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Respondent.

Docket 80293 Document 2020-31638

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ARMANDO VASQUEZ-REYES
Case No. 80293

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Felony/Gross Misdemeanor

COURT MINUTES

May 22, 2018

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

May 22, 2018 08:30 AM All Pending Motions (5/22/2018)

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Botzenhart, Susan

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Jennifer M. Clemons	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Public Defender	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Deft. present in custody with assistance from Certified Spanish Court Interpreter, Maria Peralta De Gomez.

CALENDAR CALL...DEFT'S MOTION TO SUPPRESS DEFT'S STATEMENT...STATE'S MOTION TO STRIKE DEFT'S EXPERT DUE TO UNTIMELY NOTICE

CONFERENCE AT BENCH. COURT ORDERED, trial date VACATED; Deft's Motion CONTINUED; matter SET for status check; and State's Motion To Strike Deft's Expert Due To Untimely Notice is MOOT. State to file written Opposition to Deft's Motion to suppress, if not already done so.

CUSTODY

6/05/18 8:30 A.M. DEFT'S MOTION TO SUPPRESS DEFT'S STATEMENT...STATUS CHECK: RESET TRIAL DATE

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2018

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

June 05, 2018 08:30 AM All Pending Motions (6/05/18)

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Botzenhart, Susan

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
Jennifer M. Clemons	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Public Defender	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

STATUS CHECK: RESET TRIAL DATE...DEFENDANT'S MOTION TO SUPPRESS DEFENDANT'S STATEMENT

Defendant present in custody with assistance from Certified Spanish Court Interpreter, Michelle Roth. CONFERENCE AT BENCH. COURT ORDERED, trial date RESET; Defendant's Motion to suppress CONTINUED. Mr. Feliciano inquired if the trial will start July 23, 2018 with jury selection, and if this case is the first and only case set on calendar for trial that week. Court confirmed yes. Defendant made statements; and asked why the trial keeps getting delayed. Court noted for the record trial is set.

CUSTODY

6/19/18 8:30 A.M. STATE'S MOTION IN LIMINE TO PRECLUDE EVIDENCE THAT VICTIM G A TESTED POSITIVE FOR THE SEXUALLY TRANSMITTED DISEASE CHLAMYDIA...DEFENDANT'S MOTION TO SUPPRESS DEFENDANT'S STATEMENT

7/17/18 8:30 A.M. CALENDAR CALL

7/23/18 8:30 A.M. TRIAL BY JURY (START TIME SET AT REQUEST OF COURT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 19, 2018

C-16-316382-1 State of Nevada
vs
ARMANDO VASQUEZ-REYES

**June 19, 2018 8:30 AM All Pending Motions
(6/19/2018)**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Clemons, Jennifer M.	Deputy District Attorney
	Feliciano, Mike	Deputy Public Defender
	Public Defender	
	State of Nevada	Plaintiff
	Sweetin, James R.	Chief Deputy District Attorney
	VASQUEZ-REYES, ARMANDO	Defendant

JOURNAL ENTRIES

Deft. present in custody with assistance from Certified Spanish Court Interpreter, Alicia Herrera.

STATE'S MOTION IN LIMINE TO PRECLUDE EVIDENCE THAT VICTIM G.A. TESTED POSITIVE FOR THE SEXUALLY TRANSMITTED DISEASE CHLAMYDIA

Court reviewed Deft's Opposition filed yesterday. COURT ORDERED, Motion GRANTED. State to prepare order.

DEFT'S MOTION TO SUPPRESS DEFT'S STATEMENT

Arguments by parties regarding defense counsel's claim about unlawful arrest, Deft's statements to

PRINT DATE: 06/19/2018

Page 1 of 2

Minutes Date: June 19, 2018

police, and detainer. Court stated it will allow defense counsel to explore on this issue further, and Court will handle this motion at time of trial. COURT ORDERED, Motion CONTINUED.

CUSTODY

7/17/18 8:30 A.M. CALENDAR CALL

7/23/18 8:30 A.M. TRIAL BY JURY....DEFT'S MOTION TO SUPPRESS DEFT'S STATEMENT

Felony/Gross Misdemeanor

COURT MINUTES

July 17, 2018

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

July 17, 2018 08:30 AM Calendar Call

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Kearney, Madalyn

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES Defendant

James R Sweetin Attorney for Plaintiff

Mike Feliciano Attorney for Defendant

State of Nevada Plaintiff

JOURNAL ENTRIES

Spanish Interpreter, Alex Avants, present.

Request for Competency Evaluation provided to the Court. Mr. Feliciano advised he has no choice other than referring Deft. to Competency Court. COURT ORDERED, matter REFERRED to Competency Court and all upcoming matters VACATED. Mr. Sweetin added the State would have been ready to proceed to trial.

8/10/18 9:00 AM FURTHER PROCEEDINGS: COMPETENCY

Felony/Gross Misdemeanor

COURT MINUTES

August 17, 2018

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

August 17, 2018 09:00 AM Further Proceedings: Competency

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK: Trujillo, Athena

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
Glen O'Brien	Attorney for Plaintiff
Jessica W. Murphy	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Also present: Spanish Interpreter Ximena Fiene.

Ms. Murphy advised this is Ms. Hojjat's case and requested it be trailed. Matter TRAILED.

Matter RECALLED. Ms. Murphy advised Ms. Hojjat is requesting a 30 day continuance to schedule a MRI, noting final approval was just received. COURT ORDERED, matter SET for status check.

CUSTODY

9/14/18 9:00 AM STATUS CHECK: MRI

Felony/Gross Misdemeanor

COURT MINUTES

September 14, 2018

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

September 14, 2018 09:00 AM Status Check: MRI

HEARD BY: Bell, Linda Marie COURTROOM: RJC Courtroom 10C

COURT CLERK: Tapia, Michaela

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES Defendant

Claudia Romney Attorney for Defendant

Glen O'Brien Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Appearances Continued: Kimberly Alexander of the Specialty Courts present. Spanish Interpreter, Yul Hassman, present.

Court NOTED Drs. Colosimo and Harder indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he/she is not capable of understanding the charges against him/her and is unable to assist counsel in his/her defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings.

CUSTODY (L.C.)

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2018

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

November 16, 2018 09:00 AM Further Proceedings: Competency-Return From Stein

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK: Trujillo, Athena

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
Claudia Romney	Attorney for Defendant
Glen O'Brien	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Also present: Kimberly Alexander of the Specialty Courts.

There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him / her and is able to assist counsel in his / her defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings.

CUSTODY

11/27/18 8:30 am FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT DEPT. 12

Felony/Gross Misdemeanor

COURT MINUTES

November 27, 2018

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

November 27, 2018 08:30 AM Further Proceedings: Competency - Return From Lakes Crossing

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Botzenhart, Susan

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES

Defendant

James R Sweetin

Attorney for Plaintiff

Mike Feliciano

Attorney for Defendant

Public Defender

Attorney for Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

Deft. present in custody with assistance from Certified Spanish Court Interpreter, Jeff Hanks. COURT ORDERED, trial date SET. Mr. Sweetin noted for the record the Jackson vs. Denno hearing was initially going to be heard first day of trial. Court confirmed yes.

CUSTODY

3/12/19 8:30 A.M. CALENDAR CALL

3/19/19 1:30 P.M. TRIAL BY JURY...JACKSON VS. DENNO HEARING

Felony/Gross Misdemeanor

COURT MINUTES

March 12, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

March 12, 2019 08:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Ortega, Natalie

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

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

Spanish Interpreter, Jeff Hanks present.

As to State's Notice of Motion and Motion to Strike Defendant's Notice of Expert Witnesses:

Arguments by counsel regarding the merits of the motion. COURT FINDS that cognitive function was not enough and Defense would have an opportunity to supplement the expert witness notice. COURT ORDERED, motion DENIED.

As to Calendar Call:

Mr. Feliciano announced ready noting that Defendant wished to proceed with trial even though the expert issue was outstanding. COURT NOTED due to a Court's schedule conflict, COURT ADDITIONALLY ORDERED, trial VACATED and RESET.

04/09/19 8:30 AM STATE'S NOTICE OF MOTION AND MOTION TO STRIKE DEFENDANT'S NOTICE OF EXPERT WITNESSES PURSUANT TO NRS 174.234(2)

05/14/19 8:30 AM CALENDAR CALL

05/28/19 1:30 PM JURY TRIAL

Felony/Gross Misdemeanor

COURT MINUTES

April 09, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

April 09, 2019 08:30 AM STATE'S NOTICE OF MOTION AND MOTION TO STRIKE
DEFENDANT'S NOTICE OF EXPERT WITNESSES PURSUANT
TO NRS 174.234(2)

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES

Defendant

James R Sweetin

Attorney for Plaintiff

Mike Feliciano

Attorney for Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

Spanish Interpreter, Carlos Calvo, also present.

Mr. Feliciano noted the State may be seeking an examination of the Defendant and requested time to supplement the pleading in that regard. COURT ORDERED, State is to file a supplement; matter CONTINUED and SET for Hearing. Mr. Feliciano stated he will file a response within a week after the supplement is received.

CUSTODY

05/07/19 8:30 AM HEARING

CONTINUED TO: 05/07/19 8:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

May 07, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

May 07, 2019 08:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES Defendant

Mike Feliciano Attorney for Defendant

Sandra K. Digiacomo Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

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

Spanish Interpreter, Ricardo Pico, also present.

Based upon a new notice by the Defense, Mr. Feliciano noted the State is not going to proceed on their Motion. State confirmed as long as the Defense agrees that their expert doctor will not due any further exams on the Defendant and will only be referring to the ones done 06/08/18 as well as 08/10/18. Mr. Feliciano confirmed that there will be no further evaluations. COURT ORDERED, Motion OFF CALENDAR. Defendant requested all of the documents from the doctor that shows all of the medication that he is receiving due to receiving medication that is not good for his health. Defendant addressed a concern that someone is putting stuff in his food that is making him not feel well. Mr. Feliciano advised the records do not show that they are tainting the Defendant's food. Court stated Mr. Feliciano can provide the medical records to the Defendant. Defendant stated he needs names of all of the pills. Mr. Feliciano advised he will order all of the records. Defendant requested the Court not delay his trial any further. Court noted that this Court will do everything it can to move forward with trial.

CUSTODY

Felony/Gross Misdemeanor

COURT MINUTES

May 14, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

May 14, 2019 08:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
Jennifer M. Clemons	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Spanish Interpreter, Norma Caucas, also present.

CALENDAR CALL

CONFERENCE AT BENCH. MATTER TRAILED.

MATTER RECALLED. All parties present as before. Based upon what has been reviewed, COURT ORDERED, matter REFERRED and SET in Competency Court; trial dates VACATED; pending motions OFF CALENDAR.

STATE'S NOTICE OF MOTION AND MOTION IN LIMINE
COURT ORDERED, Motion OFF CALENDAR.

DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO PRESERVE EXCULPATORY EVIDENCE
COURT ORDERED, Motion OFF CALENDAR.

DEFENDANT'S MOTION TO EXCLUDE IMPROPER EXPERT OPINION
COURT ORDERED, Motion OFF CALENDAR.

DEFENDANT'S MOTION TO RECONSIDER ADMISSIBILITY OF EVIDENCE VICTIM G.A. TESTED
POSITIVE FOR CHLAMYDIA
COURT ORDERED, Motion OFF CALENDAR.

CUSTODY

06/07/19 10:00 AM FURTHER PROCEEDINGS: COMETENCY

Felony/Gross Misdemeanor

COURT MINUTES

June 07, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

June 07, 2019 10:00 AM Further Proceedings: Competency

HEARD BY: Bell, Linda Marie COURTROOM: RJC Courtroom 10C

COURT CLERK: Estala, Kimberly

RECORDER: Vincent, Renee

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
Glen O'Brien	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Appearances Continued: Ximena Chica, Spanish Interpreter, Denise Baker of the Specialty Courts also present.

Mr. Feliciano advised he has a challenge to the findings and requested the matter be SET for status check. COURT SO ORDERED.

CUSTODY

06/21/19 10:00 AM STATUS CHECK: SET CHALLENGE HEARING

Felony/Gross Misdemeanor

COURT MINUTES

June 21, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

June 21, 2019 10:00 AM STATUS CHECK: SET CHALLENGE HEARING

HEARD BY: Bell, Linda Marie COURTROOM: RJC Courtroom 10C

COURT CLERK: Estala, Kimberly

RECORDER: Vincent, Renee

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES Defendant

Claudia Romney Attorney for Defendant

Glen O'Brien Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Also present: Denise Baker of the Specialty Courts, and Spanish Interpreter Jeffrey Hanks.

Ms. Romney advised Mr. Feliciano has had an independent evaluation completed and is waiting on the reports and requested a two week continuance. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 07/12/19 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 12, 2019

C-15-306523-1 State of Nevada
 vs
 Joseph Frohlich

July 12, 2019 10:00 AM Status Check

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15C

COURT CLERK: Michaela Tapia

RECORDER: Renee Vincent

PARTIES

PRESENT:	Hojjat, Nadia	Attorney for Defendant
	O'Brien, Glen	Attorney for Plaintiff
	Romney, Claudia	Attorney for Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Appearances Continued: Danika Navar of the Specialty Courts also present. Deft. not present.

Court noted it would like additional information and while there was a good deal of testimony about Deft's mental health, there was not enough information regarding the options being pursued. COURT ORDERED, matter CONTINUED. MATTER RECALLED. Deputy District Attorney Nadia Hojjat now present. Upon Court's inquiry, Ms. Hojjat requested one week to submit a memo regarding the facility. COURT ORDERED, continued date STANDS.

CUSTODY (L.C.)

CONTINUED TO: 7/19/19 10:00 AM

Felony/Gross Misdemeanor

COURT MINUTES

July 16, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

July 16, 2019 08:30 AM Further Proceedings: Return from Competency Court

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
Jennifer M. Clemons	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Spanish Interpreter, Ricardo Pico, also present.

Court noted the Defendant was returned from Competency and there is not a finding. Colloquy regarding trial dates. COURT ORDERED, matter SET for trial. Statement by Defendant. Court noted trial has been set as soon as this Court can accommodate.

CUSTODY

10/01/19 8:30 AM CALENDAR CALL

10/08/19 1:30 PM JURY TRIAL

Felony/Gross Misdemeanor

COURT MINUTES

October 01, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

October 01, 2019 08:30 AM Calendar Call

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Nadia Hojjat	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

State's Notice of Motion and Motion in Limine to Preclude or Permit Evidence of Specific Statements in Defendant's Statement to Police on April 26, 2018 FILED IN OPEN COURT and SET to be heard.

Upon Court's inquiry, both parties announced ready for trial. Mr. Feliciano noted trial will last one and a half weeks. State advised they will have ten witnesses, the defense will also have witnesses and trial will last 6-7 days. COURT ORDERED, matter SET for trial. Court noted counsel will be contacted regarding trial start time. COURT FURTHER ORDERED, all motions taken off calendar 05/14/19 are now SET to be heard; Jackson v Denno hearing SET.

CUSTODY

10/07/19 10:30 AM ALL PENDING MOTIONS ... JACKSON V DENNO

10/07/19 1:00 PM JURY TRIAL

CLERK'S NOTE: Counsel emailed and notified of trial start time. hvp/10/1/19

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

October 07, 2019 01:00 PM Jury Trial

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Nadia Hojjat	Attorney for Defendant
State of Nevada	Plaintiff
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

Spanish Interpreter, Bette Brooks, Riicardo Pico and Ximena Fiene, also present.

PROSPECTIVE JURORS PRESENT:

Voir Dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Record made for challenge of cause.

COURT ORDERED, trial CONTINUED.

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

October 07, 2019 10:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Nadia Hojjat	Attorney for Defendant
State of Nevada	Plaintiff
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

Spanish Interpreter, Maria Peralta De Gomez, also present.

DEFENDANT'S MOTION TO SUPPRESS DEFENDANT'S STATEMENT ... JACKSON V DENNO HEARING

Maria Corral and Mark Pretti SWORN and TESTIFIED. Court canvassed the Defendant is to testifying in today's hearing. Defendant confirmed his understanding. Maria Peralta De Gomez SWORN and interpreted for witness/Defendant's testimony. Armando Vasquez-Reyes SWORN and TESTIFIED. Following arguments by Mr. Sweetin and Ms. Hojjat, COURT ORDERED, Defendant's Motion to Suppress DENIED.

DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO PRESERVE EXCULPATORY EVIDENCE

Ms. Hojjat argued and requested a hearing regarding the body cam. Mr. Sweetin stated an evidentiary hearing can be done and argued. Ms. Hojjat further argued the P#'s 1200 and above all have body cameras. Following further argument, COURT ORDERED, Motion DENIED; however, the Defense can ask the witnesses anything they feel is appropriate.

DEFENDANT'S MOTION TO EXCLUDE IMPROPER EXPERT OPINION

Ms. Hojjat argued regarding the expert's opinion and excluding that there wasn't an impression of probable abuse. COURT ORDERED, expert is not to testify as to a box that was checked; however, the doctor can testify as to the findings of the medical examination. Mr. Feliciano requested live testimony, even though it was agreed last Friday that she not be present. State argued. COURT directed counsel to ask the expert to be present and then inform the court in order to make a decision.

DEFENDANT'S MOTION TO RECONSIDER ADMISSIBILITY OF EVIDENCE VICTIM G.A. TESTED POSITIVE FOR CHLAMYDIA

Printed Date: 11/8/2019

Page 1 of 2

Minutes Date:

October 07, 2019

Prepared by: Haly Pannullo

At request of Mr. Feliciano and Ms. Hojjat, COURT STATED, the State can't just order someone to take an STD test on someone; further, Defense was allowed to test their client. Ms. Hojjat argued it is not the Defense's burden to test their client. COURT STATED a previous ruling was already made. Further arguments by counsel, COURT ORDERED, Motion to Reconsider DENIED. MATTER TRAILED.

MATTER RECALLED. Spanish Interpreter, Bette Brooks, now present. All parties present as before.

Notice of Motion and Motion to Present Propensity Evidence and/or Res Gestae Evidence FILED IN OPEN COURT.

STATE'S NOTICE OF MOTION AND MOTION IN LIMINE TO PRECLUDE OR PERMIT EVIDENCE OF SPECIFIC STATEMENTS IN DEFENDANT'S STATEMENT TO POLICE ON April 26, 2018 ... STATE'S NOTICE OF MOTION AND MOTION IN LIMINE
State argued as to the Defendant's statement not being brought in of drug and alcohol as well as allegations of someone else committing the offense. Mr. Feliciano argued the Statement regarding someone else committing the crime should not be redacted. As to the statement of drugs and alcohol, Mr. Feliciano argued it is not relevant as to the time of interview. COURT ORDERED, as to the allegations of the other boy, motion GRANTED as to drugs and alcohol matter DEFERRED to the time of trial as it could become relevant.

NOTICE OF MOTION AND MOTION TO PRESENT PROPENSITY EVIDENCE AND/OR RES GESTAE EVIDENCE

Mr. Sweetin argued as to the conduct and it all being sexual conduct under the statute. Mr. Feliciano argued and objected to the State's Motion. COURT ORDERED, hearing GRANTED outside the presence of the jury.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 08, 2019

C-16-316382-1	State of Nevada
	vs
	ARMANDO VASQUEZ-REYES

October 08, 2019 10:30 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Feliciano, Mike	Attorney for Defendant
	Hojjat, Nadia	Attorney for Defendant
	Rowles, William C.	Attorney for Plaintiff
	State of Nevada	Plaintiff
	Sweetin, James R	Attorney for Plaintiff
	VASQUEZ-REYES, ARMANDO	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Mr. Feliciano advised the prospective panel appears to be shy and requested the Court inquire that if any of the prospective jurors if any of them have been a victim of a crime or have anything they would like the attorneys to know which they are too embarrassed to speak about in front of everyone then they can speak with the attorneys at the bench. Court stated she inquired of the jurors on more than one time if they have been the victim of a crime; however, she will again inquire of the panel as a whole if there is anything they would like to raise with the attorneys at the bench.

PROSPECTIVE JURORS PRESENT:

PRINT DATE: 10/18/2019

Page 1 of 2

Minutes Date: October 08, 2019

Voir dire. Jury selected and excused for the evening recess.

Felony/Gross Misdemeanor

COURT MINUTES

October 09, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

October 09, 2019 10:00 AM Jury Trial

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Nadia Hojjat	Attorney for Defendant
State of Nevada	Plaintiff
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Solidad Garcia and Ximena Fiene, Spanish Court Interpreters, present with Defendant and witnesses.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Feliciano requested an expedited transcript from the Denno hearing that took place on Monday. Upon Court's inquiry, Court Recorder advised she will send out the expedited request and try to have it completed. COURT ORDERED, the expedited transcript from the Denno hearing to be prepared and they will attempt to have it completed by tomorrow as requested. Further, Mr. Feliciano advised in reviewing some of the discovery there is a 10 page document titled Nevada initial assessment which appears to be from CPS and there is a reference to unity notes which CPS keeps and he previously requested them in both a discovery motion as well as requested them from Mr. Sweetin personally. Court stated her concern that the issue is just now being raised after a jury has been impaneled and before the twelfth trial setting. Mr. Sweetin advised he does not believe there are any other CPS records as this was what was provided from CPS when the records were requested. Court reviewed the documents provided by defense. Court instructed Mr. Sweetin to reach out to CPS to determine if there are any additional records and/or notes. Court Clerk informed the Court that there appears to be CPS records lodged with the vault from a hearing in January 2017. Court stated the Clerk will retrieve the records from the evidence vault and the Court will review them.

Mr. Sweetin advised he has three witnesses outside for the Court to hear testimony. Further, Mr. Sweetin provided the Court with a copy of the Franks case which specifically states a Petrocelli hearing is no longer required; although, the Court is required to make a determination prior to the propensity evidence is going to be admitted pursuant to the Franks case and that the State is required to put forth a proffer that the sexual offense occurred.

Printed Date: 10/20/2019

Page 1 of 2

Minutes Date:

October 09, 2019

Prepared by: Tia Everett

Further, Mr. Sweetin advised he does not believe that there is a need for the witness to be cross examined. Mr. Feliciano advised the State needs to meet the preponderance of the evidence standard as the only thing the defense has regarding these allegations are what is contained in the State's written motion. Court stated she previously noted her concern and she will not permit a lengthy cross examination and the cross examination will be limited as the State only has to make a proffer.

Testimony presented. (See worksheets). Arguments by counsel as to their respective positions regarding State's Motion to Present Propensity Evidence and/or Res Gestae Evidence. Court FINDS State has met their burden, jury could reasonable find by a preponderance of the evidence it is relevant as well as State has met their burden as to the LeMay factors; therefore, COURT ORDERED, State's Motion to Present Propensity Evidence and/or Res Gestae Evidence GRANTED and the testimony shall be permitted. Ms. Hojjat inquired if there was an investigator present with the District Attorney when the statements were made by the victim which are referenced in the State's Motion as she believes she would be able to call the investigator to impeach the witness. Mr. Sweetin advised an investigator was present; however, you cannot impeach with extrinsic evidence.

Court noted she has been provided the CPS records lodged with the Court and it appears the CPS records were erroneously lodged in the wrong case number. Court directed the Court Clerk to have the CPS records lodged in the correct case. Further, Court stated she has another sealed envelope which appears to be for this case and upon opening the envelope they are the same records reviewed in open court this morning. Additionally, Court stated Mr. Sweetin will follow up with CPS to determine if there are any additional records. Mr. Sweetin advised he has reached out and is awaiting a response.

Argument regarding State's objection to unconscious and/or implicit bias. Court stated she would like parties to provide additional briefing on this issue for her review prior to issuing her ruling.

JURY PRESENT:

Conference at the bench.

OUTSIDE THE PRESENCE OF THE JURY:

Court noted this is outside the presence of the jury panel with the exception of juror # 10 Caroline Millsaps. Court inquired if the juror overheard any of the conversations between the attorneys. Ms. Millsaps advised she only heard them "shush" someone. Court so noted.

JURY PRESENT:

Jury sworn. Clerk read the Information to the jury and stated the defendant's plea thereto. Opening statements by counsel. Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Ms. Hojjat invoked the exclusionary rule. Mr. Sweetin advised for the record there have been no witnesses in the courtroom. Court so noted.

Mr. Sweetin made a record of his objection to Mr. Feliciano's questioning of the victim. Court stated she has reviewed the transcript which does not appear to be a new incident; however, the witness can testify if it is a new incident or not.

Court recessed for the evening.

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

October 10, 2019 01:00 PM Jury Trial

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Nadia Hojjat	Attorney for Defendant
State of Nevada	Plaintiff
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Spanish Court Interpreters present with Defendant and witnesses.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Feliciano advised he learned yesterday that the defense expert Dr. Harder is only available Monday 2:45 - 4:15 PM and may request to testify remotely, unless he can testify the following week. Court stated she has objection with the doctor testifying remotely or if the doctor needs to be taken out of order. Mr. Sweetin stated no objection. Additionally, Mr. Feliciano advised during the bad acts hearing the victim talked about an act of cunnilingus coming out and that information did not come out during direct examination which would mean that defense would need to introduce bad acts against their own client and moved for a mistrial. Mr. Sweetin opposed. COURT ORDERED, defense Oral Motion for Mistrial DENIED.

Mr. Sweetin advised Dr. Cetel has indicated that she will be unavailable to testify in person and will need to testify remotely today at 4:00 PM; although, defense previously requested she testify in person. Colloquy regarding witness scheduling. Mr. Feliciano advised defense would request the doctor be present as the Defendant has the right to confront all witnesses in this case and based on the fact that Defendant could spend the rest of his life in prison if found guilty he believes the doctor should be present, COURT ORDERED, Dr. Cetel shall be permitted to testify remotely.

Mr. Sweetin advised a motion in limine was previously file to bring in portions of Defendant's statement which the Court deferred the ruling on the issue. Further, Mr. Sweetin advised based on the opening statements of defense they have clearly placed at issue the fact Defendant cannot remember things and the statements should be allowed in. Mr. Feliciano advised opening statements are not evidence and believes this issue is premature at this time.

Printed Date: 10/20/2019

Page 1 of 2

Minutes Date:

October 10, 2019

Prepared by: Tia Everett

Court agreed the issue is premature and she will rule on the issue if and when it becomes relevant.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Sweetin advised the State is concerned with defense counsel's statements that the State in some way was manipulating evidence. Court stated without an objection the Court stated those statements would be stricken. Mr. Sweetin requested that there be an instruction that is not appropriate and will not happen again. Court stated they were instructed at the bench that such comments were not appropriate.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Feliciano advised Dr. Harder will testify remotely. Court so noted.

Court recessed for the evening.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 11, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

October 11, 2019 09:00 AM Jury Trial

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly; Schlitz, Kory

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Nadia Hojjat	Attorney for Defendant
State of Nevada	Plaintiff
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Ricardo Pico, Spanish Court Interpreter present with Defendant.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Sweetin advised there needs to be a decision regarding the redaction issue still pending with the Court. Court stated nothing has changed at this point and believes the redactions to the video and Defendant's statement should be made at this point. Mr. Sweetin advised his concern with defense counsel raising the issue that Defendant cannot remember. Court stated should it become relevant then it will be allowed in and State can possibly put a witness on the stand; however, we can address the issue if it becomes relevant. Additionally, Mr. Sweetin advised he has provided defense counsel a copy of the video which the State will be using that has the transcript in the video for the

Mr. Rowles advised he was at the gym last night and was discussing the trial with another attorney in the community when he discovered a juror # 9 on the floor above him. Further there was discussion regarding witness testimony and he thoughts on the testimony; although, he did not acknowledge the juror nor make eye contact with her.

Ms. Hojjat confirmed there is a redacted portion of the video. Mr. Sweetin confirmed. Further, Ms. Hojjat advised her concern is the characterization that Defendant was answering drugs and alcohol is why and/or how it started. Court stated she will review the information again; however, she previously ruled that the information is not coming in unless it somehow becomes relevant which it may and she stated she would address the issue should it become relevant.

Court noted outside the presence of the jury panel and in the presence of juror # 9 Ms. Lutz.

Printed Date: 10/20/2019

Page 1 of 3

Minutes Date:

October 11, 2019

Prepared by: Tia Everett

Upon Court's inquiry, Ms. Lutz advised she was at the gym and saw one of the players that looked like the State she moved away.

JURY PRESENT:

Testimony and Exhibits continued. (See Worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Feliciano advised Defendant is wearing a very distinct rust colored shirt today and requested that Defendant wear a different shirt next week. Ms. Hojjat advised Defendant has wore the same shirt everyday and today he was taken back with to have his shirt changed. The Correction Officer advised he will make sure that the property department is aware that Defendant needs to be in a different color shirt next week, Court so noted.

11:10 a.m. Court Clerk Kory Schlitz present

JURY PRESENT

Spanish Interpreter Carola Anderson present on behalf of Defendant. Testimony and Exhibits continued. (See Worksheets).

OUTSIDE THE PRESENCE OF THE JURY

Mr. Feliciano informed the Court Detective Pretti and Juror #7 were speaking once they were released for lunch. Ms. Hojjatt stated they heard voices, lips moving and they were interacting with each other.

Mark Pretti present. Upon Court's inquiry, Mr. Pretti stated he did not speak with any Jurors, or speak with anyone at the break, adding there were Jurors having conversations at the elevators however he did not speak with any of them.

Danyel Garrett Juror #7 present. Upon Court's inquiry, Ms. Garrett stated she did not have a conversation with Mark Pretti, adding he was standing in line waiting to get on the elevators and she stated out loud that she didn't like crowded elevators and she was going to wait for the next one.

JURY PRESENT

Testimony and Exhibits continued. (See Worksheets).

OUTSIDE THE PRESENCE OF THE JURY

Ms. Hojjatt moved for a mistrial due to the limitation of the ability of the Defense to cross examine the lead detective in the case, adding numerous times when the Defense was trying to cross examine him regarding statements he received and how he responded to them, the Court kept the Defense from going into the Statements. Ms. Hojjatt further argued they were not offering Ms. Alvarez's statements for the truth of the matter. Mr. Rowles stated his objection. COURT STATED ITS FINDINGS and ORDERED Motion for Mistrial DENIED.

JURY PRESENT

Testimony and Exhibits continued. (See Worksheets). Court recessed for the evening and directed Jurors to return Monday at 9:00 a.m.

OUTSIDE THE PRESENCE OF THE JURY

COURT requested Jury Instructions. Mr. Sweetin indicated the State will be resting on Monday Morning, and they can send over their Jury Instructions now. Ms. Hojjatt informed the Court the Defense is not required to disclose their Jury Instructions until the State rests, and they will

provide the instructions to Chambers and request they do not be provided to the State. Mr. Rowles inquired what rule the Defense was referencing. Ms. Hojatt argued since the Jury Instructions show theories of the case, they are not technically required to disclose them until after the State has rested. Upon Court's inquiry, Mr. Feliciano stated they have the Doctor, and they think the State might have a rebuttal witness. Colloquy regarding trial scheduling.

CUSTODY

CONTINUED TO: 10/14/19 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2019

C-16-316382-1	State of Nevada
	vs
	ARMANDO VASQUEZ-REYES

October 14, 2019 9:00 AM Jury Trial

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Denise Husted

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Feliciano, Mike	Attorney for Defendant
	Hojjat, Nadia	Attorney for Defendant
	Rowles, William C.	Attorney for Plaintiff
	State of Nevada	Plaintiff
	Sweetin, James R	Attorney for Plaintiff
	Vasquez-Reyes, Armando	Defendant

JOURNAL ENTRIES

- Spanish interpreters Bette Brooks, Maria Peters and Maria Peralte de Gomez present.

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding scheduling of witnesses and stipulations which the parties have reached and request the Court to read to the jury. Court advised parties to prepare the written stipulations they wish the Court to read to the jury.

JURY PRESENT:

PRINT DATE: 10/18/2019

Page 1 of 3

Minutes Date: October 14, 2019

Testimony and exhibits presented (see worksheets). Court read stipulations of the parties to the jury.

OUTSIDE THE PRESENCE OF THE JURY:

Defendant advised of his right not to testify. Instructions settled. Mr. Feliciano advised there are witnesses in the court room and the exclusionary rule has been invoked. Upon Court's inquiry, Mr. Sweetin advised they are expert witnesses and have been noticed as rebuttal witnesses. Mr. Feliciano advised the State has been provided everything that he will rely on for the testimony of Dr. Harder which should be sufficient for their rebuttal testimony. Court stated you are permitted to have experts sit in during testimony and the rebuttal experts shall be permitted to remain in the courtroom.

JURY PRESENT:

Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Sweetin made a proffer of the testimony of the State's rebuttal experts Dr. Kapel and Dr. Roley. Ms. Hojjat objected to the rebuttal experts. Court Finds, there has not been a proper proffer of proof for Dr. Kapel to testify as a rebuttal expert and Dr. Roley would be limited rebuttal testimony only.

JURY PRESENT:

Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Court noted that defense provided a Tavares instruction to the Court and indicated they do not want that instruction given to the jury. Ms. Hojjat agreed with the Court's representations. Ms. Hojjat made a record of the objections made at the bench during the testimony of Dr. Roley and moved for a mistrial State opposed. COURT ORDERED, oral motion for mistrial DENIED as the objection made were overruled and the witness was permitted to answer the questions posed.

Felony/Gross Misdemeanor

COURT MINUTES

October 15, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

October 15, 2019 10:30 AM Jury Trial

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Yorke, Dara

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
James R Sweetin	Attorney for Plaintiff
Mike Feliciano	Attorney for Defendant
Nadia Hojjat	Attorney for Defendant
State of Nevada	Plaintiff
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

Also present, Alex Avants, Maria Peralta De Gomez, and Maria Peters, Spanish Court interpreters.

JURY PRESENT: Jury INSTRUCTED by the Court. Closing arguments by the State.
CONFERENCE AT BENCH. COURT RECESSED.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Hojjat indicated she moved for a mistrial at the bench. Ms. Hojjat explained her reasoning for the mistrial were due to multiple instances where the State characterized the Defense theory of the case as one thing, and then indicated there was lack of evidence, as well as burden shifting and disparaging of the Defense counsel. Further arguments by Ms. Hojjat in support of the Mistrial. Arguments by Mr. Rowles in opposition. COURT ORDERED, Motion for Mistrial was hereby DENIED.

JURY PRESENT: Closing arguments by the Defense. CONFERENCE AT BENCH. Rebuttal by Mr. Sweetin. CONFERENCE AT BENCH. OATH ADMINISTERED to the Matron and Bailiff. The Jury RETIRED to deliberate at the hour of 1:45 PM and the alternates were EXCUSED at that time.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Feliciano indicated there was an objection as to Mr. Sweetin indicating Deft. wiped eyes which mistakes the testimony; therefore, Mr. Feliciano moved for a mistrial. Arguments by Mr. Sweetin. Statements by Mr. Feliciano in support of Mistrial. Colloquy between parties. Court noted parties could comment on evidence, video and what it represents.

At the hour of 3:23 PM, the JURY RETURNED with VERDICTS of GUILTY as to COUNTS 1 AND 2- LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); and as to COUNTS 3 THROUGH 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

Printed Date: 10/18/2019

Page 1 of 2

Minutes Date:

October 15, 2019

Prepared by: Dara Yorke

(F). Defense counsel wished to poll the Jury. The Court thanked and EXCUSED the Jury.

OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. Court inquired about bail amount, which was indicated to be \$250,000.00; therefore, COURT FURTHER ORDERED, bail REVOKED and Deft. to be HELD WITHOUT BAIL.

CUSTODY- HOLD WITHOUT BAIL

12/10/19 8:30 AM SENTENCING

Felony/Gross Misdemeanor

COURT MINUTES

December 10, 2019

C-16-316382-1 State of Nevada
 vs
 ARMANDO VASQUEZ-REYES

December 10, 2019 08:30 AM Sentencing

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Jackson, Carolyn; Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

ARMANDO VASQUEZ-REYES	Defendant
Mike Feliciano	Attorney for Defendant
State of Nevada	Plaintiff
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

Alex Avantes, Spanish Interpreter, also present.

DEFENDANT VASQUEZ-REYES ADJUDGED GUILTY of COUNTS 1 and 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F), COUNTS 3-10 SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEAR OF AGE (F). Arguments by counsel. Victim Speaker Guadalepa Alvares SWORN and TESTIFIED. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Defendant SENTENCED as follows:

COUNT 1 LIFE with a MINIMUM parole eligibility of TEN (10) YEARS, in the Nevada Department of Corrections (NDC);

COUNT 2 LIFE with a MINIMUM parole eligibility of TEN (10) YEARS, CONCURRENT with COUNT 1, in the NDC;

COUNT 3 LIFE with a MINIMUM parole eligibility of THIRTY-FIVE (35) YEARS, CONSECUTIVE to COUNT 2, in the NDC;

COUNT 4 LIFE with a MINIMUM parole eligibility of THIRTY-FIVE (35) YEARS, CONCURRENT with COUNT 3, in the NDC;

COUNT 5 LIFE with a MINIMUM parole eligibility of THIRTY-FIVE (35) YEARS, CONCURRENT with COUNT 2, in the NDC;

COUNT 6 LIFE with a MINIMUM parole eligibility of THIRTY-FIVE (35) YEARS, CONCURRENT with COUNT 2, in the NDC;

COUNT 7 LIFE with a MINIMUM parole eligibility of THIRTY-FIVE (35) YEARS, CONCURRENT with COUNT 3, in the NDC;

COUNT 8 LIFE with a MINIMUM parole eligibility of THIRTY-FIVE (35) YEARS, CONCURRENT with COUNT 3, in the NDC;

COUNT 9 LIFE with a MINIMUM parole eligibility of THIRTY-FIVE (35) YEARS, CONCURRENT with COUNT 3, in the NDC; and

COUNT 10 LIFE with a MINIMUM parole eligibility of THIRTY-FIVE (35) YEARS, CONCURRENT with COUNT 3, in the NDC, with ONE THOUSAND THREE HUNDRED THIRTY-FOUR (1,334) DAYS credit for time served; AGGREGATE TOTAL of FORTY-FIVE (45) YEARS to LIFE.

COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment and Defendant shall register as a sex offender in accordance with NRS 179D.460 within 48 hours upon release.

BOND, if any EXONERATED.

NDC



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-16-316382-1
Plaintiff,	)	DEPT. NO. XII
vs.	)	Heard in Lower
ARMANDO VASQUEZ-REYES,	)	Level Arraignment
Defendant.)	

BEFORE THE HONORABLE R. ROGER HILLMAN, JUDGE PRO TEM
THURSDAY, JULY 14, 2016

**RECORDER'S TRANSCRIPT OF HEARING:
INITIAL ARRAIGNMENT**

APPEARANCES:

For the State: VIVIAN LUONG, ESQ.
Deputized Law Clerk

For the Defendant: No Appearance

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

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Las Vegas, Nevada; Thursday, July 14, 2016

[Hearing commenced at 12:36 p.m.]

THE COURT CLERK: Okay. So, then page 39, Vasquez-Reyes.

THE CORRECTIONS OFFICER: He says he needs an interpreter.

[Colloquy]

[The Court speaks Spanish to the Defendant]

[Proceedings trailed at 12:36 p.m.]

[Proceedings resumed at 12:38 p.m.]

THE COURT: Okay. Mr. Vasquez-Reyes.

[The Court speaks Spanish to the Defendant]

THE COURT: And this was at the request of --

THE COURT RECORDER: Mr. Buttell.

THE COURT: Okay.

[The Court speaks Spanish to the Defendant]

THE DEFENDANT: Yeah.

[The Court speaks Spanish to the Defendant]

THE DEFENDANT: Okay.

[The Court speaks Spanish to the Defendant]

THE DEFENDANT: Okay.

THE COURT: Okay?

[The Court speaks Spanish to the Defendant]

THE DEFENDANT: Okay.

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[The Court speaks Spanish to the Defendant]

THE DEFENDANT: Okay.

THE COURT: Okay?

THE DEFENDANT: Yep.

THE COURT: We're going to continue it to two weeks from Tuesday.

THE COURT CLERK: Two weeks from -- okay. So, that will be August 2nd at 10 o'clock.

THE COURT: And, for the record, I told him his attorney wasn't here, had to request a two-week continuance, we were continuing it for two weeks from next Tuesday. And Mr. Vasquez-Reyes had no objection.

[Hearing concluded at 12:39 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Trisha Garcia
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-16-316382-1
Plaintiff,	)	DEPT. NO. XII
vs.	)	Heard in Lower
ARMANDO VASQUEZ-REYES,	)	Level Arraignment
Defendant.)	

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
TUESDAY, AUGUST 2, 2016

**RECORDER'S TRANSCRIPT OF HEARING:
ARRAIGNMENT CONTINUED**

APPEARANCES:

For the State: NICOLE J. CANNIZZARO, ESQ.
Deputy District Attorney

For the Defendant: MIKE FELICIANO, ESQ.
Deputy Public Defender

Also Present: JEFF HANKS
Court Interpreter

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 Las Vegas, Nevada; Tuesday, August 2, 2016

2
3 [Hearing commenced at 10:09 a.m.]

4 THE COURT: Page 28, State of Nevada versus Armando
5 Vasquez-Reyes, C316382. Armando Vasquez-Reyes he is present in
6 custody. Mr. Feliciano is here on his behalf, as well as Mr. Hanks from
7 the interpreter's office.

8 Mr. Feliciano?

9 MR. FELICIANO: And, Your Honor, this is going to be a not
10 guilty plea. We are -- we are going to invoke our right to a speedy trial.
11 We will waive the reading of the Information.

12 THE COURT: Sir, you've received a copy of the Information
13 stating the charges against you?

14 [The Defendant speaks through the use of the Court Interpreter]

15 THE DEFENDANT: I don't remember.

16 MR. FELICIANO: Well --

17 THE COURT: Have you received the charges against you?

18 THE DEFENDANT: The last time I went to court it wasn't
19 provided to me.

20 THE COURT: All right.

21 MR. FELICIANO: Oh.

22 THE COURT: Let's get him the Information. Mr. Feliciano,
23 have the Spanish interpreter read those charges to him and then I'll call
24 you back.

25 MR. FELICIANO: I'll go over them with him again. Thanks.

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[Proceedings trailed at 10:10 a.m.]

[Proceedings resumed at 10:27 a.m.]

THE COURT: Page 28, State of Nevada versus Armando Vasquez-Reyes, C316382. He is present in custody. Mr. Feliciano is here on his behalf, as well as Mr. Hanks from the interpreter's office.

Sir, have you now received a copy of the Information stating the charges against you?

[The Defendant speaks through the use of the Court Interpreter]

THE DEFENDANT: Yes.

THE COURT: Were they read to you in Spanish by the interpreter?

THE DEFENDANT: In Spanish.

THE COURT: Did you understand the charges?

THE DEFENDANT: Yes.

THE COURT: Do you want to waive a formal reading of the charges?

THE DEFENDANT: I don't understand what that means.

THE COURT: It means if they've -- the charges have been read to you, do you need them to be read out loud on the record or do you want to waive that?

THE DEFENDANT: No.

THE COURT: All right, sir, how do you plead?

THE DEFENDANT: Not guilty.

THE COURT: You do have a right to a trial within 60 days. It's my understanding you want to invoke that right; is that true, sir?

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THE DEFENDANT: Yes.

THE COURT: Speedy trial.

THE COURT CLERK: Your calendar call is September 20th at 8:30. Your trial date is September 27th, 1:30, Department XII.

THE COURT: Counsel, pursuant to statute you have 21 days from today for the filing of any writs. If the transcript has not been filed as of today you have 21 days from the filing.

MR. FELICIANO: Thank you.

THE COURT: Thank you, Mr. Feliciano.

[Hearing concluded at 10:29 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Trisha Garcia
Court Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,) CASE NO. C316382-1
9 vs.) DEPT. XII
10 ARMANDO VASQUEZ-REYES, aka)
11 ARMANDO VASQUIEZREYES,)
12 Defendant.)

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, SEPTEMBER 20, 2016

15 **RECORDER'S TRANSCRIPT RE:**
16 **CALENDAR CALL**

17 APPEARANCES:

18 For the State: JENNIFER CLEMONS, ESQ.
19 Chief Deputy District Attorney
20 For the Defendant: MELISSA C. NAVARRO, ESQ.
21 Deputy Public Defender
22
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25 RECORDED BY: KRISTINE CORNELIUS, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, SEPTEMBER 20, 2016

2 *****

3 [Case called at 8:56 a.m.]

4 THE COURT: Page 2, State of Nevada versus Armando Vasquez-
5 Reyes, C316382.

6 MS. CLEMONS: Jennifer Clemons for the State. I think we're waiting
7 on Mr. Feliciano?

8 MS. NAVARRO: That's correct, Your Honor.

9 THE COURT: Okay.

10 [Case trailed at 8:56 a.m.]

11 [Case recalled at 9:31 a.m.]

12 MS. CLEMONS: Your Honor, we may be able to recall page 2,
13 Armando Vasquez-Reyes.

14 THE COURT: C316382.

15 MS. CLEMONS: I know that he doesn't speak English, but the PD
16 has spoken to him, so it's up to your -- if you would -- if we would handle that.
17 We're just going to -- I spoke to Mike Feliciano. He's sick today --

18 THE COURT: Oh.

19 MS. CLEMONS: -- so he's just asking for a status check in a couple
20 of weeks to reset the trial. We had agreed to call it off.

21 THE COURT: Okay. And he knows his client invoked?

22 MS. NAVARRO: And your --

23 MS. CLEMONS: He knows he invoked but --

24 MS. NAVARRO: Your Honor, I do speak Spanish.

25 THE COURT: Yeah, he invoked.

1 MS. NAVARRO: I'm going to double check with Mr. Armando
2 Vazquez-Reyes, make sure that he understands that the trial is going to be
3 pushed.

4 THE COURT: Okay.

5 MS. NAVARRO: If I may have --

6 THE COURT: Sure.

7 MS. NAVARRO: -- a second.

8 [Pause in proceedings]

9 MS. NAVARRO: And, Your Honor, we are ready with --

10 THE COURT: Okay, State versus Vasquez-Reyes.

11 THE DEFENDANT: Yeah.

12 THE COURT: And it's on for calendar call.

13 MS. NAVARRO: Your Honor, I did speak to him. Mr. Feliciano did go
14 over the ramifications of waiving your right to have a trial within 60 days. He is
15 going to waive his trial within those 60 days. And I told him that we would reset
16 the trial in two weeks when Mr. Feliciano is here. Unfortunately, he did fall sick
17 and notified the District Attorney.

18 THE COURT: We're going to set the trial in two weeks?

19 MS. CLEMONS: He doesn't have his trial schedule with -- I mean,
20 we don't know what Mr. Feliciano's trial schedule is, so that's why I think he's
21 asking for the two-week date.

22 MS. NAVARRO: That's when we're going to reset it, Your Honor.

23 THE COURT: Okay.

24 MS. CLEMONS: Yeah.

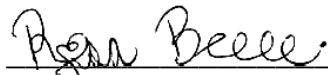
25 THE COURT: So I'll vacate --

1 MS. CLEMONS: Oh, yeah. Sorry.
2 THE COURT: I'll vacate the trial date and set it for two weeks to reset
3 a trial date.
4 THE CLERK: October 4, 8:30.
5 MS. NAVARRO: Thank you, Your Honor.
6 MS. CLEMONS: Thank you.
7 THE COURT: Thank you.
8 MS. CLEMONS: And just for the record, it was a Defense
9 continuance but no objection.
10 THE COURT: Sure.

11 [Proceedings concluded at 9:33 a.m.]

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22 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
23 proceedings in the above-entitled case to the best of my ability.

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25 Rosa Bejar
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,) CASE NO. C316382-1
9 vs.) DEPT. XII
10 ARMANDO VASQUEZ-REYES, aka)
11 ARMANDO VASQUIEZREYES,)
12 Defendant.)

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, OCTOBER 4, 2016

15 **RECORDER'S TRANSCRIPT RE:**
16 **STATUS CHECK: RESET TRIAL DATE**

17 APPEARANCES:

18 For the State: STACEY L. KOLLINS, ESQ.
19 Chief Deputy District Attorney

20 For the Defendant: MIKE FELICIANO, ESQ.
21 Deputy Public Defender

22 Also present: ALEX ANDRADE
23 Certified Spanish Court Interpreter

24
25 RECORDED BY: KRISTINE CORNELIUS, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 4, 2016

2 * * * * *

3 [Case called at 8:55 a.m.]

4 THE COURT: Anyone else ready? Go ahead.

5 MR. FELICIANO: Sure. Your Honor, I have Vasquez-Reyes on 24.

6 MS. KOLLINS: Good morning again, Your Honor.

7 THE COURT: Good morning.

8 MS. KOLLINS: Stacey Kollins for Jenny Clemons for the State.

9 THE COURT: C316382. He's present. He's in custody. He's using
10 the services of the interpreter. Will the Interpreter please state her name.

11 THE COURT INTERPRETER: Alex Andrade.

12 THE COURT: Thank you.

13 MR. FELICIANO: Your Honor, I believe this is on to set trial. I think
14 we have some new discovery --

15 THE COURT: Okay.

16 MR. FELICIANO: -- and we needed more time to prep for trial. I
17 believe this is the first setting. I don't know what the Court's stacks are looking
18 like for ordinary course.

19 THE COURT: Probably about March now. I mean, probably -- we're
20 probably into March.

21 MR. FELICIANO: Okay. Well, I talked to him about it, and he does
22 want to waive his right to speedy trial. That was -- this is an invoked.

23 THE COURT: He waived at the September 20th hearing.

24 MR. FELICIANO: So we'll take whatever date the Court has.

25 THE COURT: Okay.

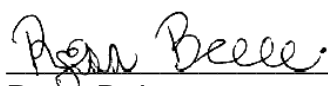
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THE CLERK: Calendar call, March 7, 8:30; Jury trial, March 14, 1:30.
MR. FELICIANO: Thank you.
THE COURT INTERPRETER: Thank you.

[Proceedings concluded at 8:56 a.m.]

* * * * *

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



Rosa Bejar
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,) CASE NO. C316382-1
9 vs.) DEPT. XII
10 ARMANDO VASQUEZ-REYES, aka)
11 ARMANDO VASQUIEZREYES,)
12 Defendant.)

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, FEBRUARY 7, 2017

15 **RECORDER'S TRANSCRIPT RE:**
16 **DEFENDANT'S MOTION TO DISMISS COUNSEL AND APPOINTMENT OF**
17 **ALTERNATE COUNSEL**

18 APPEARANCES:

19 For the State: LEAH C. BEVERLY, ESQ.
20 Chief Deputy District Attorney
21 For the Defendant: KELLI M. DEVANEY-SAUTER, ESQ.
22 Deputy Public Defender
23 Also Present: MARIA PERALTA DE GOMEZ
24 Certifid Spanish Court Interpreter

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA; TUESDAY, FEBRUARY 7, 2017

2 * * * * *

3 [Case called at 8:57 a.m.]

4 THE COURT: Page one, State versus Armando Vasquez-Reyes,
5 C316382.

6 MS. BEVERLY: Your Honor, that's Ms. Clemons' case. She texted
7 me this morning. She's on her way.

8 THE COURT: Okay.

9 MS. DEVANEY-SAUTER: That's also --

10 THE COURT: Okay. And I now --

11 MS. DEVANEY-SAUTER: -- my specialty team.

12 THE COURT: And I think he wants a continuance, Mr. Feliciano.

13 MS. DEVANEY-SAUTER: Thank you.

14 THE COURT: Right, it's his case?

15 MS. DEVANEY-SAUTER: It is his case. Last I had heard was that he
16 had contacted the department that he was running late. He has not
17 communicated with me though about it.

18 THE COURT: Okay. Well, the message I got was he was in North
19 Las Vegas and he wanted a two week continuance, so. I'm not even sure who I
20 heard that from.

21 MS. BEVERLY: I'm not sure.

22 THE COURT: I heard that from someone on my staff this morning,
23 probably Pam.

24 MS. BEVERLY: Okay. Mister -- yeah. I don't think Ms. Clemons
25 would have a problem with that.

1 MS. DEVANEY-SAUTER: I mean Provided that was the
2 representation, I expect --

3 THE COURT: Okay.

4 MS. DEVANEY-SAUTER: -- Mike has no problem. I trust Pam.

5 THE COURT: State versus Vasquez Reyes, C316382. He's present.
6 He's in custody. There is a motion to dismiss counsel on calendar. I've been
7 asked to pass it for two weeks and that that issue might be resolved. So I'll put it
8 on for two weeks.

9 THE CLERK: Yes, Your Honor. February 21, 8:30.

10 THE COURT: And the Defendant is using the services of the
11 interpreter. Will the interpreter state her name for the record.

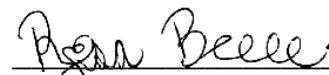
12 THE COURT INTERPRETER: Maria Peralta De Gomez.

13 THE COURT: Thank you.

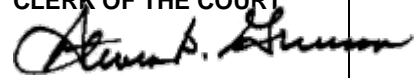
14 [Proceedings concluded at 8:58 a.m.]

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20 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
proceedings in the above-entitled case to the best of my ability.

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22 Rosa Bejar
23 Court Recorder/Transcriber
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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,) CASE NO. C316382-1
9 vs.) DEPT. XII
10 ARMANDO VASQUEZ-REYES, aka)
11 ARMANDO VASQUIEZREYES,)
12 Defendant.)

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, FEBRUARY 21, 2017

15 **RECORDER'S TRANSCRIPT RE:**
16 **DEFENDANT'S MOTION TO DISMISS COUNSEL AND APPOINTMENT OF**
17 **ALTERNATE COUNSEL**

18 APPEARANCES:

19
20 For the State: JENNIFER M. CLEMONS, ESQ.
Chief Deputy District Attorney
21
22 For the Defendant: MIKE FELICIANO, ESQ.
Deputy Public Defender
23
24 Also Present: MARIA PERALTA DE GOMEZ
Certified Spanish Court Interpreter

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA; TUESDAY, FEBRUARY 21, 2017

2 * * * * *

3 [Case called at 9:02 a.m.]

4 THE COURT: Page 12, State of Nevada versus Armando Vasquez-
5 Reyes, C316382.

6 MS. CLEMONS: Your Honor, this is miss -- this is actually Mr.
7 Feliciano's. I just texted him. He's going to come back up when he's ready, Your
8 Honor.

9 THE COURT: Okay.

10 [Case trailed at 9:02]

11 [Case recalled at 9:41 a.m.]

12 MR. FELICIANO: Good morning, Your Honor.

13 THE COURT: Good morning.

14 MR. FELICIANO: Mike Feliciano for defendant, who's present in
15 custody.

16 MS. CLEMONS: And Jennifer Clemons for the State.

17 MR. FELICIANO: So I talked to him. I have no problem giving him his
18 discovery. The only thing that I won't give him is the medical records.

19 THE COURT: Okay. Well, back up.

20 MR. FELICIANO: Okay. I'm sorry.

21 THE COURT: Because it was my understanding we were putting this
22 on so you go talk to him and hopefully things were going to be okay.

23 MR. FELICIANO: I -- there's just one issue that we're having. It's he
24 wants me to make copies of the medical records and give them to him, and I told
25 him I would gladly show him the medical records, but I won't make a copy of

1 them.

2 THE COURT: Okay. He'll show you the medical records, but he
3 won't give a copy to you; nor will anybody else give you a copy of those medical
4 records. Do you understand that?

5 [The Defendant speaks through the use of the Court Interpreter]

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. Nobody is going to give you a copy of those
8 medical records. You're entitled to see them. You're not entitled to possess
9 them. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Was that the only issue that was left?

12 MR. FELICIANO: It was.

13 THE COURT: Okay. So at this time I'll take it off calendar.

14 THE DEFENDANT: Your Honor, I need my discovery.

15 THE COURT: Okay. You can have your discovery. You will not be
16 given copies of medical records; do you understand that -- by anybody. No
17 matter who is your attorney, you will not be given copies of medical records.
18 You're entitled to look at them. Your attorney can bring them to you. You're
19 entitled to look at them, review them. You're not entitled to possess them. Do
20 you understand that?

21 THE DEFENDANT: Okay.

22 THE COURT: Okay.

23 THE DEFENDANT: But I need my discovery in Spanish, please.

24 THE COURT: Okay. And we don't -- what can happen is your
25 attorney can come over there with an interpreter and the interpreter can translate

1 for you because you certainly are entitled to have it interpreted into Spanish for
2 you.

3 And Mr. Feliciano you've done that, correct?

4 MR. FELICIANO: Absolutely.

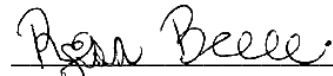
5 THE COURT: That's what I thought. Okay.

6 THE DEFENDANT: Thank you.

7 [Proceedings concluded at 9:43 a.m.]

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16 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
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Rosa Bejar
19 Court Recorder/Transcriber
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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,) CASE NO. C316382-1
9 vs.) DEPT. XII
10 ARMANDO VASQUEZ-REYES, aka)
11 ARMANDO VASQUIEZREYES,)
12 Defendant.)

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, MARCH 7, 2017

15 **RECORDER'S TRANSCRIPT RE:**
16 **CALENDAR CALL**

17 APPEARANCES:

18
19 For the State: ERIKA MENDOZA, ESQ.
20 Chief Deputy District Attorney

21 For the Defendant: MIKE FELICIANO, ESQ.
22 Deputy Public Defender

23 Also Present: YUL HAASMANN
24 Certified Spanish Court Interpreter

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA; TUESDAY, MARCH 7, 2017

2 * * * * *

3 [Case called at 8:02 a.m.]

4 THE COURT: Good morning.

5 MR. FELICIANO: Good morning, Your Honor. I have a -- if we could
6 call Vasquez-Reyes on page 3. I'd appreciate it.

7 THE COURT: C316382. Is he present?

8 THE CORRECTIONS OFFICER: Reyes-Vasquez, stand up, please.

9 THE CLERK: He needs an interpreter.

10 THE COURT: Okay. He's present. He's in custody. He's using the
11 services of the interpreter. Will the interpreter please state his name for the
12 record.

13 THE COURT INTERPRETER: Yul Haasmann, court interpreter.

14 THE COURT: Good morning. Thank you.

15 MR. FELICIANO: Good morning, Your Honor. Mike Feliciano for Mr.
16 Vasquez-Reyes. This is a case where -- this is Ms. Clemons' case and she --
17 I've asked her to continue it. She's agreed to a continuance. This is the -- we
18 originally invoked and then we set it out. We got a regular date, but we need a
19 little bit more time. We looked before and I think June -- the end of June is when
20 you have availability, and I think if we do it then we'll definitely have it ready to
21 go.

22 THE COURT: That's fine.

23 MS. MENDOZA: That's correct, Your Honor. Ms. Clemons indicated
24 any time after June 7th works for her.

25 THE COURT: Okay.

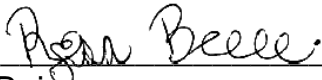
1 THE CLERK: Calendar call June 13th, 8:30; Jury trial June 20, 1:30.

2 MR. FELICIANO: Thank you.

3 [Proceedings concluded at 8:03 a.m.]

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22 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
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23 
24 Rosa Bejar
25 Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,) CASE NO. C316382-1
9 vs.) DEPT. XII
10 ARMANDO VASQUEZ-REYES, aka)
11 ARMANDO VASQUIEZREYES,)
12 Defendant.)

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, JUNE 13, 2017

15 **RECORDER'S TRANSCRIPT RE:**
16 **CALENDAR CALL**

17 APPEARANCES:

18 For the State: JAMES R. SWEETIN, ESQ.
19 Chief Deputy District Attorney

20 For the Defendant: MIKE FELICIANO, ESQ.
21 Deputy Public Defender

22 Also present: ALEX ANDRADE
23 Certified Spanish Court Interpreter

24
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, JUNE 13, 2017

2 *****

3 [Hearing begins at 8:32 a.m.]

4 THE COURT: Page 6, State of Nevada versus Armando Vasquez-
5 Reyes.

6 THE CORRECTIONS OFFICER: Your Honor, he also needs a --

7 THE COURT: Okay.

8 THE CORRECTIONS OFFICER: Sorry.

9 THE COURT: Well, for some reason, nobody wants to let me get
10 done this morning.

11 [Case trailed at 8:33 a.m.]

12 [Case recalled at 9:54 a.m.]

13 THE COURT: C316382. Is he present? He's present. He's in
14 custody. It's on for Calendar Call. He's using the services of the interpreter.
15 Will the interpreter please state her name for the record.

16 THE INTERPRETER: Alex Andrade.

17 THE COURT: Thank you.

18 MR. FELICIANO: May we approach, Your Honor?

19 THE COURT: Of course.

20 [Bench conference transcribed as follows:]

21 THE COURT: Good morning. Good morning.

22 MR. FELICIANO: So I didn't really want to put this out on the record --

23 THE COURT: Yeah, no problem.

24 MR. FELICIANO: -- but my wife was just diagnosed with a brain
25 tumor.

1 THE COURT: Oh, no.
2 MR. FELICIANO: So --
3 THE COURT: I was just going to ask you. I saw her this morning.
4 Oh, I'm so sorry. Oh, I'm sorry.
5 MR. FELICIANO: So thank you. Thank you.
6 THE COURT: Please tell her I'm thinking about her.
7 MR. FELICIANO: Okay.
8 THE COURT: I think she looks good this morning though.
9 MR. FELICIANO: Yeah.
10 THE COURT: I was going to tell her how good she looked. Ah, geez.
11 MR. FELICIANO: So we're kind of dealing with that.
12 THE COURT: Oh.
13 MR. FELICIANO: So I was going to ask for a little more time on this
14 case. He's -- my client's very upset and he wants to make a record. I told him to
15 file the motion; that you wouldn't let him --
16 THE COURT: He didn't invoke, did he?
17 MR. FELICIANO: He did not. He -- we --
18 THE COURT: Okay.
19 MR. FELICIANO: He invoked originally. Then he waived, right --
20 THE COURT: Okay.
21 MR. FELICIANO: -- if I remember correctly.
22 MR. SWEETIN: I thought he had waived.
23 THE COURT: How long do you want? I mean, I'm going to grant you
24 your continuance.
25 MR. FELICIANO: Just a couple more months or so --

1 THE COURT: Okay.

2 MR. FELICIANO: -- like two months or something and then he --

3 THE COURT: Are you sure it's going to be enough?

4 MR. FELICIANO: If it's not I'll be in contact with Mr. Sweetin a little bit

5 later on --

6 THE COURT: Sure.

7 MR. FELICIANO: -- but he's fairly anxious to go.

8 THE COURT: He is. He's yakking up a storm over there to the

9 interpreter.

10 MR. FELICIANO: I told him that I didn't think you would let him make

11 a record. He needed to put it in writing and file it. So he's going to try to make --

12 THE COURT: Oh, he wants to fire you now?

13 MR. FELICIANO: Yeah.

14 THE COURT: Okay.

15 MR. FELICIANO: He wants to make a record today too.

16 MR. SWEETIN: So he did waive.

17 THE COURT: Okay. You have no objection, right?

18 MR. SWEETIN: No. I have no objection.

19 THE COURT: Okay.

20 MR. SWEETIN: And I -- for the record, I'm going to say the State's

21 ready, but we have no objection.

22 THE COURT: Okay, obviously. Okay. I'm going to grant you your

23 continuance, and then we'll deal with this.

24 MR. FELICIANO: Okay.

25 THE COURT: Okay.

1 MR. FELICIANO: Thank you, Your Honor.

2 [Bench conference concluded]

3 THE COURT: All right, the State has no objection to the continuance.

4 Mr. Vasquez-Reyes, it's my understanding you do object to the

5 continuance? I'm going to grant the continuance.

6 [The Defendant speaks through the use of the Court Interpreter]

7 THE DEFENDANT: Can I speak?

8 THE COURT: Sure.

9 THE DEFENDANT: Can I approach the bench?

10 THE COURT: Absolutely not.

11 THE DEFENDANT: I've been here for 14 months.

12 THE COURT: Okay.

13 THE DEFENDANT: He has told me not to say anything here in court,

14 so I've been quiet this whole time.

15 THE COURT: You've been quiet this whole time --

16 THE DEFENDANT: And that's mostly --

17 THE COURT: -- because I haven't called your case.

18 THE DEFENDANT: I requested my discovery. I've asked for the

19 medical examination and I've asked for time here in Court, and all of it's been

20 denied.

21 THE COURT: Okay. You want your discovery? Okay.

22 And, Counsel, you'll make sure he gets a copy of his discovery,

23 correct --

24 MR. FELICIANO: I --

25 THE COURT: -- of what --

1 MR. FELICIANO: I'm sorry.

2 THE COURT: -- would be appropriate to give to your client?

3 MR. FELICIANO: That's kind of the issue is because --

4 THE COURT: Right.

5 MR. FELICIANO: -- he wants a copy of the medical records. We've --

6 we addressed this before on the record and I told him that he could not. I

7 couldn't turn those over to him --

8 THE COURT: Right.

9 MR. FELICIANO: -- but everything else he should have.

10 THE COURT: You're not going to get a copy of the medical records.

11 I'm not going to give you a copy. In fact, I'm going to tell your attorney

12 specifically not to give you a copy. You're not entitled to possess those. Your

13 attorney can bring them to you and you can go over them, but you are not

14 permitted to have a copy.

15 THE DEFENDANT: Okay. He hasn't -- he hasn't given me anything.

16 And so the last court that we were here --

17 THE COURT: Okay. I just told him to give you a copy of your

18 discovery. Anything else?

19 THE DEFENDANT: I told him he was violating my rights, and he said

20 I didn't have any rights.

21 THE COURT: Okay. Anything else?

22 THE DEFENDANT: That's all.

23 THE COURT: Okay.

24 MR. FELICIANO: I won't even -- I'm not even going to respond to

25 that, Judge.

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THE COURT: Okay, the Motion to Continue is granted.

THE CLERK: Thank you, Your Honor.

Calendar call, January 9, 8:30; Jury trial, January 16, 1:30.

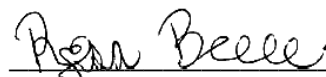
MR. FELICIANO: Thank you, Your Honor.

THE COURT: Thank you.

[Proceedings concluded at 9:59 a.m.]

* * * * *

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



Rosa Bejar
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,) CASE NO. C316382-1
9 vs.) DEPT. XII
10 ARMANDO VASQUEZ-REYES, aka)
11 ARMANDO VASQUIEZREYES,)
12 Defendant.)

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 THURSDAY, SEPTEMBER 7, 2017

15 **RECORDER'S TRANSCRIPT RE:**
16 **DEFENDANT'S MOTION TO DISMISS COUNSEL AND**
17 **APPOINTMENT OF ALTERNATE COUNSEL**

18 APPEARANCES:

19 For the Plaintiff: JAMES R. SWEETIN, ESQ.
Chief Deputy District Attorney

20 For the Defendant: MIKE FELICIANO, ESQ.
21 Deputy Public Defender

22 Also present: IRMA SANCHEZ-GASTELUM
23 Certified Spanish Court Interpreter

24 RECORDED BY: KRISTINE SANTI, COURT RECORDER
25

1 LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 7, 2017

2 * * * * *

3 [Case called at 8:57 a.m.]

4 THE COURT: Good morning.

5 MR. SWEETIN: Good morning, Judge. We have the Vasquez-Reyes
6 case.

7 THE COURT: Page 3, State of Nevada versus Armando Vasquez-
8 Reyes, C316382.

9 Are you Mr. Vasquez-Reyes?

10 [The Defendant speaks through the use of the Court Interpreter]

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. He's present. He's in custody, and this is on for
13 your motion. I did have an opportunity to review your motion. Is there anything
14 else you want to say to the Court?

15 MR. FELICIANO: If I may before he speaks, Your Honor.

16 THE COURT: Sure.

17 MR. FELICIANO: Mike Feliciano for Mr. Vasquez-Reyes. The issue –
18 the issue that we have is the complaining witness' medical records is something
19 that Mr. Vasquez-Reyes wants to see. I told him --

20 THE COURT: How many times do I have to tell him he's not going to
21 be able to have possession of them?

22 MR. FELICIANO: I talked to him yesterday. I told him I could go next
23 week and show him the records, but I can't physically give him a copy of them.
24 And I think that's the only issue that we have.

25 THE COURT: Okay. And, sir, you remember I told you last time you

1 were here that you're not going to be able to possess those medical records.
2 Your attorney can come to you. He can show you the medical records. You can
3 look at them, but he's going to be required to take those medical records back.
4 He will not leave them in your possession; do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: And it's the medical records from the day her mom
7 took her to the hospital. Is that all there is?

8 MR. FELICIANO: There's some follow-up testing as well that was
9 done.

10 THE COURT: Okay. But it's all --

11 MR. FELICIANO: It's related.

12 THE COURT: The day when she reported, her mom took her to the
13 hospital, right?

14 MR. FELICIANO: Yeah. Yes.

15 THE COURT: And then some subsequent follow-up?

16 MR. FELICIANO: Yes.

17 THE COURT: So it's not voluminous?

18 MR. FELICIANO: No, no, no. I --

19 THE COURT: Okay.

20 MR. FELICIANO: I can go -- like next week I can go show him all the
21 records.

22 THE COURT: Okay. And, sir, you understand that? Your attorney is
23 going to come show it to you. And you understand your matter has been set for
24 trial. I know you're concerned that the matter is not set for trial. It is set for
25 January 16 of next year.

1 THE DEFENDANT: I don't want him as my attorney anymore
2 because he hasn't done anything for me.

3 THE COURT: Okay.

4 THE DEFENDANT: He's only been lying. He hasn't been going to
5 see me. In 17 months, he's only come to see me twice. He says he's going and
6 he never shows up.

7 THE COURT: He -- I'm sorry. He said what?

8 THE DEFENDANT: He's going and he never shows up.

9 MR. FELICIANO: Well, I --

10 THE COURT: I mean, you're visiting your client, correct?

11 MR. FELICIANO: Yeah. And I told him I would see him next week to
12 show him the medical records that there's -- there's several things that need to
13 be done in the case, and there's time to do it before his trial date. And it will get
14 done, but from the beginning --

15 THE COURT: I just want to make sure you are going to see him.

16 MR. FELICIANO: From the beginning of our representation, it's been
17 a little difficult, so.

18 THE COURT: Okay.

19 MR. FELICIANO: But I am willing to work with him to defend him and
20 try his case.

21 THE COURT: Okay. All right.

22 THE DEFENDANT: I've never been difficult. He's only been telling
23 me lies. I asked him for my full discovery and he's never taken it.

24 THE COURT: Okay. So that's one thing. Has -- sorry. Has he been
25 provided with a full set of his discovery, less those medical records?

1 MR. FELICIANO: He's been provided what the beginning of the case
2 provided with what I had at the time, which were statements and things like that,
3 but no medical records.

4 THE COURT: All right, so he has everything but the medical records?

5 MR. FELICIANO: To my – again, to my understanding. I could go
6 visit him and see what he has and we can compare.

7 THE COURT: Okay. So your attorney is representing to the Court
8 that he has provided you with all of the discovery, less the medical records, and
9 that he's even willing to come over, see what you have and make sure you do
10 have a full copy of your discovery. So he's going to do that by next week. Do
11 you understand that?

12 THE DEFENDANT: Yes, I do, but I don't want him as an attorney
13 anymore.

14 THE COURT: Okay. Well, you don't get to choose your attorney.
15 Based on your motion, I'm not inclined to dismiss this attorney.

16 THE DEFENDANT: The only thing that he has handed me is the
17 police report.

18 THE COURT: Well, he's indicated he's given you more than that. So
19 I'm going to ask him to come see you to make sure you have a full set of your
20 discovery because you are entitled to see the evidence against you.

21 MR. FELICIANO: I'll bring him a new copy. I'll make a copy of
22 everything and I'll take it to him.

23 THE COURT: Okay. Will you make sure you provide the Court with a
24 receipt of copy so --

25 MR. FELICIANO: Sure.

1 THE COURT: -- because he seems to say the same thing? So then
2 we can have a record that you have provided him with his discovery.

3 MR. FELICIANO: No problem.

4 THE DEFENDANT: Perfect.

5 THE COURT: Okay. Also, in your motion, you seem to think that the
6 trial is being delayed because I need something. I'm ready for trial. I don't need
7 anything, so I just wanted to clear that up. Do you know what that's all about?

8 MR. FELICIANO: I don't.

9 THE COURT: Okay.

10 MR. FELICIANO: But I don't see why this shouldn't go on, I believe,
11 the 16th of January. We should be ready to go. There's other -- of course,
12 there's other matters set around that time, but --

13 THE COURT: Sure.

14 MR. FELICIANO: -- it should be ready to go.

15 THE COURT: And the State's ready to go?

16 MR. SWEETIN: Yes, Your Honor.

17 THE COURT: Okay. Also, I just want to make sure you understand
18 that if Mr. Feliciano gets an offer from the State of Nevada he is legally required
19 to convey that offer to you and to give you his honest opinion about that offer. So
20 that's not anything to get him dismissed. If he's conveying an offer to you, he's
21 doing what he's supposed to do.

22 THE DEFENDANT: That's all I want for him to do his job.

23 THE COURT: Okay.

24 THE DEFENDANT: Okay.

25 THE COURT: All right, so I'm just going to take it off. I'm going to

1 deny the motion and take it off calendar, and then I'm assuming if there's
2 anything else it will be brought before me before January.

3 MR. FELICIANO: All right, thank you.

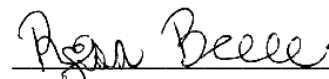
4 THE COURT: Okay, thank you.

5 THE DEFENDANT: Thank you.

6 [Proceedings concluded at 9:04 a.m.]

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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 proceedings in the above-entitled case to the best of my ability.

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24 Rosa Bejar
25 Court Recorder/Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

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

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

TUESDAY, JANUARY 9, 2018

**RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL**

APPEARANCES:

For the State: ROBERT STEPHENS, ESQ.
Chief Deputy District Attorney

For the Defendant: MIKE FELICIANO, ESQ.
Deputy Public Defender

ALSO PRESENT: ALICIA HERRERA
Spanish Interpreter

RECORDED BY: KRISTINE SANTI, COURT RECORDER

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Las Vegas, Nevada; Tuesday, January 9, 2018

[Hearing commenced at 9:20 a.m.]

THE COURT: State versus Vasquez-Reyes, C316382; he's present.

MR. FELICIANO: Good morning, Mike Feliciano for Mr. Vasquez-Reyes.

THE COURT: Thank you.

MR. STEPHENS: Rob Stephens for the State.

THE COURT: Thank you. He's in custody; he's using the services of the Interpreter. Will the Interpreter please state her name for the record?

THE COURT INTERPRETER: Alicia Herrera.

THE COURT: It's on for calendar call.

MR. FELICIANO: May we approach?

THE COURT: Of course.

MR. FELICIANO: Thank you.

[Bench conference -- begins]

THE COURT: Good morning. Well I hope you're ready.

MR. SCHWARTZER: Well --

THE COURT: I hope you're not approaching to tell me you're not ready.

MR. STEPHENS: Well, we're not sure yet --

THE COURT: Okay.

MR. STEPHENS: -- cause it's Jim Sweeten's case, he's trying it and he has the Sena [phonetic] case next week.

1 THE COURT: He has the what?
2 MR. STEPHENS: The Sena case.
3 THE COURT: Okay.
4 MR. STEPHENS: In front of Judge Kephart. Do you know
5 that one or --
6 THE COURT: Not really.
7 MR. FELICIANO: It's a super old case.
8 MR. STEPHENS: It's bad video; it was a media case.
9 THE COURT: Oh gosh, videos?
10 MR. FELICIANO: Yeah, oh yeah, like a lot. We won't go into
11 it but --
12 THE COURT: Okay. Yeah, yeah.
13 MR. FELICIANO: -- but and there's some pending motions
14 on.
15 THE COURT: Does that have to -- is that going to go
16 forward?
17 MR. STEPHENS: We're not sure yet.
18 MR. FELICIANO: Calendar calls Wednesday.
19 MR. STEPHENS: Mr. Sweetin's in another airport locked in
20 and -- and so he's --
21 THE COURT: Was he at JFK or something?
22 MR. STEPHENS: He was at JFK.
23 MR. FELICIANO: Well, yeah did something happen to him?
24 MR. STEPHENS: No, the --
25 THE COURT: Yeah. It flooded, freezing, --

1 MR. STEPHENS: Yeah.

2 THE COURT: -- but like yeah, it was flooded.

3 MR. FELICIANO: Oh.

4 MR. STEPHENS: My understanding is Jim would potentially
5 be ready on the case, but he -- the Sena case is so old that the calendar
6 call is Wednesday. I'd like to kick it to Thursday.

7 THE COURT: Do you want to kick it to Thursday to see what
8 Kephart's going to do?

9 MR. STEPHENS: Yeah, it's a firm -- I know that -- yeah, I
10 know it's a firm set, but I heard there's maybe discovery issues, so, I
11 don't know.

12 THE COURT: Okay.

13 MR. STEPHENS: And then -- I don't know -- I thought Jim
14 would be back so now I know why he's not. But there's --

15 THE COURT: Oh my gosh, that's awful. He's not still there is
16 he?

17 MR. STEPHENS: I don't -- I haven't heard back from him this
18 morning, so --

19 THE COURT: Oh, my gosh; the poor guy.

20 MR. STEPHENS: Okay. So, Thursday we'll have a better
21 picture once Jim gets back and we --

22 THE COURT: You'll be ready to go?

23 MR. FELICIANO: Well, I have pending motions that are set
24 for next Tuesday --

25 THE COURT: Okay.

1 MR. FELICIANO: -- which it's just a discovery motion, a
2 suppression motion. If we need to be we will. I just didn't know --

3 THE COURT: Okay.

4 MR. FELICIANO: -- we're --

5 THE COURT: Because I can hear those motions before the --

6 MR. FELICIANO: Yeah. And I heard -- Jim called and he
7 said there was a bunch of cases on that are older than ours that was his
8 understanding or at least that's what I thought that were -- that might
9 have -- might go, so I guess we'll see Thursday.

10 THE COURT: You're ready to go; right?

11 MR. FELICIANO: Um --

12 THE COURT: I just know your client freaks out every time
13 you ask for a continuance.

14 MR. FELICIANO: Well, he doesn't cooperate. He still won't
15 cooperate, but I'm going to go for -- I mean, he can just sit there and be
16 ridiculous -- ridiculous, I don't know.

17 THE COURT: He's still not cooperating?

18 MR. FELICIANO: I saw him a week ago and he was just -- he
19 doesn't really speak to me. He's angry. He doesn't seem to care. It's
20 just --

21 THE COURT: Let's see. Did you tell him about the ten life
22 sentences?

23 MR. FELICIANO: He doesn't care. He doesn't care or at
24 least that's what he tells me.

25 THE COURT: Okay, because that can't possibly be true.

1 MR. FELICIANO: Well --

2 THE COURT: If there's a human being that doesn't care
3 about ten -- well, I don't know.

4 MR. FELICIANO: Well, alright let's maybe we'll --

5 THE COURT: I believe you.

6 MR. FELICIANO: That's what he -- I mean, I was -- and my
7 interpreter was there too. It's -- we're just like -- I don't know how to deal
8 with him. He's just --

9 THE COURT: Okay.

10 MR. FELICIANO: He's just -- but you'll see Thursday.

11 THE COURT: But you're ready to go but if Mr. Sweetin got
12 some airport issues --

13 MR. FELICIANO: Yeah, the motions I filed --

14 THE COURT: And I can't wait to hear --

15 MR. FELICIANO: -- yeah, I don't know if the motions I filed
16 are going work. If there's something we're missing or something, but it's
17 just kind of just to cover up -- keep myself covered.

18 THE COURT: You've got it.

19 MR. FELICIANO: So, Thursday?

20 THE COURT: Okay.

21 [Bench conference -- concludes]

22 THE COURT: All right. Mr. Vasquez-Reyes, the District
23 Attorney that's going to try this case isn't here. I'll know better whether
24 the District Attorney's going to be ready to trial on Thursday, so I'm
25 going to continue the calendar call for the 11th. But your attorney has

1 indicated he's ready to go forward.

2 THE CLERK: January 11th 8:30.

3 THE COURT: How long will this take?

4 MR. FELICIANO: At least a week.

5 THE COURT: Just -- okay. Do you think it'll be done in five
6 judicial days?

7 MR. FELICIANO: I doubt it.

8 THE COURT: Well, you said a week.

9 MR. FELICIANO: At least --

10 THE COURT: What's a week to you?

11 MR. FELICIANO: -- at least a week.

12 THE COURT: Okay.

13 MR. FELICIANO: Five, well --

14 THE COURT: So, it will probably spill over into next week?

15 MR. FELICIANO: Yes, yes.

16 THE COURT: Okay. Thank you.

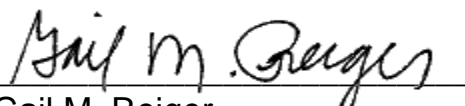
17 MR. FELICIANO: Thank you.

18 MR. STEPHENS: Thank you, Your Honor.

19 [Hearing concluded at 9:25 a.m.]

20 * * * * *

21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
Gail M. Reiger
Court Recorder/Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

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

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

THURSDAY, JANUARY 11, 2018

**RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL**

APPEARANCES:

For the State:	JAMES SWEETIN, ESQ. Chief Deputy District Attorney
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For the Defendant:	MIKE FELICIANO, ESQ. Deputy Public Defender
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ALSO PRESENT:	MARIA PERALTA DE GOMEZ Spanish Interpreter
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RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 Las Vegas, Nevada; Thursday, January 11, 2018
2 [Hearing commenced at 8:42 a.m.]
3 THE COURT: Does he need the Interpreter?
4 MR. FELICIANO: Yes, he does.
5 THE COURT: Okay. We want to welcome back Mr. Sweetin.
6 We heard you had quite the odyssey.
7 MR. SWEETIN: Yes, I did.
8 THE COURT: Well, we're glad you're back safe.
9 MR. SWEETIN: Thank you.
10 THE COURT: Mr. Vasquez-Reyes is present. He's in
11 custody and it's on for calendar call.
12 MR. FELICIANO: May we approach?
13 THE COURT: Of course.
14 [Bench conference -- begins]
15 MR. FELICIANO: So, I wasn't sure -- is there space for us if
16 we're ready or --
17 THE COURT: We have Jeff Banks -- I have Jeff Banks going
18 -- you know, I have somebody --
19 THE CLERK: Brown.
20 THE COURT: -- Brown that's trailing.
21 MR. FELICIANO: We're -- I know Mr. Sweetin's announcing
22 ready.
23 THE COURT: Okay.
24 MR. FELICIANO: There's a few -- I would be ready if I have
25 everything that I need. There's a few items that -- one of them is --

1 okay, I filed a suppression motion --

2 THE COURT: Mm-hmm.

3 MR. FELICIANO: -- and my client is telling me what is in the
4 transcript, he never said any of it. Probably a long --

5 THE COURT: In the Court transcript?

6 MR. FELICIANO: No. In the -- in his voluntary statement to
7 the police.

8 THE COURT: Okay.

9 MR. FELICIANO: Probably a longshot, but he wants to hear
10 it. He wants proof that he said this stuff, so --

11 THE COURT: Okay. That's fine. He can have the audio.

12 MR. FELICIANO: Yeah, so I just -- if I have it in like just
13 relatively soon, but I mean, would we have time. Will we be able to go --
14 to anyway -- to see --

15 THE COURT: I'm not sure --

16 MR. FELICIANO: You don't think --

17 THE COURT: -- I mean, there's a possibility Banks won't go
18 that's why I put somebody behind him and so I don't know if I set a third
19 one. What do we have next week?

20 THE CLERK: Next week?

21 THE COURT: Uh-huh. I mean, could I just give them -- yes
22 the following week?

23 THE CLERK: Yes.

24 THE COURT: Could I just give them the following week?

25 THE CLERK: Yes.

1 MR. FELICIANO: That'll work.

2 THE COURT: I can give you the following week.

3

4 MR. FELICIANO: So, yeah. Let me just check my calendars.

5 THE COURT: What will that be?

6 THE CLERK: The week of January 23.

7 THE COURT: The week of --

8 THE CLERK: So that's Monday the 22nd.

9 THE COURT: Okay. So, you will get the 22nd. How long is

10 this going to take?

11 MR. SWEETIN: I think it's -- I've got eight witnesses; there's

12 two victims that'll be testifying. So, I'm thinking that in your department I

13 think I get full days on Thursdays and Fridays; right? So, I think we

14 could probably get it done in five days. It might go over, but --

15 THE COURT: Okay.

16 MR. FELICIANO: Sounds about right. I don't know if we have

17 anybody else to be here. The -- so we have discovery motion and a

18 suppression motion on Tuesday. As long as we have like --

19 MR. SWEETIN: Late a little bit.

20 MR. FELICIANO: Huh?

21 MR. SWEETIN: Yeah. So, we can do that this Tuesday?

22 MR. FELICIANO: Yeah. So, for -- we can -- we can see

23 what's going on with all the discovery Tuesday. And as long as I have

24 everything next week, we're good to go.

25 THE COURT: Okay. See you all on the 22nd at 10:30 with

1 jury selection?

2 MR. FELICIANO: Uh-huh, assuming I have everything.

3 THE COURT: That way your client will be happy.

4 MR. FELICIANO: He's not going to be happy after.

5 THE COURT: Why won't he be you're happy going to trial?

6 But will you be able to get counsel that audio?

7 MR. SWEETIN: Yes.

8 THE COURT: Is this audio of his --

9 MR. FELICIANO: Of his voluntary statement to the police.

10 Well, I need like the voluntary -- pretty much it. He doesn't really believe
11 anything I say, so --

12 THE COURT: Okay.

13 MR. FELICIANO: -- I need proof of that that I can show him,
14 and that's still might not be enough. I did -- there's an issue where, just
15 so you know, where you asked me to take the discovery and do an
16 ROC. He wouldn't sign it, so I didn't file it. But my Interpreter was there;
17 he refused to sign anything. He's -- I've given him discovery three times
18 now.

19 THE COURT: Did he take it?

20 MR. FELICIANO: Yes, but --

21 THE COURT: Okay.

22 MR. FELICIANO: I've given it to him three times.

23 THE COURT: All right. We can make a record that
24 regardless of whether he signed the ROC; he took it.

25 MR. FELICIANO: Mm-hmm. Yeah, and we'll see Tuesday

1 where we're at with everything?

2 THE COURT: Okay.

3 MR. FELICIANO: That's fine.

4 MR. FELICIANO: So, we --

5 THE COURT: But right now we can set it for the 22nd at
6 10:30?

7 MR. SWEETIN: That's fine. So, as far as Tuesday is
8 concerned, we can set it for an evidentiary hearing time just so we can
9 do the evidentiary hearing are we doing a calendar? What are your
10 calendars -- I guess today actually you got Tuesday --

11 THE COURT: And what evidentiary hearing do we need to
12 do?

13 MR. FELICIANO: *Jackson v. Denno*.

14 THE COURT: Oh.

15 MR. FELICIANO: Well, the thing is, I need the audio first so I
16 can listen to it.

17 THE COURT: Okay.

18 MR. SWEETIN: No, I can get you the audio by later today.

19 MR. FELICIANO: Oh, okay.

20 MR. SWEETIN: The basis that -- the basis of the motion -- I --

21 THE COURT: All right. So, we then -- okay this is --

22 MR. SWEETIN: Yeah. I'm going to have the opposition filed
23 today, but the whole basis of the motion is that he didn't understand his
24 *Miranda*. He's not contesting that the *Miranda* was properly given or
25 anything like that. He's just saying that he didn't understand it. So, I

1 mean, I don't know if that evidentiary call could probably be made by
2 looking at the transcript or we can probably on an abundance of caution
3 present the evidence, you know, witnesses or whatnot.

4 THE COURT: Okay. Do I have the transcript and the audio
5 because it sounds familiar? But have I listened to it before?

6 MR. SWEETIN: You don't have the audio, you have the
7 transcript.

8 MR. FELICIANO: The transcript's attached to my motion.

9 THE COURT: Okay. So, maybe I could have the audio then I can
10 listen to it and then we may not need an evidentiary hearing.

11 MR. FELICIANO: Do you want to do that Tuesday or do you want
12 to argue the motions, the other motion first to see what -- where that leads us;
13 we'll deal with whatever?

14 THE COURT: We can do jury selection on Monday. Tuesday
15 morning, the next morning, we can do whatever motions. Maybe we'll have
16 the jury picked by then, if not, then we'll just continue with jury selection.

17 MR. SWEETIN: So, if there is an evidentiary hearing we'll bump it
18 until the following week you're saying; is that right? So, we wouldn't have that
19 on this Tuesday but the following --

20 THE COURT: Right.

21 MR. SWEETIN: -- week during trial?

22 THE COURT: Right, during trial.

23 MR. FELICIANO: But this Tuesday we'll be -- address all the
24 discovery issues?

25 THE COURT: Uh-huh.

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MR. FELICIANO: Okay, perfect.

THE COURT: Okay. Thank you.

MR. SWEETIN: Thank you.

[Bench conference -- concludes]

THE COURT: Okay. Mr. Vasquez-Reyes, we have tentatively set your trial to start Monday January 22nd at 10:30 for jury selection. And we'll be back on next Tuesday to address some discovery issues and other motions your attorney has filed; okay?

THE DEFENDANT: Okay.

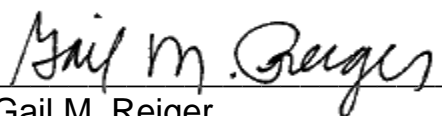
THE COURT: Thank you.

MR. FELICIANO: Thank you.

[Hearing concluded at 8:48 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


Gail M. Reiger
Court Recorder/Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

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

BEFORE THE HONORABLE JAMES BIXLER, SENIOR DISTRICT COURT JUDGE
TUESDAY, JANUARY 16, 2018

**RECORDER'S TRANSCRIPT OF HEARING:
DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DISCOVERY
AND BRADY MATERIAL; DEFENDANT'S MOTION TO SUPPRESS**

APPEARANCES:

For the State: JAMES SWEETIN, ESQ.
Chief Deputy District Attorney

For the Defendant: MIKE FELICIANO, ESQ.
Deputy Public Defender

ALSO PRESENT: YUL HAASMANN
Spanish Interpreter

RECORDED BY: KRISTINE SANTI, COURT RECORDER

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Las Vegas, Nevada; Tuesday, January 16, 2018

[Hearing commenced at 9:51 a.m.]

THE COURT: State of Nevada versus Armando Vasquez-Reyes. Where's he at? He's present in custody. The Public Defender's motion to compel and suppress, let's go through -- let's do the motion to suppress first.

MR. FELICIANO: We -- we were -- we talked. I talked to Mr. Sweetin last week; we're just going to ask to pass these to Thursday --

THE COURT: Oh.

MR. FELICIANO: -- if that's okay.

MR. SWEETIN: We had talked to the Judge about this at sidebar at calendar call when the motion had just been filed and there was some discussion in regards to the recording might be dispositive and wouldn't have to have a *Jackson v. Denno* hearing.

THE DEFENDANT: Your Honor, I -- I --

THE COURT: Okay. Hold --

THE DEFENDANT: -- I cannot hear you; sorry.

THE COURT: Okay. The record shall also reflect the presence of the Court Interpreter on behalf of the Defendant. Okay. There was -- there was some sidebar discussions, but what --

MR. SWEETIN: Yes, and --

THE COURT: -- between you guys and the Judge?

MR. SWEETIN: Yeah. And based upon the sidebar discussions, I think it might be easiest if we just continue this over to Thursday and then the Court can decide whether they want a *Jackson v.*

1 Denno hearing or not.

2 THE COURT: Okay. And I read through -- I read through the
3 whole statement and I read through the motions and I could certainly
4 entertain the argument on the motion, but if you guys have had some
5 discussions with Judge Leavitt, then I really would be much more
6 comfortable letting her hear this.

7 MR. FELICIANO: Okay.

8 THE COURT: So, let's move this till Thursday --

9 THE CLERK: Yes, Your Honor.

10 THE COURT: -- at 8:30.

11 THE CLERK: January 18, 8:30.

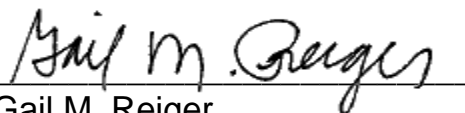
12 MR. FELICIANO: Thank you.

13 THE COURT: Do you understand? Comprendre? Okay. All
14 right.

15 [Hearing concluded at 9:53 a.m.]

16 * * * * *

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 Gail M. Reiger
Court Recorder/Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

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

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
THURSDAY, JANUARY 18, 2018

**RECORDER'S TRANSCRIPT OF HEARING:
DEFENDANT'S MOTION TO COMPEL PRODUCTION OF
DISCOVERY AND BRADY MATERIAL; DEFENDANT'S MOTION TO
SUPPRESS**

APPEARANCES:

For the State: JAMES SWEETIN, ESQ.
Chief Deputy District Attorney

For the Defendant: MIKE FELICIANO, ESQ.
Deputy Public Defender

ALSO PRESENT: MARIA PERALTA DE GOMEZ
Spanish Interpreter

RECORDED BY: KRISTINE SANTI, COURT RECORDER

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Las Vegas, Nevada; Thursday, January 18, 2018

[Hearing commenced at 9:27 a.m.]

THE COURT: State versus Vasquez-Reyes, C316382. The Defendants present and he's in custody. He's using the services of the Interpreter. Will the Interpreter state her name for the record?

THE COURT INTERPRETER: Yes, Your Honor. Maria Peralta De Gomez.

THE COURT: Thank you. Okay. There's two motions. The motion to suppress, is the Defense submitting it just on what you've -- I'm not sure I really understand your motion except that maybe you're just asking for a hearing, and I'm not sure you've even put forth enough.

MR. FELICIANO: Well --

THE COURT: I've read the transcript of the -- I'm not sure what your contention is because I don't know what else -- I think they were explained extraordinarily well in this case.

MR. FELICIANO: There's certain things that are not in the motion that I think --

THE COURT: Okay.

MR. FELICIANO: -- only Mr. Vasquez-Reyes could really explain, which is --

THE COURT: Well, that's why I wondered. Were you just asking for a hearing --

MR. FELICIANO: Yes.

THE COURT: -- because there's things your client wants to testify too?

1 MR. FELICIANO: Yes.

2 THE COURT: That are inconsistent with the transcribed -- the
3 transcribed testimony interview?

4 MR. FELICIANO: Yes.

5 MR. SWEETIN: Well, we'll submit it to the Court; Judge. If
6 the Court wants to set a *Jackson v. Denno* hearing I think we could
7 probably do that right before trial.

8 MR. FELICIANO: I mean, I can -- I'm going to go see him
9 tomorrow and prepare him for the hearing and if -- I'm going to show him
10 the video and all that stuff and that might change his mind. If it does, I
11 can contact the Court and we can take it off calendar if that's what --

12 THE COURT: But -- has he -- has he gotten a copy of the
13 transcript?

14 MR. FELICIANO: Yes.

15 THE COURT: And he's read it?

16 MR. FELICIANO: I -- presumably; yes.

17 THE COURT: He thinks the video might be different?

18 MR. FELICIANO: I'm not -- I don't really feel comfortable
19 saying --

20 THE COURT: Okay.

21 MR. FELICIANO: -- what he thinks, but --

22 THE COURT: All right. I'm just wondering because there's a
23 written transcript of the proceedings, so that's fine. I can set it for a
24 hearing.

25 MR. SWEETIN: Judge, he indicated last time he might want

1 to look at the actual video, and I have it here if I could approach?

2 THE COURT: Sure. Thank you.

3 MR. SWEETIN: Counsel's been provided one as well.

4 THE COURT: Thank you. All right. So, you just want to set it
5 for Monday?

6 MR. FELICIANO: Please.

7 THE COURT: Okay. We will set it for Monday morning at
8 10:30. You're for sure starting on Monday because my other one, it
9 resolved.

10 MR. FELICIANO: Okay. So, after that we'll go straight into
11 jury selection?

12 THE COURT: Sure.

13 MR. FELICIANO: Okay.

14 THE COURT: And then, I think, your motion regarding
15 discovery, did you want to -- does the State want to say anything?

16 MR. SWEETIN: I think that we've got the discovery issues
17 worked out at this point, I believe. There is one issue and that has to do
18 with CPS records. I determined just this week that there are a limited
19 number of CPS records to the order of about 14 pages. I've represented
20 to Defense counsel that they relate to this particular incident; it's sort of
21 regurgitation of what's in the police reports. It also makes reference to
22 the victim and the evaluation of the victim's mother. This was a situation
23 where the Defendant was the boyfriend of the victim's mother.

24 THE COURT: Okay.

25 MR. SWEETIN: They all lived in the same household. So,

1 there was an evaluation determination that the victim's mother was
2 protective and she was able to keep the children.

3 So, that's essentially what's -- what's in this. I haven't been
4 able to provide a copy to Defense without the order of the Court. I do
5 have a copy here if the Court wants to -- wants to review it.

6 THE COURT: Sure. Sounds like it's going to be
7 discoverable?

8 MR. SWEETIN: I believe so.

9 THE COURT: All right. So, I'll review it today and I'm
10 assuming based on what the DA said that I'm just going to turn it over to
11 the Defense.

12 MR. FELICIANO: Okay.

13 THE COURT: And we'll provide a copy to you.

14 MR. FELICIANO: All right.

15 THE COURT: Is there anything else regarding discovery?

16 MR. FELICIANO: There are -- there's therapy -- looks like
17 there's therapy records. I don't know -- we don't -- we don't have them.
18 I --

19 THE COURT: Just tell me why, I mean, what's the basis for --
20 just because the type of case it is? You believe that you're entitled -- I'm
21 not sure you're entitled to them straight out.

22 MR. FELICIANO: Well --

23 THE COURT: You think there are some?

24 MR. FELICIANO: -- well, we -- we know there are some.

25 THE COURT: Okay.

1 MR. FELICIANO: I don't know. I didn't say that we're entitled
2 to them. I would want them to be reviewed by the Court.

3 THE COURT: Okay.

4 MR. SWEETIN: Well, in all sexual assault cases pursuant to
5 statute, the victim is given the opportunity to have counseling, and that's
6 what happened in this case. There is counseling that occurred after the
7 sexual assault was reported to the police. Now, the State's position has
8 always been that's clearly not in the State's possession; it's not
9 discoverable from the State. And if in fact, the Defense were to
10 subpoena those records, I think that there is a good defense that could
11 be put up that in fact they're privileged records.

12 THE COURT: Well, that's always my concern. The State's
13 not in possession of them?

14 MR. SWEETIN: That's correct.

15 THE COURT: You know they exist?

16 MR. SWEETIN: Well, I know that she went to counseling. I
17 don't know if there's written records; I'm not sure of that.

18 THE COURT: Have you subpoenaed them?

19 MR. FELICIANO: No. I mean, they -- they're not going to
20 give them to us, I mean, and we've tried before, not in this case, but
21 they're not going to respond to our subpoena, so maybe --

22 THE COURT: Because they're privileged, and again, they're
23 not in the State's possession. You basically put forth, you know, they
24 exist, so give them to us.

25 MR. FELICIANO: Well, I mean, at least a review. I mean, if

1 she's recanting at therapy I think we'd be entitled to that, but I don't
2 know. I have no access to them, so there's no way for me to find out.

3 MR. SWEETIN: Well, I mean, if there was any indication that
4 the victim was recanting I think that that would be evidence I would have
5 -- that is evidence I would have to produce over to the Defense.

6 THE COURT: Mm-hmm.

7 MR. SWEETIN: And I would represent that I've talked to the
8 victim as recently as last week, and I don't believe that to be the case.

9 MR. FELICIANO: Well, but that's not, I mean, that's between
10 him and the victim not between the therapist and the victim. There could
11 be -- it would be a different conversation.

12 THE COURT: Yeah, but you're asking me to like invade the
13 privilege and order a victim's therapeutic records turned over. I'm not
14 sure you've even put forth an initial showing that I should even review
15 them. I've basically been told that they exist; therefore turn them over.
16 So, I guess if there -- you know, I don't think you'd be entitled to them
17 right out because they're privileged. I just don't understand that just
18 because it's the type of case you'd be entitled to all their -- the victim's
19 therapeutic records.

20 MR. FELICIANO: And we may not, --

21 THE COURT: I --

22 MR. FELICIANO: -- but certain -- but we don't know that
23 because we don't have access to them. So there's no way to really
24 determine without --

25 THE COURT: But the State's not required to turn them over

1 because they're not in their possession. They can't have access to
2 them either, they're privileged.

3 MR. FELICIANO: Well --

4 THE COURT: If they had them and they reviewed them, that
5 would be different. And they knew that there was *Brady* that would be
6 different.

7 MR. FELICIANO: Well, I mean, if --

8 THE COURT: But they're not in their possession.

9 MR. FELICIANO: -- that's the position. I mean, if you just
10 denied the request for records, then my record will be made.

11 THE COURT: Okay. The request for the therapeutic records
12 is denied. Is there anything else that's really in dispute at this point?

13 MR. FELICIANO: Court's indulgence for one moment.

14 [Colloquy between Defense and the State]

15 MR. FELICIANO: Okay. So, I just spoke to Mr. Sweetin,
16 number 33 -- 33 and 34 those are our *Summit* and *Miller* requests. We
17 would ask that the State make an inquiry during pretrial to see if any of
18 those materials exist.

19 THE COURT: Okay.

20 MR. SWEETIN: And that's fine. I have no problem --

21 THE COURT: All right.

22 MR. SWEETIN: -- with that, Judge. I have no knowledge of it
23 as of this point --

24 THE COURT: Of any prior allegations? Okay.

25 MR. FELICIANO: Prior allegations or sources of knowledge,

1 other sources of knowledge.

2 THE COURT: How old is the victim?

3 MR. SWEETIN: At the time she made the disclosure she was
4 14 years old.

5 THE COURT: Okay. All right. So, the State can make the
6 initial disclosure to determine whether there's any of that information, but
7 if they were aware of that, yes, they would be required to turn that over
8 to you. Is there anything else?

9 MR. FELICIANO: I think that's it.

10 THE COURT: Okay. I'll see you on Monday.

11 MR. FELICIANO: Okay. And we'll be contacted to pick up the
12 CPS records at some point?

13 THE COURT: Sure.

14 MR. FELICIANO: Thank you.

15 MR. SWEETIN: Just for the record Judge, I have talked to
16 Defense counsel in regards to Defendant's statement, which we plan on
17 playing in the course of the trial. There have been some redactions
18 made and that's by agreement of the parties, just for the record.

19 MR. FELICIANO: May we approach briefly?

20 THE COURT: Sure. Do I have an unredacted version?

21 MR. SWEETIN: You have your redacted version?

22 [Bench conference -- begins]

23 MR. FELICIANO: So, I didn't want to put this on the record --

24 THE COURT: That's okay.

25 MR. FELICIANO: -- because it's kind of silly, but I'm going to

1 go show him his statement tomorrow. Hopefully the jail lets me in there
2 with a laptop. The jails been difficult --

3 THE COURT: Oh, okay.

4 MR. FELICIANO: -- been really difficult lately, but I'll do my
5 best.

6 THE COURT: You've got it.

7 MR. FELICIANO: If he says -- my position is if he says that's
8 not me or that's not my voice, --

9 THE COURT: Oh.

10 MR. FELICIANO: -- I don't need to do anything further. I
11 mean I need a good faith basis to -- I'm not going to hire somebody to
12 see if it's CGI or special effects or -- I don't think I need to do that. I
13 think we're still good to go; fair enough?

14 THE COURT: Okay. Are you -- that's video [indiscernible] if
15 your client says that's not me?

16 MR. FELICIANO: Yeah.

17 THE COURT: Okay, because that would be strange.

18 MR. FELICIANO: Uh-huh.

19 THE COURT: Oh, okay. That's why you wanted to
20 approach?

21 MR. FELICIANO: Yes. Because I don't --

22 THE COURT: Okay.

23 MR. FELICIANO: -- I'm just saying, I don't think -- I don't think
24 I need to go out and hire somebody and have it -- I'll make the record if
25 -- when I need to if it gets to that point, but there's stuff that he's told me

1 that it just didn't happen.

2 THE COURT: Okay. But kind of was trying to infer from your
3 motion, and I thought that maybe there were some things that were --
4 that your client made were different than the transcript. So, --

5 MR. FELICIANO: Well, yeah that that --

6 THE COURT: -- based on my inference was kind of correct?

7 MR. FELICIANO: Yeah.

8 THE COURT: But -- now you've looked at the video. Did it
9 like, show the people?

10 MR. FELICIANO: I couldn't open the video on my computer.
11 I'm still -- I had a problem with it.

12 THE COURT: Okay.

13 MR. FELICIANO: So, I asked Mr. Sweetin. He told me the
14 video is fine I've got to find another computer, but it's -- I'm sure it's --

15 THE COURT: Does it show people?

16 MR. SWEETIN: No. It does show the people. At the
17 beginning of the interview the camera cuts off his face because he's
18 sitting back on the chair.

19 THE COURT: Uh-huh.

20 MR. SWEETIN: In the course of the interview he scoots
21 forward; you can see his face.

22 THE COURT: Okay. I think -- you'll go and show it to him;
23 right?

24 MR. FELICIANO: Yes, but he -- I can show him the most
25 obvious thing, and he will not listen to me. So --

1 THE COURT: Oh.

2 MR. FELICIANO: -- I don't think it's --it's not a competency
3 issue or anything like that, it's I don't like what's happening to me issue.

4 THE COURT: No, I understand. Okay.

5 MR. FELICIANO: So, I'm just -- if it becomes an issue he
6 might have to make his record, but I don't see -- this shouldn't postpone
7 -- I don't want this to postpone anything.

8 THE COURT: Okay. I've got it. I got it.

9 MR. FELICIANO: Because -- I mean, but --

10 THE COURT: Because like -- okay, I mean. But would he get
11 on the stand and testify at trial that's not me, it wasn't me? Okay.

12 MR. FELICIANO: At that point, I hope not, but we'll see, I
13 guess.

14 THE COURT: Okay.

15 MR. FELICIANO: It's his trial.

16 THE COURT: Okay. All right. Well, you've got to say what
17 you've got to say, I mean --

18 MR. FELICIANO: Uh-huh.

19 THE COURT: Okay.

20 MR. FELICIANO: Okay, just wanted to give you the heads up.

21 THE COURT: I appreciate that.

22 MR. FELICIANO: Thank you.

23 THE COURT: Thank you.

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[Bench conference -- concludes]

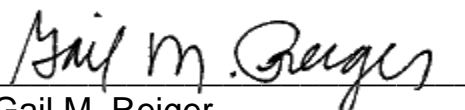
THE COURT: So, we'll see you on Monday.

MR. FELICIANO: Thank you.

[Hearing concluded at 9:39 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


Gail M. Reiger
Court Recorder/Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

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

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
MONDAY, JANUARY 22, 2018

**RECORDER'S TRANSCRIPT OF HEARING:
JACKSON V. DENNO HEARING; TRIAL BY JURY**

APPEARANCES:

For the State:	JAMES SWEETIN, ESQ. JENNIFER CLEMONS, ESQ. Chief Deputy District Attorneys
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For the Defendant:	MIKE FELICIANO, ESQ. NADIA HOJJAT, ESQ. Deputy Public Defenders
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ALSO PRESENT:	ELSA MARISCO Spanish Interpreter
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RECORDED BY: KRISTINE SANTI, COURT RECORDER

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Las Vegas, Nevada; Monday, January 22, 2018

[Hearing commenced at 10:48 a.m.]

THE COURT: The State of Nevada versus Vasquez-Reyes, C316382. The Defendant is present; he's in custody; he's using the services of the Interpreter. Will the Interpreter please state her name for the record?

THE INTERPRETER: Elsa Marisco, M-A-R-I-S-C-O.

THE COURT: Thank you.

THE INTERPRETER: Court Certified Interpreter, Your Honor.

THE COURT: The parties can state their appearance.

MR. SWEETIN: Yeah, James Sweetin and Jennifer Clemons for the State.

MR. FELICIANO: Mr. Feliciano and Nadia Hojjat for Mr. Vasquez-Reyes.

THE COURT: Mr. Feliciano, do you want to go ahead?

MR. FELICIANO: Yes, Your Honor. So, let's put on the record that we had our chamber's meeting on Friday, and upon review of Mr. Vasquez-Reyes' medical records we need an expert now to look at those records and possibly use the expert for the *Denno* hearing and possibly the trial. So, I've looked at them, I -- some things I understand, some things I don't, but it looks like there's something there that needs to be at least explored --

THE COURT: Okay.

MR. FELICIANO: -- before we go forward. Additionally, we talked about the issue of the STD coming into evidence. I guess as it

1 stands now, I guess that would be for me to move to admit that. I would
2 imagine I think that's where we are now. So, I know the Sate filed a
3 bench memo so there's no calendar date so I just imagine that just
4 stands.

5 THE COURT: I agree. I mean -- but if you were seeking to
6 admit that information I think you would probably have to bring that
7 before the Court before you asked a witness that.

8 MR. FELICIANO: We should. So, based on that, we are
9 asking for a -- to continue the trial for --

10 THE COURT: Well, you didn't -- you've asked for than that on
11 the STD. You indicated you're going to test your client.

12 MR. FELICIANO: Yes, well --

13 THE COURT: That your client has not been tested.

14 MR. FELICIANO: That's correct.

15 THE COURT: That you thought he should have been and that
16 you're --

17 MR. FELICIANO: That's correct.

18 THE COURT: -- going to privately test him?

19 MR. FELICIANO: That is correct.

20 THE COURT: Okay. Wasn't there a third issue?

21 MR. FELICIANO: I remember those were the two big ones, I
22 think.

23 THE COURT: Okay. All right. And you want a continuance in
24 light of that?

25 MR. FELICIANO: We do.

1 THE COURT: Okay.

2 MR. SWEETIN: And just to make a complete record Judge, in
3 regards to the medical records, the State opposed the -- any sort of
4 continuance on that basis. Defense counsel indicated that some of the
5 medical records that the Defendant had when he was taken into custody
6 at the jail indicated that he had an elevated blood pressure or his heart
7 rate was higher. The State submits that I don't think that that's out of the
8 ordinary for someone who is just arrested for a sexual assault. I don't
9 think that that is a basis to delay this trial to have a medical expert look
10 and see if that's out of the range of normalcy because I think in this
11 particular case it's clear; it's reasonable to assume that it probably is.

12 The other issue that the Defendant brought up was in regards
13 to the fact that the victim in this case, in the course of the sexual assault
14 exam, tested positive for the sexually transmitted disease chlamydia.
15 The Defendant now wants to have himself tested to see if he has
16 chlamydia. Now, the State's position is at this point that it's not relevant.
17 Defense wants to be able to have that exam done and then briefed to
18 the Court why it's relevant in this matter.

19 We submitted it to the Court's discretion in regards to whether
20 or not a continuance was appropriate under that circumstance and the
21 Court has determined that a continuance is -- is appropriate. But it's our
22 understanding as well that that's really the purpose of this continuance
23 for the Defense to have the Defendant tested for the sexually
24 transmitted disease chlamydia.

25 THE COURT: I agree. And I just want to make sure, Mr.

1 Feliciano, you have discussed with your client the privacy issues that will
2 be raised, and that if he does take this test that this is very, very likely
3 that the State will get those results.

4 MR. FELICIANO: Yes, we have discussed it. We're going to
5 meet with him again and discuss it further, but I don't -- I don't want to
6 give up like what our conversation is but --

7 THE COURT: I understand.

8 MR. FELICIANO: -- that we have discussed it.

9 THE COURT: But I just told you I wanted to make sure that
10 he understood that if the trial went forward it would go forward with he's
11 never been tested. With the request for a continuance, he could be
12 tested and the results of those -- the result of that test could be
13 admissible at a prior trial. I just wanted to make sure that that was out
14 there.

15 MR. FELICIANO: Understood.

16 THE COURT: Okay. And you understand that sir; correct?

17 THE DEFENDANT: Yes, yes, Your Honor.

18 THE COURT: And you understand your attorney is seeking to
19 continue the trial?

20 [Defendant speaks through the use of the Spanish Court Interpreter]

21 THE DEFENDANT: For how long?

22 MR. FELICIANO: We discussed dates with May.

23 MR. SWEETIN: I believe we both have the ability to do the
24 trial May 29th, that week.

25 THE COURT: So, it looks like it's going to be continued into

1 May or June. Do you understand that?

2 THE DEFENDANT: No, no, no.

3 MR. FELICIANO: We --

4 THE DEFENDANT: No.

5 MR. FELICIANO: Can I have the Court's indulgence for a
6 moment?

7 THE COURT: Okay. I don't think we've released our jury
8 panel.

9 [Colloquy between the Defense, Defendant and Court Interpreter]

10 THE COURT: You know, Mr. Feliciano, I don't think I need his
11 consent. You've sought the Court's request to continue it. I've indicated
12 I'm going to grant it. I brought him here today to make sure he
13 understood a couple of things. Test results could now become
14 admissible and that you were seeking a continuance so we weren't
15 going to trial today. Do you understand those two things; sir?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. Your motion to continue is granted.
18 Now I'm going to continue trial. It appears though May 29th is for both
19 sides; agreeable?

20 MR. FELICIANO: Yes.

21 MR. SWEETIN: Yes.

22 THE COURT: And your calendar call.

23 THE CLERK: May 22, 8:30.

24 MR. FELICIANO: We also have -- well, I -- because Mr.
25 Sweetin wants to just talk about the offer? You want the offer on the

1 record today?

2 MR. SWEETIN: Yeah -- well, we've had discussions as the
3 Court knows. There still has to be a *Denno* hearing, a determination by
4 the Court whether a *Denno* hearing is necessary. And so, we were
5 going to ask for a two week status check that will allow Mr. Feliciano to
6 evaluate what he might want to present at the *Denno* hearing, and then
7 discuss it further with the Court at that time. And on that date, the State
8 would also -- there's been an offer extended in this case of one count of
9 sexual assault, punishable by 10 years to life in prison, and one count of
10 lewdness, victim under 14, punishable by 10 to life -- 10 years to life in
11 prison with the State retaining the right to argue, and the Defense
12 retaining the right to argue as to whether those two counts would run
13 concurrently or consecutively. That's the offer of negotiation, and I've
14 indicated to Mr. Feliciano that that would be left open until the next
15 status check, and then it would be withdrawn.

16 MR. FELICIANO: And yes. And what we will do in the
17 meantime we will go discuss the offer one more time with Mr. Vasquez-
18 Reyes. Additionally, in the next two weeks before the status check I
19 hope to at least have -- find a doctor and have him review the records
20 and see -- his or her availability and set the hearing.

21 THE COURT: Within two weeks you're going to do that?

22 MR. FELICIANO: I'm going to try.

23 THE COURT: Okay. I think it's great. Okay. So, we'll set it
24 down for two weeks.

25 THE CLERK: February 8th at 8:30.

1 THE COURT: And the State's leaving that offer open until
2 that date?

3 MR. SWEETIN: That's correct; Judge.

4 THE COURT: Okay. And sir, Mr. Vasquez-Reyes, the State
5 of Nevada is leaving their offer open until that date. So, you'll need to
6 inform the Court whether you wish to accept that offer or reject it and
7 proceed and go to trial on that date. Okay. We'll see you on February
8 8th.

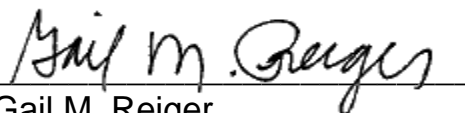
9 MR. SWEETIN: Thank you, Judge.

10 MR. FELICIANO: Thank you.

11 [Hearing concluded at 10:58 a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 Gail M. Reiger
Court Recorder/Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

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8 THE STATE OF NEVADA,)
9 Plaintiff,)
10 vs.)
11 ARMANDO VASQUEZ-REYES,)
12 aka ARMANDO VASQUIEZREYES,)
13 Defendant.)

14 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
15 THURSDAY, FEBRUARY 8, 2018

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK: NEGOTIATIONS**

18 **APPEARANCES:**

19 For the State: JAMES SWEETIN, ESQ.
20 JENNIFER CLEMONS, ESQ.
Chief Deputy District Attorneys

21 For the Defendant: MIKE FELICIANO, ESQ.
22 Deputy Public Defender

23 ALSO PRESENT: ALEX ANDRADE
24 Spanish Interpreter

25 RECORDED BY: SANDRA PRUCHNIC, COURT RECORDER

1 Las Vegas, Nevada; Thursday, February 8, 2018
2 [Hearing commenced at 9:12 a.m.]
3 THE COURT: Vasquez. Oh, we're still -- I think it's Mr.
4 Sweetin and then Mr. Feliciano.
5 UNKNOWN SPEAKER: And he was here, Your Honor.
6 THE COURT: I know it. Oh, there's Mr. Sweetin. Is Mr.
7 Feliciano going to appear?
8 MR. SWEETIN: Yeah, he was here then. Said he had to run
9 up to a --
10 THE COURT: Okay.
11 MR. SWEETIN: -- another courtroom.
12 THE COURT: Department 1. Who's that; Cory?
13 THE CLERK: Cory.
14 THE COURT: What are they going -- what kind of hearing is
15 it?
16 THE CLERK: It's a short hearing.
17 THE COURT: Okay.
18 [Hearing trailed at 9:12 a.m.]
19 [Hearing resumed at 9:34 a.m.]
20 THE COURT: C316382, he's present. He's in custody. He's
21 using the services of the Interpreter. Will the Interpreter please state her
22 name for the record?
23 THE INTERPRETER: Alex Andrade.
24 THE COURT: Thank you. Good morning.
25 MR. FELICIANO: Good morning. So, I guess we're on to set

1 a *Denno* hearing.

2 THE COURT: Uh-huh. What's the status? What --

3 MR. FELICIANO: Um, I --

4 THE COURT: Bring me up to speed.

5 MR. FELICIANO: Okay. So, I have there's an expert that I'm
6 working with and --

7 THE COURT: Medical?

8 MR. FELICIANO: A yes.

9 THE COURT: Okay.

10 MR. FELICIANO: And I'm -- I have to get him the records and
11 he said his turnaround time is a few days. So, it -- I'll probably have not
12 a report -- at lease a consult with him in the next few weeks. And as far
13 as him -- his availability to testify at a hearing it seems like they're
14 flexible. I think if we set it out maybe a well --

15 THE COURT: Thirty days?

16 MR. FELICIANO: I'd ask for maybe a little bit longer because
17 we have trial in May, I believe.

18 THE COURT: Right. That's why -- 30 days is March.

19 MR. FELICIANO: Yeah, look, yeah 30 days. If there's new
20 issues I'll put it back on if there's any issues with their availability.

21 THE COURT: Okay. Is that okay?

22 MR. SWEETIN: That's fine. We're setting it then for the
23 hearing or we setting it for status check?

24 THE COURT: Oh, no for the hearing.

25 MR. SWEETIN: Okay.

1 THE COURT: I mean, if it's -- we've got to keep it moving.

2 MR. FELICIANO: No, no absolutely.

3 THE COURT: So, that means, you know, help you put
4 pressure on your expert to get it done --

5 MR. FELICIANO: Okay.

6 THE COURT: -- in a timely manner.

7 MR. FELICIANO: There is a -- there was an issue of an offer
8 that Mr. Sweetin extended that was expiring today. I just wanted to
9 make that record.

10 THE COURT: Oh, that's right.

11 MR. FELICIANO: That is something -- I went to see Mr.
12 Vasquez-Reyes last week, we did not discuss it. And we had a
13 relatively short meeting so we did not discuss the offer.

14 MR. SWEETIN: The offers going -- what we --

15 THE COURT: It hasn't been conveyed to him?

16 MR. SWEETIN: -- is going away. Yeah, so I mean, we have
17 to make a record that he has at least received the offer and is rejecting
18 it.

19 MR. FELICIANO: Well, I don't --

20 THE COURT: What's the offer?

21 MR. SWEETIN: The offer is --

22 THE COURT: Put it on the record.

23 MR. SWEETIN: The offer is -- the offer is that he would plead
24 guilty to one count of sexual assault, one count of lewdness, victim
25 under 14. Both punishable by 10 years to life, the State retained the

1 right to argue. That's the offer.

2 THE COURT: Okay. Do you understand that's the offer being
3 made by the State of Nevada?

4 [Defendant speaks through the use of the Spanish Court Interpreter]

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. And I guess you think it's funny,
7 because you're laughing?

8 THE DEFENDANT: It's funny, yes. I think it's funny.

9 THE COURT: Okay. I'll accept that as a rejection because
10 I'm not sure there's anything funny about it. So, that's a bizarre reaction
11 --

12 MR. FELICIANO: Well --

13 THE COURT: -- especially when you're facing 10 life
14 sentences.

15 MR. SWEETIN: Yeah, and just to be clear the offenses that
16 he's currently charged with, just so he's completely aware of this. The
17 sexual assault with a minor under the age of 14, which is punishable by
18 35 years to life in prison as well as lewdness with a child under the age
19 of 14, which is punishable by 10 years to life in prison. He's facing
20 multiple counts of that. In this negotiation he'd be able to argue for a
21 minimum sentence of 10 to life. Just so he's aware of all the parameters
22 of the offer.

23 THE COURT: Okay. Because based on my -- it looks like
24 he's facing 10 life sentences with two of them being 35 to life's.

25 MR. SWEETIN: That's correct.

1 THE COURT: Thirty-five minimum. And the State has offered
2 him two counts where he could argue for a minimum of 10 --
3 MR. SWEETIN: That's correct.
4 THE COURT: -- years. Okay. You understand that sir?
5 THE DEFENDANT: Yes, yes.
6 THE COURT: And you're rejecting that offer?
7 THE DEFENDANT: Of course I am.
8 THE COURT: Okay. All right. The records clear the offer
9 was made. It is rejected and so I just want to make sure is the State
10 going to make that offer again?
11 MR. SWEETIN: No. The offer -- the offer's withdrawn at this
12 point.
13 THE COURT: Okay. The offer is withdrawn and make it
14 10:30 Tuesday or Thursday. Is Tuesday or Thursday better?
15 MR. FELICIANO: Um --
16 THE COURT: Does it matter?
17 MR. FELICIANO: It doesn't matter --
18 THE COURT: Okay.
19 MR. FELICIANO: -- to me. I don't know --
20 THE COURT: Does it matter Mr. Sweetin?
21 MR. FELICIANO: -- if Mr. Sweetin has a preference.
22 MR. SWEETIN: Well, what date are we looking at?
23 MR. FELICIANO: Well, I could check my [indiscernible] --
24 we're looking at 10:30 for start; okay.
25 THE COURT: Mm-hmm.

1 MR. FELICIANO: What dates were you thinking?
2 THE CLERK: March 15.
3 THE DEFENDANT: Why so long?
4 THE COURT: Because your attorney asked for 30 days trying
5 to accommodate your attorney.
6 MR. SWEETIN: Yeah, that would work for me.
7 THE COURT: Mr. Feliciano?
8 THE DEFENDANT: Running around in circles.
9 THE COURT: I'm sorry, what did you say?
10 THE DEFENDANT: Just going around in circles, he doesn't
11 do anything.
12 THE COURT: Okay. Mr. Feliciano, just so the records clear, I
13 mean, I've met with both sides in chambers and it's very clear to me that
14 Mr. Feliciano has done a substantial amount of work in getting this case
15 ready for trial, a substantial amount.
16 MR. FELICIANO: And I don't want to go into what we've
17 spoken about.
18 THE COURT: I just didn't want that to be on the record --
19 MR. FELICIANO: Okay.
20 THE COURT: -- without my opinion being --
21 MR. FELICIANO: Thank you.
22 THE COURT: -- that it's very clear to the Court that you've
23 done a substantial amount work in preparing this case for trial. And that
24 you have some very important things that need to be developed prior to
25 going to trial in this matter.

1 MR. FELICIANO: The only thing I wanted state as far as the
2 *Denno* hearing goes I'm going to do everything I can on my end to get it
3 ready.

4 THE COURT: Okay.

5 MR. FELICIANO: As far as prepping him for testifying or
6 preparing him for any type of participation, it's almost impossible. I just
7 wanted the Court to be aware of that. His last visit was ended very
8 quick.

9 THE COURT: Okay.

10 MR. FELICIANO: But, I'm doing my best.

11 THE COURT: Okay. That's fine just so long as he knows
12 we're going to go forward.

13 MR. FELICIANO: March 15th should a well -- it should work,
14 but next week would absolutely work.

15 THE COURT: Okay. The 22nd.

16 MR. FELICIANO: Yes.

17 THE COURT: That's fine. Mr. Sweetin?

18 MR. SWEETIN: Ms. Clemons is out of the jurisdiction that
19 week and I also have some prelims that week.

20 THE COURT: How about the next week?

21 THE CLERK: March 29th.

22 THE COURT: March 29th.

23 MR. FELICIANO: Ah --

24 THE COURT: If not, I'm just going to go back to the 15th.

25 MR. SWEETIN: Yeah, the 29th will work for me.

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MR. FELICIANO: Yes, the 29th works.

THE COURT: March 29th at 10:30.

MR. SWEETIN: That's fine, Judge. I think the Court's already made a record, but just to make a complete record as we've been discussing the case here. The Defendant has been involved in discussion has asked some impromptu questions so that he has a clear understanding of what's going on. And in the course of this he's been sneering at the Court and actually sort of chuckling under his breath through the full conversation. He hasn't been very receptive to this Court. I think what Mr. Feliciano is feeling towards just the general desire of the Defendant to kind of walk through this with a sort of nonchalant attitude.

THE COURT: Probably an accurate statement of what's happened this morning.

MR. SWEETIN: Thank you, Judge.

THE COURT: Thank you.

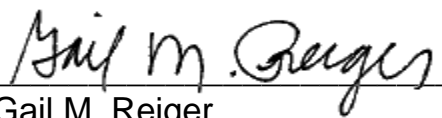
MS. CLEMONS: Thank you.

MR. FELICIANO: Thank you.

[Hearing concluded at 9:41 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


Gail M. Reiger
Court Recorder/Transcriber



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,)

9 Plaintiff,)

10 vs.)

11 ARMANDO VASQUEZ-REYES aka)
12 ARMANDO VASQUIEZREYES,)

13 Defendant.)

CASE NO. C-16-316382-1

DEPT. XII

14 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
15 TUESDAY, MAY 22, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
17 **RE: ALL PENDING MOTIONS**

18 APPEARANCES:

19 For the State:

JAMES R. SWEETIN, ESQ.
JENNIFER M. CLEMONS, ESQ.
Chief Deputy District Attorneys

21 For the Defendant:

MIKE FELICIANO, ESQ.
Deputy Public Defender

23 ALSO PRESENT:

MARIA PERALTA DE GOMEZ
Court Interpreter

24
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

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LAS VEGAS, NEVADA, TUESDAY, MAY 22, 2018

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[Hearing commenced at 8:57 a.m.]

THE COURT: State of Nevada versus Vasquez-Reyes. C316382.
He's present. He's in custody. He's using the services of the interpreter.
Will the interpreter please state her name for the record?

THE INTERPRETER: Maria Peralta De Gomez, Your Honor.

THE COURT: Thank you.

THE INTERPRETER: You're welcome, Your Honor.

THE COURT: This is on for calendar call. And then there's a couple
of motions pending.

MR. FELICIANO: There is. May we approach, Your Honor?

THE COURT: Of course.

MR. FELICIANO: Thank you.

[Bench conference -- begins]

MR. FELICIANO: So, it's our understanding that you're dark next
week.

THE COURT: Well -- and it's not -- I mean, I'm dark because they're
doing stuff --

MR. FELICIANO: Yeah, yeah.

THE COURT: -- in the courtroom.

MR. FELICIANO: Okay.

THE COURT: So -- and I know -- I'm not sure how I set this date here
because they've asked me to do this for -- I mean they've asked me for this date
like months ago.

1 MR. FELICIANO: Okay.

2 THE COURT: So, my apologies.

3 MS. CLEMONS: Oh, no. That's fine.

4 THE COURT: Okay. I'm not sure how because I think it was implicit
5 when I reset it that you guys were going to go so I apologize.

6 MR. FELICIANO: No problem. So when -- when would the Court be
7 available? Would it be the next week or later with a different staff?

8 THE COURT: We'll be available to do it the next week.

9 MR. FELICIANO: Well, they can't so --

10 MR. SWEETIN: The problem is --

11 THE COURT: Oh, you're kidding -- see this is how I get so -- because
12 I know you were ready to go that week.

13 MR. SWEETIN: Well, actually I got -- I got --

14 THE COURT: I mean if I could find another courtroom --

15 MR. SWEETIN: Actually, I'm -- I'm actually in another trial. It's a
16 multi-week trial.

17 THE COURT: Okay.

18 MR. SWEETIN: And it's going to be going through the next two
19 weeks, so, you know, I'm not sure what the Court's -- I mean, I think the case has
20 been continued four times.

21 THE COURT: I know.

22 MR. SWEETIN: I think they're all at Defendant's request. I think the
23 last time --

24 THE COURT: But you're ready?

25 MR. FELICIANO: Yeah.

1 MR. SWEETIN: -- it was on the chlamydia. It was on the chlamydia,
2 and I don't think the defense has done a test on chlamydia --

3 MR. FELICIANO: He won't do it. He doesn't want to do it now.

4 MR. SWEETIN: -- ultimately.

5 THE COURT: Sorry.

6 MR. SWEETIN: So, I'm not sure what the Court wants to do, but, you
7 know, I mean, I would -- I would rather just have a short continuance so but --

8 THE COURT: I would rather just do a short one. When can I try it?

9 MR. FELICIANO: Would it be --

10 THE COURT: How long is it going to take? Remind me.

11 MR. SWEETIN: Week and a half probably, at least a week.

12 THE COURT: Okay. So, two weeks?

13 MR. FELICIANO: Yeah.

14 MR. SWEETIN: Yeah, probably.

15 THE COURT: Out to June 12th. Okay.

16 MR. FELICIANO: My second chair who -- Ms. Hojjat, who did the
17 hearing --

18 THE COURT: Uh-huh, yeah.

19 MR. FELICIANO: -- she's out. She's leaving that week so she's
20 unavailable.

21 THE COURT: Okay.

22 MR. FELICIANO: And I prefer that -- I usually don't care about
23 second chairs, but in this case I do prefer that she stay on.

24 THE COURT: Yeah, of course. That's fine. I usually don't care about
25 second chairs. He is so funny.

1 How about the 19th?

2 MR. FELICIANO: The 19th if I could check.

3 THE COURT: And the State --

4 MS. CLEMONS: June 19th?

5 THE COURT: Will you be done though --

6 MR. SWEETIN: Yeah, I should.

7 THE COURT: -- because I know we're at the end of May.

8 MR. SWEETIN: Yeah, I should done by June 8th.

9 THE COURT: Okay. June 19th?

10 [Colloquy between the Court and the Court Clerk.]

11 MR. SWEETIN: Is it okay for you?

12 MS. CLEMONS: Yeah, I have one on the 25th, but I'm pretty sure that
13 guy is getting deported so I don't think he's going to be present.

14 MR. SWEETIN: Yeah, it works for me.

15 MS. CLEMONS: So, okay, I'll have someone else do it I think after
16 that case.

17 MR. FELICIANO: Okay. Ms. Hojjat is in a hearing in North Las
18 Vegas. Could we maybe --

19 THE COURT: Okay. But what -- I mean, June 19th is just a start date.
20 She just has one hearing in North Las Vegas?

21 MR. FELICIANO: No, no. Right now.

22 MS. CLEMONS: No, I think currently.

23 MR. FELICIANO: That's why I'm trying to communicate with her --

24 THE COURT: Oh, okay. I'm sorry.
25

1 MR. FELICIANO: So, maybe -- we have some motions pending.
2 Maybe we can put it on in a week or --

3 THE COURT: Well one is going to become moot; right?

4 MS. CLEMONS: Right. Yeah, that's moot.

5 THE COURT: Because the State filed a noticed -- they filed a motion
6 to strike based on notice. That's going to become moot.

7 MR. FELICIANO: True. The other one might require a hearing if, if
8 we were granted a hearing --

9 MS. CLEMONS: And Mr. -- technically the opposition was due today,
10 I was actually supposed to start a trial yesterday so Mr. Feliciano said he's fine
11 with giving me a couple more days, like a week --

12 MR. FELICIANO: That's no problem.

13 MS. CLEMONS: -- to file something. So, if we could set that -- that I
14 guess argument on the week of the 4th.

15 MR. FELICIANO: If we could do that, maybe set it on the week of the
16 4th with the trial date on the 19th --

17 THE COURT: Okay.

18 MR. FELICIANO: -- but with the understanding that I'm not sure if
19 we're going to be able to go forward. I just -- I can't get ahold of Ms. Hojjat right
20 now. I think she's leaving -- I think the 14th or 15th. She's gone for like a week.

21 THE COURT: Okay. How about I just put it over for the -- is it the
22 4th?

23 THE CLERK: Tuesday -- I'm sorry -- It's Monday.

24 THE COURT: No, the 5th --

25 THE CLERK: So it'll be --

1 THE COURT: -- Tuesday, the 5th, and then I'll keep that date for you.
2 If everyone's good with it, we'll set it for the 19th.

3 MR. FELICIANO: Okay. Perfect.

4 THE COURT: If not, we'll try to find a date where everybody is
5 available --

6 MR. FELICIANO: Okay.

7 THE COURT: -- and we'll set it.

8 MR. FELICIANO: Perfect.

9 THE COURT: Okay.

10 MS. CLEMONS: And so the -- just so I'm clear that's just to argue
11 the motion --

12 THE COURT: Right. The only --

13 MS. CLEMONS: -- to suppress not the actual hearing.

14 THE COURT: Right --

15 MS. CLEMONS: Okay.

16 THE COURT: The only thing left would be the motion to suppress.

17 MS. CLEMONS: Okay.

18 THE COURT: And I think we've -- I mean you weren't here at that
19 hearing, but I think this appeared to me to be almost duplicative. Am I missing
20 something?

21 MS. CLEMONS: I wasn't at the hearing either so --

22 MR. FELICIANO: Something overlapped --

23 THE COURT: Okay. All right.

24 MR. FELICIANO: Some of the facts they were basing it overlapped,
25 but the legal theory is different so I don't know --

1 THE COURT: Okay.

2 MR. FELICIANO: -- I wasn't at the hearing either so I ordered a
3 transcript which the order was signed about a week ago. So, I imagine I'll get it
4 soon so we may not require it. It may just -- I may be able to get what I need
5 from the transcript.

6 THE COURT: Okay. I think probably from the transcript and the
7 testimony -- I think he probably -- because it sounded awful familiar. I thought
8 that those issues had been resolved but --

9 MR. FELICIANO: Okay.

10 MS. CLEMONS: Okay.

11 THE COURT: -- we'll set it over for the 5th.

12 MR. FELICIANO: Okay. Thank you.

13 MS. CLEMONS: Sounds good. Thank you.

14 THE COURT: All right. We'll set it over for June 5th at 8:30, and the
15 State will file their opposition to the motion to suppress, and the State's motion to
16 strike the expert due to untimely notice will be moot. And then we'll set your trial
17 date on that date.

18 MR. SWEETIN: Thank you. Just to be clear, Judge, the current trial
19 date is vacated then?

20 THE COURT: That's correct. Thank you.

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1 May trial date is vacated.

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3 [Hearing concluded at 8:56 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 
24 PATRICIA SLATTERY
25 Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE#: C-16-316382-1
Plaintiff,	)	DEPT. XII
vs.)	
ARMANDO VASQUEZ-REYES,)	
aka ARMANDO VASQUIEZREYES,)	
Defendant.)	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

TUESDAY, JUNE 05, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
STATUS CHECK: RESET TRIAL DATE;
DEFENDANT'S MOTION TO SUPPRESS DEFENDANT'S
STATEMENT**

APPEARANCES:

For the State: JENNIFER CLEMONS, ESQ.
Chief Deputy District Attorney

For the Defendant: MIKE FELICIANO, ESQ.
Deputy Public Defender

ALSO PRESENT: MICHELLE ROTH
Court Interpreter

RECORDED BY: KRISTINE SANTI, COURT RECORDER

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TUESDAY, JUNE 05, 2019 AT 9:44 A.M.

THE COURT: State versus Armando Vasquez-Reyes, C316382. He's present, he is in custody, and he's using the services of the interpreter. Will the interpreter please state her name for the record?

THE COURT INTERPRETER: Michelle Roth.

THE COURT: Okay. So, we're here to discuss resetting the trial date.

MR. FELICIANO: Yes. May we approach, please?

THE COURT: Of course.

MR. FELICIANO: Thank you.

[Bench conference -- begins]

THE COURT: Today's the 5th.

MR. FELICIANO: So, we have the 18th.

THE COURT: Eighteenth of what?

MR. FELICIANO: Of this month was possibly available. I want to see if the 25th is available.

MS. CLEMONS: But I'm not available on the 25th.

THE COURT: Well, then why ask for the 25th?

MS. CLEMONS: Because he keeps trying to kick me out.

MR. FELICIANO: She -- I mean, she doesn't have to it.

THE COURT: Come on. There's [indiscernible] making concessions for your second chair.

MS. CLEMONS: Thank you, Your Honor.

MR. FELICIANO: Well, no, that's the issue. My second chair

1 is not available on the 18th.
2 MS. CLEMONS: Right.
3 MR. FELICIANO: She's back on the 25th.
4 THE COURT: Okay. So, what else do you have?
5 MR. FELICIANO: So, do you have like the week after that
6 maybe?
7 THE COURT: After the 25th.
8 MR. FELICIANO: Uh-huh.
9 THE COURT CLERK: July 2nd.
10 THE COURT: July 2nd.
11 MR. FELICIANO: We'll take it.
12 THE COURT: Okay. So, is that a Tuesday?
13 MR. FELICIANO: July 2nd.
14 MS. CLEMONS: How long is this going to go?
15 THE COURT: It's a Monday so July 2nd.
16 MR. FELICIANO: This?
17 MS. CLEMONS: Yeah.
18 MR. FELICIANO: A week.
19 THE COURT: Okay. So, I just want to warn you Wednesday
20 is the holiday. We start on the 2nd. So, we have Monday, Tuesday.
21 Just Wednesday is the holiday; right? Wednesday is a holiday and then
22 we'll be back on Thursday. Are you okay with that?
23 MR. FELICIANO: Sure.
24 MS. CLEMONS: I'm leaving town on July 11th --
25 THE COURT: Okay.

1 MS. CLEMONS: -- and I don't know if we're going to be done
2 by then.

3 MR. FELICIANO: I don't know.

4 THE COURT: When is July 11th? What day does that --

5 MS. CLEMONS: It's a Wednesday.

6 THE COURT: So, it's the following Wednesday.

7 MS. CLEMONS: I'll be gone Wednesday through Tuesday.

8 THE COURT: So, Monday, Tuesday --

9 MS. CLEMONS: I'm sorry. I think if we're done on the 10th it's
10 all right. I fly out on the 10th, yeah, 10th through 14th. So, no, I can't do
11 it, I can't.

12 MR. FELICIANO: Okay. What about the week after that?

13 MS. CLEMONS: The 16th, I think Jim and I -- I'm fine. Jim's
14 got --

15 THE COURT: Okay. Can't do the 16th.

16 MS. CLEMONS: Okay.

17 MR. FELICIANO: So, it's the 18th. So, is the 18th still there?

18 THE COURT: June 18th? I'm here.

19 MR. FELICIANO: Okay. Well --

20 THE COURT: I will wait for your second chair.

21 MR. FELICIANO: The thing is he -- he -- we met with him
22 yesterday and he'd rather have her off the case then go on the 18th as
23 opposed to continuing but --

24 THE COURT: Well, I mean, that's not necessarily his
25 decision.

1 MR. FELICIANO: Now, it's --
2 THE COURT: I mean, if you need that second chair.
3 MR. FELICIANO: When would we be looking at?
4 THE COURT: Well, I've given you multiple --
5 MS. CLEMONS: I know it's hard because --
6 THE COURT: Okay. So, tell me what --
7 MS. CLEMONS: -- everybody's got stuff going on.
8 THE COURT: -- tell me when you're available after the last
9 date that we just mentioned. July 16th, what about after that? July 23rd.
10 MR. FELICIANO: I'll take it.
11 MS. CLEMONS: I can -- I can figure that out.
12 THE COURT: And that's a Monday; right? And how long --
13 do you think you'll need a couple weeks?
14 MS. CLEMONS: I think we can for sure get it done in two
15 weeks.
16 MR. FELICIANO: Yeah.
17 MS. CLEMONS: I think it's just a matter of how many days go
18 into that second week.
19 MR. FELICIANO: Yeah.
20 MS. CLEMONS: Is that fair?
21 MR. FELICIANO: Yeah. I'd probably say Tuesday, maybe
22 Wednesday of the following week.
23 THE COURT: So, July 23rd that's a Monday; right? Can you
24 start at 10:30 with jury selection?
25 MS. CLEMONS: Yeah, yeah.

1 THE COURT: We'll actually start July 23rd. I can start at 8:30.
2 MR. FELICIANO: Sure.
3 THE COURT: That's up to you.
4 MS. CLEMONS: That's fine.
5 MR. FELICIANO: This is my oldest case. It needs to go.
6 THE COURT: So, July 23rd at 8:30 for jury selection. Do you
7 want a calendar call?
8 MS. CLEMONS: Yes.
9 MR. FELICIANO: Sure, just in case something comes up.
10 THE COURT: And I'm scared to give you a calendar call.
11 Then you're going to tell me there's a problem.
12 MR. FELICIANO: No --
13 MS. CLEMONS: I think --
14 MR. FELICIANO: Everybody has us to go.
15 MS. CLEMONS: Yeah.
16 THE COURT: So, everybody's good and all the lawyers will
17 be here. Sweetin better be available.
18 MS. CLEMONS: I have his schedule and he doesn't have
19 anything for July 23rd. So, I think we're good.
20 MR. FELICIANO: And so we also have a motion on today.
21 THE COURT: Mm- hmm.
22 MR. FELICIANO: But the -- there's only the transcripts done
23 from the last hearing yet. I got the order signed a couple weeks ago.
24 THE COURT: Okay.
25 MR. FELICIANO: I think maybe we might want to get that

1 transcript first.

2 THE COURT: Okay.

3 MS. CLEMONS: Yeah.

4 MR. FELICIANO: There's another motion that they filed on --
5 it's on calendar soon. It's like the 19th maybe.

6 THE COURT: What's the motion called?

7 MS. CLEMONS: It's a motion in limine.

8 MR. FELICIANO: To the gonorrhea.

9 THE COURT: Let's see. State's motion -- is it --

10 MR. FELICIANO: Maybe we move this motion to that date.

11 MS. CLEMONS: Was that on today?

12 MR. FELICIANO: No.

13 MS. CLEMONS: Motion in limine was on --

14 THE COURT: It's on for the 19th.

15 MS. CLEMONS: Oh, okay.

16 THE COURT: Is that okay?

17 MS. CLEMONS: Yeah.

18 MR. FELICIANO: And I'll call and see what's going on with
19 the transcript.

20 THE COURT: Okay. I can check too and see whether --

21 okay. So, June 19th for the hearing and then July 23rd for your trial date.

22 MR. FELICIANO: Perfect.

23 MS. CLEMONS: Okay.

24 THE COURT: Okay.

25 [Bench conference -- ends]

1 THE COURT: Okay. All right.

2 So, June 19th I'll hear the two motions pending, and then your
3 trial date is July 23rd with jury selection at 8:30, and your calendar call is
4 July 17th at 8:30 for your calendar call.

5 MR. FELICIANO: I mean, just so Mr. Vasquez-Reyes is
6 aware, I just want to make the record that we are absolutely starting trial
7 on the 23rd --

8 THE COURT: That's correct.

9 MR. FELICIANO: -- with jury selection. And we are the first
10 or the only case on calendar for that week. So, we have what --

11 THE COURT: Yes. We'll be going on July 23rd. Okay.
12 Thank you.

13 MR. FELICIANO: I think he has a question.

14 THE COURT: Okay. Thank you.

15 [The Defendant speaks with the use of the Court Interpreter]

16 THE DEFENDANT: May I say something?

17 MR. FELICIANO: Sure.

18 THE DEFENDANT: Why do you keep delaying the trial for so
19 long? I've been here for two years and two months. And they don't
20 even have any evidence against me.

21 THE COURT: Okay. Thank you. I'll see you back on June
22 19th.

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MR. FELICIANO: Thank you.

THE COURT: Thank you.

[Proceedings concluded at 9:50 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE#: C-16-316382-1
Plaintiff,	)	DEPT. XII
vs.)	
ARMANDO VASQUEZ-REYES,)	
aka ARMANDO VASQUIEZREYES,)	
Defendant.)	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

TUESDAY, JUNE 19, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS:

PENDING MOTIONS

APPEARANCES:

For the State:	JAMES R. SWEETIN, ESQ. JENNIFER M. CLEMONS, ESQ. Chief Deputy District Attorneys
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For the Defendant:	MIKE FELICIANO, ESQ. Deputy Public Defender
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ALSO PRESENT:	ALICIA HERRERA Court Interpreter
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RECORDED BY: KRISTINE SANTI, COURT RECORDER

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LAS VEGAS, NEVADA, TUESDAY, JUNE 19, 2018

[Hearing commenced at 10:15 a.m.]

THE COURT: State versus Vasquez-Reyes, C316382. He's present. He's in custody. There's some motions on. He's using the services of the interpreter. Will the interpreter state her name for the record?

THE COURT INTERPRETER: Alicia Herrera.

THE COURT: Okay. The State's motion in limine. You didn't file in opposition?

MR. FELICIANO: I did.

THE COURT: Okay.

MR. FELICIANO: I filed -- I filed it yesterday.

THE COURT: Okay. Do you have a copy?

MR. FELICIANO: Yes. May I approach?

THE COURT: Absolutely. Sorry about that. Okay. Anything either side would like to add? I mean I'm familiar with this issue. I know we've discussed it outside of Court as well, and we had conferences together --

MR. SWEETIN: Right.

THE COURT: -- so is there anything the State would like to add?

MR. SWEETIN: No, Judge. I would just say it's a clear violation of rape shield.

MR. FELICIANO: Other than what -- I think it's pretty simple. I got to standby what I wrote.

1 THE COURT: Thank you very much. At this time I'm going to
2 grant the motion in limine, and the State can prepare the order.

3 MR. SWEETIN: Thank you, Judge.

4 THE COURT: On your motion to suppress, do you believe
5 that you need -- because you asked for an evidentiary hearing.

6 MR. FELICIANO: Yes. Well, I looked at the transcript of the
7 other hearing on the *Denno* -- the *Denno* hearing.

8 THE COURT: Uh-huh.

9 MR. FELICIANO: And it -- there's references to whether
10 Mr. Vasquez-Reyes voluntarily went with the police --

11 THE COURT: Right.

12 MR. FELICIANO: -- at page 11. It's not very clear though. I
13 think that needs to be developed further.

14 THE COURT: So, just that one witness?

15 MR. FELICIANO: Well, it probably be with Pretti and the -- I
16 guess, the interpreter, I would think, and Mr. Vasquez-Reyes, if
17 necessary. I think those two.

18 THE COURT: Okay. So, the detective and the interpreter
19 that was called in?

20 MR. FELICIANO: The very least the detective and possibly
21 the interpreter. It shouldn't be very long. It's just a few points that we
22 need to make unless -- unless they agree with the facts the way I've --
23 my interpretation of the facts, but I guess we don't move into the
24 hearing, but otherwise we do.

25 MS. CLEMONS: Well --

1 THE COURT: Well, since their pleadings indicate that they
2 think the facts were different --

3 MS. CLEMONS: -- and Your Honor --

4 THE COURT: -- they believe he -- they believe he voluntarily
5 went.

6 MR. FELICIANO: Yeah --

7 MS. CLEMONS: Additionally, I mean, I mention this in -- on
8 page 6 real briefly. It doesn't necessarily even matter whether or not he
9 was detained because there was probable cause to arrest him once the
10 victim made the disclosure. So, there is no violation here, there's no
11 statutory violation, and if there was what is his -- what's the prejudice to
12 him? I mean, he -- they already had PC to arrest him so they could take
13 him to the station and hold him for as long as they wanted to because he
14 -- there was a probable cause. So, I mean I don't think there's a need
15 for a hearing because of that element alone. There's no prejudice to
16 him. He was getting arrested regardless.

17 MR. FELICIANO: Yeah, and I don't think it's necessarily they
18 did actually have probable cause to arrest him. They had
19 uncorroborated testimony from a teenager when the police were there
20 on a totally unrelated issue where the child pulled the police aside and
21 asked -- told them some information. So, that in it of itself I don't think
22 would be enough to arrest him.

23 MS. CLEMONS: But, I mean, I did cite the case.

24 THE COURT: So, that wasn't probable cause but after talking
25 to your client they had probable cause?

1 MR. FELICIANO: Well, after -- after the several hours or
2 whatever it was that he gave the statement, I mean, the -- the
3 handcuffing him, putting him in the back of the police car, taking him to
4 the police -- or to the headquarters or whatever they took him, letting
5 him sit for an hour or so in a room then interrogating him, he makes
6 some damaging statements then I guess they arrested him. It's not
7 really clear.

8 They're saying they -- they're saying they arrested him at the
9 conclusion of the interview based -- I mean, I would imagine based on
10 what he said. If there was enough to arrest him before that why wouldn't
11 they? That doesn't make any sense.

12 MS. CLEMONS: Well, it's because -- I mean you can have
13 probable cause to -- for purposes of --

14 THE COURT: And continue to investigate.

15 MS. CLEMONS: Yeah, they chose to investigate it. So, they asked
16 him do you want to come to the station and he voluntarily went to the
17 station. Her statement saying that he abused her alone is enough to
18 convict in a jury trial. So, obviously it's enough for a probable cause.

19 THE COURT: So, why wouldn't it be enough for probable
20 cause?

21 MS. CLEMONS: Correct.

22 THE COURT: I mean --

23 MR. FELICIANO: Well --

24 THE COURT: I'll allow you to develop this issue because I
25 think that it would probably be a short hearing.

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MR. FELICIANO: Yeah, very short.

THE COURT: And I don't know if your client wants to testify.
Sounds like maybe he would want to testify as to this specific issue --

MR. FELICIANO: Most likely.

THE COURT: -- based on the pleadings. So -- when can we
do -- do you want to do it the first day? I just know you have -- your
trial date is -- is very close.

MR. FELICIANO: Yeah, that should be fine. That's fine with
us.

THE COURT: You want to do it the first day of trial?

MR. SWEETIN: I think that's fine, Judge.

MS. CLEMONS: Yeah.

THE COURT: Okay. So, July 23rd. Thank you.

MR. FELICIANO: Thank you.

MS. CLEMONS: Thank you.

[Proceedings concluded at 10:21 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed
the audio/video proceedings in the above-entitled case to the best of my
ability.


PATRICIA SLATTERY
Court Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

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8 THE STATE OF NEVADA,) CASE#: C-16-316382-1
9 Plaintiff,) DEPT. XII
10 vs.)
11 ARMANDO VASQUEZ-REYES,)
12 aka ARMANDO VASQUIEZREYES,)
13 Defendant.)

14 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

15 TUESDAY, JULY 17, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**

17 **CALENDAR CALL**

18 **APPEARANCES:**

19 For the State: JAMES R. SWEETIN, ESQ.
20 Chief Deputy District Attorney

21 For the Defendant: MIKE FELICIANO, ESQ.
22 Deputy Public Defender

23 ALSO PRESENT: ALEX AVANTS
24 Court Interpreter

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, July 17, 2018
2 [Hearing commenced at 8:52 a.m.]
3 THE COURT: Vasquez-Reyes. C316382. Good morning.
4 MR. FELICIANO: Good morning.
5 THE COURT: He's present. He's in custody. He's using the
6 services of the interpreter.
7 Will the interpreter please state her name for the record?
8 THE INTERPRETER: Alex Avants, A-V-A-N-T-S.
9 THE COURT: Okay.
10 MR. FELICIANO: Competency form for Mr. Vasquez-Reyes.
11 THE COURT: Okay. Dated today?
12 MR. FELICIANO: Yes.
13 THE COURT: Okay. So based on this --
14 MR. FELICIANO: I have no choice. Based on our meeting
15 last week I -- he -- I think he has to go through competency.
16 THE COURT: Okay. I'll refer the matter to competency
17 court.
18 THE CLERK: August 10th 9:00 a.m., Department IX.
19 THE COURT: And then I'll vacate the trial date.
20 MR. SWEETIN: Just for the record, Judge. The State would
21 have been ready to proceed.
22 THE COURT: Okay.
23 MR. FELICIANO: Thank you.
24 THE COURT: And you would have been ready too?
25 MR. FELICIANO: Yes.

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THE COURT: I'm confident.

MR. FELICIANO: Yes.

THE COURT: But for this. Okay.

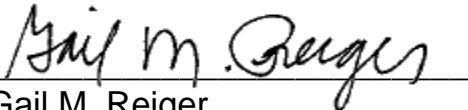
MR. FELICIANO: Correct.

THE COURT: Thank you.

MR. FELICIANO: Thank you.

[Proceedings concluded at 8:54 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


Gail M. Reiger
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
ARMANDO VASQUEZ-RE
Defendant.

VS.

ARMANDO VASQUEZ-REYES,
Defendant.

**RECORDER'S TRANSCRIPT OF HEARING:
FURTHER PROCEEDINGS: COMPETENCY**

For the State:

For the Defendant:

Also Present:

RECORDED BY: YVETTE SISON, COURT RECORDER

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Las Vegas, Nevada, Friday, August 17, 2018

[Hearing began at 9:07 a.m.]

THE COURT: Armando Vasquez-Reyes. Mr. Vasquez-Reyes is present in custody. He has the services of the Court Certified Interpreter. Ms. Interpreter could you state your appearance.

COURT CERTIFIED INTERPRETER: Ximena Fiene.

THE COURT: Thank you. Drs. Colosimo and Harder find the Defendant incompetent to proceed with adjudication. What is the Public Defender's position?

MS. MURPHY: Your Honor, Ms. Hojjat texted me this morning and asked me to trail this for her.

THE COURT: She doesn't want to do a 425?

MS. MURPHY: I -- I can text her back --

THE COURT: Yes.

MS. MURPHY: -- if you'd like. I mean I just told her okay, I'd trail it -- without getting into it but.

THE COURT: Yes. Say Judge wants to know why we're not just going to do a 425 and why do you have to be here.

MS. MURPHY: I will certainly do that.

THE COURT: All right; text her back. Ms. Interpreter can you wait just a minute?

COURT CERTIFIED INTERPRETER: Of course.

THE COURT: Okay. I'll recall it as soon as we get an answer.

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[Case trailed at 9:08 a.m.]

[Case recalled at 9:24 a.m.]

THE COURT: For the interpreter, Armando Vasquez-Reyes.

MS. MURPHY: And Your Honor, she's asking to continue this 30 days. They have been working to schedule actually an MRI that they want to have done to send up with him to Lakes, and they just finally got the final approval for that.

THE COURT: Okay, the matter is continued, status check MRI, 30 days.

MS. MURPHY: Thank you.

THE COURT CLERK: September 14th at 9 a.m.

THE COURT: Yeah, we don't have to wait for her to come for that.

MS. MURPHY: I didn't know until just now.

THE COURT: No, but you know what I mean --

MS. MURPHY: Sure.

THE COURT: -- why? Why run all the way here? Your lawyer just needs to get a medical test for you, and then in 30 days, you know, the jail has to bring you and that gets done, and then we'll see you again.

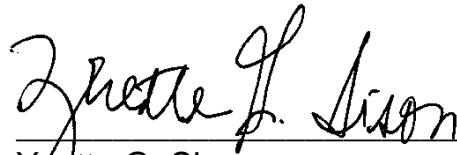
THE DEFENDANT: Okay.

[Hearing concluded at 9:25 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
ARMANDO VASQUEZ-RE
Defendant.

CASE#: C-16-316382-1
DEPT. IX

**RECORDER'S TRANSCRIPT OF HEARING:
FURTHER PROCEEDINGS: COMPETENCY - RETURN FROM STEIN**

For the State: GLENN O'BRIEN, ESQ.
Deputy District Attorney

For the Defendant: CLAUDIA ROMNEY, ESQ.
Deputy Public Defender, ESQ.

Also Present: XIMENA FIENE
Court Certified Interpreter - Spanish

RECORDED BY: YVETTE SISON, COURT RECORDER

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Las Vegas, Nevada, Friday, November 16, 2018

[Hearing began at 9:21 a.m.]

THE COURT: Armando Vasquez-Reyes, C316382-1. He's present in custody. From the Interpreter's Office, Ms. Interpreter, could you state your appearance for the record.

COURT CERTIFIED INTERPRETER: Ximena Fiene, Spanish Interpreter.

THE COURT: Thank you. The Defendant is here on return from Stein. Drs. Abu-Kamil [phonetics], DeVillez, and Roley find the Defendant meets the criteria to be considered competent to proceed. What's the Public Defender's position.

MS. ROMNEY: No challenge.

THE COURT: There being no challenge at this time, I find -- pursuant to NRS 178.420, sir you are competent to proceed to adjudication, and you are being returned back to District Court 12 on --

THE COURT CLERK: November 27th at 8:30 a.m.

THE COURT: If you have any questions, you'll have an attorney with you on that day. Any questions?

THE DEFENDANT: It's all right.

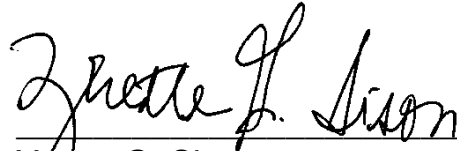
THE COURT: Okay, thank you.

[Hearing concluded at 9:21 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-16-316382-1
DEPT. XII

10 vs.

11 ARMANDO VASQUEZ-REYES aka
12 ARMANDO VASQUIEZREYES,
13 Defendant.

14 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
15 TUESDAY, NOVEMBER 27, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **FURTHER PROCEEDINGS: COMPETENCY -**
RETURN FROM LAKES CROSSING

18 APPEARANCES:

19 For the State: JAMES SWEETIN, ESQ.
Chief Deputy District Attorney

20
21 For the Defendant: MIKE FELICIANO, ESQ.
Deputy Public Defender

22 Also Present: JEFF HANKS
23 Spanish Interpreter

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25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

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TUESDAY, NOVEMBER 27, 2018 AT 9:13 A.M.

THE COURT: State versus Armando Vasquez-Reyes, C316382. He's present, he's in custody. He's using the services of the interpreter.

Will the interpreter state his name for the record?

THE COURT INTERPRETER: Jeff Hanks.

THE COURT: Okay. So, I'm assuming we're ready to reset it for trial.

MR. FELICIANO: We are. It's a return from -- he went to Stein for a few months. He's back, so we're ready to reset it.

THE COURT: Okay. Would it -- what's your calendar like?

MR. FELICIANO: Is there any March available?

THE COURT CLERK: Yes.

THE COURT: We can do March.

MR. FELICIANO: Okay.

THE COURT CLERK: Calendar call March 12, 8:30, jury trial March 19, 1:30.

MR. FELICIANO: Thank you.

THE COURT: Thank you.

MR. SWEETIN: Thank you, Judge. And there is a *Denno* hearing, but the Court had indicated that we were going to do that the first day of trial.

THE COURT: Okay.

MR. SWEETIN: Thank you, Judge.


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THE COURT: Thank you.

MR. FELICIANO: Thanks.

[Proceedings concluded at 9:14 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Trisha Garcia
Court Transcriber



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

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7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 ARMANDO VASQUEZ-REYES aka
11 ARMANDO VASQUIEZREYES,

12 Defendant.

CASE#: C-16-316382-1

DEPT. XII

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, MARCH 12, 2019

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
16 **STATE'S NOTICE OF MOTION AND MOTION TO STRIKE**
17 **DEFENDANT'S NOTICE OF EXPERT WITNESSES**
18 **PURSUANT TO NRS 174.234(2)**
19 **CALENDAR CALL**

20 APPEARANCES:

21 For the State:

JENNIFER CLEMONS, ESQ.
JAMES SWEETIN, ESQ.
Chief Deputy District Attorneys

22 For the Defendant:

MIKE FELICIANO, ESQ.
Deputy Public Defender

23 Also Present:

JEFF HANKS
Spanish Interpreter

24
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

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TUESDAY, MARCH 12, 2019 AT 9:14 A.M.

THE COURT: State versus Vasquez-Reyes, C316382. He's present and he's in custody. He's using the services of the interpreter.

Will the interpreter state his name for the record?

THE COURT INTERPRETER: Jeff Hanks.

THE COURT: Thank you.

All right. The State has a motion on. I got the Defense opposition late last night. I just wanted to make sure the State had an opportunity to review it.

MR. SWEETIN: I have, Judge.

THE COURT: Okay. And you're ready to go?

MR. SWEETIN: Yes, Judge.

THE COURT: Okay. Go ahead.

MR. SWEETIN: Judge, in this case Defense has noticed a witness in regards to -- the witness noticed was -- I'm sorry, I don't have it.

MR. FELICIANO: Harder.

THE COURT: Harder?

MR. FELICIANO: Dr. Harder.

MR. SWEETIN: Yeah, Dr. Harder, and that was noticed in regards to cognitive functioning. The notice itself only says that. He says that he will testify at trial regarding the Defendant's cognitive functioning. The statute is clear on this point that any notice requires a brief statement regarding the subject matter in which the expert witness

1 is expected to testify and the substance of his testimony.

2 In this case, based upon what Defense counsel's provided
3 me, I'm still not sure what Dr. Harder's actually going to testify to at the
4 trial. I'm not sure if it's going to be relevant to the proceeding. I'm not
5 sure whether I need to get another expert to testify in rebuttal to him.
6 I'm not sure if -- whether the State needs to challenge the witness's
7 ability to testify on whatever he -- he's going to testify on.

8 Subsequent to the initial notice of the expert there was a --
9 basically a report that was provided. This report is actually dated quite
10 some time ago and actually predates the -- one of the competency
11 evaluations of the Defendant. In looking in the report I'm even more
12 confused as to what Defense counsel intends Dr. Harder to testify to. It
13 appears that the report gets to competency issues and whether he's
14 able to actually stand trial; it would appear anyway from my brief reading
15 of it.

16 So, at this point the State submits that the notice itself is
17 inadequate. We're making a motion to strike it. If in fact the witness is
18 allowed or the motion's not stricken, the State would submit that if the
19 Defense is going to use an expert who has examined the Defendant,
20 that the State should also have an opportunity to have a
21 neuropsychological examination done on the Defendant by its expert if
22 I'm able to find out exactly what this expert is testifying to so that I can
23 make that determination whether or not an expert for the State is
24 appropriate.

25 So, it's the State's first motion to strike that expert. And,

1 certainly, if the Defense gives a more precise indication of what the
2 expert would testify to and the Court does not strike, then the State
3 would ask to have its own neuropsychological examination of the
4 Defendant done.

5 THE COURT: Okay. I think that that Notice of Expert Witness
6 is very vague. I don't know what cognitive function -- and I don't feel
7 much better after reading your opposition either.

8 MR. FELICIANO: Well, I have provided the report to Mr.
9 Sweetin. I didn't file the report that Dr. Harder completed.

10 THE COURT: Right. But a report before he went to Lakes
11 Crossing?

12 MR. FELICIANO: Yes.

13 THE COURT: That was a year ago.

14 MR. FELICIANO: That is correct.

15 THE COURT: Okay.

16 MR. FELICIANO: But nothing has changed in this case from
17 day one. From -- as you know, the history of this case, we've been here
18 a lot.

19 THE COURT: Sure.

20 MR. FELICIANO: And we've had these kind of issues for
21 three years now. So, nothing has changed. I put every --

22 THE COURT: Well, I have no idea. I don't know what
23 cognitive function means. I want your expert to be able to testify, but I
24 have to be able to rule on this motion and I don't think that your notice is
25 sufficient.

1 MR. FELICIANO: Well, at the time of the interrogation --

2 THE COURT: I don't know what that means.

3 MR. FELICIANO: I'm sorry? Well, that would be his -- okay,
4 so, when he was interrogated --

5 THE COURT: Sure.

6 MR. FELICIANO: -- we filed a *Jackson* -- we filed a motion for
7 a *Jackson v. Denno* hearing.

8 THE COURT: Right.

9 MR. FELICIANO: We did the hearing and that motion was
10 denied; however, our expert has spoken to Mr. Vasquez-Reyes and he
11 has opinions as to whether Mr. Vasquez-Reyes understands certain
12 things as far as conversations and information exchanges. So, we think
13 that would be certainly relevant to have in front of a jury to testify
14 whether he understood what was going on at the time of the
15 interrogations. Now, as far as --

16 THE COURT: Okay. So, the expert would come in and say
17 he didn't understand? I don't know.

18 MR. FELICIANO: Nobody can say that.

19 THE COURT: I don't know what --

20 MR. FELICIANO: Well, no, I wouldn't have him say that in
21 absolute -- that's -- that would be a --

22 THE COURT: Okay.

23 MR. FELICIANO: -- question of fact for the jury, but he could
24 say his observations as to -- into dealing with Mr. Vasquez-Reyes what
25 he believes his cognitive abilities are.

1 Now, I don't believe the State has -- is entitled to have
2 somebody speak to him independently. He has a right to remain silent,
3 and then if he's not going to waive that for their doctor, the cases they
4 cite deal with NGRI. This is not an NGRI case, and those cases are
5 absolutely NGRI cases. So, that's a different issue.

6 THE COURT: Well, then what relevance does the report
7 have? I'm just wondering why you provided that report.

8 MR. FELICIANO: The Harder report.

9 THE COURT: Right, the one from before he went to Lakes
10 Crossing.

11 MR. FELICIANO: They talked about -- the report talked about
12 his basically borderline, low intellectual functioning, and that -- how that
13 would impair possibly his understanding of what's going on around him.

14 THE COURT: Okay. So, that would be the extent of the
15 testimony.

16 MR. FELICIANO: That would be it. I mean, no, he's not going
17 to be called to say he's -- this happened or this didn't happen or he's
18 telling the truth or he's not telling the truth, that -- nobody can do that,
19 but it's just to talk about his reactions with Mr. Vasquez-Reyes and what
20 he perceives are his issues.

21 THE COURT: Okay.

22 Anything else?

23 MR. SWEETIN: I still don't understand what this expert's
24 going to testify to. I mean, I've heard a couple things Defense counsel
25 has --

1 THE COURT: His --

2 MR. SWEETIN: -- laid out.

3 THE COURT: I mean, he's diagnosed him? Is that a
4 diagnosis, borderline -- I don't --

5 MR. FELICIANO: Yeah, he's -- I mean, he's -- said he's very
6 low functioning as far as intellectual abilities.

7 THE COURT: Okay.

8 MR. SWEETIN: So, I'm not sure how that's necessarily
9 relevant to the case. I mean, if he's going to be testifying that he could
10 not understand and communicate with individuals in order to make a
11 statement -- is that what we'd get? And that's why I would ask for an
12 expert notice that laid out exactly what they're going to testify -- what the
13 expert's going to testify to as the statute requires so then I can make a
14 motion to strike the expert because it's -- he's -- it's not relevant to the
15 proceeding or I can challenge the expert's confidence to testify. I don't
16 have that now and Defense counsel has danced around a couple
17 different issues that he might testify to at this point.

18 THE COURT: Well, I think that you do -- I mean, cognitive
19 functioning, I really -- I'm not convinced that that's enough. I think that
20 you have maybe laid out better today. I think that you need to
21 supplement your expert witness notice so that the State's put on notice
22 of what he's going to testify to.

23 MR. FELICIANO: Well, I mean, I think --

24 THE COURT: I mean, I think cognitive functioning, that is just
25 not enough.

1 MR. FELICIANO: Well, I mean, looking at the report and
2 when it was done and looking at the entire case -- and I think it's pretty
3 clear what we're doing here. We're not trying to hide anything.

4 THE COURT: Well, then just say it in your expert. That's
5 what I don't understand. Just say, say what you've said today and put it
6 in your notice.

7 MR. FELICIANO: I can -- I guess I can type that out and put it
8 in the -- into the notice. I thought it was sufficient, but I can supplement
9 it.

10 THE COURT: Okay. So, I'm going to deny and give you an
11 opportunity to supplement.

12 MR. FELICIANO: Okay.

13 THE COURT: Now, we're here for calendar call as well.

14 MR. FELICIANO: So, we were -- we anticipated announcing
15 ready today.

16 THE COURT: Mm-hmm.

17 MR. FELICIANO: I don't know, do we even have a
18 courtroom?

19 THE COURT: We may not because I've started one already.

20 MR. FELICIANO: Okay. I met with Mr. Vasquez-Reyes
21 yesterday and he told me he absolutely wants to go to trial. Whatever
22 issue's outstanding, he wants to go to trial, so --

23 Right?

24 MR. SWEETIN: Well, I mean, the issue --

25 THE COURT: What does that mean whatever issue's

1 outstanding? What does that --

2 MR. FELICIANO: Well, even if this -- well, even if we have
3 this expert issue that's still outstanding, I think he would want to still go
4 to trial even if this is out there, but --

5 THE COURT: Okay. Well, you've got to have a judge and a
6 courtroom too.

7 MR. FELICIANO: I understand. I understand. I'm just doing
8 this so he doesn't have to, but he's going to make the same --

9 THE COURT: Oh.

10 MR. FELICIANO: -- record.

11 THE COURT: Okay. Okay. But you're ready to go?

12 MR. FELICIANO: Yeah, we are.

13 THE COURT: Okay.

14 MR. SWEETIN: And, Judge, I would note that, you know,
15 from what the expert -- what the expert will testify to, there's other -- I --
16 and I put in my opposition that there are other learned individuals that
17 directly, you know, controvert what that -- their expert says or is saying
18 in this sort of report in regards to low functioning.

19 THE COURT: Oh, so you think you might want to --

20 MR. SWEETIN: So, the State -- I think I probably would
21 want --

22 THE COURT: Oh.

23 MR. SWEETIN: -- an expert, and I would want to broach the
24 issue upon receiving a notice from the Defense that meets the statute of
25 whether or not the State was entitled to also have an examination, but

1 I'd wait until I received that notice to bring that before the Court again.

2 THE COURT: Okay.

3 But, I mean, I can tell you I'm in a -- I started one already. I
4 don't think we're going to have a courtroom next week. So, do you know
5 when -- I mean, if both sides are ready I'd like to continue it and give you
6 a date that's convenient for both sides.

7 I mean, I understand that it's been continued a lot. I
8 understand your client doesn't want a continuance, but I can't do two at
9 the same time.

10 MR. FELICIANO: I understand. Yesterday he told me that if
11 this was happening that he wanted to address the Court.

12 THE COURT: Okay.

13 MR. FELICIANO: I told him that it'd be better if he took --
14 talked to me and I spoke to the Court for him, but I think he wants --

15 THE COURT: Okay.

16 MR. FELICIANO: -- to address the Court directly.

17 [The Defendant speaks through the use of the Court Interpreter]

18 THE DEFENDANT: Yes, I do. I have a motion here.

19 THE COURT: Okay.

20 THE DEFENDANT: About the trial. I've been ready for three
21 years. That's all.

22 THE COURT: Okay. But you understand it has nothing to do
23 with the attorneys, it's the Court's schedule. Your attorney has indicated
24 he's ready to go. The State could probably be ready to go. But it's the
25 Court's schedule.

1 THE DEFENDANT: Okay.

2 THE COURT: So --

3 MR. FELICIANO: So, how far out are we looking?

4 THE COURT: I mean, I could -- I --

5 Can we put it on my next stack?

6 Do you want me to put it on the next stack?

7 MR. FELICIANO: What are the dates?

8 THE COURT CLERK: The next stack right away is May 20th.

9 THE COURT: In May; May 20th?

10 THE COURT CLERK: So, this is May. Yeah, May --

11 THE COURT: Do I have any weeks that look better than

12 others?

13 Is May 20th an actual open date?

14 MR. SWEETIN: Yeah, so, actually, Ms. Clemons who's doing

15 the trial with me is out of the country, coming back on the 20th.

16 THE COURT: Okay.

17 THE COURT CLERK: May 20th's the next one.

18 THE COURT: Okay. Can't do May 20th.

19 MS. CLEMONS: I can do the week after.

20 MR. FELICIANO: But Mr. Sweetin and I have a different case

21 in a different department on that week.

22 THE COURT CLERK: It shows you have three.

23 MR. FELICIANO: This case is older though.

24 THE COURT: The week after?

25 MR. FELICIANO: The week of the 28th.

1 THE COURT: Do I have the week of the 28th?
2 THE COURT CLERK: I --
3 THE COURT: Okay.
4 THE COURT CLERK: It can be set on the -- on Tuesday the
5 28th because the 27th is Memorial Day.
6 THE COURT: Okay.
7 THE COURT CLERK: Yeah.
8 THE COURT: I can set it for the 28th.
9 MS. CLEMONS: That's fine.
10 MR. FELICIANO: That's fine. I mean --
11 MR. SWEETIN: That's fine.
12 THE COURT: Is that okay?
13 MR. FELICIANO: -- this case is much older than the other
14 case, so --
15 THE COURT: Right.
16 THE COURT CLERK: So, do you want to aim for the 28th?
17 THE COURT: May 28th.
18 THE COURT CLERK: All right. May 28th, 1:30.
19 And then are we setting calendar call?
20 THE COURT: And calendar call.
21 THE COURT CLERK: Okay. You're dark the week previous,
22 so we can just set it for the 14th?
23 THE COURT: Okay.
24 THE COURT CLERK: May 14th, calendar call, 8:30.
25 MR. FELICIANO: And I'll supplement that --

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THE COURT: And --

MR. FELICIANO: -- notice so we can litigate that before trial.

THE COURT: Okay. And so if there's --

MR. SWEETIN: And I would just ask that that be done timely.
I know that the notice was filed, I think -- or inside the 21 days.

THE COURT: I can put it on for 30 days to make sure that
issue's resolved and address whether the State's going to hire their own
expert so we could keep it on --

MR. FELICIANO: I'll file it within a week.

THE COURT: -- schedule. Okay.

MR. SWEETIN: Thank you, Judge.

THE COURT: And we'll put it on for 30 days.

THE COURT CLERK: April 9th, 8:30.


MR. FELICIANO: Thank you.

THE COURT: Thank you.

THE COURT INTERPRETER: Thank you.

[Proceedings concluded at 9:26 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed
the audio/video proceedings in the above-entitled case to the best of my
ability.



Trisha Garcia
Court Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-16-316382-1
DEPT. XII

10 vs.

11 ARMANDO VASQUEZ-REYES aka
12 ARMANDO VASQUIEZREYES,
13 Defendant.

14 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
15 TUESDAY, APRIL 9, 2019

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **STATE'S NOTICE OF MOTION AND MOTION TO STRIKE**
18 **DEFENDANT'S NOTICE OF EXPERT WITNESSES**
19 **PURSUANT TO NRS 174.234(2)**

20 APPEARANCES:

21 For the State: JAMES SWEETIN, ESQ.
22 Chief Deputy District Attorney

23 For the Defendant: MIKE FELICIANO, ESQ.
24 Deputy Public Defender

25 Also Present: CARLOS CALVO
Spanish Interpreter

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 TUESDAY, APRIL 9, 2019 AT 9:15 A.M.

2
3 THE COURT: State of Nevada versus Vasquez-Reyes,
4 C316382. He's present and he's in custody. He's using the services of
5 the interpreter.

6 Will the interpreter state his name for the record?

7 THE COURT INTERPRETER: Yes, Your Honor. Carlos
8 Calvo, C-A-L -- V as in Victor -- O.

9 THE COURT: Okay.

10 THE COURT INTERPRETER: Thank you.

11 THE COURT: This is on -- I -- the -- I know the State had a
12 motion pending. I gave the Defense an opportunity to amend.

13 MR. SWEETIN: Yeah.

14 THE COURT: Anything further?

15 MR. SWEETIN: They did file the motion to amend. I had
16 mentioned to defense counsel and I think I mentioned to the Court that
17 the State would be seeking an examination of the Defendant ourselves.
18 I'd like to supplement our pleadings in that regard.

19 THE COURT: Okay.

20 MR. SWEETIN: So, I don't know if you want to set a briefing
21 schedule or you want me to e-file a supplement.

22 MR. FELICIANO: I'm good with whatever.

23 THE COURT: Why don't you just go ahead and file a
24 supplement and then the Defense can have an opportunity to respond. I
25 mean, because we have a trial date set May 28th.

1 MR. FELICIANO: And as far as the trial date, are we -- as far
2 as on the stack, are we first or are we -- I'm just kind of curious to see if
3 we're going.

4 THE COURT: I don't know if -- I don't -- I haven't stacked
5 them up yet in --

6 MR. FELICIANO: Okay. All right.

7 THE COURT: -- one, two or three.

8 MR. FELICIANO: All right. Thanks.

9 THE COURT: But I understand you all have been waiting to
10 go to trial for a while.

11 MR. FELICIANO: Yeah, yeah, I just -- he just had some
12 questions about, you know, where he stood, so I was just --

13 THE COURT: Sure.

14 MR. FELICIANO: -- going to clarify. But thank you.

15 THE COURT: Okay.

16 MR. SWEETIN: And just to be clear then, Judge, the State
17 will file a motion to supplement and then we'll have a hearing date set on
18 that motion.

19 THE COURT: Sure.

20 MR. SWEETIN: Thank you, Judge.

21 THE COURT: Sure. You know, maybe I'll give you a hearing
22 now because we're so close to trial I'm afraid --

23 MR. SWEETIN: Sure.

24 THE COURT: -- you might --

25 Let's see, first of May?

1 THE COURT CLERK: Do you want a 10:30 hearing, Judge?
2 THE COURT: No, it can be on a regular calendar.
3 THE COURT CLERK: Oh, okay.
4 THE COURT: Like May 7th?
5 THE COURT CLERK: Yes.
6 THE COURT: If we did May 7th would that be enough time?
7 MR. SWEETIN: Yes, should be. I should be --
8 THE COURT: For both sides?
9 MR. SWEETIN: -- able to get my motion filed in about a week.
10 THE COURT: Okay.
11 May 7th at 8:30.
12 MR. FELICIANO: Okay. I'll file something a week from
13 receiving his; is that good?
14 THE COURT: Sure.
15 MR. FELICIANO: Okay.
16 THE COURT: Okay. Thank you.
17 MR. FELICIANO: Thank you.

18
19 [Proceedings concluded at 9:17 a.m.]
20

21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 

25 Trisha Garcia
Court Transcriber



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6
7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 ARMANDO VASQUEZ-REYES aka
11 ARMANDO VASQUIEZREYES,

12 Defendant.

CASE#: C-16-316382-1

DEPT. XII

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, MAY 7, 2019

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
16 **HEARING**
17 **STATE'S NOTICE OF MOTION AND MOTION TO STRIKE**
18 **DEFENDANT'S NOTICE OF EXPERT WITNESSES**
19 **PURSUANT TO NRS 174.234(2)**

20 APPEARANCES:

21 For the State:

SANDRA K. DIGIACOMO, ESQ.
Chief Deputy District Attorney

22 For the Defendant:

MIKE FELICIANO, ESQ.
Deputy Public Defender

23 Also Present:

RICARDO PICO
Spanish Interpreter

24
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

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TUESDAY, MAY 7, 2019 AT 9:39 A.M.

THE COURT: State versus Vasquez-Reyes, C316382. He's present and in custody and using the services of the interpreter.

Would the interpreter state his name for the record?

THE COURT INTERPRETER: Ricardo Pico, Spanish interpreter.

THE COURT: Okay. Go ahead.

MR. FELICIANO: So, this was on for the State to possibly file another motion.

THE COURT: Right, but they didn't file anything.

MR. FELICIANO: Yeah, and I talked -- I met with Mr. Sweetin in his office last week. Based on our new notice, they're not -- my understanding, they're not proceeding on their motion, so it should be off calendar.

MS. DIGIACOMO: That is correct with the understanding -- it's my understanding that Mr. Feliciano or the Defense has agreed not to have their expert, Dr. Harder, do any further exams on the Defendant, that they will be just referring to the ones that were done June 8th, 2018 and August 10th, 2018.

MR. FELICIANO: I don't know specifically on the dates offhand, but I -- we're not going to have any more further out evaluations, so --

THE COURT: Okay. No problem. So, it will be off calendar till May 14th. That's your calendar call.

1 MR. FELICIANO: Yes. Now, today I spoke to -- in speaking
2 with Mr. Vasquez-Reyes this morning, he has some issues that I can't
3 resolve that he wants to address with the Court. I -- so, I've told him, but
4 we've been here doing this now for about three years, so he wants to
5 address the Court.

6 THE COURT: Okay.

7 [The Defendant speaks through the use of the Court Interpreter]

8 THE DEFENDANT: Your Honor, with all due respect, this is
9 what I need; I need all those documents from the doctor that shows all
10 the medications I've ever received because they're giving me
11 medications that are not for my well-being, for my health. I should only
12 be getting medications for blood pressure, but I've been getting up to six
13 pills. I've been getting aspirin for my heart issues and two other pills that
14 I don't know what they're for. The doctor wrote down the medication
15 that I should be getting and the nurse gave me the names of the
16 medication that I'm getting and they don't coincide with what I'm
17 supposed to be getting. And right now on my way to court they put
18 something in my food that I'm not -- just don't feel well.

19 THE COURT: Who put something in your food?

20 THE DEFENDANT: I need to -- that -- you know, have that
21 checked, whatever they put into my food.

22 THE COURT: Who put something in your food?

23 THE DEFENDANT: I do not know. I just want to know what
24 was put in it.

25 THE COURT: Well, how do you know they -- somebody put

1 something in your food?

2 THE DEFENDANT: Because I always wash what I eat and
3 then feel well, and this time I didn't wash it and now I don't feel well. All
4 of us who are on a special diet, it's the same case.

5 MR. FELICIANO: Well, we have looked at the NaphCare
6 records, not recently, and there's no -- at least the records don't show
7 anything where they're putting -- tainting his food, and I know of no
8 medicines that they would add to food, but, you know --

9 THE DEFENDANT: I want to ask, please, I need all those
10 names of the medications that I've been given for the past three years
11 that I've been here.

12 THE COURT: Okay. Well, your attorney has your medical
13 records; he can provide that to you.

14 THE DEFENDANT: But I need the names of all the pills that
15 I've been given.

16 THE COURT: Okay. And that --

17 MR. FELICIANO: I'll --

18 THE COURT: -- should be in the medical records.

19 MR. FELICIANO: I'll order updated records --

20 THE COURT: Okay.

21 MR. FELICIANO: -- and get those to him. It's probably going
22 to take a week or so to get them, but I can --

23 THE COURT: Okay.

24 MR. FELICIANO: -- get those pretty quick.

25 THE COURT: All right.

1 THE DEFENDANT: And, please, Your Honor, please don't
2 delay my trial anymore because I've been here for three years and I've
3 been just getting more and more time and it's just not fair.

4 THE COURT: Okay. I know you're ready to go to trial, and
5 we're -- I'm going to do everything in my power to make sure it goes
6 forward on the date that it's scheduled to go forward.

7 THE DEFENDANT: Your Honor, ever since I got arrested the
8 DA should have been ready. It's been three years and they're not
9 ready.

10 THE COURT: Well, the DA's been ready. That's not
11 necessarily true. The DA has been ready.

12 THE DEFENDANT: Well, I've been ready for three years.

13 THE COURT: Okay. All right.

14 MR. FELICIANO: So, calendar call next week.

15 THE COURT: That's right. We'll see you then.

16 MR. FELICIANO: So, do you know if -- are -- does it look
17 good for trial; can you tell? Or we won't know till next week as far as,
18 like, are we -- because I think I -- my secretary said that you're dark
19 the -- like in a week or so for a week. I don't know if that's true though.

20 THE COURT: The 19th through -- yeah, it's before your trial
21 date.

22 MR. FELICIANO: Oh, okay. All right.

23 THE COURT: Yeah, it's before.

24 MR. FELICIANO: All right. We'll see what happens next
25 week.

1 THE COURT: Yeah, okay.

2 MR. FELICIANO: Thank you.

3 THE COURT: Thank you.

4 MS. DIGIACOMO: Thank you.

5 THE DEFENDANT: I have another question. They sent me
6 to the psychiatric -- to do a psychiatric evaluation and I came out fine.
7 And Mr. Feliciano, he said to me that I have to undergo psychiatric
8 treatment. And that's what I told the doctor, that I need -- all I need is
9 my medication for my high blood pressure, cholesterol, and diabetic, and
10 that's it.

11 THE COURT: Okay.

12 THE DEFENDANT: So, they did the test, I came out fine, and
13 this is why I'm here. Thank you, Your Honor.

14 THE COURT: Okay. Thank you.

15 MR. FELICIANO: Thank you, Judge.

16 THE COURT: Thank you.

17

18 [Proceedings concluded at 9:45 a.m.]

19

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
ability.

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Trisha Garcia
Court Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-16-316382-1
DEPT. XII

10 vs.

11 ARMANDO VASQUEZ-REYES aka
12 ARMANDO VASQUIEZREYES,
13 Defendant.

14 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
15 TUESDAY, MAY 14, 2019

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **ALL PENDING MOTIONS**
CALENDAR CALL

18 APPEARANCES:

19 For the State: JENNIFER CLEMONS, ESQ.
20 Chief Deputy District Attorney

21 For the Defendant: MIKE FELICIANO, ESQ.
22 Deputy Public Defender

23 Also Present: NORMA CAUCAS
24 Spanish Interpreter

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

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TUESDAY, MAY 14, 2019 AT 9:41 A.M.

THE COURT: State of Nevada versus Vasquez-Reyes, C316382. He's present, he's in custody. He's using the services of the interpreter.

Will the interpreter please state her name for the record?

THE COURT INTERPRETER: Norma Caucas, C-A-U-C-A-S.

THE COURT: Thank you.

MR. FELICIANO: May we approach?

THE COURT: You may.

MR. FELICIANO: Thank you.

[Bench conference -- begins]

THE COURT: You're, like, killing me, Mr. Feliciano.

MS. CLEMONS: Good morning.

MR. FELICIANO: I'm sorry?

THE COURT: Are you really going to send him to Competency again? What am I going to do?

MR. FELICIANO: Do you remember what he said last time we were here?

THE COURT: Yeah, but --

MR. FELICIANO: That Sweetin's poisoning his food.

THE COURT: Oh, yeah, yeah.

MR. FELICIANO: I mean --

MS. CLEMONS: I mean -- yeah.

MR. FELICIANO: Here's the thing, the thing I have --

1 THE COURT: Yeah, that was a little -- that was strange.

2 MR. FELICIANO: And there's -- I mean, I have a lot of other
3 stuff that he said. It was just bizarre. I don't really know what to do with
4 this guy. It's been three years.

5 THE COURT: Well, if you tell me to send him back I don't
6 think I have a choice.

7 MS. CLEMONS: I agree.

8 MR. FELICIANO: Will the State object and make us go over
9 objection?

10 MS. CLEMONS: I mean, I just -- I don't know if I'm -- I don't
11 know him, so I'm not in a position --

12 THE COURT: Well, I mean, if they object I'm going to send
13 him.

14 MS. CLEMONS: Yeah.

15 MR. FELICIANO: Okay.

16 THE COURT: I mean --

17 MS. CLEMONS: The thing with him is that he really wants to
18 go to trial.

19 THE COURT: Because I'm going to be sure.

20 MR. FELICIANO: He --

21 THE COURT: If you're telling me, you as his attorney -- you're
22 the one that has the most interaction with him. You're the one that has
23 the most contact. If you're concerned about his competency, with all
24 due respect to the State, they can --

25 MS. CLEMONS: Right, yeah.

1 THE COURT: -- object, but I'm going to send him there
2 because I need to be sure.

3 MR. FELICIANO: I understand. I mean, just certain other
4 departments -- it just depends on the department, depends on who
5 we're -- the State, the DA we're dealing with that -- I've had objections to
6 that before.

7 MS. CLEMONS: I've --

8 MR. FELICIANO: Not with this --

9 MS. CLEMONS: I've -- yeah, I --

10 MR. FELICIANO: Not in this department.

11 THE COURT: And the person doesn't get referred? Oh my
12 God.

13 MS. CLEMONS: I know.

14 MR. FELICIANO: It's -- we've dealt, you know --

15 THE COURT: That's a bad record.

16 MS. CLEMONS: Yeah, yeah.

17 MR. FELICIANO: Oh -- yeah, I agree. It's just I don't know --
18 do you want me to make a record as to the things I'm seeing or just send
19 him? I --

20 THE COURT: Did you fill out the --

21 MR. FELICIANO: I didn't fill it out yet because I called
22 yesterday to --

23 THE COURT: Yeah, usually what I do is I, like, just read it --

24 MR. FELICIANO: Yeah.

25 THE COURT: -- and then I sign it because I'm not sure you

1 want to put all -- I mean, are you going to --

2 MR. FELICIANO: Okay.

3 THE COURT: -- want to -- I think you can make your record
4 by putting it in there.

5 MR. FELICIANO: Okay. I will. I think he is --

6 THE COURT: He's going to freak out.

7 MS. CLEMONS: He's going to freak out, yeah.

8 MR. FELICIANO: I know.

9 MS. CLEMONS: That's why I feel like -- you know, there's
10 some defendants who make this up because they don't want to go to
11 trial. Like, he's not one of them, so for him to start saying weird stuff like
12 this it's very concerning.

13 THE COURT: Yeah, that was weird, you know?

14 MR. FELICIANO: And that's just a few of the things that are
15 bizarre. So, I will -- he's going to make a statement, so I'll tell him --

16 THE COURT: Again?

17 MR. FELICIANO: -- what's happening and then we'll go from
18 there.

19 THE COURT: How do you know? He told you?

20 MR. FELICIANO: Well, he usually wants to make
21 statements --

22 THE COURT: Yeah.

23 MR. FELICIANO: -- and I stop him, but when I explain to him I
24 think he's going to have a few words for us. But I'll fill out --

25 THE COURT: Okay.

1 MR. FELICIANO: -- the form.

2 THE COURT: But did you tell him you're concerned about
3 his --

4 MR. FELICIANO: I told him and that just met with more
5 agitation.

6 THE COURT: Okay.

7 MR. FELICIANO: When I met with him last week.

8 THE COURT: Well, when -- and that's -- I -- and I don't think
9 we have any choice then.

10 MR. FELICIANO: I don't think so, and that would be our
11 position because I don't see -- there's no way I could try a case with him
12 next to me in that condition. So, I'll fill out the form. Okay.

13 THE COURT: Okay. Yeah.

14 MR. FELICIANO: All right.

15 THE COURT: And then we'll refer him over. I mean, I think
16 I've got to be sure. Everybody has to be sure.

17 MS. CLEMONS: Yeah, it's too big of a sentence to not; in my
18 personal feeling. It's too big of a sentence not to be sure.

19 THE COURT: I -- yeah, way -- it's too big of a case --

20 MS. CLEMONS: Yeah.

21 THE COURT: -- to not be sure.

22 MR. FELICIANO: And what I will do, I will reach out to the
23 doctors and tell them exactly what I'm seeing to see if -- because
24 sometimes they reach out to us. Sometimes they -- they usually don't
25 though.

1 THE COURT: Okay.

2 MR. FELICIANO: So, I'll do that.

3 THE COURT: Okay.

4 MR. FELICIANO: Do you want to call the case now or give
5 me a couple of seconds?

6 THE COURT: Yeah, you can fill it out and then we'll recall it.

7 MR. FELICIANO: [Indiscernible].

8 THE COURT: Okay.

9 [Bench conference -- concludes]

10 THE COURT: So we're just going to trail the case for a
11 minute for the -- for his attorney to prepare some paperwork.

12 [Proceedings trailed at 9:45 a.m.]

13 [Proceedings recalled at 9:55 a.m.]

14 THE COURT: State of Nevada versus Vasquez-Reyes,
15 C316382. He's present and in custody using the services of the same
16 interpreter.

17 THE COURT INTERPRETER: Norma Caucas.

18 THE COURT: Okay. I mean, based on what I've reviewed I'm
19 inclined to refer this to Department 7; right?

20 MS. CLEMONS: Mm-hmm.

21 MR. FELICIANO: Thank you.

22 THE COURT CLERK: That will be June 7th, 10 a.m.,
23 Department 7.

24 MR. FELICIANO: So, Mr. Vasquez I believe wants to address
25 the Court. I told him he should not, but, I mean, I can't keep him from

1 doing it.

2 THE COURT: Okay. And -- but based on that, you
3 understand I'll be vacating the trial date.

4 MS. CLEMONS: Yes.

5 MR. FELICIANO: Yes.

6 THE COURT: Okay.

7 MS. CLEMONS: And then we'll just take the motions off
8 calendar until we -- we're back?

9 THE COURT: That's correct.

10 Go ahead, sir.

11 [The Defendant speaks through the use of the Court Interpreter]

12 THE DEFENDANT: Your Honor, I have been incarcerated for
13 three years. I would like to know why it's taking so long. I have been
14 ready for the last three years and I'm still here. I am sick. I -- last
15 Tuesday I was very sick. I don't know what's going on with the food.
16 Today I haven't eaten. Look it, I'm wasting away.

17 THE COURT: Okay. All right. Thank you.

18 MR. FELICIANO: Thank you.

19 THE COURT: Thank you.

20 [Proceedings concluded at 9:57 a.m.]

21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 

25 Trisha Garcia
Court Transcriber



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

ARMANDO VASQUEZ-REYES,

Defendant.

CASE NO. C-16-316382-1

DEPT. VII

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE
FRIDAY, JUNE 7, 2019

**RECORDER'S TRANSCRIPT OF
FURTHER PROCEEDINGS: COMPETENCY**

APPEARANCES:

For the State:

GLEN P. O'BRIEN, ESQ.
Chief Deputy District Attorney

For the Defendant:

MIKE FELICIANO, ESQ.
Deputy Public Defender
CLAUDIA ROMNEY, ESQ.
Deputy Public Defender

Also Present: Simena Chita, Court Interpreter

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - June 7, 2019 - Las Vegas, Nevada

2 [Proceedings begin at 10:16 a.m.]

3
4 THE COURT: State of Nevada versus Armando Vasquez-Reyes,
5 C316382. He is present in custody. He was found competent to proceed with
6 adjudication --

7 MS. ROMNEY: This is an interpreter case.

8 [Matter trailed at 10:16 a.m.]

9 [Matter recalled at 10:33 a.m.]

10 THE COURT: State of Nevada versus Armando Vasquez-Reyes,
11 C316382. He is present in custody. He is being assisted by the Court Interpreter.
12 And, Madam Interpreter, could we please get your name for the record.

13 THE INTERPRETER: Yes. My name is Simena, S-I-M-E-N-A,
14 Chita, C-H-I-T-A.

15 THE COURT: Thank you, ma'am. So Mr. Vasquez-Reyes was found
16 competent. Is there any challenge to that finding?

17 MR. FELICIANO: There is.

18 THE COURT: All right. So when would you like to do a challenge hearing?

19 MR. FELICIANO: Can we set a hearing today in three weeks?

20 MR. O'BRIEN: Well, are you going to get --

21 MR. FELICIANO: We have records already from the last time.

22 MR. O'BRIEN: There is no independent eval in there.

23 MR. FELICIANO: There is one that we -- actually, we had a doctor
24 evaluate him before we sent him to competency, and Judge-- before he went to
25 Judge -- Judge Leavitt's courtroom. So can we just set it out a couple weeks and --

1 for scheduling maybe?

2 MS. ROMNEY: Hold on.

3 [Defense counsel confer]

4 MR. FELICIANO: Okay. So I'm going to get my eval to Mr. O'Brien and
5 then go from there. Maybe we can have a week or so?

6 MR. O'BRIEN: Two weeks.

7 MR. FELICIANO: Two weeks?

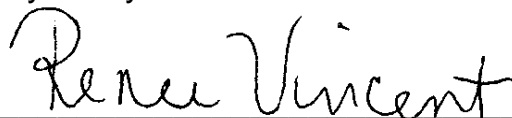
8 THE COURT: All right. We'll pass it two weeks to set a challenge hearing?

9 MR. FELICIANO: Yes. Thank you.

10 THE CLERK: June 21st, 10:00 a.m.

11 [Proceeding concluded at 10:34 a.m.]

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20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio-visual recording of the proceeding in the above entitled case to the
22 best of my ability.

22 

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Renee Vincent, Court Recorder/Transcriber
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1 TRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 STATE OF NEVADA

6 Plaintiff,

7 vs.

8 ARMANDO VASQUEZ-REYES,

9 Defendant.
10
11

CASE NO. C-16-316382-1

DEPT. VII

12 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE
13 FRIDAY, JUNE 21, 2019

14 **RECORDER'S TRANSCRIPT OF**
15 **FURTHER PROCEEDINGS: COMPETENCY**

16 APPEARANCES:
17

18 For the State:

GLEN P. O'BRIEN, ESQ.
Chief Deputy District Attorney

19
20 For the Defendant:

CLAUDIA ROMNEY, ESQ.
Deputy Public Defender

21
22 Also Present: Jeffrey Hanks, Spanish Court Interpreter
23
24

25 RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - June 21, 2019 - Las Vegas, Nevada

2 [Proceedings begin at 10:16 a.m.]

3
4 THE COURT: State of Nevada versus Armando Vasquez-Reyes,
5 C316382. He's present in custody. This is a status check to set a challenge
6 hearing.

7 MS. ROMNEY: Your Honor, this is Mr. Feliciano's case. He indicated that
8 he had the independent evaluations done. He just needs the report. He's asking
9 for two weeks.

10 THE COURT: All right. We'll pass it two weeks, and I'll just note that Mr.
11 Vasquez-Reyes is being assisted by the Court Interpreter.

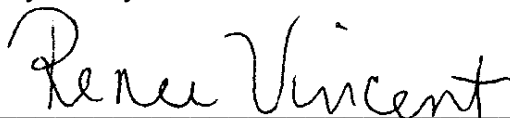
12 THE CLERK: We're dark in two. Can I go three?

13 THE COURT: We're going to go three.

14 THE CLERK: July 12th, 10 a.m.

15 [Proceeding concluded at 10:19 a.m.]

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22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio-visual recording of the proceeding in the above entitled case to the
best of my ability.

24 

25 Renee Vincent, Court Recorder/Transcriber



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

ARMANDO VASQUEZ-REYES,

Defendant.

CASE NO. C-16-316382-1

DEPT. VII

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE
FRIDAY, JULY 12, 2019

**RECORDER'S TRANSCRIPT OF
FURTHER PROCEEDINGS: COMPETENCY**

APPEARANCES:

For the State:

GLEN P. O'BRIEN, ESQ.
Chief Deputy District Attorney

For the Defendant:

MIKE FELICIANO, ESQ.
Deputy Public Defender

Also Present: Carola Anderson, Spanish Court Interpreter

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - July 12, 2019 - Las Vegas, Nevada

2 [Proceedings begin at 10:16 a.m.]

3
4 THE COURT: State of Nevada versus Armando Vasquez-Reyes, Case
5 Number C316382.

6 MR. FELICIANO: This is a status check for us to see if we're going to
7 challenge competency. Based on what we've done, we cannot -- we're not going
8 to challenge competency at this point.

9 THE COURT: All right. So then based on the -- pursuant to NRS 178.420,
10 based on the reports of Dr. Sussman and Dr. Collins finding Mr. Vasquez-Reyes
11 competent, this case will return to District Court Department 12 --

12 THE INTERPRETER: Your Honor, the interpreter did not -- did not hear.

13 THE COURT: Oh, I'm sorry. So pursuant to NRS 178.420, based on the
14 reports of Dr. Sussman and Collins finding Mr. Vasquez-Reyes competent to
15 proceed with adjudication, this case will return to District Court Department 12.

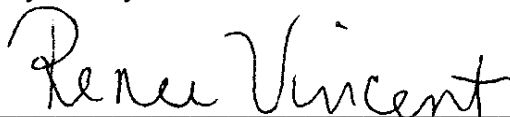
16 THE CLERK: July 16, 8:30, Department 12.

17 MR. FELICIANO: Thank you.

18 THE COURT: Thank you.

19 [Proceeding concluded at 10:19 a.m.]

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22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio-visual recording of the proceeding in the above entitled case to the
24 best of my ability.

25 

Renee Vincent, Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-16-316382-1
DEPT. XII

10 vs.

11 ARMANDO VASQUEZ-REYES aka
12 ARMANDO VASQUIEZREYES,
13 Defendant.

14 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
15 TUESDAY, JULY 16, 2019

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **FURTHER PROCEEDINGS:**
RETURN FROM COMPETENCY COURT

18 APPEARANCES:

19 For the State: JENNIFER CLEMONS, ESQ.
20 Chief Deputy District Attorney

21 For the Defendant: MIKE FELICIANO, ESQ.
22 Deputy Public Defender

23 Also Present: RICARDO PICO
24 Spanish Interpreter

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

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TUESDAY, JULY 16, 2019 AT 9:32 A.M.

THE COURT: State of Nevada versus Vasquez-Reyes, C316382. He's present, he's in custody. He's using the services of the interpreter.

Will the interpreter state his name for the record?

THE COURT INTERPRETER: Ricardo Pico, Spanish interpreter.

THE COURT: Okay. This is -- he's returned, we have a finding now, so I'm assuming I can reset it for trial.

MR. FELICIANO: Yes.

THE COURT: Okay. What do your trial calendars look like?

MR. FELICIANO: Other than December, I can probably get this to go pretty much at any point.

THE COURT: This year?

MR. FELICIANO: Yes.

THE COURT: Okay.

MS. CLEMONS: Yes, October and November I have -- Jim and I have some dates available, so is there anything the Court has available October, November?

THE COURT CLERK: We have an October stack from October 8th to the -- November 5th, so --

MR. FELICIANO: I do have other cases, but this one is, like, three years old, so --

THE COURT: Sure.

1 MR. FELICIANO: -- I imagine --
2 MS. CLEMONS: Yeah.
3 MR. FELICIANO: -- this is priority, so -- okay.
4 MS. CLEMONS: Do you want to do October 8th?
5 MR. FELICIANO: Sure.
6 MS. CLEMONS: October 8th would work.
7 THE COURT CLERK: Okay. Calendar call's going to be
8 October 1st, 8:30 a.m., jury trial October 8th, 1:30 p.m.
9 MS. CLEMONS: Thank you.
10 MR. FELICIANO: Thank you.
11 THE COURT: Thank you.
12 [Colloquy regarding an unrelated matter]
13 MR. FELICIANO: Oh.
14 THE COURT: Oh, go ahead.
15 [The Defendant speaks through the use of the Court Interpreter]
16 THE DEFENDANT: Your Honor, this is just giving me the
17 runaround. I mean, I wanted 60 days. It's -- I think it should be sooner
18 then. I've been detained for over three years; three years and three
19 months.
20 THE COURT: I think that's --
21 THE DEFENDANT: Please, Your Honor.
22 THE COURT CLERK: August stack.
23 THE COURT: I mean, I have an August stack.
24 MS. CLEMONS: I have multiple invokes --
25 THE COURT: Okay.

1 MS. CLEMONS: -- in August, I think one in here as well, so
2 that's my, kind of, dilemma on that. I mean, he's waived, so in theory
3 the invokes --

4 THE COURT: Right, but --

5 MS. CLEMONS: -- are going to take precedence.

6 THE COURT: Right.

7 MS. CLEMONS: Mm-hmm.

8 THE COURT: And I understand he --

9 MS. CLEMONS: Yeah.

10 THE COURT: -- wants to go to trial as soon as --

11 MS. CLEMONS: Right.

12 THE COURT: -- possible. I mean, he has been in custody for
13 quite some time.

14 MS. CLEMONS: Correct.

15 THE COURT: But, Mr. Vasquez-Reyes, that -- it looks like
16 that's as soon as I'm going to be able to set your trial to start.

17 THE DEFENDANT: So, what's going on?

18 THE COURT: It's not necessarily your attorney's fault, it's the
19 Court's calendar; okay?

20 THE DEFENDANT: Okay. Thank you.

21 THE COURT: Thank you.

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MS. CLEMONS: Thank you.

MR. FELICIANO: Thank you.

[Proceedings concluded at 9:34 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Trisha Garcia
Court Transcriber



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6
7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 ARMANDO VASQUEZ-REYES aka
11 ARMANDO VASQUIEZREYES,

12 Defendant.

CASE#: C-16-316382-1

DEPT. XII

13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
14 TUESDAY, OCTOBER 01, 2019

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
16 **CALENDAR CALL**

17 APPEARANCES:

18 For the State:

JAMES R. SWEETIN, ESQ.
Chief Deputy District Attorney

19 For the Defendant:

MIKE FELICIANO, ESQ.
NADIA HOJJAT, ESQ.
Deputy Public Defenders

21 Also Present:

KRISTY HOLIDAY, ESQ.
Deputy Public Defender

23 SOLEDAD GARCIA
24 Spanish Interpreter

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

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TUESDAY, OCTOBER 01, 2019 A.M. AT 8:43 A.M.

THE COURT: State of Nevada versus Armando Vasquez-Reyes, case C316382.

MR. FELICIANO: Good morning. I think we need Mr. Sweetin.

MS. HOJJAT: Oh, he was here.

THE COURT: Okay.

MR. FELICIANO: I'll wait.

THE COURT: Sure, no problem.

[Proceedings trailed at 8:43 a.m.]

[Proceedings recalled at 9:07 a.m.]

THE COURT: Good morning, Page 1.

MR. FELICIANO: Yes, please.

THE COURT: State versus Vasquez-Reyes, C316382. He's present, he's in custody. This is on for calendar call. The Defendant is using the services of the interpreter. Will the interpreter state her name for the record.

THE COURT INTERPRETER: Soledad Garcia.

THE COURT: Thank you. So, this is on for calendar call. Are the parties ready to go?

MR. SWEETIN: State expects ready, Judge.

MR. FELICIANO: We are.

THE COURT: How long is this going to take?

MR. FELICIANO: A week and a half maybe.

1 THE COURT: Okay.

2 MR. FELICIANO: At least a week.

3 MR. SWEETIN: Yeah. I think -- we have at least ten
4 witnesses. I know the Defense has some witnesses. So, I would expect
5 it's going to be six to seven days, somewhere in that territory.

6 THE COURT: Okay. Will you be able to start jury selection --

7 [Colloquy between the Court and the Court Clerk]

8 THE COURT: I'm going to ask if you could start on Monday
9 but I -- I will still be in another trial. So, probably the earliest you'll start
10 is Tuesday morning. But I'm going to finish up my calendar calls and
11 then I'll let you know when we're going to start. But it will probably be
12 Tuesday morning at 10:30. I mean, obviously if my trial in front of you
13 isn't done it will just move.

14 MR. FELICIANO: Okay.

15 MR. SWEETIN: That's fine, Judge. I did file a motion in
16 limine --

17 THE COURT: Yes.

18 MR. SWEETIN: -- and I submitted that. That was an issue
19 that we've discussed, Defense and myself, and it was a choice in
20 regards to how they're going to proceed or what they're going to do, and
21 they're not -- they weren't exactly sure what they were going to do.

22 THE COURT: Okay.

23 MR. SWEETIN: And so I presented it in the motion in limine
24 to make sure that we had a ruling.

25 THE COURT: Okay.

1 MR. FELICIANO: So, I received it. I would ask for -- maybe I
2 could respond to it and maybe put it on in a couple days if possible. I
3 noticed -- when this went to Competency Court there was some other
4 things that were taken off calendar. So, I wanted to see if we could
5 address those maybe Thursday.

6 THE COURT: Okay. What else was taken off calendar so I
7 can make sure everything gets [indiscernible].

8 MR. FELICIANO: Our motion to dismiss to preserve
9 exculpatory evidence, our motion to exclude improper expert opinion,
10 and our motion to reconsider.

11 MR. SWEETIN: And --

12 THE COURT: And so there's three motions by the Defense.

13 MR. FELICIANO: Yeah. And there's one --

14 THE COURT: And there's a motion in limine?

15 MR. SWEETIN: Yeah. And I'm not aware of those motions,
16 to tell you the truth. I thought everything had been resolved up to this
17 point. But I can get with Defense counsel and see. I know that there --
18 there have been motions going back and forth. There still is a second
19 motion to suppress that -- I mean, that's all I thought was outstanding,
20 and that's -- has to do with -- Defense filed a second motion to suppress.
21 I think the Court ruled that there would be a *Denno* hearing on first day
22 of trial. And I thought that that was all that we had outstanding besides
23 mine. But I can talk to Defense counsel. I know that we have resolved
24 and there's been some motions withdrawn in the process.

25 THE COURT: Were they responded to? Did the State

1 respond to them?

2 MR. FELICIANO: I don't think so. I'm looking at the minutes
3 from May 14th of this year and it looks like that was all taken off calendar.
4 I don't think -- I don't know if there were responses filed. I don't think so.

5 THE COURT: Okay. So, it probably is not going to do any
6 good to put it on Thursday. Why don't we continue them all for the first
7 day of trial next Tuesday --

8 MR. FELICIANO: Okay.

9 THE COURT: -- so both sides can respond to the outstanding
10 motions.

11 MR. FELICIANO: Okay. Do you want us to re-file them or
12 just --

13 THE COURT: No, no, I'll just set them. Thank you.

14 MR. FELICIANO: Thank you.

15 [Proceedings concluded at 9:11 a.m.]

16 [Proceedings recalled at 10:56 a.m.]

17 MS. HOLIDAY: Your Honor, as to page one --

18 THE COURT: Right.

19 MS. HOLIDAY: -- the attorneys asked me to let them know
20 when --

21 THE COURT: Mr. Sweetin, we're going to call page one
22 again, Vasquez-Reyes. We can just start Tuesday morning. What time
23 is that? I mean, what day is that?

24 THE COURT CLERK: Next Tuesday; correct?

25 THE COURT: Right.

1 THE COURT CLERK: October 8th at 10:30 a.m.

2 THE COURT: I'm going to set it for October 8th at 10:30.

3 I believe I'll be done, but I just want to make sure you understand if for
4 any reason -- we'll stay in contact with you and let you know -- but
5 tentatively Tuesday, if not we'll start Wednesday morning.

6 MS. HOLIDAY: Thank you, Your Honor.

7 MR. SWEETIN: That's fine, Judge. Just to let the Court know
8 remember that we have a *Denno* hearing --

9 THE COURT: Right.

10 MR. SWEETIN: -- where we're going to have to call at least
11 two witnesses and I know the Defendant will want to testify again. And I
12 remember the last time we had a *Denno* hearing it took like a couple
13 hours, I think.

14 THE COURT: Okay, okay. Thank you.

15 MR. SWEETIN: So, I'm not sure.

16 THE COURT: We can do that first.

17 MR. SWEETIN: If you want me to have my witnesses
18 available for Tuesday for that hearing or -- for the *Denno* hearing.

19 THE COURT: Yeah. I really think we'll be done.

20 MR. SWEETIN: Okay.

21 THE COURT: And so I'm estimating that we'll start Tuesday
22 morning so we can start with your hearing Tuesday morning.

23 MR. SWEETIN: Okay. So, I'll have them -- I'll let them know
24 that we might be delayed but --

25 THE COURT: Okay.

1 THE COURT CLERK: If we do a Wednesday start, just in
2 case, there would be a 10:30 start as well.

3 THE COURT: All right. So, if it's Wednesday it will be 10:30.

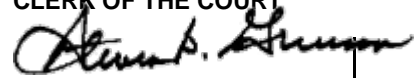
4 MR. SWEETIN: Okay. Thank you.

5 THE COURT: All right. Thanks.

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7 [Proceedings concluded at 10:57 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of
23 my ability.

24 
25 PATRICIA SLATTERY
Court Transcriber



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA	.	
	.	
Plaintiff	.	CASE NO. C-16-316382-1
	.	
vs.	.	
	.	DEPT. NO. XII
ARMANDO VASQUEZ-REYES	.	
	.	Transcript of
Defendant	.	Proceedings
.	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

**PORTION OF JURY TRIAL - DAY 1
(JACKSON v. DENNO HEARING)**

MONDAY, OCTOBER 7, 2019

APPEARANCES:

FOR THE STATE:	JAMES R. SWEETIN WILLIAM C. ROWLES Deputy District Attorneys
----------------	--

FOR THE DEFENDANT:	MIKE FELICIANO NADIA HOJJAT Deputy Public Defenders
--------------------	---

ALSO PRESENT:	MARIA PERALTA DE GOMEZ Spanish/English Interpreter
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COURT RECORDER:	TRANSCRIPTION BY:
KRISTINE SANTI District Court	FLORENCE HOYT Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, MONDAY, OCTOBER 7, 2019, 10:42 A.M.

2 (Court was called to order)

3 (Prospective jurors not present)

4 THE COURT: State of Nevada versus Vasquez-Reyes.
5 C316382. The defendant is present. He is in custody. He's
6 using the services of the interpreter.

7 Would the interpreter please state her name for the
8 record.

9 THE INTERPRETER: Maria Peralta De Gomez.

10 THE COURT: Thank you. Thank you very much for
11 being here.

12 Will the parties make their appearances, please.

13 MR. SWEETIN: James Sweetin an William Rowles for
14 the State.

15 MR. FELICIANO: Mike Feliciano and Nadia Hojjat for
16 Mr. Vasquez-Reyes.

17 THE COURT: Good morning.

18 Okay. So it's my understanding your witnesses are
19 here for the motion to suppress.

20 MR. SWEETIN: They are.

21 THE COURT: So are you going to call the witnesses?
22 I don't know how --

23 MR. SWEETIN: I was going to call the witnesses,
24 Judge. And it's basically -- you know, it's a little strange,
25 because I know we've got a prior motion to suppress in this

1 case.

2 THE COURT: Right.

3 MR. SWEETIN: And I think I have to present
4 basically all of the evidence even though the issue in this
5 case is very -- kind of unique just to get into defendant's,
6 you know, essentially what probable cause was at any point in
7 time and that in fact the defendant gave a statement. He was
8 arrested at the end. So I do intend to introduce all that.

9 THE COURT: And I guess it's your burden if you want
10 to bring in the statement, so --

11 Mr. Feliciano?

12 MR. FELICIANO: I know we have a number of motions.
13 All I'm going to do is ask how do you want to do these, after,
14 or --

15 THE COURT: Well, there's a couple of them that I
16 got oppositions to this morning.

17 MR. FELICIANO: Yes.

18 THE COURT: And so I have to have an opportunity to
19 read those.

20 MR. FELICIANO: Okay.

21 THE COURT: But I'd like -- if you have witnesses
22 here, I'd like to get the witnesses called, and then we can
23 move on.

24 MR. FELICIANO: Okay. Sure. Thank you.

25 MR. SWEETIN: So the State would call as its first

1 witness Maria Corral.

2 THE COURT: And I know the State filed a motion last
3 Friday, too, that you opposed this morning. I didn't mean to
4 infer that, you know, anybody wasn't getting their stuff on
5 time, but I just got a couple of them this morning.

6 MARIA CORRAL, STATE'S WITNESS, SWORN

7 THE CLERK: You may be seated. Please state and
8 spell your first and last name for the record.

9 THE WITNESS: My name is Maria Corral, M-A-R-I-A
10 Corral is C-O-R-R-A-L.

11 DIRECT EXAMINATION

12 BY MR. SWEETIN:

13 Q Ms. Corral, how are you currently employed?

14 A I'm currently employed as a part-time Spanish
15 interpreter for Las Vegas Metropolitan Police Department.

16 Q And how long have you been so employed?

17 A Fifteen years.

18 Q And what are your duties in that position?

19 A To interpret for the detectives, the officers, and
20 the Spanish speakers.

21 Q So it'd be fair to say that you translate English to
22 Spanish, Spanish to English for other individuals?

23 A Yes, I do.

24 Q What qualifies you to perform that job?

25 A I have -- I was -- I passed all the appropriate

1 exams that are required by Las Vegas Metropolitan Police
2 Department, and I also took a short course through UNLV to
3 become certified, to obtain certification.

4 Q How long have you been speaking Spanish?

5 A That's my native language.

6 Q So since birth you've been speaking Spanish.

7 A Right.

8 Q And you indicated that you are certified by the Las
9 Vegas Metropolitan Police Department to interpret; is that
10 correct?

11 A That's correct.

12 Q Are there different forms of certification as to
13 forms of your ability to interpret, by writing, by talking?

14 A Writing, sight translation, consecutive,
15 simultaneous.

16 Q And are you certified in all of those?

17 A Through Las Vegas Metropolitan Police Department.

18 Q Okay. Have you previously testified as an expert
19 regards to English/Spanish translation in the courts here in
20 Clark County?

21 A I was through the courts.

22 Q So you have testified as an expert before?

23 A Have I testified as an expert before? Once
24 before.will

25 Q Thank you. Now I want to turn your attention to

1 April 16th of 2016 in the afternoon. Were you so employed and
2 on duty on that day?

3 A Yes, I was.

4 Q Did you have occasion to respond to the residence
5 located at 2213 Berkley Avenue here in Las Vegas, Clark
6 County, Nevada, on that day?

7 A Yes, I did.

8 Q Do you remember about what time you arrived?

9 A I arrived there around 4:30 p.m.

10 Q I'm sorry. It was 4:30 p.m.?

11 A Around 4:30 p.m.

12 Q And what was the purpose of your arrival there?

13 A I went there -- originally it was a disturbance, but
14 there were some other allegations made.

15 Q Okay. So you went there because there was a call
16 made to the Police Department; is that correct?

17 A That's correct.

18 Q And you as a translator went there for what purpose?

19 A To assist the officers that responded to that event.

20 Q And do you recall what you did upon arrival at that
21 location?

22 A When I arrived I approached the officers, and they
23 told me to -- they told me to wait, there were some other
24 allegations, a sexual assault detective was on his way.

25 MS. HOJJAT: Objection. Hearsay.

1 THE COURT: I mean, we're having a Jackson v. Denno
2 hearing, so I'm going to allow it. Go ahead.

3 BY MR. SWEETIN:

4 Q After you received information that in fact there
5 was an ongoing investigation were you ever asked to assist in
6 translation with anyone in particular?

7 A With the suspect and the detective.

8 Q Do you see the suspect in the courtroom today?

9 A I don't see him. I believe that's him sitting right
10 in front of me in the white shirt.

11 MS. HOJJAT: And I'd like the record to reflect that
12 she first said, "I don't see him," and then most of the
13 parties in the room turned and looked to the defendant, and
14 then she identified the defendant.

15 MR. FELICIANO: And he's the only one who's not
16 wearing a suit of the males in the courtroom.

17 BY MR. SWEETIN:

18 Q Do you see a person that you believe is the person
19 that you translated for on that day?

20 A I believe so. I believe it's him sitting in front
21 of me.

22 Q Okay. So is a person sitting at the table next to
23 him?

24 A At the table across from me.

25 Q And could you describe something that person's

1 wearing today.

2 A A white shirt.

3 Q Does the person have a coat on?

4 A No.

5 MR. SWEETIN: May the record reflect the witness has
6 identified the defendant?

7 THE COURT: So reflected.

8 MS. HOJJAT: I'd object to the identification, Your
9 Honor, based on the previous interaction that occurred.

10 THE COURT: Overruled. And you can proceed.

11 BY MR. SWEETIN:

12 Q At that time did you become aware of the
13 individual's name as being that of Armando Vasquez-Reyes?

14 A Yes.

15 Q Okay. And upon being asked to assist did you
16 translate for an officer?

17 A I don't recall actually translating for the officer.

18 Q Who did you translate for?

19 A For the detective.

20 Q Who was the detective?

21 A Detective Pretti.

22 Q Okay. And in the course of that translation did you
23 in fact translate everything that was being said between the
24 defendant and Detective Pretti?

25 A Yes.

1 MS. HOJJAT: I'm going to object to leading at this
2 point, Your Honor. I understand some foundational stuff, but
3 we're in the substance of what her testimony is at this point.
4 I think there need to be open-ended questions.

5 THE COURT: I mean, if it's foundational, I'll allow
6 you to lead. But otherwise --

7 MR. SWEETIN: That's fine, Judge.

8 BY MR. SWEETIN:

9 Q You indicated that you subsequently had a
10 conversation; is that correct?

11 A That's correct.

12 Q Okay. And what did you do in that conversation?

13 A In the conversation what I remember, it was
14 mentioned that --

15 Q What did you do?

16 A I interpreted.

17 Q Okay. Now, do you remember the substance of that
18 conversation?

19 A The substance. I remember there was a discussion
20 about continuing going over to headquarters.

21 Q Okay. Do you remember specifically what was said?

22 A I don't remember specifically what was said.

23 Q But you remember that was sort of the subject
24 matter?

25 A That was the subject.

1 Q Okay. Now, at the time that you were translating as
2 you've described did the defendant appear to understand what
3 you were saying?

4 A Yes.

5 Q Did he answer appropriately?

6 A Yes.

7 MS. HOJJAT: Objection. Speculation as to what the
8 defendant understood or didn't understand.

9 THE COURT: Overruled.

10 BY MR. SWEETIN:

11 Q What was his demeanor?

12 A He appeared very calm and very cooperative.

13 Q What happens next?

14 A Next we all head out to headquarters.

15 Q And when you said we all would that be Detective
16 Pretti?

17 A Detective Pretti -- I left in my -- in the
18 Department vehicle, and then we all met at headquarters.

19 Q Okay. So sometime later you met Detective Pretti
20 again at headquarters. Would that be fair to say?

21 A Yes.

22 Q Okay. Were you able to see the defendant once you
23 went to headquarters?

24 A Yes.

25 Q Okay. At some point in time did you assist again in

1 translating for the defendant?

2 A Yes.

3 Q And approximately what time was that?

4 A That was around 18:00, 6:00 o'clock or a little
5 after 6:00 p.m.

6 Q And could you describe was it on one occasion, or
7 more than one occasion while you were at headquarters that you
8 assisted in translating for the defendant?

9 A I remember one occasion.

10 Q There was an interview that was performed; is that
11 correct?

12 A That's correct.

13 Q Was there a prior occasion before that?

14 A I don't recall.

15 Q Was there a time when you assisted in translating in
16 regard to some money?

17 A Yes.

18 MS. HOJJAT: Objection. Asked and answered.

19 THE COURT: Just a minute. What's the objection?

20 MS. HOJJAT: I mean, she had said that she doesn't
21 remember, and now the State is just testifying.

22 MR. SWEETIN: I'm just clarifying.

23 THE COURT: Overruled. You may proceed.

24 BY MR. SWEETIN:

25 Q And approximately when was that that you assisted

1 with an issue with money?

2 A Prior to the interview.

3 Q And that would have been about how long before the
4 interview?

5 A A few minutes.

6 Q And at the time that you assisted on that occasion
7 where were you at the police station?

8 A I was in headquarters in the interview room.

9 Q And who else was in the room?

10 A The defendant and Detective Pretti.

11 Q Okay. And yourself?

12 A And myself.

13 Q And what was the discussion that was had at that
14 time?

15 A At that time there was a discussion about some rent
16 money.

17 Q Do you remember the specifics of the conversation?

18 A He said he needed to pay the rent and asked --
19 Detective Pretti asked if he could go get his wallet to get
20 the money, and he agreed.

21 Q When you say he you're referring to the defendant?

22 A The defendant.

23 Q Okay. And did you later observe the defendant hand
24 the money over to Detective Pretti?

25 A Yes.

1 Q Was there any other discussion at that time?

2 A Well, the defendant did mention to me that he was
3 feeling light-headed, which I notified Detective Pretti. And
4 he said he needed his medication. Detective Pretti asked,
5 where's your modification; he said, it's in my lunch box.
6 Where; at home. He says, I can't get your medication, but do
7 you want me to call Medical for you.

8 Q Did the defendant ever request that Medical be
9 called?

10 A No.

11 Q Okay. Now, you had subsequent contact with him that
12 day in another interview; is that correct?

13 A Pardon?

14 Q You said that there was another interview that was
15 done a few minutes later.

16 A Right after that.

17 Q Okay. Was there ever any request by the defendant
18 for Medical?

19 A No.

20 Q Now, going to the interview that was done a few
21 minutes later, who was present in the room during that
22 interview?

23 A It was myself, Detective Pretti, and I believe there
24 was another detective.

25 Q Okay. And in that interview did you likewise

1 translate for Detective Pretti as he talked to the defendant?

2 A Yes.

3 Q Now, showing you what's marked as State's Exhibits
4 -- Proposed Exhibits 1 and 2 and ask you, first looking at
5 State's Proposed Exhibit 1, what is that?

6 A This is the video-audio tape.

7 Q And would that be the video-audio of the defendant
8 in the interview room once he arrived at headquarters?

9 A Yes.

10 Q Okay. And have you had an opportunity to review
11 that?

12 A Yes.

13 Q What's the basis of your recognition of this
14 particular disk as representing that audio or video?

15 A The interview that was made between Detective Pretti
16 and the defendant.

17 Q Okay. Is there something written on that disk that
18 allows you to recognize that particularly?

19 A The defendant's name and my initials and P number.

20 Q And you reviewed this on a prior occasion?

21 A Yes.

22 Q And is it a true and accurate depiction of what you
23 observed in that room?

24 A Yes.

25 Q And I'm showing you what's marked as State's

1 Proposed Exhibit Number 2. Do you recognize that?

2 A Yes.

3 Q And what is that?

4 A That's a transcription of the interview.

5 Q So would that be fair to say that it's a

6 transcription of the interview that's contained on State's

7 Proposed Exhibit 1?

8 A Yes.

9 Q Now, have you had a chance to review that

10 transcription in its entirety?

11 A Yes, I have.

12 Q Did you prepare that transcription?

13 A No, I did not.

14 Q So does this transcription merely transcribe what

15 you in fact said?

16 A Right. What was said back and forth.

17 Q So everything in this transcription is in English;

18 is that right?

19 A That's correct.

20 Q And there's some transcriptions, but that wasn't

21 done by you?

22 A Correct.

23 Q That was done by somebody else?

24 A That's correct.

25 Q Have you had an opportunity to review this entire

1 document and the entire tape to verify the accuracy of the
2 translations?

3 A Yes.

4 Q Okay. And in your review of this have you noticed
5 any discrepancies?

6 A Yes.

7 Q Okay. What discrepancies have you noted?

8 A On page 4 I noticed that --

9 Q Moving to page 4.

10 A I noticed that the word -- he said his wife was mad.

11 Q When you say he --

12 A The defendant said the wife was mad. The
13 transcriber wrote "upset" versus "mad."

14 Q Okay. And so when you were transcribing [sic] what
15 the defendant said to Detective Pretti you said the word
16 "mad"; is that right?

17 A Right.

18 Q But when the transcriptionist wrote down, she said
19 "upset"; is that correct?

20 A "Upset." That's correct.

21 Q Okay. So that's one discrepancy?

22 A Right.

23 Q And you believe that you translated that correctly?

24 A Correct.

25 MS. HOJJAT: I'm sorry. Could we get an indication

1 of where on page 4 we're talking about?

2 THE COURT: Sure. I don't know if there's line
3 numbers.

4 MR. SWEETIN: There isn't line numbers, but we can
5 count down.

6 THE COURT: Sure.

7 MR. SWEETIN: It would be -- on line 5 would be the
8 word "upset."

9 THE COURT: And it should be "mad" instead of
10 "upset"?

11 MR. SWEETIN: That's correct. That should be "mad."
12 And then we see just two more lines down HIS is the
13 translator, and she uses the word "mad" as she translates for
14 Detective Pretti.

15 BY MR. SWEETIN:

16 Q So that's a discrepancy; is that correct?

17 A Yes.

18 Q Have you noticed any other discrepancies?

19 A Yes. There's a discrepancy on page 17.

20 Q Okay. Let's turn to page 17. Okay. And what's the
21 discrepancy on that page, if you could? If you could, count
22 down the page for the line number so we can all --

23 A Okay. Let me see where it's at. Line 12 the word
24 "rape" --

25 THE COURT: I'm sorry. The word?

1 THE WITNESS: "Rape."

2 THE COURT: Okay.

3 THE WITNESS: Instead of "rape" I used the word

4 "abused."

5 BY MR. SWEETIN:

6 Q Okay. So just to be clear, on that line there is a

7 designation there "Answer"; is that correct?

8 A Correct.

9 Q And that's when the defendant answered the -- hold

10 on a second. That's when the defendant answered the question

11 in Spanish; is that correct?

12 A That's correct.

13 Q And the transcriptionist who prepared this

14 transcript translated that; is that correct?

15 A That's correct.

16 Q Is her translation accurate?

17 A Her translation is accurate.

18 Q Now, the next line is what you actually said to

19 Detective Pretti --

20 A Correct.

21 Q -- in translating; is that correct?

22 A Correct.

23 Q Was your translation accurate?

24 A No. I used "abuse" instead of "rape."

25 Q Okay. So that's the distinction. The word that was

1 used was the defendant said that he raped, you used the word
2 "abuse."

3 A Abuse.

4 Q Okay. Besides those two discrepancies are there any
5 other -- anything -- any other inaccuracies in this
6 transcription?

7 A Not that I found.

8 MR. SWEETIN: Okay. State would move for the
9 admission of what's been marked State's Proposed Exhibits 1
10 and 2.

11 MS. HOJJAT: For the purpose of this hearing and
12 getting a legal ruling on this issue we have no objection.

13 THE COURT: Okay. They're admitted. Thank you.

14 (State's Exhibits 1 and 2 admitted)

15 BY MR. SWEETIN:

16 Q Now, when you began the interview with Detective
17 Pretti do you recall whether or not there was a document that
18 was provided to the defendant and signed?

19 A Yes.

20 Q And I'm showing you what's marked as State's
21 Proposed Exhibit 3. Do you recognize this?

22 A Yes.

23 Q And what is that?

24 A The advisement of rights.

25 Q And was that provided to the defendant at the

1 beginning of the interview?

2 A Yes, it was.

3 Q Did you observe whether or not the defendant affixed
4 his signature to that?

5 A Yes.

6 Q Now, just for the record, if I could have you just
7 read into the record what is documented on that particular
8 form.

9 A May I get my glasses?

10 Q Certainly.

11 A "You have the right to remain silent. Anything you
12 say will be used against you in a court of law. You have the
13 right to consult an attorney before the questioning. You have
14 the right to the presence of attorney during questioning. If
15 you cannot afford an attorney, one will be appointed to you
16 before questioning. Do you understand your rights?"

17 Q Thank you. I have no further --

18 MR. SWEETIN: And State would move the admission of
19 what's been marked as State's Proposed Exhibit 3.

20 THE COURT: Thank you. Any objection?

21 MR. FELICIANO: For the purpose of this hearing, no.

22 THE COURT: Thank you. It's admitted.

23 (State's Exhibit 3 admitted)

24 THE COURT: And you're done?

25 MR. SWEETIN: I'm done, Judge.

1 THE COURT: Okay. Any cross-examination?

2 MS. HOJJAT: Yes, Your Honor. Thank you.

3 THE COURT: You bet.

4 CROSS-EXAMINATION

5 BY MS. HOJJAT:

6 Q Good morning, ma'am.

7 A Good morning.

8 Q How are you today?

9 A Very good, thank you.

10 Q All right. I want to start by talking to you about

11 page 17 about "raped" versus "abused." So what word did the

12 defendant use?

13 A He used "rape."

14 Q I mean in Spanish. What's the word?

15 A Oh. Violacion. Violata. Uh-huh.

16 Q So which one did he use, "violacion," or "violata"?

17 A Violata.

18 Q Now I want to talk to you about the initial

19 encounter you had with my client at the residence.

20 A At the residence?

21 Q Yes. Actually, let's back up very quickly. I want

22 to talk to you about what just happened in court this morning

23 when Mr. Sweetin asked you if you saw Armando Vasquez-Reyes in

24 court here today; okay?

25 A Uh-huh.

1 THE COURT: You need to answer audibly, please.
2 THE WITNESS: Okay.
3 THE COURT: Thanks.
4 THE WITNESS: I'm sorry.
5 THE COURT: That's okay. You're fine.
6 BY MS. HOJJAT:
7 Q So you understand what we're talking about; right?
8 A Yes. Yes.
9 Q Okay. So you were sitting on the witness stand;
10 correct?
11 A Correct.
12 Q And the setup of this courtroom is actually that
13 defense table is almost directly across from the witness
14 stand; correct?
15 A Correct.
16 Q And Mr. Vasquez-Reyes is on the left side of the
17 defense table right now?
18 A Correct.
19 Q He is not blocked from your view by any sort of
20 monitor or anything like that; correct?
21 A Correct.
22 Q Okay. So you're almost looking directly at him when
23 you're sitting there.
24 A Correct.
25 Q Okay. And so Mr. Sweetin asked you if you saw the

1 individual in court today; correct?

2 A Correct.

3 Q And you looked right at defense table?

4 A Uh-huh.

5 Q Yes. And then you said you didn't see the
6 individual.

7 A Right.

8 Q Right. And then multiple members of the courtroom
9 all turned and looked at Mr. Vasquez-Reyes?

10 A Correct.

11 Q And then you said, oh, I think that might be.

12 A I recognized him then.

13 Q So now I want to talk to you -- now I want to go
14 back and talk to you about your encounter at the Berkley
15 Street address.

16 A Okay.

17 Q Okay. So this encounter happened in 2016?

18 A Correct.

19 Q April of 2016?

20 A Right.

21 Q So over three years ago?

22 A Yes.

23 Q Nearly three and a half years ago at this point?

24 A Correct.

25 Q Fair to say that you interpret frequently for Metro

1 officers and detectives?

2 A Correct.

3 Q This is in fact your full-time job?

4 A Part time.

5 Q Part time. Okay. So it's a part-time job. But you
6 do it often?

7 A Correct.

8 Q You've been called out to many scenes?

9 A Correct;

10 Q You've interpreted for many individuals?

11 A Correct.

12 Q Do you have a P number?

13 A Yes. It's 12133.

14 Q Okay. So you work with them so frequently you have
15 a P number; correct?

16 A Correct.

17 Q And, like we said, this was three and a half years
18 ago.

19 A Correct.

20 Q Now the conversation about the -- your testimony
21 about the conversation that happened at the police station,
22 you had the chance to review video of that; correct?

23 A Yes.

24 Q In fact, the video that was just entered as an
25 exhibit.

1 A Correct.

2 Q So you had the chance to view that and refresh your
3 recollection as to what happened at the police station.

4 A Correct.

5 Q But there is no video or audio of what happened at
6 the Berkley Street address.

7 A Correct.

8 Q Right. So you were going off of memory from three
9 and a half years ago.

10 A That's correct.

11 Q And, like we've established, Mr. Vasquez-Reyes is
12 not the only person that you have interviewed for.

13 A Right.

14 Q Translated for, rather. Correct?

15 A Correct.

16 Q Okay. And so you don't remember exactly what the
17 conversation was at the Berkley Street address?

18 A No, I don't.

19 Q Okay. You remember vague generalities.

20 A Correct.

21 Q The general gist of what happened?

22 A Correct.

23 Q Which is that Mr. Vasquez-Reyes was informed that
24 there was some sort of allegation?

25 A Correct.

1 Q And then he was told that he needed to go to the
2 police station?

3 A Yes.

4 Q And then he was placed in handcuffs?

5 A I did not see that. I don't remember seeing that.

6 Q Okay. So you don't even recall whether he was
7 placed in handcuffs or not.

8 A No.

9 Q Okay. Were you present when he was placed in the
10 back of the police car in this case?

11 A From what I remember I was already walking towards
12 my Department vehicle.

13 Q Okay. Do you remember him being placed in the back
14 of the police car at all?

15 A No.

16 Q Okay. So you just weren't present for that?

17 A Right.

18 Q Okay. So basically that's the gist of what you
19 remember?

20 A Right.

21 Q Okay. And this all happened -- do you recall what
22 time this all happened?

23 A This -- well, I arrived there around 4:30 in the
24 afternoon.

25 Q At the Berkley Street address?

1 A At the Berkley Street address.

2 MS. HOJJAT: Court's indulgence.

3 (Pause in the proceedings)

4 BY MS. HOJJAT:

5 Q Okay. So around 4:30 arrived there. And it was a

6 short conversation that was had with Mr. Armando -- or Mr.

7 Vasquez-Reyes?

8 A Yes.

9 Q Okay. And then the conclusion of that conversation

10 being that they were going to take him to the police station?

11 A That we were all going to meet at the headquarters.

12 Q Okay. And so then you got in your car and drove to

13 headquarters?

14 A Right. That's correct.

15 Q And then the interrogation in this case did not

16 begin until 6:30 p.m. you said?

17 A Around that time.

18 Q Okay. In fact, if I said 6:27 p.m.,, would that

19 sound correct to you?

20 A That would -- that sounds correct.

21 MS. HOJJAT: Okay. Court's indulgence.

22 (Pause in the proceedings)

23 MS. HOJJAT: Is this still recording when I press

24 down? How do I turn it off to have a conversation with my

25 client?

1 THE COURT: I think you can turn it off.

2 MR. FELICIANO: Yeah. You just hold it. You have
3 to hold it.

4 MS. HOJJAT: I am holding it, but it's still on.

5 MR. FELICIANO: Usually the light goes off when
6 it's --

7 THE COURT: Oh. Okay.

8 MS. HOJJAT: Yeah. Usually the light turns off when
9 you push the button.

10 MR. FELICIANO: So I'm still on the mike?

11 THE COURT RECORDER: If you just don't talk near it
12 we're not going to [inaudible].

13 MS. HOJJAT: Okay.

14 (Pause in the proceedings)

15 BY MS. HOJJAT:

16 Q And, ma'am, do you recall during the interrogation
17 at the police station my client was handcuffed to the table?

18 A No.

19 Q You don't recall that?

20 A No.

21 MS. HOJJAT: Okay. Thank you.

22 Pass the witness, Your Honor.

23 THE COURT: Thank you.

24 Any redirect?

25 MR. SWEETIN: No, Your Honor.

1 THE COURT: Okay. Thank you very much for your
2 testimony here today. You may step down.
3 MR. SWEETIN: The State would call Mark Pretti.
4 THE COURT: You're excused for now.
5 But I'm assuming she's still under subpoena.
6 MR. SWEETIN: She is.
7 THE COURT: Okay. Do you mind if she leaves?\
8 MR. SWEETIN: No.
9 THE COURT: Okay. Thank you.
10 Who are you calling next?
11 MR. SWEETIN: Mark Pretti.
12 THE COURT: Okay.
13 MARK PRETTI, STATE'S WITNESS, SWORN
14 THE CLERK: You may be seated. Please state and
15 spell your first and last name for the record.
16 THE WITNESS: It's Mark Pretti, M-A-R-K
17 P-R-E-T-T-I.
18 DIRECT EXAMINATION
19 BY MR. SWEETIN:
20 Q Detective -- or Officer Pretti, how are you
21 currently employed?
22 A I am a patrol sergeant with Las Vegas Metropolitan
23 Police Department.
24 Q How long have you been employed with the police
25 department?

1 A Almost 13 years.

2 Q You mentioned that you're a patrol sergeant
3 currently. How long have you held that position?

4 A Two months.

5 Q And previous to that where did you work?

6 A I was a detective in the Homicide and Sex Crimes
7 Bureau.

8 Q While in that Bureau were investigating
9 predominantly sexual crimes?

10 A For most of my tenure there, yes.

11 Q I want to turn your attention back to April 16th of
12 2016 in the afternoon. Did you become -- do you recall being
13 employed and on duty on that particular day?

14 A I do.

15 Q Do you recall being dispatched to the residence
16 located at 2013 Berkley Avenue in Las Vegas, Clark County,
17 Nevada, on that particular date?

18 A I do.

19 Q Do you remember approximately when you were
20 dispatched?

21 A Just before 4:00 o'clock in the afternoon.

22 Q And what was the purpose of your dispatch?

23 A I was requested to assist in a sex crimes
24 investigation.

25 Q Okay. Did you become aware of at that particular

1 time whether or not some of the witnesses might be Spanish
2 speakers or English speakers?

3 A Yes. I was aware they were -- or made aware they
4 were Spanish speaking.

5 Q Did you have occasion to come in contact with Maria
6 Corral that afternoon?

7 A I did.

8 Q And how did you come in contact with her?

9 A She was on scene as a Spanish interpreter for the
10 Metropolitan Police Department.

11 Q So upon arrival at that particular location what did
12 you do?

13 A I made contact with the patrol officers that were
14 already on scene, got a quick briefing overall as to what was
15 going on, and then made my determination on what to do from
16 there.

17 Q Okay. Based upon that information was your
18 attention directed to any particular person?

19 A Yes.

20 Q Who would that be?

21 A That would have been a suspect, a victim, and a
22 victim's mother.

23 Q Okay. Did you have conversations with each of those
24 individuals?

25 A I did.

1 Q And were you able to ascertain the veracity of the
2 officer's initial report that there had been a crime that
3 occurred at that location?

4 A Yes.

5 Q What were you able to -- what specific probable
6 cause were you able to develop at that particular time?

7 A The juvenile victim had told the patrol officers
8 that she --

9 MS. HOJJAT: Objection. Hearsay.

10 MR. SWEETIN: And this goes --

11 THE COURT: Yeah. This is for purposes of a
12 hearing, so I'm going to allow it. Go ahead.

13 MR. SWEETIN: Thank you.

14 BY MR. SWEETIN:

15 Q And, if you could, describe the probable cause that
16 you developed at that particular time as you talked to these
17 witnesses and the police as you arrived?

18 A The juvenile victim had told patrol officers that
19 she had been sexually abused by her stepfather for several
20 years. I believe initially she told them the last incident
21 was approximately a week prior.

22 Q Now, did they describe any particular sexual acts in
23 regards to that abuse that you were aware of at that time?

24 A I don't recall specifically what she told patrol
25 officers, but I -- that's it. I don't recall specifically.

1 Q Okay. But you recall there was specific information
2 as to sexual crimes that were committed against her?

3 A Yes.

4 Q Now, at that particular time did you have sufficient
5 probable cause to make an arrest?

6 A I believe so.

7 Q Okay. Did you choose to make an arrest at that
8 time?

9 A At that time I did not.

10 Q What did you do instead?

11 A I spoke with the suspect in the issue, requested
12 that he consent to coming to Las Vegas Metropolitan Police
13 Department for -- or headquarters for interview. And I also
14 had to conduct a formal interview with the victim.

15 Q Okay. Now, let me stop you there for a minute. You
16 indicated that you had a conversation with the suspect; is
17 that correct?

18 A Yes.

19 Q Do you see that person in the courtroom today?

20 A I do.

21 Q Could you point that person out, identify something
22 he's wearing today.

23 A He's seated at the table to my right. He's wearing
24 a white button-up shirt.

25 Q With no tie?

1 A No tie.

2 MR. SWEETIN: May the record reflect the witness

3 identified the defendant?

4 THE COURT: So reflected.

5 BY MR. SWEETIN:

6 Q Now at the time that you made contact with the

7 defendant you'd mentioned earlier that Maria Corral was there

8 to assist you; is that correct?

9 A Yes.

10 Q Was she there with you at that time?

11 A Yes.

12 Q And the reason for her being there was what?

13 A Spanish interpretation.

14 Q Okay. So it'd be fair to say you don't speak

15 Spanish.

16 A That's correct.

17 Q And the defendant did speak Spanish.

18 A My understanding, yes.

19 Q At the time that you made contact with the defendant

20 you indicated that there was discussions about --

21 MS. HOJJAT: Objection. Leading.

22 MR. SWEETIN: I'm just --

23 THE COURT: I mean, if this is foundational --

24 MR. SWEETIN: Yes.

25 THE COURT: -- I'll allow it.

1 BY MR. SWEETIN:

2 Q You mentioned that there was some discussions in
3 regards to going to the police station; is that correct?

4 A That's correct.

5 Q Could you describe those discussions in a little
6 more detail?

7 A My discussion with the suspect?

8 Q Yes.

9 A Okay. I explained that there had been an allegation
10 made against him and I would like to speak with him regards to
11 that allegation and requested that he come with us down to
12 headquarters.

13 Q Okay. Now, why did you think it was better to go to
14 headquarters at that particular time than to stay there?

15 A At that time we were out on the street in a
16 residential neighborhood. There's no way to really have a
17 sterile, private environment. We have audio and video
18 recording capabilities at headquarters. Whereas, if we were
19 out on the street in a patrol car or my unmarked vehicle,
20 there's really no good way to do an interview and document it.
21 We had the time to move a little bit more slow. We didn't
22 have to get an interview right that second where he was
23 standing. So I felt it was better to move everybody over to
24 headquarters.

25 Q How did the defendant respond to your request to go

1 to headquarters to talk about this?

2 A He agreed to go to headquarters with us.

3 Q Was there any discussion in regards to how he would
4 get to headquarters?

5 A I explained that he would be taken to headquarters
6 in a marked patrol vehicle. I also explained that it was our
7 policy to transport people in a marked patrol vehicle while in
8 handcuffs. And he agreed to that, as well.

9 Q And was the defendant ultimately transported to
10 headquarters?

11 A Yes.

12 Q In your initial contact with the defendant could you
13 describe his demeanor as you made contact with him and had
14 this conversation?

15 A He seemed calm. Nothing that I would say is out of
16 the ordinary.

17 MS. HOJJAT: Objection. Speculation. How would
18 this witness know what's out of the ordinary for this
19 defendant?

20 THE COURT: Overruled. It's just based on his
21 perspective, obviously.

22 BY MR. SWEETIN:

23 Q Was there anything to cause you to believe that the
24 defendant did not understand what you were saying to him
25 through the translator?

1 MS. HOJJAT: Objection. Speculation.

2 THE COURT: Overruled. You can answer.

3 THE WITNESS: No.

4 BY MR. SWEETIN:

5 Q Did you have any concerns that the defendant did not
6 respond reasonably through the translator to your questions?

7 A I did not.

8 Q What happens upon arriving at -- and let me be
9 clear. How far is headquarters from this particular location?

10 A It was not far. Maybe 10-minute drive max.

11 Q Okay. And what happens upon the defendant and you
12 arriving at headquarters?

13 A He was escorted into the interview room. I removed
14 his handcuffs, asked him to take a seat at the table, and left
15 the room.

16 Q Okay. So he remained in that interview room; is
17 that correct?

18 A That's correct.

19 Q He wasn't in handcuffs?

20 A Correct.

21 Q He was just sitting, essentially, waiting?

22 A Correct.

23 Q And during that time you left the room; is that
24 correct?

25 A Yes.

1 Q And where did you go?

2 A I went and conducted an interview with the victim
3 and spoke with the victim's mother.

4 Q Okay. And at that time you obtained additional
5 information. Would that be fair to say?

6 A Yes.

7 Q Okay. And after obtaining that information what
8 happens next?

9 A I went back in essentially to start the interview
10 with the suspect.

11 Q Was there just one time that you went back into the
12 room, or multiple times you went back into the room?

13 A Multiple times.

14 Q Okay. How many times?

15 A At least three.

16 Q Okay. And prior to the interview how many times did
17 you go back into the room?

18 A I believe two.

19 Q Okay. And for what purpose did you go back into the
20 room?

21 A Initially there was a question over rent money from
22 the victim's mother. The suspect had the rent money. Went
23 in, kind of explained the situation to him, asked if it was
24 okay to give the victim's mother the rent money. He agreed.
25 I left the room to get the wallet -- excuse me, to get his

1 wallet, came back in, counted out the rent money with him
2 there, took the rent money back to the suspect's mother, and
3 then went back -- or, I'm sorry, the victim's mother and then
4 went back in the room to start the interview.

5 Q Besides the discussion of the rent money as you were
6 in the interview room, returning there, was there any other
7 discussion that was had?

8 A Yes, there was.

9 Q And what would that be?

10 A Ms. Corral informed me that the suspect had told her
11 he was light-headed, I believe because he was diabetic, and he
12 needed his medication.

13 Q Okay. And did you have a discussion with the
14 defendant about that through Ms. Corral?

15 A I did.

16 Q Okay. Could you describe that.

17 A I asked him where his medication was. I believe he
18 said it was in his lunch box at his house. I told him I
19 cannot give him medication, he's at the police department, I'm
20 not trained or qualified to give medication. I told him if he
21 needed medical attention to let me know and I would get
22 medical attention for him.

23 Q Did he agree to that at that time?

24 A Yes.

25 Q Did he ever at any point in your contact with him

1 that evening request medical attention?

2 A No.

3 Q Now, you mentioned that a short time -- or at some
4 time later there was an interview; is that correct?

5 A Yes.

6 Q About how long was that interview -- how long after
7 that initial time that you were in the interview room with him
8 discussing the money and his light-headedness did the second
9 interview happen?

10 A Fifteen to twenty minutes maybe.

11 Q Okay. And in that second interview did you discuss
12 matters relating to your investigation?

13 A I did.

14 Q I'm going to show you what's marked as State's
15 Exhibits 1 and 2 for identification and ask if you recognize
16 those.

17 A I do.

18 Q Okay. First referring to State's Exhibit 1, what's
19 that?

20 A This is a DVD, the video recording of the interview.

21 Q Okay. And does that actually include a video of the
22 entire time that the defendant was in the interview room?

23 A It does.

24 Q Have you had an opportunity to review that?

25 A Yes.

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ARMANDO VASQUEZ-REYES,) No. 80293
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 27 day of August, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
ALEXANDER CHEN

AUDREY CONWAY
WILLIAM M. WATERS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

BY /s/Rachel Howard
Employee, Clark County Public Defender's Office