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Respondent.

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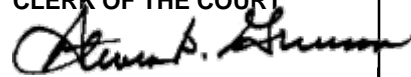
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ARMANDO VASQUEZ-REYES,
#7030886

Defendant.

CASE NO: C-16-316382-1

DEPT NO: XII

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS

DATE OF HEARING: JANUARY 16, 2018
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and files this State's Opposition to Defendant's Motion to Suppress.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Defendant, ARMANDO VASQUEZ-REYES is charged by way of Criminal
4 Information with two (2) counts of Lewdness with a Child Under the Age of 14 (Category A
5 Felony – NRS 201.230) and eight (8) counts of Sexual Assault with a Minor Under Fourteen
6 Years of Age (Category A Felony – NRS 200.364, 200.366). The crimes occurred on or
7 between January 21, 2007 and December 31, 2015. The victim is G.A.

8 The facts of this case are such that on April 16, 2016, LVMPD Patrol Officers
9 responded to a domestic dispute at 2213 Berkley Avenue, Las Vegas, Nevada 89101. Details
10 of the call stated that the dispute was between the caller and Defendant (her husband). While
11 the police officers were investigating the dispute, they were approached by the caller's
12 daughter, the victim in this case, who asked the officers if she could speak with them away
13 from the family. Officers agreed and spoke to G.A., away from her family members. G.A.
14 told the officers that Defendant (her step-father) had been sexually abusing her "her whole
15 life." She went on to tell them that Defendant had repeatedly sexually assaulted her by putting
16 his penis inside her vagina, with the most recent occurring one week prior. Based upon G.A.'s
17 statement, patrol officers contacted LVMPD Sex Crimes Detective M. Pretti, who responded
18 to the scene along with Spanish Interpreter, M. Corral, P#12133.

19 Due to the number of family members present, and the fact there was no active crime
20 scene, Detective Pretti determined the investigation would be better suited to the interviews
21 being conducted in a more sterile environment at the LVMPD Headquarters. With the
22 assistance of the interpreter, Detective Pretti explained to Defendant that there had been some
23 allegations made against him and he would like to speak with Defendant about them at
24 LVMPD headquarters and requested that Defendant consent to be transported to LVMPD HQ,
25 which he granted verbally. Detective Pretti explained to Defendant that he would be
26 transported in a marked LVMPD patrol vehicle, and that he would be handcuffed, as is
27 LVMPD policy, to which Defendant agreed.

28 //

1 Detective Pretti then spoke with G.A. and her mother, with the assistance of the
2 interpreter, and requested that they respond to LVMPD HQ to participate in interviews, to
3 which they both agreed.

4 In the interview with G.A. she told Detective Pretti that Defendant has been sexually
5 abusing her for as long as she has known him. G.A. stated that she has known Defendant from
6 the time she was five or six years old, when she moved to Las Vegas from Mexico. At time
7 G.A. moved here to Las Vegas, her mother was already living here and had been dating
8 Defendant.

9 The first incident G.A. recalled happening occurred when she was very small.
10 Defendant told her to come into his room and not to tell her mother because she would get into
11 trouble. Defendant told her to touch his penis and "make him feel good." G.A. described
12 Defendant telling her to touch his penis and move her hand up and down, masturbating him.
13 G.A. told Detective Pretti that Defendant has been sexually assaulted by Defendant from the
14 time she was five or six years old; and, he has anally assaulted her approximately thirty (30)
15 times. Defendant would sexually assaulted G.A. while her mother was at work, and while her
16 brother and sister were out of the house with friends.

17 G.A. described an incident that happened in one of their old homes near Bridger Middle
18 School, where Defendant sexually assaulted her in the laundry room of the house. On that
19 occasion, G.A. was in the laundry room doing laundry for her and her sister. Defendant came
20 into the room, took off her clothes, and anally assaulted her with his penis. G.A. stated that
21 her brother and sister were both home but were in their rooms watching television.

22 G.A. stated that Defendant has had vaginal intercourse with her on at least two
23 occasions, the most recent being around November 2015. When that occurred, G.A. stated
24 that she told Defendant to stop because it was causing her pain.

25 G.A. described an incident that occurred approximately one week prior, where
26 Defendant touched her buttocks, over her clothes. The last sexual assault occurred in several
27 months prior, in November 2015. Defendant called G.A. into his room and asked her to watch
28 a movie with him. G.A. was laying on the bed with Defendant when he began touching her

1 hands and arms and G.A. told him to stop. Defendant told her it was alright and began taking
2 her clothes off, grabbing her breasts, buttocks, and vagina. Defendant then took off his own
3 clothes and inserted his penis into her anus, without a condom, until he ejaculated. G.A.
4 pushed Defendant off of her, left the room, and went to take a shower. G.A. stated that she has
5 become more agitated and aggressive with her family since the incident because she feels
6 disgusted about what Defendant has done to her. G.A. stated that she has cut herself in the past
7 and has had suicidal thoughts because of the Defendant's sexual abuse of her.

8 G.A. stated that she was afraid to tell her mom because she thought her mother would
9 judge her and she was afraid her mother might think that G.A. was trying to steal her husband.
10 G.A. stated that she decided to tell the police because she was scared of Defendant and she
11 was afraid that he would hit her mother or someone else because he was angry about the
12 (domestic) incident that occurred at the residence earlier, regarding the tools.

13 With the assistance of the interpreter, Detective Pretti explained to G.A.'s mother that
14 G.A. had disclosed being sexually abused by Defendant from the time she first moved to Las
15 Vegas from Mexico. G.A.'s mother stated that G.A. moved to Las Vegas in 2007 and that she
16 did not believe that G.A. would lie about these things. She further stated that G.A. had been
17 more agitated and aggressive in the last few months and agreed to take her to Sunrise Hospital
18 for a medical exam.

19 Detective Pretti also spoke to Defendant, with the assistance of an interpreter, and
20 Detective Galbron. Detective Pretti began by advising Defendant of his Miranda rights
21 directly from a LVMPD issued advisement card, which Defendant signed and dated after
22 stating that he understood his rights as read to him. (A copy of the advisement signed and
23 dated by Detective Pretti and Defendant is attached hereto as State's Exhibit "1").

24 Specifically, Detective Pretti, through the interpreter, advised Defendant as follows:

25 Q: . . . Armando, before we get started, I'm going to read you
26 your rights okay?

27 HIS: Armando, before starting, I am going to read you rights okay?

28 A. You have the right to remain silent.

HIS: You have the right to remain silent.

1 Q. Anything you say can be used against you in [a] court of law.

2 HIS: Anything you say can be used against you in a court of law.

3 Q. You have the right to consult with an attorney before
4 questioning.

5 HIS: You have the right to consult an attorney before questioning.

6 Q. You have the right to the presence of an attorney during
7 questioning.

8 HIS: You have the right to presence of an attorney during
9 questioning.

10 Q. If you cannot afford an attorney, one will be appointed before
11 questioning.

12 HIS: If you cannot afford an attorney, one will be assigned to you
13 before questioning.

14 Q. Do you understand these rights?

15 HIS: Do you understand these rights?

16 A: Yes.

17 H: Yes.

18 Q. Okay. Do you still want to speak with us?

19 HIS: You still uh..wish to speak with you...with, with us? Do you
20 still want to...

21 A: ..Yes.

22 HIS: Want to talk to us? Yes.

23 Q. Okay sir. Let me have you uh..signature right here.

24 HIS: I need...

25 Q.just stating that you understand your rights.

26 HIS: I need you to sign her. It just says you understood your rights.

27 (Defendant's Voluntary Statement, pp.1-3, a copy of which is attached hereto as State's
28 Exhibit "2").

On January 8, 2016, Defendant filed a Motion to Suppress. The State's Opposition
follows.

LEGAL ARGUMENT

Before the accuser's statements are brought before the jury there must be a hearing in front of the judge, outside the presence of the jury, pursuant to Jackson v. Denno, 378 U.S. 368, 84 Sect. 1774 (1964). At the hearing, the judge hears what the suspect told the police and the circumstances under which the suspect made the statements. Then the judge decides (1) whether the statements were "voluntary" using the totality of the circumstances and (2) whether the statements were given after proper Miranda warnings, or whether Miranda was violated, or applicable.

The burden to ask for such a voluntary hearing is on the defendant. See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980). Nevada has adopted the procedure set forth, often referred to as the "Massachusetts" rule. Grimaldi v. State, 90 Nev. 89, 518 P.2d 615 (1974).

If the statement was involuntary, it ceases to exist legally and cannot be used for any purpose. See Mincey v. Arizona, 437 U.S. 385, 98 S.Ct. 2408 (1978).

The prosecution has the burden of proving by a preponderance of the evidence (1) the voluntariness of a confession, as well as (2) the waiver of a suspect's Fifth Amendment Miranda rights as being voluntary, knowingly, and intelligently made. Falcon v. State, 110 Nev. 530, 874 P.2d 772 (1994). The "totality of the circumstances" test is the standard for determining voluntariness of a statement. Alward v. State, 112 Nev. 141, 912 P.2d 243 (1996); Passama v. State, 103 Nev. 212, 735 P.2d 321 (1987).

i. Waiver Analysis

With regard to analyzing a waiver of Miranda rights, the test is whether the waiver was "knowingly and intelligently made." Tomarchio v. State, 99 Nev. 572, 576, 665 P.2d 804 (1983); Edwards v. Arizona, 451 U.S. 477, 483, 101 S.Ct. 1880 (1981). The Nevada Supreme Court has stated:

... Moreover, the Miranda waiver validity must be determined in each case through an examination of the particular facts and circumstances surrounding that case, including the background, experience and conduct of the accused. Anderson v. State, 109 Nev. 1129, 1133, 865 P.2d 318 (1993) ("after reviewing the totality of the circumstances, we conclude that there

1 was sufficient evidence to indicate that Anderson knowingly and intelligently waived his
2 rights.”).

3 The prosecutor has the burden to prove that the waiver of a suspect's 5th Amendment
4 Miranda rights was voluntary, knowingly and intelligently made. This burden is on the
5 prosecution by preponderance of the evidence. Falcon v. State, 110 Nev. 530, 874 P.2d 772
6 (1994). *This is generally accomplished by demonstrating to the court that the officer advised*
7 *the defendant of his Miranda rights and at the conclusion of the advisement asked the*
8 *suspect if he understood his rights. An affirmative response by the suspect normally satisfies*
9 *the knowingly and intelligent portion of the waiver.*

10 The voluntariness prong is normally judged under a totality of the circumstances
11 existing at the time that the rights were read to the defendant. A waiver of rights need not be
12 expressed, *i.e.*, the suspect need not say "I waive my Miranda rights" nor need the officer ask
13 the suspect "do you waive your Miranda rights". It is sufficient if the officer obtains an
14 affirmative response to the question whether the suspect understands the rights that were just
15 read to him. *See generally Tomarchio v. State*, 99 Nev. 572, 665 P.2d 804 (1983); North
16 Carolina v. Butler, 441 U.S. 369, 99 S.Ct. 1755 (1979) (defendant refused to sign the waiver
17 but agreed to talk to the officers. This was an adequate waiver according to the United States
18 Supreme Court). *See also Taque v. Louisiana*, 444 U.S. 469, 100 S.Ct. 652 (1980). *See also,*
19 Connecticut v. Barrett, 479 U.S. 523, 107 S.Ct. 828 (1987), wherein defendant agrees to make
20 oral, but declines written statement.

21 In Mendoza v. State, 122 Nev. 267, 130 P.2d 176 (2006), our Nevada Supreme Court
22 addressed the issue of an explicit waiver and held:

23 A valid waiver of rights under Miranda must be voluntary, knowing,
24 and intelligent. *See Miranda*, 384 U.S. at 444, 86 S.Ct. 1602; *see also*
25 Floyd, 118 Nev. at 171, 42 P.3d at 259-60. "A waiver is voluntary if,
26 under the totality of the circumstances, the confession was the product
27 of a free and deliberate choice rather than coercion or improper
28 inducement." U.S. v. Doe, 155 F.3d 1070, 1074 (9th Cir.1998) (*citing*
United States v. Pinion, 800 F.2d 976, 980 (9th Cir.1986)) A written
or oral statement of waiver of the right to remain silent is not
invariably necessary. *See North Carolina v. Butler*, 441 U.S. 369, 373,
99 S.Ct. 1755, 60 L.Ed.2d 286 (1979). Rather, a waiver may be
inferred from the actions and words of the person interrogated. *Id.*

1 A detective read Mendoza his rights in Spanish, and Mendoza never
2 expressed difficulty understanding the nature of his rights or the
3 content of the subsequent questioning. Further, Mendoza never
4 expressed a desire not to speak. A review of the totality of the
5 circumstances reveals that Mendoza voluntarily, knowingly, and
6 intelligently waived his Miranda rights. Given the wealth of evidence
7 pointing to Mendoza's guilt, even if a Miranda violation occurred, any
8 error in admitting Mendoza's un-Mirandized statement is harmless
9 beyond a reasonable doubt. See Arizona v. Fulminante, 499 U.S. 279,
10 295-96, 111 S.Ct. 1246, 113 L.Ed.2d 302 (1991).

11 Id., 122 Nev. 267, 130 P.2d 176, 181-182.

12 In Davis v. United States, 512 U.S. 452, 114 S.Ct. 2350, 129 L.Ed. 362 (1994), the
13 United States Supreme Court determined that a suspect's request for counsel after waiver of
14 Miranda must be an unequivocal request.

15 In its decision the Court stated, "If a suspect effectively waives his right to counsel after
16 receiving the Miranda Warnings, law enforcement officers are free to question him. But if a
17 suspect requests counsel at any time during the interview, he is not subject to further
18 questioning until a lawyer has been made available or the suspect himself reinitiates
19 conversation." Id. at 458. The Court further stated, "[i]f the suspect is not reasonably clear
20 in his reference to any attorney, officers are not required to stop questioning or focus on
21 clarifying the suspect's statement." "[t]he suspect must unambiguously request counsel," and
22 if his "statement fails to meet the requisite level of clarity," then the officers are not required
23 to stop questioning the suspect." Id. at 459. Most importantly, the Court explicitly held that
24 "after a knowing and voluntary waiver of the Miranda rights, law enforcement officers may
25 continue questioning until and unless the suspect clearly requests an attorney." Id. at 461.

26 Thereafter, in Evans v. Demosthenes, 902 F.Supp. 1253 (1995), the United States
27 District Court of Nevada, undertook the task of determining whether the right to remain silent,
28 like the right to counsel, must be invoked unambiguously, pursuant to the United States
Supreme Court's holding in Davis, supra, and ruled that "Davis' 'clear articulation rule' does
apply to the right to remain silent." Id.

In Stringer v. State, 108 Nev. 413, 836 P.2d 609 (1992), the Nevada Supreme Court
stated:

1 “Police officers have an obligation to inform suspects of their right
2 to remain silent and their right to an attorney before custodial
3 interrogation may begin. Miranda v. Arizona, 384 U.S. 436, 479,
4 86 S.Ct. 1602, 1630, 16 L.Ed.2d 694 (1966). Once a suspect has
5 been apprised of these rights, the suspect must affirmatively waive
6 them prior to the interrogation. Id. Where a suspect is indecisive
7 about waiving these rights, or makes an equivocal request for
8 counsel, the scope of such questions must be limited to the
9 clarification of the request. Nash v. Estelle, 597 F.2d 513, 517
10 (5th Cir.1979) (en banc), *cert denied*, 444 U.S. 981, 100 S.Ct. 485,
11 62 L.Ed.2d 409 (1979) (“it is sound and fully constitutional police
12 practice to clarify the course the suspect elects to choose”). If the
13 suspect then chooses to voluntarily waive these rights, the
14 interrogation may proceed. Id. at 518. *See also* United States v.
15 Fouche, 833 F.2d 1284 (9th Cir. 1987), *cert. denied*, 486 U.S.
16 1017, 108 S.Ct. 1756, 100 L.Ed.2d 218 (1988). In McRoy v. State,
17 92 Nev. 758, 759, 557 P.2d 1151, 1152 (1976) we held: “The
18 voluntariness of a confession depends upon the facts that surround
19 it, and the judge’s decision regarding the voluntariness is final
20 unless such finding is untenable . . .” (citing Moser v. United
21 States, 381 F.2d 363 (9th Cir. 1967) *cert. denied*, 486 U.S. 1054,
22 88 S.Ct. 802, 19 L.Ed.2d 850 (1968)).

23 Id. at 417-18.

24 **II. The Miranda Warning was Adequate**

25 In Miranda v. Arizona, 384 U.S. 436 (1966), the United States Supreme Court
26 established certain procedural safeguards that require police to advise criminal suspects of
27 their rights under the Fifth and Fourteenth Amendments before commencing custodial
28 interrogation. In doing so, the Court said that the suspect must be told that *“he has the right
to remain silent, that anything he says can be used against him in a court of law, that he
has the right to the presence of an attorney, and that if he cannot afford an attorney one
will be appointed for him prior to any questioning if he so desires.”* Id., at 479. Emphasis
added.

There is some split of authority as to whether Miranda v. Arizona requires a specific
statement that the defendant has a right to an attorney during questioning and whether a
defendant has to be told the words “during questioning” in relation to being told he has a right
to an attorney. In United States v. Noti, 731 F.2d 610, 614 (9th Cir. 1984), the 9th Circuit held
that Miranda Warnings that did not inform the defendant that he had a right to counsel during

1 questioning violated the defendant's constitutional rights. *The Court noted that this was not*
2 *a well-established principle and was a "close call."* *Id.* at 614. Emphasis added.

3 Noti is distinguishable here for two reasons. First, the facts are distinguishable from
4 the one at bar; and second, such a holding is contrary to common sense, the underlying intent
5 of Miranda, and the holding of several other cases. For starters, in Noti, the police had simply
6 told the defendant that he had a right to consult with counsel before questioning, leaving it
7 ambiguous as to whether or not the defendant was in entitled to counsel during the questioning
8 itself. *Id.* That sort of misconception is not present in the case before the bar because the
9 Detectives told Defendant that he had a right to have an attorney present during questioning;
10 and, that if he could not afford an attorney, one would be appointed to him before any
11 questioning. This implies that he has a right to have an attorney at any and all times.

12 Certainly specific words do not need to be used before the Detectives meet their duties
13 under Miranda. California v. Prysock, 101 S. Ct. 2806 (1981); United States v. Tillman, 963
14 F.2d 137 (6th Cir. 1992). This conclusion is supported by several cases, including other Ninth
15 Circuit cases that were not specifically overruled by Noti. These cases hold that Miranda is
16 satisfied by the inference that can be drawn from the combination of statements that he
17 individual has a right to remain silent and the right to counsel. United States v. Lamia, 429
18 F.2d 373, 377 (2d Cir.), cert. denied, 400 U.S. 907, 91 S. Ct. 150, 27 L. Ed. 2d 146 (1970);
19 State v. Adams, 484 F.2d 357, 361 (7th Cir. 1973).

20 It should be noted that in Sweeney v. United States, 408 F.2d 121 (9th Cir. 1969), the
21 Ninth Circuit held that Miranda warnings in which the defendant was told "he was entitled to
22 an attorney; that if he could not afford an attorney one would be appointed for him" satisfied
23 the requirements of Miranda. The Ninth Circuit in Sweeney followed the rationale of every
24 other court which held these types of warnings sufficient, stating that the warning that he was
25 entitled to an attorney, coupled with the admonition he had a right to remain silent, clearly
26 implied the defendant had a right to an attorney before and during questioning. *Id.* at 124.
27 Noti did not specifically overrule Sweeney. *Cf.* United States v. Pheaster, 544 F.2d 353, 365
28 (9th Cir. 1976)(court refused to put form over substance and held the Miranda warnings were

1 sufficient event though defendant was not told of his right to an attorney at questioning,
2 because the defendant specifically interrupted the officer and told him he knew about his right
3 to an attorney).

4 Furthermore, the Ninth Circuit's citation of Prysock and the United States Supreme
5 Court dictate that no talismanic incantation of rights is necessary to meet the demands of
6 Miranda, is inconsistent with its holding in Noti. The United States Supreme Court has been
7 very clear that Miranda Warnings are not required to be given from a pre-printed card and are
8 not a "talismanic incantation". California v. Prysock, 101 S. Ct. 2806 (1981); United States v.
9 Tillman, 963 F.2d 137 (6th Cir. 1992). It is not fatal to Miranda warnings if an irrelevant word
10 is omitted so long as the Miranda warnings are not misleading. Prysock, 101 S. Ct. at 2809.
11 Cf. Moran v. Burbine, 106 S. Ct. 1135 (1986)(defendant does not have to be told that his
12 attorney has been called or that the attorney is willing to be present during interrogation).

13 There is no requirement under Miranda that officers use the magic words "you are
14 entitled to counsel right now" or "you are entitled to counsel during interrogation."

15 This conclusion is supported by United States v. Lamia, 429 F.2d 373 (2nd Cir. 1970).
16 In this case, FBI agents were investigating a robbery and placed the defendant under arrest
17 and gave him his Miranda warnings. Specifically, the FBI agent stated, "you have a right to
18 an attorney, if you are not able to afford an attorney, an attorney will be appointed by the
19 court." The Lamia Court held that the Supreme Court did not prescribe an exact format to be
20 used in advising a suspect of his constitution right to remain silent but rather left to the court
21 the duty of guarding against any invasion of the right and any resolution of such a question
22 should give precedence to substance over form. Citing Tucker v. United States, 375 F.2d 363
23 (8th Cir. 1967). The court held:

24 Lamia had been told without qualification that he had the right to
25 an attorney and that one would be appointed if he could not afford
26 one. Viewing this statement in context, Lamia having just been
27 informed that he did not have to make any statement to the agents
28 outside the bar, Lamia was effectively warned that he need not
make any statement until he had the advice of an attorney.

27 Id.

28 //

1 This theme is reiterated in United States v. Adams, 484 F.2d 357, 361 (7th Cir. 1973).
2 In this case, the defendant was given his rights in a summary form and they were not read from
3 a pre-printed card. The officers told the defendant of his right to an attorney but did not include
4 the words regarding the presence of an attorney before questioning. The Court upheld these
5 warnings as satisfactory under Lamia. See also United States v. Cusumano, 429 F.2d 378, 379
6 (2nd Cir. 1970)(even though defendant was not specifically told that he had a right to counsel
7 to be present at questioning, such an inference can be drawn from the fact he was told he had
8 a right to an attorney and he had a right to remain silent, such warnings are sufficient under
9 Miranda); Tasby v. United States, 451 F.2d 394, 398 (8th Cir. 1971)(statement made to
10 defendant that an attorney would be appointed "at the proper time" did not negate the
11 effectiveness of the Miranda warnings when defendant was told he had a right to remain silent
12 and have an attorney); People v. Valdivia, 226 Cal. Rptr. 144 (1986)(Miranda warning was
13 not defective because defendant was told he was entitled to an attorney before questioning but
14 not specifically told that he was entitled to an attorney during questioning because a reasonable
15 interpretation of the language was that defendant had an unfettered right to an attorney).

16 Most importantly, the United States Supreme Court has confronted on this issue in a
17 similar situation. In Duckworth v. Eagan, 492 U.S. 195, 109 S. Ct. 2875 (1989), the defendant
18 signed a waiver form stating that he had a right to an attorney and if he cannot afford one, one
19 will be appointed "if and when you go to court." The United States Supreme Court upheld
20 this version of Miranda as an adequate warning, stating:

21 Miranda warnings need not be given in the exact form described in
22 Miranda but simply must reasonably convey to the suspect his
23 rights...the initial warnings given to respondent. . . touched on all of
24 the bases required by Miranda.

25 Id. at 195.

26 //

27 //

28 //

1 **III. DEFENDANT'S STATEMENT WAS FREELY AND VOLUNTARILY GIVEN**
2 **AND SHOULD NOT BE SUPPRESSED**

3 "A confession is admissible only if it is made freely and voluntarily, without
4 compulsion or inducement." Passama v. State, 103 Nev. 212, 213, 735 P.2d 321, 322 (1987)
5 (citing Franklin v. State, 96 Nev. 417, 610 P.2d 732 (1980)). A confession is voluntary if it is
6 the product of a "rational intellect and a free will." Blackburn v. Alabama, 361 U.S. 199, 208,
7 80 S.Ct. 274, 280 (1960). "To determine the voluntariness of a confession, the court must
8 consider the effect of the totality of the circumstances on the will of the defendant. (Citation
9 omitted) The question in each case is whether the defendant's will was overborne when he
10 confessed." Passama, 103 Nev. at 214, 735 P.2d at 323. In Passama, the Nevada Supreme
11 Court, citing Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041 (1973), delineated the
12 following factors to be considered when evaluating the voluntariness of a confession:

13 the youth of the accused; his lack of education or his low intelligence;
14 the lack of any advice of constitutional rights; the length of detention;
15 the repeated and prolonged nature of questioning; and the use of
 physical punishment such as the deprivation of food or sleep.

16 Id. at 323.

17 Quite simply, there is nothing in the record to suggest that this Defendant suffered from
18 lack of education or low intelligence. The entire duration of the interview was twenty (20)
19 minutes in length and Defendant was not deprived of food or sleep as a result. Suppression is
20 designed to deter police misconduct. The record in this case reveals that Defendant was not
21 given improper or incomplete Miranda warnings. Furthermore, the Defendant was asked if he
22 understood his rights and he answered in the affirmative. Finally, Defendant signed and dated
23 the LVMPD issued advisement card after stating that he understood those rights as read to
24 him, in Spanish. See State's Exhibit "1". As such, defense counsel's instant argument is
25 flawed and must fail on its face.

26 //

27 //

28 //

1 **CONCLUSION**

2 Based upon the above and foregoing Points and Authorities, Defendant's Motion to
3 Suppress must be DENIED.

4 DATED this 12th day of January, 2018.

5 STEVEN B. WOLFSON
6 DISTRICT ATTORNEY
7 Nevada Bar #001565

8 BY /s/ JAMES R. SWEETIN
9 JAMES R. SWEETIN
10 Chief Deputy District Attorney
11 Nevada Bar #005144

12
13 **CERTIFICATE OF SERVICE**

14 I hereby certify that service of the above and foregoing was made this 12th day of
15 JANUARY, 2018, to:

16
17 MIKE FELICIANO, DPD
18 mcmahaae@ClarkCountyNV.gov

19
20 BY /s/ HOWARD CONRAD
21 Secretary for the District Attorney's Office
22 Special Victims Unit

23
24
25
26
27
28 hjc/SVU

EXHIBIT "1"

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INFORMACIÓN SOBRE EL PROCEDIMIENTO
DE INTERROGACIÓN BAJO CUSTODIA

Adultos

Tiene el derecho de guardar silencio.

Cualquier cosa que usted diga puede ser usado en su contra en un tribunal de justicia.

Tiene el derecho de consultar con un abogado antes del interrogatorio.

Tiene el derecho a la presencia de un abogado durante el interrogatorio.

Si usted no puede pagar un abogado, uno se le asignará antes del interrogatorio.

¿Entiende estos derechos?

Juveniles

Tiene el derecho de guardar silencio.

Cualquier cosa que usted diga puede ser usado en su contra en un tribunal de justicia.

Tiene el derecho de consultar con un abogado antes del interrogatorio.

Tiene el derecho a la presencia de un abogado durante el interrogatorio.

Si usted no puede pagar un abogado, uno se le asignará antes del interrogatorio.

¿Desea que alguno de sus padres o tutores esté presente?

¿Entiende estos derechos?

Día y Hora

4/16/16 1828

Officer

Det M. PRATE 2657

Firma

File #

160416-2346

LVMPD 89 (REV. 2-16)

EXHIBIT "2"

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

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EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

SPECIFIC CRIME: SEXUAL ASSAULT AGAINST VICTIM UNDER 14

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

CITY OF LAS VEGAS

CLARK COUNTY

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:

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 15th, 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 16th, 2016. Uhm... Armando, before we start, I'm going to read you

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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.

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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

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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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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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 12

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 13

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 14

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 15

EVENT #: 160416-2346

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

VOLUNTARY STATEMENT

PAGE 16

EVENT #: 160416-2346

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 17

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 18

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 19

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 20

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 21

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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)?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 22

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 23

EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES.

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.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 24

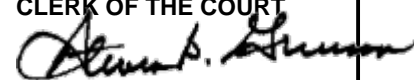
EVENT #: 160416-2346

STATEMENT OF ARMANDO VASQUEZ REYES

THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400 S. MARTIN LUTHER KING BLVD, LV NV ON THE 16TH DAY OF APRIL, 2015, AT 1847 HOURS.

Transcribed and translated by Claudia Sutton, #7863

MP015



SLOW
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

STATE'S SUPPLEMENTAL 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:

***ALVAREZ, MAEL, C/O DISTRICT ATTORNEY'S OFFICE**

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

1 COR or Designee; SUNRISE HOSPITAL
2 CORRAL, MARIA; LVMPD#12133; Will testify as an expert in Spanish/English
3 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

4 G.A.; c/o CCDA-SVU/VWAC

5 GABRON; LVMPD#05542

6 LEON, RUTH; CCDA-SVU INVESTIGATIONS

7 *MARTINEZ, YANNET, C/O DISTRICT ATTORNEY'S OFFICE

8 MURRAY; LVMPD#13458

9 PARENT/GUARDIAN of G.A.; c/o CCDA-SVU/VWAC

10 PRETTI; LVMPD#09639

11 R.C.; c/o CCDA-SVU/VWAC

12 RETA, MYRA; CCDA VWAC; Will testify as to Will testify as an expert in
13 Spanish/English translation and/or as to the Spanish/English translation(s) conducted in the
14 instant case.

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

16 SUTTON, CLAUDIA; LVMPD#07863; Will testify as an expert in Spanish/English
17 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

18 THEOBALD; LVMPD#06468

19 *TORRES, SERGIO, C/O DISTRICT ATTORNEY'S OFFICE

20 These witnesses are in addition to those witnesses endorsed on the Information or
21 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
22 Witnesses has been filed.

23 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

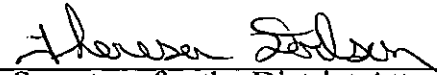
24 STEVEN B. WOLFSON
25 Clark County District Attorney
Nevada Bar #001565

26 BY /s/ JAMES R. SWEETIN
27 JAMES R. SWEETIN
28 Chief Deputy District Attorney
Nevada Bar #005144

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 12th day of
January, 2018, to:

MIKE FELICIANO, DPD
mcmahaae@ClarkCountyNV.gov

BY: 
Secretary for the District Attorney's Office

td/dvu

ORIGINAL

Electronically Filed
5/9/2018 4:46 PM
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 **DISTRICT COURT**
8
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 MOTION TO SUPPRESS**

17 DATE OF HEARING: **APRIL 26, 2018**

18 TIME OF HEARING: **8:30 A.M.**

19 THIS MATTER having come before the above entitled Court on the 26TH day of
20 APRIL, 2018; Defendant being present, represented by NADIA HOJJAT, DPD; Plaintiff
21 being represented by STEVEN B. WOLFSON, District Attorney, through JAMES R.
22 SWEETIN, Chief Deputy District Attorney; and with arguments by Counsel, and good cause
23 appearing, therefor,

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RECEIVED

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DEPT 12

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IT IS HEREBY ORDERED that DEFENDANT'S MOTION TO SUPPRESS, shall be, and is, DENIED.

DATED this 8th day of May, 2018.

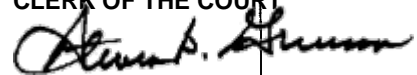
DISTRICT JUDGE

MICHELLE LEAVITT

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

BY

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



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@clarkcountynv.gov
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

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CLERK OF DISTRICT COURT
MAY 22-18 10:08:30 am
pr

14
15 **MOTION TO SUPPRESS DEFENDANT'S STATEMENT**

16 COMES NOW, the Defendant, ARMANDO VASQUEZ-REYES, by and through MIKE
17 FELICIANO, Deputy Public Defender and hereby files this Motion to Suppress Defendant's
18 Statement.

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

21 DATED this 10th day of May, 2018.

22 PHILIP J. KOHN
23 CLARK COUNTY PUBLIC DEFENDER

24 By: /s/Mike Feliciano
25 MIKE FELICIANO, #9312
26 Deputy Public Defender
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DECLARATION

MIKE FELICIANO makes the following declaration:

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

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

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

EXECUTED this 10th day of May, 2018.

/s/Mike Feliciano
MIKE FELICIANO

INTRODUCTION

Armando Vasquez-Reyes (Vasquez-Reyes) is currently charged with two counts of Lewdness With a Child Under the Age of 14 and eight counts of Sexual Assault With a Minor Under Fourteen Years of Age. The charges are based on allegations of sexual contact made by G.A. Vasquez-Reyes is G.A.'s stepfather. Trial is scheduled to start on May 29, 2018.

FACTS

On April 6, 2016, Las Vegas Metropolitan Police Department (LVMPD) was dispatched to 2213 Berkley Avenue in Las Vegas. Initially, police were dispatched to investigate a domestic disturbance. While investigating the domestic dispute, G.A. approached police and reported that Vasquez-Reyes had repeatedly sexually assaulted her.

Vasquez-Reyes was placed in handcuffs and placed in the back of a police car. He was then taken to a police station and placed in an interrogation room while he was still handcuffed. Vasquez-Reyes requested medication, but was denied. After an hour, Vasquez-Reyes was then interrogated.

LEGAL ARGUMENT

Police need a warrant or probable cause to make an arrest. To make an arrest at a person's home, a warrant or exigent circumstances are necessary. Payton v. New York, 445 U.S. 573 (1980). In Nevada, an investigatory detention can be no more than 60 minutes. NRS 171.123. After 60 minutes, detention becomes a per se arrest. State v. McKellips, 118 Nev. 465 (2002). The reading of Miranda does not render a statement admissible when the arrest was illegal. Brown v. Illinois, 422 U.S. 590 (1975). Furthermore, the protections of the Fourth Amendment apply to "physical and verbal evidence." Wong Sun v. U.S., 371 U.S. 471, 486 (1963).

In this case, Vasquez-Reyes was unlawfully arrested because there was no warrant and no probable cause. He was detained for over 60 minutes. The other witnesses in this case were treated differently. They were allowed to drive themselves to the police station. They were not

1 handcuffed and placed in the back seat of a police car. Vasquez-Reyes was clearly under arrest.
2 As arrest was unlawful, his statement to police should be suppressed.

3 Any claims that this was consensual is belied by common sense. Vasquez-Reyes disputes
4 that he consented to any detention and requests a hearing.

5 DATED this 10th day of May, 2018.

6 PHILIP J. KOHN
7 CLARK COUNTY PUBLIC DEFENDER

8
9 By: /s/Mike Feliciano
10 MIKE FELICIANO, #9312
11 Deputy Public Defender
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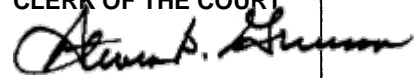
YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion to Suppress Defendant's Statement on for hearing before the Court on the 22nd day of May, 2018, at 8:30 a.m. in Department 12 of the District Court.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

District Attorney's Office
E-Mail Address:
Jennifer.Georges@clarkcountyda.com

5



NOTC
PHILIP J. KOHN, PUBLIC DEFENDER
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FeliciaM@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316382-1
)	
v.	)	DEPT. NO. XII
)	
ARMANDO VASQUEZ-REYES,)	
)	
Defendant,)	

DEFENDANT'S NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS 174.234(2)
TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, ARMANDO VASQUEZ-REYES, intends to call the following expert witnesses in his case in chief:

Evan Matshes, BSc, MD, FRCPC, FCAP, D-ABP: Dr. Matshes will testify regarding symptoms of diabetes and high blood pressure.

DATED this 14th of May, 2018.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 I hereby certify that service of the above and forgoing Notice of Expert Witness was
3 served via electronic e-filing to the Clark County District Attorney's Office on this 14th day of
4 May, 2018.

5
6 District Attorney's Office
7 E-Mail Address:
8 Jennifer.Georges@clarkcountyda.com

9 By: /s/ Annie McMahan
10 An employee of the
11 Clark County Public Defender's Office
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Curriculum Vitae for Evan William Matshes BSc MD FRCPC FCAP D-ABP

Board Certified Anatomic and Forensic Pathologist

Phone: 800-985-8346

Email: matshes@autopsyassay.com

Professional Appointments:

Clinical Associate Professor of Pathology, University of Calgary Department of Pathology & Laboratory Medicine

Executive Director, Academic Forensic Pathology Incorporated

Director of Pediatric Forensic Pathology and Cardiovascular Pathology, National Autopsy Assay Group

Forensic pathologist (neuropathology / cardiovascular pathology), NAAG Pathology Labs PC

Professional Qualifications

1. Board certified forensic pathologist.
 - a. American Board of Pathology (September 16, 2010)
2. Board certified anatomic pathologist.
 - a. Royal College of Physicians and Surgeons of Canada (June 30, 2009)
 - b. American Board of Pathology (July 23, 2009)

Medical Licensure

1. Unrestricted license to practice medicine.
 - a. State of New Mexico (CURRENT)
 - b. State of Florida (CURRENT)
 - c. State of California (CURRENT)

Training and Education

1. Forensic Pathology Subspecialist Training
July 1, 2009 – June 30, 2010
Southwestern Institute of Forensic Sciences
Dallas County Medical Examiner Department

2. Pediatric Forensic Pathology Research Fellowship
October 2008 – June 2009 (during PGY5 year)
Miami-Dade County Medical Examiner Department and the University of Calgary
Supervisor – Dr. E. Lew
3. Anatomic Pathology Specialist Training
July 1, 2004 - June 30, 2009
Department of Pathology and Laboratory Medicine
University of Calgary and Calgary Laboratory Services
4. Doctor of Medicine (MD, 2004)
Great Distinction
College of Medicine, University of Saskatchewan
Medical Identification Number for Canada (MINC) CAMD-0028-9519
5. Bachelor of Science Degree (BSc, 2000)
Magna Cum Laude
Human Anatomy and Cell Biology
College of Arts and Science, University of Saskatchewan

General Medical Qualifying Examinations

1. Licentiate of the Medical Council of Canada (LMCC)
LMCC Part 1
Successfully completed May 2004
2. Licentiate of the Medical Council of Canada (LMCC)
LMCC Part 2
Successfully completed October 2005
3. National Board of Medical Examiners (NBME)
United States Medical Licensing Examination (USMLE) Step 1
Successfully completed October 2005
4. National Board of Medical Examiners (NBME)
United States Medical Licensing Examination (USMLE) Step 2
Successfully completed June 2005
5. National Board of Medical Examiners (NBME)
United States Medical Licensing Examination (USMLE) Step 3
Successfully completed May 2006

Professional Affiliations

1. June 2017 – Current
Forensic Pathologist (neuropathology / cardiovascular pathology services)
NAAG Pathology Labs PC
2. April 2015 – Current
Director of Pediatric Forensic Pathology and Cardiovascular Pathology
National Autopsy Assay Group
3. July 2016 – September 2016
Deputy Chief Medical Examiner
District IV Florida
4. April 2012 – December 2014
Forensic Pathologist / Associate Medical Investigator
Director of Pediatric Forensic Pathology and Coordinator of Forensic Neuropathology
Office of the Medical Investigator and the University of New Mexico
5. August 2011 – June 2012
Autopsy Pathologist
Calgary Laboratory Services (Alberta Health Services)
6. August 2010 – September 2011
Assistant Chief Medical Examiner / Forensic Pathologist
Alberta Office of the Chief Medical Examiner (Calgary)
7. April 2011 – Current
Clinical Associate Professor of Pathology & Laboratory Medicine
University of Calgary
8. July 2009 – June 2010
Pathologist / Medical Examiner (Forensic Pathology Fellow)
Southwestern Institute of Forensic Sciences (Dallas County Medical Examiner Department)
9. June 2008 – Current
Co-Director (along with Drs. David Dolinak and Emma Lew)
Academic Forensic Pathology Incorporated
6. October 2006 - January 2008
Physician Extender
Department of Obstetrics and Gynecology, Calgary Health Region
7. March 2004 – December 2004

Associate Member

Department of Anatomy and Cell Biology, College of Medicine, University of Saskatchewan

8. September 1999 – March 2004

Research Associate

Department of Anatomy and Cell Biology, College of Medicine, University of Saskatchewan; Cameco MS Neuroscience Centre

Memberships in Related Associations and Societies

National Association of Medical Examiners (NAME)

International Association of Coroners and Medical Examiners (IACME)

Royal College of Physicians and Surgeons of Canada (RCPSC)

College of American Pathologists (CAP)

Selected Relevant Professional Training

Basic and Advanced Virtopsy Courses

University of Zurich (Switzerland), March 2013

45th Annual Dr. Kenneth M. Earle Memorial Neuropathology Review

Armed Forces Institute of Pathology (AFIP), February 2007, 2012

Fetal Death Investigation

Harvard Medical School, October 2008

Forensic Anthropology

Armed Forces Institute of Pathology (AFIP), June 2005

Neonatal Resuscitation Provider (NRP)

Heart and Stroke Foundation of Canada, May 2005

Advanced Cardiovascular Life Support (ACLS)

Heart and Stroke Foundation of Canada, January 2003, September 2004

Current Research Interests

1. General pediatric forensic pathology.
2. Forensic aspects of the adult and pediatric cervical spine.

3. Pediatric forensic osteology.

Extramural Research Grant Funding

1. Paul Coverdell Forensic Science Improvement Grant Program (2013)
Principal Investigator
Information Technology Support (Death Investigation Reporting Tool [DIRT])

Publications

Peer-Reviewed Journal Articles

1. Matshes E. and Lew E. 2017. An approach to the classification of apparent asphyxia infant deaths. *Academic Forensic Pathology*. 7(2). 200-211.
2. Pinneri, K and Matshes E. 2017. Recommendations for the autopsy of an infant who has died suddenly and unexpectedly. *Academic Forensic Pathology*. 7(2). 171-181.
3. Matshes E., Snyder V. and Andrews S.W. 2015. Utilitarian aspects of postmortem computed tomography. *Academic Forensic Pathology*. 5(4). 603-613.
4. Krehbiel, K., Matshes E., Lathrop S. and Pinckard J. 2015. Medical therapy-related deaths and the medical examiner. *Academic Forensic Pathology*. 5(3). 421-435.
5. Snyder, V., Curry C., Lathrop S., Lew E., and Matshes E. 2015. Morbid Obesity is Not a Risk Factor for the Development of Clinically Significant Coronary Artery Atherosclerosis. *Academic Forensic Pathology*. 5(1). 38-46.
6. Curry C., Snyder, V., Andrews S., Lathrop S. and Matshes E. 2015. An Evaluation of the Utility of Postmortem Computed Tomography in the Diagnosis of Lethal Coronary Artery Atherosclerosis and Hypertensive Heart Disease. *Academic Forensic Pathology*. 5(1). 25-37.
7. Snyder V. and Matshes E. 2014. Assessment and diagnosis of trauma in the high cervical spine using dissection, radiography, computed tomography, and magnetic resonance imaging. *Academic Forensic Pathology*. 4(4). 532-544.
8. Gill J.R., Andrew T., Gilliland M.G.F., Love J., Matshes E., and Reichard R.R. 2014. National Association of Medical Examiners Position Paper: Recommendations For the Postmortem Assessment of Suspected Head Trauma in Infants and Young Children. *Academic Forensic Pathology*. 4 (2). 206-213.

9. Krehbiel, K. and Matshes E. 2013. Endocardial involvement in acute leukemia. *Academic Forensic Pathology*. 3 (1), 112-114.
10. Matshes E., Selanders L., Hatch G. and Lew E. 2012. Injuries of the upper cervical spinal column are markers of severe forces in the first two-years of life. *Academic Forensic Pathology*. 2 (4), 324-331.
11. Matshes E., Johnson L., and Lew E. 2012. Basilar skull fractures in infants. *Academic Forensic Pathology*. 2 (4), 318-323.
12. Matshes E., Hamilton L. and Lew E. 2012. Is routine screening for metabolic diseases warranted when an infant dies suddenly and unexpectedly? *Academic Forensic Pathology*. 2 (4), 346-356.
13. Matshes E. and McKenzie B. 2012. Sudden infant death due to truncus arteriosus communis persistens with mitral valve atresia and left ventricular hypoplasia. *Academic Forensic Pathology*. 2 (4), 374-378.
14. Box A. and Matshes E. 2012. Aortic dissection with compression of the pulmonary trunk. *Academic Forensic Pathology*. 2 (4), 392-393.
15. Rascon M.A. and Matshes E. 2012. Peritoneal membrane roll - searching for peritonitis in a child abuse case. *Academic Forensic Pathology*. 2 (3), 300-301.
16. McKenzie B., Lew E. and Matshes E. 2012. Endosulfan toxicity. *Academic Forensic Pathology*. 2 (1), 100-103.
17. Matshes E. and Joseph J. 2012. Pathologic evaluation of the cervical spine following neurosurgical or chiropractic interventions. *Journal of Forensic Sciences*. 57 (1), 113-9.
18. Matshes E., Trevenen C. 2011. Infant heart dissection in a forensic context: babies are not just small adults. *Academic Forensic Pathology*. 1(2), 156-165.
19. Matshes E., Milroy C., Parai J., Sampson B., Reichard R., and Lew E. 2011. What is a complete autopsy? *Academic Forensic Pathology*. 1 (1), 2-7.
20. Matshes E., Evans R., Pinckard K., Joseph J., and Lew E. 2011. Shaken infants die of neck trauma, not brain trauma. *Academic Forensic Pathology*. 1 (1), 82-91.
21. Matshes E. and McKenzie B. 2011. Infantile ischemic occipital scalp ulcers may mimic impact sites. *Academic Forensic Pathology*. 1 (1), 100-103.
22. Matshes E. 2011. Dressler's syndrome. *Academic Forensic Pathology*. 1 (1), 146.

23. Goebl, A., Ferrier R.A., Ferreira P., Pinto-Rojas A., Matshes E., and Choy FYM. Gaucher disease with prenatal onset and perinatal death due to compound heterozygosity for the missense R131C and null RecNcil GBA mutations. 2011. *Pediatric and Developmental Pathology*. 14 (3), 240-3.
24. Hamilton L., Lew E. and Matshes E. 2011. 'Grown-up' congenital heart disease and sudden death in a medical examiner's population. *Journal of Forensic Sciences*. 56 (5), 1206-12.
25. Matshes E. and Lew E. 2010. Two-handed CPR can cause rib fractures in infants. *American Journal of Forensic Medicine and Pathology*. 31 (4), 303-7.
26. Matshes E. and Lew E. 2010. Do resuscitation-related injuries kill infants and children? *American Journal of Forensic Medicine and Pathology*. 31 (2), 178-185.
27. Matshes E. and Lew E. Homicide by unspecified means. 2010. *American Journal of Forensic Medicine and Pathology*. 31 (2), 174-177.
28. Matshes E., Taylor, K. and Rao, V. 2008. Sulfuric acid toxicity. *American Journal of Forensic Medicine and Pathology*. 29 (4), 340-345.
29. Dupre M., Jadavji I., Matshes E., and Urbanski S. 2008. Diverticular Disease of the Vermiform Appendix: A Diagnostic Clue to Underlying Appendiceal Neoplasm. *Human Pathology*. 39(12), 1823-6.
30. Dolinak D., Matshes E., and Waghray R. 2004. Sudden unexpected death due to a brainstem glioma in an adult. *Journal of Forensic Sciences*. 49 (1), 128-130.

Books – In Print

1. Matshes E., Burbridge B., Sher B., Mohamed A. and Juurlink B. 2004. Human Osteology and Skeletal Radiology: An Atlas and Guide. CRC Press, Boca Raton, FL.
2. Dolinak D., and Matshes E. 2002. Medicolegal Neuropathology: A Color Atlas. CRC Press, Boca Raton, FL.
3. Mohamed A., Matshes E., and Sher B. 2001. An Atlas of Human Osteology. University of Saskatchewan, College of Medicine.

Books, Edited Volume – In Print

1. Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.

Books, Editor-In-Chief – In Print

1. Dolinak D. In: Matshes E., ed. 2013. Forensic Toxicology: A Physiologic Perspective. *Academic Forensic Pathology*.
2. Matshes E., Dolinak D and Lew E. 2015. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.

Books, In Production

1. Matshes E., Joseph J. and Dolinak D. *Medicolegal Neuropathology*, 2nd Edition. Estimated publication date: 2017. *CRC Press*
2. Matshes E., Lew E. and Dolinak D. *Diagnostic Forensic Pathology*. Estimated publication date: early 2018. Elsevier.
3. Matshes E., Snyder V. and Lew E. *The Unexpected Infant Death Autopsy: A Manual and Reference*. 2017. *CRC Press*

Chapters Published Within Books

1. Bromley A. and Matshes E. *Forensic Pathology*. In: Gao ZH. 2013. Pathology Review. Brush Education.
2. Lew E. and Matshes E. *Death Scene Investigation*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
3. Dolinak D. and Matshes E. *The Forensic Autopsy*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
4. Dolinak D. and Matshes E. *Blunt Force Injury*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
5. Lew E. and Matshes E. *Sharp Force Injury*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
6. Lew E., Dolinak D. and Matshes, E. *Firearm Injuries*. In: Dolinak D., Matshes E., and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
7. Dolinak D. and Matshes, E. *Asphyxia*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.

8. Dolinak D., Matshes E. and Lew, E. *Environmental Injury*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
9. Dolinak D., Lew E. and Matshes, E. *Aviation*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
10. Dolinak D., Lew E. and Matshes, E. *Death In Custody*. In: Dolinak D., Matshes E., and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
11. Dolinak D., Matshes E. and Lew, E. *Apparent Natural Death In Infants*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
12. Dolinak D., Matshes E. and Lew, E. *Sudden Natural Death in Childhood*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
13. Dolinak D. and Matshes E. *Child Abuse*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
14. Dolinak D., and Matshes E. *Forensic Neuropathology*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
15. Rao V., Lew, E. and Matshes, E. *Sexual Battery Investigation*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
16. Dolinak D., and Matshes E. *Acute Psychiatric and Emotional Deaths*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
17. Lew E. and Matshes, E. *Postmortem Changes*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
18. Dolinak, D., and Matshes, E. *Identification*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
19. Matshes, E. and Lew, E. *Forensic Osteology*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
20. Dolinak, D., Lew, E. and Matshes, E. *Forensic Photography*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.

21. Dolinak, D., Dowling, G., Matshes, E. and Lew, E. *Select Autopsy Topics*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
22. Dolinak, D. and Matshes, E. *Death Certification*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.

Chapters To Be Published Within Books

1. Matshes E., Dolinak D., and Lew E. *Principles of Death Investigation*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
2. Matshes E. and Lew E. *The Forensic Autopsy – External Examination*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
3. Matshes E. and Andrews S. *The Forensic Autopsy – Radiologic Techniques*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
4. Matshes E. and Lew E. *The Forensic Autopsy – Internal Examination*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
5. Matshes E., Dolinak D., and Lew E. *Synthesis (Death Certification)*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
6. Matshes E. and Lew E. *Postmortem Interval*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
7. Matshes E. and Dolinak D. *Personal Identification*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
8. Matshes E. and Lew E. *“Natural” Deaths*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
9. Dolinak D., Matshes E., and Lew E. *Blunt Trauma*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
10. Matshes E. and Lew E. *Cutting and Stabbing Trauma*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.

11. Lew E., Matshes E. and Dolinak D. *Firearm Injuries*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
12. Dolinak D., Matshes E., and Lew E. *Environmental Injury*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
13. Matshes E. and Lew E. *Transportation Fatalities – Motor Vehicle Collisions*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
14. Dolinak D., Matshes E., and Lew E. *Transportation Fatalities – Aviation Accidents*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
15. Rao, V., Lew E. and Matshes E. *Sexual Battery Investigation*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
16. Dolinak D., and Matshes E. *Forensic Neuropathology*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
17. Matshes E. and Lew E. *Forensic Osteology*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
18. Naert, K. and Matshes E. *Religious Objections to Autopsy*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
19. Matshes E. and Dolinak D. *On the Job Safety and Security*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
20. Boyd T. and Matshes E. *The Fetus and Premature Infant*. In: Matshes E., Dolinak D and Lew E. 2015. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
21. Matshes E. *The Neonate*. In: Matshes E., Dolinak D and Lew E. 2014 (fall). Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
22. Matshes E. and Pinckard K. *Unexpected Infant Death*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.

23. Matshes E. *Sudden Death in Early Childhood*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
24. Matshes E. *Sudden Death in Adolescence*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
25. Matshes E. *Artifacts of Resuscitation and Complications of Medical Therapy in Childhood*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
26. Matshes E. and Dolinak D. *Child Abuse and Neglect*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
27. Matshes E. and Dolinak D. *Pediatric Forensic Neuropathology*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
28. Matshes E. and Lew E. *Pediatric Forensic Osteology*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.

Peer-Reviewed Publications In Production or Submission

1. Matshes E. Artifactual cervical spine epidural hematomas. Proposed venue: *Academic Forensic Pathology*.
2. Matshes E. and Lew E. Evidence-based forensic pathology. Proposed venue: *Academic Forensic Pathology*.
4. Matshes E. Acute fatty liver disease is not a cause of death. Proposed venue: *Academic Forensic Pathology*.
5. Matshes E., Shuman M. and Lew E. Retinal and optic nerve sheath hemorrhages are not pathognomonic of abusive pediatric head injury. Proposed venue: *Academic Forensic Pathology*.
6. Matshes E. and Lew E. The spectrum of pediatric forensic pathology practice: Implications for curriculum development, training, and establishing core competencies. Proposed venue: *Academic Forensic Pathology*.

Other Peer-Reviewed Publications

1. Matshes E. and Lew, E. 2004. Competent Death Investigation: A Plan for Change in Saskatchewan. Report submitted to Saskatchewan Association of Chiefs of Police, and Saskatchewan Department of Justice.

Laboratory/Seminar Manuals

1. Matshes E. 2010. Forensic Pathology Curriculum for Anatomic Pathology Residents. *University of Calgary Department of Pathology & Laboratory Medicine.*
2. Matshes E. and Juurlink B. 2002. Crash Course in Human Osteology - Laboratory Manual. *University of Saskatchewan, College of Medicine.*
3. Matshes E. and Sher B., eds. 2001. Forensic Pathology Workshop 2001. *Saskatoon District Health Forensic Pathology Training Manual.*

Abstracts and Platform Presentations

1. Snyder V., Curry C., Lathrop S., Lew E. and Matshes E. Morbid obesity is not a risk factor for the development of clinically significant coronary artery atherosclerosis. United States and Canadian Academy of Pathology (USCAP) 2014 Annual Meeting (San Diego).
2. Curry C., Snyder V., Lathrop S., Andrews S. and Matshes E. An evaluation of the utility of post-mortem computed tomography in the diagnosis of lethal coronary artery atherosclerosis and hypertensive heart disease. United States and Canadian Academy of Pathology (USCAP) 2014 Annual Meeting (San Diego).
3. Snyder V. and Matshes E. Assessment and diagnosis of trauma in the high cervical spine using dissection, radiography, computed tomography, and magnetic resonance imaging. National Association of Medical Examiner's 2013 Annual Meeting (Milwaukee).
4. Matshes E., Shuman M. and Lew E. Retinal and optic nerve sheath hemorrhages are not pathognomonic of abusive pediatric head injury. American Academic of Forensic Sciences 2010 Annual Meeting (Seattle).
5. Deisch J., Matshes E., Quinton R. and Gruszecki, A. Child deaths due to television falls with injury patterns that may mimic child abuse. American Academy of Forensic Sciences 2009 Annual Meeting (Denver).

6. Matshes E. and Lew E. Resuscitation-related injury in infants and children. University of Calgary Department of Pathology & Laboratory Medicine 2006 Research Day, and Canadian Association of Pathologists 2007 Annual Meeting.
7. Jadavji I., Matshes E. and Urbanski, S. The significance of diverticular disease of the vermiform appendix in surgical pathology. University of Calgary Department of Pathology & Laboratory Medicine 2006 Research Day.
8. Matshes E. and Lew, E. Resuscitation-related injury in infants and children. University of Calgary Department of Pathology & Laboratory Medicine 2006 Research Day.
9. Matshes E., Taylor K., Burbridge B. and Juurlink, J. Computed tomography (CT) study of spheno-occipital synchondrosis closure. Canadian Association of Pathology 2006 Annual Conference (St. John's Newfoundland).
10. Matshes E., Burbridge B. and Juurlink, J. Computed tomography (CT) study of spheno-occipital synchondrosis closure. University of Calgary Department of Pathology & Laboratory Medicine 2005 Research Day.
11. Kamencic H., Kelly M., Matshes E., Griebel R.W., Paterson P.G, and Juurlink B.H.J. 2001. Pro-cysteine compound decreases inflammatory response and promotes retention of function after spinal cord injury. *Canadian Journal of Neurological Sciences*. 28 (Suppl 2): S58.
12. Kamencic H., Matshes E., Damant A., Kelly M., Griebel R., Paterson P. and Juurlink B. 2001. Procysteine compound OTC prevents secondary damage following spinal cord injury. *Spinal Cord Trauma: Neural Repair and Functional Recovery*. Montreal, PQ.
13. Matshes E., Waghray R. and Pylypchuk G. Retrospective analysis of coronary artery disease prevalence in Saskatchewan First Nations Peoples: A postmortem study. July: Annual meeting of the *International Society of Hypertension in Blacks (ISHIB)*. July 2001, Las Vegas, NV.
14. Matshes E., Kamencic H. and Juurlink B. Mediation of pro-inflammatory gene expression in acute spinal cord injury. *Midwest Student Biomedical Research Forum*, February 16, 2001.
15. Kamencic H., Lyon A., Griebel R., Matshes E., Kelly M., Paterson PG. and Juurlink B. 2000. The pro-cysteine compound L-2-oxothiazolidine-4-carboxylate promotes retention of function following spinal cord trauma. *Restorative Neurology and Neuroscience*, 28(Suppl 2): S58.

16. Kamencic H., Griebel R., Lyon A., Paterson P., Kelly M., Matshes E. and Juurlink B. Oxidative stress following spinal cord trauma can be ameliorated by pro-cysteine compounds. *First Oxidative Stress Consortium, Hamilton, May 2000.*

Poster Presentations

1. Hamilton L., Lew E. and Matshes E. Sudden death in infants with congenital heart disease. Canadian Association of Pathology 2010 Annual Conference (Montreal, PQ).
2. Hamilton L., Lew E. and Matshes E. When infants die suddenly, is routine screening for metabolic diseases warranted? Canadian Association of Pathology 2010 Annual Conference (Montreal, PQ).
3. Hamilton L., Lew E. and Matshes E. Grown-up congenital heart disease and sudden death in a medical examiner's population. United States and Canadian Academy of Pathology (USCAP) 2010 Annual Meeting (Washington D.C.)
4. Bromley A., Lew. E. and Matshes E. Excited Delirium: A Controversial Diagnosis. Canadian Association of Pathology 2009 Annual Conference (Halifax, Nova Scotia), and University of Calgary Department of Pathology & Laboratory Medicine 2009 Research Day.
5. Matshes E. and Lew E. Homicide by unspecified means. Canadian Association of Pathology 2008 Annual Conference (Ottawa, Ontario) and University of Calgary Department of Pathology & Laboratory Medicine 2008 Research Day.
6. Hamilton L., Matshes E. and Steele, L. A rare cause of thoracic aortic rupture and sudden death. Canadian Association of Pathology 2008 Annual Conference (Ottawa, Ontario).
7. Fauth C., Burak, K., Gao Z. and Matshes, E. Combined autologous graft-versus host disease and veno-occlusive disease in the liver after stem cell transplant: a case report. Canadian Association of Pathology 2006 Annual Conference (St. John's Newfoundland), and University of Calgary Department of Pathology & Laboratory Medicine 2006 Research Day.
8. Matshes E., Waghray R., and Pylypchuk G. Coronary artery disease prevalence in Saskatchewan First Nations Peoples: A Retrospective Study. *9th Annual Life Sciences Research Day, January 2002, Saskatoon.*
9. Kamencic H., Matshes E., Smith-Windsor C., Kelly M., Griebel R., Paterson P. and Juurlink B. Pro-cysteine compound (OTC) decreases early inflammatory response following spinal cord injury. *9th Annual Life Sciences Research Day, January 2002, Saskatoon.*

10. Matshes E., Waghray R. and Pylypchuk G. Retrospective analysis of coronary artery disease prevalence in Saskatchewan First Nations Peoples: A postmortem study. July: Annual meeting of the *International Society of Hypertension in Blacks (ISHIB)*, July 2001, Las Vegas, NV.
11. Kamencic H., Matshes E., Lyon A., Paterson P, Griebel R. and Juurlink B. Oxidative stress following spinal trauma can be ameliorated by pro-cysteine compounds. *7th Annual Life Sciences Research Day, January 2000, Saskatoon.*

Workshops

1. Snyder V., Matshes E., Andrews S., Pinckard, K. How and why you can and should integrate advanced imaging techniques into your daily autopsy practice. American Academy of Forensic Sciences 2016 Annual Meeting (Las Vegas, NV). Half-day workshop.
2. Milroy C., Cavilla M., and Matshes E. Child homicides: The critical role of interdisciplinary expert collaboration. American Academy of Forensic Sciences 2016 Annual Meeting (Las Vegas, NV). Half-day workshop.
3. Snyder V., Zumwalt R., Pinkard K., Gerrard C., Hatch G. and Matshes E. Advanced Forensic Pathology and Forensic Radiology Techniques in the Assessment of Cervical Spine and Craniocervical Junction Trauma. American Academy of Forensic Sciences 2014 Annual Meeting (Seattle, WA). Half-day workshop.
4. Matshes E. World Congress of Infant Head Trauma 2013. Academic Forensic Pathology Incorporated (Dallas, TX). Three-day congress
5. Matshes E. and Milroy C. Forensic Histopathology Update. Forensic Unit, Department of Pathology, Universiti Kebangsaan Malaysia Medical Centre, July 2013, Kuala Lumpur, Malaysia. Two-day workshop.

Selected Awards

October 2008

University of Calgary Department of Pathology & Laboratory Medicine

“Outstanding Achievement in Teaching by a Resident Award”

2008 Residents’ and Graduate Students’ Research Day

October 2008

University of Calgary Department of Pathology & Laboratory Medicine

First place in departmental pathology photography competition

2008 Residents’ and Graduate Students’ Research Day

December 2007

Canadian Medical Association (CMA)

Alberta Medical Association Nominee for 2008 CMA Young Leaders Award (Resident)

October 2007

University of Calgary Department of Pathology & Laboratory Medicine

Second place in departmental photography competition

2007 Residents' and Graduate Students' Research Day

October 2007

University of Calgary Department of Pathology & Laboratory Medicine

Inaugural recipient of the "Outstanding Achievement in Teaching by a Resident Award"

2007 Residents' and Graduate Students' Research Day

June 2007

Canadian Association of Pathologists (CAP)

"Donald Rix" Award

CAP Annual meeting (Toronto, Ontario)

January 2007

Harvard Medical School (Boston Children's Hospital)

Visiting Scholar in Pediatric Pathology, 2007

November 2006

Nominee for "Canada's Top 40 Under 40" Award

October 2006

University of Calgary Department of Pathology & Laboratory Medicine

Calgary, AB, Canada

Black Crow Award, 2006 Residents' and Graduate Students' Research Day.

October 2006

University of Calgary Department of Pathology & Laboratory Medicine

Calgary, AB, Canada

Honourable Mention, 2006 Residents' and Graduate Students' Research Day.

July 2006

Canadian Association of Pathologists (CAP)

"Donald W. Penner" Research Award for "Best Proffered Paper"

CAP Annual meeting (St. John's Newfoundland)

July 2006

Canadian Institute of Health Research (CIHR) / CSCI Resident Research Award

University of Calgary Postgraduate Medical Education

Honorable Mention for resident research.

January 2006

Nominee for “Canada’s Top 40 Under 40” Award
Ottawa, Ontario.

September 2005

University of Calgary Department of Pathology & Laboratory Medicine
Calgary, AB, Canada
First Prize Clinical Research, 2005 Residents’ and Graduate Students’ Research Day.

June 2005

Rockyview General Hospital (Calgary Health Region)
Calgary, AB, Canada
Intensive Care Award for “exceptional proficiency in intensive care” during PGY1 rotating internship.

June 2005

Rockyview General Hospital (Calgary Health Region)
Calgary, AB, Canada
Special commendation in Obstetrics & Gynecology during PGY1 rotating internship.

May 2004

University of Saskatchewan College of Medicine
Saskatoon, SK, Canada
Class Valedictorian.

May 2004

University of Saskatchewan College of Medicine
Saskatoon, SK, Canada
Dr. J. W. Gerrard Prize in Clinical Pediatrics for the most distinguished graduating student in Clinical Pediatrics.

February 2001

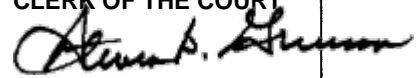
American Medical Association – Midwest Biomedical Research Forum
Omaha, NE, USA
Second prize in research category for lecture entitled: *Mediation of pro-inflammatory gene expression in acute spinal cord injury*.

January 2000

University of Saskatchewan College of Medicine – Health Science Research Day
Saskatoon, SK, Canada
First prize, for poster presentation entitled: *Oxidative stress following spinal trauma can be ameliorated by pro-cysteine compounds*.

Teaching Experience

List available upon request.



NOTC
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@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316382-1
)	
v.	)	DEPT. NO. XII
)	
ARMANDO VASQUEZ-REYES,)	
)	
Defendant,)	

DEFENDANT'S NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS 174.234(2)
TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, ARMANDO VASQUEZ-REYES, intends to call the following expert witnesses in his case in chief:

Evan Matshes, BSc, MD, FRCPC, FCAP, D-ABP: Dr. Matshes will testify regarding symptoms of diabetes and high blood pressure.

DATED this 14th of May, 2018.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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District Attorney's Office
E-Mail Address:
Jennifer.Georges@clarkcountyda.com

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Curriculum Vitae for Evan William Matshes BSc MD FRCPC FCAP D-ABP

Board Certified Anatomic and Forensic Pathologist

Phone: 800-985-8346

Email: matshes@autopsyassay.com

Professional Appointments:

Clinical Associate Professor of Pathology, University of Calgary Department of Pathology & Laboratory Medicine

Executive Director, Academic Forensic Pathology Incorporated

Director of Pediatric Forensic Pathology and Cardiovascular Pathology, National Autopsy Assay Group

Forensic pathologist (neuropathology / cardiovascular pathology), NAAG Pathology Labs PC

Professional Qualifications

1. Board certified forensic pathologist.
 - a. American Board of Pathology (September 16, 2010)
2. Board certified anatomic pathologist.
 - a. Royal College of Physicians and Surgeons of Canada (June 30, 2009)
 - b. American Board of Pathology (July 23, 2009)

Medical Licensure

1. Unrestricted license to practice medicine.
 - a. State of New Mexico (CURRENT)
 - b. State of Florida (CURRENT)
 - c. State of California (CURRENT)

Training and Education

1. Forensic Pathology Subspecialist Training
July 1, 2009 – June 30, 2010
Southwestern Institute of Forensic Sciences
Dallas County Medical Examiner Department

2. Pediatric Forensic Pathology Research Fellowship
October 2008 – June 2009 (during PGY5 year)
Miami-Dade County Medical Examiner Department and the University of Calgary
Supervisor – Dr. E. Lew
3. Anatomic Pathology Specialist Training
July 1, 2004 - June 30, 2009
Department of Pathology and Laboratory Medicine
University of Calgary and Calgary Laboratory Services
4. Doctor of Medicine (MD, 2004)
Great Distinction
College of Medicine, University of Saskatchewan
Medical Identification Number for Canada (MINC) CAMD-0028-9519
5. Bachelor of Science Degree (BSc, 2000)
Magna Cum Laude
Human Anatomy and Cell Biology
College of Arts and Science, University of Saskatchewan

General Medical Qualifying Examinations

1. Licentiate of the Medical Council of Canada (LMCC)
LMCC Part 1
Successfully completed May 2004
2. Licentiate of the Medical Council of Canada (LMCC)
LMCC Part 2
Successfully completed October 2005
3. National Board of Medical Examiners (NBME)
United States Medical Licensing Examination (USMLE) Step 1
Successfully completed October 2005
4. National Board of Medical Examiners (NBME)
United States Medical Licensing Examination (USMLE) Step 2
Successfully completed June 2005
5. National Board of Medical Examiners (NBME)
United States Medical Licensing Examination (USMLE) Step 3
Successfully completed May 2006

Professional Affiliations

1. June 2017 – Current
Forensic Pathologist (neuropathology / cardiovascular pathology services)
NAAG Pathology Labs PC
2. April 2015 – Current
Director of Pediatric Forensic Pathology and Cardiovascular Pathology
National Autopsy Assay Group
3. July 2016 – September 2016
Deputy Chief Medical Examiner
District IV Florida
4. April 2012 – December 2014
Forensic Pathologist / Associate Medical Investigator
Director of Pediatric Forensic Pathology and Coordinator of Forensic Neuropathology
Office of the Medical Investigator and the University of New Mexico
5. August 2011 – June 2012
Autopsy Pathologist
Calgary Laboratory Services (Alberta Health Services)
6. August 2010 – September 2011
Assistant Chief Medical Examiner / Forensic Pathologist
Alberta Office of the Chief Medical Examiner (Calgary)
7. April 2011 – Current
Clinical Associate Professor of Pathology & Laboratory Medicine
University of Calgary
8. July 2009 – June 2010
Pathologist / Medical Examiner (Forensic Pathology Fellow)
Southwestern Institute of Forensic Sciences (Dallas County Medical Examiner Department)
9. June 2008 – Current
Co-Director (along with Drs. David Dolinak and Emma Lew)
Academic Forensic Pathology Incorporated
6. October 2006 - January 2008
Physician Extender
Department of Obstetrics and Gynecology, Calgary Health Region
7. March 2004 – December 2004

Associate Member

Department of Anatomy and Cell Biology, College of Medicine, University of Saskatchewan

8. September 1999 – March 2004

Research Associate

Department of Anatomy and Cell Biology, College of Medicine, University of Saskatchewan; Cameco MS Neuroscience Centre

Memberships in Related Associations and Societies

National Association of Medical Examiners (NAME)

International Association of Coroners and Medical Examiners (IACME)

Royal College of Physicians and Surgeons of Canada (RCPSC)

College of American Pathologists (CAP)

Selected Relevant Professional Training

Basic and Advanced Virtopsy Courses

University of Zurich (Switzerland), March 2013

45th Annual Dr. Kenneth M. Earle Memorial Neuropathology Review

Armed Forces Institute of Pathology (AFIP), February 2007, 2012

Fetal Death Investigation

Harvard Medical School, October 2008

Forensic Anthropology

Armed Forces Institute of Pathology (AFIP), June 2005

Neonatal Resuscitation Provider (NRP)

Heart and Stroke Foundation of Canada, May 2005

Advanced Cardiovascular Life Support (ACLS)

Heart and Stroke Foundation of Canada, January 2003, September 2004

Current Research Interests

1. General pediatric forensic pathology.
2. Forensic aspects of the adult and pediatric cervical spine.

3. Pediatric forensic osteology.

Extramural Research Grant Funding

1. Paul Coverdell Forensic Science Improvement Grant Program (2013)
Principal Investigator
Information Technology Support (Death Investigation Reporting Tool [DIRT])

Publications

Peer-Reviewed Journal Articles

1. Matshes E. and Lew E. 2017. An approach to the classification of apparent asphyxia infant deaths. *Academic Forensic Pathology*. 7(2). 200-211.
2. Pinneri, K and Matshes E. 2017. Recommendations for the autopsy of an infant who has died suddenly and unexpectedly. *Academic Forensic Pathology*. 7(2). 171-181.
3. Matshes E., Snyder V. and Andrews S.W. 2015. Utilitarian aspects of postmortem computed tomography. *Academic Forensic Pathology*. 5(4). 603-613.
4. Krehbiel, K., Matshes E., Lathrop S. and Pinckard J. 2015. Medical therapy-related deaths and the medical examiner. *Academic Forensic Pathology*. 5(3). 421-435.
5. Snyder, V., Curry C., Lathrop S., Lew E., and Matshes E. 2015. Morbid Obesity is Not a Risk Factor for the Development of Clinically Significant Coronary Artery Atherosclerosis. *Academic Forensic Pathology*. 5(1). 38-46.
6. Curry C., Snyder, V., Andrews S., Lathrop S. and Matshes E. 2015. An Evaluation of the Utility of Postmortem Computed Tomography in the Diagnosis of Lethal Coronary Artery Atherosclerosis and Hypertensive Heart Disease. *Academic Forensic Pathology*. 5(1). 25-37.
7. Snyder V. and Matshes E. 2014. Assessment and diagnosis of trauma in the high cervical spine using dissection, radiography, computed tomography, and magnetic resonance imaging. *Academic Forensic Pathology*. 4(4). 532-544.
8. Gill J.R., Andrew T., Gilliland M.G.F., Love J., Matshes E., and Reichard R.R. 2014. National Association of Medical Examiners Position Paper: Recommendations For the Postmortem Assessment of Suspected Head Trauma in Infants and Young Children. *Academic Forensic Pathology*. 4 (2). 206-213.

9. Krehbiel, K. and Matshes E. 2013. Endocardial involvement in acute leukemia. *Academic Forensic Pathology*. 3 (1), 112-114.
10. Matshes E., Selanders L., Hatch G. and Lew E. 2012. Injuries of the upper cervical spinal column are markers of severe forces in the first two-years of life. *Academic Forensic Pathology*. 2 (4), 324-331.
11. Matshes E., Johnson L., and Lew E. 2012. Basilar skull fractures in infants. *Academic Forensic Pathology*. 2 (4), 318-323.
12. Matshes E., Hamilton L. and Lew E. 2012. Is routine screening for metabolic diseases warranted when an infant dies suddenly and unexpectedly? *Academic Forensic Pathology*. 2 (4), 346-356.
13. Matshes E. and McKenzie B. 2012. Sudden infant death due to truncus arteriosus communis persistens with mitral valve atresia and left ventricular hypoplasia. *Academic Forensic Pathology*. 2 (4), 374-378.
14. Box A. and Matshes E. 2012. Aortic dissection with compression of the pulmonary trunk. *Academic Forensic Pathology*. 2 (4), 392-393.
15. Rascon M.A. and Matshes E. 2012. Peritoneal membrane roll - searching for peritonitis in a child abuse case. *Academic Forensic Pathology*. 2 (3), 300-301.
16. McKenzie B., Lew E. and Matshes E. 2012. Endosulfan toxicity. *Academic Forensic Pathology*. 2 (1), 100-103.
17. Matshes E. and Joseph J. 2012. Pathologic evaluation of the cervical spine following neurosurgical or chiropractic interventions. *Journal of Forensic Sciences*. 57 (1), 113-9.
18. Matshes E., Trevenen C. 2011. Infant heart dissection in a forensic context: babies are not just small adults. *Academic Forensic Pathology*. 1(2), 156-165.
19. Matshes E., Milroy C., Parai J., Sampson B., Reichard R., and Lew E. 2011. What is a complete autopsy? *Academic Forensic Pathology*. 1 (1), 2-7.
20. Matshes E., Evans R., Pinckard K., Joseph J., and Lew E. 2011. Shaken infants die of neck trauma, not brain trauma. *Academic Forensic Pathology*. 1 (1), 82-91.
21. Matshes E. and McKenzie B. 2011. Infantile ischemic occipital scalp ulcers may mimic impact sites. *Academic Forensic Pathology*. 1 (1), 100-103.
22. Matshes E. 2011. Dressler's syndrome. *Academic Forensic Pathology*. 1 (1), 146.

23. Goebl, A., Ferrier R.A., Ferreira P., Pinto-Rojas A., Matshes E., and Choy FYM. Gaucher disease with prenatal onset and perinatal death due to compound heterozygosity for the missense R131C and null RecNcil GBA mutations. 2011. *Pediatric and Developmental Pathology*. 14 (3), 240-3.
24. Hamilton L., Lew E. and Matshes E. 2011. 'Grown-up' congenital heart disease and sudden death in a medical examiner's population. *Journal of Forensic Sciences*. 56 (5), 1206-12.
25. Matshes E. and Lew E. 2010. Two-handed CPR can cause rib fractures in infants. *American Journal of Forensic Medicine and Pathology*. 31 (4), 303-7.
26. Matshes E. and Lew E. 2010. Do resuscitation-related injuries kill infants and children? *American Journal of Forensic Medicine and Pathology*. 31 (2), 178-185.
27. Matshes E. and Lew E. Homicide by unspecified means. 2010. *American Journal of Forensic Medicine and Pathology*. 31 (2), 174-177.
28. Matshes E., Taylor, K. and Rao, V. 2008. Sulfuric acid toxicity. *American Journal of Forensic Medicine and Pathology*. 29 (4), 340-345.
29. Dupre M., Jadavji I., Matshes E., and Urbanski S. 2008. Diverticular Disease of the Vermiform Appendix: A Diagnostic Clue to Underlying Appendiceal Neoplasm. *Human Pathology*. 39(12), 1823-6.
30. Dolinak D., Matshes E., and Waghray R. 2004. Sudden unexpected death due to a brainstem glioma in an adult. *Journal of Forensic Sciences*. 49 (1), 128-130.

Books – In Print

1. Matshes E., Burbridge B., Sher B., Mohamed A. and Juurlink B. 2004. Human Osteology and Skeletal Radiology: An Atlas and Guide. CRC Press, Boca Raton, FL.
2. Dolinak D., and Matshes E. 2002. Medicolegal Neuropathology: A Color Atlas. CRC Press, Boca Raton, FL.
3. Mohamed A., Matshes E., and Sher B. 2001. An Atlas of Human Osteology. University of Saskatchewan, College of Medicine.

Books, Edited Volume – In Print

1. Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.

Books, Editor-In-Chief – In Print

1. Dolinak D. In: Matshes E., ed. 2013. Forensic Toxicology: A Physiologic Perspective. *Academic Forensic Pathology*.
2. Matshes E., Dolinak D and Lew E. 2015. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.

Books, In Production

1. Matshes E., Joseph J. and Dolinak D. *Medicolegal Neuropathology*, 2nd Edition. Estimated publication date: 2017. *CRC Press*
2. Matshes E., Lew E. and Dolinak D. *Diagnostic Forensic Pathology*. Estimated publication date: early 2018. Elsevier.
3. Matshes E., Snyder V. and Lew E. *The Unexpected Infant Death Autopsy: A Manual and Reference*. 2017. *CRC Press*

Chapters Published Within Books

1. Bromley A. and Matshes E. *Forensic Pathology*. In: Gao ZH. 2013. Pathology Review. Brush Education.
2. Lew E. and Matshes E. *Death Scene Investigation*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
3. Dolinak D. and Matshes E. *The Forensic Autopsy*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
4. Dolinak D. and Matshes E. *Blunt Force Injury*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
5. Lew E. and Matshes E. *Sharp Force Injury*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
6. Lew E., Dolinak D. and Matshes, E. *Firearm Injuries*. In: Dolinak D., Matshes E., and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
7. Dolinak D. and Matshes, E. *Asphyxia*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.

8. Dolinak D., Matshes E. and Lew, E. *Environmental Injury*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
9. Dolinak D., Lew E. and Matshes, E. *Aviation*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
10. Dolinak D., Lew E. and Matshes, E. *Death In Custody*. In: Dolinak D., Matshes E., and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
11. Dolinak D., Matshes E. and Lew, E. *Apparent Natural Death In Infants*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
12. Dolinak D., Matshes E. and Lew, E. *Sudden Natural Death in Childhood*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
13. Dolinak D. and Matshes E. *Child Abuse*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
14. Dolinak D., and Matshes E. *Forensic Neuropathology*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
15. Rao V., Lew, E. and Matshes, E. *Sexual Battery Investigation*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
16. Dolinak D., and Matshes E. *Acute Psychiatric and Emotional Deaths*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
17. Lew E. and Matshes, E. *Postmortem Changes*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
18. Dolinak, D., and Matshes, E. *Identification*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
19. Matshes, E. and Lew, E. *Forensic Osteology*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.
20. Dolinak, D., Lew, E. and Matshes, E. *Forensic Photography*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. Academic Press.

21. Dolinak, D., Dowling, G., Matshes, E. and Lew, E. *Select Autopsy Topics*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.
22. Dolinak, D. and Matshes, E. *Death Certification*. In: Dolinak D., Matshes E. and Lew E., eds. 2005. Forensic Pathology: Principles and Practice. *Academic Press*.

Chapters To Be Published Within Books

1. Matshes E., Dolinak D., and Lew E. *Principles of Death Investigation*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
2. Matshes E. and Lew E. *The Forensic Autopsy – External Examination*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
3. Matshes E. and Andrews S. *The Forensic Autopsy – Radiologic Techniques*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
4. Matshes E. and Lew E. *The Forensic Autopsy – Internal Examination*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
5. Matshes E., Dolinak D., and Lew E. *Synthesis (Death Certification)*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
6. Matshes E. and Lew E. *Postmortem Interval*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
7. Matshes E. and Dolinak D. *Personal Identification*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
8. Matshes E. and Lew E. *“Natural” Deaths*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
9. Dolinak D., Matshes E., and Lew E. *Blunt Trauma*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
10. Matshes E. and Lew E. *Cutting and Stabbing Trauma*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.

11. Lew E., Matshes E. and Dolinak D. *Firearm Injuries*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
12. Dolinak D., Matshes E., and Lew E. *Environmental Injury*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
13. Matshes E. and Lew E. *Transportation Fatalities – Motor Vehicle Collisions*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
14. Dolinak D., Matshes E., and Lew E. *Transportation Fatalities – Aviation Accidents*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
15. Rao, V., Lew E. and Matshes E. *Sexual Battery Investigation*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
16. Dolinak D., and Matshes E. *Forensic Neuropathology*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
17. Matshes E. and Lew E. *Forensic Osteology*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
18. Naert, K. and Matshes E. *Religious Objections to Autopsy*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
19. Matshes E. and Dolinak D. *On the Job Safety and Security*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
20. Boyd T. and Matshes E. *The Fetus and Premature Infant*. In: Matshes E., Dolinak D and Lew E. 2015. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
21. Matshes E. *The Neonate*. In: Matshes E., Dolinak D and Lew E. 2014 (fall). Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
22. Matshes E. and Pinckard K. *Unexpected Infant Death*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.

23. Matshes E. *Sudden Death in Early Childhood*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
24. Matshes E. *Sudden Death in Adolescence*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
25. Matshes E. *Artifacts of Resuscitation and Complications of Medical Therapy in Childhood*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
26. Matshes E. and Dolinak D. *Child Abuse and Neglect*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
27. Matshes E. and Dolinak D. *Pediatric Forensic Neuropathology*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.
28. Matshes E. and Lew E. *Pediatric Forensic Osteology*. In: Matshes E., Dolinak D and Lew E. 2017. Forensic Pathology: Principles and Practice, 2nd edition. Elsevier.

Peer-Reviewed Publications In Production or Submission

1. Matshes E. Artifactual cervical spine epidural hematomas. Proposed venue: *Academic Forensic Pathology*.
2. Matshes E. and Lew E. Evidence-based forensic pathology. Proposed venue: *Academic Forensic Pathology*.
4. Matshes E. Acute fatty liver disease is not a cause of death. Proposed venue: *Academic Forensic Pathology*.
5. Matshes E., Shuman M. and Lew E. Retinal and optic nerve sheath hemorrhages are not pathognomonic of abusive pediatric head injury. Proposed venue: *Academic Forensic Pathology*.
6. Matshes E. and Lew E. The spectrum of pediatric forensic pathology practice: Implications for curriculum development, training, and establishing core competencies. Proposed venue: *Academic Forensic Pathology*.

Other Peer-Reviewed Publications

1. Matshes E. and Lew, E. 2004. Competent Death Investigation: A Plan for Change in Saskatchewan. Report submitted to Saskatchewan Association of Chiefs of Police, and Saskatchewan Department of Justice.

Laboratory/Seminar Manuals

1. Matshes E. 2010. Forensic Pathology Curriculum for Anatomic Pathology Residents. *University of Calgary Department of Pathology & Laboratory Medicine.*
2. Matshes E. and Juurlink B. 2002. Crash Course in Human Osteology - Laboratory Manual. *University of Saskatchewan, College of Medicine.*
3. Matshes E. and Sher B., eds. 2001. Forensic Pathology Workshop 2001. *Saskatoon District Health Forensic Pathology Training Manual.*

Abstracts and Platform Presentations

1. Snyder V., Curry C., Lathrop S., Lew E. and Matshes E. Morbid obesity is not a risk factor for the development of clinically significant coronary artery atherosclerosis. United States and Canadian Academy of Pathology (USCAP) 2014 Annual Meeting (San Diego).
2. Curry C., Snyder V., Lathrop S., Andrews S. and Matshes E. An evaluation of the utility of post-mortem computed tomography in the diagnosis of lethal coronary artery atherosclerosis and hypertensive heart disease. United States and Canadian Academy of Pathology (USCAP) 2014 Annual Meeting (San Diego).
3. Snyder V. and Matshes E. Assessment and diagnosis of trauma in the high cervical spine using dissection, radiography, computed tomography, and magnetic resonance imaging. National Association of Medical Examiner's 2013 Annual Meeting (Milwaukee).
4. Matshes E., Shuman M. and Lew E. Retinal and optic nerve sheath hemorrhages are not pathognomonic of abusive pediatric head injury. American Academic of Forensic Sciences 2010 Annual Meeting (Seattle).
5. Deisch J., Matshes E., Quinton R. and Gruszecki, A. Child deaths due to television falls with injury patterns that may mimic child abuse. American Academy of Forensic Sciences 2009 Annual Meeting (Denver).

6. Matshes E. and Lew E. Resuscitation-related injury in infants and children. University of Calgary Department of Pathology & Laboratory Medicine 2006 Research Day, and Canadian Association of Pathologists 2007 Annual Meeting.
7. Jadavji I., Matshes E. and Urbanski, S. The significance of diverticular disease of the vermiform appendix in surgical pathology. University of Calgary Department of Pathology & Laboratory Medicine 2006 Research Day.
8. Matshes E. and Lew, E. Resuscitation-related injury in infants and children. University of Calgary Department of Pathology & Laboratory Medicine 2006 Research Day.
9. Matshes E., Taylor K., Burbridge B. and Juurlink, J. Computed tomography (CT) study of spheno-occipital synchondrosis closure. Canadian Association of Pathology 2006 Annual Conference (St. John's Newfoundland).
10. Matshes E., Burbridge B. and Juurlink, J. Computed tomography (CT) study of spheno-occipital synchondrosis closure. University of Calgary Department of Pathology & Laboratory Medicine 2005 Research Day.
11. Kamencic H., Kelly M., Matshes E., Griebel R.W., Paterson P.G, and Juurlink B.H.J. 2001. Pro-cysteine compound decreases inflammatory response and promotes retention of function after spinal cord injury. *Canadian Journal of Neurological Sciences*. 28 (Suppl 2): S58.
12. Kamencic H., Matshes E., Damant A., Kelly M., Griebel R., Paterson P. and Juurlink B. 2001. Procysteine compound OTC prevents secondary damage following spinal cord injury. *Spinal Cord Trauma: Neural Repair and Functional Recovery*. Montreal, PQ.
13. Matshes E., Waghray R. and Pylypchuk G. Retrospective analysis of coronary artery disease prevalence in Saskatchewan First Nations Peoples: A postmortem study. July: Annual meeting of the *International Society of Hypertension in Blacks (ISHIB)*. July 2001, Las Vegas, NV.
14. Matshes E., Kamencic H. and Juurlink B. Mediation of pro-inflammatory gene expression in acute spinal cord injury. *Midwest Student Biomedical Research Forum*, February 16, 2001.
15. Kamencic H., Lyon A., Griebel R., Matshes E., Kelly M., Paterson PG. and Juurlink B. 2000. The pro-cysteine compound L-2-oxothiazolidine-4-carboxylate promotes retention of function following spinal cord trauma. *Restorative Neurology and Neuroscience*, 28(Suppl 2): S58.

16. Kamencic H., Griebel R., Lyon A., Paterson P., Kelly M., Matshes E. and Juurlink B. Oxidative stress following spinal cord trauma can be ameliorated by pro-cysteine compounds. *First Oxidative Stress Consortium, Hamilton, May 2000.*

Poster Presentations

1. Hamilton L., Lew E. and Matshes E. Sudden death in infants with congenital heart disease. Canadian Association of Pathology 2010 Annual Conference (Montreal, PQ).
2. Hamilton L., Lew E. and Matshes E. When infants die suddenly, is routine screening for metabolic diseases warranted? Canadian Association of Pathology 2010 Annual Conference (Montreal, PQ).
3. Hamilton L., Lew E. and Matshes E. Grown-up congenital heart disease and sudden death in a medical examiner's population. United States and Canadian Academy of Pathology (USCAP) 2010 Annual Meeting (Washington D.C.)
4. Bromley A., Lew. E. and Matshes E. Excited Delirium: A Controversial Diagnosis. Canadian Association of Pathology 2009 Annual Conference (Halifax, Nova Scotia), and University of Calgary Department of Pathology & Laboratory Medicine 2009 Research Day.
5. Matshes E. and Lew E. Homicide by unspecified means. Canadian Association of Pathology 2008 Annual Conference (Ottawa, Ontario) and University of Calgary Department of Pathology & Laboratory Medicine 2008 Research Day.
6. Hamilton L., Matshes E. and Steele, L. A rare cause of thoracic aortic rupture and sudden death. Canadian Association of Pathology 2008 Annual Conference (Ottawa, Ontario).
7. Fauth C., Burak, K., Gao Z. and Matshes, E. Combined autologous graft-versus host disease and veno-occlusive disease in the liver after stem cell transplant: a case report. Canadian Association of Pathology 2006 Annual Conference (St. John's Newfoundland), and University of Calgary Department of Pathology & Laboratory Medicine 2006 Research Day.
8. Matshes E., Waghray R., and Pylypchuk G. Coronary artery disease prevalence in Saskatchewan First Nations Peoples: A Retrospective Study. *9th Annual Life Sciences Research Day, January 2002, Saskatoon.*
9. Kamencic H., Matshes E., Smith-Windsor C., Kelly M., Griebel R., Paterson P. and Juurlink B. Pro-cysteine compound (OTC) decreases early inflammatory response following spinal cord injury. *9th Annual Life Sciences Research Day, January 2002, Saskatoon.*

10. Matshes E., Waghray R. and Pylypchuk G. Retrospective analysis of coronary artery disease prevalence in Saskatchewan First Nations Peoples: A postmortem study. July: Annual meeting of the *International Society of Hypertension in Blacks (ISHIB)*, July 2001, Las Vegas, NV.
11. Kamencic H., Matshes E., Lyon A., Paterson P, Griebel R. and Juurlink B. Oxidative stress following spinal trauma can be ameliorated by pro-cysteine compounds. *7th Annual Life Sciences Research Day, January 2000, Saskatoon.*

Workshops

1. Snyder V., Matshes E., Andrews S., Pinckard, K. How and why you can and should integrate advanced imaging techniques into your daily autopsy practice. American Academy of Forensic Sciences 2016 Annual Meeting (Las Vegas, NV). Half-day workshop.
2. Milroy C., Cavilla M., and Matshes E. Child homicides: The critical role of interdisciplinary expert collaboration. American Academy of Forensic Sciences 2016 Annual Meeting (Las Vegas, NV). Half-day workshop.
3. Snyder V., Zumwalt R., Pinkard K., Gerrard C., Hatch G. and Matshes E. Advanced Forensic Pathology and Forensic Radiology Techniques in the Assessment of Cervical Spine and Craniocervical Junction Trauma. American Academy of Forensic Sciences 2014 Annual Meeting (Seattle, WA). Half-day workshop.
4. Matshes E. World Congress of Infant Head Trauma 2013. Academic Forensic Pathology Incorporated (Dallas, TX). Three-day congress
5. Matshes E. and Milroy C. Forensic Histopathology Update. Forensic Unit, Department of Pathology, Universiti Kebangsaan Malaysia Medical Centre, July 2013, Kuala Lumpur, Malaysia. Two-day workshop.

Selected Awards

October 2008

University of Calgary Department of Pathology & Laboratory Medicine

“Outstanding Achievement in Teaching by a Resident Award”

2008 Residents’ and Graduate Students’ Research Day

October 2008

University of Calgary Department of Pathology & Laboratory Medicine

First place in departmental pathology photography competition

2008 Residents’ and Graduate Students’ Research Day

December 2007

Canadian Medical Association (CMA)

Alberta Medical Association Nominee for 2008 CMA Young Leaders Award (Resident)

October 2007

University of Calgary Department of Pathology & Laboratory Medicine

Second place in departmental photography competition

2007 Residents' and Graduate Students' Research Day

October 2007

University of Calgary Department of Pathology & Laboratory Medicine

Inaugural recipient of the "Outstanding Achievement in Teaching by a Resident Award"

2007 Residents' and Graduate Students' Research Day

June 2007

Canadian Association of Pathologists (CAP)

"Donald Rix" Award

CAP Annual meeting (Toronto, Ontario)

January 2007

Harvard Medical School (Boston Children's Hospital)

Visiting Scholar in Pediatric Pathology, 2007

November 2006

Nominee for "Canada's Top 40 Under 40" Award

October 2006

University of Calgary Department of Pathology & Laboratory Medicine

Calgary, AB, Canada

Black Crow Award, 2006 Residents' and Graduate Students' Research Day.

October 2006

University of Calgary Department of Pathology & Laboratory Medicine

Calgary, AB, Canada

Honourable Mention, 2006 Residents' and Graduate Students' Research Day.

July 2006

Canadian Association of Pathologists (CAP)

"Donald W. Penner" Research Award for "Best Proffered Paper"

CAP Annual meeting (St. John's Newfoundland)

July 2006

Canadian Institute of Health Research (CIHR) / CSCI Resident Research Award

University of Calgary Postgraduate Medical Education

Honorable Mention for resident research.

January 2006

Nominee for “Canada’s Top 40 Under 40” Award
Ottawa, Ontario.

September 2005

University of Calgary Department of Pathology & Laboratory Medicine
Calgary, AB, Canada
First Prize Clinical Research, 2005 Residents’ and Graduate Students’ Research Day.

June 2005

Rockyview General Hospital (Calgary Health Region)
Calgary, AB, Canada
Intensive Care Award for “exceptional proficiency in intensive care” during PGY1 rotating internship.

June 2005

Rockyview General Hospital (Calgary Health Region)
Calgary, AB, Canada
Special commendation in Obstetrics & Gynecology during PGY1 rotating internship.

May 2004

University of Saskatchewan College of Medicine
Saskatoon, SK, Canada
Class Valedictorian.

May 2004

University of Saskatchewan College of Medicine
Saskatoon, SK, Canada
Dr. J. W. Gerrard Prize in Clinical Pediatrics for the most distinguished graduating student in Clinical Pediatrics.

February 2001

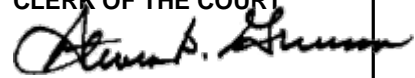
American Medical Association – Midwest Biomedical Research Forum
Omaha, NE, USA
Second prize in research category for lecture entitled: *Mediation of pro-inflammatory gene expression in acute spinal cord injury*.

January 2000

University of Saskatchewan College of Medicine – Health Science Research Day
Saskatoon, SK, Canada
First prize, for poster presentation entitled: *Oxidative stress following spinal trauma can be ameliorated by pro-cysteine compounds*.

Teaching Experience

List available upon request.



1 **NOTM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JENNIFER CLEMONS
6 Chief Deputy District Attorney
7 Nevada Bar #010081
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
12 Plaintiff,

12 -vs-

13 **ARMANDO VASQUEZ-REYES,**
14 **#7030886X**

15 Defendant.

CASE NO: C-16-316382-1

DEPT NO: XII

RECEIVED DEPT. XII
CLERK OF COURT
DATE: 5-22-18 TIME: 8:30 AM
pr

16
17 **NOTICE OF MOTION AND MOTION TO STRIKE DEFENDANT'S**
18 **EXPERT DUE TO UNTIMELY NOTICE**

19 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the State of
20 Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JENNIFER
21 CLEMONS, Chief Deputy District Attorney, will bring a **Motion to Strike Defendant's**
22 **Expert Due to Untimely Notice** before the above entitled Court on the **22nd** day of **MAY,**
23 **2017**, at the hour of **8:30 o'clock AM**, or as soon thereafter as counsel may be heard.

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

27 //

28 //

1 **STATEMENT OF CASE**

2 Defendant, ARMANDO VASQUEZ-REYES is charged by way of Criminal
3 Information with two (2) counts of Lewdness with a Child Under the Age of 14 (Category A
4 Felony – NRS 201.230) and eight (8) counts of Sexual Assault with a Minor Under Fourteen
5 Years of Age (Category A Felony – NRS 200.364, 200.366). The crimes occurred on or
6 between January 21, 2007 and December 31, 2015. The victim is G.A. On August 2, 2016,
7 the Defendant plead not guilty to the above charges and a trial date was set for September 27,
8 2016. This case has been continued several times. A trial date is set for May 29, 2018. On
9 May 14, 2018, the Defendant filed a Notice of Expert Witness. This notice was filed fifteen
10 calendar days from trial. The State’s Motion to Strike Defendant’s Expert due to Untimely
11 Notice follows.

12 **STATEMENT OF FACTS**

13 The facts of this case are such that on April 16, 2016, LVMPD Patrol Officers
14 responded to a domestic dispute at 2213 Berkley Avenue, Las Vegas, Nevada 89101. Details
15 of the call stated that the dispute was between the caller and Defendant (her husband). While
16 the police officers were investigating the dispute, they were approached by the caller’s
17 daughter, the victim in this case, who asked the officers if she could speak with them away
18 from the family. Officers agreed and spoke to G.A., away from her family members. G.A.
19 told the officers that Defendant (her step-father) had been sexually abusing her “her whole
20 life.” She went on to tell them that Defendant had repeatedly sexually assaulted her by putting
21 his penis inside her vagina, with the most recent occurring one week prior. Based upon G.A.’s
22 statement, patrol officers contacted LVMPD Sex Crimes Detective M. Pretti, who responded
23 to the scene along with Spanish Interpreter, M. Corral, P#12133.

24 Due to the number of family members present, and the fact there was no active crime
25 scene, Detective Pretti determined the investigation would be better suited to the interviews
26 being conducted in a more sterile environment at the LVMPD Headquarters. With the
27 assistance of the interpreter, Detective Pretti explained to Defendant that there had been some
28 allegations made against him and he would like to speak with Defendant about them at

1 LVMPD headquarters and requested that Defendant consent to be transported to LVMPD HQ,
2 which he granted verbally. Detective Pretti explained to Defendant that he would be
3 transported in a marked LVMPD patrol vehicle, and that he would be handcuffed, as is
4 LVMPD policy, to which Defendant agreed.

5 Detective Pretti then spoke with G.A. and her mother, with the assistance of the
6 interpreter, and requested that they respond to LVMPD HQ to participate in interviews, to
7 which they both agreed.

8 In the interview with G.A. she told Detective Pretti that Defendant has been sexually
9 abusing her for as long as she has known him. G.A. stated that she has known Defendant from
10 the time she was five or six years old, when she moved to Las Vegas from Mexico. At time
11 G.A. moved here to Las Vegas, her mother was already living here and had been dating
12 Defendant.

13 The first incident G.A. recalled happening occurred when she was very small.
14 Defendant told her to come into his room and not to tell her mother because she would get into
15 trouble. Defendant told her to touch his penis and "make him feel good." G.A. described
16 Defendant telling her to touch his penis and move her hand up and down, masturbating him.
17 G.A. told Detective Pretti that Defendant has been sexually assaulted by Defendant from the
18 time she was five or six years old; and, he has anally assaulted her approximately thirty (30)
19 times. Defendant would sexually assaulted G.A. while her mother was at work, and while her
20 brother and sister were out of the house with friends.

21 G.A. described an incident that happened in one of their old homes near Bridger Middle
22 School, where Defendant sexually assaulted her in the laundry room of the house. On that
23 occasion, G.A. was in the laundry room doing laundry for her and her sister. Defendant came
24 into the room, took off her clothes, and anally assaulted her with his penis. G.A. stated that
25 her brother and sister were both home but were in their rooms watching television.

26 G.A. stated that Defendant has had vaginal intercourse with her on at least two
27 occasions, the most recent being around November 2015. When that occurred, G.A. stated
28 that she told Defendant to stop because it was causing her pain.

1 G.A. described an incident that occurred approximately one week prior, where
2 Defendant touched her buttocks, over her clothes. The last sexual assault occurred in several
3 months prior, in November 2015. Defendant called G.A. into his room and asked her to watch
4 a movie with him. G.A. was laying on the bed with Defendant when he began touching her
5 hands and arms and G.A. told him to stop. Defendant told her it was alright and began taking
6 her clothes off, grabbing her breasts, buttocks, and vagina. Defendant then took off his own
7 clothes and inserted his penis into her anus, without a condom, until he ejaculated. G.A.
8 pushed Defendant off of her, left the room, and went to take a shower. G.A. stated that she has
9 become more agitated and aggressive with her family since the incident because she feels
10 disgusted about what Defendant has done to her. G.A. stated that she has cut herself in the past
11 and has had suicidal thoughts because of the Defendant's sexual abuse of her.

12 G.A. stated that she was afraid to tell her mom because she thought her mother would
13 judge her and she was afraid her mother might think that G.A. was trying to steal her husband.
14 G.A. stated that she decided to tell the police because she was scared of Defendant and she
15 was afraid that he would hit her mother or someone else because he was angry about the
16 (domestic) incident that occurred at the residence earlier, regarding the tools.

17 With the assistance of the interpreter, Detective Pretti explained to G.A.'s mother that
18 G.A. had disclosed being sexually abused by Defendant from the time she first moved to Las
19 Vegas from Mexico. G.A.'s mother stated that G.A. moved to Las Vegas in 2007 and that she
20 did not believe that G.A. would lie about these things. She further stated that G.A. had been
21 more agitated and aggressive in the last few months and agreed to take her to Sunrise Hospital
22 for a medical exam.

23 Detective Pretti also spoke to Defendant, with the assistance of an interpreter, and
24 Detective Galbron. Detective Pretti began by advising Defendant of his Miranda rights
25 directly from a LVMPD issued advisement card, which Defendant signed and dated after
26 stating that he understood his rights as read to him. During the interview the Defendant
27 confessed to sexually abusing G.A.

28 //

ARGUMENT

NRS 174.234 states:

If the defendant will be tried for one or more offenses that are punishable as a gross misdemeanor or felony and a witness that a party intends to call during the case in chief of the state or during the case in chief of the defendant is expected to offer testimony as an expert witness, the party who intends to call that witness shall file and serve upon the opposing party, *not less than 21 days before trial* or at such other time as the court directs, a written notice containing:

- (a) A brief statement regarding the subject matter on which the expert witness is expected to testify and the substance of the testimony;
- (b) A copy of the curriculum vitae of the expert witness; and
- (c) A copy of all reports made by or at the direction of the expert witness.

(emphasis added)

Here, the Defendant filed a Notice of Expert witness in the case fifteen days before trial. That notice included a brief statement as to the nature of the testimony and a copy of the curriculum vitae. The State has not received any reports made by or at the direction of the expert.¹ Due to the late filing, the Defendant's expert must be struck. This late notice violates the State's right to a fair trial, because it does not give the State adequate time to research the Defendant's expert or find and notice a rebuttal expert. The Nevada Supreme Court has held "that '[f]airness during trial is not one-sided and applies to both the defendant and the State.'" Grey v. State, 124 Nev. 110, 119 (citing Sampson v. State, 121 Nev. 820, 828, 121 Nev. 820, 122 P.3d 1255, 1260 (2005)). In Grey the court addressed whether the State was required to notice rebuttal expert witnesses. The court held,

"We hold that once a party in a criminal case receives notice of expert witnesses, the receiving party must provide reciprocal notice if that party intends to present expert rebuttal witnesses. If a party fails to provide notice of an expert rebuttal witness, the court in its sound discretion may prohibit the expert witness from testifying; grant a continuance; order the party to provide a brief statement regarding the subject matter on which the expert rebuttal witness is to testify and the substance of his testimony, a copy of curriculum vitae of the expert

¹ Based upon the brief statement provided in the notice that Dr. Matshes will testify regarding the symptoms of diabetes and high blood pressure, it appears that Dr. Matshes did not examine the Defendant and no reports were made. However, if there are reports the State is requesting those.

1 rebuttal witness, and a copy of all reports made by or at the direction
2 of the expert rebuttal witness; or enter such other order as it deems
3 appropriate under the circumstances.

4 Id., 124 Nev. 110, 119-120.

5 Due to the Defendant's late filing of its expert witness, the State does not have
6 adequate time to prepare for the case. Since the Defendant's expert notice violates the
7 statute, the Defendant's expert should be struck.

8 **CONCLUSION**

9 The State requests the Court GRANT the State's Motion to Strike the Defendant's
10 Expert Due to Untimely Notice.

11 DATED this 14th day of May, 2018.

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

15 BY /s/ JENNIFER CLEMONS
16 JENNIFER CLEMONS
17 Chief Deputy District Attorney
18 Nevada Bar #010081

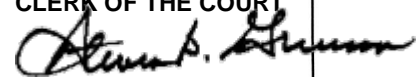
19 **CERTIFICATE OF SERVICE**

20 I hereby certify that service of the above and foregoing was made this 15th day of MAY
21 2018, to:

22 MIKE FELICIANO, DPD
23 mcmahaae@ClarkCountyNV.gov

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

27
28 hjc/SVU



1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 MIKE FELICIANO, DEPUTY PUBLIC DEFENDER
5 NEVADA BAR NO. 9312
6 **PUBLIC DEFENDERS OFFICE**
7 309 South Third Street, Suite 226
8 Las Vegas, Nevada 89155
9 Telephone: (702) 455-4685
10 Facsimile: (702) 384-1969
11 FeliciaM@clarkcountynv.gov
12 *Attorneys for Defendant*

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

9 THE STATE OF NEVADA,)
10)
11 Plaintiff,) CASE NO. C-16-316382-1
12)
13 v.) DEPT. NO. XII
14)
15 ARMANDO VASQUEZ-REYES,)
16 Defendant,)
17)
18)

14 **EX PARTE ORDER FOR TRANSCRIPT**

15 Upon the ex parte application of the above-named Defendant, ARMANDO VASQUEZ-
16 REYES, by and through, MIKE FELICIANO, Deputy Public Defender, and good cause
17 appearing therefor,

18 IT IS HEREBY ORDERED that the certified court reporter/recorder, prepare at State
19 expense, a transcript of the proceedings for case C-16-316382-1 heard on April 26, 2018 in
20 DC12.

21 DATED this 15 day of May, 2018.

22 
23 DISTRICT COURT JUDGE

24 Submitted by:
25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By /s/ Mike Feliciano
28 MIKE FELICIANO, #9312
Deputy Public Defender

RECEIVED
MAY 11 2018
DEPT. 12

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office on this 21 day of May, 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

CERTIFICATE OF MAILING

The forgoing Ex Parte Order was served by mailing a copy thereof, first class mail, postage prepaid on the 21 day of May, 2018, to the following:

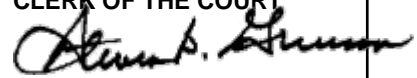
Kristine Santi
District Court Dept. 12
200 Lewis Avenue
Las Vegas, NV 89101


Annie McMahan
An Employee of the
CLARK COUNTY PUBLIC DEFENDER'S OFFICE

Case Name: State of Nevada vs. Armando Vasquez-Reyes

Case No. C-16-316382-1

Dept No. XII



SLOW
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**

STATE'S SECOND SUPPLEMENTAL 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:

*indicates additional witness(es) and/or modification(s)

ALVAREZ, MAEL

*CASINOVA, DR EFRIN; UNIVERSITY MEDICAL CENTER/CCDC; Will testify as to the medical records of ARMANDO VASQUEZ-REYES; the symptoms of diabetes and high blood pressure, and the effect of such symptoms on an individual; they physical and mental condition of ARMANDO VASQUEZ-REYES at the time of his arrest, and

1 subsequently as demonstrated by his medical records and audio/video of a statement given by
2 him to police at approximately the same time as his arrest.

3 CETL, DR SANDRA; SNCAC/SUNRISE HOSPITAL; Will testify as an expert as to
4 the nature, process and limitations of sexual assault examinations, and/or as to the sexual
5 assault examination(s) conducted in the instant case.

6 COR or Designee; CCDC

7 COR or Designee; LVMPD COMMUNICATIONS

8 COR or Designee; LVMPD RECORDS

9 COR or Designee; SUNRISE HOSPITAL

10 CORRAL, MARIA; LVMPD#12133; Will testify as an expert in Spanish/English
11 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

12 G.A.; c/o CCDA-SVU/VWAC

13 GABRON; LVMPD#05542

14 *EKROOS, DR RACHELL; UNLV SCHOOL OF NURSING; Will testify as an expert
15 as to the nature, process and limitations of sexual assault examinations, and/or as to the sexual
16 assault examinations conducted in the instant case.

17 LEON, RUTH; CCDA-SVU INVESTIGATIONS

18 *MALONE, DR ALEX; UNIVERSITY MEDICAL CENTER/CCDC; Will testify as
19 to the medical records of ARMANDO VASQUEZ-REYES; the symptoms of diabetes and
20 high blood pressure, and the effect of such symptoms on an individual; they physical and
21 mental condition of ARMANDO VASQUEZ-REYES at the time of his arrest, and
22 subsequently as demonstrated by his medical records and audio/video of a statement given by
23 him to police at approximately the same time as his arrest.

24 MARTINEZ, YANNET, C/O DISTRICT ATTORNEY'S OFFICE

25 MURRAY; LVMPD#13458

26 PARENT/GUARDIAN of G.A.; c/o CCDA-SVU/VWAC

27 PRETTI; LVMPD#09639

28 R.C.; c/o CCDA-SVU/VWAC

1 RETA, MYRA; CCDA VWAC; Will testify as to Will testify as an expert in
2 Spanish/English translation and/or as to the Spanish/English translation(s) conducted in the
3 instant case.

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

5 SUTTON, CLAUDIA; LVMPD#07863; Will testify as an expert in Spanish/English
6 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

7 THEOBALD; LVMPD#06468

8 TORRES, SERGIO, C/O DISTRICT ATTORNEY'S OFFICE

9 These witnesses are in addition to those witnesses endorsed on the Information or
10 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
11 Witnesses has been filed.

12 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

16 BY /s/ JAMES R. SWEETIN
17 JAMES R. SWEETIN
18 Chief Deputy District Attorney
19 Nevada Bar #005144
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CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 25th day of MAY
2018, to:

MIKE FELICIANO, DPD
mcmahaae@ClarkCountyNV.gov

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

hjc/SVU

LICENSURE/CERTIFICATION

Nevada RN License
Nevada APRN License
ANCC Certified Family Nurse Practitioner (APRN-BC)
ANCC Certified Advance Forensic Nursing (FNP-BC)

EDUCATION

<u>Date</u>	<u>Institution</u>	<u>Field of Study</u>	<u>Degree</u>
2016	University of Washington	Nursing	PhD
2008	University of Washington	Research Methods	Graduate Certificate
2004	Clarkson College	Nursing	MSN
2000	University of Arkansas for Medical Sciences	Nursing	BSN
1998-2000	University of Arkansas at Little Rock	Pre-nursing	N/A

ACADEMIC EXPERIENCE

<u>Date</u>	<u>Position</u>	<u>Institution, City, State</u>
2017-present	Assistant Professor	UNLV School of Nursing, Las Vegas, NV
2017-present	Adjunct Assistant Professor	UNLV School of Medicine, Las Vegas, NV
2017	Affiliate Faculty, Center for Biobehavioral Interdisciplinary Science	UNLV School of Nursing, Las Vegas, NV
2014-15	Adjunct Clinical Faculty Research Practicum	Duquesne University, Pittsburgh, PA
2008-11	Graduate Teaching Assistant	University of Washington, Seattle, WA
2001-05	Community Faculty	UTHSC College of Medicine Department of Pediatrics, Memphis, TN
2001-05	Community Faculty	UTHSC College of Medicine Department of Family Practice, Memphis, TN
2001-03	Adjunct Faculty	UTHSC College of Medicine Department of Continuing Education, Memphis, TN

EXPERIENCE OTHER THAN ACADEMIC TEACHING

<u>Date</u>	<u>Title</u>	<u>Place</u>
2017-present	APRN	Aids Health Foundation, Las Vegas, NV
2016-17	Chief Administrative Nurse	Southern Nevada Health District, Las Vegas, NV
2015-16	Forensic Nurse	Eisenhower Medical Center, Rancho Mirage, CA
2014-present	President	Nevada HealthRight, Las Vegas, NV
2010-present	Chief Executive Officer	Center for Forensic Nursing Excellence International, Las Vegas, NV

2008-11	Corporate Development Consultant	Private Healthcare LLC, Issaquah, WA
2005-08	President	Global Forensic Solutions Inc, Memphis, TN/Seattle, WA
2001-07	Consultant (2006-07) Acting Coordinator of Nursing Services (2004-06) Forensic Nurse Examiner (2001-06)	Memphis Sexual Assault Resource Center, Memphis, TN
2000-01	Victim Support Specialist	Family Services Agency – Sexual Assault Center, Little Rock, AR
1990-98	Chief Executive Officer	JTR Specialty Services, Little Rock, AR

HONOR SOCIETIES/ACADEMIES

<u>Date</u>	<u>Organization</u>
2017	American Academy of Nurses (FAAN)
2011	American Academy of Forensic Sciences
2000	Sigma Theta Tau International Nursing Honor Society

HONORS AND AWARDS

<u>Date</u>	<u>Award</u>
2018	Healthcare Hero Award (nominated)
2017	Fellow of the American Academy of Nurses
2014	International Association of Forensic Nurses Distinguished Fellow (DF-IAFN)
2006	Hoffman Scholar
2000	Faculty Gold Key Award
2000	Nightingale Award
2000	NSNA Leadership U

MEDIA INTERVIEWS, FEATURES, RECOGNITION, AND PRESS RELEASES

(2018, May 9) recognized in the UNLV News Center Accomplishments for invited presentations at the Emergency Nurses Association Regional Symposium. Available at <https://www.unlv.edu/news/accomplishments/rachell-ekroos-1>

(2018, February 24) recognized in the UNLV News Center Accomplishments for being selected for the Executive Steering Committee of the National Institute of Standards and National Institute of Justice Evidence Management Project. Available at: <https://www.unlv.edu/news/accomplishments/rachell-ekroos-0>

(2017, November 14) recognized in the UNLV News Center Accomplishments for involvement with the U.S. State Department's International Visitor Leadership Program. Available at <https://www.unlv.edu/news/accomplishments/rachell-ekroos-and-alexis-kennedy>

(2017, November 6) received recognition and a special thank you from the National Institute of Justice's Forensic Technology Center of Excellence during Forensic Nurses Week. Available at: <https://www.linkedin.com/company/10827619/>

(2017, June) recognized by the UW School of Nursing in a news article titled *UW Nurse Faculty, Alumni Selected as American Academy of Nursing Fellows*. Available at: <https://nursing.uw.edu/article/uw-nurse-faculty-alumni-selected-as-american-academy-of-nursing-fellows/>

(2017, June 26) recognized as a 2017 Class of Academy Fellows in the American Academy of Nurses press release titled *American Academy of Nursing Announces 2017 Class of New Fellows*. Available at: <https://higherlogicdownload.s3.amazonaws.com/AANNET/c8a8da9e-918c-4dae-b0c6-6d630c46007f/UploadedImages/docs/Press%20Releases/2017/2017%20New%20Fellow%20P R-FINAL-revised070517.pdf>

(2017, May 24) recognized in the UNLV News Center Accomplishments for being accepted as a Fellow in the American Academy of Nursing. Available at: <https://www.unlv.edu/news/accomplishments/catherine-dingley-and-rachell-ekroos-school-nursing>

(2017, April 3) featured in UNLV News Center Article titled *New Face: Rachell Ekroos* written by Kevin Dunegan. Available at: <https://www.unlv.edu/news/article/new-face-rachell-ekroos>

(2017, January) work with the National Institute of Justice's FTCoE highlighted in feature article by TechBeat titled *Online Glossary Helps Professionals "Speak the Language" About Sexual Assault*. Available at: https://www.justnet.org/InteractiveTechBeat/eTECHBEAT/eTechbeat_Jan_2017/content/pdf/eTechbeat_Jan_2017.pdf

(2016, June) featured in the National Institute of Justice's Forensic Technology Center of Excellence Focus on Special Initiatives for directing a project to develop an online multidisciplinary glossary on sexual assault. Available at: <https://forensiccoe.rti.org/Our-Impact/Focusing-on-Special-Initiatives/Sexual-Assault/The-Multidisciplinary-Sexual-Assault-Glossary>

(2014, June 8) highlighted in NV Attorney General's Office Provides Training on Violence Crimes, a news article published in the Elko Daily Free Press. Available at: http://elkodaily.com/news/local/nv-attorney-general-s-office-provides-training-on-violent-crimes/article_440e60d6-f68b-11e3-962e-001a4bcf887a.html

RESEARCH, CREATIVE ACCOMPLISHMENTS, AND SCHOLARSHIP

INVENTIONS AND PATENTS

Specimen observation, collection, storage and preservation devices and method of use. Co-inventor; USPTO Patent number: 9265580 received February 23, 2016.

PUBLICATIONS

Refereed Publications

Speck, P. M., ..., & **Ekroos, R. A.**, (November 2014). Case series of sexual assault in older persons. *Clinics in Geriatric Medicine*. (Gibbs & Mosqueda, Eds).

Books, Book Chapters, Monographs, E-Learning, and Other Publications

Speck, P. M., Faugno, D. K., **Ekroos, R. A.**, et. al. (2018). Sexual Assault. In J. F. Fitzpatrick, R. Hickman, & C. Alfes (Eds.), *A guide to mastery in clinical nursing: A comprehensive reference*. New York, NY: Springer.

Speck, P. M., Faugno, D. K., **Ekroos, R. A.**, et. al. (2018). Domestic Violence. In J. F. Fitzpatrick, R. Hickman, & C. Alfes (Eds.), *A guide to mastery in clinical nursing: A comprehensive reference*. New York, NY: Springer.

Faugno, D.K., Mitchell, S. A., **Ekroos, R. A.**, & Speck, P. M. (2016). Pediatric sexual assault: E-learning module. Amsterdam, Netherlands: Evidentia Publishing.

Ekroos, R. A. (2016). *Exploring forensic nursing ethics and practice: Roles, loyalties, and photodocumentation practices* (Dissertation). Research Works Archive, University of Washington Library, Seattle.

Faugno, D. K., **Copeland (Ekroos), R. A.**, Crum, J. L., Speck, P. M. (2012). Entry-Level Adolescent and Adult Sexual Assault Assessment: SANE/SAFE Forensic Learning Series. St. Louis, MO: STM Learning.

Faugno, D. K., **Copeland (Ekroos), R. A.**, Crum, J. L., Speck, P. M. (2012). Intermediate-Level Adolescent and Adult Sexual Assault Assessment: SANE/SAFE Forensic Learning Series. St. Louis, MO: STM Learning.

Faugno, D. K., **Copeland (Ekroos), R. A.**, Crum, J. L., Speck, P. M. (2012). Advanced-Level Adolescent and Adult Sexual Assault Assessment: SANE/SAFE Forensic Learning Series. St. Louis, MO: STM Learning.

Non-refereed Publications and Blog Postings

Copeland (Ekroos), R. A. New Beginnings. *Imprint*, 46(4), 4, 1999 Sept.

Copeland (Ekroos), R. A. Choose to Make a Difference. *Imprint*, 46(5):4, 1999 Nov/Dec.

Copeland (Ekroos), R. A. Building on a Dream. *Imprint*, 47(1):2, 2000 Jan.

Copeland (Ekroos), R. A. In the Face of Death, Nurses are the Ultimate Healers. *Imprint*, 47(2):4, 2000 Feb/Mar.

Copeland (Ekroos), R. A. Nursing Image: More Than What the Doctor Orders, *Imprint*, 47(3):4, 14, 2000 Apr/May.

Policy Briefs

Speck, P. M., Mitchell, S. A., **Ekroos, R. A.**, Sanchez, R. V., Messias, D. K. (under AAN Board of Directors review) Policy Brief on the Nursing Response to Human Trafficking, submitted to the American Academy of Nursing.

Abstracts

- Ekroos, R. A.** & Traveller, L. (2016, September). Body Surface Injuries: Wounding, Healing and Descriptive Terminology [Abstract]. *International Conference on Forensic Nursing Science and Practice*.
- Ekroos, R. A.** & Traveller, L. (2016, September). Pathophysiology of Bruising: When is a bruise really a bruise? [Abstract] *International Conference on Forensic Nursing Science and Practice*.
- Ekroos, R. A.** (2016, September). Strangulation 101: Screening, Assessment, and Evaluation of Patients Reporting Strangulation in the ED [Abstract]. *Emergency Nursing 2016 Conference*.
- Ekroos, R. A.** (2015, October). "Suspect Exams" and the Role of the Forensic Nurse [Abstract]. *Conference on Forensic Nursing Science and Practice*.
- Faugno, D. K., Day, K., Allen, E., **Ekroos, R. A.** (2015, October). Strangulation: What Emergency Care Providers & First Responders Need to Know [Abstract]. *International Conference on Forensic Nursing Science and Practice*.
- Speck, P. M., Faugno, D. K., ...**Ekroos, R. A.** (2015, October). Use of frameworks with systems and nursing theory to share forensic nursing knowledge globally in two countries [Abstract]. *International Conference on Forensic Nursing Science and Practice*.
- Ekroos, R. A.** (2014, October). Digital Filters and Alternate Light Sources: Research, Clinical Applications and Proceeding with Caution [Abstract]. *International Conference on Forensic Nursing Science and Practice*.
- Ekroos, R. A.** (2014, October). Finding Your Way: Ethical Dilemmas, Competing Loyalties and Clinical Uncertainties [Abstract]. *International Conference on Forensic Nursing Science and Practice*.
- Ekroos, R. A.** & Cetl, S. (2014, June). Photodocumentation practices: A seminar on use of technology and ethical considerations [Abstract]. *American Professional Society on the Abuse of Children*.
- Ekroos, R. A.** & Mitchell, S. (2014, April). Forensic medical services for victims of trafficking: Screening, intervention and multi-sector collaborations [Abstract]. *End Violence against Women International Annual Conference*.
- Ekroos, R. A.** (2014, April). Ethical Dimensions of Forensic Medical Photodocumentation [Abstract]. *End Violence against Women International Annual Conference*.
- Speck, P. M., **Ekroos, R. A.**, & Archambault, J. (2014, April). What you should know about recovering DNA after 72-96 hours: The post-coital DNA recovery study results [Abstract]. *End Violence against Women International Annual Conference*.
- Ekroos, R. A.** & Mitchell, S. (2014, April). Fundamentals in Clinical Forensic Photodocumentation [Abstract]. *End Violence against Women International Annual Conference*.

Faugno, D. K., **Ekroos, R. A.**, & Holbrooke, D. (2013, April) Clinical Forensic Photodocumentation: From Process to Application [Abstract]. *End Violence against Women International Annual Conference*.

Speck, P. M., **Ekroos, R. A.**, & Archambault, J. (2013, April). Post Coital DNA Recovery: Get ready to change your evidence collection protocols! [Abstract] *End Violence against Women International Annual Conference*.

Copeland (Ekroos), R. A. (2012, August). A New Member of the ICAC Team: The Clinical Forensic Practitioner [Abstract]. *Crimes against Children Conference*.

Copeland (Ekroos), R. A. (2012, August). Interdisciplinary Response to CSEC: Utilizing the Clinical Forensic Practitioner [Abstract]. *Crimes against Children Conference*.
INTERNATIONAL AND NATIONAL PRESENTATIONS

Refereed Presentations and Posters

Ekroos, R. A. & Traveller, L. (2016, September). *Body Surface Injuries: Wounding, Healing and Descriptive Terminology*. International Conference on Forensic Nursing Science and Practice, Denver, CO.

Ekroos, R. A. & Traveller, L. (2016, September). *Pathophysiology of Bruising: When is a bruise really a bruise?* International Conference on Forensic Nursing Science and Practice, Denver, CO.

Ekroos, R. A. (2016, September). *Strangulation 101: Screening, Assessment, and Evaluation of Patients Reporting Strangulation in the ED*. Emergency Nursing Conference, Los Angeles, CA.

Ekroos, R. A. (2015, October). "Suspect Exams" and the Role of the Forensic Nurse. International Conference on Forensic Nursing Science and Practice, Orlando, FL.

Faugno, D. K., Day, K., Allen, E., **Ekroos, R. A.** (2015, October). Strangulation: What Emergency Care Providers & First Responders Need to Know. IAFN 2015 Conference on Forensic Nursing Science and Practice, Orlando FL.

Speck, P. M., Faugno, D. K., ...**Ekroos, R. A.** (2015, October). *Use of frameworks with systems and nursing theory to share forensic nursing knowledge globally in two countries*. International Conference on Forensic Nursing Science and Practice, Orlando, FL.

Ekroos, R. A. (2014, October). *Digital Filters and Alternate Light Sources: Research, Clinical Applications and Proceeding with Caution*. International Conference on Forensic Nursing Science and Practice, Phoenix, AZ.

Ekroos, R. A. (2014, October). *Finding Your Way: Ethical Dilemmas, Competing Loyalties and Clinical Uncertainties*. International Conference on Forensic Nursing Science and Practice, Phoenix, AZ.

Ekroos, R. A. & Cetl, S. (2014, June). *Photodocumentation practices: A seminar on use of technology and ethical considerations*. American Professional Society on the Abuse of Children, New Orleans, LA.

- Ekroos, R. A.** & Mitchell, S. (2014, April). *Forensic medical services for victims of trafficking: Screening, intervention and multi-sector collaborations*. End Violence against Women International Annual Conference, Seattle, WA.
- Ekroos, R. A.** (2014, April). *Ethical Dimensions of Forensic Medical Photodocumentation*. End Violence against Women International Annual Conference, Seattle, WA.
- Speck, P. M., **Ekroos, R. A.**, & Archambault, J. (2014, April). *What you should know about recovering DNA after 72-96 hours: The post-coital DNA recovery study results*. End Violence against Women International Annual Conference, Seattle, WA.
- Ekroos, R. A.** & Mitchell, S. (2014, April). *Fundamentals in Clinical Forensic Photodocumentation*. End Violence against Women International Annual Conference, Seattle, WA.
- Faugno, D. K., **Ekroos, R. A.**, & Holbrooke, D. (2013, April) Clinical Forensic Photodocumentation: From Process to Application, End Violence against Women International Annual Conference, Baltimore, MD.
- Speck, P. M., **Ekroos, R. A.**, & Archambault, J. (2013, April). Post Coital DNA Recovery: Get ready to change your evidence collection protocols! End Violence against Women International Annual Conference, Baltimore, MD.
- Copeland (Ekroos), R. A.** (2012, August). *A New Member of the ICAC Team: The Clinical Forensic Practitioner*. Crimes against Children Conference, Dallas, TX.
- Copeland (Ekroos), R. A.** (2012, August). *Interdisciplinary Response to CSEC: Utilizing the Clinical Forensic Practitioner*. Crimes against Children Conference, Dallas, TX.

Invited Presentation/Workshops/Roundtable

- Ekroos, R. A.** (2018, April). *Manual Strangulation: What do Emergency Nurses Need to Know?* Emergency Nurses Association Regional Symposium, Las Vegas, NV. [Invited Presentation].
- Ekroos, R. A.** (2018, April). *Identifying and Responding to Human Trafficking in the ED*. Emergency Nurses Association Regional Symposium, Las Vegas, NV. [Invited Presentation].
- Ekroos, R. A.** & Traveller, L. (2016, September). *Forensic Nursing Pharmacology: Prophylaxis, Confounding Factors and Related Implications*. International Conference on Forensic Nursing Science and Practice, Denver, CO. [Invited workshop]
- Ekroos, R. A.** (2015, October). *Ethics in Forensic Nursing Workshop*. International Conference on Forensic Nursing Science and Practice. Orlando, FL. [Invited workshop/presentation]
- Ekroos, R. A.** (2015, March). *Photodocumentation for Clinical Forensic Providers*. Republic of Costa Rica. [Invited presentation]
- Ekroos, R. A.** (2015, March). *Toluidine Blue Dye: Considerations for Use in Practice*. Republic of Costa Rica. [Invited presentation]

- Ekroos, R. A.** (2014, October). The Ethical Dimensions of Forensic Nursing Practice. International Conference on Forensic Nursing Science and Practice, Phoenix, AZ. [Invited 3-hour workshop]
- Faugno, D. K., Holbrooke, D., & **Ekroos, R. A.** (2013, September) *Use of ALS & Negative-Invert Filters...Under the Skin*. End Violence against Women International. [Invited webinar presentation]
- Copeland (Ekroos), R. A.** (2002, October) *Case Presentations: Crack Pipe Conundrums*. International Association of Forensic Nurses Annual Scientific Assembly, Minneapolis, MN. [Invited presentation]
- Copeland (Ekroos), R. A.** & Speck, P. M. (2001, September) *Case Presentations: Sexual Assault*. International Association of Forensic Nurses Annual Scientific Assembly. Kissimmee, FL. [Invited presentation]

REGIONAL AND STATE PRESENTATIONS

Invited Presentation/Workshops/Roundtable

- Ekroos, R. A.** (2016, March). *Child Sexual Abuse in Familial Settings*. Nevada Family Jurisdiction Judges Conference, Ely, NV. [Invited presentation]
- Ekroos, R. A.** (2016, March). *Strangulation and Family Violence*. Nevada Family Jurisdiction Judges Conference, Ely, NV. [Invited presentation]
- Ekroos, R. A.** (2015, May). *Intimate Partner Violence and the Medical Provider's Role*. Western States Osteopathic Convention, Las Vegas, NV. [Invited presentation]
- Ekroos, R. A.** (2014, September). *Clinical Photodocumentation: Current Practice, Best Practices and Where Do We Go from Here?* End Violence against Women International Regional Pre-Conference, Atlanta, GA. [Invited presentation]
- Ekroos, R. A.** & Faugno, D. K. (2014, September). *What's wrong with this picture?* End Violence against Women International Regional Pre-Conference, Atlanta, GA. [Invited presentation]
- Faugno, D. K. & **Ekroos, R. A.** (2014, September). *Hmmm, what does this all mean?* End Violence against Women International Regional Pre-Conference, Atlanta, GA. [Invited presentation]
- Ekroos, R. A.** (2014, September). *Advancing Forensic Nursing Practice to Serve Special Populations*. End Violence against Women International Regional Pre-Conference, Atlanta, GA. [Invited presentation]
- Copeland (Ekroos), R. A.** (2011, October) *A Tangled Web: Sexual Exploitation of Women and Girls*. Association of Women's Health, Obstetric, and Neonatal Nurses, Blaine, WA. [Invited presentation]

Copeland (Ekroos), R. A. (2011, April) *Sexual Exploitation and the Health of Women and Girls*. Soroptimist International Northwest Region Conference, Vancouver, WA. [Invited presentation]

LOCAL PRESENTATIONS

Invited Presentations/Workshops/Keynote Address

Gadsen, C., Murphy, L., Morris, B., Landis, S., & **Ekroos, R.** (2015, October). UNLV No Stupid Question Tuesday – Campus sexual assault. [Panel member]

Ekroos, R. A. (2015, September). *Commercial Sexual Exploitation and Human Trafficking: Step 1, Step 2*, Tri-Cities, WA. [Invited presentation]

Ekroos, R. A. (2015, September). *Commercial Sexual Exploitation and Trafficking of Children: A presentation for Social Service Professionals*, Tri-Cities, WA. [Invited presentation]

Ekroos, R. A. (2015, September). *Commercial Sexual Exploitation and Trafficking of Children: A Presentation for Professionals in the Healthcare Setting*, Tri-Cities, WA. [Invited presentation]

Ekroos, R. A. (2015, September). *Commercial Sexual Exploitation and Trafficking of Children: A Presentation for Professionals in the Educational Setting*, Tri-Cities, WA. [Invited presentation].

Ekroos, R. A. (2015, February). *Ethics Matters*. Collins Center Shenandoah Valley Multidisciplinary Conference, Staunton, VA. [Invited presentation]

Ekroos, R. A. (2015, February). *Did you ask about strangulation?* Collins Center Shenandoah Valley Multidisciplinary Conference, Staunton, VA. [Invited presentation]

Ekroos, R. A. (2015, February). *Sex Trafficking & CSEC: The healthcare provider's role*. Collins Center Shenandoah Valley Multidisciplinary Conference, Staunton, VA. [Invited presentation]

Ekroos, R. A. (2015, February). *Strangulation in the Context of Intimate Partner Violence & Sexual Assault*. UNLV Women's Center. [Invited presentation]

Ekroos, R. A. (2014, November). *Human Trafficking and CSEC: The Role of Forensic Medical Services*, Tri-Cities, WA. [Invited presentation]

Ekroos, R. A. (2014, November). *Strangulation in Sexual Assault and IPV*, Tri-Cities, WA. [Invited presentation]

Ekroos, R. A. (2014, November). *Human Trafficking and CSEC: A Healthcare Provider's Perspective*, Tri-Cities, WA. [Invited presentation]

Ekroos, R. A. (2014, August). *Forensic Medical Services for Victims of Sexual Assault & Intimate Partner Violence*. UNLV Jean Nidetch Women's Center Care Advocate Training. [Invited presentation]

Ekroos, R. A. (2014, June). *Nevada Office of the Attorney General's Rural Law Enforcement Training on Forensic Medical Exams and Strangulation*; Elko NV, Winnemucca NV, Lovelock, NV. [Invited workshop]

Copeland (Ekroos), R. A. (2007, April) *Evidence Collection in the Unconscious Sexual Assault Patient*. Forensic Nursing 2007: Contemporary Issues for Practice. University of Washington School of Nursing Forensic Nursing Conference; Shoreline, WA. [Invited presentation]

Copeland, (Ekroos), R. A. (2007, September). *Forensics: A Multidimensional Approach to Personal Violence*. University of Memphis Forensic Nursing Conference, Memphis, TN, [Keynote speaker, breakout session speaker]

Copeland, (Ekroos), R. A. (2003, May). *Parallels between Corporal Punishment and Offender Behaviors*, Child Abuse Prevention Conference, Memphis, TN. [Invited presentation]

Non-refereed Presentations and Workshops

Ekroos, R.A. (2015, September). *Human Trafficking Task Force Team Building Workshop*, Tri-Cities, WA. [Invited facilitator]

Ekroos, R. A. (2014, August). *Combatting Domestic Violence in Lebanon: An open dialogue with with Rachell Ekroos*. Reno, NV. [Invited Speaker]

Ekroos, R. A. (2013, October). *Fundamentals of Clinical Forensic Photodocumentation*. Hagerstown, MD. [Invited workshop].

Ekroos, R. A. (2013, June). *2013 Medical Forensic Think Tank*, Boulder City, NV. [Invited Coordinator & Facilitator]

Copeland (Ekroos), R. A. (2012, October). *Forensic Medical Analysis of Child Development & Maturation*. ICAC Taskforce Workshop, Seattle, WA. [Invited Workshop]

Copeland (Ekroos), R. A. (2012, July). *Forensic Medical Analysis of Child Development & Maturation*; ICAC Taskforce Workshop, Spokane, WA. [Invited Workshop]

Copeland (Ekroos), R. A. (2012, June). *Meeting of the Minds*, Boulder City, NV. [Invited Coordinator & Facilitator]

Copeland (Ekroos), R. A. (2011, March). *All Health Professions: Error Disclosure Day*. University of Washington Health Science. [Invited Content Faculty].

Copeland (Ekroos), R. A. (2008). *Critical Review of the Literature on Human Trafficking*. University of Washington, Seattle, WA. [Poster Presentation]

Copeland (Ekroos), R. A. (2007). *Basic SANE/SART Training*, Jackson, TN. [Program coordinator and faculty]

Copeland (Ekroos), R. A. (2006, April). *Not Your Everyday Pharmacology Lesson: A lesson in drug facilitated sexual assault*, Jackson, TN. [Lecturer].

- Copeland (Ekroos), R. A.** (2006). *SANE Review and Advanced Training*, Jackson, TN. [Program coordinator and faculty]
- Copeland (Ekroos), R. A.** (2006). *Basic SANE/SART Training*, Jackson, TN. [Program coordinator and faculty]
- Copeland (Ekroos), R. A.** (2005) *Introduction to the Medicolegal Examination*, Memphis TN. [Invited presentation]
- Copeland (Ekroos), R. A.** (2003) *Advanced SANE Training*, University of Arkansas for Medical Sciences Emergency Department, Little Rock, AR. [Faculty]
- Copeland (Ekroos), R. A.** (2001-2003, 10 repeat presentations) *Introduction to Forensic Nursing*. Baptist School of Nursing Students during MSARC Clinical Day.
- Copeland (Ekroos), R. A.** (2001, March) *Sexual Assault Nurse Examiner Training*. University of Arkansas for Medical Sciences College of Nursing, UAMS-CON, Advocacy Lecture, Little Rock, AR, 2001. [Invited Presentation]
- Copeland (Ekroos), R. A.** (2001, April) *Sexual Assault Awareness Series*, cable broadcast, North Little Rock, AR. [Interview]
- Copeland (Ekroos), R. A.** (2001, April) *Sexual Assault: Role of the Nurse*. St. Joseph Hospital, Hot Springs, AR. [Invited Presentation]
- Copeland (Ekroos), R. A.** (2000, April). New Jersey Student Nurses Association, Atlantic City, NJ. [Opening Ceremonies Speaker]
- Copeland (Ekroos), R. A.** (2000, April). *Finding Your Niche in Nursing*. New Jersey Student Nurses Association, Atlantic City, NJ. [Panel presenter and facilitator]
- Copeland (Ekroos), R. A.** (2000, November). *Communication Workshop*, National Student Nurses Association Annual Convention, Salt Lake City, UT. [Workshop faculty]
- Copeland (Ekroos), R. A.** (1999, October). *Finding Your Niche in Nursing*. Arkansas Student Nurses Association Annual Convention, Hot Springs, AR. [Speaker and forum leader]
- Copeland (Ekroos), R. A.** (1999, April). *Editor's Workshop*, National Student Nurses Association Midyear Conference, Charlotte, NC. [Workshop faculty]

GRANTS AND CONTRACTS (Direct costs unless otherwise specified)

Active

Sexual Assault Kit Content Analysis: An Exploration of Differences across Jurisdictions. \$7,500 (no indirect costs). 07/01/2017 – 12/31/2018. PI.

A Descriptive Analysis of Forensic Nursing in Online News Reports. UNLV School of Nursing Faculty. \$5,000 (no indirect costs). 07/01/2017 – 12/31/2018. PI.

Submitted

The Impact of Occupational Prestige and Job Satisfaction on Officer Stress Resilience: A Quasi-Experimental Study of Compassion Fatigue among Police and Corrections Officers. National Institute of Justice (NIJ-2018-14102). \$771,537 (UNLV subaward \$482,333). Submitted 03/14/2018. Co-I.

Identifying Stress Among Law Enforcement Officers. UNLV Division of Research and Economic Development Faculty Opportunity Award. \$19,750 (no indirect costs). Submitted 03/01/18, notification pending. Co-PI.

Comprehensive Evaluation of 2017 Las Vegas Mass Shooting. Department of Defense. \$2,958,000 (UNLV subaward \$201,477). Submitted 01/31/18, responding to revision requests. A-PI.

Previous**Federal:**

Multidisciplinary Sexual Assault Glossary Project Phase 4. Project Director and Proposal Author. Research Triangle Institute International. U.S. Department of Justice Cooperative Agreement 2016-MU-BX-K110; Subaward Number 13-321-0215513-52890L. \$86,302 (no indirect costs). 04/15/17 – 03/31/18.

Multidisciplinary Sexual Assault Glossary Project Phase 4. Project Director and Proposal Author. Research Triangle Institute International. U.S. Department of Justice Cooperative Agreement 2011-DN-BX-K564; Subaward Number 13-321-0123168-52149L. \$116,217 (no indirect costs). 05/01/15 – 12/31/16.

State, Federal Pass Through, and Other:

Ryan White HIV/AIDS Part A Medical Core & Support Services for HIV/AIDS Infected & Affected Clients in Las Vegas Transitional Grant Area. Project Director and Proposal Author. Clark County Social Services under HRSA Grant, RFP # 604274-16. \$1,244,022. 2017-2018.

Ryan White HIV/AIDS Part B Program Referral for Health Care and Support Services. Project Director and Proposal Co-Author. Bureau of Behavioral Health, Wellness, & Prevention under Federal Grant # 6-X07HA00001-26-1. \$96,798. 2017-2018.
Ryan White HIV/AIDS Part B Program Pharmacy Implementation Project. Project Director and Proposal Co-author. Bureau of Behavioral Health, Wellness, & Prevention Subaward 9391716/REBATE16 under Federal Grant # 6-X07HA00001-26-1. \$350,159. 2016-2017.

Response to Sexual Violence Multidisciplinary Education, Training, Consulting. Project Director and Proposal Author. Nevada Office of the Attorney General, subgrant VAWA-37 Stop Funding Award for Technical Assistance. \$149,992 (no indirect costs). 2014-2016.

Forensic Medical Services for Victims of Sexual Assault & Domestic Violence. Project Director and Proposal Author. Nevada Office of the Attorney General. OAG 2015-VAWA-37 Federal Award 2013-WF-AX-0051/2015-WF-AX-0030. \$63,485 (no indirect costs). 2016.

Forensic Medical Services for Victims of Sexual Assault & Domestic Violence. Project Director and Proposal Author. Nevada Office of the Attorney General. OAG 2015-VAWA-37 Federal Award 2014-KF-AX-0050/2014-WF-AX-0056. \$73,739 (no indirect costs). 2015.

Forensic Nursing Photodocumentation & Digital Imaging Study (FN-PDIS). Principal Investigator & Proposal Author. Hester McClaws Nursing Research Scholarship (University of Washington). \$3,000. 2012.

TL1 Multidisciplinary Clinical Research Training Grant - Focal area: Human Trafficking. Principal Investigator and Proposal Author. University of Washington. \$22,976 (plus full tuition). 2007-2008.

Unfunded

NVHR Clinical Forensic Service for Underserved Populations. Project Director and Proposal Author. Nevada Office of the Attorney General. OAG STOP/SASP Program Sub-Grant. \$142,479. 07/01/16-06/30/17.

Nevada Sexual Violence Prevention Initiative for Health Care Providers. Principal Director and Proposal Author. Nevada Division of Public and Behavioral Health. \$56,812. 02/01/15-01/31/16.

TEACHING

COURSES TAUGHT

University of Nevada, Las Vegas School of Nursing

NURS 350 Population Focused Nursing in the Community

Duquesne University

GPNG 505 Methods of Nursing Research
GPNG 506 Practicum in Nursing Research

University of Washington School of Nursing, Seattle

NURS 410 Legal and Ethical Issues in Clinical Practice (TA)
NMETH 520 Scholarly Inquiry for Nursing Practice (TA)
NURS 522 Legal and Ethical Issues in Advanced Clinical Practice (TA)

NURS 561 Professional Issues for Nurse Practitioners (TA)

University of Tennessee Health Science Center College of Medicine. Memphis

Dept. of Pediatrics Community Faculty - medical forensic rotation (public health/violence).

Dept. of Family Practice Community Faculty - medical forensic rotation (public health/violence).

Dept. of Continuing Education: Preceptor for Sexual Assault Response Internship

STUDENT MENTORING

University of Nevada, Las Vegas

1. Axenya Kachen, MPH Program, (2018)
2. Casey Ballinger, faculty advisor for MSN (FNP) Program (2017 – present)
3. Jane Rodriguez, faculty advisor for MSN (FNP) Program (2017 – present)
4. BSN faculty advisor (12 students) (2017 – present)

SERVICE:

UNIVERSITY

Summer 2017 – present Advocacy, Support, Education, Response Team Against Sexual Violence (ASERTAV).

Fall 2017 – present Student Conduct Hearing Board

SCHOOL/DEPARTMENT

University of Nevada, Las Vegas

Spring 2018 – present Special Re-assignment for SON Department of Education Compliance Project

Fall 2017 – present Member, School of Nursing Scholarship Affairs Committee.

Fall 2017 Petition Reviewer for Student Affairs Committee

Fall 2017 Member, PhD Task Force: Dissertation Manuscript Option

Summer 2017 Petition Reviewer for Student Affairs Committee

Summer 2017 Member, PhD Task Force: Multiple Article Dissertation Policy and Procedures.

University of Washington. Seattle

2007-08 School of Nursing Senator, Graduate and Professional Student Senate

2006-09 PhD Student Representative, School of Nursing PhD Curriculum Committee

2006-09 PhD Student Representative, School of Nursing Governing Council

University of Arkansas for Medical Sciences

2000	Participant, Nurses in Washington Internship
1999-00	Member, College of Nursing Education Curriculum Committee
1999	Facilitator, Professionalism in Nursing Round Table
1998-00	Member, College of Nursing Honor Council

PROFESSIONAL ORGANIZATIONS

2017-present	Violence Expert Panel, American Academy of Nursing
2017-present	Ethics Expert Panel, American Academy of Nursing
2017-present	Nursing Affinity Group, American Society for Bioethics and Humanities
2016-17	Secretary, AAFS Academy Standard Board Patterned Injury Analysis Consensus Body
2013-15	Chair, International Association of Forensic Nurses Scope & Standards of Practice Task Force
2011-12	Chair, International Association of Forensic Nurses By-Laws Committee
2009-11	Ethics Committee Member, International Association of Forensic Nurses
2006	Chair, International Association of Forensic Nurses Ethics Committee
2002-06	Member, Tennessee Nurses Association Council of Forensic Nurses
2002-04	Chair, International Association of Forensic Nurses Nominations Committee
2001-03	Regional Representative, International Association of Forensic Nurses
2000-01	Member, Arkansas Nurses Association Forensic Council
1998-99	Board of Directors, National Student Nurses Association
1998-99	Board of Directors, Arkansas Student Nurses Association

INTERNATIONAL/NATIONAL/STATE/LOCAL

2018-present	Executive Steering Committee Member, National Institute of Standards and Technology (NIST)/National Institute of Justice (NIJ) Evidence Management Project.
2018	Host and Speaker, World Affairs Council of Las Vegas, International Visitors Leadership Program: Ukraine.
2017	Host and Speaker, World Affairs Council of Las Vegas, International Visitors Leadership Program: Thailand.
2017	Host and Speaker, World Affairs Council of Las Vegas, International Visitors Leadership Program: Canada.
2016-17	Member, Nevada Crisis Standards of Care Ethics/Legal Workgroup
2015-16	Chair Evidence Collection Sub-Committee and subject matter expert, Department of Justice Sexual Assault Forensic Evidence Reporting (SAFER) Act Working Group for the development of the <i>National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach</i>
2015-present	Clinical Forensic Subject Matter Expert and Member, Nevada Sexual Assault Kit Backlog Workgroup
2015-present	Member, Nevada Network Against Domestic Violence Healthcare Leadership Team
2015-present	Subject Matter Expert and Sub-Committee Co-Chair, Office of the Attorney General Sexual Assault Protocol Working Group

2015	Workgroup member and subject matter expert, Office if Violence Against Women/International Association of Forensic Nurses development of A <i>National Protocol for Sexual Abuse Medical Forensic Examinations: Pediatric</i>
2014-present	Volunteer Clinician, Medical Reserve Corps, Southern Nevada Health District
2014-present	Member, Southern NV Human Trafficking Taskforce
2014-17	Member at Large, Southern NV Child Death Review Team
2014-16	Member, Clark County NV Domestic Violence Fatality Review Team
2014	Participant, RTI International: SANE/SART Knowledge Transfer Practitioner Meeting (invitation only event)
2014	Participant, NV Office of the Attorney General Human Trafficking Summit (invitation only event)
2014	Participant, Assembly of Forensic Nursing Practitioners and Graduate Educators (invitation only event)
2013-17	Board Certification Portfolio Appraiser, American Nurses Credentialing Center
2011-15	Subject Matter Expert, Office of Justice Programs Peer Review Database
2011-14	Volunteer APRN Clinician, HealthRight International Human Rights Clinic
2010-13	Forensic Medical Partner, Internet Crimes against Children Task Force
2010-12	Forensic Medical Partner, Commercially Sexually Exploited Children Task Force
2010-12	Steering Committee Member, Regional Community Response to Commercially Sexually Exploited Children
2010	Task Force Representative, Department of Justice National Conference on Human Trafficking
2010	Website Pilot Test, Dept. of Homeland Security Blue Campaign
2006-12	Member, Washington Advisory Committee on Trafficking
2005-06	Member, Tennessee Coalition Against Domestic Violence
2005	Advisory Board Member, Shelby County Syphilis Coalition
2004-06	Forensic Medical Expert, Memphis/Shelby County Child Protection Investigative Team
2001	Member, Adolescent Sex Offender Treatment Advisory Board
2001	Sexual Assault Response Team Advisor, Catholic Health Initiatives Advisory Board

MANUSCRIPT REVIEWER

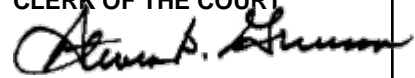
2016-present	<i>Journal of Nursing Scholarship</i>
2015-present	<i>Journal of Human Trafficking</i>
2013-15	<i>Journal of Injury and Violence Research</i>

BOOK, POSTER, CONFERENCE ABSTRACT REVIEWER

2017	2018 Western Institute of Nursing Conference, Abstract Reviewer
2014	19 th National Conference on Child Abuse and Neglect, Abstract Reviewer
2014	Nursing Approach to the Evaluation of Child Maltreatment, Reviewer
2012	End Violence Against Women International, Poster Reviewer

PROFESSIONAL MEMBERSHIPS

2017-present, 2008-09	Western Institute of Nursing
2017-present	National League for Nursing
2016-present	American Public Health Association
2016-2018	Nevada Organization of Nurse Leaders
2014-present	Nevada Advanced Practice Nurses Association
2013-present	Nevada Nurses Association
2012-present	American Nurses Association
2010-present	American Society for Bioethics and Humanities
2000-present	International Association of Forensic Nurses
2000-present	Sigma Theta Tau International Nursing Honor Society
2007-09	Council for Advancement of Nursing
2006-07	American Geriatric Society
2002-04	American College of Nurse Practitioners
2002-04	American Academy of Nurse Practitioners
2001-07	Tennessee Nurses Association
1998-07	American Nurses Association
1998-02	Arkansas Nurses Association



1 **NOTM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JAMES R. SWEETIN
6 Chief Deputy District Attorney
7 Nevada Bar #005144
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12
13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 THE STATE OF NEVADA,

16 Plaintiff,

17 -vs-

18 **ARMANDO VASQUEZ-REYES**
19 **#7030886**

20 Defendant.

CASE NO: **C-16-316382-1**

DEPT NO: **XII**

21 **STATE'S NOTICE OF MOTION AND MOTION IN LIMINE TO PRECLUDE**
22 **EVIDENCE THAT VICTIM G.A. TESTED POSITIVE FOR THE**
23 **SEXUALLY TRANSMITTED DISEASE CHLAMYDIA**

24 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the State of
25 Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R.
26 SWEETIN, Chief Deputy District Attorney, will bring a **Motion In Limine To Preclude**
27 **Evidence That Victim G.A. Tested Positive For The Sexually Transmitted Disease**
28 Chlamydia before the above entitled Court on the 19 day of **JUNE, 2018**, at the hour of
8:30 o'clock AM, or as soon thereafter as counsel may be heard.

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

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1 **STATEMENT OF THE CASE**

2 **FACTUAL BACKGROUND**

3 Defendant, ARMANDO VASQUEZ-REYES is charged by way of Criminal
4 Information with two (2) counts of Lewdness with a Child Under the Age of 14 (Category A
5 Felony – NRS 201.230) and eight (8) counts of Sexual Assault with a Minor Under Fourteen
6 Years of Age (Category A Felony – NRS 200.364, 200.366). The crimes occurred on or
7 between January 21, 2007 and December 31, 2015 and involved two (2) victims: G.A. (DOB:
8 1/20/02) and D.A. (DOB: 5/17/97). The first victim to disclose, G.A., was sexually abused on
9 several occasions. The second victim to disclose is D.A., G.A.'s older sister, who is alleged
10 to have been sexually assaulted by Defendant on one (1) occasion in approximately 2010 when
11 she was approximately thirteen (13) years of age.

12 In regard to G.A., the facts of this case are such that on April 16, 2016, when G.A. was
13 fourteen (14) years of age, LVMPD Patrol Officers responded to a domestic dispute at 2213
14 Berkley Avenue, Las Vegas, Nevada 89101. Details of the call stated that the dispute was
15 between the caller and Defendant (her husband). While the police officers were investigating
16 the dispute, they were approached by the caller's daughter, one of the victims in this case, who
17 asked the officers if she could speak with them away from her family. Officers agreed and
18 spoke to G.A., away from her family members. G.A. told the officers that Defendant (her
19 step-father) had been sexually abusing her "her whole life." She went on to tell them that
20 Defendant had repeatedly sexually assaulted her by putting his penis inside her. The last
21 incident in which G.A. was sexually penetrated was in approximately November of 2015,
22 approximately five (5) months earlier. Based upon G.A.'s statement, patrol officers contacted
23 LVMPD Sex Crimes Detective M. Pretti, who responded to the scene along with Spanish
24 Interpreter, M. Corral, P#12133.

25 Due to the number of family members present, and the fact there was no active crime
26 scene, Detective Pretti determined the investigation would be better suited to have the
27 interviews conducted in a more sterile environment at the LVMPD Headquarters. With the
28 assistance of the interpreter, Detective Pretti explained to Defendant that there had been some

1 allegations made against him and he would like to speak with Defendant about them at
2 LVMPD headquarters and requested that Defendant consent to be transported to LVMPD HQ,
3 which he agreed to verbally. Detective Pretti explained to Defendant that he would be
4 transported in a marked LVMPD patrol vehicle, and that he would be handcuffed, as is
5 LVMPD policy, to which Defendant agreed.

6 Detective Pretti then spoke with G.A. and her mother, with the assistance of the
7 interpreter, and requested that they respond to LVMPD HQ to participate in interviews, to
8 which they both agreed.

9 In the interview with G.A. she told Detective Pretti that Defendant has been sexually
10 abusing her for as long as she has known him. G.A. stated that she has known Defendant from
11 the time she was five (5) or six (6) years old, when she moved to Las Vegas from Mexico. At
12 the time G.A. moved here to Las Vegas, her mother was already living here and had been
13 dating Defendant.

14 The first incident G.A. recalled happening occurred when she was very small.
15 Defendant told her to come into his room and not to tell her mother because she would get into
16 trouble. Defendant told her to touch his penis and "make him feel good." G.A. described
17 Defendant telling her to touch his penis and move her hand up and down, masturbating him.
18 G.A. detailed that Defendant would fondle her breasts, buttocks and vaginal area. G.A. told
19 Detective Pretti that she has been sexually assaulted by Defendant from the time she was very
20 young. G.A. indicated that he had anally penetrated her approximately thirty (30) times. G.A.
21 stated that Defendant has had vaginal intercourse with her on at least two (2) occasions, the
22 most recent being around November 2015. Defendant would sexually assault G.A. while her
23 mother was at work and while her brother and sister were asleep or out of the house with
24 friends.

25 G.A. described an incident that occurred approximately one week prior, where
26 Defendant touched her buttocks, over her clothes. The last sexual assault occurred in several
27 months prior, in November 2015.

28 //

1 G.A. stated that she was afraid to tell her mom because she thought her mother would
2 judge her and she was afraid her mother might think that G.A. was trying to steal her husband.
3 G.A. stated that she decided to tell the police because she was scared of Defendant and she
4 was afraid that he would hit her mother or someone else because he was angry about the
5 (domestic) incident that occurred at the residence earlier, regarding the tools.

6 With the assistance of the interpreter, Detective Pretti explained to G.A.'s mother that
7 G.A. had disclosed being sexually abused by Defendant from the time she first moved to Las
8 Vegas from Mexico. G.A.'s mother stated that G.A. moved to Las Vegas in 2007 and that she
9 did not believe that G.A. would lie about these things. She further stated that G.A. had been
10 more agitated and aggressive in the last few months and agreed to take her to Sunrise Hospital
11 for a medical exam.

12 A sexual assault exam was completed upon G.A. on or about April 21, 2016 by Dr.
13 Cetl. Dr. Cetl reported non-specific physical findings as a result of the exam which neither
14 confirmed nor negated abuse. Dr. Cetl also ordered various lab tests to be performed upon
15 samples taken from G.A. including a test to determine if G.A. was exposed to a sexually
16 transmitted disease. This is standard procedure in any physical exam performed on a child
17 who is believed to have had sexual contact. The result of such tests showed that G.A. had
18 chlamydia which can only be acquired by sexual contact.

19 Detective Pretti also spoke to Defendant, with the assistance of an interpreter, and
20 Detective Gabron. Detective Pretti began by advising Defendant of his Miranda rights directly
21 from a LVMPD issued advisement card, which Defendant signed and dated after stating that
22 he understood his rights as read to him. In the course of the interview, Defendant admitted to
23 having anal intercourse with G.A. Defendant indicated that he walked into her bedroom when
24 she was approximately eight (8) years of age and saw her masturbating herself at which point
25 he placed his penis in her anus.

26 On or about May 27, 2016, D.A. came to the police station and reported being sexually
27 assaulted by Defendant when she was eleven (11) or twelve (12) years of age. Defendant had
28 her come into his room after which he began touching her all over her body. Defendant then

1 penetrated her vagina with his penis. D.A. remembers that it hurt her to urinate after this
2 happened. She did not report the abuse until her younger sister reported that she was also
3 abused.

4 **ARGUMENT**

5 **I. EVIDENCE G.A. TESTED POSITIVE FOR CHLAMYDIA IS IRRELEVANT** 6 **AND THEREFORE INADMISSIBLE**

7 The threshold question for the admissibility of evidence is relevance. Brown v. State,
8 107 Nev. 164, 168, 807 P.2d 1379, 1382 (1991). NRS 48.025(1) provides “all relevant
9 evidence is admissible.” NRS 48.015 states “‘relevant evidence’ means evidence having any
10 tendency to make the existence of any fact that is of consequence to the determination of the
11 action more or less probable than it would be without the evidence.” Such determinations of
12 relevancy are within the discretion of the trial court. Brown v. State, 107 Nev. 164, 168, 807
13 P.2d 1379, 1382 (1991).

14 In the instant case, evidence that G.A. tested positive for chlamydia is irrelevant and
15 therefore inadmissible. Such evidence does nothing to prove or disprove the crimes committed
16 by Defendant in this case. As such, the evidence is inadmissible and should not be a basis for
17 examination at trial.

18 **II. NRS 50.090 AND 48.069 PRECLUDE EXAMINATION REGARDING** 19 **EVIDENCE THAT G.A. TESTED POSITIVE FOR CHLAMYDIA**

20 Nevada, joining a vast majority of jurisdictions, passed statutes limiting the
21 admissibility at trial of evidence concerning the sexual history of a complaining witness in a
22 rape or sexual assault case. To this end, NRS 50.090 prohibits the accused from impeaching
23 a rape victim’s credibility with evidence of her prior sexual conduct, unless the victim has
24 testified regarding her sexual history or the prosecution has presented evidence regarding the
25 victim’s prior sexual conduct. In addition, NRS 48.069 provides:

26 In any prosecution for sexual assault or for attempt to commit or
27 conspiracy to commit a sexual assault, if the accused desires to
28 present evidence of any previous sexual conduct of the victim of
the crime to prove the victim's consent:

1 1. The accused must first submit to the court a written offer of
2 proof, accompanied by a sworn statement of the specific facts that
3 he expects to prove and pointing out the relevance of the facts to
4 the issue of the victim's consent.

5 2. If the court finds that the offer of proof is sufficient, the court
6 shall order a hearing out of the presence of the jury, if any, and at
7 the hearing allow the questioning of the victim regarding the offer
8 of proof.

9 3. At the conclusion of the hearing, if the court determines that the
10 offered evidence:

11 (a) Is relevant to the issue of consent; and

12 (b) Is not required to be excluded under NRS 48.035, the court
13 shall make an order stating what evidence may be introduced by
14 the accused and the nature of the questions which he is permitted
15 to ask. The accused may then present evidence or question the
16 victim pursuant to the order.

17 In Summit v. State, 101 Nev. 159, 697 P.2d 1374 (1985), the Nevada Supreme Court
18 explained that the general policy behind rape victim shield laws is to (1) reverse the common
19 law rule that use of evidence of a female complainant's general reputation for morality and
20 chastity is admissible to infer consent and to attack credibility, (2) protect rape victims from
21 degrading and embarrassing disclosure of intimate details about their private lives, and (3)
22 encourage rape victims to come forward and report crimes and testify in court protected from
23 unnecessary indignities and needless probing into their respective sexual histories. See also,
24 Drake v. State, 108 Nev. 523, 836 P.2d 52 (1992); Brown v. State, 107 Nev. 164, 807 P.2d
25 1370 (1991); Lane v. Second Judicial Dist. Court, 104 Nev. 427, 760 P.2d 1245 (1988).

26 In the instant case, any examination by the defense regarding the fact that G.A. tested
27 positive for the sexually transmitted disease Chlamydia constitutes a thinly veiled attempt to
28 introduce evidence of the victim's prior sexual history, which has absolutely no relevance to
this Defendant or this case. Rather, any such line of questioning would simply be an attempt
to assault her character in front of the jury, in contradiction to the letter and policy of Nevada's
rape shield statute. This is precisely the type of improper motive for examination that NRS
59.090 and 48.069 seek to preclude.

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1 **III. EVIDENCE THAT G.A. TESTED POSITIVE FOR CHLAMYDIA IS NOT**
2 **ADMISSIBLE PURSUANT TO NRS 48.035**

3 NRS 48.035 states in relevant part:

- 4 1. Although relevant, evidence is not admissible if its probative
5 value is substantially outweighed by the danger of unfair
6 prejudice, of confusion of the issues or of misleading the jury.
7 2. Although relevant, evidence may be excluded if its probative
8 value is substantially outweighed by considerations of undue
9 delay, waste of time or needless presentation of cumulative
10 evidence.

11 From the foregoing it is clear that evidence that G.A. tested positive for chlamydia has
12 no probative value in this case. Beyond that, the danger of unfair prejudice from such evidence
13 is great. In addition, such evidence would add nothing to the Defendant's case and would
14 unjustifiably delay the proceedings; and, mislead the jury as to the real issues in this case
15 which is whether Defendant repeatedly sexually abused G.A. from the time she was five (5)
16 or six (6) years of age.

17 **CONCLUSION**

18 Evidence that G.A. tested positive for the chlamydia, a sexually transmitted disease is
19 generally not admissible for the reasons stated above. Defendant has currently taken no steps
20 to seek such admission through a showing of an exception to this general proposition. Absent
21 such showing, Defendant's introduction of such evidence in the course of the subject trial
22 would be improper.

23 DATED this 29TH day of MAY, 2018.

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

27 BY /s/ JAMES R. SWEETIN
28 JAMES R. SWEETIN
 Chief Deputy District Attorney
 Nevada Bar #005144

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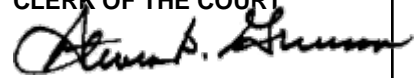
CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 29th day of MAY
2018, to:

MIKE FELICIANO, DPD
mcmahaae@ClarkCountyNV.gov

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

hjc/SVU



OPPS

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JENNIFER CLEMONS
Chief Deputy District Attorney
Nevada Bar #010081
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**

**STATE'S OPPOSITION TO DEFENDANT'S MOTION
TO SUPPRESS DEFENDANT'S STATEMENT**

DATE OF HEARING: **JUNE 5, 2018**
TIME OF HEARING: **8:30 AM**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JENNIFER CLEMONS, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in this State's Opposition to Defendant's Motion To Suppress Defendant's Statement.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF CASE**

3 Defendant, ARMANDO VASQUEZ-REYES is charged by way of Criminal
4 Information with two (2) counts of Lewdness with a Child Under the Age of 14 (Category A
5 Felony – NRS 201.230) and eight (8) counts of Sexual Assault with a Minor Under Fourteen
6 Years of Age (Category A Felony – NRS 200.364, 200.366). The crimes occurred on or
7 between January 21, 2007 and December 31, 2015. The victim is G.A. On August 2, 2016,
8 the Defendant plead not guilty to the above charges and a trial date was set for September 27,
9 2016. This case has been continued several times. The Court will set a trial date at the status
10 check hearing on June 5, 2018. On May 11, 2018, the Defendant filed a Motion to Suppress
11 Defendant's Statement. This is the Defendant's second motion to suppress his statement. The
12 State's Opposition follows.

13 **STATEMENT OF FACTS**

14 The facts of this case are such that on April 16, 2016, LVMPD Patrol Officers
15 responded to a domestic dispute at 2213 Berkley Avenue, Las Vegas, Nevada 89101. Details
16 of the call stated that the dispute was between the caller and Defendant (her husband). While
17 the police officers were investigating the dispute, they were approached by the caller's
18 daughter, the victim in this case, who asked the officers if she could speak with them away
19 from the family. Officers agreed and spoke to G.A., away from her family members. G.A.
20 told the officers that Defendant (her step-father) had been sexually abusing her "her whole
21 life." She went on to tell them that Defendant had repeatedly sexually assaulted her by putting
22 his penis inside her vagina, with the most recent occurring one week prior. Based upon G.A.'s
23 statement, patrol officers contacted LVMPD Sex Crimes Detective M. Pretti, who responded
24 to the scene along with Spanish Interpreter, M. Corral, P#12133.

25 Due to the number of family members present, and the fact there was no active crime
26 scene, Detective Pretti determined the investigation would be better suited in a more sterile
27 environment at the LVMPD Headquarters. With the assistance of the interpreter, Detective
28 Pretti explained to Defendant that there had been some allegations made against him and he

1 would like to speak with Defendant about them at LVMPD headquarters. Detective Pretti,
2 through the assistance of the interpreter, asked the Defendant if he agreed to be transported to
3 LVMPD HQ. The Defendant stated yes. Detective Pretti explained to Defendant that he
4 would be transported in a marked LVMPD patrol vehicle, and that he would be handcuffed,
5 as is LVMPD policy, to which Defendant agreed.

6 Detective Pretti then spoke with G.A. and her mother, with the assistance of the
7 interpreter, and requested that they respond to LVMPD HQ to participate in interviews, to
8 which they both agreed.

9 In the interview with G.A. she told Detective Pretti that Defendant has been sexually
10 abusing her for as long as she has known him. G.A. stated that she has known Defendant from
11 the time she was five or six years old, when she moved to Las Vegas from Mexico. At time
12 G.A. moved here to Las Vegas, her mother was already living here and had been dating
13 Defendant.

14 The first incident G.A. recalled happening occurred when she was very small.
15 Defendant told her to come into his room and not to tell her mother because she would get into
16 trouble. Defendant told her to touch his penis and “make him feel good.” G.A. described
17 Defendant telling her to touch his penis and move her hand up and down, masturbating him.
18 G.A. told Detective Pretti that Defendant has been sexually assaulted by Defendant from the
19 time she was five or six years old; and, he has anally assaulted her approximately thirty (30)
20 times. Defendant would sexually assaulted G.A. while her mother was at work, and while her
21 brother and sister were out of the house with friends.

22 G.A. described an incident that happened in one of their old homes near Bridger Middle
23 School, where Defendant sexually assaulted her in the laundry room of the house. On that
24 occasion, G.A. was in the laundry room doing laundry for her and her sister. Defendant came
25 into the room, took off her clothes, and anally assaulted her with his penis. G.A. stated that
26 her brother and sister were both home but were in their rooms watching television.

27 //

28 //

1 G.A. stated that Defendant has had vaginal intercourse with her on at least two
2 occasions, the most recent being around November 2015. When that occurred, G.A. stated
3 that she told Defendant to stop because it was causing her pain.

4 G.A. described an incident that occurred approximately one week prior, where
5 Defendant touched her buttocks, over her clothes. The last sexual assault occurred in several
6 months prior, in November 2015. Defendant called G.A. into his room and asked her to watch
7 a movie with him. G.A. was laying on the bed with Defendant when he began touching her
8 hands and arms and G.A. told him to stop. Defendant told her it was alright and began taking
9 her clothes off, grabbing her breasts, buttocks, and vagina. Defendant then took off his own
10 clothes and inserted his penis into her anus, without a condom, until he ejaculated. G.A.
11 pushed Defendant off of her, left the room, and went to take a shower. G.A. stated that she has
12 become more agitated and aggressive with her family since the incident because she feels
13 disgusted about what Defendant has done to her. G.A. stated that she has cut herself in the past
14 and has had suicidal thoughts because of the Defendant's sexual abuse of her.

15 G.A. stated that she was afraid to tell her mom because she thought her mother would
16 judge her and she was afraid her mother might think that G.A. was trying to steal her husband.
17 G.A. stated that she decided to tell the police because she was scared of Defendant and she
18 was afraid that he would hit her mother or someone else because he was angry about the
19 (domestic) incident that occurred at the residence earlier, regarding the tools.

20 With the assistance of the interpreter, Detective Pretti explained to G.A.'s mother that
21 G.A. had disclosed being sexually abused by Defendant from the time she first moved to Las
22 Vegas from Mexico. G.A.'s mother stated that G.A. moved to Las Vegas in 2007 and that she
23 did not believe that G.A. would lie about these things. She further stated that G.A. had been
24 more agitated and aggressive in the last few months and agreed to take her to Sunrise Hospital
25 for a medical exam.

26 Detective Pretti also spoke to Defendant, with the assistance of an interpreter, and
27 Detective Gabron. Detective Pretti began by advising Defendant of his Miranda rights directly
28 from a LVMPD issued advisement card, which Defendant signed and dated after stating that

1 he understood his rights as read to him. During the interview the Defendant confessed to
2 sexually abusing G.A.

3 ARGUMENT

4 Before the accuser's statements are brought before the jury there must be a hearing in
5 front of the judge, outside the presence of the jury, pursuant to Jackson v. Denno, 378 U.S.
6 368, 84 Sect. 1774 (1964). At the hearing, the judge hears what the suspect told the police
7 and the circumstances under which the suspect made the statements. Then the judge decides
8 (1) whether the statements were "voluntary" using the totality of the circumstances and (2)
9 whether the statements were given after proper Miranda warnings, or whether Miranda was
10 violated, or applicable.

11 The burden to ask for such a voluntary hearing is on the defendant. See Wilkins v.
12 State, 96 Nev. 367, 609 P.2d 309 (1980). Nevada has adopted the procedure set forth, often
13 referred to as the "Massachusetts" rule. Grimaldi v. State, 90 Nev. 89, 518 P.2d 615 (1974).

14 If the statement was involuntary, it ceases to exist legally and cannot be used for any
15 purpose. See Mincey v. Arizona, 437 U.S. 385, 98 S.Ct. 2408 (1978).

16 The prosecution has the burden of proving by a preponderance of the evidence (1) the
17 voluntariness of a confession, as well as (2) the waiver of a suspect's Fifth Amendment
18 Miranda rights as being voluntary, knowingly, and intelligently made. Falcon v. State, 110
19 Nev. 530, 874 P.2d 772 (1994). The "totality of the circumstances" test is the standard for
20 determining voluntariness of a statement. Alward v. State, 112 Nev. 141, 912 P.2d 243 (1996);
21 Passama v. State, 103 Nev. 212, 735 P.2d 321 (1987).

22 **I. DEFENDANT WAS NOT DETAINED IN THIS CASE AS** 23 **HE VOLUNTARILY WENT TO THE POLICE STATION FOR AN** **INTERVIEW.**

24 The Defendant argues that the Defendant was detained at his residence, however, the
25 facts support the exact opposite. Under NRS 171.123(1), "[a]ny peace officer may detain any
26 person whom the officer encounters under circumstances which reasonably indicate that the
27 person has committed, is committing or is about to commit a crime. Under NRS 171.123(4),
28 "[a] person must not be detained longer than is reasonably necessary to effect the purposes of

1 this section, and in no event longer than 60 minutes. The detention must not extend beyond
2 the place or the immediate vicinity of the place where the detention was first effected, unless
3 the person is arrested. In order to detain a suspect police must have articulable and reasonable
4 suspicion, See Terry v. Ohio, 392 U.S. 1, 24-25, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968).

5 In the case before the court, the facts demonstrate that the Defendant was not detained.
6 When Detective Pretti arrived at the scene of the domestic dispute at 2213 Berkley Avenue
7 Las Vegas, Nevada, he determined that due to the number of family members present at that
8 residence, the investigation regarding the sexual abuse allegations should be conducted at the
9 police station. The victim, G.A., victim's mother, and the Defendant all went to LVMPD
10 headquarters for interviews. Detective Pretti asked the Defendant if he would come to the
11 police station for an interview, which the Defendant agreed to. Detective Pretti asked the
12 Defendant if he could transport him to headquarters and the Defendant agreed. Finally,
13 Detective Pretti explained that the Defendant was going to be handcuffed on the ride to the
14 station due to LVMPD policy. The Defendant stated he understood and agreed. Once the
15 Defendant was at the police station, he was brought into an interview room and un-cuffed. He
16 remained out of handcuffs until he was formally placed under arrest at the conclusion of the
17 interviews. These facts clearly demonstrate that the Defendant voluntarily went to the station
18 and that he was not detained.

19 The fact that the Defendant was a suspect in the case does not render him automatically
20 detained. Here, the officers arrived at the residence for a domestic dispute between the
21 Defendant and Rosalba Cardenas, the victim's mother. While the officers were investigating
22 the domestic dispute, the victim approached the officers and asked to speak to them. G.A.
23 disclosed that the Defendant had been sexually abused her for "her whole life." G.A. stated
24 specifically that the Defendant had repeatedly sexually assaulted her by putting her penis into
25 her vagina as recent as a week ago. Defendant argues that there was no probable cause,
26 however G.A.'s disclosure to the responding officers provided sufficient probable cause to
27 arrest the Defendant on the crimes of sexual assault if the officers had chosen. See, Gaxiola
28 v. State, 121 Nev. 638 (2005) Here, the Detective decided to investigate the allegation of

1 sexual abuse further and asked all the parties to go to the police headquarters. Since the
2 original call involved a dispute between victim's mother and the Defendant, it would be unsafe
3 to have the Defendant and the victim's mother ride in the same car. Further, the Defendant
4 was informed of the sexual abuse allegations made by G.A. before Detective Pretti asked him
5 to come to the station. Therefore, the Defendant could not ride to the station with G.A. as that
6 would have also been unsafe. Detective Pretti, through the assistance of Interpreter Corral,
7 asked the Defendant if he would agree to be transported to the station, and he agreed.
8 Therefore, the Defendant's arguments that there was no probable cause and that the Defendant
9 was detained fails.

10 CONCLUSION

11 The Court should DENY the Defendant's Motion to Suppress. If the Court is not
12 inclined to DENY Defendant's motion outright, then the State would request an evidentiary
13 hearing.

14 DATED this 31st day of May, 2018.

15 Respectfully submitted,

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

18
19 BY /s/ JENNIFER CLEMONS
JENNIFER CLEMONS
20 Chief Deputy District Attorney
Nevada Bar #010081
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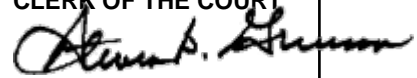
CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 31ST day of
MAY 2018, to:

MIKE FELICIANO, DPD
mcmahaae@ClarkCountyNV.gov

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

hjc/SVU



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@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316382-1
)	
v.	)	DEPT. NO. XII
)	
ARMANDO VASQUEZ-REYES,)	
	)	DATE: June 19, 2018
Defendant,	)	TIME: 8:30 a.m.
)	

DEFENDANT'S OPPOSITION TO STATE'S MOTION IN LIMINE

COMES NOW, the Defendant, ARMANDO VASQUEZ-REYES, by and through MIKE FELICIANO, Deputy Public Defender and hereby files this Defendant's Opposition to State's Motion in Limine.

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

DATED this 18th day of June, 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 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;

2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true. I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 18th day of June, 2018.

/s/Mike Feliciano
MIKE FELICIANO

1 **POINTS AND AUTHORITES**

2 Armando Vasquez-Reyes (Vasquez-Reyes) is currently charged with two counts of
3 Lewdness With a Child Under the Age of 14 and eight counts of Sexual Assault With a Minor
4 Under Fourteen Years of Age. The charges are based on allegations of sexual contact made by
5 G.A and D.A. Vasquez-Reyes is the stepfather to G.A. and D.A. Trial is scheduled to start on
6 July 23, 2018.

7 *Evidence G.A. tested positive for chlamydia is both relevant and admissible.*

8 The State incorrectly argues this evidence is inadmissible. Vasquez-Reyes is charged
9 with having sexual contact with G.A. G.A. tested positive for chlamydia. Vasquez-Reyes was
10 not tested. The State did not seek to have Vasquez-Reyes tested. If the State had sought to have
11 the test performed, and Vasquez-Reyes tested positive for chlamydia, there is no doubt the State
12 would attempt to introduce this at trial. However, that is not the case here. The State did not
13 seek to have Vasquez-Reyes tested. This is not the fault of Vasquez-Reyes. This rule should
14 apply both ways. Not allowing this evidence is unfair and would be a violation of Vasquez-
15 Reyes' right to a fair trial.

16 Furthermore, the State will undoubtedly attempt to use G.A.'s medical records at trial in
17 order to show abuse occurred. The State has noticed Dr. Sandra Cetl to presumably discuss the
18 finding in G.A.'s medical reports. It is absolutely unfair to allow the State's witnesses to testify
19 about medical records to the extent that it fits the State's theory of the case and hide from the
20 jury the evidence that it not helpful.

21 *The evidence is not precluded by NRS 50.090 and NRS 48.096*

22 The State's argument that the challenged evidence is precluded by statute is not
23 persuasive. The fact that G.A. tested positive for chlamydia is not evidence is prior sexual
24 conduct. It has nothing to do with G.A.'s character. It is a disease. The Defense does not plan
25 to ask questions regarding any prior sexual history.



The evidence is not precluded by NRS 40.035

The State argues, incorrectly, that G.A.’s positive chlamydia test is not probative. As explained above, it is probative. The State also asserts that there is a great “danger of unfair prejudice” if this evidence is allowed. However, the State gives no explanation as to how this is unfairly prejudicial. Without more information, it is impossible to respond to this argument.

CONCLUSION

The State's motion in limine is an attempt to hide evidence from the jury and deprive Vasquez-Reyes of a fair trial. The State could have sought to test Vasquez-Reyes, but did not. There is no doubt the State would have sought to introduce test results if Vasquez-Reyes tested positive for chlamydia. As such, the State's motion should be denied.

DATED this 18th day of June, 2018.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing Defendant's Opposition to State's Motion in Limine was served via electronic e-filing to the Clark County District Attorney's Office on this 18th day of June, 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

ORIGINAL

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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-

CASE NO: C-16-316382-1

13 **ARMANDO VASQUEZ-REYES,**
14 **#7030886**

DEPT NO: XII

15 Defendant.

16
17 **ORDER GRANTING STATE'S MOTION IN LIMINE TO PRECLUDE**
18 **EVIDENCE THAT VICTIM G.A. TESTED POSITIVE FOR THE**
19 **SEXUALLY TRANSMITTED DISEASE CHLAMYDIA**

20 DATE OF HEARING: JUNE 19, 2018
21 TIME OF HEARING: 8:30 A.M.

22 THIS MATTER having come before the above entitled Court on the 19TH day of
23 JUNE, 2018; Defendant being present, represented by MIKE FELICIANO, DPD; Plaintiff
24 being represented by STEVEN B. WOLFSON, District Attorney, through JAMES R.
25 SWEETIN, Chief Deputy District Attorney; and with arguments by Counsel, and good cause
26 appearing, therefor,

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RECEIVED

JUN 21 2018

DEPT. 12

1 **IT IS HEREBY ORDERED** that STATE'S MOTION IN LIMINE TO PRECLUDE
2 EVIDENCE THAT VICTIM G.A. TESTED POSITIVE FOR THE SEXUALLY
3 TRANSMITTED DISEASE CHLAMYDIA, shall be, and is, GRANTED.

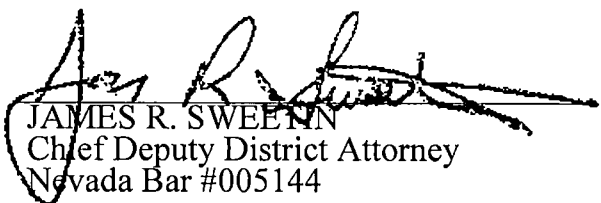
4 DATED this 21 day of June, 2018.

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6 
DISTRICT JUDGE

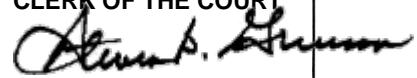
7 STEVEN B. WOLFSON
8 Clark County District Attorney
Nevada Bar #001565

TJ

9
10 BY


11 JAMES R. SWEENEY
12 Chief Deputy District Attorney
13 Nevada Bar #005144
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28 hjc/SVU



EXPO
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@clarkcountynv.gov
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

**EX PARTE REQUEST AND ORDER GRANTING
MOTION TO FILE DOCUMENT UNDER SEAL**

Upon the request of the above-named Defendant, ARMANDO VASQUEZ-REYES, by
and through MIKE FELICIANO, Deputy Public Defender, and good cause appearing therefore,

IT IS HEREBY ORDERED that upon request of this Court, MIKE FELICIANO, Deputy
Public Defender, my file an Order under seal.

DATED this 27 day of June, 2018.


DISTRICT COURT JUDGE

Submitted by:
PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By 
MIKE FELICIANO, #9312
Deputy Public Defender

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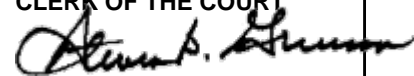
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1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 I hereby certify that service of the above and forgoing Request to File Ex Parte Order
3 Under Seal was served via electronic e-filing to the Clark County District Attorney's Office on
4 this 3rd day of July, 2018.

5
6 District Attorney's Office
7 E-Mail Address:
8 Jennifer.Georges@clarkcountyda.com

9 By: /s/ Annie McMahan
10 An employee of the
11 Clark County Public Defender's Office



1 OCNRS
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHRISTOPHER J. LALLI
6 Assistant District Attorney
7 Nevada Bar #005398
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 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: IX

15 ORDER OF COMMITMENT

16 THIS MATTER came before the Court on the 14th day of September, 2018, when
17 doubt arose as to competence of the Defendant, the Defendant being present with counsel,
18 CLAUDIA ROMNEY, Deputy Public Defender, the State being represented by STEVEN B.
19 WOLFSON, District Attorney, through GLEN O'BRIEN, his Deputy, and the Court having
20 considered the reports of Doctors C. Phillip Colosimo, Greg Harder, and Lawrence Kapel,
21 licensed and practicing psychologists and/or psychiatrists in the State of Nevada, finds the
22 Defendant incompetent, and that he is dangerous to himself and to society and that
23 commitment is required for a determination of his ability to receive treatment to competency
24 and to attain competence, and good cause appearing, it is hereby

25 ORDERED that, pursuant to NRS 178.425(1), the Sheriff and/or a designee(s) of the
26 Division of Public and Behavioral Health of the Department of Health and Human Services,
27 shall convey the Defendant forthwith, together with a copy of the complaint, the commitment
28 and the physicians' certificate, if any, into the custody of the Administrator of the Division of

Public and Behavioral Health of the Department of Health and Human Services or his or her designee for detention and treatment at a secure facility operated by that Division; and, it is

FURTHER ORDERED that, pursuant to NRS 433A.165, before the defendant may be transported to a public or private mental health facility he must:

1. First be examined by a licensed physician or physician assistant or an advanced practitioner of nursing to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

2. If such treatment is required, be admitted to a hospital for the appropriate medical care; and, it is

FURTHER ORDERED that the Defendant is required to submit to said medical examination which may include, but is not limited to, chest x-rays and blood work; and, it is

FURTHER ORDERED that the cost of the examination must be paid by Clark County, unless the cost is voluntarily paid by the Defendant or on his behalf, by his insurer or by a state or federal program of medical assistance; and, it is

FURTHER ORDERED that, pursuant to NRS 178.425(2), the Defendant must be held in such custody until a court orders his release or until he is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460; and, it is

FURTHER ORDERED that, pursuant to NRS 178.425(4), these proceedings against the Defendant are suspended until the Administrator or his or her designee finds him capable of standing trial as provided in NRS 178.400; and, it is

FURTHER ORDERED that, pursuant to NRS 178.435, the expenses of the examination and of the transportation of the Defendant to and from the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee are chargeable to Clark County; and, it is

FURTHER ORDERED that the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee shall keep the Defendant under observation and evaluated periodically; and, it is

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1 FURTHER ORDERED that the Administrator or his or her designee shall report in
2 writing to this Court and the Clark County District Attorney whether, in his opinion, upon
3 medical consultation, the Defendant is of sufficient mentality to be able to understand the
4 nature of the criminal charge against him and, by reason thereof, is able to aid and assist his
5 counsel in the defense interposed upon the trial or against the pronouncement of the judgment
6 thereafter. The administrator or his or her designee shall submit such a report within 6 months
7 after this order and at 6 month intervals thereafter. If the opinion of the Administrator or his
8 or her designee about the Defendant is that he is not of sufficient mentality to understand the
9 nature of the charge against him and assist his own defense, the Administrator or his or her
10 designee shall also include in the report his opinion whether:

11 1. There is a substantial probability that the Defendant can receive treatment
12 to competency and will attain competency to stand trial or receive pronouncement of judgment
13 in the foreseeable future; and

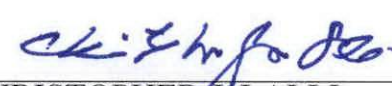
14 2. The Defendant is at that time a danger to himself or to society.

15 DATED this 14 day of September, 2018.

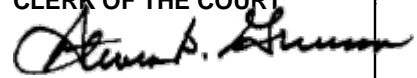
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17 
18 DISTRICT JUDGE

19 STEVEN B. WOLFSON
20 District Attorney
21 Nevada Bar #001565

22 BY

23 
24 CHRISTOPHER J. LALLI
25 Assistant District Attorney
26 Nevada Bar #005398
27
28

mc



ORDR

Jennifer P. Togliatti
District Court Judge, Department IX
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-4395

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

Armando Vasquez-Reyes
ID# 7030886

Defendant.

Case No: C-16-316382-1

Dept No: 9

**ORDER TO TRANSPORT DEFENDANT FROM SOUTHERN NEVADA
ADULT MENTAL HEALTH RAWSON-NEAL PSYCHIATRIC HOSPITAL**

TO: SOUTHERN NEVADA ADULT MENTAL HEALTH RAWSON-
NEAL PSYCHIATRIC HOSPITAL AND/OR CLARK COUNTY
DETENTION CENTER:

WHEREAS, on the 14th day of September, 2018 pursuant to Order of the
above-entitled Court, you were directed to transport the above-named Defendant to the
custody of the Division of Mental Health and Developmental Services of the
Department of Human Resources, or his designee, for necessary care and treatment;
and,

WHEREAS, the Defendant having been examined by Drs. Abukamil,
DeVillez and Roley pursuant to NRS 178.455, with the reports of that examination
being forwarded to the Court for its review thereof;

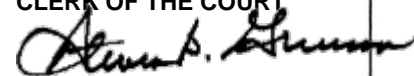
IT IS ORDERED that you, the Sheriff of Clark County and/or designee(s) of
the Division of Mental Health and Developmental Services of the Department of
Human Resources, are hereby ordered to transport the Defendant from the Southern

1 Nevada Adult Mental Health Rawson-Neal Psychiatric Hospital, Clark County,
2 Nevada, to the Clark County Detention Center, Las Vegas, Nevada, by Friday,
3 November 16, 2018 at 9:00 a.m. when further proceedings have been scheduled by
4 the Court in this matter.

5 IT IS FURTHER ORDERED that the Sheriff of Clark County, Nevada, shall
6 accept and retain custody of said Defendant in the Clark County Detention Center
7 pending completion of proceedings in the above-captioned matter, or until the further
8 Order of this Court, and that you continue the course of treatment of the Defendant as
9 prescribed by the Administrator of the Division of Mental Health and Developmental
10 Services of the Department of Human Resources or his designee.

11 DATED: November 7, 2018

12 
13 DISTRICT JUDGE



1 **FOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHRISTOPHER J. LALLI
6 Assistant District Attorney
7 Nevada Bar #005398
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 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: IX

16 **FINDINGS OF COMPETENCY**

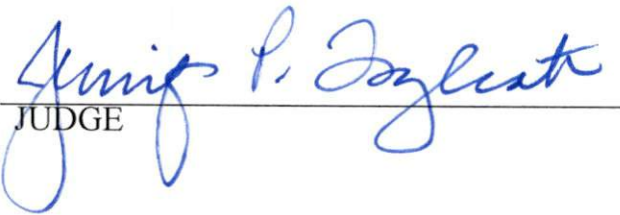
17 THIS MATTER having come on for hearing before the above-entitled Court on the
18 14th day of September, 2018, and it appearing to the Court that, pursuant to NRS 178.425(1),
19 the Sheriff was ordered to convey the Defendant forthwith, together with a copy of the
20 complaint, the commitment and the physicians' certificate, if any, into the custody of the
21 Administrator of the Division of Public and Behavioral Health of the Department of Health
22 and Human Services or his or her designee for detention or treatment at a secure facility
23 operated by that Division or his designee; and, it appearing that, upon medical consultation,
24 the Administrator or his or her designee has reported to the Court in writing his specific
25 findings and opinion that the Defendant is of sufficient mentality to be able to understand the
26 nature of the criminal charge against him and, by reason thereof, is able to assist his counsel
27 in the defense interposed upon the trial or against the pronouncement of the judgment
28 thereafter; now, therefore,

1 THE COURT FINDS, pursuant to NRS 178.460, that the said Defendant is competent
2 to stand trial in the above-entitled matter; and,

3 IT IS HEREBY ORDERED that you, the Administrator of the Division of Public and
4 Behavioral Health of the Department of Health and Human Services or his or her designee,
5 shall provide forthwith to the Director of Mental Health of the Clark County Detention Center,
6 true and complete copies of the Defendant's psychological evaluations, hospital course of
7 treatment and discharge summary; and,

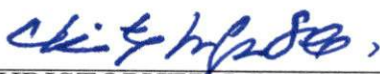
8 IT IS FURTHER ORDERED that you, the Sheriff of Clark County, Nevada, shall
9 accept and retain custody of said Defendant in the Clark County Detention Center pending
10 completion of proceedings in the above-captioned matter, or until the further Order of this
11 Court.

12 DATED this 16th day of November, 2018.

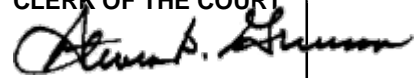
13
14 
15 JUDGE

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

18
19 BY


20 CHRISTOPHER J. LALLI
21 Assistant District Attorney
Nevada Bar #005398

22
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28 mc



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

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316382-1
)	
v.	)	DEPT. NO. XII
)	
ARMANDO VASQUEZ-REYES,)	
)	
Defendant,)	

DEFENDANT'S NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS 174.234(2)
TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, ARMANDO VASQUEZ-REYES, intends to call the following expert witnesses in his case in chief:

Greg Harder, Psy. D, 9519 W. Sahara Avenue #110, Las Vegas, NV 89117

Harder will testify at trial regarding Vasquez-Reyes' cognitive functioning. CV attached.

DATED this 25th of February, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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District Attorney's Office
E-Mail Address:
Jennifer.Georges@clarkcountyda.com

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Greg Harder, Psy.D.
Licensed Psychologist #PY0338
9510 W. Sahara Ave. Suite 110
Las Vegas, NV 89117
gregharderpsyd@aim.com

Phone: (702) 685-5297

Fax: (702) 685-5314

License: Psychologist, State of Nevada, PY0338 since 1997

Specialty Areas: Forensic Psychology, Psychological Testing, Counseling
Competency evaluations, Risk for-reoffending assessments
Psychosexual Evaluations, Fitness for Duty evaluations,
Child, Adolescent, and Adult Counseling and Evaluations
ADHD Testing, Learning Disorder evaluations, Autism testing,
General Neuropsychological Testing, Medical Records Review,
Testifying Personal Injury Cases

Education: California School of Professional Psychology, Fresno Campus
1350 "M" St. Fresno, CA 93721
American Psychological Association approved school
Psy.D. (Doctorate in Psychology) Degree, 9/95
Master's Degree 6/93

California State of University, Hayward
25800 Carlos Bee Blvd, Hayward, California 94542
BA degree in psychology 6/91

Chabot College
25555 Hesperian Blvd, Hayward, California 94545
AA degree, Liberal Studies 12/88

Work Experience: Private Practice since 11/1997.

Child, Adolescent, and Adult evaluations and counseling
All ages 3 and up
Most insurances

Expert witness for Clark County Public Defender's office,
Specialty Court, Juvenile Court, Henderson Court,
(Risk for re-offending evaluations, Psychosexual evaluations,
Competency evaluations, Violence risk assessments,
Mental health evaluations and treatment recommendations)

Fitness for duty/public safety evaluations for Department of Energy,
Nuclear test site, "Q" level security clearance for federal government
Designated Test Site Psychologist

Disability evaluations for Social Security Administration, Bureau of
Disability, Veteran's Administration

PTSD evaluations for VA, Competency to manage funds evaluations

Public Safety/Pilot evaluations for FAA, Public Safety
evaluations/Emergency First Responders for MGM Grand Hotel

Parental Fitness Evaluations for Department of Family Services & Child
Protective Services

Psychological evaluations for clearance to have various medical
procedures (gastric bypass, spinal cord stimulator trial, etc.)

Testifying for Personal Injury Cases (private attorneys)

Harmony Healthcare, Harmony Counseling Center
1701 W. Charleston Suite 300, Las Vegas, NV 89102
Phone: (702) 251-8000 Fax: (702) 471-0120
Dates worked 8/1995 to 12/2002
Title: Clinical Director, Salaried Psychologist, Supervisor of Rapid
Response Crisis Team, Clinical Supervisor of all Therapists
Psychotherapy with children, adolescents, adults,
ADHD specialist, evaluations of medical competency to refuse treatment
Post-Doctoral Internship site
Supervisor: Allen Flagg Jr, CEO, Norton Roitman, MD

Las Vegas Center for Children
6171 W. Charleston Blvd. Bldg. 9, Las Vegas, NV 89102
Dates worked: 8/1995-2/1996
Title: Post-doctoral intern
Day treatment milieu, psychological testing on seriously emotionally
disturbed SED children, individual and group therapy with "at risk"
children
Supervisor: Tom Kinsora, Ph.D., psychologist, Norton Roitman, MD

Wasatch Mental Health
750 N. 200 W. Provo, UT 84601
Pre-doctoral internship site
Supervisor: "Butch" Freeman Dunn, Ph.D., Psychologist
Dates worked: 7/1994-7/1995

Rotations: Utah Valley Regional Medical Center (inpatient psychiatric
hospital for seriously mentally ill adults, individual therapy, group
therapy, psychological testing)
Juvenile Court (psychological testing, risk assessment for youth
offenders)
Park View Center (school for emotionally disturbed children,
psychological testing and therapy and treatment coordinator)
New Vista Group Home (counselor, psychological testing for adolescent
sexual offenders)
Youth and Adult Outpatient (counseling and psychological testing for
children and adults)
Social Security Disability evaluations for state of Utah

Psychological Service Center
1260 "M" St, Fresno CA 93721
5/1993 to 12/1993
Third Year clinical practicum
Parental fitness evaluations for Child Protective Services,
Psychological testing, Parent-Child Attachment Evaluations,
Outpatient family therapy, couples therapy, individual therapy
Supervisors: Kevin O'Connor, founder of Association for Play Therapy
Scott Van de Putte, Ph.D., Lillian Brown-Harrison, Ph.D.

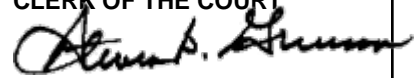
Stanislaus County Mental Health
1100 Kansas Ave., Suite A, Modesto CA, 95351
8/1992 to 5/1993
Second year clinical practicum
Youth and Adult Outpatient therapy, psychological testing with SED
Children and adults
Supervisor: Norbert Ralph, Ph.D.

Fresno Unified School District
Calwa Elementary School
4303 E. Jensen Ave. Fresno CA 93700
1/92- 8/92
First Year Clinical Practicum
Intellectual assessments on elementary school children
Learning disability evaluations, IQ testing, achievement testing
Individual and group therapy with ages 6-12
Supervisor: Bud Noether, School Psychologist

New Perspectives Group Home
4811 Palm Ave. Fresno, CA 93711
6/93-9/93
Counselor for six Seriously Emotionally Disturbed adolescents

Certifications: Nevada Competency evaluations

References: Available upon request



NOTM
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**

STATE'S NOTICE OF MOTION AND MOTION TO STRIKE DEFENDANT'S
NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS 174.234(2)

DATE OF HEARING: **MARCH _____, 2019**
TIME OF HEARING: **8:30 AM**

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, will bring a Motion to Strike Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2), before the above entitled Court on the 21 day of MARCH, 2019, at the hour of 8:30 o'clock AM, or as soon thereafter as counsel may be heard.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Defendant, ARMANDO VASQUEZ-REYES is charged by way of Criminal
4 Information with two (2) counts of Lewdness with a Child Under the Age of 14 (Category A
5 Felony – NRS 201.230) and eight (8) counts of Sexual Assault with a Minor Under Fourteen
6 Years of Age (Category A Felony – NRS 200.364, 200.366). The crimes occurred on or
7 between January 21, 2007 and December 31, 2015. The victim is G.A.

8 The facts of this case are such that on April 16, 2016, LVMPD Patrol Officers
9 responded to a domestic dispute at 2213 Berkley Avenue, Las Vegas, Nevada 89101. Details
10 of the call stated that the dispute was between the caller and Defendant (her husband). While
11 the police officers were investigating the dispute, they were approached by the caller's
12 daughter, the victim in this case, who asked the officers if she could speak with them away
13 from the family. Officers agreed and spoke to G.A., away from her family members. G.A.
14 told the officers that Defendant (her step-father) had been sexually abusing her "her whole
15 life." She went on to tell them that Defendant had repeatedly sexually assaulted her by putting
16 his penis inside her vagina, with the most recent occurring one week prior. Based upon G.A.'s
17 statement, patrol officers contacted LVMPD Sex Crimes Detective M. Pretti, who responded
18 to the scene along with Spanish Interpreter, M. Corral, P#12133.

19 Due to the number of family members present, and the fact there was no active crime
20 scene, Detective Pretti determined the investigation would be better suited to the interviews
21 being conducted in a more sterile environment at the LVMPD Headquarters. With the
22 assistance of the interpreter, Detective Pretti explained to Defendant that there had been some
23 allegations made against him and he would like to speak with Defendant about them at
24 LVMPD headquarters and requested that Defendant consent to be transported to LVMPD HQ,
25 which he granted verbally. Detective Pretti explained to Defendant that he would be
26 transported in a marked LVMPD patrol vehicle, and that he would be handcuffed, as is
27 LVMPD policy, to which Defendant agreed.

28 //

1 Detective Pretti then spoke with G.A. and her mother, with the assistance of the
2 interpreter, and requested that they respond to LVMPD HQ to participate in interviews, to
3 which they both agreed.

4 In the interview with G.A. she told Detective Pretti that Defendant has been sexually
5 abusing her for as long as she has known him. G.A. stated that she has known Defendant from
6 the time she was five or six years old, when she moved to Las Vegas from Mexico. At time
7 G.A. moved here to Las Vegas, her mother was already living here and had been dating
8 Defendant.

9 The first incident G.A. recalled happening occurred when she was very small.
10 Defendant told her to come into his room and not to tell her mother because she would get into
11 trouble. Defendant told her to touch his penis and “make him feel good.” G.A. described
12 Defendant telling her to touch his penis and move her hand up and down, masturbating him.
13 G.A. told Detective Pretti that Defendant has been sexually assaulted by Defendant from the
14 time she was five or six years old; and, he had anally assaulted her approximately thirty (30)
15 times. Defendant would sexually assaulted G.A. while her mother was at work, and while her
16 brother and sister were out of the house with friends.

17 G.A. described an incident that happened in one their old homes near Bridger Middle
18 School, where Defendant sexually assaulted her in the laundry room of the house. On that
19 occasion, G.A. was in the laundry room doing laundry for her and her sister. Defendant came
20 into the room, took off her clothes, and anally assaulted her with his penis. G.A. stated that
21 her brother and sister were both home but were in their rooms watching television.

22 G.A. stated that Defendant has had vaginal intercourse with her on at least two
23 occasions, the most recent being around November 2015. When that occurred, G.A. stated
24 that she told Defendant to stop because it was causing her pain.

25 G.A. described an incident that occurred approximately one week prior, where
26 Defendant touched her buttocks, over her clothes. The last sexual assault occurred in several
27 months prior, in November 2015. Defendant called G.A. into his room and asked her to watch
28 a movie with him. G.A. was laying on the bed with Defendant when he began touching her

1 hands and arms and G.A. told him to stop. Defendant told her it was alright and began taking
2 her clothes off, grabbing her breasts, buttocks, and vagina. Defendant then took off his own
3 clothes and inserted his penis into her anus, without a condom, until he ejaculated. G.A.
4 pushed Defendant off of her, left the room, and went to take a shower. G.A. stated that she has
5 become more agitated and aggressive with her family since the incident because she feels
6 disgusted about what Defendant has done to her. G.A. stated that she has cut herself in the past
7 and has had suicidal thoughts because of the Defendant's sexual abuse of her.

8 G.A. stated that she was afraid to tell her mom because she thought her mother would
9 judge her and she was afraid her mother might think that G.A. was trying to steal her husband.
10 G.A. stated that she decided to tell the police because she was scared of Defendant and she
11 was afraid that he would hit her mother or someone else because he was angry about the
12 (domestic) incident that occurred at the residence earlier, regarding the tools.

13 With the assistance of the interpreter, Detective Pretti explained to G.A.'s mother that
14 G.A. had disclosed being sexually abused by Defendant from the time she first moved to Las
15 Vegas from Mexico. G.A.'s mother stated that G.A. moved to Las Vegas in 2007 and that she
16 did not believe that G.A. would lie about these things. She further stated that G.A. had been
17 more agitated and aggressive in the last few months and agreed to take her to Sunrise Hospital
18 for a medical exam.

19 Detective Pretti also spoke with Defendant. Although Defendant initially denied the
20 allegations; however, ultimately Defendant admitted that he had touched G.A. "one or two
21 times". Defendant stated that it happened when he used to drink and do drugs. Defendant
22 indicated that he touched G.A.'s breasts and legs and penetrated her one time when she was
23 approximately eight (8) years of age. Defendant indicated "If I have to pay, I have to pay".

24 The subject case is currently set for trial on March 19, 2019. On February 25, 2019,
25 Defendant filed a Notice of Expert Witnesses, Pursuant to NRS 174.234(2). The State herein
26 files its Motion to Strike Defendant's Notice of Expert Witnesses, Pursuant to NRS
27 174.234(2).

28 //

LEGAL ARGUMENT

2. If the defendant will be tried for one or more offenses that are punishable as a gross misdemeanor or felony and a witness that a party intends to call during the case in chief of the state or during the case in chief of the defendant is expected to offer testimony as an expert witness, the party who intends to call that witness shall file and serve upon the opposing party, not less than 21 days before trial or at such other time as the court directs, a written notice containing:

(a) A brief statement regarding the subject matter on which the expert witness is expected to testify and the substance of his testimony;

(b) A copy of the curriculum vitae of the expert witness; and

(c) A copy of all reports made by or at the direction of the expert witness.

NRS 174.234(3)(b) further states:

3. After complying with the provisions of subsections 1 and 2, each party has a continuing duty to file and serve upon the opposing party:

(b) Any information relating to an expert witness that is required to be disclosed pursuant to subsection 2. A party shall provide information pursuant to this paragraph as soon as practicable after the party obtains that information. The court shall prohibit the party from introducing that information in evidence or shall prohibit the expert witness from testifying if the court determines that the party acted in bad faith by not timely disclosing that information pursuant to subsection 2.

NRS 50.275, governing "Testimony by experts," permits expert witness testimony in the following circumstances:

If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by special knowledge, skill, experience, training or education may testify to matters within the scope of such knowledge.

In Perez v. State, 313 P.3d 862, 129 Nev.Adv.Op. 90 (2013), the Nevada Supreme Court addressed the admissibility of expert testimony and stated, in relevant portion:

The threshold test for the admissibility of testimony by a qualified expert is whether the expert's specialized knowledge will assist the trier of fact to understand the evidence or determine a fact in issue. Townsend v. State, 103 Nev. 113, 117, 734 P.2d 705, 708 (1987); *see* NRS 50.275 ("If scientific, technical or other specialized knowledge will assist the trier of fact

1 to understand the evidence or to determine a fact in issue, a witness
2 qualified as an expert by special knowledge, skill, experience,
3 training or education may testify to matters within the scope of
4 such knowledge."). Expert testimony is admissible if it meets the
5 following three requirements, which we have described as the
6 "qualification," "assistance," and "limited scope" requirements:
7 (1) [the expert] must be qualified in an area of "scientific, technical
8 or other specialized knowledge" (the qualification requirement);
9 (2) his or her specialized knowledge must "assist the trier of fact
10 to understand the evidence or to determine a fact in issue" (the
11 assistance requirement); and (3) his or her testimony must be
12 limited "to matters within the scope of [his or her specialized]
13 knowledge" (the limited scope requirement).

14 Hallmark v. Eldridge, 124 Nev. 492, 498, 189 P.3d 646, 650
15 (2008) (second alteration in original) (quoting NRS 50.275); *see*
16 *also Higgs v. State*, 126 Nev. __, __, 222 P.3d 648, 658 (2010). We
17 review a district court's decision to allow expert testimony for an
18 abuse of discretion. Hallmark, 124 Nev. At 498, 189 P.3d at 650.

19 Perez, *supra*, 313 P.3d 862 at 866 (emphasis added). Here, Defendant's proposed expert
20 testimony does not meet even the threshold test for admissibility.

21 Expert testimony is generally admissible at trial when the subject matter of inquiry is
22 sufficiently beyond the common experience of an average juror and is one in which only
23 persons of skill and experience in the area are capable of forming a correct judgment regarding
24 a connected fact. People v. Johnson, 423 N.E.2d 1206, 1216, (Ill.App., 1981). Expert opinions
25 may not be admitted on matters of common knowledge unless the subject is difficult in
26 comprehension and explanation. Id.

27 The "assistance" requirement has two components: whether the testimony is (1)
28 relevant and (2) the product of reliable methodology. Hallmark, 124 Nev. at 500, 189 P.3d at
651 ("An expert's testimony will assist the trier of fact only when it is relevant and the product
of reliable methodology." (footnote omitted))." Perez, 313 P.3d 862 at 867. The Perez Court
articulated five factors to use in evaluating the second component of the "assistance"
requirement—whether an expert's opinion is the product of reliable methodology. Id., 313
P.3d 862 at 869. These factors include whether the opinion is (1) within a recognized field of
expertise; (2) testable and has been tested; (3) published and subjected to peer review; (4)
generally accepted in the scientific community (not always determinative); and (5) based more
on particularized facts rather than assumption, conjecture, or generalization. Hallmark, 124

1 Nev. at 500-01, 189 P.3d at 651-52 (footnotes omitted) (emphasis added).

2 Relevant evidence is not admissible if its probative value is substantially outweighed
3 by the danger of unfair prejudice or misleading the jury, or if it amounts to needless
4 presentation of cumulative evidence. NRS 48.035.

5 **I. THE DEFENDANT HAS FAILED TO PRESENT ADEQUATE NOTICE OF**
6 **EXPERT WITNESS PURSUANT TO NRS 174.234(2)**

7 Pursuant to NRS 174.234(2), as noted above, a notice of expert must include:

8 “A brief Statement regarding the subject matter on which the expert
9 witness is expected to testify and the substance of his testimony”

10 NRS 174.234(2)(a). In the subject case, Defendant’s notice details the following:

11 “Harder will testify at trial regarding Vasquez-Rayes’ cognitive
12 function. CV attached.”

13 The State notes that the above provides a very general description of subject matter.
14 The State submits the description of subject matter is not complete. From this vague
15 description, it cannot be determined if the proffered testimony would be relevant in any way
16 to the subject case. The subject matter proffered is an expert opinion on Defendant’s
17 “cognitive function” but there is no reference to any specific studies and/or research and/or
18 testing and/or reports generated as a result of testing that his expert will be providing expert
19 testimony on; thus, no indication that Defendant’s cognitive function is even relevant to this
20 case. Relative to the above expert notice, most obvious, there is no notice of the “substance
21 of his testimony”. There is literally no detail of the substance of the expert’s testimony.

22 It is clear that the Notice provided by Defendant does not comply with the statutory
23 dictate of NRS 174.234. As such, the State cannot fully assess the expert’s qualification to
24 testify, the relevance of his testimony, the need for the State to seek an expert to rebut the
25 testimony provided, or even seek the admission of additional evidence. For this reason, the
26 State seeks to strike such notice.

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CONCLUSION

For the reasons stated above, the State respectfully requests this Court grant the State's Motion to Strike Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2).

DATED this 26th day of February, 2019.

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar #001565

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

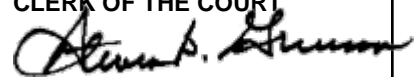
CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 26th day of FEBRUARY, 2019, to:

MIKE FELICIANO, DPD
mcmahaae@ClarkCountyNV.gov

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

hjc/SVU



SUPP
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**

**STATE'S SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF
MOTION TO STRIKE DEFENDANT'S NOTICE OF EXPERT WITNESSES,
PURSUANT TO NRS 174.234(2) AND/OR, STATE'S MOTION TO PRECLUDE
TESTIMONY OF STATE'S EXPERT WITNESS AND/OR STATE'S MOTION
FOR COURT ORDER ALLOWING STATE'S EXPERT TO CONDUCT A
NEUROPSYCHOLOGICAL EVALUATION OF THE DEFENDANT
TO ASSESS HIS COGNITIVE FUNCTION**

DATE OF HEARING: **MARCH 12, 2019**
TIME OF HEARING: **8:30 A.M.**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and hereby submits the attached this State's Supplemental Points and Authorities in Support of Motion to Strike Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2) and/or State's Motion to Preclude Testimony of State's Expert Witness and/or State's Motion for Court Order Allowing State's Expert to Conduct a Neuropsychological Evaluation of the Defendant to assess his Cognitive Function.

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

4 **STATEMENT OF FACTS RELEVANT TO THIS SUPPLEMENT**

5 Defendant, ARMANDO VASQUEZ-REYES is charged by way of Criminal
6 Information with two (2) counts of Lewdness with a Child Under the Age of 14 (Category A
7 Felony – NRS 201.230) and eight (8) counts of Sexual Assault with a Minor Under Fourteen
8 Years of Age (Category A Felony – NRS 200.364, 200.366). The crimes occurred on or
9 between January 21, 2007 and December 31, 2015. The victims are G.A. and D.A.

10 The facts of this case are such that on April 16, 2016, LVMPD Patrol Officers
11 responded to a domestic dispute at 2213 Berkley Avenue, Las Vegas, Nevada 89101. Details
12 of the call stated that the dispute was between the caller and Defendant (her husband). While
13 the police officers were investigating the dispute, they were approached by the caller's
14 daughter, the victim in this case, who asked the officers if she could speak with them away
15 from the family. Officers agreed and spoke to G.A., away from her family members. G.A.
16 told the officers that Defendant (her step-father) had been sexually abusing her "her whole
17 life." She went on to tell them that Defendant had repeatedly sexually assaulted her by putting
18 his penis inside her vagina, with the most recent occurring one week prior. Based upon G.A.'s
19 statement, patrol officers contacted LVMPD Sex Crimes Detective M. Pretti, who responded
20 to the scene along with Spanish Interpreter, M. Corral, P#12133.

21 Due to the number of family members present, and the fact there was no active crime
22 scene, Detective Pretti determined the investigation would be better suited to the interviews
23 being conducted in a more sterile environment at the LVMPD Headquarters. With the
24 assistance of the interpreter, Detective Pretti explained to Defendant that there had been some
25 allegations made against him and he would like to speak with Defendant about them at
26 LVMPD headquarters and requested that Defendant consent to be transported to LVMPD HQ,
27 which he granted verbally. Detective Pretti explained to Defendant that he would be
28 transported in a marked LVMPD patrol vehicle, and that he would be handcuffed, as is

1 LVMPD policy, to which Defendant agreed.

2 Detective Pretti then spoke with G.A. and her mother, with the assistance of the
3 interpreter, and requested that they respond to LVMPD HQ to participate in interviews, to
4 which they both agreed.

5 In the interview with G.A. she told Detective Pretti that Defendant has been sexually
6 abusing her for as long as she has known him. G.A. stated that she has known Defendant from
7 the time she was five or six years old, when she moved to Las Vegas from Mexico. At time
8 G.A. moved here to Las Vegas, her mother was already living here and had been dating
9 Defendant.

10 The first incident G.A. recalled happening occurred when she was very small.
11 Defendant told her to come into his room and not to tell her mother because she would get into
12 trouble. Defendant told her to touch his penis and “make him feel good.” G.A. described
13 Defendant telling her to touch his penis and move her hand up and down, masturbating him.
14 G.A. told Detective Pretti that Defendant has been sexually assaulted by Defendant from the
15 time she was five or six years old; and, he had anally assaulted her approximately thirty (30)
16 times. Defendant would sexually assaulted G.A. while her mother was at work, and while her
17 brother and sister were out of the house with friends.

18 G.A. described an incident that happened in one their old homes near Bridger Middle
19 School, where Defendant sexually assaulted her in the laundry room of the house. On that
20 occasion, G.A. was in the laundry room doing laundry for her and her sister. Defendant came
21 into the room, took off her clothes, and anally assaulted her with his penis. G.A. stated that
22 her brother and sister were both home but were in their rooms watching television.

23 G.A. stated that Defendant has had vaginal intercourse with her on at least two
24 occasions, the most recent being around November 2015. When that occurred, G.A. stated
25 that she told Defendant to stop because it was causing her pain.

26 G.A. described an incident that occurred approximately one week prior, where
27 Defendant touched her buttocks, over her clothes. The last sexual assault occurred in several
28 months prior, in November 2015. Defendant called G.A. into his room and asked her to watch

1 a movie with him. G.A. was laying on the bed with Defendant when he began touching her
2 hands and arms and G.A. told him to stop. Defendant told her it was alright and began taking
3 her clothes off, grabbing her breasts, buttocks, and vagina. Defendant then took off his own
4 clothes and inserted his penis into her anus, without a condom, until he ejaculated. G.A.
5 pushed Defendant off of her, left the room, and went to take a shower. G.A. stated that she has
6 become more agitated and aggressive with her family since the incident because she feels
7 disgusted about what Defendant has done to her. G.A. stated that she has cut herself in the past
8 and has had suicidal thoughts because of the Defendant's sexual abuse of her.

9 G.A. stated that she was afraid to tell her mom because she thought her mother would
10 judge her and she was afraid her mother might think that G.A. was trying to steal her husband.
11 G.A. stated that she decided to tell the police because she was scared of Defendant and she
12 was afraid that he would hit her mother or someone else because he was angry about the
13 (domestic) incident that occurred at the residence earlier, regarding the tools.

14 With the assistance of the interpreter, Detective Pretti explained to G.A.'s mother that
15 G.A. had disclosed being sexually abused by Defendant from the time she first moved to Las
16 Vegas from Mexico. G.A.'s mother stated that G.A. moved to Las Vegas in 2007 and that she
17 did not believe that G.A. would lie about these things. She further stated that G.A. had been
18 more agitated and aggressive in the last few months and agreed to take her to Sunrise Hospital
19 for a medical exam.

20 G.A.'s sister, D.A., testified at the preliminary hearing in this matter, that when she was
21 twelve years old and they lived on Stafford Street, Defendant called her into his bedroom,
22 removed her clothes and his clothes, and inserted his penis into her vagina. D.A. testified that
23 this happened one time.

24 **STATEMENT OF THE CASE RELEVANT TO THIS SUPPLEMENT**

25 On February 25, 2019, Defendant filed a Notice of Expert Witnesses, Pursuant to NRS
26 174.234(2), without attaching any reports of the purported expert.

27 //

28 //

1 On February 26, 2019, the State filed a Motion to Strike Defendant's Notice of Expert
2 Witnesses, Pursuant to NRS 174.234(2). (A copy of which is attached hereto and incorporated
3 herein by reference as State's Exhibit "1").

4 On February 26, 2019, after the State filed its Motion to Strike Defendant's Notice of
5 Expert Witnesses, Pursuant to NRS 174.234(2), the State received a copy of a report prepared
6 by Greg Harder, Psy.D, dated June 8, 2018, from defense counsel. The report not only predates
7 Defendant's commitment to Lakes Crossing for a competency determination; it does nothing
8 to shed any light whatsoever on the expected testimony of Dr. Harder or provide any relevant
9 issue.

10 The State herein files its Supplemental Points and Authorities in Support of Motion to
11 Strike Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2), or, in the
12 Alternative, State's Motion for Court Order Permitting State's Expert to Conduct a
13 Neuropsychological Evaluation of the Defendant to Assess his Cognitive Function.

14 **LEGAL ARGUMENT**

15 **I. DEFENDANT'S EXPERT NOTICE IS INADEQUATE UNDER NRS** 16 **174.234(2)(A) AND SHOULD EITHER BE STRICKEN OR AMENDED**

17 NRS 174.234(2)(a) mandates that a party noticing an expert must provide "[a] brief
18 statement regarding the subject matter on which the expert witness is expected to testify and
19 the substance of the testimony." Defendant has noticed Greg Harder, Psy.D, as an expert
20 witness who will testify regarding "Vasquez-Reyes' cognitive functioning." This notice is
21 defective because it fails to identify what precisely will be the "substance of Dr. Harder's
22 testimony" as required by NRS 174.234(2)(a). Defendant's provision of an expert report does
23 little to clarify matters given that Dr. Harder's report, dated June 8, 2018, predates
24 Defendant's commitment to Stein Forensic Hospital for competency determination. In fact,
25 Defendant was returned to the District Court with a finding of competence on November 27,
26 2018.

27 //

28 //

1 In a report dated November 5, 2018, prepared by Lia Roley, Psy.D, she notes “On
2 August 10, 2018, Dr. Greg Harder opined Mr. Vasquez-Reyes was not competent to stand
3 trial. Dr. Harder diagnosed Mr. Vasquez-Reyes with Borderline Intellectual Functioning and
4 provided Intellectual Disability as a diagnoses to consider. Dr. Harder reported he had
5 previously evaluated Mr. Vasquez-Reyes for a “mini-neuropsychological evaluation” do to
6 Mr. Vasquez-Reyes having suspected cognitive problems related to medical issues including
7 diabetes, high blood pressure, and high cholesterol.” (Emphasis added).

8 Later in her report Dr. Roley stated, “Mr. Vasquez-Reyes participated in a pre-
9 commitment competency evaluation with Dr. Harder on August 10, 2018. Dr. Harder
10 provided a diagnosis of Borderline Intellectual functioning based on a previous “mini
11 neuropsychological evaluation” Dr. Harder conducted on Mr. Vasquez-Reyes. However, Dr.
12 Harder provided no information regarding the methods and assessment measures utilized
13 to arrive at this diagnostic conclusion. During Mr. Vasquez-Reyes’s hospitalization at Stein
14 Forensic Facility, he has not demonstrated any evidence of cognitive impairment. He
15 learned and followed the unit rules without difficulty, had appropriate interactions with
16 peers and staff, and demonstrated that he had an above-average understanding of the
17 criminal justice system.” (Emphasis added).

18 Based upon the above, as it is even more confusing as to what Defendant intends Dr.
19 Harder to testify about, Defendant’s notice should be stricken or, at a minimum, he should
20 provide an amended notice to complying with the statute’s command to state the “substance
21 of the testimony” to be provided by Dr. Harder, as well provide a more recent evaluation of
22 Defendant.

23 **II. ANY TESTIMONY ELICITED FROM DR. HARDER REFERENCE**
24 **DEFENDANT’S CURRENT COGNITIVE FUNCTION IS IRRELEVANT**
25 **AND MUST BE EXCLUDED**

26 Relevant evidence is defined as any evidence having any tendency to make the
27 existence of any fact that is of consequence to the determination of the action more or less
28 probable than it would be without the evidence. NRS 48.015. Evidence is only admissible if
it is relevant. NRS 48.025.

1 Additionally, NRS 48.035 states, in relevant part:

2 1. Although relevant, evidence is not admissible if its probative value
3 is substantially outweighed by the danger of unfair prejudice, of
4 confusion of the issues or of misleading the jury.

5 2. Although relevant, evidence may be excluded if its probative value
6 is substantially outweighed by considerations of undue delay, waste
7 of time or needless presentation of cumulative evidence.

8

9 Additionally, NRS 48.035 states, in relevant part:

10 1. Although relevant, evidence is not admissible if its probative value
11 is substantially outweighed by the danger of unfair prejudice, of
12 confusion of the issues or of misleading the jury.

13 2. Although relevant, evidence may be excluded if its probative value
14 is substantially outweighed by considerations of undue delay, waste
15 of time or needless presentation of cumulative evidence.

16

17 This Defendant has previously admitted to touching victim G.A.'s breasts and legs
18 when she was younger; and, inserting his penis into G.A.'s anal opening, when she was 8 years
19 old. Defendant also told detectives that **he couldn't remember exactly when the touching of**
20 **her breasts and legs occurred, but they occurred when he was drinking and using drugs.**

21 Defendant has absolutely failed to make an offer of proof as to how defense expert testimony
22 reference a perceived, not proven, deficit in Defendant's cognitive ability and memory would
23 assist the jury or the Court in determining whether or not the Defendant committed the crimes
24 of Lewdness with a Child Under the Age of 14 or Sexual Assault with a Minor Under Fourteen
25 Years of Age from 2007 through 2015.

26 Based upon the above, it is clear that the Notice provided by Defendant does not comply
27 with the statutory dictate of NRS 174.234. As such, the State cannot fully assess the expert's
28 qualification to testify, the relevance of his testimony, the need for the State to seek an expert
29 to rebut the testimony provided, or even seek the admission of additional evidence. For this
30 reason, the State seeks to strike such notice.

31 //

32 //

1 **II. NRS 50.305 REQUIRES THAT THE DEFENSE DISCLOSE THE**
2 **UNDERLYING DATA FROM DR. HARDER'S EXAMINATION AND THE**
3 **STATE REQUESTS AN ORDER REQUIRING THE SAME.**

4 NRS 50.305 provides that the Court may order the disclosure of the underlying facts
5 and data determining an expert's opinion. If the Court does not strike Dr. Harder as a defense
6 expert, the State is entitled to the underlying facts and data information regarding the "mini-
7 neurological" and/or psychological testing conducted on the Defendant by Dr. Harder. In the
8 absence of an Order Striking Defendant's Expert, the State requests that this Court issue such
9 an order.

10 **II. MOTION TO COMPEL INDEPENDENT PSYCHIATRIC EXAMINATION.**

11 Should the Court permit Defendant to call Dr. Harder to testify regarding Defendant's
12 "cognitive functioning", the State requests that the Court require Defendant to submit to an
13 independent psychiatric evaluation by an expert chosen by the State.

14 The Courts have recognized that Defendant's Fifth Amendment rights are not
15 compromised by such a compelling order. In United States v. Byers, 740 F.2d 1104, 1111-13
16 (U.S. App. D.C. 1984), that federal court held that when a defendant raises the defense of
17 insanity, he may constitutionally be subjected to compulsory examination by court-appointed
18 or government psychiatrists. In Byers, the defendant argued his Fifth Amendment protection
19 against compelled self-incrimination was violated when the government "forced from his lips
20 (via the compelled examination) the evidence" used to negate his defense of insanity. Byers,
21 740 F.2d at 1109. In denying the defendant's Fifth Amendment claim, the court reasoned that
22 "when, as here, a defendant appeals to the nature of that [private enclave of the human
23 personality] as the reason why he should not be punished for murder, and introduces
24 psychiatric testimony for that purpose, the state must be able to follow where he has led."
25 Byers, 740 F.2d at 1113.

26 Additionally, the federal court went categorically through the various justifications
27 presented by other courts. "[Other circuits] have uniformly held that where the defendant has
28 interposed the defense of insanity, the Fifth Amendment's privilege against self-incrimination
is not violated by a court-ordered psychiatric examination (whether by a psychiatrist appointed

1 by the court or one selected by the Government); and that where the defendant introduces
2 psychiatric testimony at trial, the Fifth Amendment does not prevent testimony by the
3 psychiatrist who conducted the court-ordered examination on the issue of sanity.” Byers, 740
4 F.2d at 1111.

5 Although the Nevada Supreme Court has not specifically ruled on the issue of whether
6 an individual who claims Not Guilty by Reason of Insanity may be compelled to attend a
7 psychiatric examination by a State’s expert, the Nevada Supreme Court has commented on
8 this issue in Mitchell v. State, 124 Nev. 807 (Nev. 2008). In Mitchell, the defendant was
9 charged with Murder with the use of a Deadly Weapon for shooting an individual at a party
10 resulting in such individual’s death. Mitchell, 124 Nev. at 810. The defendant claimed that
11 he justifiably fired in self-defense because his post-traumatic stress disorder caused him to
12 suffer from a heightened threat perception. Mitchell, 124 Nev. at 809-810. That defendant
13 did not plead not guilty by reason of insanity; however, the State moved to have the defendant
14 examined by an independent psychiatric expert which motion the court granted. The
15 defendant was examined by such psychiatric expert who subsequently testified on behalf of
16 the State at trial. Mitchell, 124 Nev. at 810. After being found guilty of Second Degree
17 Murder with Deadly Weapon, Defendant contended that the Court improperly compelled him
18 to submit to a psychiatric expert’s examination. Mitchell, 124 Nev. at 811-812. Specifically,
19 the defendant contended “a district court can order a compulsory psychiatric examination only
20 when a defendant raises an insanity defense”. Mitchell, 124 Nev. at 811-812.

21 In denying the defendant’s contention in Mitchell, the Court likened a defense of self-
22 defense due to post traumatic theft to a plea of not guilty by reason of insanity. Mitchell, 124
23 Nev. at 812-815. The Court specifically recognized that a Court could order a psychiatric
24 evaluation when a plea of not guilty by reason of insanity had been entered. Mitchell, 124
25 Nev. at 815. The Mitchell Court recognized and embraced the following rationale in so
26 holding:

- 27 (1) the defendant placed his or her mental state into issue,
28 (2) society requires the court to strike a ‘fair state-individual
balance’, and

1 (3) the examination is the most reliable means for the state to
2 assess the defendant's mental capacity."

3 Mitchell, 124 Nev. at 815.

4 Based upon the above, the State is entitled to an independent examination by State
5 expert. Moreover, should Defendant refuses to submit to such an examination, the State
6 respectfully urges this Court to preclude the defense from raising any issue of Defendant's
7 "cognitive functioning" as an issue at the time of trial.

8 **CONCLUSION**

9 For the reasons stated above, the State respectfully requests this Court grant the State's
10 Motion to Strike Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2) and/or
11 State's Motion to Preclude Testimony of State's Expert Witness and/or State's Motion for
12 Court Order Allowing State's Expert to Conduct a Neuropsychological Evaluation of the
13 Defendant to assess his Cognitive Function.

14 DATED this 5th day of February, 2019.

15 STEVEN B. WOLFSON
16 DISTRICT ATTORNEY
Nevada Bar #001565

17
18 BY /s/ JAMES R. SWEETIN
19 JAMES R. SWEETIN
20 Chief Deputy District Attorney
Nevada Bar #005144
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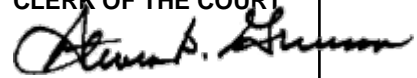
CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 5th day of
MARCH, 2019, to:

MIKE FELICIANO, DPD
mcmahaae@ClarkCountyNV.gov

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

hjc/SVU



DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
MIKE FELICIANO, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 9312
PUBLIC DEFENDERS OFFICE
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Facsimile: (702) 455-5112
FeliciaM@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316382-1
)	
v.	)	DEPT. NO. XII
)	
ARMANDO VASQUEZ-REYES,)	
	)	DATE: March 12, 2019
Defendant,	)	TIME: 8:30 a.m.
)	

**DEFENDANT'S OPPOSITION TO STATE'S MOTION TO
STRIKE DEFENDANT'S EXPERT**

COMES NOW, the Defendant, ARMANDO VASQUEZ-REYES, by and through MIKE FELICIANO, Deputy Public Defender and hereby files this Defendant's Opposition to State's Motion to Strike Defendant's Expert.

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

DATED this 11th day of March, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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MIKE FELICIANO makes the following declaration:

- 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 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 11th day of March, 2019.

/s/Mike Feliciano
MIKE FELICIANO

1 **POINTS AND AUTHORITES**

2 **STATEMENT OF FACTS**

3 Armando Vasquez-Reyes ("Vasquez-Reyes") is currently charged with two counts of
4 Lewdness With a Child Under the Age of 14 and eight counts of Sexual Assault With a Minor
5 Under Fourteen Years of Age. The charges are based on allegations of sexual contact made by
6 G.A and D.A. Vasquez-Reyes is the stepfather to G.A. and D.A.

7 Vasquez-Reyes was interrogated by police regarding these allegations on April 16, 2016.
8 Immediately before the interrogation, Vasquez-Reyes requested his high blood pressure
9 medication, diabetes medication and water. JDH 68 ("Jackson v. Denno Hearing Transcript")
10 Vasquez-Reyes also said he was feeling lightheaded. JDH 52. Police refused to give him his
11 medication even though Vasquez-Reyes gave Detective Pretti the location of the medication.
12 Detective Pretti confirmed these facts at the Jackson v. Denno hearing.

13 Vasquez-Reyes filed a Notice of Expert Witness on February 25, 2019, noticing Greg
14 Harder Psy. D as an expert to testify at trial. Vasquez-Reyes has provided the State with Dr.
15 Harder's report. The State filed a Motion to Strike Defendant's Expert Notice on February 26,
16 2019 and a supplement on March 5, 2019.

17 **LEGAL ARGUMENT**

18 **I. VASQUEZ-REYES' EXPERT NOTICE IS SUFFICIENT**

19 Vasquez-Reyes provided the State with proper notice regarding Dr. Greg Harder.
20 Vasquez-Reyes also provided the State with a copy of Dr. Harder's report. Dr. Harder will be
21 called to testify about Vasquez-Reyes' cognitive function. Dr. Harder interviewed Vasquez-
22 Reyes personally. Therefore, Dr. Harder should be able to testify regarding Vasquez-Reyes
23 cognitive abilities.

24 In support of its argument, the State cites a competency report completed by Lia Rosley,
25 Psy.D. Although Dr. Rosley concluded that Vasquez-Reyes was competent to stand trial, this
26 irrelevant as to Dr. Harder's proposed testimony. Dr. Harder will not be called to testify about
27 competency. Rather, he will be called to testify about Vasquez-Reyes' cognitive abilities. This
28

1 is relevant to the case and will deprive Vasquez-Reyes of a fair trial if the testimony is not
2 allowed.

3 **II. DR. HARDER'S PROPOSED TESTIMONY IS RELEVANT TO THIS CASE**

4 The State is correct that Vasquez-Reyes has made incriminating statements in this case.
5 Dr. Harder's testimony will discuss Vasquez-Reyes cognitive abilities. Dr. Harder will not be
6 called to determine whether Vasquez-Reyes is telling the truth.

7 **III. THE STATE'S MOTION TO COMPEL INDEPENDENT PSYCHIATRIC**
8 **EXAMINATION SHOULD BE DENIED**

9 The States argues it is entitled to an independent psychiatric examination of Vasquez
10 Reyes. This argument is not persuasive. In support of its position, the State does not cite a
11 single Nevada case. Rather, it cites United States v. Byers, 740 F.2d 1104. Byers involved an
12 insanity defense. This in not applicable in this case and should be disregarded.

13 The State also cites Mitchell v. State, 124 Nev. 807 (2008) in support of its position.
14 Again, this case involves an insanity plea. Mitchell is not applicable in this case.

15 **CONCLUSION**

16 For the foregoing reasons, the State's motion should be denied.

17 DATED this 11th day of March, 2019.

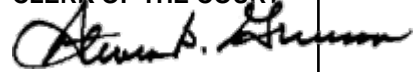
18 DARIN F. IMLAY
19 CLARK COUNTY PUBLIC DEFENDER

20 By: /s/Mike Feliciano
21 MIKE FELICIANO, #9312
22 Deputy Public Defender
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District Attorney's Office
E-Mail Address:
Jennifer.Georges@clarkcountyda.com

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NOTC
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NEVADA BAR NO. 5674
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FeliciaM@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316382-1
)	
v.	)	DEPT. NO. XII
)	
ARMANDO VASQUEZ-REYES,)	
)	
Defendant,)	
_____)	

DEFENDANT'S NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS 174.234(2)
TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, ARMANDO VASQUEZ-REYES, intends to call the following expert witnesses in his case in chief:

Greg Harder, Psy. D, 9519 W. Sahara Avenue #110, Las Vegas, NV 89117

Dr. Harder will testify regarding his findings after completing a neurological evaluation of Vasquez-Reyes. The evaluation included an I.Q. test and a memory test. Dr. Harder will testify regarding the results of those tests and the meaning of the tests.

DATED this 22nd day of March, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

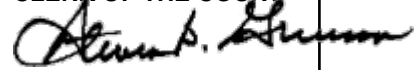
By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing Defendant's Notice of Expert Witness was served via electronic e-filing to the Clark County District Attorney's Office on this 22nd day of March, 2019.

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



NOTC
DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
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Telephone: (702) 455-4685
Facsimile: (702) 455-5112
FeliciaM@clarkcountynv.gov
Attorneys for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-16-316382-1
)	
v.	)	DEPT. NO. XII
)	
ARMANDO VASQUEZ-REYES,)	
)	
Defendant,)	
_____)	

**AMENDED DEFENDANT'S NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS
174.234(2)**

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, ARMANDO VASQUEZ-REYES, intends to call the following expert witnesses in his case in chief:

Greg Harder, Psy. D, 9519 W. Sahara Avenue #110, Las Vegas, NV 89117

Dr. Harder will testify regarding his findings after completing a neurological evaluation of Vasquez-Reyes. The evaluation included an I.Q. test and a memory test. Dr. Harder will testify regarding the results of those tests and the meaning of the tests as they relate to Vasquez-Reyes' ability to understand and communicate with law enforcement officers in this case.

DATED this 25th of March, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

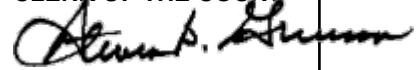
By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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I hereby certify that service of the above and forgoing Amended Notice of Expert Witnesses was served via electronic e-filing to the Clark County District Attorney's Office on this 25th day of March, 2019.

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



NOTC
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FeliciaM@clarkcountynv.gov
Attorneys for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-16-316382-1
)	
v.)	DEPT. NO. XII
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ARMANDO VASQUEZ-REYES,)	
)	
Defendant,)	

**AMENDED DEFENDANT'S NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS
174.234(2)**

TO: CLARK COUNTY DISTRICT ATTORNEY:

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DATED this 25th of March, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

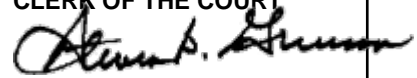
By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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I hereby certify that service of the above and forgoing Amended Notice of Expert Witnesses was served via electronic e-filing to the Clark County District Attorney's Office on this 25th day of March, 2019.

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



SLOW
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**

STATE'S THIRD SUPPLEMENTAL 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:

*indicates additional witness(es) and/or modification(s)

*ABUKAMIL, RAUL M.D.; STEIN FORENSIC HOSPITAL, 1090 WIGWAM #100, LVN; Will testify as an expert as to the observations and psychological testing of Defendant on or about July 27, 2018 as well as Defendant's demonstrated and/or cognitive ability on or about that date, as well as limitations in ascertaining cognitive ability through observation and testing; will also testify in rebuttal as to Defendant's Expert Dr. Greg Harder.

1 ALVAREZ, MAEL
2 CASINOVA, DR EFRIN; UNIVERSITY MEDICAL CENTER/CCDC; Will testify as
3 to the medical records of ARMANDO VASQUEZ-REYES; the symptoms of diabetes and
4 high blood pressure, and the effect of such symptoms on an individual; the physical and
5 mental condition of ARMANDO VASQUEZ-REYES at the time of his arrest, and
6 subsequently as demonstrated by his medical records and audio/video of a statement given by
7 him to police at approximately the same time as his arrest.

8 CETL, DR SANDRA; SNCAC/SUNRISE HOSPITAL; Will testify as an expert as to
9 the nature, process and limitations of sexual assault examinations, and/or as to the sexual
10 assault examination(s) conducted in the instant case.

11 COR or Designee; CCDC

12 COR or Designee; LVMPD COMMUNICATIONS

13 COR or Designee; LVMPD RECORDS

14 COR or Designee; SUNRISE HOSPITAL

15 CORRAL, MARIA; LVMPD#12133; Will testify as an expert in Spanish/English
16 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

17 *DEVILLEZ, AMANDA PH.D.; STEIN FORENSIC HOSPITAL, 1090 WIGWAM
18 #100, LVN; Will testify as an expert as to the observations and psychological testing of
19 Defendant on or about July 27, 2018 as well as Defendant's demonstrated and/or cognitive
20 ability on or about that date, as well as limitations in ascertaining cognitive ability through
21 observation and testing; will also testify in rebuttal as to Defendant's Expert Dr. Greg Harder.

22 G.A.; c/o CCDA-SVU/VWAC

23 GABRON; LVMPD#05542

24 EKROOS, DR RACHELL; UNLV SCHOOL OF NURSING; Will testify as an expert
25 as to the nature, process and limitations of sexual assault examinations, and/or as to the sexual
26 assault examinations conducted in the instant case.

27 //

28 //

1 *KAPEL, LAWRENCE, PH.D; STEIN FORENSIC HOSPITAL, 1090 WIGWAM
2 #100, LVN; Will testify as an expert as to the observations and psychological testing of
3 Defendant on or about July 27, 2018 as well as Defendant's demonstrated and/or cognitive
4 ability on or about that date, as well as limitations in ascertaining cognitive ability through
5 observation and testing; will also testify in rebuttal as to Defendant's Expert Dr. Greg Harder.

6 LEON, RUTH; CCDA-SVU INVESTIGATIONS

7 *MALONE, DR ALEX; UNIVERSITY MEDICAL CENTER/CCDC; Will testify as
8 to the medical records of ARMANDO VASQUEZ-REYES; the symptoms of diabetes and
9 high blood pressure, and the effect of such symptoms on an individual; they physical and
10 mental condition of ARMANDO VASQUEZ-REYES at the time of his arrest, and
11 subsequently as demonstrated by his medical records and audio/video of a statement given by
12 him to police at approximately the same time as his arrest.

13 MARTINEZ, YANNET, C/O DISTRICT ATTORNEY'S OFFICE

14 MURRAY; LVMPD#13458

15 PARENT/GUARDIAN of G.A.; c/o CCDA-SVU/VWAC

16 PRETTI; LVMPD#09639

17 *RAMOS, DR. JIMMY; NEM MEDICAL CENTER, 2670 LAS VEGAS
18 BOULEVARD NORTH #109, NLV 89030; Will testify as an expert as to the examination,
19 treatment, observations and diagnosis of Defendant.

20 R.C.; c/o CCDA-SVU/VWAC

21 RETA, MYRA; CCDA VWAC; Will testify as to Will testify as an expert in
22 Spanish/English translation and/or as to the Spanish/English translation(s) conducted in the
23 instant case.

24 *ROLEY, LIA PSY.D.; STEIN FORENSIC HOSPITAL, 1090 WIGWAM #100,
25 LVN; Will testify as an expert as to the observations and psychological testing of Defendant
26 on or about July 27, 2018 as well as Defendant's demonstrated and/or cognitive ability on or
27 about that date, as well as limitations in ascertaining cognitive ability through observation and
28 testing; will also testify in rebuttal as to Defendant's Expert Dr. Greg Harder.

1 S.A.; c/o CCDA-SVU/VWAC
2 SUTTON, CLAUDIA; LVMPD#07863; Will testify as an expert in Spanish/English
3 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

4 THEOBALD; LVMPD#06468
5 TORRES, SERGIO, C/O DISTRICT ATTORNEY'S OFFICE

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 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

12
13 BY /s/ JAMES R. SWEETIN
14 JAMES R. SWEETIN
Chief Deputy District Attorney
Nevada Bar #005144

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 22nd day of
APRIL, 2018, to:

MIKE FELICIANO, DPD
mcmahaae@ClarkCountyNV.gov

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

hjc/SVU

Amanda DeVillez, Psy.D.

EDUCATION:

9/2016

Clinical Forensic Psychology, Psy.D.

Alliant International University-California School of Forensic Studies

Dissertation: *Effects of Attachment, Motivators, Type of Crime, and Relationship to Offender on Willingness of Third Parties to Provide Names to Law Enforcement*

5/2014

Clinical Forensic Psychology, M.A.

Alliant International University-California School of Forensic Studies

5/2011

Psychology (B.A.) & Criminal Justice (B.A.)

University of Nevada, Reno

CLINICAL EXPERIENCE:

11/2017-present

Southern Nevada Adult Mental Health Services, Stein Forensic Hospital

Licensed Psychologist

Las Vegas, Nevada

- Conduct competency to proceed with adjudication evaluations
- Facilitate evidence-based psychoeducational group for persons with severe mental illness
- Serve on an interdisciplinary treatment team
- Participate in consultation with other professionals and complete Positive Behavior Support Plans
- Administer a variety of forensic and psychological instruments
- Supervise graduate-level practicum student

11/2016-11/2017

Southern Nevada Adult Mental Health Services, Stein Forensic Hospital

Psychological Assistant

Las Vegas, Nevada

- Conduct competency to proceed with adjudication evaluations
- Facilitate evidence-based psychoeducational group for persons with severe mental illness
- Serve on an interdisciplinary treatment team
- Participate in consultation with other professionals and complete Positive Behavior Support Plans
- Administer a variety of forensic and psychological instruments
- Supervise graduate-level practicum student

8/2016-9/2016

Southern Nevada Adult Mental Health Services, Stein Forensic Hospital

Doctoral Psychology Intern

Las Vegas, Nevada

- Participated in consultation with other professionals and completed Positive Behavior Support Plans
- Administered a variety of forensic and psychological instruments
- Conducted competency to proceed with adjudication evaluations

- 8/2015-8/2016 **Lake's Crossing Center for Forensic Services**
 Doctoral Psychology Intern
 Sparks, Nevada
- Facilitated Legal Process Education group
 - Created and facilitated Anger and Coping Skills group
 - Conducted admissions
 - Administered a variety of forensic and psychological instruments
 - Conducted competency to proceed with adjudication, mental health, and risk evaluations
- 7/2014-7/2015 **W. Gary Cannon Psychological Services Center- Public Defender Rotation**
 Doctoral Psychology Trainee
 Fresno, California
- Conducted mental health evaluations for the Public Defender's office
 - Administered a variety of forensic, cognitive, and personality instruments
 - Conducted brief individual psychotherapy
 - Co-facilitated court ordered Anger Management groups
- 9/2013-12/2014 **Sierra Education and Research Institute: SERI**
 Doctoral Psychology Trainee
 Fresno, California
- Conducted brief assessments of inmates at the Fresno County Jail under AB109 sentencing
 - Co-facilitated Theft Diversion and Substance Abuse groups in the jail
 - Provided individual therapy services to inmates in the TJC (Transition from Jail to Community) housing unit
- 8/2012-6/2013 **Westcare California**
 Doctoral Psychology Trainee
 Fresno, California
- Conducted individual therapy and created treatment plans with adults attending substance abuse rehabilitation with co-occurring disorders
 - Worked primarily with individuals on parole or probation and focused treatment on their mental health needs and interaction with the legal system
- 1/2012-6/2012 **Mendota Unified School District**
 Doctoral Psychology Trainee
 Mendota, California
- Conducted cognitive assessments of students to determine if they met criteria to receive special education services
 - Provided individual psychotherapy to students
 - Worked primarily with Hispanic individuals and focused on treatment approaches which were culturally appropriate

ADDITIONAL EXPERIENCE:

06/2015

International Policing, Swiss School of Management

Rome, Italy

- Participated in a two-week training program on international policing hosted by the Swiss School of Management in Rome.

Spring 2015

Netzer & Malmo Personal Injury Attorneys

Community Consultation (under instructor)

Fresno, California

- Engaged in a group trial consultation project for Mr. Jonathan Netzer, a personal injury attorney, in order to determine characteristics of individuals that would be most likely to find in favor of his client.

2/2014-5/2015

California State University, Fresno

Teaching Assistant- Abnormal Psychology

- Aided the professor of an undergraduate course with lectures, creating exam questions, and grading papers.

01/2013

South African Police Services, Investigative Psychology Section

Pretoria, South Africa

- Participated in a two-week training program with the Investigative Psychology Section of the South African Police.

RESEARCH PRESENTATIONS:

DeVillez, A., & Kenworthy, T. (2015, March). *Effects of attachment, motivators, type of crime, and relationship to offender on willingness of third parties to provide names to law enforcement*. Poster session presented at the Forensic Mental Health Association of California Conference, Monterey, CA.

SPECIALIZED TRAINING IN THE FOLLOWING PSYCHOLOGICAL/FORENSIC MEASURES:

- HCR-20
- Inventory of Legal Knowledge (ILK)
- Competence Assessment for Standing Trial for Defendants with Mental Retardation (CAST*MR)
- Static-99R
- Sex Offender Risk Appraisal Guide (SORAG)
- Test of Memory Malingering (TOMM)
- Miller Forensic Assessment of Symptoms Test (M-FAST)
- Structured Interview of Reported Symptoms, 2nd Edition (SIRS-2)
- Structured Inventory of Malingered Symptomatology (SIMS)
- Psychopathy Checklist—Revised (PCL-R)
- Violence Risk Appraisal Guide (VRAG)
- Repeatable Battery for the Assessment of Neuropsychological Status (RBANS)
- Reynolds Intellectual Assessment Scales, Second Edition (RIAS-2)
- Wide Range Achievement Test 4 (WRAT-4)
- Personality Assessment Inventory (PAI)
- Minnesota Multiphasic Personality Inventory-2-Restructured Form (MMPI-2-RF)
- Validity Indicator Profile (VIP)

CONTINUING EDUCATION UNITS:

03/2018	<u>Timely Topics in Practicum Training: Finding Balance and Promoting Self-Care-</u> 3 hours University of Nevada, Las Vegas
01/2018	<u>Mental Disorder and Violence Risk-</u> 1 hour Consolidated Continuing Education & Professional Training (CONCEPT)
11/2017	<u>Improving Testimony in Depositions and Trials-</u> 7 hours American Academy of Forensic Psychology
11/2017	<u>Clinical Neuropsychology for the Forensic Psychologist-</u> 7 hours American Academy of Forensic Psychology
11/2017	<u>Ethical Issues in Forensic Psychology Practice-</u> 7 hours American Academy of Forensic Psychology
11/2017	<u>Assessing and Managing Violence Risk-</u> 7 hours American Academy of Forensic Psychology
06/2017	<u>Competency to Stand Trial Refresher: Residual Psychosis & Adjudicative Competence-</u> 3 hours Lake's Crossing Center for Forensic Services
03/2017	<u>Timely Topics in Practicum Training: Navigating Supervision Challenges-</u> 3 hours University of Nevada, Las Vegas
12/2015	<u>Mandatory Abuse Reporting- Revised-</u> 1 hour CE4Less.com
12/2015	<u>Mental Health Parity Act of 2008-</u> 1 hour CE4Less.com
12/2015	<u>Navigating the Justice System-</u> 4 hours CE4Less.com
10/2015	<u>Competency to Stand Trial-</u> 6 hours Lake's Crossing Center for Forensic Services
11/2014	<u>DBT-</u> 6 hours Golden State Psychology Internship Association
10/2014	<u>Malingering-</u> 6 hours Golden State Psychology Internship Association
10/2013	<u>DSM 5-</u> 6 hours Golden State Psychology Internship Association
04/2013	<u>Intimate Partner Violence-</u> 15 hours Golden State Psychology Internship Association
11/2012	<u>Mass Murder: Colorado Revisited-</u> 6 hours Golden State Psychology Internship Association

03/2012	<u>Cultural Diversity and Competency- 6 hours</u> Golden State Psychology Internship Association
02/2012	<u>The Psychology of Aging- 10 hours</u> Golden State Psychology Internship Association
12/2011	<u>Psychopharmacology- 6 hours</u> Golden State Psychology Internship Association
10/2011	<u>Offenders in the Community- Treating Individuals with a Legal History in the Community- 6 hours</u> Golden State Psychology Internship Association

MEMBERSHIPS AND AFFILIATIONS:

2015-present	<u>Nevada Psychological Association, Member</u>
2014-present	<u>American Psychology-Law Society, Division 41 of the APA, Member</u>
2010-present	<u>Psi Chi- The International Honor Society in Psychology, Lifetime Member</u>
2011-2014	<u>American Psychological Association, Graduate Student Affiliate</u>

1090 WIGWAM PKWY. STE.100 • HENDERSON,NV 89074
PHONE 702.454.0201 • FAX 702.454.1245

LAWRENCE KAPEL

EDUCATION

Doctor of Philosophy: University of Florida, Department of Clinical and Health Psychology, 1991.

- Dissertation Topic: Dissimulation in Forensic Populations.
- Minor Specialization: Forensic Psychology

Master of Science: University of Florida, Department of Clinical and Health Psychology, 1988.

- Thesis Topic: Psychophysiological Responses to Stress in Facial Pain Patients

Bachelor of Arts: University of Louisville, 1986.

- Graduated with high honors majoring in Psychology.

CLINICAL EXPERIENCE

April 1993-present

Green Valley Psychiatric Associates

Clinical Psychologist

Independent private practice affiliated with Green Valley Psychiatric Associates. In this capacity, I conduct a full range of psychotherapy and psychological testing services including medical procedure readiness evaluations and competency evaluations for the court. My therapy orientation is brief cognitive/behavioral in nature.

- Forensic psychologist for Henderson Municipal Court
- Forensic psychologist for the Eighth Judicial Circuit Court
- Consulting psychologist for Del Mar Gardens Rehabilitation Center
- Consulting psychologist for Henderson Health Care Center
- Consulting psychologist for TLC Rehabilitation Center
- Lecturing psychologist for Touro University

September 1991-May 1995

Nellis Air Force Base Hospital

Staff Clinical Psychologist

In this capacity I was the Director of Psychological Testing, Director of the Stress Management Program and Director of the Gambling Intervention Program. In addition to the above, duties included conducting individual and group therapy, psychological evaluations, evaluations for commanders and crisis management interventions. I was also a consultant for alcohol rehabilitation treatment and a consultant to the forensic facility. I coordinated the base suicide prevention program and was a member of the Hostage Negotiation Team and the Health Promotions committee which is designed to promote preventative health care.

September 1991-September 1992 Nellis Air Force Base Hospital
I received one year of post-doctoral supervision under the tutelage of Dr. Dennis Scholl.
This was in partial fulfillment of license requirements.

August 1990-August 1991 Wright-Patterson Medical Center, WPAFB
Clinical Internship
This is an APA approved internship with rotations in behavioral medicine,
neuropsychology, inpatient mental health and outpatient therapy and evaluations.

January 1988-June 1990
North Florida Evaluation and Treatment Center. This is a maximum security forensic
facility that is comprised primarily of persons adjudicated incompetent to stand trial or
not guilty by reason of insanity. I conducted general and forensic psychological
evaluations. This was a part-time (20 hours per week) position requiring a masters degree
and I was supervised by doctoral level psychologists.

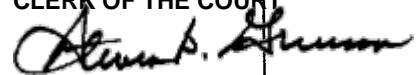
PROFESSIONAL MEMBERSHIPS

Licensed Psychologist: State of Nevada (PY #257)

Member American Psychological Association

Member Nevada State Psychological Association

Adjunct faculty Touro University



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

DEPARTMENT XII

NOTICE OF HEARING

DATE 5.14.19 TIME 8:30

APPROVED BY pf

MOTION TO DISMISS FOR FAILURE TO PRESERVE EXCULPATORY EVIDENCE

COMES NOW, the Defendant, ARMANDO VASQUEZ-REYES, by and through MIKE FELICIANO, Deputy Public Defender and hereby asks this Honorable Court to dismiss this case due to the State's failure to preserve the exculpatory body camera evidence.

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

DATED this 1st day of May, 2019.

DARIN F. IMLAY
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 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;

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

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

EXECUTED this 3rd day of May, 2019.

/s/Mike Feliciano
MIKE FELICIANO

FACTS

Armando Vasquez-Reyes (Vasquez-Reyes) is currently charged with two counts of Lewdness With a Child Under the Age of 14 and eight counts of Sexual Assault With a Minor Under Fourteen Years of Age. The charges are based on allegations of sexual contact made by G.A. and D.A. Vasquez-Reyes is the stepfather of both alleged victims.

On April 6, 2016, Las Vegas Metropolitan Police Department (LVMPD) was dispatched to 2213 Berkley Avenue in Las Vegas. Initially, police were dispatched to investigate a domestic disturbance. While investigating the domestic dispute, G.A. approached police and reported that Vasquez-Reyes had repeatedly sexually assaulted her. G.A. first told first responding officers that the most recent penis to vagina sexual assault had happened one week earlier.

D.A. was present at 2213 Berkley Avenue when the allegations first came about. According to police, they interviewed D.A. and she denied any sort of sexual abuse by Mr. Vasquez-Reyes. Officer T. Murray, P# 13458, would have been wearing an activated body camera pursuant to Metro policy.

G.A. tested positive for Chlamydia at Sunrise hospital. G.A. at some point changed her statement and said the most recent sexual penetration happened five months earlier. A few weeks later, her older sister, D.A., came forward and said she was also sexually abused by Mr. Vasquez-Reyes.

The defense has requested the body camera footage in this case and been informed that no footage exists. It is unclear at what point the footage was destroyed or whether it was never preserved.

/ / / /

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ARGUMENT

I. THE STATE HAS A DUTY TO PRESERVE EVIDENCE WHICH HAS APPARENT EXCULPATORY VALUE TO THE DEFENSE

“The State cannot be allowed to benefit by its failure to preserve evidence, particularly when the State’s case is strengthened by the absence of the evidence.” Sheriff v. Warner, 112 Nev. 1234, 1242 (1996).

For this reason, the Nevada Supreme Court has held that “A conviction may be reversed when the state loses evidence if the defendant is prejudiced by the loss.” Sanborn v. State, 107 Nev. 399, 407 (1991); citing Sparks v. State, 104 Nev. 316 (1988).

In California v. Trombetta, 467 U.S. 479, 489, 104 S.Ct. 2528, 81 L.Ed.2d 413 (1984), the United States Supreme Court held that “the government violates the defendant’s right to due process if the unavailable evidence possessed ‘exculpatory value that was apparent before the evidence was destroyed, and [is] of such a nature that the defendant would be unable to obtain comparable evidence by other reasonably available means.’ ” United States v. Cooper, 983 F.2d 928, 931 (9th Cir.1993) (quoting Trombetta, 467 U.S. at 489, 104 S.Ct. 2528). The Supreme Court later stated that the defense must demonstrate that the government acted in bad faith in failing to preserve potentially exculpatory evidence. *See*, Arizona v. Youngblood, 488 U.S. 51.

The 9th Circuit has clarified that the bad faith requirement in Youngblood dovetails with the requirement that the exculpatory value of the evidence be apparent before the evidence is destroyed. U.S. v. Cooper, 983 F.2d 928. Thus, while it is commonly said that the defense must demonstrate bad faith for a case to be dismissed, in reality, the analysis “turns on the government’s knowledge of the apparent exculpatory value of the evidence at the time it was lost or destroyed.” United States v. Zaragoza-Moreira, 780 F.3d 971, 979 (9th Cir. 2015); citing United States v. Sivilla, 714 F.3d at 1172 (internal quotes omitted).

The Nevada Supreme Court articulated this standard in State v. Hall, where they wrote,

1 “In order to establish a due process violation resulting from the state's loss
2 or destruction of evidence, a defendant must demonstrate *either* (1) that
3 the state lost or destroyed the evidence in bad faith, *or* (2) that the loss
unduly prejudiced the defendant's case and the evidence possessed an
exculpatory value that was apparent before the evidence was destroyed.

4 State v. Hall, 105 Nev. 7, 9, 768 P.2d 349, 350 (1989); citing California v. Trombetta, 467 U.S.
5 479, 104 S.Ct. 2528, 81 L.Ed.2d 413 (1984); City of Las Vegas v. O'Donnell, 100 Nev. 491, 686
6 P.2d 228 (1984); Boggs v. State, 95 Nev. 911, 604 P.2d 107 (1979).

7
8 Thus, a defendant can establish a due process violation and is entitled to dismissal if he
9 can show that the loss of the destroyed evidence unduly prejudiced his case and that the evidence
10 possessed an exculpatory value that was apparent before the evidence was destroyed.

11 Dismissal is the appropriate remedy where the State has failed to preserve potentially
12 exculpatory evidence and the defendant has been prejudiced by the loss. Howard v. State, 95
13 Nev. 580, 582 (1979); Daniels v. State, 114 Nev. 261, 267 (1998). In Howard v. State, the
14 Nevada Supreme Court reversed the defendant's conviction for burglary where the State
15 collected and failed to preserve his shoes. The Nevada Supreme Court held that even though the
16 State did not lose the evidence in bad faith, the defendant was prejudiced by the loss, because the
17 evidence was material to his identification defense.

18
19 Similarly, the 9th Circuit ordered the dismissal of the indictment in U.S. v. Zaragoza-
20 Moreira. In that case, the Court found that the investigating federal agent knew of the potential
21 usefulness of video footage in the case to support the defendant's claims that she acted under
22 duress when she smuggled drugs into the country. The federal agent failed to contact U.S.
23 Customs and Border Protection to collect and preserve the video.

24
25 This case is very similar to Zaragoza-Moreira. Here, the first responding Officer, T.
26 Murray, P# 13458, would have been wearing a body camera at the time that G.A. and D.A. gave
27 their first statements.
28

1 Both alleged victims then changed their statements in substantial ways. G.A. initially
2 claimed that Mr. Vasquez- Reyes put his penis inside her vagina one week ago. At some point
3 after that, she changed her statement and said that he last sexually penetrated her five months
4 earlier. Interestingly, G.A. was diagnosed with Chlamydia at an unknown period within the
5 timeframe of the first and second story. Mr. Vasquez-Reyes has never been diagnosed with
6 Chlamydia.

7
8 D.A. was initially questioned and said that she was not sexually abused by Mr. Vasquez-
9 Reyes. After her sister's allegations and then subsequent Chlamydia diagnosis, she then changed
10 her story and said she was sexually abused by Mr. Vasquez-Reyes as well.

11 The body camera would have contained both of these inconsistent, exculpatory, original
12 statements. Despite being aware of the inconsistencies and the exculpatory nature of the original
13 stories, the body camera was not preserved.

14
15 Thus, just as in Zaragoza-Moreira, the exculpatory value of the evidence was apparent
16 **prior** to the failure to preserve the body camera footage.

17 **II. THE DEFENDANT IS UNDULY PREJUDICED BY THE LOSS OF THE EVIDENCE IN THIS CASE.**

18 Had the evidence been preserved, Mr. Vasquez-Reyes would have been able to impeach
19 the witnesses with their prior inconsistent statements, as well as been able to introduce D.A.'s
20 statement for the truth of the matter asserted. NRS 51.035 states that where a declarant testifies at
21 trial or hearing and a prior statement is inconsistent with the declarant's testimony, the statement
22 is not hearsay.

23
24 With the loss of the video, the defense cannot introduce it into evidence. Video evidence
25 is both powerful and the best evidence of precisely what was said. In this case, with the video
26 evidence, the defense would have been able to play video of D.A. stating directly that she was
27 *not* sexually abused by Mr. Vasquez-Reyes.
28

1 Similarly, G.A. now claims that the most recent sexual assault happened 5 months prior
2 to her reporting, rather than 1 week prior to her reporting. With the video evidence, the jury
3 could have seen and heard her say he penetrated her vagina with his penis one week prior, as was
4 documented in both the officer's report and the arrest report.

5 With the loss of the video, the defense will have to rely on witness memories on precisely
6 what questions were asked and precisely what answers were given. Given how exculpatory the
7 first statement of D.A. is and the inconsistent nature of the first statement of G.A., Mr. Vasquez-
8 Reyes is unduly prejudiced by the loss.
9

10 CONCLUSION

11 The exculpatory nature of body camera footage was apparent prior to the failure to
12 preserve it. The failure to preserve unduly prejudices Mr. Vasquez-Reyes and this case should be
13 dismissed. In the alternative, Vasquez-Reyes requests this Court grant an evidentiary hearing to
14 determine why the body camera footage is not available.
15

16 DATED this 3rd day of May, 2019.

17 DARIN F. IMLAY
18 CLARK COUNTY PUBLIC DEFENDER

19 By: /s/Mike Feliciano
20 MIKE FELICIANO, #9312
21 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 Dismiss for Failure to Preserve Exculpatory Evidence on for hearing before the Court on the 14th day of May, 2019, at 8:30 a.m. in District Court Department 12.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

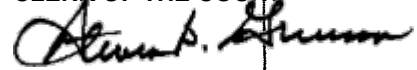
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I hereby certify that service of the above and forgoing Motion to Dismiss for Failure to Preserve Exculpatory Evidence was served via electronic e-filing to the Clark County District Attorney's Office on this 3rd day of May, 2019.

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

DEPARTMENT XII

NOTICE OF HEARING

DATE 5-14-19 TIME 8:30

APPROVED BY PK

**MOTION TO RECONSIDER ADMISSIBILITY OF EVIDENCE VICTIM G.A.
TESTED POSITIVE FOR CHLAMYDIA**

COMES NOW, the Defendant, ARMANDO VASQUEZ-REYES, by and through MIKE
FELICIANO, Deputy Public Defender and hereby files this motion.

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

DATED this 3rd day of May, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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MIKE FELICIANO makes the following declaration:

- I am an attorney duly licensed to practice law in the State of Nevada; I am
Public Defender for the Clark County Public Defender's Office appointed to represent
Mano Vazquez-Reyes in the present matter;

- I am more than 18 years of age and am competent to testify as to the facts herein. I am familiar with the procedural history of the case and the substantive law of the State of Nevada. I also have personal knowledge of the facts stated in the complaint. 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 3rd day of May, 2019.

/s/Mike Feliciano
MIKE FELICIANO

FACTS

Armando Vasquez-Reyes (Vasquez-Reyes) is currently charged with two counts of Lewdness With a Child Under the Age of 14 and eight counts of Sexual Assault With a Minor Under Fourteen Years of Age. The charges are based on allegations of sexual contact made by G.A. and D.A. Vasquez-Reyes is the stepfather of both alleged victims.

On April 16, 2016, Las Vegas Metropolitan Police Department (LVMPD) was dispatched to 2213 Berkley Avenue in Las Vegas. Initially, police were dispatched to investigate a domestic disturbance. While investigating the domestic dispute, G.A. approached police and reported that Vasquez-Reyes had repeatedly sexually assaulted her. G.A. first told first responding officers that the most recent penis to vagina sexual assault had happened one week earlier.

G.A. tested positive for Chlamydia at Sunrise hospital. G.A. at some point changed her statement and said the most recent sexual penetration happened five months earlier. A few weeks later, her older sister, D.A., came forward and said she was also sexually abused by Vasquez-Reyes.

PROCEDURAL HISTORY

On May 29, 2018, the State filed a motion in limine to preclude evidence that G.A. tested positive for chlamydia. Vasquez-Reyes filed an opposition to the motion on June 18, 2018. This Court granted the State's motion on June 19, 2018.

One key fact was not considered at the time of this Court's ruling. Specifically, conflicting evidence as to when G.A. claims she was last sexually assaulted. According to the police report, G.A. said Vasquez-Reyes put his penis in G.A.'s vagina "approximately one week" prior to speaking to police. She made this statement to police on April 16, 2016. The State's motion states that the last time G.A. was sexually penetrated was approximately five month prior to speaking with police. In opposition to the State's motion in limine, Vasquez-Reyes did not include this inconsistency.

ARGUMENT

While this Court previously ruled the fact that G.A. tested positive for chlamydia, it did so based on an incomplete version of the facts of the case. In light of the addition information, the evidence should not be excluded.

Evidence G.A. tested positive for chlamydia is both relevant and admissible.

G.A. told police Vasquez-Reyes put his penis in her vagina approximately one week before she spoke to police. Therefore, evidence regarding her having a sexually transmitted disease is highly relevant as to whether Vasquez-Reyes committed sexual assault because Vasquez-Reyes is charged with having sexual contact with G.A. G.A. tested positive for chlamydia. Vasquez-Reyes was not tested. The State did not seek to have Vasquez-Reyes tested. If the State had sought to have the test performed, and Vasquez-Reyes tested positive for chlamydia, there is no doubt the State would attempt to introduce this at trial. However, that is not the case here. The State did not seek to have Vasquez-Reyes tested. This is not the fault of Vasquez-Reyes. This rule should apply both ways. Not allowing this evidence is unfair and would be a violation of Vasquez-Reyes' right to a fair trial.

Furthermore, the State will undoubtedly attempt to use G.A.'s medical records at trial in order to show abuse occurred. The State has noticed Dr. Sandra Cetl to presumably discuss the finding in G.A.'s medical reports. It is absolutely unfair to allow the State's witnesses to testify about medical records to the extent that it fits the State's theory of the case and hide from the jury the evidence that it not helpful.

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1 **CONCLUSION**

2 Based on the foregoing, Vasquez-Reyes asks this Court to allow evidence of G.A.'s
3 positive chlamydia test into evidence at his trial.

4 DATED this 3rd day of May, 2019.

5 DARIN F. IMLAY
6 CLARK COUNTY PUBLIC DEFENDER

7
8 By: /s/Mike Feliciano
9 MIKE FELICIANO, #9312
10 Deputy Public Defender
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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion to Reconsider Admissibility of Evidence Victim G.A. Tested Positive for Chlamydia on for hearing before the Court on the 14th day of May, 2019, at 8:30 a.m. in District Court Department 12.

DATED this 3rd day of May, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

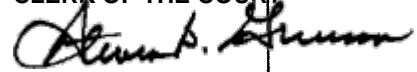
By: /s/Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing Motion to Reconsider Admissibility of Evidence Victim G.A. Tested Positive for Chlamydia was served via electronic e-filing to the Clark County District Attorney's Office on this 3rd day of May, 2019.

District Attorney's Office
E-Mail Address:
Jennifer.Georges@clarkcountydak.com

By: /s/ Annie McMahan
An employee of the
Clark County Public Defender's Office



DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
MIKE FELICIANO, DEPUTY PUBLIC DEFENDER
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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

DEPARTMENT XII

NOTICE OF HEARING

DATE 5-14-19 TIME 8:30

APPROVED BY [Signature]

MOTION TO EXCLUDE IMPROPER EXPERT OPINION

COMES NOW, the Defendant, ARMANDO VASQUEZ-REYES, by and through MIKE FELICIANO, Deputy Public Defender and hereby asks this Honorable Court to limit the testimony of the SANE examiner to relevant scientific and medical findings and exclude opinions that are not medically based or are based on facts that have been ruled inadmissible in this case.

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

DATED this 3rd day of May, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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DECLARATION

MIKE FELICIANO, makes the following declaration:

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

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

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

EXECUTED this 3rd day of May, 2019.

/s/Mike Feliciano
MIKE FELICIANO

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G.A. tested positive for Chlamydia at Sunrise hospital, she then had a SCAN examination done at the Children's Assessment Center by Dr. Sandra Cetl. On page 4 of the "Child/Adolescent: Sexual Abuse / Assault Forensic Medical Examination Report" Dr. Cetl first checked the box indicating probable abuse based upon the fact that the alleged victim has given a statement to law enforcement. Then, that check mark was crossed off and the definite abuse box was checked based upon the Chlamydia diagnosis.

**THE "DEFINITE EVIDENCE OF ABUSE" IMPRESSION INDICATED IN THE
REPORT IS BASED UPON EXCLUDED EVIDENCE AND, THUS, SHOULD NOT BE
ADMISSIBLE AT TRIAL**

3

1 Court granted the motion, precluding the defense from mentioning the fact that G.A. tested
2 positive for Chlamydia in her SCAN examination.

3 Allowing testimony of the definite abuse finding but precluding the defense from cross
4 examining Dr. Cetl about the *reason* for the finding would violate Mr. Vasquez-Reyes'
5 constitutional rights.

6 The Courts have held that prohibiting a defendant from presenting a defense violates his
7 right to due process under the law. Washington v. Texas, 388 U.S. 14, 19, 87 S. Ct. 1920, 1923,
8 18 L. Ed. 2d 1019 (1967). Further, the sixth amendment guarantees the right of the defendant to
9 cross examine the witnesses against him. Pointer v. Texas, 380 U.S. 400, 85 S.Ct. 1065, 13
10 L.Ed.2d 923 (1965).

11
12 In Davis v. Alaska, the United States Supreme Court held that, "The State's desire that a
13 witness fulfill his public duty to testify free from embarrassment and with his reputation
14 unblemished must fall before the right of petitioner to seek out the truth in the process of
15 defending himself." Davis v. Alaska, 415 U.S. 308, 320, 94 S. Ct. 1105, 1112, 39 L. Ed. 2d 347
16 (1974).

17
18 Prohibiting the defense from explaining the reason for a finding of "definitive abuse"
19 would unfairly prejudice Mr. Vasquez-Reyes. As such, the finding of "Definitive Evidence of
20 Abuse" by Dr. Cetl, which was based upon the Chlamydia diagnosis, must be excluded in this
21 case.

22
23 **THE "PROBABLE ABUSE" IMPRESSION INDICATED IN THE REPORT IS AN
IMPROPER OPINION AND SHOULD BE EXCLUDED FROM TRIAL**

24 **I. THE OPINION LACKS FOUNDATION BECAUSE IT IS NOT WITHIN THE SCOPE OF A SANE**
25 **EXAMINER'S EXPERTISE AND IS NOT BASED ON MEDICINE OR SCIENCE**

26 Per the report created in this case, the *sole* basis for a determination of "Probable Abuse"
27 is the fact that G.A. made an allegation to a law enforcement official. There is no medical,
28

1 scientific, or otherwise objective, measurable, basis for the “probable abuse” impression. It is
2 based in whole of the fact that an allegation was made. Thus, proper foundation cannot be laid
3 for the opinion.

4 Pursuant to NRS 50.275:

5 “If scientific, technical or other specialized knowledge
6 will assist the trier of fact to understand the evidence or to
7 determine a fact in issue, a witness qualified as an expert
8 by special skill, experience, training or education **may**
9 **testify to matters within the scope of such knowledge.**”
(emphasis added).

10 In this case, the SCAN examiner is a medical professional. Any testimony and expert
11 opinion rendered must be about matters within the scope of her medical knowledge. The
12 “probable abuse” impression indicated in this case is not based upon medicine. It is based upon
13 the word of G.A. and nothing more. There is simply no specialized knowledge that is being
14 utilized to reach the impression of “probable abuse.”

15 The Nevada Supreme Court squarely addressed issues concerning expert testimony in
16 Hallmark v. Eldridge, 124 Nev. 492, 189 P.3d 646 (2008). The Court noted:

17 “To testify as an expert under NRS 50.275, the witness
18 must satisfy the following three requirements: (1) he or
19 she must be qualified in an area of ‘scientific, technical or
20 other specialized knowledge’ (the qualification
21 requirement); (2) his or her specialized knowledge must
22 ‘assist the trier of fact to understand the evidence or to
23 determine a fact in issue’ (the assistance requirement);
24 and (3) **his or her testimony must be limited to**
25 **‘matters within the scope of [his or her specialized]**
26 **knowledge’** (the limited scope requirement).” (emphasis
27 added)

28 Hallmark, 124 Nev. at 498, 189 P.3d at 650.

The Nevada Supreme Court further explained:

1 “If a person is qualified to testify as an expert under NRS
2 50.275, **the district court must then determine whether**
3 **his or her expected testimony will assist the trier of**
4 **fact in understanding the evidence or determining a**
5 **fact in issue.** An expert’s testimony will assist the trier
6 of fact only when it is relevant and the product of reliable
7 methodology. In determining whether an expert’s
8 testimony is based on reliable methodology. A district
9 court should consider whether the opinion is (1) within a
10 recognized field of expertise; (2) testable and has been
11 tested; (3) published and subject to peer review; (4)
12 generally accepted in the scientific community (not
13 always determinative); and (5) **based more on**
14 **particularized facts rather than assumption,**
15 **conjecture or generalization.”** (emphasis added)

16 Hallmark, 124 Nev. at 500-01, 189 P.3d at 651-52.

17 The “probable abuse” impression indicated in the SCAN fails under every step of this
18 analysis.

19 First, the testimony will not help the trier of fact understand the evidence or determine a
20 fact in issue. Expert testimony is intended to help lay jurors understand concepts outside of the
21 common sense and understanding and knowledge they have as ordinary people. For example, a
22 fact in issue may be whether an individual’s vaginal injuries mean there was definitely a sexual
23 assault. A SANE nurse can explain to a jury that the presence of injuries in the vagina does not
24 necessarily mean that the penetration was forcible. Consensual penetration can also result in
25 injuries. This is not a fact that most lay people know. A SANE nurse in such circumstances
26 would help the jury understand the evidence. That is *not* the case here. The opinion that “there
27 was probably abuse because G.A. said there was abuse” does not help jurors understand some
28 piece of evidence that is outside their understanding as lay people.

Second, there is no “reliable methodology” evidenced for the opinion given. There can be
no “reliable methodology” where the sole basis for an opinion is that an individual made an
allegation. A prong-by-prong analysis is not even necessary where the 5th requirement is that the

1 opinion must be based on particularized facts rather than conjecture or generalization. Basing an
2 entire opinion on the fact that an allegation was made, and so is probably true, is the very
3 definition of assumption, conjecture, and generalization. There are no particularized facts
4 detailed in the report, and there are no particularized facts which exist in this case, which could
5 make this a proper opinion.

6 As such, the opinion fails to meet the requirements of NRS 50. 275 and Hallmark and
7 should be excluded at trial.

8
9 **II. THE OPINION CONSTITUTES IMPROPER VOUCHING AND COMMENTARY UPON THE**
10 **VERACITY OF A WITNESS**

11 An expert may not comment on the veracity of a witness. *See Townsend v. State*, 103
12 Nev. 113, 734 P.2d 705 (1987); Lickey v. State, 108 Nev. 191, 196, 827 P.2d 824, 827 (1992).

13 To allow a witness to do so invades the province of the jury. In Lickey, the Nevada
14 Supreme Court reversed a case involving sexual assault of a child because of improper
15 commentary on the victim's veracity by an expert. The Court also cited to opinions from several
16 other jurisdictions, writing:

17
18 “Other jurisdictions are in accordance with our *Townsend* holding. *See*,
19 *e.g.*, *State v. Bressman*, 236 Kan. 296, 689 P.2d 901 (1984) (expert
20 opinion becomes inadmissible as soon as it passes on credibility of the
21 witness); *State v. Logue*, 372 N.W.2d 151 (S.D.1985) (social worker's
22 testimony that victim probably gained his sexual knowledge from sex with
23 defendant was reversible error); *Gale v. State*, 792 P.2d 570 (Wyo.1990)
24 (expert commentary on child's veracity is plain error). In *Logue*, the court
25 reversed the conviction based on expert testimony similar to that proffered
26 in the instant case because it “lent a stamp of undue legitimacy to [the
27 victim's] testimony.” *Logue*, 372 N.W.2d at 157. We find it persuasive
28 that even in South Dakota, a state so tough on crime that it has the most
severe recidivism penalties in the nation, this evidence was too prejudicial
to permit a conviction to stand.”

Lickey v. State, 108 Nev. 191, 196, 827 P.2d 824, 827 (1992).

1 These citations notably demonstrate examples of what constitutes commentary on a
2 witness' veracity. In Logue, testimony that the victim "probably" gained his sexual knowledge
3 from sex with the defendant was sufficient to warrant reversal and was considered improper
4 commentary. The Nevada Supreme Court highlights that this commentary "lent a stamp of undue
5 legitimacy to [the victim's] testimony." Lickey v. State, 108 Nev. 191, 196, 827 P.2d 824, 827
6 (1992) citing State v. Logue, 372 N.W.2d 151 (S.D.1985).

7
8 Under this standard, an expert may not be called to render a non-medical opinion that
9 G.A.'s allegations are probably true. This is not only commentary on G.A.'s veracity, it is also
10 commentary on the ultimate question of fact in the case.

11 Additionally, "[i]t has long been the general rule that it is improper for one witness to
12 vouch for the testimony of another." Marvelle v. State, 114 Nev. 921, 931, 966 P.2d 151, 157
13 (1998) abrogated on other grounds by Koerschner v. State, 116 Nev. 1111, 1114-17, 13 P.3d
14 451, 454-55 (2000).

15
16 The opinion in this case would be nothing more than vouching. The opinion was not
17 based on physical evidence. There was absolutely no independent scientific or medical evidence
18 at all that led to the conclusion of "probable abuse." Instead, simply because G.A. made an
19 allegation, Dr. Cetl concluded that there was "probable abuse." This is the very definition of
20 vouching. Dr. Cetl is asserting that simply because G.A. said it, it is probably true.

21
22 The credibility, truthfulness, and veracity of the alleged victim are directly at issue in this
23 case. Having a medical professional get on the stand and testify under oath that it is her opinion
24 that G.A. was "probably abused" would improperly vouch for G.A.'s testimony.

25 **III. THE TESTIMONY WOULD BE FAR MORE PREJUDICIAL THAN PROBATIVE.**

26 The Nevada Supreme Court has held that "[T]he threshold test for admissibility of expert
27 testimony turns on whether the expert's specialized knowledge will assist the trier of fact in
28

1 understanding the evidence or an issue in dispute.” Yamaha Motor Co., U.S.A. v. Arnoult, 114
2 Nev. 233, 243, 955 P.2d 661, 667 (1998); citing Townsend v. State, 103 Nev. 113, 118, 734 P.2d
3 705, 708 (1987). Furthermore, “the admissibility of such evidence must also satisfy the
4 prerequisites of all relevant evidence, i.e., that its probative value is not substantially outweighed
5 by its prejudicial effect.” Id.

6 NRS 48.035(1) states that, “Although relevant, evidence *is not* admissible if its probative
7 value is substantially outweighed by the danger of unfair prejudice, of confusion of the issues or
8 of misleading the jury.” NRS 48.035(1) is not a discretionary statute. Where the evidence will
9 confuse, mislead, or cause unfair prejudice, the evidence is not admissible.
10

11 The opinion in this case is highly prejudicial, goes to the ultimate question of fact, and
12 invades upon the province of the jury while providing no new information or medical insight. It
13 is a direct opinion of the defendant’s guilt which provides no assistance to the jury. Lay jurors
14 are just as capable as Dr. Cetl to weigh G.A.’s statement and draw a conclusion on whether there
15 was abuse in this case. Having a medical professional say, “I found that there is probable abuse
16 because G.A. said she was abused” is not probative.
17

18 In contrast, as mentioned above, a medical professional telling a jury that there is
19 “probably abuse” is incredibly unfairly prejudicial to the defendant. It bolsters G.A.’s testimony
20 and creates the impression that a neutral 3rd party, a medical professional, believes that
21 something happened to G.A. In reality, the jury will have heard more evidence and know more
22 about the case than Dr. Cetl did at the time of rendering the opinion. Whether abuse happened in
23 this case is a question of fact for the jury and should be left to the jury to decide without
24 prejudicial testimony suggesting that a medical professional knows more than them and knows
25 that it happened.
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If this Honorable Court is not inclined to exclude either opinion, then the defense requests a hearing outside the presence prior to the witness' testimony to determine whether there is proper, admissible, foundation for these opinions.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Mike Feliciano
MIKE FELICIANO, #9312
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 on for hearing before the Court on the 14th day of May, 2019, at 8:30 a.m. in District Court Department 12.

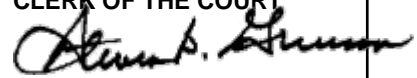
DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing Motion to Exclude Improper Expert Opinion was served via electronic e-filing to the Clark County District Attorney's Office on this 3rd day of May, 2019.

I hereby certify that service of the above and forgoing Motion to Exclude Improper Expert Opinion was served via electronic e-filing to the Clark County District Attorney's Office on this 3rd day of May, 2019.

By: /s/ Annie McMahan
An employee of the
Clark County Public Defender's Office



SLOW
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**

STATE'S FOURTH SUPPLEMENTAL 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:

*indicates additional witness(es) and/or modification(s)

*ABUKAMIL, RAMI M.D.; STEIN FORENSIC HOSPITAL, 1090 WIGWAM #100, LVN; Will testify as an expert as to the observations and psychological testing of Defendant on or about July 27, 2018 as well as Defendant's demonstrated and/or cognitive ability on or about that date, as well as limitations in ascertaining cognitive ability through observation and testing; will also testify in rebuttal as to Defendant's Expert Dr. Greg Harder.

1 ALVAREZ, MAEL

2 CASINOVA, DR EFRIN; UNIVERSITY MEDICAL CENTER/CCDC; Will testify as
3 to the medical records of ARMANDO VASQUEZ-REYES; the symptoms of diabetes and
4 high blood pressure, and the effect of such symptoms on an individual; the physical and
5 mental condition of ARMANDO VASQUEZ-REYES at the time of his arrest, and
6 subsequently as demonstrated by his medical records and audio/video of a statement given by
7 him to police at approximately the same time as his arrest.

8 CETL, DR SANDRA; SNCAC/SUNRISE HOSPITAL; Will testify as an expert as to
9 the nature, process and limitations of sexual assault examinations, and/or as to the sexual
10 assault examination(s) conducted in the instant case.

11 COR or Designee; CCDC

12 COR or Designee; LVMPD COMMUNICATIONS

13 COR or Designee; LVMPD RECORDS

14 *COR or Designee; SOUTHERN NEVADA ADULT MENTAL HEALTH
15 SERVICES/STEIN FORENSIC HOSPITAL, 6161 W CHARLESTON BLVD, LVN 89146

16 COR or Designee; SUNRISE HOSPITAL

17 CORRAL, MARIA; LVMPD#12133; Will testify as an expert in Spanish/English
18 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

19 DEVILLEZ, AMANDA PH.D.; STEIN FORENSIC HOSPITAL, 1090 WIGWAM
20 #100, LVN; Will testify as an expert as to the observations and psychological testing of
21 Defendant on or about July 27, 2018 as well as Defendant's demonstrated and/or cognitive
22 ability on or about that date, as well as limitations in ascertaining cognitive ability through
23 observation and testing; will also testify in rebuttal as to Defendant's Expert Dr. Greg Harder.

24 G.A.; c/o CCDA-SVU/VWAC

25 GABRON; LVMPD#05542

26 EKROOS, DR RACHELL; UNLV SCHOOL OF NURSING; Will testify as an expert
27 as to the nature, process and limitations of sexual assault examinations, and/or as to the sexual
28 assault examinations conducted in the instant case.

1 KAPEL, LAWRENCE, PH.D; STEIN FORENSIC HOSPITAL, 1090 WIGWAM
2 #100, LVN; Will testify as an expert as to the observations and psychological testing of
3 Defendant on or about July 27, 2018 as well as Defendant's demonstrated and/or cognitive
4 ability on or about that date, as well as limitations in ascertaining cognitive ability through
5 observation and testing; will also testify in rebuttal as to Defendant's Expert Dr. Greg Harder.

6 LEON, RUTH; CCDA-SVU INVESTIGATIONS

7 *MALONE, DR ALEX; UNIVERSITY MEDICAL CENTER/CCDC; Will testify as
8 to the medical records of ARMANDO VASQUEZ-REYES; the symptoms of diabetes and
9 high blood pressure, and the effect of such symptoms on an individual; they physical and
10 mental condition of ARMANDO VASQUEZ-REYES at the time of his arrest, and
11 subsequently as demonstrated by his medical records and audio/video of a statement given by
12 him to police at approximately the same time as his arrest.

13 MARTINEZ, YANNET, C/O DISTRICT ATTORNEY'S OFFICE

14 MURRAY; LVMPD#13458

15 PARENT/GUARDIAN of G.A.; c/o CCDA-SVU/VWAC

16 *PINTO; LVMPD#13729

17 PRETTI; LVMPD#09639

18 RAMOS, DR. JIMMY; NEM MEDICAL CENTER, 2670 LAS VEGAS
19 BOULEVARD NORTH #109, NLV 89030; Will testify as an expert as to the examination,
20 treatment, observations and diagnosis of Defendant.

21 R.C.; c/o CCDA-SVU/VWAC

22 RETA, MYRA; CCDA VWAC; Will testify as to Will testify as an expert in
23 Spanish/English translation and/or as to the Spanish/English translation(s) conducted in the
24 instant case.

25 *ROLEY, LIA PSY.D.; STEIN FORENSIC HOSPITAL, 1090 WIGWAM #100,
26 LVN; Will testify as an expert as to the observations and psychological testing of Defendant
27 on or about July 27, 2018 as well as Defendant's demonstrated and/or cognitive ability on or
28 about that date, as well as limitations in ascertaining cognitive ability through observation and

1 testing; will also testify in rebuttal as to Defendant's Expert Dr. Greg Harder.

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

3 SUTTON, CLAUDIA; LVMPD#07863; Will testify as an expert in Spanish/English
4 translation and/or as to the Spanish/English translation(s) conducted in the instant case.

5 THEOBALD; LVMPD#06468

6 TORRES, SERGIO, C/O DISTRICT ATTORNEY'S OFFICE

7 These witnesses are in addition to those witnesses endorsed on the Information or
8 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
9 Witnesses has been filed.

10 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

13
14 BY /s/ JAMES R. SWEETIN
15 JAMES R. SWEETIN
16 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 6th day of MAY,
2018, to:

MIKE FELICIANO, DPD
mcmahaae@ClarkCountyNV.gov

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

hjc/SVU



NEVADA STATE BOARD OF MEDICAL EXAMINERS

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Licensee Details

Person Information

Name: Rami
ABUKAMIL
6161 W.
Address: Charleston
Blvd, Bldg 3
Las Vegas
NV 89146
Phone: 7024866266

License Information

License Type: Medical Doctor
License Number: 18211 Status: Active
Issue Date: 8/20/2018 Expiration Date: 6/30/2019

Scope of Practice

Scope of Practice: Psychiatry

Education & Training

School: Med Univ of the Americas / Nevis, West Indies
Degree\Certificate: Transferred
Date Enrolled: 1/7/2008
Date Graduated: 5/1/2009
Scope of Practice:

School: Un of St Eustatius SOM / St Eistatius, West Indies
Medical
Degree\Certificate: Doctor
Degree
Date Enrolled: 5/11/2009
Date Graduated: 2/4/2013
Scope of Practice:

School: Detroit Med Ctr Wayne State Univ / Detroit, MI
Degree\Certificate: Residency
Date Enrolled: 7/1/2013
Date Graduated: 6/30/2017
Scope of Practice: Psychiatry

School: Psychiatry

Degree\Certificate: American
Board

Date Enrolled:

Date Graduated: 9/18/2017

Scope of Practice: Psychiatry

School: Univ of Cincinnati Med Ctr COM Pr / Cincinnati,
OH

Degree\Certificate: Fellowship

Date Enrolled: 7/1/2017

Date Graduated: 6/30/2018

Scope of Practice: Forensic Psychiatry

CURRENT EMPLOYMENT

STATUS/CONDITIONS/RESTRICTIONS ON LICENSE AND MALPRACTICE INFORMATION

NONE

Board Actions

NONE

Please note that the settlement of a medical malpractice action may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the provider. Therefore, there may be no disciplinary action appearing for a licensee even though there is a closed malpractice claim on file. A payment in the settlement of medical malpractice does not create a presumption that medical malpractice occurred. Sometimes insurance companies settle a case without the knowledge and/or agreement of the physician. This database represents information from insurers to date. Please note: All insurers may not have submitted claim information to the Board.

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Licensee Details

Person Information

Kirk
 Name: Alexander
 MALONE
 1409 E.
 Address: Lake Mead
 Blvd.
 North Las
 Vegas NV
 89030
 Phone: 7026575512

License Information

License
 Type: Medical Doctor
 License
 Number: 11053 Status: Active
 Issue
 Date: 7/14/2004 Expiration
 Date: 6/30/2019

Scope of Practice

Scope of Practice: Emergency Medicine

Education & Training

School: University of Nevada SOM / Reno, NV
 Medical
 Degree\Certificate: Doctor
 Degree
 Date Enrolled:
 Date Graduated: 5/21/2001
 Scope of Practice:

School: University Medical Center / Tucson , Arizona
 Degree\Certificate: Residency
 Date Enrolled: 7/1/2001
 Date Graduated: 6/30/2004
 Scope of Practice: Emergency Medicine

CURRENT EMPLOYMENT
 STATUS/CONDITIONS/RESTRICTIONS ON LICENSE AND
 MALPRACTICE INFORMATION

NONE

Lia Clemente Roley, Psy.D.

LRoley@health.nv.gov 702-486-7955
6161 West Charleston Blvd., Las Vegas, NV 89146

Education

- | | |
|-------------|---|
| 2010 | Doctorate in Clinical Psychology
Argosy University
Phoenix, AZ
APA Accredited |
| 2008 | Master of Arts in Clinical Psychology
Argosy University
Phoenix, AZ
APA Accredited |
| 2005 | Master of Arts in Special Education and Rehabilitation Counseling
University of Arizona
Tucson, AZ |
| 2002 | Bachelor of Arts in Psychology and Anthropology
University of Arizona
Tucson, AZ |

Professional Experience

- | | |
|------------------------|---|
| 05/2017-present | Stein Forensic Facility
Las Vegas, NV |
|------------------------|---|

Responsibilities

- Conduct competency to stand trial evaluations for the Eighth Judicial District Court of Clark County.
- Participate on a multidisciplinary treatment team and assess patient's psychiatric symptoms and barriers towards competency restoration.
- Develop behavioral interventions to address maladaptive patient behaviors.

- | | |
|--------------------------|---|
| 01/-2017- 03/2017 | Eight Judicial District Court of Clark County
Las Vegas, NV |
|--------------------------|---|

Responsibilities

- Conducted five competency to stand trial evaluations at Clark County Detention Center every two weeks for the Eighth Judicial District Court of Clark County. Activities involved in the assessment included a forensic interview, record review, report writing, and psychological

testing. Psychological tests utilized during some of the evaluations included the Miller Forensic Assessment of Symptoms Test (MFAST) and the Inventory of Legal Knowledge (ILK).

06/2016-12/2016

Desert Psychological
Las Vegas, NV

Responsibilities

- Conducted five Compensation and Pension evaluations weekly for active duty military personnel and veterans. Evaluation activities included a clinical interview, report writing, and record review.

11/2011-04/2013

HealthSouth East Valley Rehabilitation Hospital
Mesa, AZ

Responsibilities

- Provided clinical assessment and brief counseling interventions for approximately 15 individuals per week who presented with co-occurring medical and mental health symptoms.
- Consulted with multidisciplinary staff regarding patient care, psychological assessments and interventions.
- Conducted cognitive evaluations for individuals who experienced cerebrovascular accidents, traumatic brain injury, and other neurological conditions. Activities involved in the assessment included a clinical interview, record review, and report writing. I also utilized brief neuropsychological tests during the evaluation including the Repeatable Battery for the Assessment of Neuropsychological Status (RBANS), Hopkins Verbal Learning Test (HVLT), Neurobehavioral Cognitive Status Examination (COGNISTAT), and The Brief Neuropsychological Cognitive Exam (BNCE).

12/2010-04/2013

Arizona Behavioral Health Specialists
Phoenix, AZ

Responsibilities

- Provided counseling and psychotherapy to approximately 25 adolescents and adults per week in a private practice setting. Mental health services were provided to individuals with a variety of psychiatric disorders including depression, anxiety, psychotic disorders, substance abuse, and personality disorders. Cognitive Behavioral Therapy (CBT), biofeedback, and Eye Movement Desensitization and Reprocessing (EMDR) were some of the interventions utilized.

- I also conducted psychological evaluations for individuals who were seeking Social Security Disability Income (SSDI). Activities involved in SSDI assessments included a clinical interview and report writing.

03/2011-01/2012

Midwestern University
Glendale, AZ

Responsibilities

- Copy editor for approximately five clinical psychology doctoral student dissertations. I provided editorial feedback and suggestions in accordance with the American Psychological Association citation and format style.
- Taught the course “Stress Management” to doctorate level clinical psychology students. I prepared lectures and coursework for students enrolled in the course which included review of textbooks, development of power point presentations, and scheduling of presenters to assist in students’ knowledge of the subject. I also provided evaluation and feedback to students enrolled in the course regarding their performance on required course assignments, such as research papers and presentations.

10/2008-06/2009

Arizona Behavioral Health Specialists
Phoenix, AZ

Responsibilities

- Conducted weekly psychological testing for individuals applying for SSDI. Test administered included the WAIS-IV and WMS-III. Reviewed the results of the psychological tests and provided scores for each test measure.

Postdoctoral/Internship/Practicum Experience

10/2010-10/2011

Desert Psychological Associates
Phoenix, AZ

Responsibilities

- Provided counseling and psychotherapy to adults who experienced a variety of psychiatric disorders including depression, anxiety, substance abuse, and personality disorders. Mental health services were also provided to individuals who experienced chronic pain and co-occurring medical and mental health issues.
- Provided weekly competency restoration education for defendants found incompetent to stand trial by the Maricopa County Superior Courts. I provided educational services for approximately 10

defendants each week and provided feedback about their competency restoration progress.

- Conducted weekly psychological evaluations for individuals who were seeking implantation of spinal cord stimulators and gastric bypass surgeries. Evaluation activities included report writing, record review, and psychological testing. Psychological tests utilized included the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) and the Beck Depression Inventory (BDI).
- Facilitated weekly support groups for individuals who had undergone gastric bypass surgeries. Topics of the group included emotional overeating, body image, and coping with the medical and psychological aspects of gastric bypass procedures.
- Provided clinical psychological evaluations and counseling interventions for individuals admitted to HealthSouth East Valley Rehabilitation Hospital who presented with co-occurring medical and mental health symptoms.
- Conducted cognitive evaluations for individuals who experienced cerebrovascular accidents, traumatic brain injury, and other neurological conditions. Activities involved in the assessment included interview, discussions with collateral contacts, record review, report writing and use of brief neuropsychological testing. Tests utilized included the Repeatable Battery for the Assessment of Neuropsychological Status (RBANS), Hopkins Verbal Learning Test (HVLT), Neurobehavioral Cognitive Status Examination (COGNISTAT), and The Brief Neuropsychological Cognitive Exam (BNCE).

07/2009-07/2010

Mississippi State Hospital
Whitfield, MS

Responsibilities

- Provided general biofeedback for three months to approximately 20 patients. The patients who received the services experienced a variety of psychiatric disorders including substance abuse, depression, and anxiety. Biofeedback services were implemented on a weekly basis. Modalities of biofeedback that were utilized included Heart Rate Variability, skin conductance, thermal biofeedback, respiration, electromyography, and electroencephalography.
- Provided forensic assessment and treatment services on the Forensic Unit. I participated in approximately 30 outpatient competency to stand trial evaluations as part of a multidisciplinary team. My duties on the team included administration of psychological testing and forensic interviewing. Psychological tests administered included the Rey 15-Item Memory Test (RMT), Miller Forensic Assessment of Symptoms Test (MFAST), Test of Memory Malingering (TOMM), and the

Weschler Adult Intelligence Scale, Fourth Edition (WAIS-IV). I also provided psychotherapy and counseling for three patients adjudicated not guilty by reason of insanity (NGRI) and conducted weekly competency to stand trial restoration groups.

- Provided behavioral consultation to approximately 10 patients who experienced medical, cognitive, and co-occurring psychiatric disorders. Behavioral consultations included the development of interventions that could be implemented to assist in the management of the patient's identified maladaptive behaviors. Patient interventions were implemented on a weekly basis.
- Provided child and adolescent psychotherapy to approximately 10 individuals ranging in age from 5 to 16 who were admitted to the Child and Adolescent Unit.
- Co-facilitated weekly social skills training groups for children ages 4 to 8.
- Participated in weekly multidisciplinary staff meetings and developed behavioral intervention treatment plans to address maladaptive behaviors of patients on the unit.
- Conducted psychological assessment of eight children and adults to determine the presence of cognitive and psychiatric disorders. Activities involved in the assessment included a clinical interview, record review, consultation with multidisciplinary staff members, and report writing. Psychological testing was also utilized and included the administration of The Dementia Rating Scale-2 (DRS-2), Weschler Adult Intelligence Test-Fourth Edition (WAIS-IV), The Wide Range Achievement Test Fourth Edition (WRAT-4) Word Reading and Sentence Comprehension subtests, Kaplan Baycrest Neurocognitive Assessment (KBNA), the Wisconsin Card Sorting Test (WCST), Go-No-Go Test, Minnesota Multiphasic Personality Inventory-Adolescent (MMPI-A), Revised Children's Manifest Anxiety Scale (RCMAS), and the Millon Clinical Multi-Axial Inventory III (MCMI-III).

08/2007-08/2008

Salvation Army Adult Rehabilitation Center (ARC)
Phoenix, AZ

Responsibilities

- Provided weekly individual psychotherapy and counseling for approximately five clients per week and developed treatment plans based on individual needs. Clients presented with substance abuse disorders and frequently had co-occurring psychiatric disorders.
- Conducted weekly relapse prevention groups for residents and topics included triggers for relapse, use of social supports, self-care, and managing feelings and emotions.
- Conducted weekly psychosocial assessments and intake interviews for residents admitted to the program.

09/2006-07/2007 **Biltmore Evaluation and Treatment Services (BETS)**
Phoenix, AZ

Responsibilities

- Conducted weekly forensic psychological evaluations for individuals involved in Child Protective Services for the Superior Court of Maricopa County. Assessment activities included a forensic interview, record review, and report writing. Use of psychological tests, such as the MMPI-2 and the Thematic Apperception Test (TAT) was also utilized.

01/2005-05/2005 **The Haven**
Tucson, AZ

Responsibilities

- Provided weekly individual psychotherapy and counseling for approximately eight clients per week and developed treatment plans based on individual needs. Clients presented with substance abuse disorders and frequently had co-occurring psychiatric disorders.
- Conducted group psychotherapy on a weekly basis to clients admitted to the program.
- Taught “Life Skills” group to residents of the program, which included finding employment, resume development, and interviewing skills.

01/2004-05/2004 **La Frontera’s ADMIRE PLUS**
Tucson, AZ

Responsibilities

- Provided weekly individual and group psychotherapy to clients with co-occurring serious mental illness and substance abuse disorders.

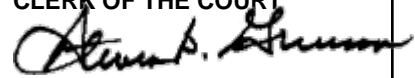
Licensure/Certification

2018 **Certification as an Examiner for Competency to Stand Trial by
The Nevada Division of Public and Behavioral Health**

2013 **Nevada Licensed Psychologist #PY0693**

2010 **Arizona Licensed Psychologist #4151 (voluntary inactive)**

2012 **Completed Weekend 1 and 2 of EMDR Training**



1 **OPPS**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JAMES R. SWEETIN
6 Chief Deputy District Attorney
7 Nevada Bar #005144
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO RECONSIDER**
18 **ADMISSIBILITY OF EVIDENCE VICTIM G.A. TESTED POSITIVE**
19 **FOR CHLAMYDIA**

20 DATE OF HEARING: **MAY 14, 2019**
21 TIME OF HEARING: **8:30 A.M.**

22 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
23 through JAMES R. SWEETIN, Chief Deputy District Attorney, and hereby submits this
24 Opposition to Defendant's Motion to Reconsider Admissibility of Evidence Victim G.A.
25 testified Positive for Chlamydia.

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

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1 **STATEMENT OF FACTS RELEVANT TO THIS OPPOSITION**

2 Defendant, ARMANDO VASQUEZ-REYES is charged by way of Criminal
3 Information with two (2) counts of Lewdness with a Child Under the Age of 14 (Category A
4 Felony – NRS 201.230) and eight (8) counts of Sexual Assault with a Minor Under Fourteen
5 Years of Age (Category A Felony – NRS 200.364, 200.366). The crimes occurred on or
6 between January 21, 2007 and December 31, 2015. The victims are G.A. and D.A.

7 The facts of this case are such that on April 16, 2016, LVMPD Patrol Officers
8 responded to a domestic dispute at 2213 Berkley Avenue, Las Vegas, Nevada 89101. Details
9 of the call stated that the dispute was between the caller and Defendant (her husband). While
10 the police officers were investigating the dispute, they were approached by the caller's
11 daughter, the victim in this case, who asked the officers if she could speak with them away
12 from the family. Officers agreed and spoke to G.A., away from her family members. G.A.
13 told the officers that Defendant (her step-father) had been sexually abusing her "her whole
14 life." She went on to tell them that Defendant had repeatedly sexually assaulted her by putting
15 his penis inside her vagina, with the most recent occurring one week prior. Based upon G.A.'s
16 statement, patrol officers contacted LVMPD Sex Crimes Detective M. Pretti, who responded
17 to the scene along with Spanish Interpreter, M. Corral, P#12133.

18 Due to the number of family members present, and the fact there was no active crime
19 scene, Detective Pretti determined the investigation would be better suited to the interviews
20 being conducted in a more sterile environment at the LVMPD Headquarters. With the
21 assistance of the interpreter, Detective Pretti explained to Defendant that there had been some
22 allegations made against him and he would like to speak with Defendant about them at
23 LVMPD headquarters and requested that Defendant consent to be transported to LVMPD HQ,
24 which he granted verbally. Detective Pretti explained to Defendant that he would be
25 transported in a marked LVMPD patrol vehicle, and that he would be handcuffed, as is
26 LVMPD policy, to which Defendant agreed.

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1 Detective Pretti then spoke with G.A. and her mother, with the assistance of the
2 interpreter, and requested that they respond to LVMPD HQ to participate in interviews, to
3 which they both agreed.

4 In the interview with G.A. she told Detective Pretti that Defendant has been sexually
5 abusing her for as long as she has known him. G.A. stated that she has known Defendant from
6 the time she was five or six years old, when she moved to Las Vegas from Mexico. At time
7 G.A. moved here to Las Vegas, her mother was already living here and had been dating
8 Defendant.

9 The first incident G.A. recalled happening occurred when she was very small.
10 Defendant told her to come into his room and not to tell her mother because she would get into
11 trouble. Defendant told her to touch his penis and “make him feel good.” G.A. described
12 Defendant telling her to touch his penis and move her hand up and down, masturbating him.
13 G.A. told Detective Pretti that Defendant has been sexually assaulted by Defendant from the
14 time she was five or six years old; and, he had anally assaulted her approximately thirty (30)
15 times. Defendant would sexually assaulted G.A. while her mother was at work, and while her
16 brother and sister were out of the house with friends.

17 G.A. described an incident that happened in one their old homes near Bridger Middle
18 School, where Defendant sexually assaulted her in the laundry room of the house. On that
19 occasion, G.A. was in the laundry room doing laundry for her and her sister. Defendant came
20 into the room, took off her clothes, and anally assaulted her with his penis. G.A. stated that
21 her brother and sister were both home but were in their rooms watching television.

22 G.A. stated that Defendant has had vaginal intercourse with her on at least two
23 occasions, the most recent being around November 2015. When that occurred, G.A. stated
24 that she told Defendant to stop because it was causing her pain.

25 G.A. described an incident that occurred approximately one week prior, where
26 Defendant touched her buttocks, over her clothes. The last sexual assault occurred in
27 several months prior, in November 2015. Defendant called G.A. into his room and asked her
28 to watch a movie with him. G.A. was laying on the bed with Defendant when he began

1 touching her hands and arms and G.A. told him to stop. Defendant told her it was alright and
2 began taking her clothes off, grabbing her breasts, buttocks, and vagina. Defendant then took
3 off his own clothes and inserted his penis into her anus, without a condom, until he ejaculated.
4 G.A. pushed Defendant off of her, left the room, and went to take a shower. G.A. stated that
5 she has become more agitated and aggressive with her family since the incident because she
6 feels disgusted about what Defendant has done to her. G.A. stated that she has cut herself in
7 the past and has had suicidal thoughts because of the Defendant's sexual abuse of her.

8 G.A. stated that she was afraid to tell her mom because she thought her mother would
9 judge her and she was afraid her mother might think that G.A. was trying to steal her husband.
10 G.A. stated that she decided to tell the police because she was scared of Defendant and she
11 was afraid that he would hit her mother or someone else because he was angry about the
12 (domestic) incident that occurred at the residence earlier, regarding the tools.

13 With the assistance of the interpreter, Detective Pretti explained to G.A.'s mother that
14 G.A. had disclosed being sexually abused by Defendant from the time she first moved to Las
15 Vegas from Mexico. G.A.'s mother stated that G.A. moved to Las Vegas in 2007 and that she
16 did not believe that G.A. would lie about these things. She further stated that G.A. had been
17 more agitated and aggressive in the last few months and agreed to take her to Sunrise Hospital
18 for a medical exam.

19 G.A.'s sister, D.A., testified at the preliminary hearing in this matter, that when she was
20 twelve years old and they lived on Stafford Street, Defendant called her into his bedroom,
21 removed her clothes and his clothes, and inserted his penis into her vagina. D.A. testified that
22 this happened one time.

23 **STATEMENT OF THE CASE RELEVANT TO THIS SUPPLMENT**

24 On May 29, 2018, the State filed a Motion to Preclude Evidence that Victim G.A.
25 testified Positive for the Sexually Transmitted Disease Chlamydia.

26 On June 18, 2018, Defendant filed an opposition to the State's motion.

27 On June 19, 2018, the Court granted the State's motion.

28 On June 25, 2018, an Order granting the State's motion was filed with the Court.

On May 3, 2019, Defendant filed a Motion to Reconsider the Admissibility of Evidence Victim G.A. testified positive for Chlamydia. The State's Opposition follows.

LEGAL ARGUMENT

I. EDCR 2.24 PRECLUDES RECONSIDERATION OF THE COURT'S PREVIOUS GRANT OF THE STATE'S MOTION TO PRECLUDE EVIDENCE THAT VICTIM G.A. TESTED POSITIVE FOR CHLAMYDIA

Generally, matters that have been heard and disposed of shall not be renewed in the same cause, nor shall such matters be reheard. EDCR 2.24(a). Furthermore, a party seeking reconsideration of a ruling of the court..."must file a motion for such relief within 10 days after services of written notice of the order or judgement unless the time is shortened or enlarged by order..." See generally, EDCR 2.24(b). Defendant's motion to reconsider is untimely by approximately eleven (11) months from the filing of the June 25, 2018 order granting the State's motion and should not be re-considered by this Court for that reason alone.

II. NO NEW CIRCUMSTANCES EXISTS FOR THIS COURT'S RECONSIDERATION

In this case, the District Court has been previously briefed by both parties as it relates to the admission of evidence of the victim testing positive for Chlamydia and issued an order granting the State's motion to keep it out. Furthermore, the statements of the victim to the patrol officer, and later to the police, were known to all parties long before the State filed the motion in June 2018. Any trial testimony elicited from Dr. Cetl will focus on the results of the victim's sexual assault examination. The State will certainly not be eliciting testimony from the witness regarding the victim testing positive for an STD, having previously filed a motion to preclude such evidence which was subsequently granted by this Court.

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CONCLUSION

Based upon the above, the State respectfully requests Defendant’s Motion to Reconsider Admissibility of Evidence Victim G.A. Tested Positive for Chlamydia be DENIED.

DATED this 9th day of May, 2019.

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar #001565

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

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 9th day of May, 2019, to:

MIKE FELICIANO, ESQ.
Deputy Public Defender
Email address:feliciam@ClarkCountyNV.gov

Ann McMahan, Secretary
Office of the Public Defender
Email address: mcmahaae@ClarkCountyNV.gov

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

hjc/SVU

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STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd 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

17
18
1920
21

AUDREY CONWAY
WILLIAM M. WATERS

23

BY /s/Rachel Howard
Employee, Clark County Public Defender's Office

28