Theirs parents not only lost them, but a future with grandchildren from the two of them. The two were buried together on their 9th wedding anniversary.

This past March, we as their friends and family gathered to celebrate Damaso's birthday, without either of them, except in spirit. It was extremely bitter sweet. All of the familiar faces, but missing two, Damaso and Christa. As we told stories and remembered what amazing individuals they both were, it brought laughter and many tears.

The devastation this has brought to each of their parents is beyond imaginable. It has completely torn these families apart. For Christa's parents, this is the 2nd child they have lost. One is too many. The guilt that they feel despite this being no fault of their own is a burden they should not have to bare. This burden for killing two people, should weight heavily on Henry Aparicio's shoulders. They could not have known a drunk driver would kill them that night, but Henry knew the chance he was taking when he got behind the wheel and drove drunk.

I am requesting the maximum penalty of 20 years be given for each count to run consecutively.

Thank you Judge Silva for taking the time to consider my thoughts and concerns.

Respectfully,

Lisa Derfler



Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

Dear Judge Cristina Silva,

My name is Michael Lui-Kwan. I am a producer and editor at News 3. I am a friend of Damaso and Christa Puente. I met both Damaso and Christa while attending The Community College of Southern Nevada in 2007. Both Damaso and Christa were inseparable. A few years ago, when a position became available in my department, Damaso was the first person that came into my mind for the position. Within our department, Damaso brought laughter, creativity, and integrity. If someone needed assistance with anything, Damaso would be there. There were times when Christa would drop off Damaso at work and she would bring those same characteristics of laughter, creativity, and integrity.

When I had heard of the accident on the news, I was unaware that they were the victims. I was at home when I received a call from my co-worker, informing me that they had both passed. I was in complete shock. I called back my co-worker, saying that it was not them. I could not stop thinking of their smiles, their laughter, and their love for each other.

Our former instructor at the community college was very close to Damaso. When I called him to inform him of Damaso's death, all he yelled was the word "NO!" several times in disbelief before asking me how it happened.

Henry Aparicio left a gaping hole in my lives of myself; as well as, the lives of both Damaso and Christa's families, friends, co-workers, patients (of Christa), former classmates and instructors. After the accident, he showed no remorse. He bragged on social media that he was going to be free. Therefore, I request that he be given the maximum penalty to be given and for each count to run consecutively.

Thank you Judge Cristina Silva for taking the time to consider my thoughts and concerns.

Respectfully,


Michael Lui-Kwan

Sentencing of Henry Aparicio #C-18-332496-1
Fatal Victims: Damaso and Christa Puente
Judge: Cristina Silva

Your Honor,

My name is Marne Hahn. I had the privilege of knowing Dom and Christa for over a decade. Christa and Dom were bright lights in my life, my daughter's life, and in this world. They were a part of my core group of friends (that were really family) having spent most holidays and weekends together. To attempt to describe the lives of Dom and Christa in this letter seems futile as their lives were so much more than can be portrayed on a sheet of paper. Yet, here we are, and this is all we have left of these two beautiful souls whom were killed in the prime of their lives. They were killed while planning their family. Dom and Christa would have been amazing parents and they deserved to realize that dream. I feel this loss as well. I wonder what their children would have looked like and what characteristics of each would be passed on to their children. My heart aches for Christa not having the experience of holding her new baby in her arms for the first time. She so looked forward to that moment and motherhood was something we discussed often. Christa and Dom have been deprived of so many things that they were working towards in their future. They simply lived life to the fullest and inspired me to do the same. I learned from them to enjoy the little things and be in the moment and to not worry about material things because life could be so fulfilling with true friendship and a joyful spirit.

As a couple Dom and Christa were amazing. They were the very definition of unconditional love. They truly supported each other no matter what the circumstances. That is why you will hear them referenced as if they were one. Somehow, they managed to blend seamlessly into this one unit as a couple yet still keep their independent selves. Christa was always smiling and never had a complaint. She was easy to talk to, kind, compassionate, had an amazing sense of humor and could dance like no one's business. The dancing was a special part of our friendship. We often ended up having dance offs during our weekend get togethers. My daughter has danced since she was 3 years old, she is now 15. Christa and my daughter would dance beautifully while Shanna and I had two left feet. It was pure joy and non-stop fun and laughter. Dom was witty, creative, introspective, and a fiercely loyal friend and husband. He was determined to be the best man he could be. Christa and Dom both drew people in with their warmth and magnanimous spirits. They were a rare gem in this world.

Christa and Dom's deaths have left a whole in our group that will never be filled. The absence of Christa and Dom is felt heavily at every get together making them all bitter sweet moments as their deaths were so tragic and so very preventable. The defendants self-centered choices senselessly devastated so many people. This is why I am asking you to apply the maximum sentence. The defendant made a choice that night that ended two lives. Dom and Christa had no choice in this matter as they sat at a stop light probably laughing and being silly not knowing that this would be the last day of their precious lives. I ask you to consider the maximum sentence of 20 years be applied and ran consecutively. Twenty years for each life taken, to not only punish the guilty but to set an example to deter others from enduring this type of loss and despair.

Thank you Judge for your time and consideration.

Respectfully,
Marne Hahn

Victim Impact Statement
Sentencing of Henry Aparicio #C-18-332496-1

September 27, 2019

Shanna Carter for Damaso and Christa Puente

To the Honorable Judge Silva,

It has been over a year since Damaso and Christa were killed by the unrepentant defendant, and their death continues to exact a toll on my soul that can never be regained, never be healed, and never be alleviated. I am haunted by their loss in not only my dreams, but in my every day waking life. Damaso and Christa were not just friends to myself and my husband, Jacob Lucero, but they were family. They were godparents to our now nine-year-old son, Jameson Lucero, who loved them dearly. We spent nearly every weekend and holiday with Damaso and Christa. They would come to our house to watch movies, but oftentimes the movie would merely be background noise to our conversations and talks between Jacob and Damaso about their future plans and film ideas. We would also spend time at my mother's house, where she would prepare a banquet-sized meal whenever she knew that her "other kids" were coming over. We vacationed together, and they loved coming to my hometown to experience life in the rural, southeastern town of Gallipolis, Ohio. Christa and I used to joke that when we were old, we would get houses next to each other but, rather than living with our messy husbands, we would live together. All of that has since been stolen from myself and my family. No more jokes, no more excitement over vacations together, no more family meals, no more conversations, no more anything, just silence.

Christa's positivity was contagious. Working at Mountainview Hospital was not just a job to her, but a calling. She loved helping others and was continuing her education so she could provide even more to her patients. A couple weeks prior to the accident Christa was told me about how she brought in makeup for one of her cancer patients that had been feeling down.

That is just who she was. Christa cared about people and when she would ask you how your day was, you knew that she genuinely wanted to know. She was the person I could always go to with my problems and she would listen, without judgment and I would always walk away feeling more positive. She would have made a wonderful mom, and her and Damaso were seeing specialists so they could start a family.

When Damaso walked into a room, it would light up. His passion was as contagious as Christa's positivity and I was always prepared to laugh when he was around. Through his own passion, he helped inspire Jacob to pursue his goals and, together, they posted hilarious videos on YouTube under the name Dos Vagos. Damaso's passion also led him to pursue new hobbies, such as collecting vintage t-shirts, and to take up skateboarding again. Damaso was like a big brother to me, and it meant the world to me when he and Christa accompanied me, Jacob, and Jameson to Gallipolis to be honored by my high school. While helping Christa's parents go through pictures on Damaso's computer for the tribute video that Jacob was putting together for Damaso and Christa's funeral, Jacob found a video that Damaso had made for me from the trip, which highlighted my accomplishments. Although he will never be able to finish it, knowing that he was proud of me meant the world.

Together, Damaso and Christa were dynamic. I knew that when I was with them, no matter what we were doing, we would have many laughs and a lot of fun. Damaso, Christa, Jacob, and I stayed together while attending a wedding in Hawaii. It was one of my fondest memories with them, and we had always talked about going back to Hawaii together one day. Damaso and Christa were completely devoted to one other, rarely spending any time apart. They supported each other's goals fully and worked together to see those goals accomplished. They were always the first to celebrate my wins and to motivate me to overcome/learn from my losses.

They inspired me by their genuine desire to see me succeed, encouragement, and the occasional reminder not to take life too seriously—that it is okay to laugh even when situations seem dire. Now, I feel as though I am coasting through life, neglecting school, responsibilities, family, and friends. I have pushed some of my closest friends away and I feel as though I am failing at giving Jacob and Jameson the love and attention they deserve. Smiles are forced, excitement is feigned, and laughter is rarely genuine.

The impact that their death has had on me is far-reaching, never subsiding. I replay the events of the Sunday before their death, the last day we saw them. I think about our conversation on the front porch, where Damaso playfully teased Christa about her “night terrors.” That night, Jameson made sure to give Christa, or as he called her tia, a kiss before going to bed, and laughed as his tio, Damaso, pretended to be jealous. As much comfort it gives me to know that my son’s last memories of them were full of love, it also tortures me to know that was the last time he would ever get to experience their love. I am plagued with regret over things I wish I would have said, like how I aspired to be the type of people they were. That last night together, forever seared in my mind, prevented me from going back to our home for well over a week after learning of their death. During that time, a friend took Jacob and I in, taking care of us while we tried to find a way to tell Jameson that his tio and tia were killed. To this day, I find it hard to stay in our house and often stay with my mother in her new house, absent of the memories of Damaso and Christa and of the person I was before they were killed.

Damaso and Christa were stopped at an intersection, completely unaware that they were going to touch each other for the last time, take their last breath. Their lives were taken from them within a moment. Visions creep into my mind of them getting hit and the moments afterwards. These visions are spliced together from people approaching myself, my friends, and

Christa's mom, Diane, while we were setting up a memorial for Damaso and Christa at the intersection where they were killed. Some of the people that witnessed the crash or attempted to help Damaso and Christa gave details that haunt me, that I wish remained unknown to me. At the pretrial hearing, we learned that Christa had been alive while trapped in the car. I cannot forget the cry that I heard come from Diane, nor can I forget watching my husband's body slump as he began to sob. I try to tell myself that Damaso went first so he could be there, waiting for the love of his life because to imagine Christa suffering in her last moments on earth is unbearable.

Their death required me doing things that I would never imagined I would have to do Damaso and Christa. We helped Christa's parents go through their belongings at the house they rented and helped look for passwords to their computers, online accounts, along with other things of theirs that made me feel as though I am violating their privacy. Jacob and I went to the funeral home with Damaso and Christa's to help make the arrangements for their children. I personally took to the funeral home the form that Diane had to fill out to authorize Christa's cremation. I designed and ordered memory cards for the funeral that included their picture on one side and information about the reception on the other. Jacob and I selected pictures for their online memorial page and tribute video. I met with the funeral director to drop off the jump drive that contained their tribute video and discuss issues with the urn design. Jacob and I ordered canvases with pictures of Damaso and Christa on them for the funeral. We ended up ordering about 40 or so canvases so that both families had all the same canvases. I did this out of love for Damaso and Christa and, knowing that if faced with the same circumstance, they would help our families in any way they could. If I had to, I would do it all over again, but reliving those moments in the days following their death has caused

me great pain and anguish that will haunt me forever and I am devastated that the only reason I had to do any of these things is because the defendant drove drunk at an excessively high speed down Sahara Avenue.

The selfish and careless acts of the defendant that resulted in my friend's death has affected my physical and emotional health so profoundly that I feel like a stranger to myself. I now get anxiety while driving, having flashes of a car smashing into the back of my car while at a stop light or into the side of my car while crossing the intersection. It bothers me so much that I prefer not to drive whenever possible. I also have trouble sleeping at night, either because of the dreams/nightmares I have about them or because it is the only time I can cry without Jacob seeing me. I hide my pain from Jacob because I do not want his pain compounded by mine. I find that the motivation and passion for life that I once had has since slipped away. I avoid places, activities, and even people that remind me of the unbearable emptiness and loss that I feel within my very being. There are days where I have not gotten out of bed because I lack the energy or will to do anything.

My heart breaks as I have seen the effect that Damaso and Christa's death has had on Jameson. Jameson loved his tio and tia so much, and he was so loved by his godparents. His eyes would light up every time we told him that they were coming over. Damaso and Christa were in his life from the moment Jameson's eyes met the world and loved him as if he were their own son. Prior to their death, Jameson was my carefree little boy who feared very little. While driving home on the freeway after visiting with Damaso and Christa's family in the days following their death, a car sped past us on the outside lane. Jameson began crying, saying he was scared and did not want to die in a car crash. There have been days where Jameson will start crying because he does not want me or Jacob to die. Other days he has cried because he does not

want Papa or Chacha, his grandparents, to die. The suddenness and circumstances of Damaso and Christa's death has resulted in Jameson thinking about death and how can happen to anyone, at any moment. Jameson should be able to spend his days thinking about dinosaurs and Roblox, not worrying about people he loves dying. Over a year later, Jameson's fears have not subsided. September 19, 2019, the night before our flight to Ohio, my husband called me to the bathroom where Jameson was showering. Outside of the bathroom Jacob told me that he heard Jameson crying and asked him what was wrong. Jameson was afraid that the plane was going to crash and we were all going to die. I went into the bathroom where he sat in the tub with his knees pulled to his chest crying. I did my best to calm his fears and to restrain myself from crying. I do not recall a time that Jameson had ever expressed any concern about flying on an airplane before Damaso and Christa were killed. As a parent, one of my jobs is to protect my son, to make him feel safe. The defendant has taken that away from me, and he has taken away the innocence of a boy who thought the world and all the people in it to be good.

For the rest of our lives, every special occasion, every holiday, every trip back to Ohio there will be a feeling of overwhelming grief that will find its way into our family's moments of laughter and joy, knowing that Damaso and Christa should be here, and *would* be here with us if the defendant had cared about anyone other than himself. Damaso would have been forty this year and we would have celebrated our March birthdays together by having a themed-party, like we did the March before they were killed. We should be getting ready to celebrate Christa's thirty-fifth birthday September 30 with her, not in memory of her. They should be there to see our son to grow into a man, and to raise the child that they wanted so badly.

Your Honor, I am aware that a conviction of DUI Causing Injury or Death carries a maximum prison sentence of 20 years for each count. I ask that you sentence the defendant to

40 years in prison, to run consecutively. I know that if, instead, Jacob and I were the ones killed, Damaso and Christa would also ask that this defendant serve the maximum 40-year sentence. I feel that he carelessly and flagrantly stole Damaso and Christa's future and the life and family they wanted, while also leaving in his wake family and friends that will never feel the same happiness that we once had. He not only killed two amazing individuals, he assaulted the hearts and lives of many who loved them and left us with wounds that will never heal.

From what I observed in the previous hearings I attended, I feel that the defendant has no remorse or regret over his actions and his only concern is himself. He has disrespected the memory of Damaso and Christa and has shown a blatant disregard for their family and friends by refusing to accept accountability for his actions. He also wasted this Court's time and resources on a ridiculous proposition and only accepted a deal after seeing the weight of evidence against him. Forty years surely seem lenient considering the defendant drunkenly drove at such a high speed that when he smashed into Damaso and Christa's stopped car, they were propelled forward with such force that he assured their death. He should not be able to leave prison and have the opportunity to live a full life after stealing the life and family that Damaso and Christa were trying to make for themselves.



Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

To the Honorable Judge Silva,

To say that Damaso and Christa we're my best friends is an understatement. Damaso and Christa (D&C as my wife and I referred to them) we're my family; more brother and sister than "friends." When Damaso and Christa got married in 2009, I was Damaso's best man. When I got married four years later to my wife Shanna, Damaso would be my Best Man. I don't have any siblings but Damaso and Christa we're more family to me than most of the blood relatives that I do have. I know in the beginning of my courtship with my wife, Damaso (or Dom as we referred to him) and Christa were primarily known as my friends. Over time, that distinction faded, and they became OUR friends. When our son, Jameson, began to speak, Shanna and I made it a point that he refer to Dom and Christa as Tio and Tia. We took vacations together. We celebrated holidays together. They were such a part of my family's life that it was a rare occurrence if more than two weeks went by without seeing them.

Mother's Day of 2018 would be last time I got to see my brother and sister. The following day would be the last time that I actually spoke to Damaso. We had a lengthy conversation about the 48hour short film contest we were going to enter into. Two days later, on May 16th, I got a call from Christa's sister, Anna, while I was at work. She was crying and just kept saying that Dom and Christa were gone. They had been killed by a drunk driver the night before. I told one person that I had to leave because I had just found out my two best friends were killed. I walked off the job, got in my truck and drove away. I briefly talked to Christa's mom, Diane. I didn't have much to say other than how sorry I was. The next person I talked to was my wife. She had me pull over somewhere and wait for her and my dad to pick me up. When they arrived, my dad got to me first and immediately hugged me. That's when the full weight of their deaths hit me and all I could do was cry in his arms. I felt a piece of myself die that day.

Christa was a RN in the oncology department for Mountain View Hospital. She was loved by both her co-workers and the patients that were in her care. She was known for her compassion and easy to get along with nature. Seeing Christa's fellow nurses at the candlelight vigil was a powerful testament to the kind of person Christa was and showed just how much she meant to so many people. What's even more devastating is the thought of all the patients that were in her care. They lost someone in Christa who was truly compassionate about others and loved what she did. With me, Christa could be brutally honest. For a brief while I thought it was because she didn't like, later I realized that it was quite the opposite. She was honest with me because she legitimately cared. It wasn't to put me down but to open my eyes and raise me up. If I had a big sister, it would've been Christa.

Damaso and I shared a mutual love of movies and writing. He enrolled in film school and soon after I joined him. After many years, we put our shared interests together and started a YouTube channel. Damaso was a very talented writer and Videographer, and he always made what I was working on better. Just before his death, we started to make plans to get the channel going again. This last project we worked on together was a documentary we did for my wife's great uncle. Unfortunately, Damaso never got to see its completion. What I lost the day he and Christa died was not only friendship but also a great deal of desire to be creative. Most ideas I come up with now die quickly because I know the one person who "got" it is no longer alive. The one person who would always indulge and make my ideas better is dead.

This world, my world, has been a bit dimmer since Dom and Christa were brutally killed. It's been almost a year and half and I still think about them everyday. At least once a week, I still get the urge to text Damaso to see if him and Christa want to come over. I still watch shows and almost always comment to myself whether Damaso would or would not like it. When I do get stuck with a project, I can still hear his voice in my head giving me suggestions or insulting me in joking/brotherly way. I don't have time or the desire to make any new friends because it's hard to find people with similar interests, it's hard to make new conversations, it's hard to want to make time for new people. In actuality, there is no one who will compare to Dom and Christa. They were genuine people. People who actually wanted to know how your day was going when they asked "how was your day?" They had a legitimate interest in people and conversations with them were never idle chitchat or small talk. The two people who actually cared about others are no longer living.

On May 15th, 2018, Damaso and Christa were killed by a drunk driver. Because of Mr. Aparicio's careless and selfish decision to drive while highly intoxicated, my two best friends are nothing more than a memory. They won't see my son grow up to be a man, they won't come over anymore to enjoy laughs and company, and they won't grow old with my wife and I. My wife and I agreed long before their deaths, that in case anything were to happen to us, Damaso and Christa would watch over our son; it wasn't much of a debate. Before their senseless demise, they were actively trying to have a child of their own. Because of Mr. Aparicio, they died as only husband and wife and not as father and mother. They would have made amazing parents.

I wish I could say that with Mr. Aparicio's sentencing, I can finally find some closure. Since he has decided to drag this out for over a year, he has made the healing process difficult for all of Damaso and Christa's family and friends. Instead of manning up and facing the consequences of his actions, he kept on trying to plead his innocence in the brutal slaying of Damaso and Christa Puente.

Your honor, I'm aware that each count of DUI Resulting in Death carries a maximum sentence of 20 years. I'm asking that you please sentence Mr. Aparicio to the maximum of 20 years for each count with the added judgement of having him serve the sentences consecutively. Thank you Judge Silva for taking the time to consider my thoughts and concerns.

Respectfully,

Jacob Lucero



Sentencing of Henry Aparicio #C-18-332496-1
Fatal victims: Damaso and Christa Puente
Judge: Cristina Silva

To the Honorable Judge Silva,

I first met Dom about 15 years ago when my son, Jacob, introduced him to me and my wife. Soon after, we met Christa. I saw immediately that these kids were special. I knew then that this would be a friendship that was going to last forever. Then came Shanna (Jacob's wife) and she just made the group seem complete. From then on they were inseparable.

At least once a month they would all get together at our house for dinner. Debra (my wife) and I would look forward to that. Debra loved to cook for the kids. We would all have some wine, talk, and maybe watch a movie. What I remember most was always being awakened by their laughter or them talking in the night. I thought to myself about how happy they all were and how blessed they were to have each other.

Dom and Christa were bright, caring, loving, and devoted to each other. They treated my grandson, Jameson, as if he was their child. For me, it was a beautiful thing to witness and be a part of. Family is everything. And Dom and Christa were very much a part of ours. Dom and Christa are now together forever and I will keep them close to me always.

Mr. Aparicio should pay for his gross irresponsibility that took the lives of two beautiful human beings. With that being said, I ask your Honor to sentence Mr. Aparicio the maximum of 20 years for each count of DUI Resulting in Death . Additionally, I also ask that the serving of these counts be ran consecutively.

Thank you Judge Silva for taking the time to consider my thoughts and requests.

Respectfully,

John J Lucero Jr.

Sentencing of Henry Aparicio #C-18-332496-1
Fatal Victims: Damaso and Christa Puente
Judge: Cristina Silva

To the Honorable Judge Silva,

My name is Debra Salerno, I would like to explain my relationship to Christa and Damaso Puente. I became acquainted with them through my son, Jacob, as he had been best friends with Damaso for 17 years and Christa for about 16 years. A few years later, my son would meet Shanna who would later become his wife and then they were a foursome. As the years passed, Christa and Damaso became part of my family. On Sundays it was common knowledge that if I made a big dinner, the two of them would be invited. More often than not they would come. Hugs were always included with our greetings and goodbyes. As years passed, Damaso and my son were the Best Man at each other's wedding and when my grandson arrived, Christa and Damaso become his godparents.

I currently work at UMC in the emergency department where I am in contact with patients and families who have expressed the loss of a family member and/or friends at the fault of someone else. I was at work when I was notified of Christa and Damaso's death. I was devastated and knew how those families that I had encountered in passing felt.

This past year has been difficult. I mourn for the loss of family, my grandson not being able to know how important he was to them and most of all, my son Jacob and his wife Shanna. Christa and Damaso were a big part of their life, dressing up in elegant attire for those special events, holiday dinners shared and even trips to Ohio to meet the family of my daughter-in-law. I miss those Sunday dinners shared and Damaso being the story teller he was, the laughter. I would hear the shared laughter between Jacob, Shanna, Damaso and Christa until the early morning hours that brought me comfort knowing that they were safe and enjoying life. I mourn for Jacob and Shanna losing family that they thought they would be making making memories to share while growing old together.

Lives were lost due to reckless disregard exhibited by Henry Aparicio when he got behind the wheel in his impaired condition and I request that the maximum penalty of 20 years be given for each count with the penalties being ran consecutively.

Thank you Judge Cristina Silva for taking the time to consider my thoughts and concerns.

Respectfully,

Debra Salerno

Sentencing of Henry Aparicio #C-18-332496-1

Fatal Victims: Damaso and Christa Puente

Judge: Cristina Silva

To the Honorable Judge Silva,

There are no words that can be written to honor or describe the two beautiful souls lost as a result of one irresponsible individual. The only just punishment is the life of the irresponsible party's, not Dom's life and not Christa's life. This wonderful couple brought laughter, love, friendship, and pure joy to everyone fortunate to have been a part of their life. I was privileged to be one of those individuals. Their love for each other was undeniable. They were the epitome of true soulmates. I cannot begin to write all the wonderful things Dom and Christa have done, nor the impact of their love, joy and happiness to my life and my family. There was always an open invitation for them to come over and more times than not, they would usually take me up on that offer. Christa was always inquisitive about my recipes while Damaso was holding everyone's attention. To be honest, I considered them my children as well. Cookouts or just any gathering at my house is just not the same without them. The absence of presence is something that I will never get over.

To quote Ralph Waldo Emerson, "It is not the length of life, but the depth of life". Dom and Christa's lives were tragically shortened by an irresponsible individual. They were basically murdered. Instead of a gun, a car was his weapon. The depth of their lives is bottomless. Only love, joy, and happiness in their remembrance with a sad sense of loss will always remain.

Two beautiful lives were lost due to the reckless disregard for human life displayed by Henry Aparicio when he decided to drive while being highly intoxicated. Friends and family of Christa have been made to endure further pain and suffering due to this court process being dragged out for over a year. In closing your honor, I request that the guilty party be given the maximum sentence for DUI Resulting in Death of 20 years per each count and that the sentences be run consecutively.

Thank you, Judge Cristina Silva for taking the time to consider my thoughts and concerns.

Respectfully,

Ann Carter

Sentencing of Henry Aparicio #C-18-332496-1
Fatal Victims: Damaso and Christa Puente
Judge: Cristina Silva

Your Honor,

My name is Sharon Texeira. As a longtime friend of Ian Malone, the brother of victim Christa Puente. I was in shock when I learned of what happened and have been disturbed ever since by the details. Although I did not know Christa or Damaso personally, I know they have made such a huge impact on so many people. You could just see even through pictures how much they loved life and each other. Ian described his sister as "the good one" she was a nurse and the glue of the family, making sure everyone kept in touch no matter what was happening. He described Damaso as a such a great man to his baby sister, made him laugh and how proud he was to be his brother. The love they had for each other was like a fairy tale and the only consolation is that they were together in the end. I witnessed the devastation firsthand of what it did to her immediate family and best friends. This is not the first loss for the Malone family, it's hard enough to have lost one child as a parent. Having another taken away in such a horrific way is unfathomable. Having to tell your friend to eat or sleep or even try to close their eyes without them filling up again with tears is not easy.

It is hard for me to say this because a selfish young man with no regard for the precious life of others, the defendant, is also going to lose his life, but he is still alive and well. He used a car as a weapon that cost 2 innocent people their lives and has destroyed countless others. When will this stop? He made a choice and I truly believe it would have happened again if given a chance. The only way to avoid or prevent these senseless accidents is making him an example. I pray you give justice to Damaso and Christa Puente by issuing the maximum pentalties allowed by law to run consecutively.

Thank you Judge...for considering my thoughts and concerns.

Respectfully,
Sharon Texeira

Impact statement

Received: 📧 Tuesday, September 24, 2019 6:30 AM

From: James Peterson jepeterson1974@yahoo.com

To: dandiane80@protonmail.ch

I grew up being Christa's brother , Dan, best friend. So I knew Christa from a young girl to the beautiful young lady she grew into. She had a huge heart and in fact became a nurse because she loved helping people. She and her husband Damaso had a strong marriage and were looking forward to growing old together and having a family to love. Dan always lights up when he talks about his sister. It hurts me to see the pain in his eyes when he now talks about her, knowing he will never get to see her again. The tragic lost of life for both Christa and Damaso, ended lives of two wonderful people. But it also derailed the lives of many that loved them , and broke the hearts of their families and friends .

Sincerely ,

James "Pete" Peterson
Sent from my iPhone



A Nevada grassroots nonprofit organization dedicated to stopping the violent crime of driving under the influence and assisting the innocent victims of this crime.

August 19, 2018

Honorable Christina Silva
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Re: Sentencing of Henry Aparicio Felony DUI death 2 counts – Fatal Victims, Damaso and Christa Puente

Dear Judge Silva:

By way of introduction, my name is Sandy Heverly and I'm the Executive Director/Victim Advocate for STOP DUI Nevada. During my time in this position for the last 30 plus years, I've worked with thousands of victims in Nevada and across the country. Although each case and family is unique, I learned very quickly, and saw firsthand, their grief, pain, suffering and sorrow are universal.

Please consider the following:

I began working with the Malone family shortly after their daughter Christa and son in law Damaso were senselessly and brutally killed by Henry Aparicio nearly 17 months ago because he chose to drive under the influence – four times the legal limit and speeding at 100 miles per hour! Nearly seventeen months of motions, postponements, delays, and frustrations which exacerbated the Malone's emotional and financial challenges.

Given Henry Aparicio's age, he's had the benefit of DUI education/awareness and alternatives to DUI his entire life, including the required alcohol server/seller training he had to complete to work as a bartender. This makes his deadly conduct even more egregious! Although he has no prior DUI convictions, we know drunk drivers drive on average 87 times before being caught the first time. (NHTSA) The only difference between a misdemeanor and a felon DUI is luck. Henry Aparicio's luck ran out on May 15, 2018, and Christa and Damaso Puente and their families paid the ultimate price for his actions, and will continue to do so in hundreds of ways for the rest of their lives. No good time credit and parole for these victims.

240 WATER STREET, MSC 600 • HENDERSON, NEVADA 89015
(702) 456-STOP (7867) • TAX ID # — EIN 88-0312216

Bates 242

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STOP DUI
August 19, 2019

Judge Silva, we understand the decisions you must make in this case are not easy, nor comfortable. However, on behalf of STOP DUI and the thousands of innocent DUI victims we represent, we request you give favorable consideration to imposing the maximum sentences to run consecutively, insuring each victim, Damaso and Christa, are acknowledged and accounted for.

We respectfully ask the sentence you impose reflect the seriousness of this crime. Please have compassion for the victims and our community by making certain we have one less drunk driver to worry about for as long as possible.

Thank you, Judge Silva, for taking the time to consider our thought.

Respectfully,

A handwritten signature in cursive script, reading "Sandy Heverly", followed by a long horizontal flourish line.

Sandy Heverly
Executive Director/Victim Advocate
Co Founder STOP DUI, INC
(702) 376-1238
www.stopdui.org
fb / STOP DUI NEVADA

Honorable Judge: Cristina Silva

RE: Henry Aparicio #C –18-332496-1

My name is Jennie L Verrilli. I am a friend of Diane Malone's. I have never met Christa and Damaso, I got to know these two wonderful people by watching videos and looking at pictures of them. My friend's grief is endless, and painful. There aren't enough words in the English language to describe what my friend and her husband are going through.

I watched my sweet friend grieve, so heavily that it is hard for her to get up in the morning, and face the day.

My Friend goes to the grave site once a week to clean any debris and puts fresh flowers on the graves. I have gone with her several times; she would start to cry; and cried along with her.

THIS IS WHAT HENRY APARICIO TOOK AWAY FROM MY FRIEND DIANE, HER HUSBAND, CHILDREN, AND GRANDCHILDREN

My friend and her husband helping Crista and Damaso move into their first home.
HENRY APARICIO TOOK THAT AWAY

My friend going to the doctor with her daughter; and son-in-law, confirming that Christa was pregnant.
HENRY APARICIO TOOK THAT AWAY

Christa telling her father that she was pregnant. It's going to be a girl or a boy,
HENRY APARICIO TOOK THAT AWAY

Christa, calling her mother; telling her mother that doesn't feel so good; the morning sickness is making me ill. Can you please come over and make me some tea?
HENRY APARICIO TOOK THAT AWAY

Christa, calling her mother and telling her; that she felt like the Good Year Blimp; even though Damaso, her mother and father told her that she looked beautiful.
HENRY APARICIO TOOK THAT AWAY

Christa called her mother and father, telling them that she is on the way to the hospital. They had agreed beforehand that when they got the call; they would atomically meet Christa and Damaso at the hospital,
HENRY APARICIO TOOK THAT AWAY

Grandma, Grandpa, I'm here!
HENRY APARICIO TOOK THAT AWAY

Your honor, In closing this is just a short list of what Henry Aparicio has taken away from my friend, her husband, and family.

Your Honor, I request that you, give Henry Aparicio the maximum penalty of 8-20 years to run consecutively.

RESPECTIVELY,

Jennie L. Verrilli

Nevada Department of Public Safety
Division of Parole and Probation

Victim Impact Statement

Sentencing of Henry Aparicio

Case #: C-18-332496-1

Fatal victims: Damaso and Christa Puente

Your Honor:

My name is Ana Torrez. Diane Malone, the mother of Christa Puente is one of my dearest friends. I had the privilege to know Christa through my friendship with Diane. Many people would describe Christa as an outgoing and friendly person who loved life, her family, friends, and her beloved husband Damaso Puentes. Christa treated everyone with love, respect and kindness. As an Oncology RN, Christa showed so much compassion and love towards her patients. She spread happiness and truly cared about the welfare of others. She was a person with a kind spirit and beautiful soul. In my own words Christa was a "Beautiful Angel."

Christa and Damaso's lives were cut short due to the defendant's selfish and careless decision to drive while being intoxicated. On May 15, 2018, Henry Aparicio made a choice to drive his vehicle killing two innocent people who unfortunately lost their lives. This was no accident, he knew he had a choice that night to either drive drunk or call someone to pick him and his girlfriend up. The fact that he decided to get behind the wheel and drive over 100 mph on Sahara where the limit is 45 mph proves this man is irresponsible, selfish and has no lack of concern for human life. To this date, the defendant has shown no remorse for the crime he committed.

The horrifying choice the defendant made that night has forever changed many lives. It is so gut wrenching and heartbreaking to see how these families mourn the loss of their loved one. The pain and the suffering these two families are going through is unbearable. The joy and passion for life has been stolen from them. It hurts to see them suffer. So much has been lost due to a selfish drunk driver. Without a doubt, Henry Aparicio needs to be held accountable for his actions and pay for the crime of taking away two precious lives that will never be forgotten.

Your Honor, we all live by the laws and we must all be accountable for our actions. Henry Aparicio should be reminded everyday for the rest of his life of the heinous crime he committed. Everyone who knew Christa and Damaso Puente are praying for justice and a fair sentence.

I humbly ask that you please recommend the maximum sentence of 8-20 years for Christa and 8-20 years for Damaso to run consecutively as 16-40 years.

I thank you for your time and consideration.

Sincerely,

Ana Torrez

My name is Dawn Grossman

Although I never met Christa or Damaso, I do know Christa's mother, Diane.

I will never forget the evening of the tragedy when I heard the news channel make the announcement that the report was coming up on Fox 5 news at 10:00pm.

When I did hear the news announcing the tragedy that took place at Sahara & Hualapai, my mind was immediately filled with concern & my heart with pain that it could be someone we knew.

Since my husband & I live very close, about two miles, from where the horrific tragedy took place.

We pass by this intersection often during our daily lives and definitely every Sunday, on our way to church.

That evening I felt drawn to go by and see the intersection, where this tragedy took place. However, after the report on the news & condition of the little white car, I decided to wait until the next day.

The morning after & each moment that passed, I could not get this tragedy out of my mind.

Here was another senseless killing, reported on the news from someone who decided to drive drunk.

The next evening when I did arrive at the location of the tragedy, you could still see the details & the markings that the police left on the road.

Head rest here, body there, arms & legs here. It was just awful & I thought to myself, this can't be what I am imaging.

Moments later I found myself talking to a man I had never met before.

He asked my husband & I, if it was our family killed in the tragedy & we said no.

However, we did say we were concerned that it could be someone we knew since we went & served at Central Summerlin Church, right down the road, held at Faith Lutheran High School.

The stranger told me his name was Troy & he had heard the impact of the vehicles from his apartment about a block away.

Troy told my husband & I that he came running out the night before, immediately after the tragedy had first taken place.

Troy also said that he could not get this tragedy out of his mind so he decided to come out again, the next evening when he met my husband & I.

Like myself, Troy said he too felt something very strong that was drawing him to come out & see what happened.

This stranger, now a new acquaintance started explaining to me that the drawings in the street were true. He told me he saw the different limbs of the people scattered everywhere.

I thought to myself he must be mistaken or exaggerating what he saw, so I told him I had heard enough.

I, like him just could not get this news of this tragedy out of my head.

I felt drawn to come by & show my respect to at that point, a strangers memory.

Since the tragedy happened on a Tuesday night & church was not until Sunday, it took until then for my husband & I to know the truth of who had been killed that night of May 15th, 2018.

It was no stranger, but the beautiful daughter & son in law of my broken hearted friend Diane, at church.

My heart sunk & immediately was full of grief once again for Diane & her family.

A grief that has not left my heart, since the evening the news first reported this horrific tragedy.

Page 2

When I saw Diane, & looked into her grieving eyes, broken heart & grieving to the depth of her soul, I could say nothing.

What words does one say, to comfort a mother during the grief of losing her young beautiful daughter & son in law.

I held Diane close & told her she could cry with me for the rest of her life, if she needed to because I could not imagine ever getting over the tragic loss of a daughter.

You see, I lost my mother when I was a young adult women & when you lose someone you love with your whole heart, it leaves a hole in your heart forever.

The loss of that love one never completely goes away. It only fades over time & becomes less excruciating.

Each week, for months, when my husband & I would go to church & pass by the intersection where this tragedy occurred & took the lives of Christa & Damaso, my heart would grieve for Diane & her family.

My heart continues to grieve & has been effected ever since the day, when I heard of this tragedy on the news.

As a result, I decided to go a different route or direction to church, hoping this would help take my mind off of this senseless tragedy.

However, life is uncertain & unpredictable. Even when you think you have your feelings under control, life can throw you a surprise.

Recently in the past few months, my husband & I started to shop for a new car.

During our shopping experience we found our conversation with the Sales Manager turning to a conversation about Christa & Damaso.

You see, the Sales Manager at the local Jeep dealership on West Sahara, takes Sahara home every night. The night of the tragedy, he also took Sahara home.

When he passed by the intersection at Sahara & Hualapai, he told me what he saw. Confirming what Troy had seen, the night my husband & I met him.

The Sales Manager told me he could not get this horrific scene out of his head.

This story, was brought up from a very simple question, do you want to trade in your Chevy Spark?

A small little economy car, that I loved for two years, up until the night of the tragedy claiming the lives of Christa & Damaso.

Now a year later, I no longer had the same love for my adorable little car, knowing this tragedy could have been my husband & I.

We could have been the couple, sitting innocently at the red light waiting our turn to go, in even a smaller car than a Toyota, Prius.

When someone like Henry, decided to drive drunk & speed down the highway plowing into us, instead & possibly taking our lives that night.

My thoughts will always think of Christa & Damaso from time to time. Especially when I pass by the location where their lives were taken so quickly & unnecessarily.

Each time, when I hear of another report on the news, mentioning yet another drunk driver taking someone's life & cutting it short, I will think of them.

Any driver who decides to drive drunk, will go on with their life. They may or may not, say I am sorry.

However, do those words really matter? Does it bring back the loved one, you've lost?

While Henry's life goes on, he has left a trail of heartache all around, far beyond the two lives that he took the night of the tragedy.

Henry will never know, how many people's lives have been effected, from his actions of choosing to drive drunk.

I feel our laws are too lenient & or a well paid defense attorney is too skilled and crafty to keep a sentence from being found to the fullest extent of the law.

A well paid & high powered defense attorney, always seems to manage to get his or her client off with a sentence that is less than appropriate, like a slap on the hand, so to speak.

This is not right for all the pain & suffering Henry's actions or any drunk driver's actions have caused to the remaining family & friends.

Henry knew he was going out that night to celebrate his girlfriend's graduation.

Henry knew he would drink that night to celebrate his girlfriend's accomplishment, and he did. Henry drank to the point of total intoxication, far exceeding the legal limit.

After getting intoxicated, Henry choose to drive drunk!

Henry knew, driving drunk is totally senseless, foolish & totally irresponsible.

As an adult Henry is well aware, that a car should never be driven drunk. Knowing that a car driven by him drunk, can be used as a weapon to take out a life or more than one life, in the blink of an eye.

With all the choices Henry had, or any person has to get home after becoming drunk or intoxicated. It is totally responsible to drive drunk. Especially with everything available to all of us.

With an Uber, Lift, Taxis, Bus, Limo, or by walking with his own two legs, Henry could have got to where he needed to go safely, without killing someone.

At the beginning of the evening, before any alcohol was consumed Henry could have choose a designated driver & sober friend to drive him home. Being a responsible adult concerned for himself, as well as the safety of others.

Henry did not make any of these above responsible choices. Instead Henry choose to drive drunk, killing two innocent people, Christa & Damaso.

Henry should pay the maximum penalty of the law, as should all people who choose to drive drunk, especially when they take the lives of others. Page 5

I thank you Judge for your time & considering my thoughts & concerns.

Respectfully,

Dawn Grossman

Page 6



Trudy J. Bushong
5410 Wayne 524
Wappapello, MO 63966-8650

Your Honor, I come forth today to give a victims impact statement on behalf of my best friend of 50 years, Diane Malone. Diane had lost her beautiful daughter Christa and dear son-in-law Damasco. They were taken suddenly from us in the fatal car accident in which the defendant is being charged. Not only were two valuable lives lost that day but I can tell a piece of Diane herself passed away also. Diane faces pain and grief on a daily basis. Everyday is a battle. A part of her will never be the same again. Christa had so much promise. The world will have an empty spot where a young RN who was full of love, talent and inspiration to make a difference in this world. We as a society has experienced a great loss in both of these young persons tragic deaths.

Today, I am asking your Honor
for you to impose the maximum sentences
and for them to run consecutively.

Perhaps this defendant will spend
his time reflecting upon his actions
and the trauma inflicted upon this family,
and to better himself as a human being.

Hopefully, to reenter society with a
new found desire to do as Christa and
Damasco would have.

Thank you for your time and
patience your Honor.

Sincerely,
Trudy Bushong

Ms. Dianne Feinman
9805 Gavin Stone Ave
Las Vegas, NV 89145-8608

Sept 1, 2019

Sentencing of Henry Aparicio #C-18-332496-1
Fatal Victims: Damaso and Christa Puente
Judge: Cristina Silva

Dear Judge -
My name is Dianne Feinman

I feel compelled to write this letter on behalf of Christa's mother Diane Malone whom I respect and love as a dear friend and loving mom to Christa -

I heard about this tragedy on the local news as I live in Vegas about a mile from the site - then from Diane who informed me with the details on the drunk driver who ran into the couple at 100 miles an hr and killed them both -

Your Honor, Diane has been completely broken since this tragedy a year and a half ago. She relives the phone call in the middle of the night from her son telling his mom and dad "Christa and Damaso are dead" killed by a drunk driver who denied driving the car that killed them -

She does not sleep, she cries all the time - She lives here in Vegas and Florida and has to travel back & forth for court hearings - She is fighting for justice for the death of her daughter and son-in-law - taken too soon - and so viciously.

Your Honor, I think of this criminal act as a murder of 2 innocent people and warrants life in prison without parole. He does not deserve to ever be on the street with an opportunity to kill someone else. I understand the sentence now is 8-20 years.. I would prefer life, but at least 20 years for each life he took.. 16-40 no chance for parole. He broke the law driving drunk and admitted he was so drunk he didn't remember - he also is not remorseful or sorry - he should never be allowed on the street ever again.

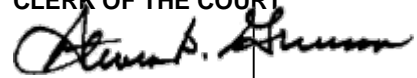
Two wonderful, caring, helpful people are gone way too soon. Sick people will never again feel or hear comfort from Christi - she was an amazing nurse and will be terribly missed.

- 3 -

Thank you so much for your
time and I ask your Honor that
you consider rendering a sentence
that you would give to someone
who had taken your own child's
life -

Most sincerely and with a heavy
heart, I am

Heanne Lunn



MOT
MAYFIELD GRUBER & SHEETS
Damian Sheets, Esq.
Nevada Bar No. 10755
Baylie Hellman, Esq.
Nevada Bar No. 14541
726 S. Casino Center Blvd.
Las Vegas, Nevada 89101
Telephone: (702) 598-1299
Facsimile: (702) 598-1266
dsheets@defendingnevada.com
Attorney for Defendant
Henry Aparicio

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

State of Nevada,	)	Case No.: C-18-332496-1
Plaintiff	)	Dept. No: 9
)	
vs.	)	DEFENDANT'S OBJECTION TO VICTIM
	)	IMPACT STATEMENTS
Henry Aparicio,)	
Defendant	)	Sentencing Date: October 18, 2019
	)	Sentencing Time: 8:30 a.m.

COMES NOW, Defendant Henry Aparicio, by and through his attorney of record,
DAMIAN SHEETS, ESQ. of the firm Mayfield Gruber & Sheets, hereby submits this
Defendant's Objection to Victim Impact Statements.

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1
2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 Mr. Aparicio respectfully objects to the victim impact statements from the following
4 individuals:

- 5 1. Cirila Roysden
6 2. Cecille Shappee
7 3. Tammie Garcia
8 4. Tamara Komes
9 5. Tammie Lewis
10 6. Jessica Povey
11 7. Kerry Giles
12 8. Melody Malone
13 9. Norman and Marla Jahn
14 10. Ryan Buell
15 11. Jonathan Buell
16 12. Kerry Buell
17 13. William Buell
18 14. Jessica Henry
19 15. Nancy Metts
20 16. Patricia Hussey
21 17. Michelle Kujath
22 18. Elaine Babor
23 19. Makenzey Wilson
24
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20. Ian Flowers
21. Alejandra Barragan
22. Giovanni Hernandez
23. Jorge Bertran
24. Jessica Bertran
25. Linda and Roger Peach
26. Michelle Gillum
27. Dan Gillum
28. John Flanagan
29. Adam Rivera
30. Jamison Derfler
31. Lisa Derfler
32. Michael Lui-Kwan
33. Marne Hahn
34. Shanna Lucero
35. Jacob Lucero
36. John Lucero
37. Debra Salerno
38. Ann Carter
39. Sharon Texeira
40. James Peterson
41. Sandy Heverly

1 42. Jennie Verrilli

2 43. Ana Torrez

3 44. Dawn Grossman

4 45. Trudy Bushong

5 46. Diane Feinman

6
7 NRS 176.015(3) provides that the court shall afford the victim an opportunity to
8 provide a statement at sentencing. NRS 176.015(5)(d) defines a "victim" as: "(1) A person,
9 including a governmental entity, against whom a crime has been committed; (2) A person
10 who has been injured or killed as a direct result of the commission of a crime; and (3) A
11 relative of a person described in subparagraph (1) or (2)." "Relative" is defined in NRS
12 176.015(5)(b) to included: "(1) A spouse, parent, grandparent or stepparent; (2) A natural
13 born child, stepchild or adopted child; (3) A grandchild, brother, sister, half brother or half
14 sister; or (4) A parent of a spouse."
15
16

17 Mr. Aparicio respectfully objects to the above-list of victim impact statements as the
18 individuals listed do not meet the statutory definition of victims or relatives.
19

20 DATED this 17 day of October, 2019.

21 By:
22 MAYFIELD GRUBER & SHEETS

23 By: /s/ Damian Sheets
24 Damian Sheets, Esq.
25 Nevada Bar No. 10755
26 726 S. Casino Center Blvd.
27 Las Vegas, Nevada 89101
28

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Clark County District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155
motions@clarkcountyda.com
pdmotions@clarkcountyda.com

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1 RTRAN

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4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-18-332496-1
DEPT. IX

10 vs.

11 HENRY APARICIO,
12 Defendant.

13
14 BEFORE THE HONORABLE CRISTINA D. SILVA, DISTRICT COURT JUDGE
15 FRIDAY, OCTOBER 18. 2019

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **SENTENCING**

18
19 For the State:

CHARLES S. MARTINOVSKY, ESQ.
Chief Deputy District Attorney

20
21 For the Defendant:

DAMIAN R. SHEETS, ESQ.

22
23
24
25 RECORDED BY: TRISHA GARCIA, COURT RECORDER

Bates 263

1 Las Vegas, Nevada, Friday, October 18, 2019

2
3 [Hearing began at 9:41 a.m.]

4 THE COURT: I'm calling Case C-18-332496-1, State of
5 Nevada versus Henry Aparicio.

6 Good morning.

7 MR. MARTINOVSKY: Good morning.

8 THE COURT: Good morning.

9 MR. SHEETS: Good morning, Your Honor, Damian Sheets on
10 behalf of Mr. Aparicio, who is present.

11 MR. MARTINOVSKY: Charles Martinovsky for the State.

12 THE COURT: All right. Good morning.

13 This is the date and time set for sentencing. Are the parties
14 ready to proceed?

15 MR. MARTINOVSKY: The State is ready.

16 THE COURT: All right. Mr. Sheets.

17 MR. SHEETS: We are, Your Honor.

18 My client and I have reviewed -- we reviewed the presentence
19 investigation report. There's a minor correction that doesn't, I believe,
20 lead to a *Stockmeier* related issue, but on the bottom of page two he was
21 employed for the 12 months prior to the instant offense.

22 THE COURT: All right. I will take note of that.

23 And his employment was at the Casa Del Matador Tequila
24 restaurant?

25 MR. SHEETS: Yes, Your Honor.

1 THE COURT: Okay. All right. It says eight in the PSI. I'll note
2 that it was actually 12 months.

3 Mr. Sheets, I also received your objection to the consideration
4 of victim impact statements. I have reviewed your objection and I'm going
5 to overrule your objection. I understand that you're citing to who can
6 make a statement in court, but Article 1, Section 8A of the Nevada
7 Constitution broadly defines victim to anyone who's impacted by the
8 crime, and therefore I'm accepting those victim impact statements and I
9 have read each and every one of them that was submitted to me, as well
10 as the victim impact letters on behalf of the family.

11 All right. So with that I want to go ahead and get started with
12 the standard questions I have for sentencing.

13 State, could you please summarize the terms of the negotiation.

14 MR. MARTINOVSKY: The defendant pled guilty to two counts
15 of DUI causing death and the State reserves the right to argue.

16 THE COURT: All right. And I understand there's no opposition
17 to concurrent time between the reckless driving count and the two counts
18 of the DUI resulting in death; is that correct?

19 MR. MARTINOVSKY: That's correct.

20 THE COURT: All right.

21 All right. So, Mr. Sheets, I know you've read the pre-sentence
22 investigation report, and that is dated -- I'll double check the date on that --
23 September 12th, 2019, other than the edits to the amount of time he was
24 working, is there any changes that need to be made?

25 MR. SHEETS: No, we did not see any, Your Honor.

1 THE COURT: All right. Mr. Aparicio, same question for you,
2 have you reviewed that presentence investigation report with your
3 attorney?

4 THE DEFENDANT: Yes, I have, ma'am.

5 THE COURT: Anything in there that needs to be changed or
6 brought to my attention?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: All right. Thank you very much.

9 All right. Then I'm going to start with the State, and I would like
10 to hear argument regarding what sentence is appropriate taking into
11 consideration all the sentencing factors.

12 MR. MARTINOVSKY: Yes, Your Honor.

13 The State is requesting that the Court impose the maximum
14 sentence as to Count 1 and the maximum sentence as to Count 2 and run
15 those consecutive, that will be 8 to 20 for Count 1 and 8 to 20 for Count 2.
16 The defendant in this case caused the maximum harm to two different
17 families and deserves the maximum punishment. He also -- his driving,
18 the conduct was egregious, both in terms of driving and the amount of
19 alcohol he had consumed, as well as the fact that nothing he has done in
20 his life, his military service, et cetera, and the fact that he pled guilty,
21 should mitigate anything the Court does as to Count 1 and Count 2
22 regarding the sentence.

23 The first thing I want to say is that the statute, DUI death,
24 includes everything from a broken ankle to a death. So if you're driving a
25 car and you're drunk and you cause someone to break an ankle or break

1 some ribs or crack an elbow and you go to trial and lose, the minimum
2 you can get is 2 to 5. The PSI is recommending 3 to 10. They're saying
3 that if you kill someone you get one year more than if you broke an ankle
4 and someone couldn't go to work for six weeks.

5 The Court should absolutely reject that presentence
6 investigation. I don't know where they came up with that information. But
7 just looking at the statute itself and the fact that it covers everything from a
8 broken toe to a death means that when we're considering what sentence
9 to apply you have to look at the harm caused, because if the harm was
10 completely minimal, he would get a 2 to 5. And they're saying you killed
11 someone you get a 3 to 10. That doesn't make any sense. At the very
12 least we're at the upper range of that 2 to 20 for killing someone off the
13 bat.

14 And now let's talk about other -- so what factors would you
15 consider besides the harm? How many people were injured? Well, in this
16 case we have two. What was the conduct like? What is your prior
17 history? So let's go through every single one of those, all those mitigate --
18 all those indicate that he should get the maximum consecutive on Count 1
19 and Count 2.

20 He caused the maximum harm to two people, killed them
21 instantly while they were sitting at a light on Sahara and Hualapai, not
22 even moving their vehicle. The people were married, they were young,
23 they had just gotten married. He's totally destroyed two different families.
24 They weren't even like separate people, who didn't know each other, and
25 he caused the massive collision, and two completely unrelated people

1 were killed.

2 No, they had just gotten married. They were in love. Their
3 families all know each other. You can see the courtroom is filled with
4 them today and you've read all the letters. He destroyed two families.
5 That creates an exponential harm as if -- unlike, say, he just hurt one
6 person and someone else died and they don't even know each other.

7 The second thing is the conduct in this case was egregious.
8 The driving that he -- it wasn't just that he was intoxicated. He drove over
9 100 miles an hour on Sahara; the speed limit is 45 miles an hour, at 9
10 o'clock at night. He ran into the back of the victims' car as it sat there for
11 a stoplight on Hualapai and Sahara. There was no evidence of braking.
12 He didn't even see them. He hit them at full speed. Their car accelerated
13 from zero to 54 miles an hour based on the impact and they weren't even
14 moving. There was no evidence of braking. The speedometer on his
15 vehicle was stuck at 100 miles an hour.

16 And, Your Honor, I do have some photographs of the victims'
17 car, I would like to present to the Court.

18 THE COURT: Yes.

19 Did you show them to defense counsel?

20 MR. MARTINOVSKY: Yes, I did.

21 THE COURT: Okay. You may approach.

22 MR. MARTINOVSKY: May I approach?

23 THE COURT: Yes, thank you.

24 Thank you.

25 MR. MARTINOVSKY: You're welcome.

1 THE COURT: And just for the record I'm looking at four
2 separate photographs and they are marked as Proposed Exhibits 1, 2, 3,
3 and 4.

4 MR. MARTINOVSKY: This was a traumatic collision; there
5 were hundreds of people at the scene that day. People from all over the
6 area were coming to the scene. And I -- you can see from the
7 photographs that the victims' car was completely destroyed. The fact that
8 they went from zero to 54 miles an hour, after the defendant ran into the
9 back of them, should say everything that the Court needs to know.

10 The second thing is that, again, so we have, he caused the
11 maximum amount of harm, his driving was completely egregious, and his
12 blood alcohol level at the time of driving was a .32. That's four times the
13 legal limit. The first blood draw showed that his blood alcohol was .20 but
14 that was at 1:47 in the morning and the collision occurred at 9 o'clock.
15 The second put him at a .178.

16 The retrograde extrapolation from Dr. Kelly means that his
17 blood alcohol was a .32 at the time that he was driving 100 miles an hour
18 at 9 o'clock at night on Sahara Boulevard.

19 In addition, the detective obtained video and receipts indicating
20 that he had, the defendant, between the hours of 5 o'clock in the
21 afternoon and 8:45 that evening, had consumed at least 12 tequila drinks.
22 We have all the receipts. We had all the video showing exactly what he
23 drank. The video shows him stumbling out of the Casa del Matador at
24 8:40-ish in the evening.

25 His own statement in the PSI indicates that he was completely

1 hammered, totally intoxicated. He doesn't even remember what
2 happened, that's what he said in the PSI, that he does not remember the
3 event occurring.

4 He wasn't someone, this is not a case, Your Honor, where
5 someone had a point, you know, they were at a birthday party and maybe
6 they had a couple drinks and they were a .10 and they made a U-turn and
7 somebody like broke their ankle. That's a 2 to 5 or maybe a 3 to 10. This
8 person was completely intoxicated by the number, by his behavior, by his
9 own admission, and he was driving in a way that even if he hadn't had one
10 drink would have been a felony conviction for reckless driving causing
11 death. That's why the Court, based on all these factors, should apply the
12 maximum sentence to him consecutive.

13 The other thing I want to say is nothing he has done in his life
14 mitigates the Court imposing the sentence. I know that he did plead guilty
15 to two counts and he saved the cost and the expense and the drama of
16 going through a trial. I get all that. But that's already gone into him
17 getting the two counts because we dismissed one count of DUI causing
18 substantial harm to Morgan Hurley. She was the passenger in the
19 vehicle. He -- as a result of the collision, she had broken ribs. She went
20 to the hospital. She had a punctured liver. She was also intoxicated and
21 she was driving with the defendant and that's all fair. But still that doesn't
22 mitigate the fact that he caused her substantial harm and he was facing
23 an additional count of 2 to 20 for her.

24 In addition, we already dismissed three counts of reckless
25 driving, one for each of the named victims, as well as for Morgan Hurley.

1 And the Court, based on the driving, could have sentenced him,
2 again, to an additional consecutive sentence of 1 to 6 for each of those.
3 They're not -- one is not a lesser included. Reckless driving requires
4 willful and wanton, a disregard for public safety, does not require
5 intoxication. And to be guilty of a DUI causing death does not require that
6 you drive recklessly. You just have to break some law. You could be
7 driving five miles and over, over the speed limit.

8 So whatever benefit the Court wants to give him for his early
9 plea has gone into the fact that had we gone to trial he would have been
10 convicted of everything and him facing an additional 40 years. That's why
11 the fact that he pled guilty doesn't change the fact that he still deserves 8
12 to 20 and 8 to 20 consecutive.

13 I also want to point out that nothing in his military service helps
14 him. His PSI indicates that he was in trouble when he was in the military.
15 That he got sanctioned in the military. The charges are that he was
16 charged for wrongful damaging of government property, altering a military
17 ID, possession of altered ID. He received a non-judicial punishment and
18 an extra 14 days of duty.

19 He also admitted that he was unable to perform his duties when
20 he was in the military because he was always drunk. He said that he
21 reported getting up in the morning hung over and that he suffered as a
22 result of it.

23 And he also indicated that he drinks every single night since the
24 day he got out of the military. He spends over \$200 a week on alcohol.
25 It's clear that this individual was a rampant alcoholic before he went into

1 the military and after he got out.

2 And because of his driving and because of his drinking he killed
3 two innocent people who didn't have anything to do with that.

4 So the fact that he had military service should not inure to his
5 benefit.

6 And he does even have three convictions for speeding and
7 for -- two for speeding and one for bad driving.

8 Your Honor, based on everything in this case, the fact that he
9 killed two people, the fact that he was driving 100 miles an hour, the fact
10 that his blood alcohol was a .32, he doesn't remember anything, we've
11 already given him a benefit by dismissing a count against Morgan and the
12 reckless drivings, that his military service is a not exemplary, and on the
13 contrary, shows him to be an alcoholic, means that the Court should
14 punish him to a maximum sentence of 8 to 20 and 8 to 20 as to Counts 1
15 and Count 2.

16 THE COURT: Okay. Thank you very much.

17 All right. I'm going to turn to defendant's counsel first, and will
18 hear argument regarding sentencing.

19 MR. SHEETS: Yes, Your Honor.

20 While I understand that this is a very, very tragic situation, and I
21 understand that my client's actions destroyed, I would say, not only two
22 but three families, because I include my client's family as one that's been
23 tragically affected by this.

24 Briefly, I just remembered, I was given, right before the hearing
25 today, a letter from a family member for my client.

1 May I approach?

2 THE COURT: Yes, you may.

3 MR. SHEETS: It's brief, it's short, Your Honor.

4 Thank you.

5 THE COURT: If you just give me a minute so I can read this, so
6 you can continue your argument.

7 For the record, I'm looking at a one page letter from a family
8 member with the last name of Barrero (phonetic.)

9 [Pause in proceeding]

10 THE COURT: All right. Thank you.

11 MR. SHEETS: Thank you.

12 Now, when I -- when I come to sentencings like these in state
13 court it's always a bit frustrating because I don't believe that our state
14 system has done a very good job of dictating kind of guidelines for
15 sentencing and how that those should be interpreted by the Court. So I
16 generally, just as a personal preference, I defer, when we're looking for
17 the purposes of sentencings, to more how the federal courts would
18 approach it. And I believe that that's a fair standard and that's a fair way
19 to look at it.

20 And what I look at when I look at sentencing, and obviously
21 there has to be a comunative ponent (phonetic) -- component is the
22 federal sentencing that talks about, that which is minimally necessary to
23 achieve the goals of sentencing, which are general and specific
24 deterrence, the ability of the defendant to rehabilitate himself, and then
25 there is obviously the punitive component for it, and I think we have to

1 take all of those things into account. We're looking at the nature and the
2 characteristics of the defendant, the ability of the defendant to be
3 successful later on, the need for treatment in the defendant's future.

4 And I think when we look at the overall guidelines of sentencing
5 versus the factors in this case I actually would believe that the
6 presentence investigation report takes much of that into account when
7 they make their recommendation.

8 As I look at this recommendation, they took the opportunity to
9 look deep into my client's history. And I know that the State is sitting here
10 and they're emphasizing that punitive component and by no stretch of the
11 imagination should there not be a punitive component in here and my
12 client understands that wholeheartedly.

13 What concerns me when I look at a case like this is we have a
14 situation where, contrary to what the State says; his statement to the PSI
15 does not establish that he was an alcoholic prior to his military service. In
16 fact, it reflects that he became an alcoholic during his military service,
17 which is a story that we hear far too often, in today's world, is that
18 members who are in service who are subjected to the stresses and the
19 strains that service provides, the sights and the sounds, and the treatment
20 that they receive drives people to this chemical dependency, whether it be
21 drugs, alcohol. And then the service provides virtually no support for
22 these individuals to then discharge and be treated.

23 And we have an instance with Mr. Aparicio where he started
24 drinking in the service and it says nothing in here, and I was unable to
25 locate any evidence, that the army had gone through any effort to treat the

1 alcoholism, to address the alcoholism.

2 And, in fact, when he became injured during service, when he
3 got injured serving our country, they essentially discharge him at that
4 point. Well, your knees hurt, you're not good enough, see you later. So
5 not only do they put him into a situation where he sees these things at a
6 very young age, he -- he becomes an alcoholic because of what he's
7 doing in the airborne division, but then when he gets hurt they give him
8 the boot and they don't even address the underlying issue.

9 And does that excuse his conduct? Absolutely not. But is that
10 a --

11 THE COURT: Mr. Sheets, let me ask you two questions on
12 that.

13 MR. SHEETS: Yes.

14 THE COURT: First, you indicate that nothing in the PSI
15 suggests that he was an alcoholic before his military service, but how do
16 you frame that argument into the very clear familial history of alcoholism?

17 MR. SHEETS: The familial history of alcoholism? I don't think I
18 understand the question.

19 What he explains is that he first had his -- his first drink at 17
20 but he didn't begin drinking weekly and then daily until he was in the
21 military.

22 THE COURT: Right.

23 But you're saying that there was no evidence as to suggest that
24 the military forced him into alcoholism when I think that doesn't take into
25 account the fact that he was pre-dispositioned to alcoholism because of

1 the familial problem.

2 MR. SHEETS: I understand now what you're saying, Your
3 Honor. And I don't think that having maybe parents or family that that are
4 alcoholics is what makes you an alcoholic. I think it's probably honestly
5 why he goes to the military. We've seen that far too often as well where
6 individuals are from homes where maybe that's -- maybe dependency is a
7 problem or lack of parenting is a problem. These individuals go to the
8 military to receive a better structure in their life and a better direction in
9 their life.

10 And, quite frankly, I can speak to an attorney friend of mine who
11 did just that and it took him almost 14 years of service to -- to get that
12 structure and come out and to go to school and become an attorney.

13 THE COURT: Okay.

14 MR. SHEETS: And I think that's why he goes and unfortunately
15 it -- it snowballs from there, that's what he turns to as a way to cope with
16 it.

17 THE COURT: Well, let me also ask you this question, I had two
18 parts; I apologize for interrupting you again.

19 MR. SHEETS: Yes, I'm sorry.

20 THE COURT: The second question was, you said that it
21 appears as though the military just booted him because of his issues with
22 his knees, but that seems to fail to take into account the fact that he
23 committed serious infractions while he was in the military and somehow
24 still was discharged and he didn't -- he wasn't brought up on any military
25 charges that I can tell unless he was just -- pled guilty.

1 MR. SHEETS: Correct; Your Honor. He wasn't actually
2 convicted. It was a non-judicial intervention. It became essentially a
3 verbal warning and a small punitive component almost similar to what
4 would be incentive training in the Marine Corps.

5 He was never charged with anything because they were not
6 serious infractions and they had nothing to do with his discharge. That's
7 why he was discharged under honorable condition because he did not
8 have a court martial. He did not have a conviction there that would have
9 prevented that honorable discharge.

10 THE COURT: Okay.

11 MR. SHEETS: So I would put forward that that those charges
12 likely were, and I think my client can provide some insight, likely were part
13 of that continuing alcohol abuse. And instead of actually trying to treat it
14 they just fine him and verbally warn him. And that's far too often what I
15 think is a problem.

16 Again, I'm not saying that that excuses anything but I think it
17 provides at least a back story for where this -- where this path begins for
18 my client and how -- how he starts going down the road that ultimately led
19 him to make the decision that he made in this particular circumstance.

20 While I understand that the State talks about the breath of the
21 offense and somebody who breaks a toe would get a 2 to 5, whereas --
22 and because somebody is dead there should be an 8 to 20. But I
23 respectfully think that that eliminates so many of the components of
24 sentencing that are important, which is to also look at things like the
25 defendant's criminal history, the defendant's actions prior, the defendant's

1 acceptance of responsibility, the defendant's ability to be successful and
2 to make a positive influence on the future, and the defendant's ability to be
3 rehabilitated and to do his best to try and repay both the victims and
4 society for what he has -- what he was done in this case. And what he
5 has done in this case is -- he's engaged down a path of addiction that
6 results in the death of two human beings.

7 But we cannot, in my opinion, ignore the fact that he has
8 previously served the military, that his alcoholism began in the military,
9 that he has no prior criminal history, that he has accepted responsibility,
10 that there is no trial in this particular circumstance.

11 And if you're looking towards my client's remorse and the way
12 he feels, I know Your Honor was not the initial judge but I can tell you, and
13 quite frankly if you were to likely Google the -- the website for the folks
14 that are standing behind me to my left you would see that at his initial
15 arraignment he was in tears, meaning he was in absolute tears. And I can
16 tell you that that comes from my client feeling terrible for what's occurred
17 and for what's happened. And I think that that's an important reflection. I
18 think my client has had a considerable amount of time to think about --
19 about what's been going on.

20 And this morning my client produced to me a statement that he
21 wanted to write -- or that he wanted to read into the record. And there
22 was no prepping of that statement by me. There were no bullet points.
23 There were no suggestions or guidelines. In fact, he was a little upset that
24 he had written it and I had not reviewed it with him prior to this morning
25 and when I reviewed it I could not, I think, in my opinion, have written

1 anything that would be more heartfelt than what he wrote today. And I
2 think it is an absolute perspective into where he is emotionally and
3 mentally on this. And his belief and understanding that no matter what I
4 think this is going to haunt him for the rest of his life. And I think he has
5 made that very clear in the statement.

6 I would ask Your Honor to consider, in this particular instance,
7 the fact that the minimum in this circumstance would be a
8 recommendation of 2 to 5 concurrent to 2 to 5, concurrent to a 1 to 2 and
9 a half. And that's not what the recommendation is here from Parole and
10 Probation. So Parole and Probation is taking into account the fact that
11 people's lives were lost.

12 In fact, it's very clearly written in the offense synopsis. It's also
13 very clearly written -- or put forth in the victims impact section. So Parole
14 and Probation is well aware of the fact that people lost their lives here.
15 And Parole and Probation has suggested an aggregate sentence of 7 to
16 20 years, which is close to that 8 to 20 year line.

17 Now, if this were charged as a homicide, it would be a 10 to life
18 or a 10 to 25 because it would not be a murder one, it would be a murder
19 two. It's not because there was no intent to kill, which is why the law has
20 that -- that difference in there. With that being said, this was a reckless
21 killing of two human beings. So I am not, again, trying to set it aside, just
22 provide perspective to where the law sits on this situation.

23 And based on that, the fact that there was no trial, the fact that
24 he did accept responsibility, the fact that he does have military service,
25 and it seems to me, if you look at it, that the alcoholism started there, that

1 there wasn't any treatment there, I'd ask Your Honor to consider that the
2 presentence investigation reports recommendation is appropriate and it is
3 what is minimally necessary to achieve all of these ends.

4 7 to 20 years in prison is no small number. Three felony
5 convictions all but guarantees parole at 7 years does not happen. It likely
6 means it's between 8 and a half and 10, which likely would be similar to
7 that if he had gone for homicide. And I think that that would be the
8 appropriate sentence in this, 36 to 120, consecutive to 36 to 120,
9 concurrent to 12 to 48 months. He would have to parole twice. And that
10 is a very real challenge with three felony convictions.

11 I would -- I don't know if 184 addresses alcoholism, but if it
12 does, I would ask for a recommendation for 184. I think he, more than
13 anything, when he gets out wants to have ways to be able to cope with
14 the problem that has brought him to this point and led him to make the
15 bad decision that he made that night and have a chance at getting out and
16 being a productive member of society.

17 Now, I know that my client had briefly expressed to me some
18 intentions to go out and talk about, when released, the negative impact
19 that alcoholism and his decisions had -- had on his life and others lives so
20 that maybe others can avoid the same path later on upon his release.

21 And based on all that, Your Honor, I would respectfully and with
22 the utmost level of sympathy and respect for the victims and the victims'
23 families, ask that you follow the recommendation.

24 THE COURT: Thank you very much, Mr. Sheets.

25 Mr. Aparicio, you can make a statement this morning but you

1 don't have to, would you like to make a statement?

2 THE DEFENDANT: Yes, Your Honor, I would.

3 THE COURT: All right. When you're ready.

4 THE DEFENDANT: For those of you who do not know me my
5 name is Henry Biderman Aparicio.

6 First, I need to address both the parents of Christa and
7 Damaso; I understand that an apology cannot begin to amend the amount
8 of pain, anguish, and sorrow I have caused you. However, the fact of the
9 matter is I am sorry, very, very sorry that I took your beautiful son and
10 daughter away from you.

11 I've seen firsthand the burden and the despair and suffering my
12 parents went through when my little brother passed away. It's very hard
13 for me to live with the fact that my reckless actions placed that hardship
14 upon your families that are now very much incomplete.

15 To Christa's brothers, sisters, family, and friends, I am sorry for
16 taking them from this world too soon.

17 Not a day has passed that I do not think of the two of them and
18 in my prayers I ask God for forgiveness. I pray that one day Christa and
19 Damaso will find it in their souls to forgive me for what I did.

20 I must ask my own family for forgiveness, madre mia y padre
21 mio, of how --

22 MR. SHEETS: May I?

23 THE COURT: Yes, you may approach.

24 THE DEFENDANT: -- they too have become victims to my
25 reckless actions. Although I am still of this world and still of this life I

1 assure you a part of me died that night. The young naive and arrogant
2 boy that got behind the wheel of the car that night is no more. For what
3 remains is a man whose childish actions condemns his future to prison
4 and uncertainty.

5 On May 15th, 2018, I took more than two special lives away; a
6 piece of myself went with them that night. It was the worst night of my life.
7 And I know that many of you feel the same way.

8 If I could go back and turn the clock back, I would in a
9 heartbeat. I'm sorry for being selfish. I was 23 years old on that fatal
10 night.

11 I have seen pictures of Christa and Damaso Puente. They look
12 like fun, loving, great people whose future held so much promise. I feel so
13 much guilt. I've never felt so horrible about anything in my life. I killed two
14 young, happy, loving people. And that is the first thing on my mind when I
15 wake up every day, that is the last thing on my mind before I fall asleep,
16 that is the only thing that occupies my mind during sleepless nights while I
17 stare at the ceiling.

18 The last couple of holidays I did not think of myself. The only
19 thing that was on my mind was how Christa and Damaso should have
20 been spending their holidays with their families. I'm sorry you couldn't
21 spend one more birthday with them. I am sorry you didn't have a chance
22 to say your last goodbye. I am not okay with what I did. I am sorry.

23 I am not a bad person. I know sorry is not good enough,
24 nothing I say will be. But sorry I am. Guilt, remorse is what I really feel.

25 I did not go out that night seeking to hurt anybody. I made a

1 very bad decision. I fully -- I accept full responsibility for what I have
2 done. I ruined both of your families and mine. What I did was terribly
3 immature, terribly selfish, and terribly life-changing for everyone involved.
4 I made a horrific and unforgivable mistake.

5 I stand before you not as a man in a courtroom wearing chains,
6 waiting to be condemned to prison. I stand before you as the man who
7 regretfully and unfairly took from you two of the people you love the most.
8 And for that reason it would be unfair of me to look you in the eyes at this
9 moment and ask for forgiveness, sympathy, or mercy. But I will ask you
10 here before God that one day you find it in your heart to forgive.

11 That is it, Your Honor.

12 THE COURT: Thank you very much.

13 All right. I understand that we have several victim speakers that
14 are going to speak this morning. I also understand that it might be easier
15 for them to remain at counsel table because standing might be a little
16 challenging.

17 MR. MARTINOVSKY: Yes, that's correct.

18 THE COURT: Is that correct?

19 MR. MARTINOVSKY: Yes.

20 THE COURT: All right. So maybe we want to pull a chair over
21 so we can allow them to make a statement.

22 I don't know who wants to go first.

23 MR. SHEETS: Your Honor, can we approach?

24 THE COURT: Sure.

25 And if the victim wants to go -- have a seat, that's fine. Go

1 ahead and approach.

2 [Bench conference begins]

3 MR. SHEETS: It's my understanding that one of the victims has
4 brought in a video -- or one of the speakers has brought in a video of the
5 victim and their life and everything. I think for the record I probably would
6 be objecting to it just because the statute allows them to speak but not to
7 present exhibits and the likes.

8 THE COURT: Where in the exhibit -- where in the statute does
9 it say they cannot present exhibits?

10 MR. SHEETS: Well, it doesn't say they can't.

11 THE COURT: Right.

12 MR. SHEETS: It only says that they have a right to come forth
13 and speak.

14 THE COURT: Right.

15 MR. SHEETS: And so I would be basically arguing the statute
16 doesn't permit the exhibits just -- I mean, I understand where you may go
17 with it --

18 THE COURT: Yeah.

19 MR. SHEETS: -- but I just -- make a clean record.

20 THE COURT: Well, I appreciate that and I'm going to overrule
21 the objection. I think that this is incorporating in their statement.

22 I have a question while you're both up here, this, is this from
23 cutting them --

24 MR. MARTINOVSKY: Yes.

25 THE COURT: -- out of the car?

1 MR. MARTINOVSKY: They cut them out, yes.

2 THE COURT: I just wanted to make sure about that.

3 Okay. All right. Thank you very much.

4 [Bench conference ends]

5 THE COURT: All right. And I understand there is a video.

6 Counsel, will it be played through this victim speaker or another
7 victim speaker?

8 [Colloquy]

9 MR. MARTINOVSKY: They want to play it with -- the last thing.

10 THE COURT: Okay. No problem. All right. Thank you very
11 much.

12 Good morning.

13 THE SPEAKER: Good morning.

14 THE COURT: And so everything in here is being recorded and
15 I understand this is going to be challenging. So if you could speak up so
16 we can make sure we're capturing everything you're saying for the record,
17 I'd really appreciate it. I'll remind you. And if any time you need had a
18 break, take a break.

19 THE SPEAKER: Okay.

20 THE COURT: Raise your hand, stand up, flag down counsel,
21 and we can take a break. All right.

22 So when you're ready, if you could -- we'll go ahead and swear
23 you in because this will be part of the court record. You can stay seated,
24 that's no problem.

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DANIEL MALONE

[Having been called as a speaker and being first duly sworn, testified as follows:]

THE CLERK: Please state and spell your name for the record.

THE SPEAKER: I'm sorry?

THE CLERK: Could you please state and spell your name for the record.

THE SPEAKER: My name is Daniel Malone.

THE COURT: All right.

THE SPEAKER: First name Daniel, D-a-n-i-e-l; Malone, M-a-l-o-n-e.

THE COURT: All right. Thank you very much, Mr. Malone. When you're ready, you may begin.

THE SPEAKER: Yes.

Honorable Judge Cristina Silva, how do I put into words how I feel about the loss of my baby girl? I can only say that unless you've walked in my shoes, or the shoes of so many before me, who have lost their loved ones to drunk drivers. No one can ever understand the torment I go through each and every day. My pain never ceases. And to hear her mother crying every single day is sometimes more than I can handle. Like someone blowing out a candle, whatever joy and happiness I've had in my life has been utterly snuffed out by Henry Aparicio.

There's not one thing I've forgotten about that horrifying day. The call I got from my son telling me Christa and Damaso had been killed. My wife screaming, not Christa, not my Christa.

1 Leaning up against the wall in the airport terminal waiting for our
2 flight to take me home to bury our youngest child, just wondering how
3 much worse things were going to get.

4 To this day I walk around in a daze saying to myself, I can't
5 believe it, I just can't believe it. All I do now is just breathe because that's
6 all there is left to do.

7 I think about all the what ifs of that day. What if they would
8 have stayed in Sandy Valley and had dinner with Damaso's parents?
9 What if they would have taken a different off ramp? What if the light had
10 turned green? What if they would have just gone straight home?

11 But, Your Honor, I was looking at things from the wrong
12 perspective. Instead of what if my daughter and son-in-law did this or
13 that, the question should be: what if Henry Aparicio had decided not to
14 drive drunk that night. Especially since there are so many alternatives to
15 get around now. Alternatives that he was well aware of being in the
16 alcohol and food industry.

17 If he had decided that he wasn't going to drive drunk that night,
18 Your Honor, one, he would not have gotten behind the wheel with a blood
19 alcohol content of .32 -- .032. Four times the legal limit, four times. But
20 he did.

21 He would not have rear-ended my daughter's car at over 100
22 miles an hour with absolutely no signs of braking. But he did.

23 Think about that, Your Honor, that's almost 150 feet per second,
24 the length of a football field every two seconds. Even if my son-in-law had
25 looked in his rear-view mirror and saw those headlights coming, and it's

1 entirely possible that he did see them coming, he had no chance to react.

2 The impact was so powerful that he pushed the rear end of the
3 car into the front end, and in the middle were my daughter and her
4 husband. He crushed them like someone stepping on an aluminum can
5 with their foot. They never had a chance.

6 The images of what he did to my daughter that night haunts me
7 every single day. Since reading the coroner's report I can't help but think
8 about my little girl lying on the street with a sheet over her.

9 I think about her body being thrown against that windshield and
10 dashboard so hard that her brain was exposed, her nose was crushed,
11 her pelvis and both of her legs were broken. He disfigured my little girl so
12 badly that we couldn't say goodbye to her one last time. I thank God that I
13 didn't have to go to the coroner's office to identify her. I believe that would
14 have taken me over the edge.

15 You destroyed her body but you couldn't destroy her loving
16 soul.

17 And now all I have are memories of her growing up and all the
18 joy she gave her mother and I. I think about how my daughter and
19 son-in law were getting ready to start a family and now I can only imagine
20 the grandchildren I'll never get to know, the grandchildren I'll never get to
21 love, and never get to hold.

22 I'm in pain 24 hours a day and will be until the day I get to see
23 her again.

24 My little girl is only in my future now. And when I see her again
25 it will be forever and no one will ever get to take her away from me again.

1 I hope and pray, Your Honor, that you hand down the maximum
2 sentence allowed under the law to Henry Aparicio.

3 As the Honorable Judge Suzan Baucum is quoted as saying to
4 him on May 18th, 2018, just a few days after my -- that he murdered my
5 daughter and her husband, quote, I believe you are a danger to the
6 community, your actions show that.

7 I say these things, Your Honor, not out of hate or animus
8 towards this person or because the fact that he hasn't shown one ounce
9 of remorse throughout this long and drawn out ordeal. An ordeal that has
10 been purposely delayed now for over a year and a half because of wild
11 theories of a third driver or insulting the intelligence of law enforcement
12 officers who have investigated too many crashes like this over the years
13 using proven scientific methods.

14 Only when he realized that there were no wild lies he could
15 come up with, that the evidence wouldn't refute, did he accept a guilty
16 plea. He has known since this crash how guilty he is but he refused to
17 accept accountability for his actions.

18 Your Honor, for you to accept the appalling recommendations
19 from Parole and Probation that show a repugnant disregard for the value
20 of human life.

21 MR. SHEETS: At this point, Your Honor, I'm going to have to
22 object.

23 THE SPEAKER: Wow.

24 MR. SHEETS: I've let him go for a while but he's --

25 THE SPEAKER: Wow.

1 MR. SHEETS: -- the victim is allowed to speak about the impact
2 on them --

3 THE SPEAKER: Are you kidding me?

4 MR. SHEETS: -- and not to specifically talk about sentences,
5 Your Honor.

6 THE COURT: Mr. Sheets, your objection is overruled. They're
7 entitled to express how this crime has impacted them.

8 You may proceed.

9 THE SPEAKER: Thank you.

10 I'll start again.

11 Your Honor, for you to accept the appalling recommendations
12 from Parole and Probation that show a repugnant disregard for the value
13 of human life and seriousness of this heinous crime, will not only be a final
14 dagger in my heart but another re-victimization to my family and to the
15 memory of Christa and Damaso. Please do the right thing by giving this
16 community one less drunk driver to worry about for as the long as the law
17 will allow.

18 Thank for your time. Thank you.

19 THE COURT: Thank you very much.

20 [Pause in proceeding]

21 THE COURT: Good morning, you're welcome to stand or
22 you're welcome to sit, whatever you're more comfortable doing.

23 THE SPEAKER: Okay. I just wanted to stand until I said good
24 morning.

25 THE COURT: You want to stand, okay, that's fine.

1 THE SPEAKER: Just at least until I said good morning.

2 THE COURT: That's okay, you're fine. Thank you.

3 Good morning.

4 THE SPEAKER: Good morning.

5 THE COURT: All right. So please be seated, I think it will be
6 more comfortable for you.

7 THE SPEAKER: Okay.

8 THE COURT: And if you feel like you need to stand, you're
9 welcome to do that, and you're also welcome to take a break, if you need
10 to take a break.

11 THE SPEAKER: Thank you.

12 THE COURT: Okay.

13 THE SPEAKER: Thank you.

14 THE COURT: So we do have -- this is part of the official court
15 record so we're going to put you under oath, that's just part of the
16 standard practice.

17 THE SPEAKER: Okay.

18 THE COURT: And then I'm going to ask you, as challenging as
19 it might be, to keep your voice up because everything in here is recorded
20 and we want to make sure we're keeping a proper transcript of everything
21 that's said.

22 THE SPEAKER: Okay.

23 THE COURT: All right. So if you don't mind raising your right
24 hand, you can stay seated.

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DIANE MALONE

[Having been called as a speaker and being first duly sworn, testified as follows:]

THE CLERK: Please state and spell your name for the record.

THE SPEAKER: My name is Diane Malone. D-i-a-n-e,
M-a-l-o-n-e.

THE COURT: Thank you very much.
And when you're ready, you may begin.

THE SPEAKER: Okay.
And, Judge Silva, if I may, please, my daughter Anna was going
to be here to read her statement but she couldn't.

THE COURT: Okay.

THE SPEAKER: She has anxiety problems and so she couldn't
make it. So may I please read her statement?

THE COURT: You may read her statement.

THE SPEAKER: Okay. And then if my voice cracks or
whatever, Charles, I just wonder if you could take a copy of it to the judge
for me.

This -- can I bring -- have him bring you a copy of her
statement?

THE COURT: Oh, absolutely.
Would you prefer that I read it or would you like to read it out
loud? It's up to you.

THE SPEAKER: I will -- let me attempt to.

THE COURT: Okay. That's no problem.

1 THE SPEAKER: But at least it gives you something to follow
2 along.

3 And she put pictures in hers, so I just wanted to make sure you
4 had a copy of that.

5 THE COURT: I appreciate that.

6 THE SPEAKER: Thank you.

7 THE COURT: Thank you very much.

8 THE SPEAKER: Thank you.

9 THE COURT: And I understand, please let her know I
10 understand that this is difficult.

11 THE SPEAKER: Okay. Okay.

12 She says, Honorable Judge Silva, Christa, my sweet sister,
13 there really was no one more innocent and sweet. Ever since she was
14 born she was always smiling, laughing, and happy. Christa glows.

15 As -- I'll just show you a picture, if I may.

16 THE COURT: Sure.

17 MR. SHEETS: And, Your Honor, this is -- just to make sure the
18 record is clear, we discussed something similar at the bench with exhibits,
19 I -- just for the record, there's the objection and maybe after -- after the
20 sentencing then we can do an offer of proof on it so the records clean.

21 THE COURT: Understood.

22 THE SPEAKER: Okay.

23 THE COURT: Thank you.

24 THE SPEAKER: This is Christa and Damaso.

25 THE COURT: That's a great picture.

1 THE SPEAKER: And she was always smiling like that and they
2 were always so in love like this. And I just wanted you to be able to see --

3 THE COURT: Thank you.

4 THE SPEAKER: -- how they were.

5 And then this is also Christa and this one, if you can remember
6 this for later, was a poster that the nurses that Christa used to work with.
7 She was -- they made this. And all of the nurses have signed the bottom.

8 THE COURT: What kind of -- I know she was an oncology
9 nurse, where did she work?

10 THE SPEAKER: MountainView Hospital, yeah.

11 THE COURT: MountainView Hospital. Okay.

12 Thank you.

13 THE SPEAKER: Okay.

14 THE COURT: And for the record I'm looking at two -- I've
15 looked at two posters. One of the two victims embracing and the second,
16 victim --

17 THE SPEAKER: Christa.

18 THE COURT: -- Christa, and -- with a collage of other pictures.
19 I just want to make sure it's clear for the record.

20 THE SPEAKER: Okay.

21 THE COURT: Thank you.

22 THE SPEAKER: Sorry. That Christa glows is what she said. I
23 think of her face as a child and then her face as a woman and that glow
24 has never changed.

25 You know, a lot of times the younger sister looks up to the older

1 one but in this case it's me, the older sister, that looks up to the younger
2 one.

3 I wish I would have been a lot more like her. I wish I could have
4 told her I was sorry for anything wrong I'd ever done or said to her in our
5 entire lives.

6 I wish I could have told her that I love her. It's beyond words
7 how much it hurts that I can't.

8 Christa has always been the most compassionate person,
9 loving person. She met the only one in this world made for her in 2002,
10 which was her husband, Damaso. He was the funniest, nicest person and
11 was very kind and an amazing husband to my sister and loved her more
12 than his own life. It made Damaso happy to make others happy and he
13 loved to make people laugh. If someone was having trouble or hurting,
14 Christa and Damaso would hurt with you and do anything to help you.

15 All of a sudden that was taken from me with one phone call, the
16 worst phone call of my life. I told my mom not to tell me that, tell me
17 anything but that. My heart broke into a million pieces. My soul was
18 fractured. I didn't want to eat because they couldn't eat. No matter how
19 hungry I was I felt guilty. Why should I get to when they can't?

20 The pain of it is indescribable. I would look at the sky so closely
21 that I felt it was almost there -- I was almost there and that the feeling that
22 I had was that I wanted to die too because I had to see where they were
23 and make sure that they were okay. But there was nothing I could do.
24 The only feeling is utter helplessness. There was nothing I could do to
25 help them, to save them.

1 The defendant took my only sister from me. I have no other
2 sister. He took my children's only aunt from them. They have no other
3 aunt. He took my friends' -- my best friends away. I am lost without them
4 in my life. There is a huge hole inside of me that will never fill.

5 My children have also lost their mama and papa because of
6 what they have lost and my parents will never be the same again. And
7 my children have lost a big part of me as well. He took everyone's
8 happiness.

9 My mom already lost her first born child when she was only five
10 years old because she was hit by a car in the street in front of their house.
11 And now she lost her last child and son-in-law because they were also
12 crushed by a car, by reckless choice, crushed by the defendant.

13 I'll never get to speak to them again. I'll never get to share
14 things and beautiful moments in this life with them.

15 Christa and Damaso were trying to have children, trying to have
16 a family. Their children and my children will never get to grow up together
17 like they were supposed to. Children and grandchildren they would have
18 bounced on their knees and spoiled them with love. They would have
19 been the best parents and then grandparents. The defendant took it all
20 from them, everything.

21 Damaso was building their business, filmmaking was his
22 passion. He loved Christa, skateboarding, filmmaking, their friends, and
23 he loved life, just being alive. They both did. They were on such a great
24 path preparing their lives for their future.

25 Christa worked hard and studied long to become an oncology

1 nurse. She had so many more years of helping people left in her because
2 she cared about others. A lot of her patients and coworkers loved her.

3 Being an oncology nurse she was trying to make so many of
4 her patients last moments be as special as they can be and she did just
5 that.

6 But what about Christa and Damaso's last moments? The
7 defendant made hers and her soulmates last moments one of the most
8 horrifying I could ever imagine. He chose to get into the car and drive.
9 He chose to push the gas pedal down to the floor after turning onto
10 Sahara Boulevard. He chose to run into them at 100 miles per hour and
11 drove almost 4000 pounds of metal into their bodies and crushed them,
12 making them take their last breaths.

13 They had no protection from him. They had no chance while
14 simply waiting for a light to change. Who could help them? Who could
15 save them from him? Christa and Damaso did not deserve this fate.

16 I shouldn't have to go to a grave in a cemetery and see their
17 names on a headstone. I shouldn't have to talk to their grave and weep
18 and tell them how sorry I am that this happened to them. How this should
19 not be.

20 He took two of the worlds brightest lights and shut their light out.

21 Why is it that oh so often the one who gets behind the wheel
22 and kills, gets to live and the innocent die. The defendant is guilty and the
23 innocent were killed by him.

24 Why did he do this to them? He doesn't deserve the chance to
25 do this to someone else. He shows no remorse for what he's done, for

1 what he took from the world and us. He has ruined so many of our lives.

2 I go around in a daze every day, the thought of what happened
3 to them stops me in my tracks and takes my breath away. I keep wanting
4 to wake up from a nightmare, but I can't. This nightmare is a living --
5 waking nightmare and this hurts forever.

6 Time has not changed anything. It's not any easier. It's just as
7 hard now as it was the day I found out he killed them. Days get harder all
8 the time because it makes me feel even farther away from the last time
9 that I saw them and spoke to them. And all I want to do is be so, so close
10 to them.

11 I wish everyone knew what it was like walking into their home
12 for the first time after they were killed by the defendant. The home still felt
13 warm like they were there, even though their bodies were cold and
14 destroyed.

15 They left the comfort of their home on May 15th to carry out a
16 normal day but they were not allowed to return. Even though that is
17 exactly what they had wanted to do, return home. They were almost
18 there.

19 I wish everyone knew what it was like to walk into their home,
20 the way everything was left, as if they just walked out the door and would
21 be back any minute now. How their animals are searching the house, still
22 waiting for them.

23 I wish everyone knew what it was like to have to go sort through
24 Christa and Damaso's closet and their dresser drawers with all their
25 clothes in them, just the way they left them, the fresh laundry on the bed

1 that she didn't get around to folding that day. Christa's makeup and little
2 things they had around the house. To see sweet notes they left for each
3 other and birthday and anniversary cards that were left out. Going
4 through their life and closing it all up into a dark box.

5 If everyone knew what it was like to feel everything the
6 defendant has forced us to feel, there would be no doubt in their minds to
7 give the maximum sentence that can possibly be received.

8 Christa never got to see her 34th birthday. Damaso never got
9 to see his 40th birthday. They were supposed to have so many more.
10 Why should their killer get to see the same birthdays outside of prison?

11 I ask you, Your Honor, to please give the defendant the
12 maximum sentences for Christa's death and the maximum sentences for
13 Damaso's death allowed by law to run consecutively.

14 Thank you Honorable Judge for reading and listening to what
15 my heart truly feels.

16 Anna Bravo, loving sister of Christa, loving sister-in-law of
17 Damaso.

18 THE COURT: Thank you.

19 THE SPEAKER: If you don't mind, I'd like to get a drink of
20 water.

21 THE COURT: Oh, absolutely.

22 THE SPEAKER: Thank you.

23 THE COURT: Can we get some water, please.

24 THE MARSHAL: You can have that one there.

25 THE SPEAKER: This one? Oh, thank you.

1 THE COURT: Is that -- okay. Thank you.

2 THE SPEAKER: Thank you.

3 Sorry.

4 THE COURT: Oh, it's okay, take your time.

5 THE SPEAKER: Okay. I have the same for mine.

6 MR. SHEETS: Subject to the same issues that we discussed at
7 the bench.

8 THE COURT: Understood. Your objection is noted for the
9 record.

10 You may approach, if you like, Counsel.

11 MR. SHEETS: Maybe if we can mark these that might be
12 better.

13 THE COURT: Sure.

14 MR. SHEETS: And for the posters too.

15 THE COURT: Let's see, we have -- the State Proposed 1
16 through 4, let's make these Court's 1 and --

17 [Colloquy between the Court and the Court Clerk]

18 THE COURT: We want to get copies of those for the record,
19 just so you know what we're talking about, so they're part of the court file.

20 THE SPEAKER: Okay.

21 THE COURT: All right. Whenever you're ready.

22 THE SPEAKER: Okay.

23 Honorable Judge Silva, I am Diane Malone and I am Christa's
24 mother.

25 How do I begin, Your Honor? How can my words possibly

1 convey the severity and the depth of how devastating, how forever painful
2 the crash of May 15th, 2018, is to me, our families, and the many friends
3 of my precious Christa and her loving husband Damaso.

4 How can I possibly convey to you everything I believe I should
5 say on Christa's behalf in just a few paragraphs, when even a series of
6 books couldn't contain all the beauty and goodness that she was.

7 I believe you first need to understand just a bit of who Christa
8 and Damaso are and how they affected everyone who knew them. I wish
9 I could back 35 years ago when I gave birth to my precious daughter
10 Christa. It was on that day, September 30th, 1984, that Christa made our
11 family complete. She was my baby. I was blessed with five children.
12 Christa is the namesake for myself and my first child.

13 Christine, who was hit by a car and killed in October of 1978,
14 she was only five years old. The pain is excruciating, still today, and now
15 the constant, relentless pain and grief of this senseless, unnecessary
16 murder -- yes, I believe it to be murder -- of my baby girl and my beloved
17 son-in-law Damaso. It is unbearable. It is a torture I have no choice but
18 to endure daily for the rest of my entire life.

19 Christa has two older brothers, Danny and Ian, and one sister,
20 Anna, who also love and miss her so very, very much. The love and joy
21 of Christa's presence in our family is now gone forever, void,
22 irreplaceable.

23 We are all left with only the memories of watching her grow
24 from the precious baby she was to the sweetest, kindest little girl, and
25 blossoming into the most beautiful and loving young woman imaginable,

1 always full of love and life. My dear Christa.

2 The deep love Christa had for her family and friends was truly
3 amazing. I cannot remember even one time while growing up that she
4 fought with her brothers and sister. She was always the most
5 kindhearted, sensitive person I've ever known. She radiated love and
6 compassion, always caring about other's needs, never selfish, evil, or
7 rude. She did not have a mean bone in her body.

8 Christa also loved to learn, had many talents. As a young girl
9 she began with piano lessons. She quickly learned to play Fur Elise
10 because -- and she learned it for me because it was one of my favorite
11 pieces. How I enjoyed listening to her play it. And, oh, I wish I could hear
12 her play the piano again.

13 Christa always loved being a part of something bigger than
14 herself. Not only was Christa a member of her school choir and color
15 guard team but she also played on her basketball team and ran track.

16 After graduating high school, Christa learned -- continued to
17 learn and had become skilled in many of her chosen hobbies, including
18 crocheting, knitting, drawing, painting, flower arranging, theatrical
19 makeup, bowling, and dancing were a few.

20 Christa also wanted to learn to sew so I bought her a sewing
21 machine and I was just beginning to teach her to sew. She had just
22 completed her first sewing project, an apron. And I was looking forward to
23 teaching her to sew a lot more but now that can never happen.

24 During the last Christmas season, when Christa was with us,
25 she and I created homemade straw baskets as Christmas presents for her

1 friends and family. And we had planned to get-together every year to
2 make homemade gifts but now that can never happen either.

3 Her loving husband Damaso was teaching her to skateboard
4 and also about his passion of filmmaking, videography, and photography.
5 Her love for learning was endless, just as her love for life.

6 Christa and Damaso started dating in July of 2002, shortly after
7 her graduation from high school. I'll never forget the one day when
8 Christa came home from a date with Damaso and she so excitedly said,
9 mom, I think I found a good one, and that he was. Damaso was Christa's
10 first boyfriend and he would become the love of her life and soulmate.
11 They were the perfect match, marrying on June 6th, 2009. Damaso was
12 our perfect son-in-law for our sweet Christa. I knew I would never have to
13 worry about my sweet Christa because I knew he would love and protect
14 her always.

15 Christa and Damaso were the perfect example of what love and
16 marriage should be. Always showing deep love and respect for each
17 other every single day since the day they met. Loving and supporting
18 each other in every aspect of their lives like I've never seen before.

19 We never, we never imagined that in the prime of their lives the
20 defendant would so carelessly, recklessly, and brutally murdered both of
21 them.

22 Christa and Damaso lived in our home with us and my 85 year
23 old mother. We all believed that family should take care of family.

24 My husband had been temporarily working in Florida and when
25 I went to visit him Christa and Damaso were there to take good care of my

1 mother who couldn't be left home on her own.

2 Your Honor, Christa and Damaso had so many hopes and
3 dreams that can now never come to be.

4 Christa was working hard to make this world a better place for
5 all of us. She positively and lovingly touched the lives of every person
6 fortunate enough to cross her path.

7 Ever since she was a young girl she was always a joy to be
8 around, always happy, gentle, giving, kind, pure and honest, full of grace
9 and hope, and that beautiful smile and compassion always melted my
10 heart. That smile that I never, ever get to see again.

11 She worked hard to accomplish her goals, never giving up on
12 herself and always encouraging others to never give up on themselves,
13 including me and the rest of our family and her friends and co-workers,
14 and her patients, and always her beloved husband Damaso.

15 She listened carefully and cared deeply for others, as did
16 Damaso. Christa always had an instinctive gift of making people around
17 her feel important, special, loved, and appreciated. I was always learning
18 from her wisdom.

19 I believe it was Christa's passion for life and her compassion for
20 others that led her decision to become a nurse. As an oncology RN at
21 MountainView Hospital, fighting cancer had become so very dear to her
22 heart. She truly loved and cared for each of her patients and coworkers.
23 And as she continued her education, ultimately working toward her
24 masters, in order to heal and save lives, her dream was to remain in the
25 oncology field focusing on prevention, research, and education. She

1 worked hard in her education and in her daily life to be the best that she
2 could be while always continuing to love and give to others.

3 My daughter Christa was the most loving and beautiful person
4 I've ever known. Anyone who met her automatically fell in love with her
5 because she was that kind and amazing woman. She was our angel on
6 earth. She was an exemplary model of the true meaning of love.

7 When Christa was not at the hospital she was either taking
8 classes, spending quality time with friends or family, or she was helping
9 Damaso with their business, Cactusboy Productions, which Damaso
10 worked so hard at full time to build while also giving his talents to
11 charitable causes on a regular basis.

12 Christa and Damaso had no enemies, together they exuberated
13 love and happiness, and their infectious smiles and laughter were
14 magnetic and always brought joy to everyone blessed to have known
15 them. They always brought out the best in others as they looked at the
16 positive side of everything and generally engaged in their conversations
17 with others.

18 Christa and Damaso were both kindhearted and compassionate
19 in every step of their lives, which they did live to the fullest as they loved
20 life, the very lives that were so violently and abruptly stolen from them.

21 I didn't think I would ever have to worry about Christa or
22 Damaso because I knew they were both healthy, responsible adults.
23 They took care of themselves physically and loved each other deeply.
24 They made wise decisions and they were both extremely careful drivers.
25 They would never drive drunk.

1 Christa and Damaso were also on the verge of starting a family.
2 I was looking so forward to becoming a grandmother again to their
3 beautiful children that I just knew they were going to have.

4 Christa and Damaso would have been excellent parents, just as
5 they already were the most loving, absolute best aunt and uncle anyone
6 could ask for. That will never become to be either.

7 Why? Why? Henry Aparicio is why.

8 Christa was -- I'm sorry.

9 THE COURT: It's okay.

10 THE SPEAKER: -- Christa was a registered organ donor, but
11 even her very last attempt to save lives could not be granted to her
12 because of the heinous crime committed against her, as well as against
13 her husband. Every perfectly, healthy vital organ in Christa's body was
14 turned to mush, mutilated by Henry Aparicio.

15 I'm sorry.

16 THE COURT: It's okay.

17 Do you want to take a -- we could take a little bit of a break?
18 Would that be helpful? It's up to you.

19 THE SPEAKER: I just need a second.

20 THE COURT: Okay.

21 THE SPEAKER: Sorry.

22 THE COURT: No, you don't have to apologize. Take your time.

23 THE SPEAKER: I will never forget the moments of that
24 dreadful phone call from our son, Ian, Christa's brother. Ian was the one
25 who the coroner's office was first able to reach.

1 My husband works as a night auditor and we were sleeping
2 when our son's call woke us.

3 My husband Dan, who you just heard from, answered the call
4 and he suddenly jumped from the bed desperately repeating, no, no, no.
5 Then his knees buckled. I had already jumped up and was repeatedly
6 asking him, what, what's wrong? He couldn't speak. He couldn't stand. I
7 knew something was dreadfully wrong.

8 He finally handed me the phone and my son had to repeat what
9 he had just told his father. The most horrifying words I would ever hear.
10 With severe pain in his voice he said, Christa and Damaso were in a car
11 crash last night and they are both dead.

12 All I could do is scream, no. I screamed, no, no, not again, no,
13 not again, no. So many times that I don't even know. I can't count. But I
14 screamed with excruciating pain until my voice was gone.

15 My husband was still unable to speak or stand. We just held
16 each other and wept and wept and wept with tears.

17 Ian had told me to pack a bag and get ready to go to the airport
18 and he would buy our airline tickets to get back to Vegas. He immediately
19 drove to pick us up and took us to the airport. The weepings never
20 stopped. It still continues ever so frequently, every single day. It feels like
21 my insides are ripped out of me, at times I feel pain in my chest as though
22 my heart is being squeezed to death. And other times I can't even feel my
23 heartbeat as it has been obliterated. Their truly are just no words to
24 describe how incredibly bad it is.

25 I cry myself to sleep every night envisioning the horrific details

1 of May 15th at 9:08 p.m. Still I can never get a full night's rest because I
2 am awakened by nightmares of that dreadful night when Christa and
3 Damaso were so brutally killed. I so vividly envision them just sitting at
4 the stoplight waiting for light to turn green. And in my dream I smile
5 because I know they're just talking about their day and their
6 accomplishments and/or laughing together as they so often did.

7 Then suddenly the vision turns horrifically violent as the
8 defendant turns his red Mercedes into almost two tons of weapon, driving
9 over 100 miles an hour at ramming speed into the back of their Prius
10 without even trying to stop, without even applying the brakes as though
11 intentionally crashing into them.

12 And I envision their Prius being crushed with Christa and
13 Damaso inside, being shot across the lanes while tossing and turning and
14 literally breaking them and crushing them and mutilating them to death.
15 This is what I have to picture of my daughter's last moments every single
16 day for the rest of my life.

17 To this day this vision repeats itself almost every morning and
18 throughout the day. And I wake up in tears just as I went to bed the night
19 before asking myself, why I am still breathing, why couldn't it have been
20 me instead? Why? Why? Why? I would give my life in a second if I
21 could only give mine back to my precious Christa and Damaso.

22 Then each time I'm forced to come to the realization that the
23 why is because the defendant made selfish, premeditated choices which
24 led to this violent and gruesome murder of my daughter Christa and
25 Damaso.

1 This was no accident. Nor was it a mistake. The defendant
2 knew, he knew he was going out to celebrate his girlfriend's graduation
3 that night. He knew he would be the one driving. He knew he was going
4 to drink alcohol, lots of it. He knew how much he had to drink at Dave &
5 Buster's.

6 After leaving Dave & Buster's, he knew and deliberately drank
7 even more alcohol at his place of employment, Casa del Matador. He
8 knew he was majorly intoxicated. He knew he got into his car to drive it.
9 He knew and chose to drive over 100 miles an hour on Sahara, at a 45
10 mile an hour speed zone, with absolutely no concern for the law, nor for
11 the safety of others.

12 The only thing he did not know was who he was going to kill
13 that night.

14 He gave Christa and Damaso no chance for survival. They
15 were alive one second with healthy beating hearts, full of love and life;
16 then suddenly Henry Aparicio took everything away from them, every
17 dream, every hope, every desire to do good and save lives, every hope
18 for a family of their own. He took their last breath, their very lives.

19 Nevada Highway Traffic Safety Association, NHTSA I believe
20 they call it, tells us that a person drives drunk on an average over 80
21 times before they ever get caught.

22 This was not the defendant's first time and I am convinced it
23 would not be his last.

24 Almost every day I read in the news, Your Honor, that someone
25 else has been murdered by a drink driver. How many innocent people

1 have to die?

2 The only deterrent I see is tougher penalties, tougher sentences
3 for criminals who choose to drive drunk, and therefore choose to kill
4 innocent people. How many people have to die before the sentences
5 match the crimes committed? How many families have to be destroyed?

6 Henry Aparicio killed not one but two innocent, loved ones, with
7 absolutely no regard for their precious lives, nor the lives of all the people
8 who loved them so dearly and need them in their lives, two lives not
9 accidentally taken.

10 Should by all moral rights equal to life sentences? What
11 will stop this completely senseless and heinous killing of precious lives, as
12 our beloved Christa and Damaso, if maximum sentences are not
13 imposed?

14 I truly am crushed and completely appalled actually at the 3 to
15 10 year recommendation by Parole and Probation. They're telling me that
16 my daughter, Christa's life, is only worth possibly as little as 3 years in
17 prison and the same for Damaso.

18 How is it that Parole and Probation has to use a point system
19 that takes every human aspect out of their decision to come up with a
20 recommendation for sentencing?

21 MR. SHEETS: And, just for the record, the same objection as
22 with the prior one, Your Honor.

23 THE COURT: Your objection is noted.

24 THE SPEAKER: When an adult, which Henry Aparicio was an
25 adult, with all adult rights, all adult choices, commits a crime it should not

1 matter how old the criminal is, nor should it matter the age of the victim,
2 two victims in this case, a crime has been committed and two people are
3 dead because of it.

4 Your Honor, my daughter and her husband, Christa and
5 Damaso, they were not inanimate objects whose worth should be
6 calculated by a point system. Instead they were both living, breathing,
7 heart beating, responsible, loving people just like you and me, just like
8 everyone in this courtroom, until Henry Aparicio made his choice to turn
9 his vehicle into a weapon, ramming Christa and Damaso with so much
10 force that he turned their internal organs to mush, taking every heartbeat,
11 every breath, every dream, every hope they ever had, every hope we ever
12 had for them, every joy of life they gave, everything. He killed them by his
13 own choice.

14 It was inevitable that he would kill that night from the choices he
15 made. If it wouldn't have been our beloved Christa and Damaso, who
16 would it have been? The mother and the young child in the car with her,
17 that were nearby? Would it have been the sons, the daughters, brothers,
18 sisters, mothers or fathers of anyone else? Maybe even people that are
19 here in this courtroom.

20 He was educated. He was not an uneducated person. And he
21 knew the dangers of driving drunk and he still chose to drive and at four
22 times the legal limit. Who would it be next?

23 What is precious life worth? I truly would give my life in a
24 second to give life back to my daughter and her husband but that is
25 impossible. The defendant is the one who took every last breath from my

1 daughter and every last breath from my son-in-law.

2 He is the one who needs to be held accountable for his actions
3 by serving the maximum penalty. Because, Your Honor, where's the
4 justice for my Christa and Damaso? Two lives so selfishly and violently
5 taken, killed by this defendant.

6 I wholeheartedly believe he is an endangerment to society and
7 a danger to human life.

8 He has dishonored and wasted the Court's time by not
9 accepting his responsibility for his choices and his actions. For 15 months
10 he did that. How can he be trusted to be on our roads? He outright lied,
11 even about driving the car.

12 And I know, Your Honor, you weren't on this case from the
13 beginning but there are things I'm going to say that happened in the
14 beginning, in the courtrooms even.

15 MR. SHEETS: Again, I'm objecting, this is way beyond impact,
16 Your Honor.

17 THE SPEAKER: He had outright lied --

18 THE COURT: I'm going to overrule the objection.

19 THE SPEAKER: -- about driving the car, the murder weapon
20 he used to kill our beloved Christa and Damaso. He has tried for the past
21 17 months to get off scot-free, or 15 months I should say, as though as
22 some sort of sick joke. Up till today he's shown no remorse and no regard
23 for anybody's life but his own. He's destroyed so many lives and up to
24 today with no remorse.

25 I do continually ask myself, what kind of evil can absolutely

1 have no remorse for murdering not one but two completely innocent
2 people? I will never understand his arrogance, his lies, his evil demeanor,
3 his laughing in court, which he did, and his trying to intimidate me by
4 staring me down in the courtroom.

5 And the latter I noticed the first time when we were in
6 Judge Bell's courtroom on the 17th floor, we were seated in the pews on
7 the left side of the courtroom and he was the only one seated on the right,
8 I was the fourth one in, and as we were exiting the pew he slid closer to
9 us, and as I was exiting he was directly in front of me, and as I walked out
10 of the pew he glared into my eyes. To me it was cold, unremorseful eyes
11 is what I saw, as if to intimidate me even more after what he'd already
12 done. I will never, ever forget that cold, heartless glare. It will haunt me
13 forever.

14 Twice since that time I had asked the marshal to ask him not to
15 stare.

16 The defendant's vile crime has put us through a year and a half
17 of pure hell, 17 months if you want to be more accurate, traveling back
18 and forth for court dates just to have another delay 'cause the defendant --
19 because the defendant refused to be accountable for his actions -- sorry --
20 has been exhausting and costly.

21 The planning and cost of funerals that we should have never
22 had to plan, and taking on all the extra expenses associated with this
23 crime, having to spend my senior years as a graver caretaker should not
24 be my life. My life is destroyed. My family's life forever changed.

25 Every day I try to go on normally but I can't. I have lost

1 purpose.

2 As much as I try to be a good mother and grandmother to my
3 surviving children and grandchildren, my joy and passion for life has been
4 stolen from me by this criminal and therefore my children and
5 grandchildren are being robbed of that joy and passion also.

6 My surviving grandchildren have been robbed of their only aunt.
7 My surviving daughter robbed of her only sister and best friend. And
8 Christa's two brothers left without her love and joy.

9 The defendant robbed all of Christa's patients and future
10 patients of the compassion and loving care she would have given them.
11 He robbed her coworkers and the medical field of a much needed,
12 outstanding, dedicated, aspiring nurse. So, so many hearts are broken
13 and lives changed forever.

14 Christa's dad and me, her brothers, sister, nieces and nephews
15 and cousins, her numerous patients, her coworkers, and the many close
16 friends of theirs. Many of whom are here today, I believe as you can see.

17 Also Damaso's parents, my sweet son-in-law's parents, whose
18 father is here today, and siblings and family all because of one selfish
19 killer.

20 Your Honor, it is my -- I'm sorry.

21 The rest of our entire lives now have to be spent dealing with
22 this guy who killed our precious baby girl Christa and her loving husband
23 Damaso. He has murdered the life out of me too. And, again, with all of
24 my heart, I wish I would have been the one he rammed into that night
25 instead.

1 This pain, this suffering, these nightmares, this reality knowing I
2 will never be able to talk with Christa and Damaso again, knowing that I
3 will never be able to love and hold my grandchildren they were going to
4 have, knowing I will never be able to give Christa a hug and tell her how
5 much I love her, and to hear her tell me that she loves me too. It is
6 unbearable. I miss her so much, the hurting, no words that I can describe
7 it with.

8 I was so heartbroken and crushed that it's hard to function on
9 most days. But I know that something must be done to bring awareness
10 and to convince people not to drive drunk. There's no excuse. There are
11 taxis, LYFT, UBERs, friends and family that can be called for a ride or
12 take a bus, or walk, get a room, or just wait.

13 No one has the selfish right to drive drunk and murder
14 someone. No parent should ever have to suffer the loss of their child,
15 especially when it is due to such a selfish, senseless, preventable, yet
16 violently heinous crime.

17 There's not been one single day since May 16th, 2018, almost a
18 year and a half, over 74 weeks, 520 days that I have not wept for my
19 precious Christa and dear Damaso.

20 The defendant gave both Christa and Damaso a death
21 sentence. And I know that I've been convicted of a life sentence by the
22 defendant, a life of torture, the gut wrenching pain, the mourning and
23 weeping for them every day for the rest of my entire life. My life is now
24 forever changed to a life consumed by grief and heartache that affects
25 every aspect of my soul, my spirit, my physical and emotional well-being,

1 every moment, every cell in my body aches and longs to be with my
2 beloved child.

3 And now, Your Honor, as I sit before you I place myself in the
4 most painful and challenging position I've ever been in my entire life, I
5 have to plead for justice for my baby girl. I have to attempt to be Christa's
6 voice, her plea to you, Your Honor. I shouldn't have to because she
7 should be here. She should be alive, as should her husband. But I must
8 try to convey what I believe would be her last request to you. I knew my
9 daughter well, and although she was gracious, loving, and kind she was
10 also very smart, rational, and fair. She always took responsibility for her
11 own actions and beliefs strongly, that every person should.

12 On behalf of our beloved Christa, I ask you, Your Honor, to
13 please impose the maximum sentence allowed by law, for each count to
14 run consecutively, which is a very, very small price to pay for the heinous
15 crime the defendant committed against our precious daughter Christa and
16 my dear, sweet son-in-law Damaso.

17 The Parole and Probation point system does not take into
18 consideration that the victims who were murdered, our beloved Christa
19 and Damaso were responsible, extraordinary, beautiful souls who were
20 loved and needed very much in this world. And in no way did they
21 deserve the torturous deaths that Henry Aparicio inflicted on them.

22 I personally believe, personally, that what he deserves is never
23 to see the light of day again.

24 To this day I don't understand why he was not charged with two
25 counts of second degree murder because the facts of the case they do

1 have blatant similarities to other cases, one I think of is the Alan Aldred
2 (phonetic) case.

3 Both Christa and Damaso, they paid the ultimate price for
4 Aparicio's atrocious crimes.

5 He is one life who chose to take two lives. He deserves to pay
6 the ultimate price and he should be held accountable for his choices and
7 actions, which in this case unfortunately can only be the maximum
8 sentence of 8 to 20 years for Christa and 8 to 20 years for Damaso to run
9 consecutively.

10 MR. SHEETS: And, again, same objection.

11 THE SPEAKER: I pray, Your Honor --

12 THE COURT: Noted.

13 THE SPEAKER: -- that in making your decision, please try to
14 put yourself in our shoes. Please render a sentence as you would if it was
15 your own child.

16 I thank you, Your Honor, for listening as I pour my heart out to
17 you. I truly do, in the only way I know how to represent my beloved
18 Christa and her beloved husband, in the hopes that you will understand a
19 little bit and the never-ending excruciating pain that the defendant has
20 caused.

21 Judge Silva, now I put my trust and hope in your power and
22 wisdom to have true justice for Christa and Damaso for now by imposing
23 the maximum sentences allowed by law.

24 The very last voice, Your Honor, that I would like for you to hear
25 is a brief video that Christa made for a class she was enrolled in at the

1 time, before she had no idea what would happen, six days later as she
2 made this video just six days before she and her husband were so brutally
3 murdered by the defendant.

4 Judge Silva, I do respectfully thank you, Your Honor, for your
5 consideration and for allowing me to speak on behalf of our beloved
6 Christa and Damaso.

7 Thank you.

8 THE COURT: Thank you.

9 MR. SHEETS: Your Honor, if we could have the -- I have not
10 yet seen the video, if we could have it marked and it's subject to my prior
11 objection.

12 THE COURT: Yes, it'll be marked as Court Exhibit 10, am I
13 right? Am I doing my math there? That will be --

14 MR. SHEETS: May I be seated?

15 [Playing video]

16 THE COURT: Thank you very much.

17 THE SPEAKER: May I --

18 THE COURT: Yes, absolutely.

19 Do we have anymore victim speakers this morning, Counsel?

20 MR. MARTINOVSKY: No, that's it, Your Honor.

21 THE COURT: That's it, okay.

22 I'm going to take a brief recess and then I'll be right back on the
23 bench. So if everyone wants to take a stretch break, it's just going to be a
24 few moments, you're welcome to do that. But I will be right back.

25 Thank you.

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[Recess taken at 11:17 a.m.]

[Hearing resumed at 11:25 a.m.]

THE COURT: We're going to go back on the record in case C-18-332496-1. Waiting for the defendant to reenter the courtroom.

[Pause in proceeding]

THE COURT: All right. Mr. Aparicio, this is the time for sentencing and I have considered all of the information presented, not only in the PSI but also your statement here in court. I have certainly considered the statements of the family. I've read every letter that was submitted to me and as well as the video and the pictures that were presented here in court today.

Mr. Sheets touched on a sentencing structure that I'm familiar with. In my former life I worked in the federal system and there, as Mr. Sheets talked about it, it sets forth a number of factors to be considered and this has been approved by the Supreme Court of the United States, so I'm sure it's equally applicable in the State of Nevada.

Those factors include the nature and circumstances of the offense and the history and characteristics of the defendant, the need for the sentence imposed to reflect the seriousness of the offense, and to promote respect for the law, and to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, and to protect the family from further crimes of the defendant.

It also requires that I consider a sentence that will provide the defendant with needed educational or vocational training, medical care, or correctional treatment in the most effective manner, and also requires that

1 I also consider potential sentencing disparities amongst defendants with
2 similar records who have been found similar -- found guilty of similar
3 crimes, in this instance you pleaded guilty.

4 So I do carry those with me as I sentence every defendant. I
5 also look to Nevada law to talk about, you know, what is appropriate.
6 They talk about the judge having wide discretion and everything from
7 sentencing concurrently to consecutively. And I too am required to
8 consider the whole defendant and the victims, as well as the conduct of
9 the defendant when considering what an appropriate sentence is. And
10 that's what I've done.

11 So I'm going to note that without a doubt the families, and I say
12 families because it's not just one family, it's not just two families, it's
13 actually four families that have been impacted by your reckless disregard
14 for life.

15 The accident, which to call it an accident is an understatement,
16 is just unimaginable. When I was presented with these photos this
17 morning I didn't even -- I couldn't tell what kind of vehicle the victims were
18 in when they were hit by the car you were driving. That's how egregious
19 your conduct was.

20 And so when I look at you and I consider the fact that you don't
21 have any criminal convictions, which certainly adheres to your benefit, you
22 did serve our military, which I thank you for. You know, I think that's
23 something that isn't emphasized enough in society today.

24 But at the same time you had trouble when you were you in the
25 military. Your behavior and your poor choices started while you were in

1 the military. When I look at what the offense was, to include the forgery of
2 a military ID, I can't think of anything that could be potentially more
3 dangerous for our country that could lead to any number of really bad
4 things that could happen.

5 You're obviously an intelligent young man. You're articulate.
6 You have a family who loves and supports you.

7 And so I thank the family for being here today.

8 But you have to pay for the choices that you made and the
9 choices that you made that night weren't just, I'm going to get into a car
10 and drive drunk, I'm going to go to one bar, I'm going to drink countless
11 drinks, and they weren't just, you know, a glass of wine; right, they were
12 drinks that were very strong, with multiple, if I remember correctly, there
13 were multiple types of alcohol, in at least one or two of the drinks, and I
14 remember reading correctly, the types of drinks that were ordered at Dave
15 & Buster's. And then you actively chose to go to the next place and
16 continue to drink and drink more.

17 There's -- when I consider all of that, I do believe that a
18 sentence at the high end of the guidelines is appropriate.

19 I am empathetic to the victims and their frustration at Parole and
20 Probations justification of the 3 to 10 year sentence.

21 I will tell you this, there is no right or wrong answer when it
22 comes to the death of somebody. You know, justice is defined any
23 number of ways. But trying to make someone whole is really what justice
24 is supposed to do. But we can never do that for you. And I can tell you
25 that Parole and Probation wouldn't be able to do that for you no matter

1 what system they use to calculate the sentence that they recommend.

2 So let's go through with the sentencing. In accordance with the
3 laws of the State of Nevada you're hereby adjudged guilty of the crimes of
4 two counts, driving under the influence resulting in death, which is a felony
5 in violation of NRS 484C.100, 484C.430, and 484C.105, that carries a 2 to
6 10 year term in the Nevada Department of Corrections, and a minimum
7 fine of \$2000 and up to a \$10,000 fine.

8 As well Count 3, reckless driving, which is also a felony in
9 violation of NRS 484B.653, it's a category B felony, carrying a 1 to 6 year
10 term in the Nevada Department of Corrections, a minimum fine of \$2000
11 and up to \$10,000.

12 And you'll also be required to have an interlock device on any
13 vehicle you have for not less than one year but no more than three years
14 upon release from custody.

15 I'm going to order that you pay a \$25 administrative assessment
16 fee, that is standard in every criminal case, as well as a \$150 DNA fee,
17 and you're to submit to testing for your DNA, and there's a \$3 fee that
18 goes along with that for the assessment.

19 State, is there any other fees associated with the alcohol blood
20 testing that happened?

21 MR. MARTINOVSKY: No, Your Honor.

22 THE COURT: Okay. I'm also going to order that you pay
23 \$47,520.53 in restitution, that is the, I'm going to guess, the minimum
24 costs that were associated with what the aftermath of this crime and what
25 the victims went through.

1 So it turns to what the appropriate sentence is, and again
2 considering the egregious choices that you made that night and balancing
3 that with the law requiring me to consider the fact that you have no priors,
4 I am going to sentence you to a minimum of 7 years and a maximum of 20
5 as to Count 1; a minimum of 7 years and a maximum of 20 as to Count 2,
6 those will run consecutive; and I'm also going to sentence you to a term of
7 12 to 48 as to Count 3, and that will also run consecutive. So it will be an
8 aggregate sentence of 16 to 40 years in the Nevada Department of
9 Corrections.

10 I do believe that this sentence, and Mr. Sheets I'm going to
11 disagree with your representation of what the *Booker* case states, I do
12 believe that sentence is sufficient but not greater than necessary to
13 achieve the sentencing goals, whether it be in this court or any court, and
14 that is taking into account the history and characteristics of you, the need
15 for the sentence imposed to reflect the seriousness of the offense, and to
16 promote respect for the law, importantly to also afford deterrence for
17 others to engage in this.

18 As for the victims' families, I don't have an answer for you
19 because I know that you'll never be made whole.

20 But one thing was said, and I believe, I think mom said it, mom
21 said, and mom of Christa to be clear for the record, that she always
22 encouraged others to never give up. That applies to everyone who's
23 impacted by this case. Do not give up. Fight, fight for her, fight her
24 happiness, carry that spirit forward, carry their love forward, there's a lot to
25 be said for that love, you can look at that picture and just feel it.

1 And, I'm sure perhaps you don't agree with this, but perhaps
2 also forgive, you could hopefully get there. My heart goes out to everyone
3 who was impacted by this.

4 You will have to live with this for the rest of your life and I
5 believe that is your life sentence. I hope that you can find the help that
6 you need. I hope that if you -- when you get out that you do stay true to
7 your word that you want to help others not make the reckless and wanton
8 decision that you made the night that you got in that car and weaponized
9 it, that is what you did.

10 And good luck, Mr. Aparicio.

11 Any questions from the State or from the defense?

12 MR. SHEETS: I think not as to the sentence, but I mean if we
13 could just do the quick offer of proof on the -- on the objection. I'm not
14 sure if your bench conference is recorded on the --

15 THE COURT: They are -- they are recorded.

16 MR. SHEETS: Okay.

17 THE COURT: Did you want to lay any other record?

18 MR. SHEETS: No, as long as the bench conference is
19 recorded, I'm good.

20 THE COURT: The bench conference is recorded.

21 And just for the record, there was an objection made to some of
22 the exhibits and letters that were received and speakers, I have overruled
23 those objections. As I stated, I believe the Nevada Constitution defines
24 victims broadly and therefore I accept everything and considered that in
25 rendering my sentence here today.

1 MR. SHEETS: Thank you, Your Honor.

2 MR. MARTINOVSKY: Thank you.

3 THE COURT: Anything further?

4 Thank you.

5 [Hearing concluded at 11:35 a.m.]

6 [Hearing recalled at 11:38 a.m.]

7 THE COURT: I apologize, I did the math -- I pronounced the
8 math incorrectly. So it will be 15 to 40 year sentence. So 7, plus 7
9 consecutive, and then Count 3 will run consecutive as well.

10 MR. MARTINOVSKY: So it's 15 to 44?

11 MR. SHEETS: 15 to 44?

12 THE COURT: I'm sorry?

13 MR. MARTINOVSKY: 15 to 44?

14 MR. SHEETS: 15 to 44.

15 THE COURT: 15 to 44, yes, I apologize, see.

16 MR. MARTINOVSKY: Okay.

17 THE COURT: So I did lawyer math, I apologize to everyone.
18 Thank you for laughing at me.

19 MR. SHEETS: I'm sorry, Your Honor.

20 THE COURT: I appreciate that. I can laugh at myself.

21 MR. MARTINOVSKY: Sorry.

22 THE COURT: No, I apologize.

23 I -- I did the math wrong. So I apologize.

24 So thank you for bringing me back here for the clarification.

25 MR. MARTINOVSKY: Thank you.

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THE COURT: Do you have any other questions?

MR. SHEETS: No, that was it, Your Honor.

THE COURT: No? All right.

Thank you very much. I apologize again.

MR. SHEETS: Thanks to the CO for correcting me on that.

THE COURT: I know they --

MR. SHEETS: He did that math. I did lawyer math too.

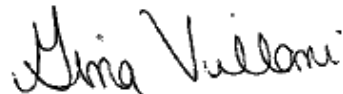
THE COURT: That's why we all have a job and they do a great job.

Thank you.

[Hearing concluded at 11:38 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Gina Villani
Court Recorder/Transcriber
District Court Dept. IX

Steven D. Grierson

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

HENRY APARICIO aka
Henry Biderman Aparicio
#6069038

Defendant.

CASE NO. C-18-332496-1

DEPT. NO. IX

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNTS 1 and 2 – DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (Category B Felony) in violation of NRS 484C.110, 484C.430, 484C.105; and COUNT 3 – RECKLESS DRIVING (Category B Felony) in violation of NRS 484B.653; thereafter, on the 18th day of October, 2019, the Defendant was present in court for sentencing with counsel DAMIAN R. SHEETS, ESQ., and good cause appearing,

<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"/> Acquittal
<input checked="" 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 type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

Bates 327

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to
2 the \$25.00 Administrative Assessment Fee, \$47,520.53 Restitution and \$150.00 DNA Analysis
3 Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
4 Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows: COUNT 1
5 – a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of SEVEN (7)
6 YEARS; COUNT 2 – a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole
7 eligibility of SEVEN (7) YEARS, CONSECUTIVE to COUNT 1; and COUNT 3 – a
8 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM parole eligibility of
9 TWELVE (12) MONTHS, CONSECUTIVE to COUNT 2; with FIVE HUNDRED TWENTY-
10 ONE (521) DAYS credit for time served. The AGGREGATE TOTAL sentence is FORTY-
11 FOUR (44) YEARS MAXIMUM with a MINIMUM PAROLE ELIGIBILITY OF FIFTEEN
12 (15) YEARS.

13 COURT FURTHER ORDERED, pursuant to NRS 484C.340, 484C.460, prior to any
14 reinstatement of driving privileges the defendant shall have an interlock device installed and
15 inspected on his vehicle at his expense for a period of not less than 12 months nor more than 36
16 months, said period to commence after any period of imprisonment, residential confinement,
17 confinement in a treatment facility or on parole or probation.

18 DATED this 28th day of October, 2019

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25 CRISTINA D. SILVA
DISTRICT COURT JUDGE 