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Respondent.

**APPELLANT'S APPENDIX VOLUME I PAGES 001-231**

Docket 80293 Document 2020-31632

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**ARMANDO VASQUEZ-REYES**  
**Case No. 80293**

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JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

16F06076X  
CRM  
Criminal Complaint  
6408991



THE STATE OF NEVADA,

2016 APR 19 P 12:08

Plaintiff,

JUSTICE COURT  
LAS VEGAS, NEVADA

CASE NO: 16F06076X

-vs-

DEPUTY

DEPT NO: 5

ARMANDO VASQUEZ-REYES, aka,  
Armando Vasquiezreyes #7030886,

Defendant.

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975); SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105) LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 58747) and SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50106), in the manner following, to-wit: That the said Defendant, on or between January 20, 2007 and April 16, 2016, at and within the County of Clark, State of Nevada,

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

did on or between January 20, 2007 and January 19, 2008 willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to-wit: G.A., a child under the age of fourteen years, by Defendant forcing the said G.A. to touch his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.A.

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

did on or between November 1, 2015 and November 30, 2015 then and there willfully, unlawfully, and feloniously sexually assault and subject G.A., a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse: by placing his penis into the genital opening of the said G.A., against his or her will, or under conditions in which Defendant knew,

1 or should have known, that G.A. was mentally or physically incapable of resisting or  
2 understanding the nature of Defendant's conduct.

3 COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

4 did on or between April 1, 2016 and April 16, 2016 willfully, lewdly, unlawfully and  
5 feloniously commit a lewd or lascivious act upon or with the body, or any part or member  
6 thereof, of a child, to-wit: G.A., a child under the age of 16 years, by grabbing the said G.A.'s  
7 breasts and/or touching her genital area and buttocks, with the intent of arousing, appealing  
8 to, or gratifying the lust, passions, or sexual desires of the Defendant, or G.A.

9 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

10 did on or between April 1, 2016 and April 16, 2016 then and there willfully,  
11 unlawfully, and feloniously sexually assault and subject G.A., a child under sixteen years of  
12 age, to sexual penetration, to-wit: anal intercourse: by placing his penis into the anal opening  
13 of the said G.A., against his or her will, or under conditions in which Defendant knew, or  
14 should have known, that G.A. was mentally or physically incapable of resisting or  
15 understanding the nature of Defendant's conduct.

16 All of which is contrary to the form, force and effect of Statutes in such cases made and  
17 provided and against the peace and dignity of the State of Nevada. Said Complainant makes  
18 this declaration subject to the penalty of perjury.

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(TK5)

5/19/16

CLARK

JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ARMANDO VASQUEZ-REYES, aka,  
Armando Vasquezreyes #7030886,

Defendant.

CASE NO: 16F06076X

DEPT NO: 5

AMENDEDCRIMINAL COMPLAINT

The Defendant above named having committed the crimes of LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975) and SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), in the manner following, to-wit: That the said Defendant, on or between January 21, 2007 and December 31, 2015, at and within the County of Clark, State of Nevada,

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

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to-wit: G.A., a child under the age of fourteen years, by Defendant directing and/or causing and/or encouraging the said G.A., to touch and/or rub and/or fondle his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.A.

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

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to-wit: G.A., a child under the age of fourteen years, by Defendant directing and/or causing and/or encouraging the said G.A., to touch and/or rub and/or fondle his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.A.

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ACRM  
Amended Criminal Complaint  
6533335

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

2 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
3 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
4 placing his penis into the anal opening of the said G.A., against his or her will, or under  
5 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
6 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

8 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
9 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
10 placing his penis into the anal opening of the said G.A., against his or her will, or under  
11 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
12 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

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

19 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

20 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
21 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
22 placing his penis into the anal opening of the said G.A., against his or her will, or under  
23 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
24 physically incapable of resisting or understanding the nature of Defendant's conduct.

25 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
27 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
28 placing his penis into the anal opening of the said G.A., against his or her will, or under

1 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
2 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

4 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
5 G.A., a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse: by  
6 placing his penis into the genital opening of the said G.A., against his or her will, or under  
7 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

10 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
11 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
12 placing his penis into the anal opening of the said G.A., against his or her will, or under  
13 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
14 physically incapable of resisting or understanding the nature of Defendant's conduct.

15 All of which is contrary to the form, force and effect of Statutes in such cases made and  
16 provided and against the peace and dignity of the State of Nevada. Said Complainant makes  
17 this declaration subject to the penalty of perjury.

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28 LVMPD EV# 1604162346  
(TK5)

JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA7-12-16  
28  
CLARK

THE STATE OF NEVADA,

Plaintiff,

-vs-

ARMANDO VASQUEZ-REYES, aka,  
Armando Vasquezreyes #7030886,

Defendant.

CASE NO: 16F06076X

DEPT NO: 5

SECOND AMENDEDCRIMINAL COMPLAINT

The Defendant above named having committed the crimes of LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975) and SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), in the manner following, to-wit: That the said Defendant, on or between January 21, 2007 and December 31, 2015, at and within the County of Clark, State of Nevada,

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

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to-wit: G.A., a child under the age of fourteen years, by Defendant directing and/or causing and/or encouraging the said G.A., to touch and/or rub and/or fondle his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.A.

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

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to-wit: G.A., a child under the age of fourteen years, by Defendant ~~directing and/or causing and/or encouraging the said G.A., to touch and/or rub and/or fondle his penis,~~ <sup>touching vagina/butt/breasts with hand</sup> with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.A.

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

2 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
3 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
4 placing his penis into the anal opening of the said G.A., against his or her will, or under  
5 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
6 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

8 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
9 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
10 placing his penis into the anal opening of the said G.A., against his or her will, or under  
11 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
12 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

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

19 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

20 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
21 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
22 placing his penis into the anal opening of the said G.A., against his or her will, or under  
23 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
24 physically incapable of resisting or understanding the nature of Defendant's conduct.

25 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
27 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
28 placing his penis into the anal opening of the said G.A., against his or her will, or under

1 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
2 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

4 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
5 G.A., a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse: by  
6 placing his penis into the genital opening of the said G.A., against his or her will, or under  
7 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

10 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
11 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
12 placing his penis into the anal opening of the said G.A., against his or her will, or under  
13 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
14 physically incapable of resisting or understanding the nature of Defendant's conduct.

15 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
16 AGE

17 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
18 D.A., a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse: by  
19 placing his penis into the genital opening of the said D.A., against his or her will, or under  
20 conditions in which Defendant knew, or should have known, that D.A., was mentally or  
21 physically incapable of resisting or understanding the nature of Defendant's conduct.

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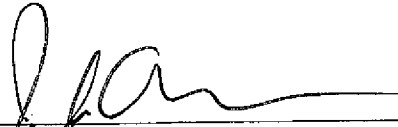
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1 All of which is contrary to the form, force and effect of Statutes in such cases made and  
2 provided and against the peace and dignity of the State of Nevada. Said Complainant makes  
3 this declaration subject to the penalty of perjury.

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28 LVMPD EV# 1604162346  
(TK5)

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 3

**Court Minutes**



L006401618

**PC16F06076X State of Nevada vs. VASQUEZ-REYES, ARMANDO**

**4/18/2016 7:28:00 AM 48 Hour Probable Cause**

Result: Signing Completed

**Review**

**PARTIES  
PRESENT:**

**Judge:** Cruz, Cynthia

**PROCEEDINGS**

**Hearings:** 4/20/2016 7:30:00 AM: 72 Hour Hearing

Added

**Events:** Probable Cause Found

**Bail Reset - Cash or Surety**

*Counts: 001; 002; 003; 004; 005; 006; 007; 008; 009; 010; 011; 012; 013; 014; 015; 016; 017; 018; 019;  
020; 021; 022; 023; 024; 025; 026; 027; 028; 029; 030; 031; 032; 033; 034; 035 - \$0.00/\$0.00 Total Bail  
Set In Court*

**Probable Cause Arrest Documents**

**Jus e Court, Las Vegas Township  
Clark County, Nevada**

Department: 05

**Court Minutes**



L006415992

**16F06076X State of Nevada vs. VASQUEZ-REYES, ARMANDO**

Lead Atty: Public Defender

**4/20/2016 7:30:00 AM Initial Appearance (In Custody)**

Result: Matter Heard

**PARTIES PRESENT:** Attorney Clark, Kristy  
Defendant VASQUEZ-REYES, ARMANDO

**Judge:** Pro Tempore, Judge

**Prosecutor:** Anderlik, Liz

**Court Reporter:** Camgemi, Robert

**Pro Tempore:** Stoberski, Holly S.

**Court Clerk:** Breland, Jourisha

**PROCEEDINGS**

**Attorneys:** **Clark, Kristy** VASQUIEZREYES, ARMANDO Added

**Public Defender** VASQUIEZREYES, ARMANDO Added

**Hearings:** 5/19/2016 9:00:00 AM: Preliminary Hearing Added

**Events:** **Interpreter Present in Court**

*Spanish*

**Initial Appearance Completed**

*Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint*

**Public Defender Appointed**

**Motion for O.R. or Reasonable Bail Setting**

*Objection by State - Motion granted*

**Bail Reset - Cash or Surety**

*Counts: 001; 002; 003; 004 - \$250,000.00/\$250,000.00 Total Bail*

**Bail Condition - Stay Away From Victim**

**Bail Condition**

*No contact with any children under the age of 18*

**Defense waives the 15 day rule**

Justice Court, Las Vegas Township  
Clark County, Nevada

Court Minutes

Department: 05



L006533558

**16F06076X State of Nevada vs. VASQUEZ-REYES, ARMANDO**

Lead Atty: Public Defender

**5/19/2016 9:00:00 AM Preliminary Hearing (In custody)**

Result: Matter Heard

**PARTIES PRESENT:** Attorney Doyle, Patricia Denise  
Defendant VASQUEZ-REYES, ARMANDO

**Judge:** Cruz, Cynthia  
**Prosecutor:** Clemons, Jennifer  
**Court Reporter:** Camgemi, Robert  
**Court Clerk:** Breland, Jourisha

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Doyle, Patricia Denise</b> VASQUEZ-REYES, ARMANDO	Added
<b>Hearings:</b>	6/8/2016 9:00:00 AM: Preliminary Hearing	Added
<b>Events:</b>	<b>Amended Criminal Complaint</b> <i>Filed in open Court</i> <b>Interpreter Present in Court</b> <i>Spanish</i> <b>Continued by Stipulation of Counsel</b> <i>Continued P/H Date to : 06/08/16</i> <b>Preliminary Hearing Date Reset</b> <b>Bail Stands - Cash or Surety</b> <i>Amount: \$250,000.00</i> <i>Counts: 001; 002; 003; 004 - \$250,000.00/\$250,000.00 Total Bail</i> <b>Not in custody</b> <i>Counts: 005; 006; 007; 008; 009</i>	
<b>Charges:</b>	<b>005: Sexual assault against child under 14</b> <b>006: Sexual assault against child under 14</b> <b>Amended: 003: Sexual assault against child under 14</b> <span style="float: right;">Amended Complaint Filed</span> <b>007: Sexual assault against child under 14</b> <b>008: Sexual assault against child under 14</b> <b>009: Sexual assault against child under 14</b> <b>Amended: 002: Lewdness with child under age 14, first offense</b> <span style="float: right;">Amended Complaint Filed</span> <b>Amended: 004: Sexual assault against child under 14</b> <span style="float: right;">Amended Complaint Filed</span>	

Justice Court, Las Vegas Township  
Clark County, Nevada

Department: 05

Court Minutes



L006616138

**16F06076X State of Nevada vs. VASQUEZ-REYES, ARMANDO**

Lead Atty: Public Defender

**6/8/2016 9:00:00 AM Preliminary Hearing (In custody)**

Result: Matter Heard

**PARTIES PRESENT:** Attorney Feliciano, Mike  
Defendant VASQUEZ-REYES, ARMANDO

**Judge:** Cruz, Cynthia  
**Prosecutor:** Clemons, Jennifer  
**Court Reporter:** Camgemi, Robert  
**Court Clerk:** Breland, Jourisha

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Feliciano, Mike</b>	VASQUEZ-REYES, ARMANDO	Added
<b>Hearings:</b>	6/28/2016 9:00:00 AM: Preliminary Hearing		Added
<b>Events:</b>	<b>Interpreter Present in Court</b> <i>Spanish</i> <b>Motion to Continue - Defense</b> <i>Granted</i> <b>Preliminary Hearing Date Reset</b> <b>Bail Stands - Cash or Surety</b> <i>Amount: \$250,000.00</i> <i>Counts: 001; 002; 003; 004 - \$250,000.00/\$250,000.00 Total Bail</i> <b>Not in custody</b> <i>Counts: 005; 006; 007; 008; 009</i>		

Justice Court, Las Vegas Township  
Clark County, Nevada

Court Minutes

Department: 05



L006698724

**16F06076X State of Nevada vs. VASQUEZ-REYES, ARMANDO**

Lead Atty: Public Defender

**6/28/2016 9:00:00 AM Preliminary Hearing (In custody)**

Result: Matter Heard

**PARTIES PRESENT:**  
State Of Nevada  
Attorney  
Defendant  
Schwartz, Bryan  
Feliciano, Mike  
VASQUEZ-REYES, ARMANDO

**Judge:** Pro Tempore, Judge  
**Court Reporter:** Camgemi, Robert  
**Pro Tempore:** Stoberski, Holly S.  
**Court Clerk:** Breland, Jourisha

**PROCEEDINGS**

**Hearings:** 7/12/2016 9:00:00 AM: Preliminary Hearing Added

**Events:** **Interpreter Present in Court**

*Spanish*

**Motion to Continue - Defense**

*Motion granted*

**Preliminary Hearing Date Reset**

**Bail Stands - Cash or Surety**

*Amount: \$250,000.00*

*Counts: 001; 002; 003; 004 - \$250,000.00/\$250,000.00 Total Bail*

**Not in custody**

*Counts: 005; 006; 007; 008; 009*

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 05

**Court Minutes**



L006758092

**16F06076X State of Nevada vs. VASQUEZ-REYES, ARMANDO**

Lead Atty: Public Defender

**7/12/2016 9:00:00 AM Preliminary Hearing (In custody)**

Result: Bound Over

<b>PARTIES PRESENT:</b>	State Of Nevada	Clemons, Jennifer
	Attorney	Feliciano, Mike
	Attorney	Public Defender
	Defendant	VASQUEZ-REYES, ARMANDO

**Judge:** Cruz, Cynthia

**Court Reporter:** Nelson, Bill

**Court Clerk:** Gonzalez, Rita

**PROCEEDINGS**

**Events: Interpreter Present in Court**

*Spanish*

**Amended Criminal Complaint**

*filed in open court (2nd)*

**Preliminary Hearing Held**

*Motion to Exclude Witnesses by Defense - Motion Granted States Witnesses:*

*G.A. (minor victim) - sworn in - identifies the defendant*

*D.A. (minor victim) - sworn in - identifies the defendant*

*State moves to amend complaint by interling on lines 24 and 25 after "Defendant" to "Touching vagina/butt/breast with hand"*

*State Rests*

*Defendant Advised of His Statutory Right to Make a Statement Defendant Waives the Right to a Sworn or Unsworn Statement*

*Defense Rests*

**Bound Over to District Court as Charged**

Review Date: 7/13/2016

**District Court Appearance Date Set**

*Jul 14 2016 10:00AM: In Custody (1 - 4) No Bail Posted (5 - 10)*

**Bail Stands - Cash or Surety**

*Amount: \$250,000.00*

*Counts: 001; 002; 003; 004 - \$250,000.00/\$250,000.00 Total Bail*

**Not in custody**

*Counts: 005; 006; 007; 008; 009; 010*

**Case Closed - Bound Over**

**Charges: 010: Sexual assault against child under 14**

**Plea/Disp: 001: Lewdness w/child < 14, (1st) [50975]**

Disposition: Bound Over to District Court as Charged (PC Found)

**002: Lewdness w/child < 14, (1st) [50975]**

Disposition: Bound Over to District Court as Charged (PC Found)

**Justice Court, Las Vegas Township  
Clark County, Nevada**

**003: Sex asslt against child < 14 [50105]**

Disposition: Bound Over to District Court as Charged (PC Found)

**004: Sex asslt against child < 14 [50105]**

Disposition: Bound Over to District Court as Charged (PC Found)

**005: Sex asslt against child < 14 [50105]**

Disposition: Bound Over to District Court as Charged (PC Found)

**006: Sex asslt against child < 14 [50105]**

Disposition: Bound Over to District Court as Charged (PC Found)

**007: Sex asslt against child < 14 [50105]**

Disposition: Bound Over to District Court as Charged (PC Found)

**008: Sex asslt against child < 14 [50105]**

Disposition: Bound Over to District Court as Charged (PC Found)

**009: Sex asslt against child < 14 [50105]**

Disposition: Bound Over to District Court as Charged (PC Found)

**010: Sex asslt against child < 14 [50105]**

Disposition: Bound Over to District Court as Charged (PC Found)

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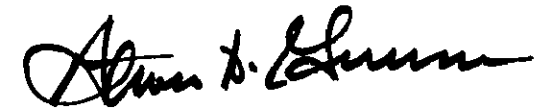
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Case No. C-16-316382-1

Dept. 5



CLERK OF THE COURT

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

THE STATE OF NEVADA, )

Plaintiff, )

vs. )

ARMANDO VASQUEZ-REYES, )

Defendant. )

PRELIMINARY HEARING  
JC Case No. 16F06076X

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BEFORE JUDGE CYNTHIA CRUZ, JUSTICE OF THE PEACE  
Tuesday, July 12, 2016, 9:00 a.m.

APPEARANCES:

For the State: Jennifer Clemons, Esq.  
Deputy District Attorney

For the Defendant: Michael Feliciano, Esq.  
Deputy Public Defender

REPORTED BY: BILL NELSON, RMR, CCR No. 191

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I N D E X

WITNESS

DR

CR

RDR

RCR

1 LAS VEGAS, NEVADA; TUESDAY, JULY 12, 2016

2  
3 P R O C E E D I N G S

4  
5 THE COURT: Armando Vasquez-Reyes.

6 Okay. While we're getting settled, let's  
7 go through the basics.

8 Due to the nature of the charges has  
9 there been a negotiation you discussed with your  
10 client?

11 MR. FELICIANO: Mike Feliciano from  
12 the Public Defenders office for Mr. Vasquez-Reyes.

13 There was a negotiation extended, but  
14 were not something he's interested in.

15 THE COURT: Not a problem.

16 I just wanted to make sure there was an  
17 offer extended.

18 Is that correct, Mr. Vasquez-Reyes,  
19 there's an offer extended to you?

20 Because it's always your decision whether  
21 you want to discuss the negotiations or not, but at  
22 this particular time he talked to you, and you want  
23 to proceed forward with having rejected the offer?

24 THE DEFENDANT: I didn't understand.

25 THE COURT: Okay. So, Mr.

1 Vasquez-Reyes, your attorney, Mr. Feliciano, has  
2 come over to talk to you about a possible offer to  
3 resolve this case?

4 THE DEFENDANT: Yes.

5 THE COURT: And you decided you did  
6 not want to accept that offer, instead you would  
7 like the State to have to move with the burden of  
8 proving this case against you?

9 THE DEFENDANT: Yes.

10 THE COURT: And I just want to make  
11 sure that there has been some discussions with you.

12 MS. CLEMONS: No problem, Your Honor.

13 THE COURT: For the record, would you  
14 like to make any preliminary motions?

15 MR. FELICIANO: I would invoke the  
16 exclusionary rule, and we have two complaining  
17 witnesses in this case, we ask that after they be  
18 admonished not to talk about the case after they  
19 are released from the their testimony today.

20 THE COURT: I usually do that, but  
21 I'll make sure to do that.

22 For the record, the Defense invoked the  
23 exclusionary rule.

24 I only have one person in here, but let's  
25 make sure I don't have anybody in here that

1 shouldn't be here.

2 State, you can call your first witness.

3 MS. CLEMONS: Jennifer Clemons for  
4 the State.

5 The offer was two counts of lewdness with  
6 a minor under 14, right to argue consecutive  
7 treatment, and so that has been -- he does not want  
8 that, so we're going to rescind that offer at this  
9 time.

10 Then additionally, counsel and I did  
11 discuss we're going to stipulate these events  
12 occurred in Clark County, Nevada, so that  
13 alleviates calling one witness.

14 And then I would ask the courtroom be  
15 cleared. It looks like other than that one person  
16 in the back I think we're good on that.

17 So my first witness is Guadalupe Alvarez.

18 THE COURT: Okay. So let's go.

19 THE MARSHAL: Step up to the witness  
20 stand.

21 Remain standing, and raise your right  
22 hand to be sworn.

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**GUADALUPE ALVAREZ,**

who, being first duly sworn to tell  
the truth, the whole truth, and  
nothing but the truth, was examined  
and testified as follows:

THE CLERK: Please be seated.

Please State your full name, spelling  
both your first and last name for the record.

THE WITNESS: My name is Guadalupe  
Alvarez.

THE COURT: Spell it, so he know how  
to spell your name.

THE WITNESS: G-u-a-d-a-l-u-p-e  
A-l-v-a-r-e-z.

THE COURT: Okay. You're very  
soft-spoken, so I'll have you speak up just a  
little bit, talk into that microphone.

State, your witness.

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**DIRECT EXAMINATION OF GUADALUPE ALVAREZ**

BY MS. CLEMONS:

Q. Guadalupe, when is your birthday?

A. It's on January 20th, 2002.

Q. How old are you today?

A. I'm 14.

Q. And what grade did you just finish?

A. 7th.

Q. What school did you go to, do you remember?

A. No.

It was Roy Martin.

Q. You're going into the 8th grade in the Fall?

A. Yes.

Q. And who do you live with?

A. I live with my mother.

Q. What's her name?

A. Her name is Rosalve Moreno.

Q. Do you know how to spell your mom's first  
name?

A. R-o-s-a-l-v-e, I think.

Q. Okay. And you live with your mom.

Do you live with anybody else?

A. My brother.

Q. What's his name?



- 1 A. Miles (Phonetic).
- 2 Q. How old is Miles?
- 3 A. He's 22.
- 4 Q. Anybody else?
- 5 A. My sister-in-law.
- 6 Q. What's her name?
- 7 A. Yanet.
- 8 Q. How old is she?
- 9 A. She's I think 19.
- 10 Q. And Yanet is Y-a-n-e-t.
- 11 A. Yes.
- 12 Q. And anybody else?
- 13 A. My two nephews.
- 14 Q. And what are their names?
- 15 A. The oldest one name is Diego.
- 16 Q. How old is Diego?
- 17 A. He's 23 years old.
- 18 Q. How old is the youngest?
- 19 A. He's really like two months.
- 20 Q. What's his name?
- 21 A. Maneo (Phonetic).
- 22 Q. Do you have any other brothers and sisters?
- 23 A. Yes, I also live with my sister.
- 24 Q. You live with the other sister as well.
- 25 What's her name?

1 A. Darey Stefani Alvarez.

2 Q. Does she go by different name, other than

3 Darey?

4 A. Stefani.

5 Q. How old is she?

6 A. She's 18.

7 Q. And anybody else you live with?

8 A. My brother-in-law.

9 Q. And how old is he -- or what's his name?

10 A. Sergio (Phonetic).

11 Q. And how old is he?

12 A. I don't know.

13 Q. Okay. Is he married to Stefani?

14 A. Yes.

15 Q. Anybody else?

16 A. No.

17 Q. Any pets?

18 A. My dog, Cookie.

19 Q. When did you get Cookie?

20 A. I forget.

21 Q. So how old are you?

22 A. 14.

23 Q. So the main important thing today in court

24 is that you tell the truth, okay?

25 Obviously you know the difference between

1 the truth and a lie?

2 A. Yes.

3 Q. So what would be the truth?

4 A. The truth is everything that happened to me,  
5 and a lie is lying about something that never  
6 happened.

7 Q. Okay, perfect.

8 So you agree to promise to tell things  
9 only true today?

10 A. Yes.

11 Q. I'm going to direct your attention to April  
12 16th of 2016.

13 Was there a time the police came to your  
14 house?

15 A. This April?

16 Q. Yes.

17 A. Yes.

18 Q. Okay. And who was home when the police came  
19 to your house, if you remember?

20 A. My mother, my sister, my sister-in-law, and  
21 one of my nephews.

22 Q. So your sister is Stefani?

23 A. Yes.

24 Q. Your sister-in-law is Yanet?

25 A. Yes.

1 Q. And do you know why the police came to your  
2 house?

3 A. It first started because they didn't want to  
4 give us the rent money we were supposed to pay that  
5 day.

6 Q. Let me stop real quick.

7 Who is Armando?

8 A. Armando was my step-dad.

9 Q. And in April did he live with you?

10 A. Yes.

11 Q. Do you see Armando in court today?

12 A. If I want to see him?

13 Q. Do you see him?

14 A. No.

15 Q. Is he present in this room?

16 A. No.

17 Right there.

18 Q. Can you please point to him, and tell me  
19 something he's wearing right now?

20 A. He's wearing a black shirt, I don't know if  
21 it's black or blue.

22 MS. CLEMONS: Can the record reflect  
23 the identification of the Defendant?

24 THE COURT: A tie or no tie?

25 THE WITNESS: No.

1 THE COURT: The record will reflect  
2 identification of the Defendant.

3 MS. CLEMONS: Thank you.

4 BY MS. CLEMONS:

5 Q. Okay. So you mentioned something about  
6 Armando didn't want to pay rent money or something?

7 A. Yes.

8 Q. That's why the police came?

9 A. Yes.

10 Q. And when the police got to your house, did  
11 you talk to them?

12 A. Yes, I did.

13 Q. Did you talk to them about the rent thing,  
14 or about something else?

15 A. Something else.

16 Q. What did you tell the police when they got  
17 there?

18 A. I told them about him raping me.

19 Q. Okay. Had you ever told anybody about the  
20 Defendant raping you before the police came to your  
21 house?

22 A. No.

23 Q. Why did you tell the police when they got  
24 there?

25 A. Because my sister was going to move out, and

1 so was my brother, and I wasn't trying to be with  
2 my mom and him.

3 Q. So if your sister and brother moved out,  
4 they would move out with their husbands and wives?

5 A. Yes.

6 Q. So it would have just been you and your mom  
7 and the Defendant?

8 A. Yes.

9 Q. Is that right?

10 A. Yes.

11 Q. When did you first meet Armando?

12 A. When I first came here to Las Vegas.

13 Q. Do you remember how old you were when you  
14 first came to Las Vegas?

15 A. I was only five or six years old.

16 Q. Where did you live before you came to Las  
17 Vegas?

18 A. Before I think it was in California or  
19 Mexico, I don't remember.

20 Q. Okay. When you were in California, who did  
21 you live with?

22 A. My aunt.

23 Q. And did your mom live with you guys in  
24 California?

25 A. No, she lived in Las Vegas.

1 Q. Okay. So when you moved to Las Vegas, did  
2 your mom already live with Armando?

3 A. Yes.

4 Q. Do you remember when you moved to Las Vegas  
5 did you live in a house or apartment?

6 A. Apartment.

7 Q. Okay. How soon after you moved in with your  
8 mom and the Defendant did stuff start happening?

9 A. Let's see, from -- I don't remember.

10 Q. Okay. Did anything happen in that first  
11 apartment?

12 A. I think so, yes.

13 Q. What do you remember if anything in that  
14 first apartment?

15 A. I don't remember when exactly, but I do  
16 remember he was starting to act sexual.

17 Q. What do you mean by that?

18 A. Like touching.

19 Q. And who was touching who, were you touching  
20 him, or was he touching you?

21 A. He told me to touch him.

22 Q. Do you remember where you were when he told  
23 you this?

24 A. In my mom's room.

25 Q. Your mom's room.

1 Do you remember if it was in the daytime  
2 or nighttime?

3 A. Nighttime.

4 Q. Do you remember if anybody else was home?

5 A. My mom must have been at work.

6 Q. Your mom was at work?

7 A. Yeah, and my siblings were sleeping.

8 Q. When you lived in that apartment, do you  
9 remember did your sister and brother live with you  
10 then as well?

11 A. Yes.

12 Q. So it was you, your sister, brother, your  
13 mom, and Armando?

14 A. Yes.

15 Q. Okay. And so you are in your mom's room,  
16 and do you remember what the Defendant was wearing?

17 A. No.

18 Q. Do you remember what you were wearing?

19 A. No.

20 Q. So now you said he asked you to touch him?

21 A. Uh-huh.

22 Q. So what happened after that?

23 A. It was just touching from --

24 Q. So that was a bad question.

25 So then after the Defendant asked you to



1 touch him, where did he ask you to touch him?

2 A. His private part.

3 Q. And was that on the front of his body or the  
4 back of his body?

5 A. The front.

6 Q. The front.

7 Do you have any other words for his  
8 private part in front?

9 A. No, just his private part.

10 Q. Okay. Was that with his clothes on or off?

11 A. Off.

12 Q. Off.

13 What did his private part look like?

14 A. Well, okay, it was kind of like brownish,  
15 like brown-type.

16 Q. So brownish you said?

17 A. Yeah, brownish.

18 Q. Okay. Other than that, do you remember that  
19 happening more than one time at that first  
20 apartment, or just once?

21 A. I only remember once.

22 Q. Once.

23 Okay. Do you remember if he said  
24 anything when you touched his private part?

25 A. He told me not to tell my mother or anybody

1 in the house.

2 Q. Do you remember if you said anything?

3 A. I just from what I remember, I just --

4 Q. So at some point did you guys move to a  
5 second apartment?

6 A. Yeah.

7 Q. And do you remember anything about that  
8 second apartment?

9 A. I think it was an apartment with a pool.

10 Q. Okay.

11 A. A public pool there.

12 Q. And do you remember how old you were when  
13 you moved to that second apartment?

14 A. No, I don't remember.

15 Q. Okay. Do you remember if you were in  
16 school?

17 A. Yes, I was in school.

18 Q. Do you remember what grade?

19 A. Like 1st or 2nd.

20 Q. Okay. Did anything with the Defendant  
21 happen in the second apartment?

22 A. Yes.

23 Q. What was that?

24 A. He started with him touching me.

25 Q. Okay. To you remember where you were when

1 he started touching you?

2 A. In the room.

3 Q. Which room?

4 A. My parents' room.

5 Q. Your parents' room?

6 A. Yeah.

7 Q. When you lived in the second apartment with  
8 a pool, did you have have your own room or share a  
9 room?

10 A. I shared a room with my sister.

11 Q. What about the first apartment, did you have  
12 your own room or share?

13 A. I shared with my siblings.

14 Q. With your sister and brother, or just  
15 brother?

16 A. Brother and sister at the first apartment.

17 Q. Okay. So when you're in your parents' room,  
18 do you remember if it was daytime or nighttime?

19 A. It was always nighttime.

20 Q. Okay. Did your mom work nights usually?

21 A. Yeah, she worked nights.

22 Q. When you're in your parents' room at  
23 nighttime, do you remember where the Defendant  
24 touched you?

25 A. My upper, my breasts, and my bottom.

1 Q. Okay. So you motioned the breasts and also  
2 motioned like lower.

3 Do you have a word for that area?

4 A. My private parts.

5 Q. Your private parts?

6 A. Yes.

7 Q. That's on the lower part of your body?

8 A. Yeah.

9 Q. Was it in the front he touched you, in the  
10 front or the back?

11 A. Both.

12 Q. Both.

13 What did he use to touch you with?

14 A. His hands.

15 Q. His hands.

16 Did he ever use any other body part to  
17 touch you?

18 A. Yeah.

19 Q. Do you remember any other incidents in that  
20 second apartment with the pool?

21 A. Huh-uh.

22 Q. Then did you guys move to another --

23 MR. FELICIANO: I'm sorry.

24 That was a 'no' for the record?

25 THE COURT: That was a 'no' for the

1 record.

2 MS. CLEMONS: Thank you.

3 BY MS. CLEMONS:

4 Q. Did you move to another house or apartment  
5 after that?

6 A. I think it was -- I don't think I moved from  
7 another apartment, but I think I was from what I  
8 remember it was a greenish house.

9 Q. Okay. So you moved to like a green house?

10 A. Yeah.

11 Q. And do you remember what grade you were in  
12 when you moved to that green house?

13 A. I was like in 4th or 5th grade.

14 Q. Okay. Did anything happen in the green  
15 house?

16 A. Yes.

17 Q. What happened in the green house?

18 A. I had a best friend back then, so one time  
19 we were -- she came for a sleep over, and she -- we  
20 were like outside in the living room, so I don't  
21 know if he touched me or anything, but she said  
22 that --

23 MR. FELICIANO: Objection.

24 Hearsay.

25 THE COURT: Sustained.

1                   You can't tell us what anybody else told  
2   you.

3                   THE WITNESS:   No.

4                   THE COURT:   Listen to what she's  
5   going to ask you.

6   BY MS. CLEMONS:

7   Q.       So you were with your friend, right?

8   A.       Uh-huh.

9   Q.       Then did you guys start talking about some  
10   stuff?

11   A.       Yeah, we were talking about some stuff.

12               She just told me something that happened.

13   Q.       So did she tell you something that made you  
14   realize something was going on?

15   A.       No, just made be worry.

16   Q.       Made you worry.

17               Okay.   So how does that relate to what  
18   was going on with the Defendant?

19   A.       Because she just told me --

20               MR. FELICIANO:   Objection.

21               Hearsay.

22   BY MS. CLEMONS:

23   Q.       Don't tell me --

24               THE WITNESS:   She just had said  
25   things, and I guess I started to -- I don't know

1 the exact words, but like she just told me  
2 something like he just came and stuff, but I don't  
3 know.

4 BY MS. CLEMONS:

5 Q. Okay. What about you mentioned when you  
6 were living in the green house, that the Defendant  
7 did touch you in that house?

8 A. Yes.

9 Q. Do you remember a time when that happened?

10 A. It was in my parents' room, I think.

11 Q. Nighttime again?

12 A. Yeah, my mom was working her shift.

13 Q. And what happened in your parents' room?

14 A. He put his private part in me.

15 Q. Okay. And when you say, he put his private  
16 part in you, was it his lower private part?

17 A. Yes.

18 Q. What part of your body?

19 A. In the back.

20 Q. In the back.

21 Is that a part that you use to go to the  
22 bathroom?

23 A. Yes.

24 Q. Do you have any other words for that?

25 A. I guess --

1 Q. I mean, for your part in the back you use to  
2 go to the bathroom.

3 A. No.

4 Q. Okay. So what happened right before the  
5 Defendant put his private part in your back part?

6 A. He was -- He wanted me to go watch a movie.

7 Q. So he asked you to come to the room to watch  
8 a movie?

9 A. Yes.

10 Q. Did you go by yourself, or remember if  
11 anyone was with you initially?

12 A. No, usually by myself.

13 Sometimes my sister came too, but she  
14 would leave.

15 Q. Okay. So when the Defendant put his private  
16 part into your part, was anybody else in the room?

17 A. No.

18 Q. Okay. And in this green house that was by  
19 the school did you share a room with your sister or  
20 have your own room?

21 A. I shared a room with my sister, and my  
22 brother had his own room.

23 Q. So when he put his part you said in your  
24 back part, did it go inside?

25 A. Yes, it did.



1 Q. Do you know how long that went on for?

2 A. My whole childhood.

3 MR. FELICIANO: I'm sorry.

4 The question?

5 THE COURT: Why don't we re-ask that  
6 question.

7 MS. CLEMONS: Yes.

8 BY MS. CLEMONS:

9 Q. This particular instance when he put his  
10 private part in your back part, do you know how  
11 long this incident happened, like how many minutes  
12 or anything?

13 A. Mostly until he was satisfied.

14 Q. What does that mean?

15 A. Until he he wanted to stop.

16 Q. So he's typing everything down, so that's  
17 why he keeps asking you if he can't hear you, so  
18 just try to speak up.

19 Okay?

20 A. Okay.

21 Q. Do you remember -- So you were in your mom's  
22 room, right?

23 A. Yes.

24 Q. Were you on the bed, on the floor?

25 A. Bed.

1 Q. And do you remember what position you were  
2 in?

3 A. I guess my hands were like this.

4 Q. Your hands were where?

5 A. They were on the bed, and my bottom was like  
6 kind of like --

7 MR. FELICIANO: I'm sorry.

8 I didn't get that.

9 THE COURT: Okay. So I know this is  
10 embarrassing, but the hard thing is, so Mr.  
11 Feliciano is trying to hear you, I've got this  
12 gentleman trying to take down everything, and so  
13 sometimes when you're not clear, I know it's hard  
14 to talk about these things, but they sit -- where  
15 everybody is trying to ask you again and again the  
16 same thing, so I know it's hard, but if you can  
17 just try to speak up a little bit, that's why we  
18 made sure nobody else is in here but us.

19 Okay. So let's try one more time.

20 MS. CLEMONS: Sure.

21 BY MS. CLEMONS:

22 Q. Okay. So when you were in the bedroom we  
23 just talked about, and you said your hands were on  
24 the bed, was your body on the bed?

25 A. No.

1                   My upper body was.

2       Q.       Where were your feet?

3       A.       They were like I was on my knees.

4       Q.       And do you know where the Defendant was?

5       A.       Yes, in back of me.

6       Q.       Behind you.

7                   Okay. Did anything else happen at that  
8 green house that you remember?

9       A.       Huh-uh.

10      Q.       Okay.

11                   MR. FELICIANO: Is that a 'no' for  
12 the record?

13                   THE COURT: That's a 'no' for the  
14 record.

15                   MS. CLEMONS: Thanks.

16 BY MS. CLEMONS:

17      Q.       Okay. So then did you move to another green  
18 house?

19      A.       Yes.

20      Q.       And do you remember what grade you were in  
21 when you were in the second green house?

22      A.       I think it I was in 5th.

23      Q.       5th.

24                   Okay. Do you remember anything that  
25 happened with the Defendant in the second green

1 house?

2 A. Yes.

3 Q. What happened in the second green house?

4 A. It would usually be the same thing.

5 Q. So which room would you be in?

6 A. My parents.

7 Q. Parents' room.

8 In this house did you have your own room,  
9 or share a room?

10 A. I still shared a room with my sister.

11 Q. And when you were -- Do you remember how you  
12 got into your parents' room?

13 A. Yeah, he would like invite me to come in to  
14 watch my favorite show.

15 Q. So he would say, let's watch a movie, or go  
16 watch some show you like?

17 A. Uh-huh.

18 Q. And this was at daytime or nighttime?

19 A. It was in an evening-type thing.

20 Q. Was your mom still working nights?

21 A. Yeah, she was working nights.

22 Q. And what happened in your parents' room?

23 A. The movie would start, we were watching a  
24 movie, and he just started touching me.

25 Q. Where would he touch you?

1 A. My private parts.

2 Q. So earlier you mentioned -- What do you call  
3 the top part of your private parts?

4 A. My breasts.

5 Q. Did he touch you there?

6 A. Sometimes.

7 Q. Okay. Did he touch you -- What other  
8 private parts did he touch you?

9 A. My butt and my female body part.

10 Q. Okay. That's like your lower front part?

11 A. Yes.

12 Q. So would you have your clothes on or be off  
13 when you were in the room?

14 A. They would be on.

15 Q. Okay. At any point did his clothes come  
16 off, or your clothes come off?

17 A. Yes.

18 Q. How did that happen?

19 A. He would usually get off the bed and lock  
20 the door.

21 Q. After he locked the door, what would happen?

22 A. He would take his clothes off and take mine  
23 off.

24 Q. Did he ever say anything while he was taking  
25 your clothes or his clothes off?

1 A. Do not say anything to nobody.

2 Q. He would tell you that?

3 A. Yes.

4 Q. Once he took his clothes off and your  
5 clothes off, what happened?

6 A. He would abuse me.

7 Q. I know it sounds really repetitive, but it's  
8 important that each time I understand what you  
9 mean.

10 A. Okay.

11 Q. What do you mean by, abused?

12 A. Like started having sex.

13 Q. Okay. Was that -- or which part of your  
14 body would go into your part?

15 A. His lower.

16 Q. So his private part?

17 A. Yes.

18 Q. The one in the front?

19 A. No, in the back, it was always in the back,  
20 only two times was in the front.

21 Q. So let me clarify.

22 A. Okay.

23 Q. So what part of his body would go into your  
24 body?

25 A. Can I say?

1 THE COURT: You can say it.

2 BY MS. CLEMONS:

3 Q. This is a safe place for any word you want  
4 to say.

5 A. His penis.

6 Q. So his penis would go into what part of your  
7 body?

8 A. My butt.

9 Q. Into your butt.

10 Okay. And were you in the same position  
11 as the last time we talked about this, or a  
12 different position like on the bed?

13 A. It was usually the same position, but always  
14 like I would be looking at him.

15 Q. Would you be looking at him in the face?

16 A. Yes.

17 Q. How would you do that, is he behind you or  
18 in front of you?

19 A. He was in front of me.

20 Q. Okay. So is he in front of you the time  
21 when he put his penis into your butt?

22 A. Yes.

23 Q. So are you standing up, laying down?

24 A. Laying down.

25 Q. Okay. And was that on the bed?

1 A. Yes.

2 Q. Are you laying face down or face up?

3 A. Face up.

4 Q. You just mentioned that there were two times  
5 that he put his penis into your front part?

6 A. Yes.

7 Q. Do you have another word for your front  
8 part?

9 A. Vagina.

10 Q. Do you remember which house you lived at  
11 when that happened?

12 A. It was that green house.

13 Q. It was the second green house or the first  
14 one?

15 A. The second.

16 Q. The second?

17 A. I think they were both in the green house.

18 Q. The two times you think were both at the  
19 green house?

20 A. Uh-huh.

21 Q. Where it went into your vagina?

22 A. Uh-huh.

23 Q. So which room were you in?

24 A. My parents.

25 Q. Okay. Do you remember if you were on the



1 bed, on the floor, anywhere else?

2 A. Bed.

3 Q. Do you remember if you were laying face down  
4 or face up?

5 A. Face up.

6 Q. What did you do when he put his penis into  
7 your vagina?

8 A. Pushed him off.

9 Q. And do you remember what he did when you  
10 pushed him?

11 A. He tried to fight back, but I pushed him.

12 Q. So he tried to fight back, and you said you  
13 pushed him again?

14 A. Uh-huh.

15 Q. And did he stop after that?

16 A. No, he just told me to -- would hold me  
17 down.

18 Q. He held you down, and what --

19 A. He put his penis in my butt.

20 Q. Okay. So when he -- it started, he put his  
21 penis into your vagina, was he able to get it all  
22 the way in?

23 A. No.

24 Q. Was he able to get any of it in?

25 A. Just like a little bit, but that's it.

1 Q. Okay. And then you said kind of when that  
2 didn't work, then they put his penis in your butt?

3 A. Yes.

4 Q. Did you say anything when this was  
5 happening?

6 A. No, because I still didn't know what's going  
7 on.

8 Q. So do you remember anything else that  
9 happened at that second green house?

10 A. I would have one of my friends started  
11 talking about one of his friends.

12 MR. FELICIANO: Objection.

13 Hearsay.

14 THE COURT: Sustained.

15 BY MS. CLEMONS:

16 Q. What about any other times that the  
17 Defendant touched you at that house?

18 A. No.

19 Q. So after the second green house, did you  
20 guys move to another house?

21 A. Yes.

22 Q. Do you remember if that house was one storey  
23 or two storeys?

24 A. Two storeys.

25 Q. And did you have to share a room or was it

1 your own room?

2 A. I had my own room.

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

4 A. I was in 6th.

5 Q. So do you remember anything where the  
6 Defendant touched you in the second house, or in  
7 the two-storey house?

8 A. Yes.

9 Q. Tell me about that.

10 Where were you?

11 A. I was in my room.

12 Q. And was it daytime or nighttime?

13 A. Nighttime.

14 Q. What were you doing before the Defendant  
15 came in your room?

16 A. I was watching TV.

17 Q. And did he in fact come in your room?

18 A. Yes, because he would usually lock it, but  
19 you can like open it easily.

20 Q. You had a lock on your door?

21 A. Yes.

22 Q. Once he came in your room, what happened?

23 A. He would tell me what I'm going to do, which  
24 is --

25 Q. I totally missed that.

1 Say that again.

2 A. He would come into my room and tell me what  
3 I'm doing and go lock the door.

4 Q. He would come in and ask you what you're  
5 doing?

6 A. Yeah.

7 Q. And then you said he would come in and lock  
8 it, would he leave the room or come inside the  
9 room?

10 A. He would come inside.

11 Q. And what would happen after he would come  
12 inside and lock the door?

13 A. He would start touching me.

14 Q. Do you remember where on your body?

15 A. My breasts and my butt.

16 Q. Anywhere else beside your butt?

17 A. What do you mean?

18 Q. Did he touch you anywhere else besides your  
19 breasts?

20 A. And my butt.

21 Q. Okay. When he would touch you, would your  
22 clothes be on or off?

23 A. On.

24 Q. On.

25 Did he do anything else after touching

1 you?

2 A. Yes.

3 Q. What did he do?

4 A. He would put me on the bed and take off my  
5 clothes.

6 Q. Did he ever take his clothes off?

7 A. Yes, just his lower.

8 Q. Just the lower part?

9 A. Yes.

10 Q. And after he took off your clothes, and then  
11 the lower clothes, what happened?

12 A. He would put his penis in my butt.

13 Q. And how would that end?

14 A. He would usually just tell me to put my  
15 clothes on and would leave.

16 Q. Okay. Do you remember anything elsewhere he  
17 touched you in that two-storey house?

18 A. Yes, it was in my parents' room.

19 Q. Okay. Was that daytime or nighttime?

20 A. Nighttime.

21 Q. Do you remember if anyone else was home?

22 A. My sister was, and my brother was out with  
23 his girlfriend.

24 Q. Your sister was home, and your brother was  
25 out with his girlfriend?

1 A. Yes.

2 Q. Do you know or remember where your mom was?

3 A. Working.

4 Q. And so do you remember how you got into your  
5 parents' bedroom?

6 A. Yeah, he asked me if I wanted to watch a  
7 movie, so I asked my sister if she wanted to watch  
8 it too, so she came as well, but she got tired and  
9 left.

10 Q. Okay. Once she left, your sister left the  
11 room, what happened?

12 A. He would get up and lock the door.

13 Q. So he got up and locked the door?

14 A. Yes.

15 Q. And then what happened?

16 A. He was just -- or we would be watching the  
17 movie or TV for a little while, and then he would  
18 start touching me.

19 Q. Okay. Where would he touch you at?

20 A. My butt and my private part.

21 Q. So earlier you used the word, vagina, so do  
22 you mean your top breast parts or your bottom part?

23 A. My bottom.

24 Q. So is private part and vagina the same  
25 thing?

1 A. I guess it's different.

2 Q. It's different.

3 So how is it different?

4 A. I don't know.

5 I mean, it's the same thing, but just my  
6 vagina.

7 Q. Is it embarrassing to say, vagina?

8 A. Yeah.

9 Q. Is that why you don't want to say that word?

10 A. Yeah.

11 Q. I want to make sure when you say, private  
12 part, I know what you mean because private part can  
13 be lots of different things, right?

14 So your word, private part, is that the  
15 same body part as the vagina, or different?

16 A. The same.

17 Q. Okay. So after he would touch you, you  
18 start watching the movie for a little bit, then he  
19 would start touching you on your butt and private  
20 part, what would happen next?

21 A. He would take off my clothes.

22 Q. Did he ever take his off?

23 A. Yes, just his lower.

24 Q. Just the lower?

25 A. Yes.

1 Q. And then what would happen?

2 A. He would put his penis in my butt.

3 Q. Okay. Would it go all the way in?

4 A. Yes.

5 Q. Do you remember if he said anything?

6 A. Don't tell nobody.

7 Q. Would he say that every time?

8 A. Just a few times.

9 Q. Do you remember if you said anything?

10 A. I just politely --

11 Q. Do you remember any other times he touched  
12 you in the two-storey house?

13 A. Huh-uh.

14 Q. After the two-storey?

15 MR. FELICIANO: Is that a 'no' for  
16 the record?

17 BY MS. CLEMONS:

18 Q. Is that a, no?

19 A. No.

20 Sorry.

21 BY MS. CLEMONS:

22 Q. So now he did not touch you, you don't  
23 remember any other times?

24 A. No, I don't remember.

25 Q. Did you move to another house after the



- 1 two-storey house?
- 2 A. I don't remember.
- 3 Q. Do you still live in the two-storey house?
- 4 A. No.
- 5 Q. Do you remember if you moved anywhere after
- 6 that?
- 7 A. I moved -- No, I don't remember.
- 8 Q. Okay. What about the house you live at in
- 9 April?
- 10 A. This April?
- 11 Q. Yes.
- 12 A. I lived in a small house, but it had three
- 13 rooms, like a long thing where we can park the
- 14 cars.
- 15 Q. So this is the house you lived in in April?
- 16 A. Yes, now.
- 17 Q. Do you still live in that house?
- 18 A. Today?
- 19 Q. Yes.
- 20 A. Yes.
- 21 Q. Okay. And so in the house you live at
- 22 currently do you -- or did you share a room, or
- 23 have your own?
- 24 A. No, I share it.
- 25 Q. You shared it.

1 Who did you share it with?

2 A. It used to be with my sister before she got  
3 married, and her husband moved in, but then I moved  
4 in with my parents' room.

5 Q. You moved in your parents' room?

6 A. Yeah.

7 Q. What color is your house?

8 A. Kind of like a whitish, palish house.

9 Q. So when you shared a room with your sister,  
10 or in the house you live at currently, is there any  
11 times where the Defendant touched you?

12 A. No.

13 Q. Do you remember the last time this happened?

14 A. Like last year or two years ago.

15 Q. We already talk about that time, or  
16 something we haven't talked about yet?

17 A. I don't understand the question.

18 Q. So the last time something happened you said  
19 was maybe last year or two years ago?

20 A. Uh-huh.

21 Q. Do you remember what grade you were in?

22 A. 6th.

23 Q. Do you remember what house you lived in?

24 A. It was kind of white.

25 Q. Is this the same house as the two-storey

1 house, or a different one?

2 A. A different one.

3 Q. Okay. Did you live in the white house after  
4 the two-storey house, or before?

5 A. Before.

6 Q. Okay.

7 A. After.

8 Q. After.

9 Okay. I think you said you lived in the  
10 two-storey house in 6th grade, is that right?

11 A. Yes, and then I moved to the white house.

12 Q. So you lived in two different houses in 6th  
13 grade?

14 A. Yeah.

15 MS. CLEMONS: Court's indulgence.

16 BY MS. CLEMONS:

17 Q. Okay. What happened in the white house?

18 A. I started cutting my body, tried to  
19 overdose.

20 Q. That was in 6th grade in the white house?

21 A. Yes.

22 Q. You mentioned in that house that is the last  
23 time the Defendant touched you?

24 A. Yeah.

25 Q. So where did that happen?

- 1 A. In the white house, the smaller house.
- 2 Q. Which room?
- 3 A. My room.
- 4 Q. In your room.
- 5 Did you share a room, or did you have
- 6 your own?
- 7 A. I had my own.
- 8 Q. And your last house you talked about you had
- 9 a lock on the door, did you have a lock?
- 10 A. Uh huh, yes.
- 11 Q. And what happened in your room?
- 12 A. I would be asleep by then, but he would come
- 13 in.
- 14 Q. Okay. And when he came in, what happened?
- 15 A. He would start touching me.
- 16 Q. The same stuff as before?
- 17 A. Yes.
- 18 Q. After he started touching you, would he do
- 19 anything else?
- 20 A. He would take off his clothes.
- 21 Q. Remember if it was all the clothes or just
- 22 the bottoms?
- 23 A. He never usually had a shirt on.
- 24 Q. Okay.
- 25 A. Just his lower clothes.

1 Q. So usually he didn't have a shirt, so he  
2 didn't have to take a shirt off?

3 A. Yeah.

4 Q. And once he took his lower clothes off, what  
5 happened?

6 A. He would take my clothes off and put his  
7 penis in my butt.

8 Q. So after the last time, would you remember  
9 what grade you were in when you got your dog?

10 A. I was in 7th.

11 Q. 7th grade?

12 A. Uh-huh.

13 Q. Where does the dog usually sleep?

14 A. He would sleep with me.

15 Q. In your room?

16 MS. CLEMONS: I'll pass the witness.

17 THE COURT: Cross, Mr. Feliciano?

18 MR. FELICIANO: Thank you.

19 - - - -

20 **CROSS-EXAMINATION OF GUADALUPE ALVAREZ**

21 BY MR. FELICIANO:

22 Q. Good morning.

23 A. Good morning.

24 Q. I have a few questions for you and will try  
25 to get you on your way as soon as we can.

1                   Okay?

2       A.        Okay.

3       Q.        So the things that you say happened to you,  
4       who have you talked to about those things?

5       A.        Nobody.

6       Q.        Have you talked to your mom about them?

7       A.        No.

8       Q.        Not your sister?

9       A.        No.

10      Q.        The doctor?

11      A.        No.

12      Q.        How about counseling, are you in counseling  
13      or anything like that?

14      A.        Huh-uh, no.

15      Q.        Okay. So other than the police, have you  
16      ever talked to anybody else about any of the things  
17      that happened?

18      A.        No.

19      Q.        Okay. So I want to talk to you about the  
20      first place that things started happening.

21               And just to refresh my memory, where were  
22      you living at that time, if you remember?

23      A.        I don't understand you.

24      Q.        The first time you were touched, what house  
25      were you living in?

1 A. It was an apartment.

2 Q. An apartment.

3 I'm sorry.

4 And about how old were you when that  
5 happened?

6 A. I was six years old.

7 Q. Okay. And how do you remember that you were  
8 five or six, what makes you remember that?

9 A. Because my mother -- When I came here, I  
10 don't remember anything since I was younger like in  
11 Mexico, so I asked her like because I was really  
12 curious, so I asked her what age I came here, and  
13 she said, five or six years old.

14 Q. So you moved to Las Vegas when you were five  
15 to six years old?

16 A. Yes.

17 Q. Now, how long after you had lived in Vegas  
18 did you start getting touched?

19 A. Like a month or two, or a week or two.

20 Q. Okay. Now, you were asked a question, you  
21 said that you recalled Armando --

22 A. Yes.

23 Q. -- Armando was raping you.

24 Where did you learn that word?

25 A. I learned it from on TV.

1 Q. On TV?

2 A. Yes, but there was a show about being aware  
3 of abuse, but I already knew about it from friends,  
4 but I'm not going to say anything about what they  
5 said, so --

6 Q. So you learned about it basically from a  
7 friend?

8 A. Yes.

9 Q. And the things that happened to your friend  
10 are the same things that happened to you?

11 A. It wasn't the same thing, it was her sister,  
12 but yes.

13 Q. Which friend is that?

14 A. I don't remember his name, but he was  
15 already a close friend of mine from school.

16 Q. And that's when you were -- How old were you  
17 when you had that friend?

18 A. I don't remember.

19 Q. And was this before or after Armando started  
20 touching you?

21 A. After.

22 Q. After.

23 And you so you had a really close friend,  
24 but you don't remember his name?

25 A. Yes.



1 Q. Do you remember how long you were friends  
2 with this boy?

3 A. Yes.

4 Q. Do you remember how long you were friends  
5 with this boy?

6 A. Like two months.

7 Q. For two months?

8 A. Yeah, I remember talking to him about  
9 everything what is going on.

10 He just told me what happened to his  
11 sister.

12 Q. Okay. And do you know where the boy is now?

13 A. No.

14 Q. And how did you meet him?

15 A. School.

16 He was partners for a project.

17 Q. What project was that?

18 A. Like a volcano project.

19 Q. Okay. So I don't know if I got this  
20 correctly, but I think you said that you don't  
21 remember the first time something happened, is that  
22 correct?

23 A. Yes.

24 Q. So the first -- What is the actual first  
25 incident that you are describing happened to you,

1 when you were five or six, right?

2 A. I don't understand.

3 Q. I'm sorry.

4 That was a bad question.

5 You don't remember -- but you don't  
6 remember when Armando first started touching you?

7 A. No.

8 Wait, no, I don't remember.

9 But I do remember it was in that  
10 apartment.

11 Q. You do remember it was?

12 A. Yes, and how it started.

13 Q. Do you remember the first time though?

14 A. I don't get it.

15 Q. The first time he ever touched you on your  
16 privates, or you touched him on his privates, do  
17 you remember that happening?

18 A. No.

19 Q. Okay. Now, you talked about you said that  
20 you touched his private, and you described some  
21 other things that happened.

22 What is the first thing that you remember  
23 Armando doing to you, was it you touching him, or  
24 him touching you?

25 A. He was touching me.

1 Q. Okay. And the first time that you remember,  
2 where did he touch you?

3 A. He didn't touch me -- It was like -- Well,  
4 he did, but like my lower part, my breasts, and my  
5 butt, and my private part.

6 Q. Did he put his penis inside of you at the  
7 time, or just touch you?

8 A. No -- Yes.

9 Q. Before from that first time that you  
10 remember him touching your body, to him putting his  
11 penis inside of you, do you remember how long that  
12 was?

13 A. No.

14 Q. So we talked about the first apartment that  
15 where you remember something happening, and you  
16 said it was in your mom room, right?

17 A. Yes.

18 Q. Who was home?

19 A. My brother and sister, but they were asleep.

20 Q. All right. And do you remember what time it  
21 was?

22 A. No.

23 Q. How old is your brother -- or do you  
24 remember how many years apart are you from your  
25 brother, do you know?

1 A. I'm --

2 Q. How old are you?

3 A. 14.

4 Q. How old is your brother?

5 A. 22.

6 Q. Okay. How old is your sister?

7 A. 16.

8 Q. Okay. Did you ever go to the doctor or

9 anything like this for anything that happened to

10 you?

11 A. It was a health issue about I couldn't poop.

12 Q. And when did you go to the doctor for that?

13 A. When I was like nine or ten.

14 Q. Nine or ten.

15 And do you remember what the doctor did?

16 A. He gave me like this -- He told me to go to

17 like Wal-Mart, buy like a bottle, and was like

18 purple, but it was like purple wrapping. All I had

19 to do was get a glass of water and pour it in

20 there.

21 Q. Did he look at your body at all, the doctor?

22 A. Yes.

23 Q. Did he look at your butt?

24 A. Yes.

25 Q. And this was about four or five years ago?

1 A. Yeah.

2 Q. Now, the time you went to the doctor, had  
3 Armando touched you or put his penis inside of you  
4 around that time?

5 A. I don't remember.

6 Q. Have you gone to any other types of Court  
7 hearings or anything like that based on what  
8 happened to you?

9 A. Huh-uh.

10 Q. You haven't been to Family Court or anything  
11 like that?

12 A. Oh, yes, I have.

13 They did some tests on my urine.

14 Q. I'm sorry?

15 A. They did some tests on my urine.

16 Q. Okay. When was that?

17 A. Like seven or ten weeks ago.

18 Q. Seven or ten weeks ago?

19 A. Yeah, it was like I think like two days  
20 after they took him.

21 Q. Two days after he went to jail?

22 A. Yeah.

23 Q. So in the first apartment that we talked  
24 about what grade were you in?

25 A. I don't remember.

1 Q. Okay. Do you remember how long you lived in  
2 that apartment?

3 A. No.

4 Q. The second apartment that you described, do  
5 you remember how old you were when you moved there?

6 A. No.

7 Q. Do you remember what grade you were in?

8 A. No.

9 Q. Can you describe the apartment for us?

10 A. It was there was a public pool, that once  
11 you get in there it's like a public pool, and then  
12 the other side would be apartments.

13 Q. And did Armando touch you in that apartment?

14 A. Yes.

15 Q. And he touched your front part, right?

16 A. Yes.

17 Q. Is that -- How do you refer to your front  
18 part as?

19 A. That would be fine, front part.

20 Q. Okay. Is that the vagina?

21 A. Yes.

22 Q. And the back part is the butt, okay?

23 A. Yes.

24 Q. Okay. He touched you in both of those  
25 places?

1 A. Yes.

2 Q. But he did not put his penis inside of you  
3 at that time, or he did?

4 A. Yes.

5 Q. He did?

6 A. Yeah.

7 Q. Now, is that the first place -- or the first  
8 place that you lived where he put his penis inside  
9 of you?

10 A. I don't remember.

11 Q. Do you remember the first time he put his  
12 penis inside of you?

13 A. Yes.

14 Q. When was that?

15 A. I think it was when I was in the green  
16 house.

17 Q. The first?

18 A. Sorry, I think I was in the apartment as  
19 well.

20 No, no, no, he did.

21 Q. I'm sorry?

22 A. In the apartment he did.

23 Q. He did in the apartment?

24 A. Yes.

25 Q. A minute -- or just a second ago you weren't

1     sure of that.

2                 I want to make sure.

3     A.         Sorry, I didn't remember.

4     Q.         I mean, you talked about a lot of stuff  
5     today.

6                 Is it hard to remember a lot of what  
7     happened to you?

8     A.         Yes.

9     Q.         Have you forgotten a lot of what happened to  
10    you?

11    A.         Just a little bit.

12                 Not much.

13    Q.         So the first time that he put his penis in  
14    your butt, or your back part, did it hurt?

15    A.         Yes.

16    Q.         And about how many minutes did that go on  
17    for?

18    A.         I don't know.

19    Q.         Did it go on if you know for a short time or  
20    a long time?

21    A.         Long time.

22    Q.         After -- Do you know what made him stop?

23    A.         No.

24    Q.         Did you ever have to go to the doctor or  
25    anything like that because -- Did you have pain



1 after he had put his front part in your back part?

2 A. Yes.

3 Q. How long would the pain go on for?

4 A. Just 20 or 30 minutes.

5 Q. And was there a pain every time he did that?

6 A. Yes.

7 Q. How many times would you say that happened  
8 throughout the years?

9 A. I don't know.

10 A lot of times.

11 Q. Did you ever see anything -- or ever bleed  
12 or anything like that?

13 A. No.

14 Q. How about when he put his front part in your  
15 front part, did that hurt?

16 A. Yes.

17 Q. And how long would that hurt?

18 A. Like ten minutes.

19 Q. And did it hurt every time he did it?

20 A. He only did it twice, but I pushed him off,  
21 so --

22 Q. Did -- or was there any bleeding or anything  
23 like that?

24 A. Huh-uh.

25 Q. Okay. Is that a, no?

1 A. Yes.

2 Sorry.

3 Q. Did he ever touch you during the daytime?

4 A. No.

5 Q. Okay. Where did -- Does your mom have the  
6 same job throughout your childhood, or different  
7 jobs?

8 A. She had different jobs.

9 Q. And she always worked at night?

10 A. Yeah, she usually would go in night.

11 Q. Now, you said that you would go in, and he  
12 would ask you to watch a movie or something like  
13 that?

14 A. Yeah.

15 Q. Would you actually watch a movie?

16 A. Yeah, for a while.

17 Q. Was it the same movie, or different movies?

18 A. Different movies.

19 Q. Do you remember any of them?

20 A. One was about aliens invading earth.

21 Q. Okay. And about how long into the movie  
22 would he start touching you?

23 A. Like 30 or 40 minutes.

24 Q. And during that time, would the door be open  
25 or closed?

1 A. Open.

2 Q. So as soon as the movie starts would he lock  
3 the door?

4 A. No, he would wait for a while, then lock it.

5 Q. Did you ever see him put anything on his  
6 front part?

7 A. No.

8 Q. Did you ever see anything come out of his  
9 front part?

10 A. His cum, I guess.

11 Q. His what?

12 A. His cum.

13 Q. When did you see that?

14 A. When he was done.

15 Q. When he was done, was that when he was --  
16 would he put it in your back part?

17 A. Yes.

18 Q. How would you see his cum?

19 A. He would throw it on my stomach.

20 Q. Okay. Where did you learn the word, cum?

21 A. School.

22 Q. School?

23 A. Yeah, health class.

24 Q. Health class they taught you the word, cum?

25 A. Well, and my friends.

1 Q. And your friends?

2 A. They are really not very educated.

3 Q. So just you learned that just around your  
4 friends and that?

5 A. Yes.

6 Q. Teenager talk, I guess?

7 A. Yes.

8 Q. Do you remember how old you were when you  
9 learned that word?

10 A. 11 or 12.

11 Q. When you touched -- or when you touched him,  
12 when you touched his front part, do you remember if  
13 you saw cum?

14 A. I don't understand.

15 Q. You said earlier that you touched his front  
16 part?

17 A. Uh-huh.

18 Q. Did you remember did you see any as you the  
19 word you used, cum?

20 A. Yes.

21 Q. You did?

22 A. Yes.

23 Q. How -- or what were you doing with your  
24 hand?

25 A. I was moving it up and down on his private

1 part, his penis.

2 Q. And was that something he was telling you to  
3 do or --

4 A. He was telling me to do.

5 Q. Do you remember how long that went on for?

6 A. No.

7 Q. And after you saw -- After you saw the cum,  
8 what did he do?

9 A. He would just clean up, and that's it.

10 Q. You described the time where you were facing  
11 him, and he put it in your back part, is that  
12 right?

13 A. When I was looking at him?

14 Q. Yeah.

15 A. Yes, it would be in the back part.

16 Q. So you were facing him, but he had his front  
17 part in your back part?

18 A. Yes.

19 Q. So --

20 A. He first tried to put it in my front part,  
21 but I pushed him off.

22 Q. How was your body positioned when that was  
23 happening?

24 A. He was holding my legs up.

25 I don't know how to explain.

1 Q. Just do the best you can.

2 A. My back was on the bed, and my legs were up.

3 Q. Okay. You also used the term, abuse, you  
4 said, Armando abused you.

5 Where did you learn that term?

6 A. My friends.

7 Q. Your friends, they taught you about abuse?

8 A. Yeah.

9 Q. So you have heard stories of this happening  
10 to other people?

11 A. Yes.

12 Q. A lot?

13 A. No, just a few.

14 MR. FELICIANO: Court's indulgence.

15 THE COURT: Yes.

16 BY MR. FELICIANO:

17 Q. Okay. You talked about some cutting?

18 A. Yeah.

19 Q. Where would you cut yourself?

20 A. In my arms.

21 Q. Where on your arms?

22 A. On this one.

23 Q. Like your wrists?

24 A. Yes.

25 Q. Like right above your wrists?

1 A. Yes.

2 Q. Do you -- or would you cut it really hard?

3 A. Uh-huh.

4 Q. Would you bleed?

5 A. Yes.

6 Q. Do you have marks?

7 A. Yes, I do.

8 Q. On both wrists, or just one?

9 A. Just one.

10 Q. And you also talked about overdosing.

11 What did you almost overdose --or what  
12 did you overdose on?

13 A. It was because my breast had like a bump, so  
14 I had like an infection, so they gave me some pills  
15 to take for the pain, and for it to go away, so I  
16 overdosed with the pills.

17 Q. How many of those?

18 Do you remember what they were?

19 A. Huh-uh.

20 Q. What they were called?

21 A. No.

22 Q. Do you remember how many you took?

23 A. Three or five.

24 Q. Did you go to the hospital or anything like  
25 that?

1 A. Huh-uh.

2 Q. Is that a, no?

3 A. Yes, no.

4 Q. Did you tell anybody about you taking those  
5 pills?

6 A. No.

7 Q. How about the cutting, did anybody find out  
8 about your cutting?

9 A. No.

10 Q. Nobody ever saw blood on you or anything  
11 like that, that you are aware of?

12 A. No.

13 I always wore sweaters.

14 Q. Why didn't you tell anybody this was  
15 happening to you?

16 A. Because I was scared for losing my family.

17 Q. In what way, what do you mean by, losing  
18 your family?

19 A. For them to get disgusted with what happened  
20 to me.

21 Q. Did you think they would be mad at you?

22 A. Yes.

23 Q. What made you think that?

24 A. I guess the thought of me with them thinking  
25 I was trying to get at him for anything I've



1 wanted.

2 Q. Is there -- Was Armando hard on you, did he  
3 punish you a lot?

4 A. No.

5 Q. Did he yell at you a lot?

6 A. Yes.

7 Q. What would he yell at you about?

8 A. Cleaning.

9 Q. And --

10 A. I would just be -- I got an X-Box for  
11 Christmas in the living room and making noise, so  
12 he would just yell to be quiet.

13 Q. Do you think he was strict with you?

14 A. I guess sometimes he was.

15 Q. What was he strict about?

16 A. He would when there was dishes tell me to do  
17 them, or if something dirty, he would tell me to do  
18 it.

19 Q. How about did you ever get grounded or  
20 anything like that?

21 A. No.

22 Q. Did he ever take away like your X-Box or  
23 anything like that?

24 A. One time he took the cord for the TV.

25 Q. Do you remember why that happened?

1 A. Because we were making a lot of noise in the  
2 middle of the night.

3 Q. Did you like Armando?

4 A. Yes.

5 Q. And when did you stop liking him, or if you  
6 did?

7 A. When he hit my brother.

8 Q. When was that?

9 A. We were in the green house.

10 Q. The first one or second one?

11 A. The first one.

12 Q. He hit your brother?

13 A. Yeah, because we -- me and my sister were  
14 watching TV in the living room, and the TV was my  
15 brothers because he had DVDs inside of it, so he  
16 got mad and hit my brother, and my mom scratched  
17 him for hitting my brother.

18 Q. Did the police come out or anything like  
19 that?

20 A. No.

21 Q. Did the police ever come out for anything  
22 while Armando was in your life?

23 A. No.

24 Q. So the night that the police came out to  
25 your place what -- or why were they there?

1 A. Because he wouldn't give my mom the rent  
2 money.

3 Q. So who called the police?

4 A. My mom.

5 Q. She called the police on him because he  
6 wasn't paying the rent?

7 A. No, she called police because he took the  
8 money from the rent, thinking it was his.

9 Q. He took the money from your mother?

10 A. No, the money was under where, I don't know,  
11 like a stereo, and we always put the rent money  
12 under there, so when he comes -- anybody that opens  
13 the door those, it's the rent to give to the rent  
14 person.

15 Q. So do you know whose money that was?

16 A. It was my sisters -- Well, my brother-in-law  
17 paid the rent, and my mom -- well him.

18 Q. And Armando took the money?

19 A. Yes.

20 Q. How do you know that?

21 A. Because he had it and was refusing to give  
22 it to my mom.

23 My mom was telling him to give it to her.

24 Q. Back to when you touched his front part, or  
25 his penis, did he say anything to you?

1 A. No.

2 Don't tell anybody.

3 Q. Besides that, did he say anything else?

4 A. No.

5 Q. You said this happened quite a few times?

6 A. Yes.

7 Q. So various people would be home while this  
8 is going on?

9 A. Uh-huh.

10 Q. And you would be -- you said you watched a  
11 movie for half hour or 40 minutes I think you said?

12 A. Yes.

13 Q. And then whatever happened would happen?

14 A. Yes.

15 Q. So you could be in the room for over an hour  
16 or two, or --

17 A. An hour or 30 minutes.

18 Q. With the door locked?

19 A. Yes.

20 Q. Did you ever see Armando hit your mother?

21 A. No.

22 Q. Were you ever worried about him hitting your  
23 mother?

24 A. Yes.

25 Q. When was that?

1 A. When I was worried?

2 Q. Yes.

3 A. Every day.

4 Q. So if he never hit her, why would you be so  
5 worried about it?

6 A. Because I saw him hit my brother, and I'd be  
7 scared if he would lay his hands on her.

8 Q. Now, after the police took Armando away, did  
9 you say you wanted to see him rot in jail?

10 A. Yes.

11 Q. Is that what you still want?

12 A. A little bit.

13 MR. FELICIANO: Court's indulgence.

14 We'll pass the witness.

15 Thank you.

16 MS. CLEMONS: Nothing further from  
17 the State.

18 THE COURT: Thank you very much for  
19 your testimony today.

20 I'm going to ask you to step down.

21 And I need you to do me a favor. I don't  
22 want you to talk about anything you discussed in  
23 the courtroom with us today, unless it's a  
24 representative from the District Attorneys office  
25 or from the Public Defenders office. They will

1 make sure that they identify themselves to you.

2 But otherwise, I need you to not -- you  
3 can talk to victim/witness, but don't talk about  
4 anything going on with this case that we talked  
5 about in the courtroom today with your friends or  
6 family or anything.

7 Okay?

8 THE WITNESS: Okay.

9 THE COURT: Thank you.

10 MR. FELICIANO: Based on that, can I  
11 ask just a couple of questions?

12 THE COURT: Why don't you tell me  
13 what your question is.

14 MR. FELICIANO: If he's --or she's  
15 talked to victim/witness about this before.

16 THE COURT: Have you talked to  
17 anybody else about this, besides the police and  
18 probably the District Attorney, did you talk to  
19 anybody in victim/witness about this?

20 THE WITNESS: Well, my mom asked me  
21 when they came, and then they told me not to tell  
22 her anything, so until we got to the detective and  
23 they asked us questions and that.

24 THE COURT: Was your mom present  
25 during that?

1 THE WITNESS: Yes.

2 THE COURT: Okay.

3 MR. FELICIANO: That's all I got.

4 THE COURT: Okay. So thank you again  
5 for your time and your testimony today.

6 All right. We got one other witness?

7 MS. CLEMONS: One more, and she only  
8 has one count.

9 MR. FELICIANO: She will be short.

10 THE COURT: Okay. Let's get her  
11 going because I got a TPO still waiting.

12 MS. CLEMONS: Darey Stefani Alvarez.

13 THE MARSHAL: Please step up to the  
14 witness stand.

15 Remain standing, and face the clerk to be  
16 sworn.

17

18 **DAREY ALVAREZ,**

19

20 who, being first duly sworn to tell  
21 the truth, the whole truth, and  
22 nothing but the truth, was examined  
23 and testified as follows:

24 THE CLERK: Please be seated.

25 Please State your full name and spell

1 your name for the record.

2 THE WITNESS: D-a-r-e-y, Darey,  
3 Stefani, S-t-e-f-a-n-i, Alvarez, A-l-v-a-r-e-z.

4 THE COURT: Okay. You're soft-spoken  
5 too, so I'm going to have you speak up just a  
6 little bit, so this gentleman in front of you, who  
7 is trying to take down everything you're saying, so  
8 just bear with us because I know it's hard, but if  
9 we can't hear or understand what you say, then we  
10 can make you repeat it.

11 Okay. State, your witness.

12 MS. CLEMONS: Thank you.

13 - - - -

14 **DIRECT EXAMINATION OF DAREY ALVAREZ**

15 BY MS. CLEMONS:

16 Q. What name do you like to go by?

17 A. At my house I go by Darey, but with my  
18 friends and everybody else Stefani.

19 Q. What would you like me to call you?

20 A. Stefani is fine.

21 Q. Okay. When is your birthday?

22 A. May 17, 1997.

23 Q. How old are you?

24 A. Now I'm 19.

25 Q. So you just turned 19 a month ago?



1 A. Yes.

2 Q. Who do you live with right now?

3 A. My mom, my brother, my husband, my sister,  
4 and my sister-in-law, and two nephews.

5 Q. And one of your sisters -- or she's the one  
6 just left the courtroom, right?

7 A. Yes, Guadalupe.

8 Q. What is your brother's name?

9 A. Mael.

10 Q. How do you spell?

11 A. M-a-e-l Alvarez.

12 Q. M-a-e-l?

13 A. M-a-e-l, yes.

14 Q. And then what is your husband's name?

15 A. Sergio.

16 Q. And what is Mael's wife's name?

17 A. Yanet.

18 Q. With a Y?

19 A. With a Y.

20 Q. Do you know Armando?

21 A. Yes.

22 Q. Do you see him in Court today right now?

23 A. Yes.

24 Q. Can you please point to him, and tell me  
25 something he's wearing right now?

1 A. A blue or black shirt.

2 Q. Is he wearing a tie?

3 A. Yeah -- No.

4 MS. CLEMONS: May the record reflect  
5 the identification of the Defendant?

6 THE COURT: The record will identify  
7 that she pointed to the person without the tie.

8 BY MS. CLEMONS:

9 Q. Okay. How do you know Armando?

10 A. Because it was my mom's like boyfriend,  
11 husband.

12 Q. Did he used to live with you?

13 A. Yes.

14 Q. Do you remember when you first met him how  
15 old you were?

16 A. Yeah.

17 I don't remember the age, but I do  
18 remember when I met him.

19 Q. Was that here in Las Vegas, or somewhere  
20 else?

21 A. Yeah, here.

22 Q. And did you always live with your mom and  
23 Armando, or live somewhere else?

24 A. No.

25 When I got here, yes, I always lived with

1     them.

2     Q.       Where did you live before Las Vegas?

3     A.       Mexico.

4     Q.       In Mexico.

5             Okay. So when you got to the United  
6     States, your mom was already living with Armando?

7     A.       Yeah.

8     Q.       So was there ever a time when Armando  
9     touched you in any place he shouldn't have?

10    A.       Yes.

11    Q.       Do you remember how old you were?

12    A.       I don't really remember the age, but --

13    Q.       Do you know what grade you were in?

14    A.       I was probably like 12, going to 13.

15    Q.       12 or 13.

16             And your sister just testified you guys  
17    lived in a lot of different places.

18             You have?

19    A.       Yes.

20    Q.       Do you remember which house you were living  
21    in when this happened?

22    A.       Yeah.

23    Q.       And do you remember like the street?

24    A.       Yeah.

25    Q.       What street was it?

1 A. Stafford Street.

2 Q. Was it a house or an apartment?

3 A. It was a house.

4 Q. A house.

5 Do you happen to remember what color the  
6 house was?

7 A. I do, like -- I don't remember.

8 Q. That's fine.

9 And do you remember if it was close to  
10 anything, like any stores?

11 A. Yeah, to Jerry's Nugget, and it was by the  
12 exit of the freeway.

13 Q. Okay. So close to the freeway and close to  
14 Jerry's Nugget?

15 A. Yes.

16 Q. Okay. So when this incident happened, do  
17 you think it was during the school year or the  
18 summertime, if you remember?

19 A. I think it was the summertime.

20 Q. Why do you think it was the summertime?

21 A. Because I don't remember going to school at  
22 that time.

23 I think it was Summer.

24 Q. Okay. So tell me about when the Defendant  
25 touched you.

1                   What were you doing right before then?

2     A.       Before I was playing soccer with my brother  
3     and everybody else, friends, and then I went inside  
4     to the bathroom, and then he called me up to his  
5     room.

6     Q.       Were you the only one in the house, could  
7     you tell?

8     A.       Yeah, by then everybody was playing outside.

9     Q.       Okay.

10    A.       My mom was working, and it was just him and  
11    in the room and me.

12    Q.       You said you're inside, and then the  
13    Defendant called you up to the room.

14            Was it his bedroom, or a different room?

15    A.       Yeah, it was his.

16    Q.       Did him and your mom share a room?

17    A.       Yes.

18    Q.       Is that a, yes?

19    A.       Yes.

20    Q.       And what happened, did you go up to the  
21    room?

22    A.       Yes.

23    Q.       What happened when you got into the room?

24    A.       He just started touching me.

25    Q.       Okay. When you said he started touching

1     you, do you remember where he touched you?

2     A.       Yeah.

3     Q.       Where was that?

4     A.       On my lower body.

5     Q.       Do you remember any specific parts of your  
6     body he touched?

7     A.       Yeah.

8     Q.       What part?

9     A.       My --

10    Q.       You can use any word you want. We all heard  
11    it all, so whatever you want to call it.

12    A.       He started touching my vagina.

13    Q.       When he touched you on your vagina, were  
14    your clothes on or off?

15    A.       First it was on.

16    Q.       And when he first started touching you, were  
17    you -- or where were you in the room?

18    A.       We were right there in like in the bed -- or  
19    well in front of the bed before.

20    Q.       Do you remember if he was wearing anything?

21    A.       Yeah, I think it his work pants, just his  
22    pants.

23             I don't remember if he had a shirt on.

24    Q.       You don't remember if he had a shirt on?

25    A.       I don't remember a shirt.

1 Q. So did he touch you anywhere besides your  
2 vagina over your clothes?

3 A. No.

4 Q. Then what happened?

5 A. Again, that's when it all started.

6 Q. What do you mean by that?

7 A. He started that.

8 Q. Were your clothes on when that happened?

9 A. No.

10 Q. How did your clothes come off?

11 A. He took my clothes off.

12 Q. Do you remember what you were wearing?

13 A. Yeah, some sort of shorts.

14 Q. So your pants come off?

15 A. Yeah, just my shorts came off.

16 Q. Did your underwear stay on, or did that come  
17 off too?

18 A. That came off too.

19 Q. Did you take those off, or did he take them  
20 off?

21 A. He took them off.

22 Q. And what about his pants, did they stay on,  
23 or take them off?

24 A. They came off too.

25 Q. Did he take them off, or did you take them

1 off?

2 A. No, he took them off.

3 Q. Do you remember if he said anything?

4 A. Yeah.

5 Q. What was he saying?

6 A. He just said that he wanted --

7 Q. That he wanted?

8 A. He wanted it.

9 Q. He wanted it?

10 A. Yeah.

11 Q. Do you remember if you said anything?

12 A. Yeah, I didn't.

13 Q. So after his pants come off and your shorts

14 come off, do you remember what happens next?

15 A. Yeah, he got on top of me.

16 Q. So you said, when it started, you were

17 standing by the bed?

18 A. Yeah.

19 Q. Were you still standing by the bed or --

20 A. No.

21 Q. Where were you?

22 A. He pushed me on the bed.

23 Q. So how were you laying on the bed?

24 A. I --

25 Q. Face down, face up?



1 A. Face up.

2 Q. And where was his body?

3 A. On top of me.

4 Q. And I think earlier you said you used the  
5 word, rape?

6 A. Yeah.

7 Q. So what does that word mean to you?

8 A. To me that means really you don't want to  
9 have sex, and you're being forced.

10 Q. Okay. And did he do that to you?

11 A. Yeah.

12 Q. What part of his body if any went into your  
13 body?

14 A. He was just on top of me, I just couldn't  
15 move.

16 Q. You said so rape to you means when you  
17 basically have sex against your -- you don't want  
18 to, right?

19 A. Yes.

20 Q. So when you say, sex, he had sex with you?

21 A. Uh-huh.

22 Well --

23 Q. What I'm trying to clarify is what, what  
24 happened, like did a part of his body go into your  
25 body?

1 A. Yes.

2 Q. Which part of his body went into your body?

3 A. His penis.

4 Q. Where did his penis go?

5 A. In my vagina.

6 Q. In your vagina.

7 Do you remember how long that went on  
8 for?

9 A. It only happened one time.

10 Q. What about in that one time, do you remember  
11 how many minutes or anything?

12 A. Probably like five minutes.

13 Q. Do you know why it stopped?

14 A. No.

15 Q. What happened after it stopped?

16 A. I just walked outside.

17 Q. All right. Did he say anything to you after  
18 it stopped?

19 A. No.

20 Q. Then did you -- or what did you do when you  
21 got outside?

22 A. Nothing.

23 Q. Did you go back and play with your friends?

24 A. No, I was just outside, just sitting down.

25 Q. Okay. So you mentioned I think earlier this

1     only happened one time?

2     A.       Yeah.

3     Q.       Did you ever tell anybody?

4     A.       No.

5     Q.       So I'm going to direct your attention to  
6     April of this year, did the police come to your  
7     house that day?

8     A.       On April?

9     Q.       Yes, in April.

10    A.       I think, yeah.

11    Q.       Was that because of an issue with like rent  
12    money or something?

13    A.       Yeah.

14    Q.       And when the police came, do you know your  
15    sister talked to them?

16    A.       Uh-huh, yeah.

17    Q.       Did the police ever ask you during that  
18    investigation any questions about whether the  
19    Defendant had touched you?

20    A.       Not the police, but I guess -- I don't  
21    remember, it was someone that works with them.

22    Q.       Okay. So they asked you whether or not the  
23    Defendant had ever done anything to you?

24    A.       Yeah.

25    Q.       And what was your answer?

1 A. I said, no.

2 Q. And then later you decided to go to the  
3 police, is that right?

4 A. Yeah.

5 Q. Why did you tell the police, no, initially?

6 A. At first because I just didn't feel strong  
7 enough to say anything about it.

8 Q. You didn't feel strong enough to say  
9 anything about it?

10 A. Yeah.

11 Q. When somebody had asked you that, was that  
12 at the house or were you guys doing interviews?

13 A. We were already at the police station.

14 Also, I didn't want my husband to know.

15 Q. To this day does your husband know anything?

16 A. No.

17 Q. You don't want him to know either?

18 A. No, huh-uh.

19 Q. Why did you decide to come forward then?

20 A. Because I just want him to pay for what he  
21 did to me, and for my sister.

22 Q. So you said you wanted him to pay for what  
23 he did to you and your sister?

24 A. Yeah.

25 MS. CLEMONS: Nothing further.

1 THE COURT: Cross.

2 - - - -

3 **CROSS-EXAMINATION OF DAREY ALVAREZ**

4 BY MR. FELICIANO:

5 Q. How did you learn that something happened to  
6 your sister?

7 A. I don't understand the question.

8 Q. Who told you that something happened with  
9 your sister and Armando?

10 A. The police.

11 Q. The police told you that?

12 A. Yeah.

13 Q. Have you ever talked to your sister about  
14 what happened to her?

15 A. No, because I don't want to hear my sister  
16 telling me what he did to her, I can't.

17 Q. When -- I'm sorry.

18 What room were you in?

19 A. In my mom's room.

20 Q. In your mom's room?

21 A. Yes.

22 Q. And was the door opened or closed?

23 A. It was when I walked in, it was closed, and  
24 then he came in.

25 Q. All right. And then you said he pushed you

1 onto the bed, is that correct?

2 A. Yeah, that's when I walked in.

3 Q. Okay. When you were on the bed, was the  
4 door opened or closed?

5 A. It was closed.

6 Q. Do you know if it was locked?

7 A. I think it was.

8 I don't remember.

9 Q. And you said this happened, you're not quite  
10 sure when this happened, is that correct?

11 A. Yes.

12 Q. So what is your best estimation on when this  
13 happened?

14 A. I think I was probably -- I don't know, I  
15 don't really remember.

16 I think probably I turned 13, but it may  
17 be 13, I don't remember.

18 Q. And you said, you think it was Summertime,  
19 right?

20 A. Yes.

21 Q. And what makes you think that?

22 A. Because it was really, really hot outside.

23 Probably I think I already turned 13.

24 Q. Then you said, his penis went in your  
25 vagina, is that correct?

1 A. Yeah.

2 Q. Before you said that, you were hesitating a  
3 little bit, and seemed like I wasn't quite sure  
4 what you were getting at, was he on top of you for  
5 a while, or did he immediately put his penis inside  
6 of your vagina?

7 A. He struggled like a little bit, but he put  
8 his penis in my vagina.

9 Q. Did that hurt?

10 A. Yes.

11 Q. How long did it hurt for?

12 A. For the whole time.

13 Q. After he, after the incident, how long did  
14 it hurt?

15 A. For probably like two or three weeks.

16 Q. Two or three weeks?

17 A. Yeah.

18 Q. Did you go to the doctor or anything like  
19 that, tell anybody about it?

20 A. No.

21 Q. No?

22 A. No.

23 Q. Did you bleed or anything like that?

24 A. Yeah.

25 Q. How long were you bleeding?

1 A. Only when it happened and not after that.

2 Q. You said that you want him to pay for what  
3 he did.

4 What do you want to see happen to  
5 Armando?

6 A. I don't know, I just don't want him near me  
7 or my family.

8 Q. Now, just a little bit more, and we'll let  
9 you go on your way.

10 After that happened, how old were you --  
11 or how old was your sister, you're younger sister,  
12 when this happened to you, if you remember?

13 A. Probably like 8.

14 Q. And how many years apart are you?

15 A. Five.

16 Q. Were you ever concerned something might  
17 happen to her?

18 A. No.

19 Q. Did she ever act -- You have seen her and  
20 Armando in the same room and interacting, right?

21 A. I think he is too smart for everybody.

22 Q. He's too what?

23 A. I think he's really smart to do everything  
24 without everybody knowing what he did.

25 Q. But you have seen, you lived with him for



1 years, right?

2 A. Yes.

3 Q. And you have seen your sister around him  
4 many times?

5 A. Yeah.

6 Q. Is that a, yes?

7 A. Yeah.

8 Q. Did you ever -- Did you ever see her act  
9 strangely around him, like is she scared of him or  
10 anything like that?

11 A. She was always in the room,, she wouldn't  
12 want to be with us at times, and she -- yeah, she  
13 changed a lot.

14 Q. When did she change a lot?

15 A. Probably like two years ago she became  
16 aggressive, and she just became different.

17 She was nice, and now she's kind of mean,  
18 and she's never like that.

19 Q. She never liked Armando?

20 A. No.

21 Q. Even when she was little, or after two years  
22 ago?

23 A. Even when she was little she never liked  
24 him.

25 Q. And you don't know why?

1 A. No, we never knew why.

2 So now I just think about it, and her  
3 body hangs, she couldn't be around him.

4 Q. But at the time throughout all the time that  
5 you lived with him you never thought anything was  
6 going on with him and your sister?

7 A. No.

8 Q. Is that a, no?

9 A. No.

10 MR. FELICIANO: Pass the witness.

11 MS. CLEMONS: No further questions.

12 THE COURT: Thank you very much for  
13 your time and your testimony today.

14 I'm asking you to do a favor for me.  
15 Please don't discuss anything that we talked about  
16 in this room today, unless it's to a representative  
17 from the District Attorneys office or the Public  
18 Defenders offers. They will identify themselves  
19 appropriately.

20 I do need you to not talk about this with  
21 anybody else.

22 Okay?

23 THE WITNESS: Okay.

24 THE COURT: Thank you very much.

25 You can step down.

1 State, any further witnesses?

2 MS. CLEMONS: Nothing further from the  
3 State.

4 I do have a couple amendments -- or just  
5 one actually.

6 THE COURT: Mr. Feliciano, are you  
7 presenting any witnesses or evidence today?

8 MR. FELICIANO: We're not.

9 I advised Mr. Vasquez-Reyes of his right  
10 to testify at this hearing.

11 Based on my advice, he will remain  
12 silent.

13 THE COURT: All right. Is that  
14 correct, Mr. Vasquez-Reyes, you're following your  
15 attorney's advice at this particular juncture?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. The Defense rests?

18 MR. FELICIANO: We do.

19 THE COURT: State.

20 MS. CLEMONS: Thank you, Your Honor.

21 The one change I have is Count 2 to  
22 lewdness with child under 14.

23 Currently it's charged as encouraging a  
24 minor to touch and rub and fondle Defendant's  
25 penis.

1 I'm going to strike lines 24 and 25 and  
2 change that language to, Defendant touching the  
3 victim's breasts, and/or vagina, and/or butt with  
4 his hands. I think that conforms with the  
5 testimony.

6 MR. FELICIANO: No objection.

7 THE COURT: All right.

8 MS. CLEMONS: That will be it.

9 The State will reserve for rebuttal.

10 THE COURT: Mr. Feliciano.

11 MR. FELICIANO: We'll submit.

12 THE COURT: Okay. So, Mr.

13 Vasquez-Reyes, I do find that the State has met  
14 their burden to hold you to answer on the charges  
15 set forth in the second Amended Criminal Complaint  
16 with the amendments as discussed by the District  
17 Attorney.

18 You are going to appear with your  
19 attorney in the lower level arraignment Court on  
20 the following date and time.

21 THE CLERK: July 14th at 10 a.m.

22 MR. FELICIANO: Is that the only date  
23 available, or can we go out a little bit more if  
24 possible?

25 THE COURT: I think you need to go and

1 ask because they got special settings for this.

2 MR. FELICIANO: Okay.

3 THE COURT: It's probably what you  
4 will have to do.

5 MR. FELICIANO: Okay.

6 10 a.m.?

7 THE CLERK: 10 a.m.

8 THE COURT: You can talk to  
9 Commissioner DeLaGarza about adjusting this.

10 MR. FELICIANO: Okay.

11 MS. CLEMONS: Thank you.

12 (Proceedings concluded.)

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REPORTER'S CERTIFICATE

I, Bill Nelson, a Certified Court Reporter in and for the State of Nevada, hereby certify that pursuant to NRS 2398.030 I have not included the Social Security number of any person within this document.

I further Certify that I am not a relative or employee of any party involved in said action, not a person financially interested in said action.

          /s/ Bill Nelson          

Bill Nelson, RMR, CCR 191

C E R T I F I C A T E

STATE OF NEVADA )

) ss.

CLARK COUNTY )

I, Bill Nelson, RMR, CCR 191, do hereby  
certify that I reported the foregoing proceedings;  
that the same is true and correct as reflected by  
my original machine shorthand notes taken at said  
time and place.

/s/ Bill Nelson

-----  
Bill Nelson, RMR, CCR 191  
Certified Court Reporter  
Las Vegas, Nevada

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<p><b>treatment</b> <sup>[1]</sup> - 5:7</p> <p><b>tried</b> <sup>[4]</sup> - 32:11, 32:12, 42:18, 60:20</p> <p><b>true</b> <sup>[2]</sup> - 10:9, 94:13</p> <p><b>truth</b> <sup>[10]</sup> - 6:4, 6:5, 9:24, 10:1, 10:3, 10:4, 70:21, 70:22</p> <p><b>try</b> <sup>[4]</sup> - 24:18, 25:17, 25:19, 44:24</p> <p><b>trying</b> <sup>[7]</sup> - 13:1, 25:11, 25:12, 25:15, 63:25, 71:7, 80:23</p> <p><b>TUESDAY</b> <sup>[1]</sup> - 3:1</p> <p><b>Tuesday</b> <sup>[1]</sup> - 1:15</p> <p><b>turned</b> <sup>[3]</sup> - 71:25, 85:16, 85:23</p> <p><b>TV</b> <sup>[7]</sup> - 34:16, 37:17, 46:25, 47:1, 64:24, 65:14</p> <p><b>twice</b> <sup>[1]</sup> - 56:20</p> <p><b>two</b> <sup>[33]</sup> - 4:16, 5:5, 8:13, 8:19, 29:20, 31:4, 31:18, 33:23, 33:24, 34:7, 36:17, 39:12, 39:14, 40:1, 40:3, 41:14, 41:19, 41:25, 42:4, 42:10, 42:12, 46:19, 48:6, 48:7, 52:19, 52:21, 67:16, 72:4, 86:15, 86:16, 88:15, 88:21</p> <p><b>two-storey</b> <sup>[9]</sup> - 34:7, 36:17, 39:12, 39:14, 40:1, 40:3, 41:25, 42:4, 42:10</p> <p><b>type</b> <sup>[2]</sup> - 16:15, 27:19</p> <p><b>types</b> <sup>[1]</sup> - 52:6</p> <p><b>typing</b> <sup>[1]</sup> - 24:16</p>	<p><b>various</b> <sup>[1]</sup> - 67:7</p> <p><b>Vasquez</b> <sup>[7]</sup> - 3:5, 3:12, 3:18, 4:1, 90:9, 90:14, 91:13</p> <p><b>VASQUEZ</b> <sup>[1]</sup> - 1:11</p> <p><b>Vasquez-Reyes</b> <sup>[7]</sup> - 3:5, 3:12, 3:18, 4:1, 90:9, 90:14, 91:13</p> <p><b>VASQUEZ-REYES</b> <sup>[1]</sup> - 1:11</p> <p><b>Vegas</b> <sup>[11]</sup> - 13:12, 13:14, 13:17, 13:25, 14:1, 14:4, 46:14, 46:17, 73:19, 74:2, 94:21</p> <p><b>VEGAS</b> <sup>[2]</sup> - 1:5, 3:1</p> <p><b>victim's</b> <sup>[1]</sup> - 91:3</p> <p><b>victim/witness</b> <sup>[3]</sup> - 69:3, 69:15, 69:19</p> <p><b>volcano</b> <sup>[1]</sup> - 48:18</p> <p><b>vs</b> <sup>[1]</sup> - 1:10</p>	<p>77:10, 80:5, 80:7</p> <p><b>words</b> <sup>[3]</sup> - 16:7, 22:1, 22:24</p> <p><b>wore</b> <sup>[1]</sup> - 63:13</p> <p><b>works</b> <sup>[1]</sup> - 82:21</p> <p><b>worried</b> <sup>[3]</sup> - 67:22, 68:1, 68:5</p> <p><b>worry</b> <sup>[2]</sup> - 21:15, 21:16</p> <p><b>wrapping</b> <sup>[1]</sup> - 51:18</p> <p><b>wrists</b> <sup>[3]</sup> - 61:23, 61:25, 62:8</p>
	<b>X</b>	
	<b>X-Box</b> <sup>[2]</sup> - 64:10, 64:22	
	<b>Y</b>	
<p><b>under</b> <sup>[4]</sup> - 5:6, 66:10, 66:12, 90:22</p> <p><b>underwear</b> <sup>[1]</sup> - 78:16</p> <p><b>United</b> <sup>[1]</sup> - 74:5</p> <p><b>unless</b> <sup>[2]</sup> - 68:23, 89:16</p> <p><b>up</b> <sup>[22]</sup> - 5:19, 6:17, 24:18, 25:17, 30:23, 31:2, 31:3, 32:4, 32:5, 37:12, 37:13, 59:25, 60:9, 60:24, 61:2, 70:13, 71:5, 76:4, 76:13, 76:20, 79:25, 80:1</p> <p><b>upper</b> <sup>[2]</sup> - 18:25, 26:1</p> <p><b>urine</b> <sup>[2]</sup> - 52:13, 52:15</p> <p><b>V</b></p> <p><b>vagina</b> <sup>[19]</sup> - 31:9, 31:21, 32:7, 32:21, 37:21, 37:24, 38:6, 38:7, 38:15, 53:20, 77:12, 77:13, 78:2, 81:5, 81:6, 85:25, 86:6, 86:8, 91:3</p>	<p><b>wait</b> <sup>[2]</sup> - 49:8, 58:4</p> <p><b>waiting</b> <sup>[1]</sup> - 70:11</p> <p><b>Wal</b> <sup>[1]</sup> - 51:17</p> <p><b>Wal-Mart</b> <sup>[1]</sup> - 51:17</p> <p><b>walked</b> <sup>[3]</sup> - 81:16, 84:23, 85:2</p> <p><b>watch</b> <sup>[9]</sup> - 23:6, 23:7, 27:14, 27:15, 27:16, 37:6, 37:7, 57:12, 57:15</p> <p><b>watched</b> <sup>[1]</sup> - 67:10</p> <p><b>watching</b> <sup>[5]</sup> - 27:23, 34:16, 37:16, 38:18, 65:14</p> <p><b>water</b> <sup>[1]</sup> - 51:19</p> <p><b>wearing</b> <sup>[8]</sup> - 11:19, 11:20, 15:16, 15:18, 72:25, 73:2, 77:20, 78:12</p> <p><b>week</b> <sup>[1]</sup> - 46:19</p> <p><b>weeks</b> <sup>[4]</sup> - 52:17, 52:18, 86:15, 86:16</p> <p><b>white</b> <sup>[6]</sup> - 41:24, 42:3, 42:11, 42:17, 42:20, 43:1</p> <p><b>whitish</b> <sup>[1]</sup> - 41:8</p> <p><b>whole</b> <sup>[4]</sup> - 6:4, 24:2, 70:21, 86:12</p> <p><b>wife's</b> <sup>[1]</sup> - 72:16</p> <p><b>witness</b> <sup>[11]</sup> - 5:2, 5:13, 5:17, 5:19, 6:19, 44:16, 68:14, 70:6, 70:14, 71:11, 89:10</p> <p><b>WITNESS</b> <sup>[11]</sup> - 2:2, 6:10, 6:14, 11:25, 21:3, 21:24, 69:8, 69:20, 70:1, 71:2, 89:23</p> <p><b>witnesses</b> <sup>[3]</sup> - 4:17, 90:1, 90:7</p> <p><b>wives</b> <sup>[1]</sup> - 13:4</p> <p><b>word</b> <sup>[14]</sup> - 19:3, 30:3, 31:7, 37:21, 38:9, 38:14, 46:24, 58:20, 58:24, 59:9, 59:19,</p>	<p><b>Y-a-n-e-t</b> <sup>[1]</sup> - 8:10</p> <p><b>Yanet</b> <sup>[4]</sup> - 8:7, 8:10, 10:24, 72:17</p> <p><b>year</b> <sup>[4]</sup> - 41:14, 41:19, 75:17, 82:6</p> <p><b>years</b> <sup>[14]</sup> - 8:17, 13:15, 41:14, 41:19, 46:6, 46:13, 46:15, 50:24, 51:25, 56:8, 87:14, 88:1, 88:15, 88:21</p> <p><b>yell</b> <sup>[3]</sup> - 64:5, 64:7, 64:12</p> <p><b>younger</b> <sup>[2]</sup> - 46:10, 87:11</p> <p><b>youngest</b> <sup>[1]</sup> - 8:18</p> <p><b>yourself</b> <sup>[2]</sup> - 23:10, 61:19</p>

1 **INFM**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JENNIFER CLEMONS  
6 Chief Deputy District Attorney  
7 Nevada Bar #10081  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

JUL 14 2016

BY, Kristen Brown  
KRISTEN BROWN, DEPUTY

7 I.A. 7/14/16  
8 10:00 AM  
9 PD

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 ARMANDO VASQUEZ-REYES, aka,  
13 Armando Vasquezreyes, #7030886

14 Defendant.

CASE NO: C-16-316382-1

DEPT NO: XII

**INFORMATION**

15 STATE OF NEVADA )  
16 COUNTY OF CLARK ) ss.

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

19 That ARMANDO VASQUEZ-REYES, aka, Armando Vasquezreyes, the  
20 Defendant(s) above named, having committed the crimes of **LEWDNESS WITH A CHILD**  
21 **UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975) and**  
22 **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE**  
23 **(Category A Felony - NRS 200.364, 200.366 - NOC 50105)**, on or between January 21, 2007  
24 and December 31, 2015, within the County of Clark, State of Nevada, contrary to the form,  
25 force and effect of statutes in such cases made and provided, and against the peace and dignity  
26 of the State of Nevada,

27 ///

28 ///

C-16-316382-1  
INFM  
Information  
4564301



W:\2016\2016F\060\76\16F06076-INFM-(VASQUEZ\_REYES)-001.DOCX

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

2 did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon  
3 or with the body, or any part or member thereof, of a child, to-wit: G.A., a child under the age  
4 of fourteen years, by Defendant directing and/or causing and/or encouraging the said G.A., to  
5 touch and/or rub and/or fondle his penis, with the intent of arousing, appealing to, or gratifying  
6 the lust, passions, or sexual desires of defendant, or G.A.

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

8 did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon  
9 or with the body, or any part or member thereof, of a child, to-wit: G.A., a child under the age  
10 of fourteen years, by Defendant using his hand(s) to touch and/or rub and/or fondle the  
11 breast(s) and/or genital area and/or buttock(s) of the said G.A., with the intent of arousing,  
12 appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.A.

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

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

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

20 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
21 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
22 placing his penis into the anal opening of the said G.A., against his or her will, or under  
23 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
24 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

26 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
27 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
28 placing his penis into the anal opening of the said G.A., against his or her will, or under



1 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
2 physically incapable of resisting or understanding the nature of Defendant's conduct.

3 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

4 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
5 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
6 placing his penis into the anal opening of the said G.A., against his or her will, or under  
7 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

9 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

10 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
11 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
12 placing his penis into the anal opening of the said G.A., against his or her will, or under  
13 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
14 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

16 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
17 G.A., a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse: by  
18 placing his penis into the genital opening of the said G.A., against his or her will, or under  
19 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
20 physically incapable of resisting or understanding the nature of Defendant's conduct.

21 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

22 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
23 G.A., a child under fourteen years of age, to sexual penetration, to-wit: anal intercourse: by  
24 placing his penis into the anal opening of the said G.A., against his or her will, or under  
25 conditions in which Defendant knew, or should have known, that G.A., was mentally or  
26 physically incapable of resisting or understanding the nature of Defendant's conduct.

27 ///


28 ///

1 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE

3 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
4 D.A., a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse: by  
5 placing his penis into the genital opening of the said D.A., against his or her will, or under  
6 conditions in which Defendant knew, or should have known, that D.A., was mentally or  
7 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

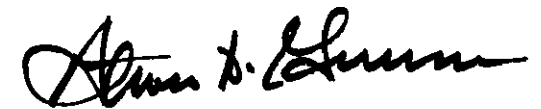
10 BY

11   
12 JENNIFER CLEMONS  
Chief Deputy District Attorney  
Nevada Bar #10081

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

15 <u>NAME</u>	16 <u>ADDRESS</u>
17 A.G.	18 C/O CCDA
19 ALVAREZ, STEPHANY	20 2213 Berkley Ave LVN 89101
21 CORRAL, MARIA	22 LVMPD #12133
23 GABRON, FRANCIS	24 LVMPD #5542
25 MURRAY, THOMAS	26 LVMPD #13458
27 PARENT/GUARDIAN	28 G.A.
PRETTI, MARK	LVMPD #9639
THEOBALD, RONALD	LVMPD #6468

16F06076X /jm/SVU  
LVMPD EV#1604162346  
(TK5)



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JENNIFER CLEMONS  
Chief Deputy District Attorney  
Nevada Bar #10081  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ARMANDO VASQUEZ-REYES, aka,  
Armando Vasquezreyes, #7030886

Defendant.

CASE NO: C316382

DEPT NO: XII

NOTICE OF WITNESSES AND/OR EXPERT WITNESSES  
[NRS 174.234]

TO: ARMANDO VASQUEZ-REYES, aka, Armando Vasquezreyes, Defendant;

and

TO: DEPUTY PUBLIC DEFENDER, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

A.G; C/O CCDA

ALVAREZ, STEPHANY; 2213 Berkley Ave LVN 89101

CETL, DR. SANDRA, Sunrise Hospital; Will testify as a medical expert as to the  
nature, process and limitations of sexual assault examinations in general, and/or as to the  
sexual assault examination, and findings of the victim(s) in the instant case.

COR; LVMPD DISPATCH

CORRAL, MARIA; LVMPD #12133

1 GABRON, FRANCIS; LVMPD #5542

2 MURRAY, THOMAS; LVMPD #13458

3 PARENT/GUARDIAN of G.A

4 PRETTI, MARK; LVMPD #9639

5 THEOBALD, RONALD; LVMPD #6468

6 These witnesses are in addition to those witnesses endorsed on the Information or  
7 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
8 Witnesses has been filed.

9 The substance of each expert witness' testimony and copy of all reports made by or at  
10 the direction of the expert witness has been provided in discovery.

11 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

15  
16 BY /s/ JENNIFER CLEMONS  
17 JENNIFER CLEMONS  
18 Chief Deputy District Attorney  
Nevada Bar #10081

19 CERTIFICATE OF FACSIMILE TRANSMISSION

20 I hereby certify that service of the above was made this 31st day of August, 2016, by  
21 facsimile transmission to:

22 Public Defender's Office  
FAX #366-9370

23 By: /s/ J. MOTL  
24 Employee of the District Attorney's Office

**Sandra Cetl, MD, FAAP**

Sunrise Children's Hospital  
Pediatric Administration  
3186 Maryland Parkway  
Las Vegas, Nevada 89109  
702-784-1933

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**Education:**

University of Nevada, School of Medicine  
Las Vegas, Nevada  
Residency in Pediatrics  
July 2007 – June 2010

University of Vermont, College of Medicine  
Burlington, Vermont  
M.D.  
August 2002 – May 2007

University of California, Los Angeles  
Los Angeles, California  
B.S. in Neuroscience, cum laude  
September 1997 – May 2001

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**Current Attending Responsibilities: September 2010 to current**

- Sunrise Children's Hospital Child Abuse Pediatrician
  - Medical evaluations of patients with suspected physical abuse, sexual abuse and/ or neglect. Patients are seen in the ER setting as well as on the pediatric ward and PICU.
- Sunrise Children's Hospital SCAN call
  - Sole M.D. provider taking night call for suspected child sexual abuse medical evaluations in the ER. (2010 – 2012)
- Sunrise Children's Hospital ER
  - Average 2-5 shifts per month in the pediatric ER, managing and treating patient triage levels 2-5.
- South Nevada Children's Assessment Center
  - Sole M.D. provider of medical evaluations of patients with concerns of child sexual abuse.
- Assistant Clinical Professor at the University of Nevada, School of Medicine (October 2012 – present)

### **Additional Work Experience:**

#### **Juvenile Diabetes Camp Physician August 2010**

**Job Title:** Physician

**Primary Responsibilities:** Observation and management of insulin use during the 3 day camp. Children were aged 12- 17.

#### **Planned Parenthood, Los Angeles August 2001 – May 2002**

**Job Title:** Senior Program Manager

**Primary Responsibilities:** I was in charge of the all volunteers, teachers and coordinators. Duties ranged from the management of staff to reviewing and editing the curriculum as well as ensuring the program's educators were properly trained and prepared for the situations they would encounter.

#### **Planned Parenthood, Los Angeles August 2000 – August 2001**

**Job Title:** Reproductive Health Educator

**Primary Responsibilities:** I was responsible for educating inner city teens and young adults on topics including reproductive health, sexually transmitted diseases, the use of contraceptives and the possible social, economic and health consequences of various sexual choices.

#### **University of California, Los Angeles 1997 – 2001**

**Title:** Research Associate

**Responsibilities:** rodent husbandry, surgery, data collection, perfusions, histology and result analysis over the course of four consecutive years; the data from my efforts resulted in two publications in the Journal of Neuroscience.

Laura H. Corbit, Janice L. Muir, and Bernard W. Balleine. *The Role of the Nucleus Accumbens in Instrumental Conditioning: Evidence of a Functional Dissociation between Accumbens Core and Shell*. J. Neurosci., May 2001; 21: 3251 - 3260.

Laura H. Corbit and Bernard W. Balleine. *The Role of the Hippocampus in Instrumental Conditioning*. J. Neurosci., Jun 2000; 20: 4233 - 4239.

I was awarded 1<sup>st</sup> place in the annual UCLA Neuroscience Poster Session with a presentation titled *The Effects of Lesions in the Nucleus Accumbens on Instrumental Conditioning*. Additionally, I was responsible for teaching presentations for undergraduate and graduate students regarding both the research completed and other topics in neuroscience.

#### **Private Math and Science Tutor 1999 – 2003**

I conducted weekly sessions for several junior high and high school students in subjects ranging from Algebra to Calculus and Life Sciences to Physics.

**Care Extenders at UCLA – Santa Monica Hospital 1997 – 1999**

I transported patients and aided in the care of patients in obstetrics, medical-surgical wards, and the emergency department.

**Rockwell Aerospace and Defense and The California Museum of Science and Industry - Summer 1996**

I was the primary instructor for an inner city program to promote the benefits of mathematics and science to fourth and fifth grade disadvantaged children.

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**Licensure and Certification:**

Fellow of the American Academy of Pediatrics 2012 – present

Assistant Clinical Professor at the University of Nevada, School of Medicine

Oct.2012 - present

Board Certified in Specialty of Pediatrics by the American Board of Pediatrics  
current to 2018

PALS Current to May 2017

BLS Current to May 2017

Nevada State Board of Medical Examiners Current to June 2017

Nevada State Board of Pharmacy current to 2017

Drug Enforcement Agency License current to 2017

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**Current Outreach and Committees:**

Clark County Child Fatality Review, Chair

January 2013 – January 2014

Nevada Alliance for Drug Endangered Children, Member

2012 – present

Clark County Child Fatality Review, Vice Chair

June 2011 – December 2012

Clark County Child Fatality Review Team, Member and Core Voting Member

September 2010 – current

Clark County Child Fatality Task Force, Member

October 2010 – current

CARES Committee (Child Abuse Case Review and Education Service)

September 2010 – current

- Facilitator of a multidisciplinary team where cases are presented by medical staff, CPS, Law Enforcement and District Attorneys when there are concerns of child physical abuse

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**Children's Assessment Center Case Review Team**

September 2010 – present

- Member of a multidisciplinary team where cases are presented by medical staff, CPS, Law Enforcement, and District Attorneys where there are concerns of child sexual or physical abuse at the Southern Nevada Children's Assessment Center

**Prevent Child Abuse Nevada, Member**

2012 – 2014

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**Research Participation:**

Currently approved for IRB participation in for a Multi-Center Prospective Research Project. Topic: the yield of medical screening of pediatric contacts- siblings and other children- in the home of an abused child. Finishing mid- 2013.

Currently approved for IRB participation in a second Multi-Center Prospective Research Project. Topic: Risk perception of physically abused children and how to use a child's social history when evaluating injuries that may be due to physical abuse. Currently concluded.

**Presentations:**

**June 2016: Sexually Transmitted Infections and Myths of Female Anatomy**

- "First Wednesday" Luncheon presenter discussing sexually transmitted infections and myths surrounding sexual abuse in the pediatric population.

**May 2016: Child Maltreatment Overview**

- Power point presentation for Henderson Police Department, consisting of detectives, sergeants, and lieutenant. Discussion of cutaneous findings of abuse, abusive head trauma, abdominal trauma, mimics, sexual abuse and genital examinations. (approximately 7 hour lecture)

**May 2016: Drug Exposed Babies**

- Power point presentation given to foster parents and foster program staff via DFS, both live and through webinar about normal embryology, how specific legal, illicit and prescription drugs effect in utero development of a fetus, and the life long consequence of drug exposures.

**April 2016: Child Sexual Abuse**

- Power point presentation given to foster parents and foster program staff via DFS about child sexual abuse including signs and symptoms, examination, risk factors and forensic findings.

**February 2016: Antipsychotic Use and Misuse**



- Power point presentation on use and misuse of antipsychotic medications for an audience of drug counselors, rehab workers, social workers and nurses. The talk provided a 7 hour daylong conference going into the subject in detail.

#### **August 2015: Failure to Thrive and Pediatric Nutrition**

- Power point presentation given to foster parents and foster program staff via DFS on consequences, findings, evaluation and management of failure to thrive. Additionally, discussion on proper nutrition.

#### **May 2015: Drug Exposed Babies**

- Power point presentation given to foster parents and foster program staff via DFS, both live and through webinar about normal embryology, how specific legal, illicit and prescription drugs effect in utero development of a fetus, and the life long consequence of drug exposures.

#### **April 2015: Failure to Thrive and Pediatric Nutrition**

- Power point presentation given to foster parents and foster program staff via DFS on consequences, findings, evaluation and management of failure to thrive. Additionally, discussion on proper nutrition.

#### **March 2015: Commercial Sexual Exploitation of Children, Medical Management**

- Power Point presentation for the NAPNAP: National Association of Pediatric Nurse Practitioners Conference. Discussion included medical signs and symptoms of CSEC, evaluation, pitfalls and concerns, and medical management.

#### **December 2014: Antipsychotic Use and Misuse**

- Power point presentation on use and misuse of antipsychotic medications for an audience of drug counselors, rehab workers, social workers and nurses. The talk provided a 7 hour daylong conference going into the subject in detail.

#### **August, September, and December 2014: Drug Endangered Children**

- Power point co presented through the Attorney General's program on Drug Endangered Children. The presentation was given in Las Vegas, Reno, and rural Nevada, in addition to a shortened webinar on the same subject. The purpose of the activity is to educate physicians & other healthcare practitioners on the identification and treatment of the drug endangered child. Assess needs of the newborn infant that is drug exposed, apply best practices for immediate identification and management of drug exposed children, and describe types of child abuse and the role drug use and exposure plays

#### **June 2014: Technology and Ethical Considerations in Forensic Photodocumentation**

- Power point co presented at the annual American Professional Society on the Abuse of Children (APSAC) in the 2014 national conference in New Orleans, LA. Audience of approximately 50 clinicians, law enforcement, and attorneys focused on technology of photodocumentation and review of storage of material.

Discussed ethical consideration of technology use, misuse, storage, alternate light sources, and global filters.

**April 2014: Child Sexual Abuse**

- Power point presentation given to foster parents and foster program staff via DFS about child sexual abuse including signs and symptoms, examination, risk factors and forensic findings.

**March 2014: Overdose and Accidental Poisonings**

- Power point presentation given to foster parents and foster program staff via DFS about accidental deaths of children and adolescents from accidental overdose or poison ingestion.

**January 2014: Cutaneous Injuries and Physical child abuse**

- Power point presentation for CPS and DFS workers and investigators, and students of forensic investigators of CSI law enforcement on the external findings of child physical abuse. Discussion of mimics of abuse and accidental injuries.

**December 2013: Female Genital Evaluation**

- Power point presentation for residents and attendings of UNSOM Emergency Medicine Residency Program about the female genital exam, pathology, and child sexual abuse.

**December 2013: Abusive Head Trauma and Fractures in Child Abuse**

- Power point presentation for residents and attendings of UNSOM Emergency Medicine Residency Program about findings with abusive head trauma, fractures and abdominal trauma, including mimics of abuse and proper complete evaluation in the ED setting.

**December 2013: Drug Exposed Babies**

- Power point presentation given to foster parents and foster program staff via DFS, both live and through webinar about normal embryology, how specific legal, illicit and prescription drugs effect in utero development of a fetus, and the life long consequence of drug exposures.

**November 2013: Female Genital Evaluation**

- Power point presentation for medical students and residents of UNSOM. Discussion about genital exam, normal anatomy, findings, pathology, and sexual abuse.

**October 2013: Child Maltreatment Overview**

- Power point presentation for Positively Kids Clinic staff, consisting of physicians, nurses, and nursing assistants. Discussion of cutaneous findings of abuse, abusive head trauma, abdominal trauma, mimics, sexual abuse and genital examinations.

**August 2013: Cutaneous Finding in Child Physical Abuse, Bruises**

- Power point presentation to University of Nevada, School of Medicine Emergency Department residents for grand rounds. Discussed skin findings associated with child physical abuse and accidental injury.

**April 2013 Visual Diagnosis**

- Power point presentation regarding a visual diagnosis of a patient at the Ray E. Helfer Society Annual Meeting, which is attended by Pediatricians and Child Abuse Pediatricians practicing nationally and internationally.

**March 2013: Grand Rounds “The Long Term Effects of Child Abuse”**

- One hour power point presentation for Grand Rounds at the University of Nevada, School of Medicine. Discussion on Adverse Childhood Events and the studies stemming from the CDC data collection in response to adverse childhood events in the community through the life time.

**March 2013: Sexual Abuse Nurse Examiner**

- Guest speaker at the SANE class at Sunrise Children’s Hospital on mandated reporting and description of the Southern Nevada Children’s Assessment Center.

**February 2013: Child Physical Abuse**

- Two hour power point presentation to Pediatric Residents at the UNSOM residency program about all medical aspects of evaluating and recognizing physical child abuse.

**September 2012: Sexual Child Abuse**

- Two 3 hour power point presentations on child sexual abuse examinations and Sexual Assault Nurse Examiner (SANE) program given to pediatric emergency department nurses at Sunrise Children’s Hospital.

**April 2012: Overdose and Accidental Poisoning Deaths**

- Power point presentation given to members of the Southern Nevada Child Fatality Review Team about accidental deaths of children and adolescents from accidental overdose or poison ingestion.

**January 2012: Sex Trafficking Among Adolescents**

- Modified Power point presentation on sex trafficking among adolescent males and females in the U.S. as well as locally in Las Vegas, NV. Presentation given to hospital clergy members in Clark County, NV at Sunrise Children’s Hospital.

**June 2011: Child Abuse Signs and Symptoms**

- Power point presentation given to University of Nevada School of Medicine medical students transitioning from classroom learning to clinical practice.

**May 2011: Sexually Transmitted Infections and Testing in Child Sexual Abuse**

- Power point presentation given at Sunrise Children's Hospital for ER nurses training to become pediatric sexual abuse nurse examiners

#### **March 2011: Adolescent Drug Overdose**

- Regional conference in Las Vegas and Reno, Nevada on accidental overdose in the adolescent population
- Two 7 hour trainings on aspects of adolescent drug use and overdose

#### **February 2011: Child Physical Abuse**

- Power point presentation on skin manifestations of child physical abuse
- Attendees included hospital social workers and case managers

#### **October 2010: Child Abuse and Neglect Prevention Conference**

- Regional for South Western United States
- Provided a conference session on Adolescent Accidental Overdose
- Attendees included teachers, school nurses, social workers, attorneys, and psychology care workers

#### **October 2010 Sexually Transmitted Infections in Child Sexual Abuse**

- Power point presentation at the Southern Nevada Children's Assessment Center on sexually transmitted infections in sexually abused children.
- Attendees included law enforcement, CPS and DFS workers and staff

#### **January 2010 University Medical Center Ward Teaching Senior**

- Morning Report for residents and faculty including subjects such as burn management and seizure evaluation
- Morbidity and Mortality power point presentation for residents and faculty about evaluation and management of extravasation injuries
- Resident Lecture Power Points on variety of topics including Newborn screening, Non Accidental Trauma, Pediatric Brain Tumors, and Apparent Life Threatening Events

#### **December 2010 Lied Clinic, Senior Resident**

- Morbidity and Mortality power point presentation on consequences of RSV mismanagement

#### **October 2009 University Medical Center NICU**

- Power point presentation for residents and faculty in Glucose Metabolism of Neonates

#### **September 2009 Endocrinology**

- Power point presentation for residents and faculty on Short Stature

#### **August 2009 Adolescent Medicine**

- Noon Conference power point for residents and faculty on Chronic Pain Management

#### **July 2009 Sunrise Hospital Ward Teaching Senior**

- Morning Report presentations for residents and faculty on subjects including Abdominal Pain, Peritonsillar abscesses, and Kawasaki's Disease
- Resident Lecture Power Points on a variety of topics including Diabetes Management, Neonatal Fever, and Substance Overdose

#### **January 2009 CPS, DFS, Child Haven Staff**

- Presentation to staff on Medical Neglect and Newborn Screening

#### **January 2009 Noon Conference**

- Journal Club on Office Based Treatment and Outcomes for Febrile Infants With Clinically Diagnosed Bronchiolitis

#### **August 2007 Noon Conference**

- Journal Club on the Early Intervention and Outcome of Children with Failure to Thrive

#### **Memberships:**

- American Professional Society on the Abuse of Children – May 2014 - current
- American Academy of Pediatrics Member 2007-2010, 2012 – current
- American Academy of Pediatrics Section on Child Abuse and Neglect (SOCAN) 2012 – current
- Helfer Society Member June 2011- current
- ACGME Resident Forum Representative, 2008 – 2010
- Created curriculum for Child Development resident rotation, August 2007

#### **Professional Development:**

- AAP Conference Nevada Chapter (Las Vegas, NV) August 2009
- Clark County School District Nursing Conference on many aspects of school nursing, including Child Maltreatment, August 2009
- Clark County School District Nursing Conference on various Genetic Disorders and Behavior Disorders, November 2009
- SANE P Training, June 2010
- International Association of Coroners and Medical Examiners Conference, June 2010
- Western States Child Sexual Abuse Conference (Las Vegas, NV) September 2010
- Shaken Baby Conference (Atlanta, GA) September 2010
- Child Abuse and Neglect Prevent Conference (Reno, NV) October 2010
- San Diego International Conference on Child and Family Maltreatment, January, 2011

- Ray E. Helfer Society Annual Meeting; (Amelia Island, FL) April 2011
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) June, 2011
- San Diego International Conference on Child and Family Maltreatment, January, 2012
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) June, 2012
- Basic High School Lecture Series about Sex Trafficking, Henderson, Nevada October, 2012
- Valley High School Lecture Series about Sex Trafficking, Las Vegas, Nevada October 2012
- San Diego International Conference on Child and Family Maltreatment, January, 2013
- Ray E. Helfer Society Annual Meeting (Sonoma, CA) April 2013
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) June, 2013
- American Professional Society on the Abuse of Children Conference (New Orleans, LA) June 2014
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) July, 2014
- San Diego International Conference on Child and Family Maltreatment, January, 2015
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) July, 2015

**Languages:**

- Fluent in Serbo-Croatian
- Conversant in Medical Spanish

①

me  
DA  
PP  
PD

DISTRICT COURT  
CLARK COUNTY, NEVADA

C 3/6382-1

STATE OF NEVADA

) Case No.: 16FO6076X

Plaintiff,

) Dept. No.: X XII

Electronically Filed

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vs.

) Docket No.: \_\_\_\_\_

ARMANDO-VARQUEZ-REYES

*Adam D. Quinn*

Defendant

) HEARING: 2/7/17

CLERK OF THE COURT

) TIME: 8:30 AM

7030886

Motion to Dismiss Counsel and  
Appointment of Alternate Counsel  
Comes now, the defendant, ARMANDO VARQUEZ REYES  
and moves this Honorable Court to dismiss Counsel: MIKE  
FELICIANO and appoint other counsel to represent this defen-  
dant. This motion is based upon all papers, pleadings documents  
and/or should be on file. Factual statements set forth in the  
Points and Authorities contained therein.

POINTS AND AUTHORITIES

It is respectfully requested of this court to grant this  
motion to Dismiss Counsel for the reasons listed below:  
1) Lack of communication and/or visits with said defendant  
at the Clark County Detention Center.  
2) Not providing exculpatory or inculpatory evidence/discovery  
to said defendant.

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### ARGUMENTS.

- COUNSEL HAS NOT RETURNED ANY OF DEFENDANT'S PHO  
NE CALLS OR LETTERS.

- COUNSEL MISSED APPOINTMENTS.

- COUNSEL CONTINUES TO IGNORE IMPORTANT EVIDENCE

- VIOLATION OF DEFENDANT'S DUE PROCESE RIGHTS. DEFENDANT:

ARMANDO VAZQUEZ REYES ASSERTS HE IS BEING

DENIED HIS RIGHT TO EFFECTIVE REPRESENTATION DUE TO;

WHOLLY INADEQUATE ACTION, WHICH COMPORT TO NOTHING

MORE THAN A VIOLATION OF DEFENDANT'S DUE PROCESS

RIGHTS.

- THERE WAS A SIGNIFICANT BREAK DOWN IN THE RELATIONSHIP

BETWEEN DEFENDANT AND HIS APPOINTED, COUNSEL, BASED ON

DEFENDANT'S CONTINUAL REPRESENTATIONS TO THE DISTRICT

COURT.

YOUR HONOR: THE NEVADA REVISED STATUTES NRS 174.233

AND N.R.S 174.295 PERMIT THE DEFENDANT TO INSPECT AND

REVIEW, TO COPY OR PHOTOGRAPH, ANY SCIENTIFIC TEST RE-

SULTS SCIENTIFIC EXPERIMENTS MADE IN CONNECTION WITH

THE PARTICULAR CASE, LABORATORY, RESULTS AND, ANY INVES-

TIGATIONS OR RECORD, WITHIN THE POSSESSION, CUSTODY OR

CONTROL OF THE STATE, WRITTEN OR RECORDED STATEMENTS

THE PROSECUTION AND FOR DISTRICT ATTORNEYS HAVE-

THIS IS ALL MY RIGHT.



③

Your Honor: Article 1, Section 8 of the Nevada Constitution also guarantees every defendant a "Right to Due Process"

Your Honor: My lawyer ignored my petition to obtain exculpatory and all other evidence in my case for my defense. It's a violation of due process for the prosecution to withhold exculpatory evidence and his motive for doing so is immaterial... (the prosecutors represent the state. And have a duty to see that justice is done in criminal prosecution).

Timeliness vs. State 112 Nev. 610, 613 (1996). My defense lawyer ignored me and my rights that he is required to provide defendant with inculpatory and exculpatory evidence pursuant to N.R.s 174, 233. Failure by the state to provide discovery for inspection and review is a violation of due process under the US. Constitution and the Nevada Constitution.

Any thing short of abdication would further a manifest of injustice. The "effectiveness (assistance) of counsel" is an individual's most fundamental right, for without it, every other right defendant has to assert become affected.

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(4)

DATED THIS 23 day of DICIEMBRE, 2016.

I, ARMANDO VAZQUEZ REYES, do

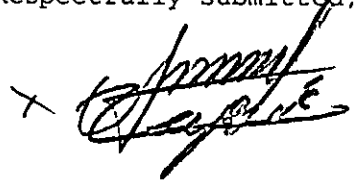
solemnly swear, under the penalty of perjury, that

the above MOTION TO DISMISS COUNSEL is accurate,

correct, and true to the best of my knowledge.

NRS 171.102 and NRS 208.165.

Respectfully submitted,



Defendant

Alejandro Vazquez Reyes #7030886-1-F-33  
330 A. Caine Center Blvd.  
Las Vegas NV 89101

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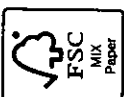
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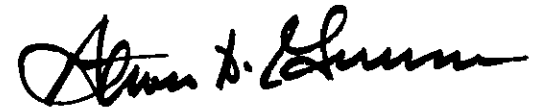
Clerk of the Court  
Regional Justice Center  
200 Lewis Ave., 3rd. Floor  
Las Vegas NV 89101  
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THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



SENT FROM CCDC



CLERK OF THE COURT

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

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

THE STATE OF NEVADA,

Plaintiff,

-VS-

**ARMANDO VASQUEZ-REYES,**  
**#7030886**

Defendant.

CASE NO: **C-16-316382-1**

DEPT NO: **XII**

**NOTICE OF WITNESSES AND/OR EXPERT WITNESSES**  
**[NRS 174.234]**

**TO: ARMANDO VASQUEZ-REYES, Defendant; and**

**TO: MIKE FELICIANO, DPD, Counsel of Record:**

**YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE OF NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

CETL, DR SANDRA; SNCAC/SUNRISE HOSPITAL; Will testify as an expert as to the nature, process and limitations of sexual assault examinations, and/or as to the sexual assault examination(s) conducted in the instant case.

COR or Designee; CCDC

COR or Designee; LVMPD COMMUNICATIONS

COR or Designee; LVMPD RECORDS

COR or Designee; SUNRISE HOSPITAL

1 CORRAL, MARIA; LVMPD#12133; Will testify as an expert in Spanish/English  
2 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

3 G.A.; c/o CCDA-SVU/VWAC

4 GABRON; LVMPD#05542

5 LEON, RUTH; CCDA-SVU INVESTIGATIONS

6 MURRAY; LVMPD#13458

7 PARENT/GUARDIAN of G.A.; c/o CCDA-SVU/VWAC

8 PRETTI; LVMPD#09639

9 R.C.; c/o CCDA-SVU/VWAC

10 RETA, MYRA; CCDA VWAC; Will testify as to Will testify as an expert in  
11 Spanish/English translation and/or as to the Spanish/English translation(s) conducted in the  
12 instant case.

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

14 SUTTON, CLAUDIA; LVMPD#07863; Will testify as an expert in Spanish/English  
15 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

16 THEOBALD; LVMPD#06468

17 These witnesses are in addition to those witnesses endorsed on the Information or  
18 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
19 Witnesses has been filed.

20 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

23  
24 BY /s/ JAMES R. SWEETIN  
JAMES R. SWEETIN  
25 Chief Deputy District Attorney  
Nevada Bar #005144  
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**CERTIFICATE OF SERVICE**

I hereby certify that service of the above and foregoing was made this 4th day of MAY  
2017, to:

MIKE FELICIANO, DPD  
harrolah@ClarkCountyNV.gov

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

hjc/SVU

**Sandra Cetl, M.D.**  
Sunrise Children's Hospital  
3186 Maryland Parkway  
Las Vegas, Nevada 89109  
702-378-3931

---

**Education:**

University of Nevada, School of Medicine  
Las Vegas, Nevada  
Residency in Pediatrics  
July 2007 – June 2010

University of Vermont, College of Medicine  
Burlington, Vermont  
M.D.  
August 2002 – May 2007

University of California, Los Angeles  
Los Angeles, California  
B.S. in Neuroscience, cum laude  
September 1997 – May 2001

---

**Current Attending Responsibilities: September 2010 to current**

- Sunrise Children's Hospital Child Abuse Pediatrician
  - Medical evaluations of patients with suspected physical abuse, sexual abuse and/ or neglect. Patients are seen in the ER setting as well as on the pediatric ward and PICU.
- Sunrise Children's Hospital SCAN call
  - Sole M.D. provider taking night call for suspected child sexual abuse medical evaluations in the ER.
- Sunrise Children's Hospital ER
  - 2-5 shifts per month in the pediatric ER, managing and treating patients levels 2-5.
- South Nevada Children's Assessment Center
  - Medical evaluations of patients with concerns of child sexual abuse.

## **Additional Work Experience:**

### **Juvenile Diabetes Camp Physician August 2010**

**Job Title:** Physician

**Primary Responsibilities:** Observation and management of insulin use during the 3 day camp. Children were aged 12- 17.

### **Planned Parenthood, Los Angeles August 2001 – May 2002**

**Job Title:** Senior Program Manager

**Primary Responsibilities:** I was in charge of the all volunteers, teachers and coordinators. Duties ranged from the management of staff to reviewing and editing the curriculum as well as ensuring the program's educators were properly trained and prepared for the situations they would encounter.

### **Planned Parenthood, Los Angeles August 2000 – August 2001**

**Job Title:** Reproductive Health Educator

**Primary Responsibilities:** I was responsible for educating inner city teens and young adults on topics including reproductive health, sexually transmitted diseases, the use contraceptives and the possible social, economic and health consequences of various sexual choices.

### **University of California, Los Angeles 1997 – 2001**

**Title:** Research Associate

**Responsibilities:** rodent husbandry, surgery, data collection, perfusions, histology and result analysis over the course of four consecutive years; the data from my efforts resulted in two publications in the Journal of Neuroscience.

Laura H. Corbit, Janice L. Muir, and Bernard W. Balleine. *The Role of the Nucleus Accumbens in Instrumental Conditioning: Evidence of a Functional Dissociation between Accumbens Core and Shell*. J. Neurosci., May 2001; 21: 3251 - 3260.

Laura H. Corbit and Bernard W. Balleine. *The Role of the Hippocampus in Instrumental Conditioning*. J. Neurosci., Jun 2000; 20: 4233 - 4239.

I was awarded 1<sup>st</sup> place in the annual UCLA Neuroscience Poster Session with a presentation titled *The Effects of Lesions in the Nucleus Accumbens on Instrumental Conditioning*. Additionally, I was responsible teaching presentations for undergraduate and graduate students regarding both the research completed and other topics in neuroscience.

### **Private Math and Science Tutor 1999 – 2003**

I conducted weekly sessions for several junior high and high school students in subjects ranging from Algebra to Calculus and Life Sciences to Physics.



**Care Extenders at UCLA – Santa Monica Hospital 1997 – 1999**

I transported patients and aided in the care of patients in obstetrics, medical-surgical wards, and the emergency department.

**Rockwell Aerospace and Defense and The California Museum of Science and Industry - Summer 1996**

I was the primary instructor for an inner city program to promote the benefits of mathematics and science to fourth and fifth grade disadvantaged children.

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**Licensure and Certification:**

PALS Current to May 2013

ACLS Current to May 2013

Nevada State Board of Medical Examiners Current to June 2013

Nevada State Board of Pharmacy current to 2013

Drug Enforcement Agency License current to 2013

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**Current Outreach and Committees:**

CARES Committee (Child Abuse Case Review and Education Service) September 2010 – current

- Member of a multidisciplinary team where cases are presented by medical staff, CPS, Law Enforcement and District Attorneys when there are concerns of child physical abuse

Children's Assessment Center Case Review Team September 2010 – present

- Member of a multidisciplinary team where cases are presented by medical staff, CPS, Law Enforcement, and District Attorneys where there are concerns of child sexual or physical abuse at the Southern Nevada Children's Assessment Center

Clark County Child Fatality Review Team Member and Core Voting Member September 2010 – current

Clark County Child Fatality Task Force Member October 2010 – current

Clark County Child Fatality Review Team Vice Chair July 2011 - current

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**Current Research Participation:**

Currently approved for IRB participation in for a Multi-Center Prospective Research Project. Topic: the yield of medical screening of pediatric contacts- siblings and other children- in the home of an abused child.

Currently approved for IRB participation in a second Multi-Center Prospective Research Project. Topic: Risk perception of physically abused children and how to use a child's social history when evaluating injuries that may be due to physical abuse.

**Presentations:****October 2011: Sexual Assault in the Adolescent Population**

- Power point presentation given at University of Nevada School of Medicine to Internal Medicine residents

**May 2011: Sexually Transmitted Infections and Testing in Child Sexual Abuse**

- Power point presentation given at Sunrise Children's Hospital for ER nurses training to become pediatric sexual abuse nurse examiners

**March 2011: Adolescent Drug Overdose**

- Regional conference in Las Vegas and Reno, Nevada on accidental overdose in the adolescent population
- Two 7 hour trainings on aspects of adolescent drug use and overdose

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- Power point presentation on skin manifestations of child physical abuse
- Attendees included hospital social workers and case managers

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- Power point presentation for residents and faculty in Glucose Metabolism of Neonates

**September 2009 Endocrinology**

- Power point presentation for residents and faculty on Short Stature

**August 2009 Adolescent Medicine**

- Noon Conference power point for residents and faculty on Chronic Pain Management

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- Morning Report presentations for residents and faculty on subjects including Abdominal Pain, Peritonsillar abscesses, and Kawasaki's Disease
- Resident Lecture Power Points on a variety of topics including Diabetes Management, Neonatal Fever, and Substance Overdose

**January 2009 CPS, DFS, Child Haven Staff**

- Presentation to staff on Medical Neglect and Newborn Screening

**January 2009 Noon Conference**

- Journal Club on Office Based Treatment and Outcomes for Febrile Infants With Clinically Diagnosed Bronchiolitis

**August 2007 Noon Conference**

- Journal Club on the Early Intervention and Outcome of Children with Failure to Thrive

**Memberships:**

- Helper Society Member June 2011- current
- Created curriculum for Child Development resident rotation, August 2007
- ACGME Resident Forum Representative, 2008 – 2010

**Professional Development:**

- AAP Conference Nevada Chapter (Las Vegas, NV) August 2009
- Clark County School District Nursing Conference on many aspects of school nursing, including Child Maltreatment, August 2009
- Clark County School District Nursing Conference on various Genetic Disorders and Behavior Disorders, November 2009
- SANE P Training, June 2010
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- Shaken Baby Conference (Atlanta, GA) September 2010
- Child Abuse and Neglect Prevent Conference (Reno, NV) October 2010
- San Diego International Conference on Child and Family Maltreatment, January, 2011
- Ray E. Helfer Society Annual Meeting; (Amelia Island, FL) April 2011
- International Association of Coroners and Medical Examiners Conference (Las Vegas, NV) June 2011

**Languages:**

- Fluent in Serbo-Croatian
- Conversant in Medical Spanish

## **CLAUDIA SUTTON**

**Las Vegas Nevada**

### **Professional Experience**

July 2014 – Present	Part time Spanish Interpreter for Homicide/Sex Crimes Bureau Las Vegas Metropolitan Police Department
January 2003 – April 2014	Spanish Interpreter for several bureaus Las Vegas Metropolitan Police Department
January 2003 – April 2014	Spanish Proficiency Oral Board Rater for New Employees Las Vegas Metropolitan Police Department
January 2003 – April 2014	Spanish Proficiency Exam Rater for Current Employees Las Vegas Metropolitan Police Department
January 2003- April 2014	Proficiency Spanish Level 1 and 2 Testing Las Vegas Metropolitan Police Department
January 1983 – February 1990	CEO Administrative Assistant – English Interpreter Frigorifico Paladini – Villa Diego, Argentina

### **Education**

July 1997	Associate Degree in Legal Assisting Sinclair Community College - Dayton, Ohio
March 1980	Two years at Instituto del Traductorado Rosario , Argentina
December 1978	High School Graduation in Rosario, Argentina

### **Note**

I was born and raised in Rosario, Argentina. Spanish is my first language, therefore I speak and write Spanish fluently.

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Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

1 **ROC**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JAMES R. SWEETIN  
6 Chief Deputy District Attorney  
7 Nevada Bar #005144  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

10 THE STATE OF NEVADA,  
11 Plaintiff,

12 -vs-

13 **ARMANDO VASQUEZ-REYES,**  
14 **#7030886**

15 Defendant.

CASE NO: **C-16-316382-1**

DEPT NO: **XII**

16  
17 **RECEIPT OF COPY**

18 RECEIPT OF COPY of the foregoing SUNRISE HOSPITAL MEDICAL RECORDS  
19 and SNCAC RECORDS regarding G.A. are hereby acknowledged this 19 day of  
20 MAY, 2017.

21 MIKE FELICIANO  
22 ATTORNEY FOR DEFENDANT

23 BY

*Kevin Paurson*  
harrolah@ClarkCountyNV.gov

24  
25  
26  
27  
28 hje/SVU

*Steven D. Grierson*

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

Armando Vazquez-Reyes

Defendant

7030886

) Case No.: C-316382-1

) Dept. No.: XII

) Docket No.: \_\_\_\_\_

9-7-17 at 8:30 AM

MOTION TO DISMISS COUNSEL AND  
APPOINTMENT OF ALTERNATE COUNSEL

COMES NOW, the defendant, ARMANDO  
VAZQUEZ-REYES, and moves this honorable court  
to DISMISS COUNSEL, MIKE FELICIANO, and  
appoint other counsel to represent this defendant.

This motion is based upon all papers, plead-  
ings and documents on file. Factual statements  
set forth in the POINTS AND AUTHORITIES  
contained therein.

Dated this 12th day of July 2017.

Armando Vazquez-Reyes

DEFENDANT

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CLERK OF THE COURT

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- POINTS AND AUTHORITIES -

It is respectfully requested of this court to grant this motion to dismiss counsel for the reasons listed below:

I. PROCEDURAL BACKGROUND

Since MIKE FELICIANO was appointed as counsel on or about April 18, 2016, defendant, ARMANDO VAZQUEZ-REYES, has been prejudiced and suffered manifest injustice based on counsel's failure to:

- 1.) communicate and/or visit with said defendant at the Clark County Detention Center;
- 2.) provide exculpatory or inculpatory evidence/discovery to said defendant;
- 3.) investigate, as to client's oral/written requests, any defense that may help to eliminate charges and/or mitigate inculpatory evidence.

II. ARGUMENT

DEFENDANT, ARMANDO VAZQUEZ-REYES, asserts he is being denied his right to effective representation due to wholly inadequate actions of his court-appointed counsel. Further, counsel's innate action comport to nothing more than a violation of defendant's due process



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rights.

- Counsel has not responded to defendant's multiple requests for communication, to wit: A.) defendant left phone messages for counsel on the following dates (June 26, 28, 30-2017; July 6, 11-2017); B.) defendant sent letters to counsel (see Exhibit "A" sent on June 26, 2017).

- Counsel has not provided any discovery despite repeated requests from defendant. Counsel has yet to provide any reason for not providing discovery.

- Counsel continues to ignore important evidence.

- In the eleven (11) months since the instant case entered district court, counsel has been remiss in communicating with defendant concerning trial preparations. No phone calls have been made by counsel to defendant, other than the day prior to each court appearance, where counsel said he did not have time to visit with defendant and would have to postpone trial (although no valid reason for not being prepared for trial has been provided). In addition, in the last contact visit between counsel and this defen-

(4)

1 dant, counsel stated he did not know how long it  
2 would take to prepare for trial because "it  
3 depends on what the judge needs". Yet, no court  
4 date has been set to find out what your honor  
5 needs, no motion has been filed to gather/request  
6 this information, nor has any timeframe been  
7 offered by counsel for acquiring this informa-  
8 tion from your honor.

9 - Counsel has consistently not listened to defen-  
10 dant's views, typically telling defendant, "This  
11 case can't be won at trial, and you will serve  
12 life in prison if you do not take this deal,  
13 which is the best deal you will get." These  
14 statements have been made without; investi-  
15 gating defendant's evidence, discussing any  
16 defense strategy, or going through discovery  
17 with defendant.

18  
19 An irreparable conflict now exists between  
20 this defendant and court-appointed counsel. This  
21 conflict, caused by the actions of counsel, has  
22 resulted in this defendant being unable to  
23 trust, accept, or value any advice or recom-  
24 mendations of counsel.

25 The Nevada Revised statutes 179.233 and

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174.295 permit the defendant to inspect and review, or to copy or photograph, any scientific test results and scientific experiments made in connection with the particular case, and laboratory results, and any investigations on record, within the possession, custody or control of the state, written or recorded statements the prosecutors and/or district attorneys have. In addition, article 1, section 8 of the Nevada Constitution also guarantees every defendant a "Right to Due Process".

Counsel ignored defendant's petition to obtain exculpatory and all other evidence in the instant case for the purposes of defense.

Counsel ignored defendant's rights which state counsel is required to provide defendant with inculpatory and exculpatory evidence pursuant to N.R.S. 174.233. Failure by the state to provide discovery for inspection and review is a violation of due process under the U.S. Constitution and Nevada Constitution.

Defendant has an unqualified right to legal assistance that expresses loyalty to said defendant. "The right to counsel is the right [also] to effective assistance of counsel." *Cuyler v.*

(6)

Sullivan 100 S. Ct. 1708 (1980); and Frazier v. U.S. 18 F.3d 778 (9th Cir. 1994). Thus, the adversarial process protected by the sixth amendment requires that the accused have "counsel acting in the role of an advocate." Anders v. California, 87 S. Ct. 1396 & 1480 (1967)

"The deprivation of the right to counsel is so inconsistent with the right to a fair trial that it can never be treated as harmless error. The right to counsel guaranteed by the constitution, however, means more than just the opportunity to be physically accompanied by a person privileged to practice law." Frazier

"An accused is entitled to be assisted by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair. In other words, the assistance to which a defendant is entitled must be 'effective', unhindered either by the state or by counsel's constitutionally deficient performance. This required performance contemplates open communication unencumbered by unnecessary impediments to the exchange of information and advice." Frazier

"A party whose counsel is unable to provide

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effective or adequate assistance is no better than one who has no counsel at all; and any appeal(s) would be futile in its gesture." *Evitts v. Lucey*, 105 S. Ct. 830 (1985); *Douglas v. California*, 83 S. Ct. 814 (1963).

Therefore, defendant contends that although counsel has been appointed in this case, the actions of counsel, or lack thereof, have created unfair prejudice and obstacles which do not comport the fair procedures owed to the defendant.

The plurality opinion in *Evitts* and *Douglas*, *infra*, made it very clear that:

"There is a lacking that equality demanded by the fourteenth amendment, where the 'rich man' enjoys the benefit of the law being righteously practiced; in that, counsels' examination step-by-step (into the record of the case), and research of the law, and a marshaling of the facts/arguments in his behalf is done as should befit an advocate of defense; while the indigent, so burdened by a preliminary determination that his case is without merit, is forced to shift for himself." 105 S. Ct. At 842; 83 S. Ct. At 816-17.

Notwithstanding the strong policy favoring autonomy, "ethical, professional and constitutional principles"

8

1 establish counsel's standards owed to his/her client.  
2 See: American Bar Association (ABA), and Profes-  
3 sional Responsibility Code (CPR).

4 "So, clearly, a conflict of interest now exists  
5 between counsel/client (defendant), as all faith  
6 and trust has been diminished as a result of  
7 counsel's actions or lack thereof, and a 'show-  
8 ing' of conflict of interest requires no show-  
9 ing of prejudice." *Cuyler v. Sullivan*, 100 S.  
10 Ct. At 1717.

11 "The law addresses itself to actualities.  
12 Adjudication is not a mere mechanical process,  
13 nor does it compel any either (or determina-  
14 tion)." *Griffin v. Illinois*, 16 S. Ct. 585 592-  
15 524 (1956).

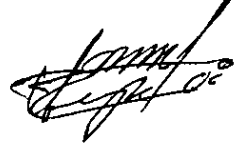
16 Therefore, fundamental fairness requires  
17 the abolition of prejudice which defendant is  
18 presently suffering. This is an actuality that the  
19 law must address. Anything short of abdication  
20 would further a manifest of injustice. The  
21 "effectiveness (in assistance) of counsel" is an  
22 individual's most fundamental right, for with-  
23 out it, every other right defendant has to  
24 assert becomes affected.

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DATED THIS 12th day of July, 2017.  
I, Armando Vazquez-Reyes, do  
solemnly swear, under the penalty of perjury, that  
the above motion to Dismiss Counsel is accurate,  
correct, and true to the best of my knowledge.  
NRS 171.102 and NRS 208.165.

Respectfully submitted,



Defendant

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EXHIBIT "A"

EXHIBIT "A"



Mike Feliciano

(2)

we need to work on my case now to be ready for trial in January. In our meeting in May you said you didn't know how long it would take to prepare for trial because you didn't know what the Judge needs. When are you going to have this information from the Judge? When are you going to contact my witnesses? When are you going to send me all of my discovery?

It has been almost a year since my preliminary hearing and you continue to delay my case with no valid reason. If you are actually going to provide effective assistance of counsel, please contact me by July 12 with full discovery, including a transcript of the preliminary hearing and the answers to my other questions. I will be contacting you again to make sure you receive these requests.

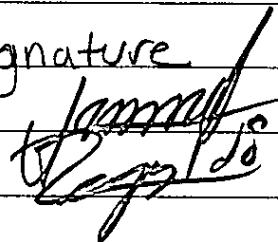
Your Client,

Armando Vazquez Reyes ID 7030886

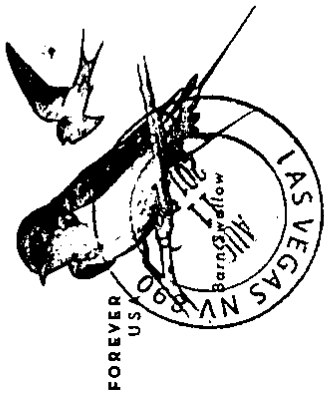
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x Signature

x



Fernando Vazquez Reyes #7030886-1-F-33  
330 L. Casino Center Blvd  
Las Vegas NV 89101



Clark Co of Court

Regional Justice Center

200 Lewis & Clark Blvd  
Las Vegas NV 89101

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SENT FROM CCDC

ORIGINAL

Electronically Filed  
9/21/2017 10:54 AM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

1 **ORDR**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JAMES R. SWEETIN  
6 Chief Deputy District Attorney  
7 Nevada Bar #005144  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

10 THE STATE OF NEVADA,  
11 Plaintiff,

12 -vs-

13 **ARMANDO VASQUEZ-REYES,**  
14 **#7030886**

15 Defendant.

CASE NO: **C-16-316382-1**

DEPT NO: **XII**

16 **ORDER DENYING DEFENDANT'S PRO PER MOTION TO DISMISS**

17 **COUNSEL AND APPOINT ALTERNATE COUNSEL**

18 DATE OF HEARING: **SEPTEMBER 7, 2017**  
19 TIME OF HEARING: **8:30 A.M.**

20 THIS MATTER having come on for hearing before the above entitled Court on the  
21 7TH day of SEPTEMBER, 2017, the Defendant being present, represented by MIEK  
22 FELICIANO, DPD, the Plaintiff being represented by STEVEN B. WOLFSON, District  
23 Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, without argument,  
24 based on the pleadings and good cause appearing therefor,

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**DEPT. 12**

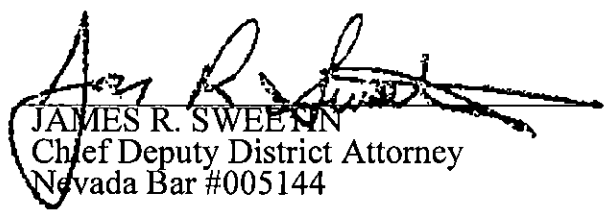
1           **IT IS HEREBY ORDERED** that the DENYING DEFENDANT'S PRO PER  
2 MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL, shall be,  
3 and is, DENIED.

4           DATED this 20 day of September, 2017.

5  
6   
DISTRICT JUDGE  
7

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

9  
10 BY

11   
JAMES R. SWEENEY  
Chief Deputy District Attorney  
Nevada Bar #005144  
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*Steven D. Grierson*

MOT  
PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
MIKE FELICIANO, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 9312  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
feliciam@co.clark.nv.us  
*Attorneys for Defendant*

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

THE STATE OF NEVADA,

Plaintiff,

v.

ARMANDO VASQUEZ-REYES,

Defendant,

CASE NO. C-16-316382-1

DEPT. NO. XII

1-16-18 8:30  
pr

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

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

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

DATED this 5<sup>th</sup> day of January, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano  
MIKE FELICIANO, #9312  
Deputy Public Defender

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MIKE FELICIANO makes the following declaration:

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

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

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

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

EXECUTED this 5<sup>th</sup> day of January, 2018.

/s/Mike Feliciano  
MIKE FELICIANO

# MEMORANDUM OF POINTS AND AUTHORITIES

## ARGUMENT

Prior to trial, prosecutors are required to disclose both inculpatory and exculpatory information within their actual or constructive possession.

### **I. Prosecutors must Disclose *Inculpatory* Evidence**

NRS 174.235 requires prosecutors to disclose evidence “within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known,” including:

- The defendant’s written or recorded statements or confessions,
- Any witness’s written or recorded statements the prosecuting attorney intends to call during the witness during the State’s case in chief,
- Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case,<sup>1</sup> and
- Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the State’s case in chief.

NRS 174.235(1)(a)-(c).

#### A. Prosecutors must disclose all inculpatory evidence, regardless of whether the material is intended for use in the government’s case in chief

Prosecutors may not lawfully withhold inculpatory information from the defense simply because they do not intend to present the information in the government’s case-in-chief. State v. Harrington, 9 Nev. 91, 94 (1873); People v. Carter, 312 P.2d 665, 675 (Cal.1957); People v. Bunyard, 756 P.2d 795, 809 (Cal. 1988). Any holding to the contrary would allow prosecutors to engage in unfair surprise by withholding inculpatory material from the government’s case-in-

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<sup>1</sup> This includes medical data, imaging, films, reports and slides, histological, colposcopic, or otherwise. The right to counsel guaranteed by the Sixth Amendment obligates defense counsel to conduct “an adequate pre-trial investigation into . . . medical evidence.” Gersten v. Senkowski, 426 F.3d 588, 605 (2d Cir. 2005). This duty includes obtaining and reviewing pertinent medical imaging even if the testing reveals no significant findings. Id. at 605, 607-10 (discussing the exculpatory nature of “normal” medical examinations in cases in which a complainant alleges physical harm). Thus, the discovery obligations set forth in NRS 174.235(2) require prosecutors to disclose physical imaging and testing.

1 chief, only to surprise the defense by using it in rebuttal. Thus, prosecutors must disclose all  
2 inculpatory evidence of which they are actually or constructively aware, including material not  
3 necessarily intended for introduction in the prosecution's case-in-chief.

4 B. Fundamental fairness requires that NRS 174.235 be interpreted to encompass all  
5 statements made by a defendant, regardless of whether they are reduced to writing or  
6 recorded

7 While NRS 174.235 obligates prosecutors to disclose a defendant's written or recorded  
8 statements, fundamental fairness requires disclosure of unrecorded statements and statements for  
9 which a defendant can be held vicariously liable.<sup>2</sup> Courts have recognized the fundamental  
10 fairness involved in "granting the accused equal access to his own words, no matter how the  
11 government came by them." U.S. v. Caldwell, 543 F.2d 1333, 1353 (D.D.C. 1974). This  
12 includes allowing an accused access to his unrecorded words, including adoptive or vicarious  
13 admissions. Since these admissions are admissible at trial whether recorded or not, NRS  
14 174.235 must be construed to require pretrial disclosure of any unrecorded statements or  
15 admissions, including those for which the defendant can be held vicariously liable.

## 16 **II. Prosecutors Must Disclose Exculpatory Evidence as Required by the U.S. and Nevada Constitutions**

17 The United States and Nevada Constitutions require prosecutors to disclose all  
18 exculpatory information of which they are actually or constructively aware. U.S. Const. Amend.  
19 V, VI, XIV; Nev. Const. Art. 1, Sect. 8; Brady v. Maryland, 373 U.S. 83 (1963); Kyles v.  
20 Whitley, 514 U.S. 419, (1995). A prosecutor's failure to disclose exculpatory evidence violates  
21 the Due Process Clause. Jimenez v. State, 112 Nev. 610, 618 (1996). A due process violation  
22 occurs when exculpatory evidence is withheld, regardless of the prosecution's motive. Jimenez,  
23 112 Nev. 610.

24 ///

25 ///

26 <sup>2</sup> NRS 51.035(3)(a)-(e) provides that a defendant can be held vicariously liable for  
27 statements made by third parties. See also Fields v. State, 129 Nev. 785 (2009) (finding  
28 evidence of defendant's silence following wife's complaint that she was in jail because of his  
conduct admissible as an adoptive admission).



1       A. Brady Places Broad Disclosure Obligations on Prosecutors, Questions About Which Must  
2       Be Resolved In Favor Of Disclosure

3       Exculpatory evidence is information favorable to the defendant that is material to the  
4       issue of guilt or punishment. U.S. v. Bagley, 473 U.S. 667, 675 (1985). Evidence is material  
5       and favorable to the accused if its non-disclosure undermines confidence in the outcome of the  
6       trial. Kyles, 514 U.S. at 434-35. This evidence must be disclosed even in the absence of a Brady  
7       request.<sup>3</sup> Bagley, 473 U.S. at 680-82.

8       Ultimately, prosecutors are tasked with a “broad duty of disclosure.” Strickler, 527 U.S.  
9       at 281; cf. U.S. v. Agurs, 427 U.S. 97, 108 (1976) (holding that “the prudent prosecutor will  
10      resolve doubtful questions in favor of disclosure”). As the Nevada Supreme Court has  
11      explained:

12             Due process does not require simply the disclosure of “exculpatory” evidence.  
13             Evidence also must be disclosed if it provides grounds for the defense to attack the  
14             reliability, thoroughness, and good faith of the police investigation, to impeach the  
15             credibility of the state’s witnesses, or to bolster the defense case against  
                prosecutorial attacks. Furthermore, “discovery in a criminal case is not limited to  
                investigative leads or reports that are admissible in evidence.” Evidence “need not  
                have been independently admissible to have been material.”

16      Mazzan v. Warden, 116 Nev. 48, 67 (2000) (internal citations omitted). Thus, any question as to  
17      whether certain material, information, or evidence falls within the purview of Brady should be  
18      resolved in favor of disclosure. Agurs, 427 U.S. at 108; see also Kyles, 514 U.S. at 439 (“a  
19      prosecutor anxious about tacking too close to the wind will disclose a favorable piece of  
20      evidence.”).

21      ///

22      ///

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23             <sup>3</sup> However, a specific Brady request changes the standard of review on appeal. When a  
24      defendant makes a specific request, a reversal is warranted when “there exists a reasonable  
25      *possibility* that the claimed evidence would have affected the judgment of the trier of fact.”  
26      Jimenez, 112 Nev. 619; State v. Bennett, 119 Nev. 589 (2003). However, absent a specific  
27      request, reversal is warranted, “if there exists a reasonable *probability* that, had the evidence  
28      been disclosed, the result of the proceeding would have been different.” Bagley, 473 U.S. at  
667, 682, 685; Pennsylvania v. Ritchie, 480 U.S. 39, 57 (1986). A reasonable probability is a  
probability sufficient to undermine confidence in the outcome. Bagley, 473 U.S. at 678, 685;  
Ritchie, 480 U.S. at 57.

### B. Favorable Evidence Includes Impeachment Information

The Due Process Clause of the Fifth and Fourteenth Amendments requires prosecutors to disclose “any information about its witnesses that could cast doubt on their credibility.” U.S. v. Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992). A witness can be attacked by “revealing possible biases, prejudices, or ulterior motives of the witnesses as they may relate directly to issues or personalities in the case at hand. The partiality of a witness is . . . always relevant [to] discrediting the witness and affecting the weight of his testimony.” Davis, 415 U.S. at 316; see also Lobato v. State, 120 Nev. 512 (2004) (discussing the nine basic modes of impeachment). Accordingly, favorable evidence includes impeachment information pertaining to all government witnesses. Giglio v. U.S., 405 U.S. 150, 154 (1972); Youngblood v. West Virginia, 547 U.S. 867 (2006); U.S. v. Bagley, 473 U.S. at 676 (requiring disclosure of all impeachment evidence).

*1. Impeachment information includes cooperation agreements and benefits*

Impeachment information includes all cooperation agreements between a government witness and prosecutors. Giglio v. U.S., 405 U.S. 150, 154 (1972) (requiring disclosure of cooperation agreement between government witness and prosecutors). It also includes benefits provided to a government witness, regardless of whether an explicit deal is outlined. Browning v. State, 120 Nev. 347, 369 (2004). It is the witness's own anticipation of reward, not the intent of the prosecutor, which gives rise to the required disclosure. Moore v. Kemp, 809 F.2d 702, 726, 729-30 (11th Cir. 1987); Duggan v. State, 778 S.W.2d 465, 468 (Tex. Crim. App. 1989) (noting that agreements need not be express or formal arrangements, and recognizing favorable treatment that is merely implied, suggested, insinuated, or inferred to be of possible benefit to a witness constitutes proper material for impeachment).

Notably, benefits are not limited to agreements made in relation to the case in which they are sought. Jimenez, 112 Nev. at 622-23. Benefits include evidence that a witness acted as a paid informant on one or more occasions. State v. Bennett, 119 Nev. 589, 603 (2003). Additionally, benefits include travel and lodging compensation, immigration assistance of any kind, whether actual or anticipatory, as well as counseling, treatment, or other assistance

1 provided to any witness. These benefits are relevant to issues regarding possible bias,  
2 credibility, and motive to lie, all of which constitute impeachment evidence. Davis v. Alaska,  
3 415 U.S. 308 (1974).

4 *2. A witness's criminal history constitutes impeachment information*

5 Impeachment information includes evidence relating to a witness's criminal history.  
6 Briggs v. Raines, 652 F.2d 862, 865-66 (9th Cir. 1981). Under Brady, prosecutors must produce  
7 criminal histories useful to demonstrating a witness's history of, or propensity for, a relevant  
8 character trait. Id. Prosecutors must also produce criminal histories disclosing a witness's bias,  
9 prejudice or motive to lie. Davis, 415 U.S. at 354.

10 A witness's entire criminal record should be disclosed, even if it is more than ten years  
11 old. Moore, 809 F.2d 702. Prosecutors are often under the mistaken impression that they must  
12 disclose only felony convictions within the last ten years that can be utilized for impeachment  
13 under NRS 50.095. However, in Davis, the U.S. Supreme Court found that a witness can be  
14 attacked by "revealing possible biases, prejudices, or ulterior motives . . . . The partiality of a  
15 witness is . . . always relevant [to] discrediting the witness and affecting the weight of his  
16 testimony." 415 U.S. at 354 (internal quotations omitted). The Davis Court found that the  
17 policy interest in protecting offender records must yield to the defendant's right to cross-examine  
18 as to bias. Id. at 356; see also Lobato v. State, 120 Nev. 512 (2004), discussing the "nine basic  
19 modes of impeachment." Therefore, even juvenile records, misdemeanors, and older criminal  
20 records may yield information relevant to many forms of impeachment other than that outlined in  
21 NRS 50.095.

22 Prosecutors must also produce criminal history information maintained by law  
23 enforcement agencies other than the Las Vegas Metropolitan Police Department, such as the  
24 federal government's National Crime Information Center ("NCIC") database.<sup>4</sup> "[K]nowledge

25 <sup>4</sup> Federal law permits disclosure of NCIC information under circumstances such as those  
26 here. 28 C.F.R. Chapter 1 addresses the U.S. Dept. of Justice and Criminal Justice Information  
27 Systems. 28 C.F.R. Sec. 20.33 sets forth the instances in which NCIC information may be  
28 disclosed. It provides for NCIC disclosure "(1) To criminal justice agencies for criminal justice  
purposes . . . ." 28 C.F.R. Sec. 20.3(g) defines criminal justice agencies as *inter alia* courts.  
Additionally, 28 C.F.R. Sec. 20.3 defines the "[a]dministration of criminal justice" to include the

1 [of the NCIC database] may be imputed to the prosecutor, or a duty to search may be imposed, in  
2 cases where a search for readily available background information is routinely performed, such  
3 as routine criminal background checks of witnesses.” Odle v. Calderon, 65 F. Supp. 2d 1065,  
4 1072 (N.D. Cal. 1999), rev’d on other grounds by Odle v. Woodford, 238 F.3d 1084 (9th Cir.  
5 2001). A prosecutor’s lack of knowledge regarding a witness’s criminal history does not relieve  
6 the prosecutorial obligation to obtain and produce that information. Martinez v. Wainwright,  
7 621 F.2d 184, 187-89 (5th Cir. 1980) (defendant entitled to criminal records of state-government  
8 witnesses, including data obtainable from the FBI; prosecutor’s lack of awareness of alleged  
9 victim’s criminal history did not excuse duty to obtain and produce rap sheet).

10 Requiring prosecutors to run background checks on their witnesses is not a novel  
11 proposition. See U.S. v. Perdomo, 929 F.2d 967 (3d Cir. 1991) (adopting 5th Circuit’s rationale  
12 in requiring government to obtain complete criminal history on prosecution witnesses). It is the  
13 prosecutor’s “obligation to make a thorough inquiry of all enforcement agencies that had a  
14 potential connection with the witnesses . . . .” U.S. v. Thornton, 1 F.3d 149 (3d Cir. 1993). If the  
15 witness has no criminal history, the prosecutor is not required to produce the NCIC printout, as it  
16 need not disclose a lack of criminal history. U.S. v. Blood, 435 F.3d 612, 627 (6th Cir. 2006).  
17 Thus, prosecutors must run a thorough background check on every witness they intend to call,  
18 and produce all criminal history information to the defense.

19 *3. Impeachment information includes evidence contradicting a government witness’s*  
20 *statement*

21 Impeachment evidence encompasses prior inconsistent statements and other evidence that  
22 contradicts government witnesses. Accordingly, prosecutors must disclose prior inconsistent  
23 statements by prosecution witnesses. Lay v. State, 116 Nev. 1185, 1199 (2000). Prosecutors  
24 must also disclose other evidence contradicting the testimony of government witnesses. Rudin v.  
25 State, 120 Nev. 121, 139 (2004).

26 “performance of any of the following activities . . . adjudication . . . .” Therefore, the C.F.R.  
27 authorizes prosecutors to access and disclose NCIC data pursuant to Court order as part of a  
28 criminal case adjudication.

1           4. Confidential records must be disclosed if they contain impeachment information

2           Impeachment evidence can derive from privileged or confidential material. When this  
3 occurs, the privileged or confidential nature of the material at issue must yield to a defendant's  
4 constitutionally secured right to confront and cross-examine those who testify against him.  
5 Davis, 415 U.S. at 356 (finding the State's interest in maintaining confidentiality of juvenile  
6 records must yield to defendant's right to cross-examine as to bias); see also U.S. v. Nixon, 418  
7 U.S. 683, 713 (1974) (generalized assertion of privilege must yield to demonstrated, specific  
8 need for evidence in a pending criminal case). Thus, prosecutors must obtain and disclose  
9 privileged and confidential records when the records contain information bearing on witness  
10 credibility.<sup>5</sup>

11           This includes mental health records. U.S. v. Lindstrom, 698 F.2d 1154, 1166-67 (11th  
12 Cir. 1983); U.S. v. Robinson, 583 F.3d 1265, 1271-74 (10th Cir. 2009); Wyman v. State, 125  
13 Nev. 592, 607-08 (2009). It also includes Child Protective Services (or the functional  
14 equivalent) and school records. See Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (defendant  
15 entitled to *in camera* review of Child and Youth Services records<sup>6</sup>); and State v. Cardall, 982  
16 P.3d 79, 86 (Utah 1999) (defendant entitled to complainant's school psychological records  
17 indicating she had propensity to lie and had fabricated prior rape allegations). It further includes  
18 adult and juvenile parole, probation, jail, and prison records. U.S. v. Strifler, 851 F.2d 1197,  
19 1201 (9th Cir. 1988); Carriger v. Stewart, 132 F.3d 463, 479-82 (9th Cir. 1997) (requiring  
20 production of Department of Corrections file on principle government witness); Davis, 415 U.S.  
21 at 356; see also Bennett, 119 Nev. at 603 (2003) (failure to disclose co-conspirator's juvenile  
22 records in penalty hearing amounted to Brady violation). Thus, prosecutors cannot refuse

23  
24 <sup>5</sup> At a minimum, otherwise confidential or privileged material must be submitted to the  
25 Court for an *in camera* review to determine materiality. Pennsylvania v. Ritchie, 480 U.S. 39, 60  
(1987).

26 <sup>6</sup> The Ritchie Court held that the State cannot claim privilege to refuse disclosure of CPS  
27 records, unless there is a statutory scheme that forbids any use, including disclosure to a  
28 prosecutor, of such records. Ritchie, 480 U.S. at 57-58. NRS 432B.290 allows for disclosure of  
such records to the prosecutor and to the court for *in camera* review.

1 disclosure of impeachment information on the basis that the information is privileged or  
2 confidential.

3 *5. Impeachment Information Includes Prior Allegations of Sexual Misconduct and Prior*  
4 *Sexual Knowledge*

5 Under Nevada law, prior false allegations of sexual misconduct amount to an exception  
6 to rape shield laws. Miller v. State 105 Nev. 497 (1989). Accordingly, Nevada law authorizes  
7 disclosure of prior false allegations, including those made by juvenile complainants. NRS  
8 432B.290(3) specifically authorizes child welfare agencies to disclose “the identity of a person  
9 who makes a report or otherwise initiates an investigation . . . if a court, after reviewing the  
10 record *in camera* and determining that there is reason to believe that the person knowingly made  
11 a false report, orders the disclosure.” Similarly, the Ninth Circuit recognizes it is error to  
12 exclude evidence of minor’s prior false sexual assault allegations as this evidence “might  
13 reasonably have influenced the jury’s assessment of [the complainant’s] reliability or credibility .  
14 . . .” Fowler v. Sacramento Co. Sheriff’s Dept., 421 F.3d 1027, 1032-33; 1040 (9th Cir. 2005).

15 Impeachment evidence in sexual misconduct cases further includes evidence of a  
16 complainant’s prior sexual conduct to show sexual knowledge. Summitt v. State, 101 Nev. 159  
17 (1985); see also Holley v. Yarborough, 568 F.3d 1091, 1099-1100 (9th Cir. 2009) (finding it was  
18 error to exclude evidence that complainant made comments to friends regarding a prior sexual  
19 encounter and claimed other boys expressed a desire to engage in sexual acts with her, as this  
20 evidence revealed complainant’s active sexual imagination, and may have altered jury’s  
21 perception of the complainant’s credibility and reliability of her claims). Thus, prosecutors must  
22 disclose evidence of a complainant’s prior accusations of sexual misconduct as well as evidence  
23 of a complainant’s prior sexual conduct in cases where such evidence bears on the charged  
24 crimes.

25 *6. Law enforcement personnel files may contain impeachment information*

26 Under U.S. v. Henthorn, 931 F.2d 29, 31 (9th Cir. 1991), prosecutors must examine law  
27 enforcement personnel files upon defense request. See also U.S. v. Cadet, 727 F.2d 1453 (9th  
28

1 Cir. 1984). A defendant is not required to make an initial showing of materiality before  
2 prosecutors must examine the files—the examination obligation arises solely from the  
3 defendant’s request. Henthorn, 931 F.2d at 31. “Absent such an examination, [the State] cannot  
4 ordinarily determine whether it is obligated to turn over the files.” Id. Once examined,  
5 prosecutors must “disclose information favorable to the defense that meets the appropriate  
6 standard of materiality . . . . If the prosecution is uncertain about the materiality of the  
7 information within its possession, it may submit the information to the trial court for an in  
8 camera inspection and evaluation . . . .” Henthorn, 931 F.2d at 30-31 (quoting Cadet, 727 F.2d at  
9 1467-68). Thus, if requested to do so by the defense, the prosecution must canvass relevant law  
10 enforcement personnel files for information material to the case.

11 C. Favorable Evidence Includes Witnesses with Exculpatory Information

12 Prosecutors must disclose the identity of witnesses possessing exculpatory information,  
13 as no legitimate interest is served by precluding the defense from calling such witnesses for trial.  
14 U.S. v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); U.S. v. Houston, 339 F.Supp. 762 (N.D. GA  
15 1972).

16 D. Favorable Evidence Includes Evidence of Third-Party Guilt

17 The U.S. Constitution guarantees a criminal defendant the right to present evidence of  
18 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to  
19 allow defendant to present evidence of third party guilt deprives him of a meaningful right to  
20 present a complete defense under the Sixth and Fourteenth Amendments to the U.S.  
21 Constitution). Under Brady, prosecutors must disclose all evidence suggesting another  
22 perpetrator committed the charged crimes. Lay, 116 Nev. at 1195-96. This includes evidence  
23 that another individual was arrested in connection with the charged crime. Banks v. Reynolds,  
24 54 F.3d 1508, 1518 n.21 (10th Cir. 1995). It also includes evidence of investigative leads  
25 pointing to other suspects. Jimenez, 112 Nev. at 622-23 (withholding evidence of investigative  
26 leads to other suspects, regardless of admissibility, constitutes Brady violation).

1        Additionally, prosecutors must provide the actual documents, evidence, and reports  
2        pertaining to evidence of third-party guilt; it is not enough for prosecutors to provide the defense  
3        with a summary of the information relating to other suspects. Mazzan, 116 Nev. at 69 (summary  
4        of prosecutor's perspective on written reports relating to potential suspects were constitutionally  
5        inadequate; actual reports should have been disclosed pursuant to Brady); Bloodworth v. State,  
6        512 A.2d 1056, 1059-60 (Md. 1986). Thus, prosecutors must disclose any information or  
7        evidence indicating someone other than the instant defendant committed the charged crimes.

8        E. Favorable Evidence Includes All Evidence that May Mitigate a Defendant's Sentence

9        Favorable evidence also includes evidence which could serve to mitigate a defendant's  
10       sentence upon conviction. Jimenez, 112 Nev. 610. Accordingly, prosecutors must disclose any  
11       evidence tending to mitigate punishment in the instant matter.

12       **III. The Disclosure Obligations Conferred by NRS 174.235 and Brady Include Rough**  
13       **Notes**

14       Raw notes made by any law enforcement officer or other prosecution agent in connection  
15       with the investigation of instant matter must be disclosed to the defense. See, e.g., State v.  
16       Banks, 2014 WL 7004489 (Nev. S.Ct. Dec. 10, 2014) (unpublished) (court did not take issue  
17       with lower court's order requiring preservation and disclosure of police officer's rough notes);  
18       see also U.S. v. Clark, 385 F.3d 609, 619 (6th Cir. 2004) (finding rough notes discoverable under  
19       F.R.C.P. 16); U.S. v. Molina-Guevara, 96 F.3d 698, 705 (3d Cir. 1996) (remanding on other  
20       grounds but noting that, on remand, production of rough notes required under F.R.C.P. 16); U.S.  
21       v. Harris, 543 F.2d 1247 (9th Cir. 1976) (noting as important, and requiring preservation of, law  
22       enforcement rough notes). Notably, this does not include information amounting to work  
23       product.

24       In Hickman v. Taylor, 329 U.S. 495, 508-11 (1947), the U.S. Supreme Court recognized  
25       the privileged nature of discussions relating to the preparation of a case for trial.<sup>7</sup> The work

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26       <sup>7</sup> "In performing his various duties, however, it is essential that a lawyer work with a  
27       certain degree of privacy, free from unnecessary intrusion by opposing parties and their  
28       counsel... Proper preparation of a client's case demands that he assemble information, sift what  
     he considers to be the relevant from the irrelevant facts, prepare his legal theories and plan his



product doctrine announced in Hickman shelters not only material generated by an attorney in preparation for trial, but by his agent, as well:

At its core, the work product doctrine shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case. But the doctrine is an intensely practical one, grounded in the realities of litigation in our adversary system. One of those realities is that attorneys often must rely on the assistance of investigators and other agents in preparation for trial. It is therefore necessary that the doctrine protect material prepared by agents for the attorney as well as those prepared by the attorney himself. Moreover, the concerns reflected in the work-product doctrine do not disappear once trial has begun . . . .

U.S. v. Nobles, 422 U.S. 225, 238-39 (1975). Codifying this, NRS 174.235(2) exempts from discovery:

- a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.
- b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

Accordingly, only raw notes generated by, or on behalf of, the prosecutor are exempted from disclosure under the work product doctrine. Any other raw notes compiled during the investigation of this matter must be turned over pursuant to the disclosure obligations imposed by NRS 174.235 and Brady.

#### **IV. The Disclosure Obligations Set Forth Above Extend to All Material in the Prosecutors Actual or Constructive Possession**

Prosecutors must turn over all material related to the case in the possession, control and custody of any government agent or agency. See U.S. v. Blanco, 392 F.3d 382, 388 (9th Cir.

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strategy without undue and needless interference... This work is reflected, of course, in interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways – aptly... termed... as the ‘work product of the lawyer.’ Were such materials open to opposing counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney’s thoughts, heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be demoralizing. And the interests of clients and the cause of justice would be poorly served.” Id.

1 2004). Prosecutors are responsible for disclosing evidence in their possession as well as  
2 evidence held or maintained by other government agents, as “it is appropriate to charge the State  
3 with constructive knowledge” of evidence held by any investigating agency. Bennett, 119 Nev.  
4 at 603.

5 This constructive possession rule applies to evidence that is *withheld* by other agencies.  
6 Bennett, 119 Nev. at 603. Even if investigating officers withhold reports without the  
7 prosecutor’s knowledge, “the state attorney is *charged with constructive knowledge and*  
8 *possession of evidence withheld by other state agents*, such as law enforcement officers.” Id.  
9 (internal quotations and citation omitted) (emphasis added). “Exculpatory evidence cannot be  
10 kept out of the hands of the defense just because the prosecutor does not have it, where an  
11 investigative agency does.” U.S. v. Zuno-Arce, 44 F.3d 1420, 1427 (9th Cir. 1995). “It is a  
12 violation of due process for the prosecutor to withhold exculpatory evidence, and his motive for  
13 doing so is immaterial.” Jimenez, 112 Nev. at 618.

14 In fact, a prosecutor has an *affirmative obligation* to obtain Brady material and provide it  
15 to the defense, *even if the prosecutor is initially unaware of its existence*. “The prosecution’s  
16 affirmative duty to disclose evidence favorable to a defendant can trace its origins to early 20th  
17 century strictures against misrepresentation and is of course most prominently associated with  
18 this Court’s decision in Brady . . . .” Kyles, 514 U.S. at 432. This obligation exists even where  
19 the defense does not make a request for such evidence. Id. As the U.S. Supreme Court  
20 explained:

21 This in turn means that the individual prosecutor *has a duty to learn* of any  
22 favorable evidence known to the others acting on the government’s behalf in the  
23 case, including the police. But whether the prosecutor succeeds or fails in meeting  
24 this obligation (whether, that is, a failure to disclose is in good faith or bad faith),  
25 the prosecution’s responsibility for failing to disclose known, favorable evidence  
26 rising to a material level of importance is inescapable. . . . Since then, the  
27 prosecutor has the means to discharge the government’s Brady responsibility if he  
28 will, any argument for excusing a prosecutor from disclosing what he does not  
happen to know about boils down to a plea to substitute the police for the  
prosecutor, and even for the courts themselves, as the final arbiters of the  
government’s obligation to ensure fair trials.

1 Kyles, 514 U.S. at 437-38 (emphasis added) (citations and footnotes omitted); see also Carriger,  
2 132 F.3d at 479-82 (holding that “the prosecution has a duty to learn of any exculpatory evidence  
3 known to others acting on the government’s behalf. *Because the prosecution is in a unique*  
4 *position to obtain information known to other agents of the government, it may not be excused*  
5 *from disclosing what it does not know but could have learned.*” (citations omitted) (emphasis  
6 added). Thus, the disclosure obligations outlined above extend not only to material directly in  
7 the possession of prosecutors, but material prosecutors constructively possess, as well.

8 **V. An “Open File” Policy Does Not Obviate the Disclosure Obligations Outlined Above**

9 Historically, the Clark County District Attorney’s Office (CCDA) has employed an open  
10 file policy in which prosecutors allow defense counsel to review the discovery contained in the  
11 government’s trial file. While the CCDA currently may not be adhering to this practice, it is  
12 worth noting that an open file policy does not vitiate above-referenced disclosure obligations.  
13 Strickler, 527 U.S. at 283 (holding that a prosecutor’s open file policy does not in any way  
14 substitute for or diminish the State’s obligation to turn over Brady material). “If a prosecutor  
15 asserts that he complies with Brady through an open file policy, defense counsel may reasonably  
16 rely on that file to contain all materials the State is constitutionally obligated to disclose under  
17 Brady.” Strickler, 527 U.S. at 283, n.23.; see also Amando v. Gonzalez, 758 F.3d 1119, 1136  
18 (9th Cir. 2014); McKee v. State, 112 Nev. 642, 644 (1996) (reversing a judgment of conviction  
19 based on prosecutorial misconduct where the prosecutor did not make available all relevant  
20 inculpatory and exculpatory evidence consistent with the county district attorney’s open file  
21 policy); see also Furbay v. State, 116 Nev. 481 (2000) (discussing prosecution’s duty to provide  
22 all evidence in its possession where it has promised to do so). Accordingly, if the defense relies  
23 on the government’s assurance of an open file policy, the defense is not required to hunt down  
24 information otherwise obtained and maintained pursuant to that policy.

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27 ///

1 **VI. Adjudication of the Instant Motion is Necessary for Preservation of Issues Relating**  
2 **to Discovery Disclosures**

3 NRS 174.235 requires disclosure of (1) written and recorded statements of a defendant or  
4 any witness the prosecutor intends to call in his case-in-chief; (2) results and reports of any  
5 examinations or tests conducted in connection with the case at bar; and (3) any document or  
6 tangible object the prosecutor intends to introduce in his case in chief—upon the request of the  
7 defense. Additionally, constitutional jurisprudence requires disclosure of any evidence tending  
8 to exculpate the accused. The instant Motion is brought, *inter alia*, to ensure the availability of  
9 appropriate sanctions should later discovery issues arise. This requires a Court Order compelling  
10 the production of the information and material sought herein. Donovan v. State, 94 Nev. 671  
(Nev. 1978).

11 A. Nevada Law Provides for Judicial Oversight of the State's Discovery Obligations

12 Eighth Judicial District Court Rule (EDCR) 3.24 governs discovery motions in local  
13 criminal practice. It states:

14 (a) Any defendant seeking a court order for discovery pursuant to the provisions of  
15 NRS 174.235 or NRS 174.245 may make an oral motion for discovery at the  
16 time of initial arraignment. The relief granted for all oral motions for discovery  
will be as follows:

- 17 (1) That the State of Nevada furnish copies of all written or recorded  
18 statements or confessions made by the defendant which are within the  
19 possession, custody or control of the State, the existence of which is  
known or by the exercise of due diligence may become known to the  
district attorney.
- 20 (2) That the State of Nevada furnish copies of all results or reports of  
21 physical or mental examinations, and of scientific tests or experiments  
22 made in connection with this case which are within the possession,  
23 custody or control of the State, the existence of which is known or by  
the exercise of due diligence may become known to the district  
attorney.
- 24 (3) That the State of Nevada permit the defense to inspect and copy or  
25 photograph books, papers, documents, tangible objects, buildings,  
26 places, or copies or portions thereof, which are within the possession,  
custody or control of the State, provided that the said items are material  
to the preparation of the defendant's case at trial and constitute a  
reasonable request.
- 27  
28

1 (b) Pursuant to NRS 174.255, the court may condition a discovery order upon a  
2 requirement that the defendant permit the State to inspect and copy or  
3 photograph scientific or medical reports, books, papers, documents, tangible  
4 objects, or copies or portions thereof, which the defendant intends to produce at  
the trial and which are within the defendant's possession, custody or control  
provided the said items are material to the preparation of the State's case at trial  
and constitute a reasonable request.

5 Thus, EDCR 3.24 specifically provides for the discovery motion brought in the instant matter.

6 Not surprisingly, the Nevada Supreme Court has held that a discovery motion and  
7 corresponding order is a prerequisite to obtaining relief under NRS 174.295<sup>8</sup> for later discovery  
8 violations:

9 Although NRS 174.295 provides relief for a prosecutor's failure to notify defense  
10 counsel of all discoverable material, that statute is only operative in situations  
11 where a previous defense motion has been made and a court order issued. That  
12 provision is not applicable to any informal arrangements that are made, as here  
between counsel without benefit of court sanction.

13 Donovan, 94 Nev. 671 (internal citations omitted).

14 This comports with other portions of NRS 174, which, by implication, suggests criminal  
15 discovery is a matter that must be pursued by way of motion rather than a simple written or oral  
16 request. For example, NRS 174.285 states that "a request made pursuant to NRS 174.235 or  
17 174.245 may be made only within 30 days after arraignment or at such reasonable time *as the*  
18 *court may permit*. A party shall comply with a request made pursuant to NRS 174.235 or  
19 174.245 not less than 30 days before trial or at such reasonable later time *as the court may*  
20 *permit*." (Emphasis added). The judicial permission required for late discovery requests and late  
21 compliance contemplates judicial oversight of discovery matters.

22 Similarly, NRS 174.125 contemplates discovery requests via written motion. NRS  
23 174.125 requires that, any motion "which by [its] nature, if granted, delay[s] or postpone[s] the  
24 time of trial must be made before trial, unless an opportunity to make such a motion before trial  
25 did not exist or the moving party was not aware of the grounds for the motion before trial." A  
26 discovery request, depending on the timing and nature of the request, may necessarily cause a

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27 <sup>8</sup> NRS 174.295 sets forth sanctions for discovery violations, such as inspection of  
28 material not properly disclosed, trial continuance, or exclusion of the undisclosed material.

1 trial delay. Accordingly, under NRS 174.125, discovery requests should be made via motion  
2 prior to trial. Id.

3 Thus, the statutorily-based discovery requests set forth herein are properly brought before  
4 this Honorable Court and must be adjudicated. Refusal to adjudicate the instant Motion obviates  
5 Mr. Vasquez-Reyes's statutorily created liberty interest in (1) ensuring access to the discoverable  
6 material covered by NRS 174 and (2) ensuring application of the enforcement and sanction  
7 provisions outlined in NRS 174. Such an arbitrary deprivation of a state-created liberty interest  
8 violates the Due Process Clause. See Hicks v. Oklahoma, 447 U.S. 343, 346 (1980) (arbitrary  
9 deprivation of state-created liberty interest amounts to Due Process violation).

10 B. Brady Material and Relevant Authority

11 Brady and related authority also contemplate pre-trial regulation and adjudication of  
12 prosecutorial disclosures. Brady is not a discovery rule but a rule of fairness and minimum  
13 prosecutorial obligation. Curry v. U.S., 658 A.2d 193, 197 (D.C. 1995) (internal quotations and  
14 citations omitted). It does not require the production of specific documents. It requires the  
15 production of information. This prosecutorial obligation is non delegable—it is not contingent  
16 on, nor is the defense required to make, specific Brady requests. See Strickler, 527 U.S. at 281-  
17 82 (setting forth the elements of a Brady claim and clarifying that there is no requirement that  
18 defense make request).<sup>9</sup>

19 However, to prevail on a Brady claim, should one arise, a defendant must establish that  
20 (1) the prosecution was in actual or constructive possession of favorable information; (2) the  
21 prosecution failed to disclose this information to the defense in a timely fashion or at all; and (3)  
22 the withheld information was material to the outcome of the trial. Strickler, 527 U.S. at 281-82.  
23 The standard for determining materiality depends upon whether defense counsel requested the

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24 <sup>9</sup> Any argument by prosecutors that “the defense is able to independently seek out any  
25 discovery which they desire . . . it is not the State’s responsibility to perform investigations or  
26 inquiries on behalf of the defense,”—common responses to defense discovery motions—is  
27 patently wrong. Strickler, 527 U.S. at 281-82 (rejecting the argument that defense counsel  
28 should have uncovered Brady information); Banks v. Dretke, 540 U.S. 668, 695-98 (2004) (“A  
rule thus declaring ‘prosecutor may hide, defendant must seek’ is not tenable in a system  
constitutionally bound to accord defendants due process.”).

1 information at issue and, if a request was made, whether the request was specific or general in  
2 nature. “If a defendant makes no request or only a general request for information, the evidence  
3 is material when a reasonable *probability* exists that the result would have been different had it  
4 been disclosed.” Bennett, 119 Nev. at 600 (emphasis added). Yet, “if the defense request is  
5 specific, the evidence is material upon the lesser showing that a reasonable *possibility* exists of a  
6 different result had there been disclosure.” Id. (emphasis added) Accordingly, the fact and  
7 nature of a Brady request is critical to later adjudication of alleged Brady violations.

8 Defense counsel enjoys to the right to pursue Brady requests—and thereby construct the  
9 record on them—in the manner counsel sees fit. The best way to ensure that the record  
10 adequately reflects the nature and scope of a Brady request is via pre-trial discovery motion—a  
11 motion, as set forth above, specifically provided for by Nevada law.<sup>10</sup> See Myles v. State, 127  
12 Nev. 1161 (2011) (unpublished) (no discovery violation where undisclosed photo not requested  
13 as part of discovery motion).

14 A cursory review of federal discovery jurisprudence reveals the broad authority with  
15 which trial courts are vested to regulate pretrial Brady disclosures and thereby ensure that this  
16 constitutional rule—which exists to prevent a miscarriage of justice—works as it should.  
17 Bagley, 473 U.S. at 675; U.S. v. Odom, 930 A.2d 157, 158 (D.C. 2007); see also U.S. v. W.R.  
18 Grace, 526 F.3d 499, 509 (9th Cir. 2008) (affirming trial court’s order requiring government to  
19 disclose its finalized witness list a year prior to trial as an exercise of the court’s inherent  
20 authority to manage its docket”); U.S. v. Coppa, 267 F.3d 132, 146 (2d Cir. 2001)  
21 (acknowledging trial court’s discretion to order pretrial disclosures as a matter of sound case  
22 management); U.S. v. Rigas, 779 F. Supp. 408, 414 (M.D. Pa. 2011 (recognizing authority of  
23 trial court to order pretrial disclosure of Brady material to ensure effective administration of  
24 criminal justice system); U.S. v. Cerna, 633 F. Supp. 2d 1053, 1057 (N.D. Cal. 2009) (exercising  
25 power to issue Brady order); U.S. v. Thomas, 2006 WL 3095956 (D.N.J. 2006) (issuing pretrial  
26 order regulating, *inter alia*, Brady disclosures).

27 <sup>10</sup> This is especially true given the absence of compelling Nevada or other authority  
28 recognizing an informal Brady request as sufficient to preserve the record on this critical issue.

1 Indeed, trial courts must, as a constitutional matter, exercise this oversight power. Boyd  
2 v. U.S., 908 A.2d 39, 61 (D.C. 2006) (“courts have the obligation to assure that [prosecutorial  
3 discretion] is exercised in a manner consistent with the right of the accused to a fair trial”); see  
4 also Smith v. U.S., 665 A.2d 962 (D.C. 2008) (abuse of discretion for court to refuse to review a  
5 transcript *in camera* where prosecution concede there were “minor inconsistencies in the  
6 testimony as to how the shooting happened”). As such, judicial oversight of Brady disclosures is  
7 commonplace in federal criminal prosecutions. See, e.g., U.S. v. Johnson, 2010 WL 322143  
8 (W.D. Pa. 2010) (trial court ordering government to disclose all Brady material, including  
9 impeachment material no later than ten days prior to trial); U.S. v. Lekhtman 2009 WL 5095379  
10 at 1 (E.D.N.Y. 2009) (ordering disclosure of Brady material as it is discovered and Giglio  
11 material two weeks before commencement of trial); U.S. v. Rodriguez, 2009 WL 2569116 at 12  
12 S.D.N.Y. 2009) (ordering government to turn over Brady material as it is discovered and Giglio  
13 material twenty-one days before trial); U.S. v. Libby, 432 F. Supp. 2d 81, 86-87 (D.D.C. 2006)  
14 (ordering immediate production of all Brady material); U.S. v. Thomas, 2006 CR 553, 2006 WL  
15 3095956 (D.N.J. 2006) (unpublished) (ordering disclosure of “[a]ny material evidence favorable  
16 to the defense related to issues of guilt, lack of guilt, or punishment . . . within the purview of  
17 Brady and its progeny” within ten days of order). Thus, the constitutionally-based Brady  
18 requests set forth herein are properly brought before this Honorable Court and must be  
19 adjudicated to preserve Mr. Vasquez-Reyes’s rights.

20 **VII. The Court Must Adjudicate the Instant Motion Regardless of Whether a Discovery**  
21 **Dispute Exists**

22 A dispute over the discoverability of certain material is not a prerequisite to compelling  
23 production of discovery and exculpatory information. This is because such disputes rarely occur.  
24 With the exception of records that are otherwise privileged (such as CPS or medical records),  
25 prosecutors typically do not inform defense counsel of material they intend to withhold from the  
26 defense. They simply keep the information hidden. The withheld information is later discovered  
27  
28



1 by the defense either through subsequent defense investigation, fortuitous circumstances, or  
2 during the post-conviction discovery process.

3 Recognizing this, the U.S. Supreme Court has not required defense counsel to divine (and  
4 bring to the Court's attention) particular information within the government's file that is being  
5 shielded from defense view:

6 We rejected a similar argument in Strickler. There, the State contended that  
7 examination of a witness's trial testimony, alongside a letter the witness published  
8 in a local newspaper, should have alerted the petitioner to the existence of  
9 undisclosed interviews of the witness by the police. We found this contention  
10 insubstantial. In light of the State's open file policy, we noted, 'it is especially  
11 unlikely that counsel would have suspected that additional impeaching evidence  
was being withheld. Our decisions lend no support to the notion that defendants  
must scavenge for hints of undisclosed Brady material when the prosecution  
represents that all such material has been disclosed. As we observed in Strickler,  
defense counsel has no 'procedural obligation to assert constitutional error on the  
basis of mere suspicion that some prosecutorial misstep may have occurred.

12 Banks, 540 U.S. at 695-96 (internal citations omitted). Thus, a dispute need not exist over the  
13 discoverability of a particular piece of information in order for this Court to entertain motions  
14 such as that brought here and enforce the government's discovery obligations. Accordingly, Mr.  
15 Vasquez-Reyes respectfully requests that this Honorable Court adjudicate his Motion to Compel  
16 Production of Discovery.

17 **VIII. Prosecutors Must Oppose or Concede Each Discovery Request; and the Court Must**  
18 **Adjudicate Each Request**

19 Prosecutors often respond to discovery requests some combination of the following: (1) the  
20 government is aware of its discovery obligation and will act accordingly; (2) the government has  
21 complied with the requests or will facilitate review of discovery as needed; or (3) the request is  
22 objectionable as overbroad, immaterial, or not authorized by law. Only the last of these is  
23 responsive to a particular request; the first two are not. Each request needs to be opposed or  
24 conceded. Saying "we have complied" or "we are aware of our discovery obligations" or "we  
25 will facilitate a review of detective notebooks" is nothing more than attempt to subvert a ruling  
26 enforcing the discovery provisions mandated by state and federal law. It is a way to goad the  
27 court into believing the issue is moot. Discovery is a continuing obligation. A criminal  
28

1 defendant is entitled to an order enforcing the discovery provisions outlined by state and federal  
2 law, regardless of whether the prosecutor has already provided certain requested material, is  
3 aware of pertinent discovery rules, and is willing to facilitate further discovery review. The  
4 prosecutor needs to oppose or concede each request. The Court needs to rule on each request,  
5 accordingly.<sup>11</sup>

## 6 **IX. Defendant's Specific Discovery Requests**

7 Based upon the foregoing, Mr. Vasquez-Reyes requests that this Honorable Court enter  
8 an order directing prosecutors to provide the following related to this case:<sup>12</sup>

### 9 **General Discovery**

#### 10 **1. Defendant's Statements and Any Potential Co-Defendants' Statements**

11 All statements made by the defendant and any co-defendants, regardless of whether  
12 the statements were written or recorded, including but not limited to:

- 13 • Comments made at the time of arrest or during transport to the detention center,
- 14 • All conversations, telephonic or otherwise, intercepted by any law enforcement  
15 agencies, including federal authorities, and
- 16 • The substance of any statements, conversations, or correspondence overheard or  
17 intercepted by any jail personnel or other inmates which have not been recorded  
or memorialized.

#### 18 **2. Potential Witnesses' Statements**

19 All written or recorded statements of witnesses and potential witnesses, including, but  
20 not limited to:

- 21 • Audio and video recording in any form collected by investigating officers or any  
22 other law enforcement agent as part of the investigation of this matter, as well as  
any related matters,
- 23 • Notes of interviews, such as notes of patrol officers, or notes of phone calls made  
24 to potential witnesses, or attempts to contact such witnesses, and

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25 <sup>11</sup> Combination responses, which contain conciliatory language in conjunction with some  
26 form of opposition, must be treated as an opposition to a particular request, thereby warranting  
adjudication by this Honorable Court.

27 <sup>12</sup> Significantly, this request is not in any way intended to be a substitute for the  
28 generalized duties described above.

### 3. Records Related to Investigation

All records of the Las Vegas Metropolitan Police Department and any other law enforcement agencies involved in the investigation of this or any related matter, including, but not limited to:

- Copies of handwritten or other notes,
- Investigative leads that were not followed up on,
- Any other matter bearing on the credibility of any State witness,
- Information pertaining to this case or any witnesses in this case, no matter what the form or title of the report, including:
  - “Case Monitoring Forms,”
  - Use of Force reports,
  - 911 recordings,
  - Dispatch logs, and
  - Information regarding leads or tips provided to law enforcement or a crime tip organization such as Crime Stoppers, including any reward or benefit received for such tip.

### 4. Crime Scene Analysis, Evidence Collection, and Forensic Testing

All requests, results, reports, and bench notes pertaining to all crime scene analysis, evidence collection and forensic testing performed in this case,<sup>13</sup> including, but not limited to:

- Photographic, video, and audio recordings of evidence collection and testing,
- Fingerprint Evidence: All latent prints recovered in the instant matter, regardless of their value for identification, as well as exemplars compiled in connection with the investigation of this matter, including:
  - photographs, reports, and recordings related to collecting and testing of fingerprints,
  - Results of fingerprint collection and comparison, and

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<sup>13</sup> This is required under NRS 171.1965(1)(b) and NRS 174.235(1)(b).

- Automated Fingerprint Identification System (AFIS) searches and results,
- DNA Evidence: DNA testing, raw data and Combined DNA Index System (CODIS) searches and results,
- Scientific Evidence: toxicological, chemical, biochemical, laboratory, and other laboratory or forensic analyses, including trace evidence analyses, crime scene reconstruction or blood spatter analysis, and
- Forensic Analysis: reports and notes related to any forensic analysis and requests for forensic analysis, regardless of the outcome of such request.

## **5. Medical Records**

All records, including photos, reports, imaging studies, test results, and notes pertaining to:

- Any alleged victim generated pursuant to treatment provided in connection with the instant matter; including, without limitation, all emergency medical, fire department, hospital, or other medical care provider records, including all relevant prior medical records,
- All pathological, neuropathological, toxicological, or other medical evaluations of G.A., including all relevant prior medical records and
- The name and badge number of any paramedics who responded to the scene, and all documentation, notes, reports, charts, conclusions, or other diagnostic, prognostic, or treatment information pertaining to any person evaluated, assessed, treated, or cleared by a paramedic at the scene, or transported to a hospital from the scene.

## **6. Preservation of and Access to Raw Evidence**

Access to and preservation of all material collected in the investigation of this case to include but not limited to:

- forensic material, raw data, biological samples and toxicological samples; and
- video surveillance, photographic negatives, and digital negatives.

## **7. Electronic Communications and Associated Warrants**

All intercepted communications, whether electronic oral or otherwise, as well as communications sent to and from a handset, telephone, or computer obtained by any law enforcement agency, including federal authorities via subpoena, interception, or other means, pertaining to the instant matter or any related matter, including but not limited to:

- Audio, Push to Talk, Data, and Packet Data
- Electronic messaging such as: Global System for Mobile Communications (GMS), Short Message Service (SMS), Multimedia Messaging Service (MMS), and Internet Relay Chat,
- File Transfer Protocol (FTP), Internet Protocol (IP), Voice Over Internet Protocol (VOIP), Transmission Control Protocol (TCP), and
- Electronic mail or other internet based communications.

## **8. Law Enforcement Video or Audio Recordings**

All video and audio recordings obtained by the Las Vegas Metropolitan Police Department recording device, including but not limited to:

- Dashboard cameras,
- Body-mounted officer cameras,
- Any other recording equipment operational during the investigation of this case, and

## **9. 911 and 311 Calls**

Any and all 911 and 311 recordings to include, but not limited to:

- Car-to-car audio communications,
- Car-to-dispatch radio communications, and
- Unit Log incident print out related to the event.

## **10. Chain of Custody**

All relevant chain of custody reports, including reports showing the destruction of any evidence in the case.<sup>14</sup>

## **11. Witness Contact Information**

All updated witness contact information, including last known addresses and phone numbers. This includes the names and contact information for witnesses who may have information tending to exculpate Mr. Vasquez-Reyes.

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<sup>14</sup> Destruction of evidence can result in dismissal of the case or a jury instruction stating such evidence is presumed favorable to the accused. Crockett v. State, 95 Nev. 859, 865 (1979); Sparks v. State, 104 Nev. 316, 319 (1988); Sanborn v. State, 107 Nev. 399, 409 (1991).

## **General Impeachment**

### **12. Witness Benefits**

Disclosure of all express or implied compensation, promises of favorable treatment or leniency, or any other benefit that any of the State's witnesses received in exchange for their cooperation with this or any related prosecution. This includes, but is not limited to:

- Records and notes from the CCDA Victim Witness Office, including records of any expectation of any benefit or assistance to be received, or already received by any witness in this case,
- Monetary benefits received as well as any express or implied promises made to any witness to provide counseling, treatment, or immigration assistance as a result of the witness's participation in this case,
- Names of all agencies, workers or other referrals that were given to any witness or his family member, relative, or guardian in connection with this case or any related matter, and
- Estimate of future benefits to be received by any witness during or after the trial, including travel expenses.

### **13. Prior Witness Statements**

Disclosure of any and all statements, tangible or intangible, recorded or unrecorded, made by any witness that are in any manner inconsistent with the written or recorded statements previously provided to the defense. This includes oral statements made to an employee or representative of the CCDA or any other government employee, local or federal, during pre-trial conferences or other investigative meetings.

### **14. Criminal History Information**

Criminal history information on any actual or potential witness, showing specific instances of misconduct, instances from which untruthfulness may be inferred or instances which could lead to the discovery of admissible evidence. To this end, the defense requests that, in addition to any other lay witnesses the State intends to call at trial or upon whose testimony or statements the State will rely during trial, the CCDA provide NCIC reports on the following individuals: Parents/Guardians of G.A. The defense further requests that the NCIC information be provided to defense counsel as

1 soon as possible and that prosecutors identify those individuals for whom no NCIC  
2 information is found. While the defense is not insisting that prosecutors run NCICs  
3 on expert or law enforcement witnesses, the defense requests that the State be ordered  
4 to comply with its Brady obligations with respect to these witnesses. The instant  
5 criminal history request includes, but is not limited to:

- 6 • Juvenile records,
- 7 • Misdemeanors,
- 8 • Out-of-state arrests and convictions,
- 9 • Outstanding arrest warrants or bench warrants,
- 10 • Cases which were dismissed or not pursued by the prosecuting agency, and
- 11 • Any other information that would go to the issues of credibility or bias, or lead to  
12 the discovery of information bearing on credibility or bias, regardless of whether  
the information is directly admissible by the rules of evidence.

### 13 **U Visa and Immigration Related Benefits**<sup>15</sup>

#### 14 **15. U Visas<sup>16</sup> and Related Information**

15 Information indicating whether the alleged victim, an immediate family member, or  
16 any other qualifying person<sup>17</sup> has consulted with a CCDA representative or victim

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17 <sup>15</sup> These requests are made out of an abundance of caution as the defense is unaware of  
18 the victim's and witnesses' alienage and legal statuses in the United States.

19 <sup>16</sup> "The U Visa is an immigration benefit that can be sought by victims of certain crimes  
20 who are currently assisting or have previously assisted law enforcement in the investigation or  
21 prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of  
22 criminal activity. . . . The U Visa provides eligible victims with nonimmigrant status in order to  
temporarily remain in the United States (U.S.) while assisting law enforcement. If certain  
23 conditions are met, an individual with U nonimmigrant status may adjust to lawful permanent  
resident status." "U Visa Law Enforcement Certification Resource Guide for Federal, State,  
24 Local, Tribal and Territorial Law Enforcement," Dept. of Homeland Sec. (hereinafter "U Visa  
Guide"), available at: [http://www.dhs.gov/xlibrary/assets/dhs\\_u\\_visa\\_certification\\_guide.pdf](http://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf) at  
1. The crime of domestic violence is identified as a qualifying crime for a U Visa petition. Id. at  
3.

25 <sup>17</sup> The U Visa is available to an alleged victim; her unmarried children under the age of  
26 twenty-one; her spouse; her parents, if she is under twenty-one; and unmarried siblings under  
27 eighteen years old if the alleged victim is under age twenty-one. Id. at 5. Furthermore, when the  
principal alleged victim is under twenty-one years old, her noncitizen parent can apply for a U  
28 Visa as an "indirect victim" regardless of whether the principal alleged victim is a U.S. citizen or  
noncitizen. Id. at 13.

1 advocate, or any other person acting in a representative capacity, regarding obtaining  
2 a U Visa as a result of this case.<sup>18</sup>

### 3 **16. U Visa Policies and Procedures**

4 All policies and procedures established by any relevant law enforcement agency or  
5 the prosecutor's office regarding U Visa certification.<sup>19</sup>

### 6 **17. Application for U Visa**

7 Information indicating whether the alleged victim, immediate family member, or any  
8 other qualifying person has applied for a U Visa as a result of this case.

### 9 **18. United States Citizenship and Immigration Service (USCIS) I-918 Forms**

10 All USCIS Form I-918, Petition for U Nonimmigrant Status (Form I-918) completed  
11 as a result of this case, including any supporting documentation filed with Form I-  
12 918.<sup>20</sup>

### 13 **19. USCIS Form I-918, Supplement B Forms**

14 All USCIS Forms I-918, Supplement B (Form I-918B) completed by a law  
15 enforcement agency, the prosecuting attorney or representative, any judge, child or  
16 adult protective services, any other authority that has the responsibility for the  
17 investigation or prosecution of a qualifying crime or criminal activity, or any other  
18 certifying agency as a result of this case,<sup>21</sup> including any additional documents,  
19 attachments, or addenda submitted with Form I-918B.<sup>22</sup>

20 <sup>18</sup> "Given the complexity of U Visa petitions, petitioners often work with a legal  
21 representative or victim advocate," and, in fact, "is usually done with the assistance of an  
22 advocate." Id. at 2, 5.

23 <sup>19</sup> "Whether a certifying agency signs a certification . . . [depends on the] policies and  
24 procedures it has established regarding U Visa certification." "U Visa Guide" at 3; 8 (discussing  
25 the best practices in U Visa certifications and department policies). "DHS encourages all  
26 jurisdictions to implement U Visa certification practices and policies." Id. at 9.

27 <sup>20</sup> This is the U Visa form that must be completed by the individual seeking the U Visa.  
28 Id. at 2.

<sup>21</sup> Form I-918B is the certification document that a law enforcement or other certifying  
agency completes for the individual seeking a U Visa. Without the certification, "the victim will  
not be eligible for a U Visa." "In order to be eligible for a U Visa, the victim *must* submit a law  
enforcement certification completed by a certifying agency. Certifying agencies include all



1       **20. Request for Form I-918B**

2           Information indicating whether an individual requested a certifying agency fill out  
3           Form I-918B on behalf of the alleged victim or other qualifying individual, even if  
4           the certifying agency declined to fill out Form I-918B.<sup>23</sup>

5       **21. Refusal to Complete Form I-918B**

6           Information indicating whether a certifying agency has refused to sign or complete  
7           Form I-918B on behalf of the alleged victim or other qualifying individual, and any  
8           information regarding that certifying agency's refusal to sign or fill out Form I-918B.

9       **22. Evidence submitted to USCIS**

10          Any evidence submitted to the USCIS as part of a U Visa application by a certifying  
11          agency or the individual applying for the U Visa related to this case. This evidence  
12          includes, but is not limited to, fingerprint and criminal history information,  
13          immigration records, security concerns, and other background information.<sup>24</sup>

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14          authorities responsible for the investigation, prosecution, conviction or sentencing of the  
15          qualifying criminal activity, including but not limited to" law enforcement agencies, prosecutors'  
16          offices, judges, family protective services, Equal Employment Opportunity Commission, Federal  
17          and State Departments of Labor and "other investigative agencies." Id. at 2-3 (emphasis added),  
18          9. After signing Form I-918B, the certification must be returned to the alleged victim or her  
19          representative. Id. at 6.

20          <sup>22</sup> A certifying agency may submit additional documentation, and if so, it must state "see  
21          attachment" or "see addendum" on Form I-918B. Id. at 6.

22          <sup>23</sup> There is no statute of limitations on signing the law enforcement certification, and a  
23          law enforcement certification "can even be submitted for a victim in a closed case." Id. at 4, 10.  
24          An alleged victim "may be eligible for a U Visa based on having been helpful *in the past* to  
25          investigate or prosecute a crime." Id. at 10. Therefore, a certifying agency could wait until after  
26          the close of the case to fill out Form I-918B and then argue that there is no discoverable  
27          immigration information or immigration benefit received as part of this case. However, if an  
28          individual has requested a certifying agency fill out Form I-918B, that individual is therefore  
29          attempting to gain an immigration benefit as part of this case, which would be discoverable  
30          regardless of whether the certifying agency has or has not completed the certification.

31          <sup>24</sup> The USCIS conducts a background check for all U Visa petitioners. This includes a  
32          fingerprint check and name check. This also includes "[a]ny evidence that law enforcement and  
33          immigration authorities possess . . . [which] includes, but is not limited to, the person's criminal  
34          history, immigration records, and other background information." Id. at 5. "If law enforcement  
35          believes USCIS should know something particular about a victim's criminal history, that  
36          information can be cited on the certification or with an attached report or statement detailing the  
37          victim's criminal history with that law enforcement agency or his or her involvement with the  
38          crime." Id. at 14.

1           **23. Contact from USCIS**

2           Information indicating whether the USCIS has contacted the certifying agency  
3           regarding issues or questions based on the information provided in the certification on  
4           behalf of the alleged victim or other qualifying individual, and what issues or  
5           questions the USCIS had for the certifying agency.<sup>25</sup>

6           **24. USCIS Determination**

7           Information indicating the USCIS found the alleged victim or other qualifying person  
8           inadmissible and any information regarding the reason for the inadmissibility  
9           determination.<sup>26</sup>

10          **25. Further Information Disclosed to USCIS**

11          Information indicating whether the certifying agency has contacted the USCIS  
12          regarding any later-discovered information regarding the alleged victim, the crime, or  
13          certification that the agency believes the USCIS should be aware of, or whether the  
14          agency contacted the USCIS to withdraw or disavow the certification, including  
15          withdrawal or disavowal based upon the alleged victim's failure to cooperate.<sup>27</sup> If the  
16          agency has notified the USCIS in writing regarding the withdrawal or disavowal, a  
17          copy of the writing is requested.<sup>28</sup>

18          **26. Refusal to Cooperate**

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21           <sup>25</sup> "USCIS may contact the certifying law enforcement agency if there are any issues or  
22           questions arise during the adjudication based on information provided in the law enforcement  
23           certification." Id. at 5, 9.

24           <sup>26</sup> The USCIS may find the alleged victim or other qualifying person inadmissible when  
25           there are security related concerns, multiple or violent criminal arrests, multiple immigration  
26           violations, or complicity or culpability in the criminal activity in which she claims the  
27           victimization occurred. Id. at 8, 14.

28           <sup>27</sup> Id. at 10.

<sup>28</sup> If the alleged victim stops cooperating, the certifying agency can withdraw or disavow  
            Form I-918B, but must notify the USCIS Vermont Service Center in writing. Id. at 12.

1 Information indicating whether the certifying agency has notified the USCIS that the  
2 alleged victim has unreasonably refused to cooperate in the investigation or  
3 prosecution of the crime.<sup>29</sup>

#### 4 **27. USCIS Requests for Further Information**

5 Information indicating whether the USCIS has requested further evidence from the  
6 petitioner or certifying agency as part of the U Visa process, as well as any  
7 information indicating the USCIS suspected fraud in the U Visa application.<sup>30</sup>

#### 8 **28. Significant Public Benefit Parole**

9 Information indicating whether any witness in the case has been granted Significant  
10 Public Benefit Parole (SPBP) in connection with this case.<sup>31</sup>

### 11 **CPS and sexual assault related information**

#### 12 **29. Child Protective Services Records**

13 All Department of Child and Family Services or Child Protective Service (or  
14 equivalent department in another state) records relating to the instant case, including:

- 15 • Notes of caseworkers or their agents or assistants,
- 16 • Referrals to therapists by anyone at any of the above mentioned agencies, and
- 17 • Reports prepared for Family Court or any domestic relations proceedings related  
18 to the issues or witnesses in the instant matter.
- 19 • This request includes, without limitation, information pertaining to the following  
20 individuals: G.A.

#### 21 **30. Social Worker or Case Work Notes**

22 All notes of government social workers or case workers, including employees of  
23 Child Haven, or any governmental agency supervising foster care or any other living

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24 <sup>29</sup> Id.

25 <sup>30</sup> “If USCIS suspects fraud in a U Visa petition, USCIS may request further evidence  
26 from the petitioner and may also reach out to the law enforcement agency for further  
27 information.” Id. at 15. The USCIS has a dedicated fraud detection unit called the Fraud  
28 Detection and National Security unit. Id.

<sup>31</sup> SPBP allows a witness, defendant, cooperating source, and immediate family members  
into the United States for up to one year. Id. at 16.

1 arrangement made for any alleged victim or witness in the case, even if on a  
2 temporary basis, as well as notes on referrals to any physicians, psychologists,  
3 psychiatrists, social workers or other mental health workers, including contract  
4 providers pertaining to the following individuals: G.A.

### 5 **31. Mental Health Worker Records and Notes**

6 All records and notes of any mental health workers who have had contact with the  
7 alleged victim or any other person related to events in this case, including, without  
8 limitation, G.A. This request includes any records reflecting the mental state or  
9 cognitive abilities of the alleged victim or any other government witness, including  
10 the individuals listed herein, that are relevant to each individual's competency as a  
11 witness.<sup>32</sup>

### 12 **32. Physical Examinations**

13 All notes and records of any physical exams done on the alleged victim or anyone  
14 else in connection with this case, including, but not limited to: G.A.. This includes  
15 any photographs, videos, colposcopes or recordings taken in conjunction with such  
16 exam, and any lab or toxicology reports done in conjunction with such exam. This  
17 includes all documents recording what physical evidence was taken in the case, where  
18 it was stored, and any related chain of custody documents.

### 19 **33. Prior Allegations of Sexual Misconduct**

20 All information known, or which could be known by diligent action, of any previous  
21 allegations of sexual misconduct or physical abuse made by the alleged victim or any  
22

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23  
24 <sup>32</sup> In addition to the authority outlined above, if such counselors are seeing the  
25 alleged victims after being referred by a State or County agency or worker, or are paid by victim  
26 witness or through aid especially due to the individual's status as a "victim" then there is no  
27 provider-patient privilege as the information is being sought with the purpose to disclose to third  
28 parties. Further, under general discovery principles, anything disclosed that bears on the  
credibility of the witness, on the credibility of any other witness, or any evidence that suggests  
that the defendant did not commit the crime, that someone else may have perpetrated the crime,  
or anything else relevant to discovery, then such information must be disclosed under case law  
cited in this brief.

1 material witness in the case, including, but not limited to the following individuals:  
2 G.A.

3 **34. Sources of Sexual Knowledge**

4 All information known or obtainable through the exercise of due diligence indicating  
5 that G.A may have had sources of sexual knowledge outside the events at issue here.

6 **Catch-all request**

7 **35. Contacting Other Agencies**

8 Finally, the defendant requests that this Court order the prosecution to contact other  
9 agencies or agents acting on behalf of or working with the prosecution, or in any  
10 other way a part of the prosecution team, and initiated to ascertain whether any of  
11 those agencies or agents possess or know of any material information that would tend  
12 to exculpate Mr. Vasquez-Reyes, impeach a prosecution witness, or mitigate Mr.  
13 Vasquez-Reyes's possible punishment.

14 **CONCLUSION**

15 Based on the foregoing, Mr. Vasquez-Reyes, respectfully requests that this Honorable  
16 Court grant the instant motion, and order the timely disclosure of the material sought herein.  
17 NRS 174.235; Brady v. Maryland, 373 U.S. 83 (1963); U.S.C.A. V, VI, XIV; and Nev. Const.  
18 Art. 1 § 8.

19 DATED this 5<sup>th</sup> day of January, 2018.

20 PHILIP J. KOHN  
21 CLARK COUNTY PUBLIC DEFENDER

22  
23 By: /s/Mike Feliciano  
24 MIKE FELICIANO, #9312  
25 Deputy Public Defender  
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the foregoing Motion on for hearing before the Court on the 16<sup>th</sup> day of January, 2018 at 8:30 a.m. in Department 12 of the District Court.

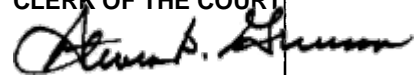
PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano  
MIKE FELICIANO, #9312  
Deputy Public Defender

I hereby certify that service of the above and forgoing Motion to Compel Production of Discovery and Brady Material was served via electronic e-filing to the Clark County District Attorney's Office on this 5<sup>th</sup> day of January, 2018.

District Attorney's Office  
E-Mail Address:  
Jennifer.Georges@clarkcountyda.com

By: /s/ Annie McMahan  
An employee of the  
Clark County Public Defender's Office



1 PHILIP J. KOHN, PUBLIC DEFENDER  
2 NEVADA BAR NO. 0556  
3 MIKE FELICIANO, DEPUTY PUBLIC DEFENDER  
4 NEVADA BAR NO. 9312  
5 **PUBLIC DEFENDERS OFFICE**  
6 309 South Third Street, Suite 226  
7 Las Vegas, Nevada 89155  
8 Telephone: (702) 455-4685  
9 Facsimile: (702) 455-5112  
10 feliciam@co.clark.nv.us  
11 Attorneys for Defendant

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

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

12 ARMANDO VASQUEZ-REYES,

13 Defendant,

CASE NO. C-16-316382-1

DEPT. NO. XII

1-16-18

8:30



14 **MOTION TO SUPPRESS**

15 COMES NOW, the Defendant, ARMANDO VASQUEZ-REYES, by and through MIKE  
16 FELICIANO, Deputy Public Defender and hereby files this Motion to Suppress.

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

19 DATED this 5th day of January, 2018.

20  
21 PHILIP J. KOHN  
22 CLARK COUNTY PUBLIC DEFENDER

23 By: /s/Mike Feliciano  
24 MIKE FELICIANO, #9312  
25 Deputy Public Defender  
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1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Armando Vasquez-Reyes in the present matter;

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

/s/Mike Feliciano  
MIKE FELICIANO



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**MEMORANDUM OF POINTS AND AUTHORITIES**  
**FACTUAL ALLEGATIONS**

On April 16, 2016, Detective Pretti from the Las Vegas Metropolitan Police Department interviewed to Vasquez-Reyes regarding allegations of sexual abuse. The interview started at approximately 1827 hours. Miranda rights were read to Vasquez-Reyes at the beginning of the interview. VS, 2. However, the rights were not fully explained. The consequences of waiving the rights were never explained. Vasquez-Reyes made incriminating statement regarding the allegations.

**ARGUMENT**

**I.**

**The Defense requests a hearing under Jackson v. Denno because the Defendant's statements should be excluded.**

The United States Supreme Court has held that the defense is entitled to a pre-trial evidentiary hearing on the question of Miranda and of the voluntariness of the statement. Jackson v. Denno, 378 U.S. 368; 84 S.Ct. 1774 (1964). The burden of requesting a Jackson v. Denno hearing initially rests with the Defendant. Wilkins v. State, 96 Nev. 267; 609 P.2d 309 (1980). Once the hearing has been requested, the burden then shifts to the prosecution to demonstrate voluntariness by a preponderance of the evidence. Brimmings v. State, 93 Nev. 434; 567 P.2d 54 (1977); Falcon v. State, 110 Nev. 530; 874 P.2d 772 (1994); Colorado v. Connelly, 479 U.S. 157; 107 S.Ct. 515 (1986). An evidentiary hearing is necessary in the instant case because Vasquez-Reyes' statements should be suppressed based on lack of voluntariness and lack of a proper waiver of his Miranda rights.

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## II.

### **The Defendant's statements should be suppressed because they were not voluntarily made.**

The issue of whether a defendant's statements to authorities are voluntarily made is a separate inquiry from the issue of whether proper Miranda warnings were given. An involuntary statement made by an accused is inadmissible for any purpose at trial, irrespective of whether Miranda warnings were given. Mincey v. Arizona, 437 U.S. 385, 398 (1978). A defendant is entitled to a pretrial hearing to challenge the voluntariness of a statement to police. Jackson v. Denno, 378 U.S. 368 (1964). At this hearing, the defendant may take the stand in order to testify regarding the voluntariness of his statements. At this hearing, a defendant may not be cross-examined regarding any other issue in the case, and his testimony at this hearing is not admissible against him at trial. NRS 47.090.

In this case, there is evidence that Vasquez-Reyes was not fully explained his rights. Therefore, the statement was not voluntary.

## III.

### **The Defendant did not waive his Miranda rights and any of the statements he may have made to the police should be excluded from evidence.**

Claims of involuntariness under Due Process and Miranda claims are separate and distinct. See, e.g., Dickerson v. United States, 530 U.S. 428, 432-35 (2000); Miller v. Fenton, 474 U.S. at 109-10; Oregon v. Elstad, 470 U.S. 298, 303-04 (1985). The United States Supreme Court has consistently mandated that “. . . when an individual is taken into custody or otherwise deprived of his freedom by the authorities in any significant way and is subject to questioning, “. . . he must be warned of his constitutional rights.” Miranda v. Arizona, 384 U.S. 436 (1966). In Nevada, a suspect's statement is presumptively involuntary and the State's burden of proof is preponderance of the evidence. Dewey v. State, 123 Nev. 483, 492 (2007).

In order for a Defendant's statements to be admissible at trial, Miranda warnings must be provided prior to any custodial interrogation. “Custodial interrogation” takes place when a suspect is (1) in custody, (2) being questioned by an agent of the police, and (3) subject to

1 interrogation. Boehm v. State, 113 Nev. 910, 913 (1997). An individual is deemed “in custody”  
2 for purposes of Miranda where “. . . where there has been a restraint on freedom of movement of  
3 the degree associated with a formal arrest so that a reasonable person would not feel free to  
4 leave.” State v. Taylor, 114 Nev. 1071, 1082 (1998); see also U.S. v. Bengivenga, 845 F.2d 593,  
5 598 (5<sup>th</sup> Cir. 1998); U.S. v. Moya, 74 F.3d 1117, 1119 (11<sup>th</sup> Cir. 1996).

6 The rote reading of Miranda rights and the mere asking of a suspect if he understands his  
7 rights will NOT establish a waiver. U.S. v. Porter, 764 F.2d 1, 8 (1st cir. 1985)(emphasis added),  
8 citing Edwards v. Arizona, 451 U.S. 477, 484 (1981). It is the duty of the officer to be sure the  
9 suspect both understands and waives his rights. Porter, 764 F.2d at 9. The Supreme Court in  
10 Miranda stated that although an express statement that an individual is willing to make a  
11 statement and does not want an attorney, followed closely by a statement, could constitute a  
12 waiver, nevertheless "a valid waiver will not be presumed simply from the silence of the accused  
13 after warnings are given or simply from the fact that a confession was in fact eventually  
14 obtained" 384 U.S. 475.

15 The simple fact that a suspect voluntarily appears for an interview and is not under arrest  
16 at the time an incriminating statement is made does not automatically render the questioning  
17 “non-custodial.” Krueger v. State, 92 Nev. 749, 753; 557 P.2d 717, 720 (1976). In fact, the  
18 Nevada Supreme Court has held that once a person becomes the focus of the police investigation,  
19 rather than a mere suspect, that person is considered “in custody and entitled to the protection  
20 established by Miranda.” Id at 754.

21 It is obvious from a transcript of the interview that Vasquez-Reyes was the focus of the  
22 police investigation, and not a mere suspect. Like the defendant in Kreuger, Vasquez-Reyes was  
23 “in custody” for Miranda purposes.

24 In the instant case, Vasquez-Reyes did not properly waive his Miranda rights. This is  
25 because the rights were not properly read to him.

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2 **CONCLUSION**

3 Based on the foregoing, the Defendant requests that this Court order the suppression of  
4 all statements made by the Defendant to agents of the Las Vegas Metropolitan Police  
5 Department, or, in the alternative, order an evidentiary hearing to determine the voluntariness of  
6 the Defendant's statements as required by Jackson v. Denno, 378 U.S. 368 (1964).

7 DATED this 5th day of January, 2018.

8 PHILIP J. KOHN  
9 CLARK COUNTY PUBLIC DEFENDER

10 By: /s/Mike Feliciano  
11 MIKE FELICIANO, #9312  
12 Deputy Public Defender  
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion to Suppress on for hearing before the Court on the 16th day of January, 2018, at 8:30 a.m. in Department 12 of the District Court.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

## CERTIFICATE OF ELECTRONIC SERVICE

District Attorney's Office  
E-Mail Address:  
Jennifer.Georges@clarkcountyda.com

By: /s/ Annie McMahan  
An employee of the  
Clark County Public Defender's Office

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 1

EVENT #: 160416-2346  
STATEMENT OF ARMANDO VASQUEZ REYES

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**SPECIFIC CRIME:** SEXUAL ASSAULT AGAINST VICTIM UNDER 14

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

CITY OF LAS VEGAS

CLARK COUNTY

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**NAME OF PERSON GIVING STATEMENT:** ARMANDO VASQUEZ REYES

**DOB:** 06-15-67

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:** 2213 BERKLEY AVE, LV NV

**PHONE 1:**

**WORK ADDRESS:**

**PHONE 2:**

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE PRETTI, P# 9639, LVMPD Sexual Assault Section on April 16, 2016, at 1827 hours.

Q: Operator, this is Detective Pretti, P. number 9639, uh... conducting one taped interview reference event number 160416-2346. Person being interviewed uh... last name is going to be hyphenated, Vasquez Reyes. Uh... V-A-S-Q-U-E-Z, R-E-Y-E-S. Uh... first is Armando, A-R-M-A-N-D-O. His date of birth is June 15<sup>th</sup>, of 1967. Home address is 2213 Berkley Avenue, uh... in Las Vegas Nevada. Uh... also present is Detective Gabron, uh... P. number 5542. As well as uh... LVMPD HIS interpreter Corral, P. number 12133. We're currently in an interview room at LVMPD headquarters, at 400 South Martin Luther King. It is 1827 hours on Saturday April 16<sup>th</sup>, 2016. Uhm... Armando, before we start, I'm going to read you

**VOLUNTARY STATEMENT**

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STATEMENT OF ARMANDO VASQUEZ REYES

your rights, okay?

HIS: Armando, before starting, I am going to read you your rights, okay?

Q: You have the right to remain silent.

HIS: You have the right to remain silent.

Q: Anything you say can be used against you in court of law.

HIS: Anything you say can be used against you in a, in a court of law.

Q: You have the right to consult with an attorney before questioning.

HIS: You have the right to consult an attorney before the questioning.

Q: You have the right to the presence of an attorney during questioning.

HIS: You have the right to the presence of an attorney during the questioning.

Q: If you cannot afford an attorney, one will be appointed before questioning.

HIS: If you cannot pay for an attorney, one will be assigned to you before the questioning.

Q: Do you understand these rights?

HIS: Do you understand these rights?

A: Yes.

HIS: Yes.

Q: Okay. Do you still want to speak with us?

HIS: You still uh... wish to speak with you... with, with us? Do you still want to...

A: ... yes.

HIS: Want to talk to us? Yes.

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Q: Okay sir. Let me have you uh... signature right here.

HIS: I need...

Q: ...just stating that you understand your rights.

HIS: I need you to sign here. It just says you understood your rights.

Q: Okay. Okay Armando, first of all uh... do you know why we're talking today?

HIS: Armando, do you know why we are talking today?

A: No.

Q: Okay. Well, some allegations were made against you by Guadalupe.

HIS: There are some accusations against you made by Guadalupe.

A: I want to know what they are.

HIS: I wanna know what they are.

Q: Okay. Well, they're pretty serious. Okay?

HIS: They, they are very serious, okay?

Q: Her allegations are that you have been abusing her since she was a little girl.

HIS: Her allegations are that you have, have been abusing her since she was a little girl.

A: No.

HIS: No.

A: The only thing I have done is to love all of them because I've been with them for thirteen years.

HIS: The only thing I've done...

A: ... helping them out.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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EVENT #: 160416-2346  
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HIS: The only thing I've done is love them all because I've been with them for about thirteen years.

A: We have been together through the good and the bad. My wife and I.

HIS: We've been in the good and the bad. My wife and I. My woman and I.

A: Maybe because she was upset because I sometimes come back from work tired and I do, I do tell them what do to. (unintelligible)

HIS: Maybe she was mad because yeah, I do come home and I tell them you know, what things that have, they have to do. I come home mad.

Q: Okay. So uhm... I just spent almost an hour with her, speaking with Guadalupe.

HIS: I spoke with Guadalupe for, for almost an hour now.

A: Uh-huh.

Q: Okay? She, there's a lot of emotion in the interview.

HIS: There was a lot of emotions during the interview.

Q: She wasn't angry at all.

HIS: She was not angry.

Q: So, if you want me to understand why you think she would say this just because she's angry, what happened today? Why did the police come to your house?

HIS: If you want to say that, that she is upset and that is why she is saying this, can you tell me the reason why the police went to your house today?

A: Today...(clearing his throat)...sorry... today...I... I was laying on my bed.

HIS: Today I was in my bed.

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A: Uh... and I have my garage right there in the front, with my tools.

HIS: I have my garage in the front with all my tools.

A: So then uh... my son and his wife live in the house.

HIS: And at the house, my son and his wife live there.

A: My other daughter with her husband live there.

HIS: My other daughter with his, with her husband.

A: So then, I got upset because I have to pay almost the whole rent, I pay all the bills.  
Uhm... the food, and everything.

HIS: I got mad because, you know, I pay all of the rent. I pay most of the pays, food and everything.

A: So then uhm... they grab my tools and leave them laying around.

HIS: They grab my tools and they just leave it laying around. That's why.

A: The only thing I did was to tell them to put my, my vacuum to (unintelligible).. to put it back in there.

HIS: What I, the only thing I did was ask them to take the vacuum that they were vacuuming with and to put it back in there.

A: Because I was not drunk or anything. I simply... get upset when they grab my things and they leave them laying around.

HIS: Because I wasn't drunk or anything. I simply get mad because they grab my things and leave it laying around, leave them laying around.

A: And the only thing I have told them, I tell them to help me with the rent, with bills

**VOLUNTARY STATEMENT**

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STATEMENT OF ARMANDO VASQUEZ REYES

and everything.

HIS: The only thing I've asked of them is for them to help me with the rent, help, help me pay the bills.

A: And I take my check and...

HIS: ... that's it.

A: And I put it all in there, in the house.

HIS: I get my paycheck and, you know, it's all spent there with everything at the house.

Q: Okay. So why, why did the police show up today?

HIS: So then why did the police went there today?

A: Because of that.

HIS: Because of that. Exactly because of that.

Q: So you got upset because they left your tools out and...

HIS: ... you got angry because they left your tools out there?

A: Uh... yes.

HIS: Yes.

A: Because I told them not to use them, to put them in the small room.

HIS: Because I told them not to use it. For them to put it back in the small room.

A: And I told my wife why had they grabbed the vacuum. And she said she didn't care, that they were going to grab it.

HIS: And I asked my, my wife why, why did they grab the vacuum. And she said she didn't care, that they were going to use it.

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A: And so then she told me I'm going to call the police and I told her call them. I'm not doing anything.

HIS: And then she said I'm going to call the police. And I said go ahead and call them, I'm not doing anything.

Q: Okay. So, that was all between your wife and ... which daughter?

HIS: That was between you, your wife and which daughter?

A: The, the one who just got married. The oldest one.

HIS: The older one, the one that just got married.

Q: Stephanie?

HIS: Stephanie?

A: Stephanie.

HIS: Yeah.

Q: Okay. So, what did all that have to do with Guadalupe?

HIS: And what does that have to do with Guadalupe?

A: No, I don't know. Because Guadalupe...

HIS: ... I don't know.

A: Came out.

HIS: No, well, I don't know because Guadalupe came out there.

Q: Okay. So, you're right. The police was called for a disturbance. Okay?

HIS: You are right. Uh...the police was called because there was a disturbance.  
Uh-huh.

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STATEMENT OF ARMANDO VASQUEZ REYES

Q: And then...

A: ...and even, and I was even laying down... after that happened, I was laying down... and my wife slapped me and I asked her why are you hitting me?

HIS: After that ...

A: ... and the pol-, and you guys were there... uh... in the kitchen.

HIS: As a matter of fact, after all that happened, I went to bed, to lay down, go back and lay down and my wife came over and slapped me. You guys were already out there, talking.

A: So then she told me get out.

HIS: And she told me ...

A: ... so then I told her give me my money, the money ...

HIS: ... and then she said get out of here.

A: From my rent.

HIS: She said get out of here...

A: ... to give me my money, and so then...

HIS: ... and he said...

A: ... she grabbed the money and threw it at me, but it was like ten dollars. I told her... I can't leave.

HIS: Then she, she said get out of here. And I said yeah, I'll get out of here but first give me the money, the rent money. And then she threw some money at me but it was only like ten dollars. She said, he said I need more money than that for me to leave.

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Q: Okay. So, the police came out to your house for a disturbance.

HIS: The police came to your house because of a disturbance there.

A: Uh-huh.

HIS: Uh-huh.

Q: They're dealing with the stuff between you, your wife and Stephanie.

HIS: They are dealing with the issue between you, your wife and Stephanie.

A: Uh-huh.

Q: They had nothing to do with Guadalupe.

HIS: They had nothing to do with Guadalupe.

A: Uh-huh.

Q: They didn't talk to her. They didn't do anything to her at the beginning.

HIS: They didn't talk to her. They didn't tell her anything at the beginning .

Q: She came out to them.

HIS: She is the one who went to them.

Q: She approached them.

HIS: She approached them.

Q: And said that you had been abusing her.

HIS: And she said you were abusing her.

Q: Okay? She has no reason to do that.

HIS: She has no reason to do that.

Q: Anything that was going on today, didn't have anything to do with her.

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HIS: Everything that happened today, had nothing to do with her.

Q: Okay? She finally just got fed up of holding it inside and needed to tell somebody.

HIS: At the end, she got tired of holding it all inside and she, she saw the need to tell somebody.

Q: She had no other reason to talk to the police.

HIS: She didn't have any other reason to talk to the police.

Q: Okay?

HIS: Okay?

Q: So, if you're saying that all you've done is love them. You've only provided for them. You've never hurt Guadalupe.

HIS: If you are saying you haven't done anything just, just uh... love them, provide for them and you didn't do anything to Guadalupe.

Q: Okay? If you're saying all that.

HIS: If you are saying all that.

Q: Then, and Guadalupe is saying what she saying.

HIS: And Guadalupe is saying what she is saying.

Q: Somebody is a liar.

HIS: Somebody here is lying.

Q: Are you going to tell me it's her?

HIS: You are going to tell me it's her?

Q: Or are you going to tell me what really happened?

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HIS: Or will you tell me what, what really happened?

A: Yes, it's true. I did touch.

HIS: Yes, it's true. I have touched her.

Q: Okay. Thank you for admitting it.

HIS: Thank you for admitting it.

Q: Okay? So, when did it all start.

HIS: So then when did it all start?

A: Uh... it was... I don't remember the time but...

HIS: ... I don't remember...

A: ... but, but one, one or two times.

HIS: I think it was one or two times, but I don't remember how long ago.

Q: Okay. Well, it's more than one or two.

HIS: It's more than one or two times.

Q: And you know that and I know that.

HIS: You know it and I also know it.

Q: Okay? So, let's talk about everything that happened.

HIS: So then we are going to talk about everything that happened.

Q: Okay? Uhm... you've already told me you, you've touched her.

HIS: You have already told me you have touched her.

Q: Like I said, I appreciate your honesty.

HIS: And like I told you, I appreciate your honesty.



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Q: A lot of people in your position, would sit there and deny and call their daughter a liar.

HIS: A lot of people in your position, would sit there and would lie and say ... their daughter is a liar.

Q: Okay?

A: (two people talking at the same time – unintelligible)...

Q: ...so, so we know it was more than one or two times...

HIS: ... no, I'm not going do that.

Q: Right.

HIS: We known it happened more than one or two times.

Q: Okay? So, when did everything start?

HIS: So then when did everything start?

A: I don't remember.

HIS: I don't remember.

Q: Okay. How did it start?

HIS: How did it start?

A: During, during those times, I was... uh...

HIS: ... back in those days...

A: ... I was doing a lot of drugs and everything.

HIS: Back in those days...

A: ... doing a lot of drugs, and drank a lot.

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HIS: I used to use a lot of drugs and I used to drink a lot.

A: And so then... that happened.

HIS: And so that happened.

A: Then afterwards, I realized I was doing wrong and... I stopped, stopped taking drugs and everything.

HIS: I realized that I was doing wrong and uhm... in what I was doing, so I stopped taking drugs, everything.

Q: Okay. How were you touching her?

HIS: How were you touching her?

A: Well, touching her body.

HIS: Well, touching her body.

Q: Okay. Where on her body?

HIS: What part of her body?

A: Her breasts, her legs.

HIS: Her breast, her legs.

Q: And what else?

HIS: And what else?

A: Nothing else.

HIS: Only that.

Q: There, there's more, Armando, come on.

HIS: There is more, Armando.

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Q: Okay? When was the last time you touched her?

HIS: When was the last time you touched he?

A: No, a long time ago. Like four years ago.

HIS: About, it's been a long time. About four years.

Q: Okay. What happened around Thanksgiving?

HIS: What happened ...

Q: ... a few months ago.

HIS: What happened some months ago, around Thanksgiving Day?

A: I don't remember.

HIS: I don't remember.

Q: Okay. Because she said the last time that anything happened was a few months ago, probably around Thanksgiving.

HIS: Because she is saying that the last time something happened... a couple of months ago, maybe around, around Thanksgiving Day.

A: I don't remember things.

HIS: I don't remember.

Q: Okay. Well, here's the thing. You have no reason to lie to me anymore, okay?

HIS: Now, you don't have a reason to lie to me. Okay?

A: Okay.

Q: And I know she has no reason to lie to me.

HIS: And I know she has no reason to lie to me.

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STATEMENT OF ARMANDO VASQUEZ REYES

Q: So, I know something happened recently, a few months ago.

HIS: I know something happened recently. A couple of months ago.

Q: And it's more than just touching her breasts and her legs.

HIS: And it's more than just, it's more than just touching her breasts and her, her legs.

Q: And I know that more has happened over the years.

HIS: And I know more has happened over the years.

Q: So... what's, what's best for you right now is to tell me everything that happened with her.

HIS: The best for you is to tell me everything that happened with her.

A: It was just that. And...

HIS: ... it was only that.

A: One time there was a penetration. Just one time.

HIS: Uh... let me...

A: ... there was penetration...

HIS: ... oh, there was only one time that there was penetration.

Q: And when was that?

HIS: And when was that?

A: I don't remember when.

HIS: I don't remember when.

Q: Okay. Uhm... tell me about the penetration.

HIS: Tell me about the penetration.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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STATEMENT OF ARMANDO VASQUEZ REYES

A: I'm embarrassed.

HIS: I'm embarrassed.

Q: I, I understand.

HIS: I understand.

Q: Okay? This is what we do every day.

HIS: This is what we do every day.

Q: Okay? And like I said we appreciate your honesty.

HIS: And like I told you before, I appreciate your honesty.

A: I feel terrible now because of what I've done.

HIS: I feel, I feel terrible for what I have done.

Q: Okay. Well, the first step is admitting what you're done.

HIS: The first step is to admit what you have done.

Q: Okay?

HIS: Okay?

Q: The more honest you are with me and the more you talk to me about what happened, the better we can do for Guadalupe and get her help.

HIS: The more honest you are with us, and, and... we can give Guadalupe more help.

Q: Because at this point, everything going forward is about her and making sure she's okay as she grows up.

HIS: Because from now on, we have to make sure she is okay while she grows up.

A: We need to give her help.

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HIS: We need, we need to get help for you, I need for you guys to get her help.

Q: And I'm working on that.

HIS: And we are working on that.

Q: But I need to know from you the extent of what's happened with her.

HIS: But I need to know from you in extent what happened with her.

A: Just that. One time I went in her bedroom, and she was masturbating and I went in... and...

HIS: ... well, one time I walked into the room and she was masturbating, so I walked in and I...

Q: ...what did you do?

HIS: What did you do?

A: Well, I was with her.

HIS: Well, I was with her.

A: But I did not rape her. Like... it's a rape, but not forced.

HIS: I didn't abuse her, I mean, it was abuse but it wasn't forced.

Q: Okay. So, what did you do to her?

HIS: So then what did you do to her?

A: I just penetrated her.

HIS: I just penetrated her.

Q: Okay. With your penis?

HIS: With your penis?

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A: Yes.

HIS: Yes.

Q: Okay. And her vagina or her anus or something else?

HIS: In her vagina, her anus or something else?

A: Just in her anus.

HIS: In her anus only.

Q: In her anus only? Okay. How many times did that happen?

HIS: How many times did that happen?

A: No, only one time.

HIS: Once, only one time.

Q: Okay. How old was she when that happened?

HIS: How old was she when that happened?

A: Like eight years old.

HIS: About eight years old.

Q: She was about eight years old and she was masturbating?

HIS: She was like eight years old and she was masturbating?

A: Uh-huh.

HIS: Yes.

Q: Okay. So, how many other times did you penetrate her anus?

HIS: So then how many times, how many times have you penetrate her anus?

A: Just one time.

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HIS: Only one time.

Q: Okay. I know it's more than that.

HIS: I know it was more than one time.

Q: She told me it was more than that.

HIS: She told me it was more than one time.

A: Well, I am telling you the truth now.

HIS: Now I am telling you the truth.

Q: Okay. So, what happened a few months ago?

HIS: So then what happened some months ago?

A: I don't know.

HIS: There I don't, I don't know.

Q: Okay. Uhm... when was the last time you touched her?

HIS: When was the last time you touched her?

A: That time only.

HIS: Only that time.

Q: Okay. I know you said you're embarrassed, I know it's tough to talk about.

HIS: I know you told me you are, you are embarrassed. And it's very hard to talk about this.

Q: Okay? I know this stuff happened more than one time.

HIS: I know this happened more than one time.

Q: Okay? She told me it happened more than one time.



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HIS: She told me it happened more than one time.

Q: Okay? The way you said at first nothing happened. Then oh, I just touched her breast. And oh, I just penetrated her one time. Okay? That's how I know that she's telling me the truth.

HIS: Since you started saying at the beginning... you said no, nothing happened. Then you said that yes, you had touched her. And then afterwards you said you penetrated her. I know she is not lying to me...

A: ... but now I am telling you everything that happened.

HIS: But now I am telling you everything that happened.

Q: Okay. I... like I said, I appreciate your honesty.

HIS: Like I told you I appreciate your honesty.

Q: But... I don't believe you now.

HIS: But I don't believe you now.

Q: Okay? Uh... I know this happened more than once.

HIS: I know this happened more than one time.

Q: I know it's been ongoing for a number of years.

HIS: I know it's been happening for, for a number of years.

Q: Okay? She has...

HIS: ... (two people talking at the same time - unintelligible)

Q: Zero reason to lie to me.

HIS: She has no reason to lie to me.

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Q: Okay? So, if you're just going to stick with it happened one time.

HIS: So then if you are going to stick with that, that it happened only one time.

Q: And you're going to keep the rest of it inside you.

HIS: And the rest you are going to keep inside of you.

Q: Then that doesn't, that doesn't help her.

HIS: That does not help her.

A: Right now, I have nothing else to say. That's all.

HIS: Right now, I have nothing else to say. That's all.

A: The only thing I know is that... the little boy, the one took in the car

HIS: The only thing I, I do know is that the child that...

A: ...one...

HIS: ... came in, that was there in the car. That arrived in the car.

A: One time... uh... Guadalupe told her mother.

HIS: One time Guadalupe told her mom.

A: That the little boy had raped her.

HIS: That that they boy had uh... abused her. Had raped her.

A: Her mom told her no, not to tell lies, that it was not true.

HIS: And that her mother said no, don't be telling lies, that is not true.

A: And it's what happened.

HIS: That is what happened.

Q: Okay. So, was that Mael (no sp given)?

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A: Mael.

Q: Okay. So, he was obviously upset with you at the house.

HIS: Obviously he was upset with you at the house.

A: Yes, I saw he was upset.

HIS: Yes, I noticed that he was upset.

Q: Yes. So, uhm... I don't know what he was saying to you.

HIS: I don't know what he was saying to you.

Q: But it didn't sound friendly.

HIS: But it didn't seem it was very friendly.

A: The only thing...

Q: ... and the fact... hang on. And the fact that he would try and go after you when there's three police officers around you.

HIS: And the fact that he tried to, to go after you while there were three police officers there.

Q: That, that doesn't strike me as a guy who has been accused of this before.

HIS: That does not, not, I don't think that is a person who has been accused about this before.

Q: Okay? So, I'm not talking to you about Mael.

HIS: So like I am not talking to you about Mael.

Q: I'm talking about you, and I'm talking about Guadalupe.

HIS: We are talking about you and Guadalupe.

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Q: Okay?

HIS: Okay?

Q: So... what else happened with her?

HIS: So then what else happened with her?

A: Nothing else.

HIS: Only that. Nothing else.

A: I don't have anything else to tell you. (two people talking at the same time – unintelligible) ...

HIS: ... but I have nothing else to say. That's all that happened.

Q: All right. You got nothing else to say?

HIS: You don't have nothing else to say?

A: If I have to pay for it, I will pay for it.

HIS: If I have to pay, I have, I will pay.

Q: Okay. So, I just want to clarify.

HIS: I just want to clarify.

Q: Are, are you done talking to us or do you want to talk to us more?

HIS: Are you done talking to us or do you want to continue talking to us?

A: That's all.

HIS: That's all.

Q: Okay. Operator, it's going to be end of interview. The same four people are present. Time is 1847 hours.

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400 S. MARTIN LUTHER KING BLVD, LV NV ON THE 16<sup>TH</sup> DAY OF APRIL, 2015, AT 1847 HOURS.**

Transcribed and translated by Claudia Sutton, #7863

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STEVE WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

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

## Counsel for Respondent

# CERTIFICATE OF SERVICE

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AUDREY CONWAY  
WILLIAM M. WATERS

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BY /s/Rachel Howard  
Employee, Clark County Public Defender's Office