

IN THE SUPREME COURT OF THE STATE OF NEVADA

REX ALVIN LAND,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
No. 83360 Dec 04 2021 09:41 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**Appeal from a Judgment of Conviction, Case No. CR20-3529
The Second Judicial District Court of the State of Nevada
The Honorable David A. Hardy, District Judge**

JOINT APPENDIX

JOHN L. ARRASCADA
Washoe County Public Defender

CHRISTOPHER J. HICKS
Washoe County District Attorney

JOHN REESE PETTY
Chief Deputy

JENNIFER P. NOBLE
Chief Appellate Deputy

350 South Center Street, 5th Floor
Reno, Nevada 89501

One South Sierra Street, 7th Floor
Reno, Nevada 89501

Attorneys for Appellant

Attorneys for Respondent

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RPD RP20-019580

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Alicia L. Lerud
Clerk of the Court
Transaction # 8434449 : bblough

CODE 1800
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Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR20-3529

v.

Dept. No.: D15

REX ALVIN LAND,

Defendant.

INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the
County of Washoe, State of Nevada, in the name and by the authority
of the State of Nevada, informs the above entitled Court that, the
defendant above-named, REX ALVIN LAND, has committed the crime(s) of:

COUNT I. RESIDENTIAL BURGLARY, a violation of NRS
205.060(1)(a), a category B felony, (61934) in the manner following:

That the said defendant, REX ALVIN LAND, on or about
November 2, 2020, within the County of Washoe, State of Nevada, did
willfully and unlawfully, by day or night, enter or remain in the
dwelling of CAROL MARSHALL with the intent to commit the felony

///

1 offense of Open or Gross Lewdness and/or Indecent or Obscene
2 Exposure, at or near Sky Valley Drive, room #117.

3 COUNT II. ATTEMPTED OPEN OR GROSS LEWDNESS, SUBSEQUENT
4 OFFENSE, a violation of NRS 199.330, being in attempt to violate NRS
5 201.210(1)(b), a category E felony, (50979) in the manner following:

6 That the said defendant REX ALVIN LAND, on or about
7 November 2, 2020, within the County of Washoe, State of Nevada,
8 did willfully and unlawfully attempt to commit an act of open or
9 gross lewdness, in that the Defendant lifted his shirt and began
10 rubbing his stomach before beginning to pull down his pants which
11 caused PATRICIA PIERCE to look away, at or near Sky Valley Drive,
12 room #127, and after having been previously convicted of a sex
13 offense as defined by NRS 179D.097, specifically Indecent Exposure on
14 or about September 14, 2007 in South Lake Tahoe.

15
16 All of which is contrary to the form of the Statute in such
17 case made and provided, and against the peace and dignity of the
18 State of Nevada.

19
20 CHRISTOPHER J. HICKS
21 District Attorney
22 Washoe County, Nevada
23

24
25 By: /s/ Travis Lucia
26 TRAVIS LUCIA
11188
DEPUTY District Attorney

1 The following are the names of such witnesses as are known
2 to me at the time of the filing of the within Information:

3 CAROL ANNETTE MARSHALL
4 ISAAC MEADOWS
5 PATRICA PIERCE
6 WILLIAM P TARBELL
7 VICTOR VEGA

8 AFFIRMATION PURSUANT TO NRS 239B.030

9 The party executing this document hereby affirms that this
10 document submitted for recording does not contain the social security
11 number of any person or persons pursuant to NRS 239B.030.
12

13 CHRISTOPHER J. HICKS
14 District Attorney
15 Washoe County, Nevada

16 By: /s/ Travis Lucia
17 TRAVIS LUCIA
18 11188
19 DEPUTY District Attorney
20
21
22
23
24
25

26 PCN RPD0070946C-LAND

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7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR20-3529

15 v.

Dept. No. D15

16 REX ALVIN LAND,

17 Defendant.

18 GUILTY PLEA MEMORANDUM

19 1. I, REX ALVIN LAND, understand that I am charged with
20 the offense(s) of: Count I: RESIDENTIAL BURGLARY, a violation of NRS
21 205.060, a category B felony, and Count II: ATTEMPTED OPEN OR GROSS
22 LEWDNESS, SUBSEQUENT OFFENSE, a violation of NRS 199.330, being in
23 attempt to violate NRS 201.210(1)(b), a category E felony.

24 2. I desire to enter a plea of guilty to the offense(s)
25 of, Count I: RESIDENTIAL BURGLARY, a violation of NRS 205.060, a
26 category B felony, and Count II: ATTEMPTED OPEN OR GROSS LEWDNESS,
SUBSEQUENT OFFENSE, a violation of NRS 199.330, being in attempt to
violate NRS 201.210(1)(b), a category E felony, as more fully alleged
in the charge(s) filed against me.

1 3. By entering my plea of guilty I know and understand
2 that I am waiving the following constitutional rights:

3 A. I waive my privilege against self-incrimination.

4 B. I waive my right to trial by jury, at which trial the
5 State would have to prove my guilt of all elements of the offense(s)
6 beyond a reasonable doubt.

7 C. I waive my right to confront my accusers, that is, the
8 right to confront and cross examine all witnesses who would testify
9 at trial.

10 D. I waive my right to subpoena witnesses for trial on my
11 behalf.

12 4. I understand the charge(s) against me and that the
13 elements of the offense(s) which the State would have to prove beyond
14 a reasonable doubt at trial are that on November 2nd, 2020, or
15 thereabout, in the County of Washoe, State of Nevada, I did, as to
16 Count I willfully and unlawfully, by day or night, enter or remain in
17 the dwelling of CAROL MARSHALL with the intent to commit the felony
18 offense of Open or Gross Lewdness and/or Indecent or Obscene
19 Exposure, at or near Sky Valley Drive, room #117.

20 I further understand the charge(s) against me and that the
21 elements of the offense(s) which the State would have to prove beyond
22 a reasonable doubt at trial are that on November 2nd, 2020, or
23 thereabout, in the County of Washoe, State of Nevada, I did, as to
24 Count II willfully and unlawfully attempt to commit an act of open or
25 gross lewdness, in that I lifted my shirt and began rubbing my
26 stomach before beginning to pull down my pants which caused PATRICIA

1 PIERCE to look away, at or near Sky Valley Drive, room #127, and
2 after having been previously convicted of a sex offense as defined by
3 NRS 179D.097, specifically Indecent Exposure on or about September
4 14, 2007 in South Lake Tahoe.

5 5. I understand that I admit the facts which support all
6 the elements of the offense(s) by pleading guilty. I admit that the
7 State possesses sufficient evidence which would result in my
8 conviction. I have considered and discussed all possible defenses
9 and defense strategies with my counsel. I understand that I have the
10 right to appeal from adverse rulings on pretrial motions only if the
11 State and the Court consent to my right to appeal in a separate
12 written agreement. I understand that any substantive or procedural
13 pretrial issue(s) which could have been raised at trial are waived by
14 my plea.

15 6. I understand that the consequences of my plea of guilty
16 as to Count I are that I may be imprisoned in the State prison for a
17 minimum term of not less than 1 year and a maximum term of not more
18 than 10 years. I am eligible for probation. I may also be fined up
19 to \$10,000.00.

20 I further understand that the consequences of my plea of
21 guilty as to Count II are that I may be imprisoned in the State
22 prison for a minimum term of not less than 1 year and a maximum term
23 of not more than 4 years. I am eligible for probation but only in
24 the event an evaluation conducted pursuant to NRS 176A.110 certifies
25 that I do not represent a high risk to reoffend based upon a
26 currently accepted standard of assessment. I may also be fined up to

1 \$5,000.00. I understand that I will be required to register as a
2 convicted sex offender pursuant to NRS 179D.097(s). I understand
3 that the sentence on each count may be concurrent or consecutive to
4 each other.

5 7. In exchange for my plea of guilty, the State, my
6 counsel and I have agreed to recommend the following: At sentencing,
7 the State and I will be free to argue for any legally appropriate
8 sentence. The State will not pursue additional charges or
9 enhancements arising from this event.

10 8. I understand that, even though the State and I have
11 reached this plea agreement, the State is reserving the right to
12 present arguments, facts, and/or witnesses at sentencing in support
13 of the plea agreement.

14 9. Where applicable, I additionally understand and agree
15 that I will be responsible for the repayment of any costs incurred by
16 the State or County in securing my return to this jurisdiction.

17 10. I understand that the State, at their discretion, is
18 entitled to either withdraw from this agreement and proceed with the
19 prosecution of the original charges or be free to argue for an
20 appropriate sentence at the time of sentencing if I fail to appear at
21 any scheduled proceeding in this matter OR if prior to the date of my
22 sentencing I am arrested in any jurisdiction for a violation of law
23 OR if I have misrepresented my prior criminal history. I understand
24 and agree that the occurrence of any of these acts constitutes a
25 material breach of my plea agreement with the State. I further
26 understand and agree that by the execution of this agreement, I am

1 waiving any right I may have to remand this matter to Justice Court
2 should I later withdraw my plea.

3 11. I understand and agree that pursuant to the terms of
4 the plea agreement stated herein, any counts which are to be
5 dismissed and any other cases charged or uncharged which are either
6 to be dismissed or not pursued by the State, may be considered by the
7 court at the time of my sentencing.

8 12. I understand that the Court is not bound by the
9 agreement of the parties and that the matter of sentencing is to be
10 determined solely by the Court. I have discussed the charge(s), the
11 facts and the possible defenses with my attorney. All of the
12 foregoing rights, waiver of rights, elements, possible penalties, and
13 consequences, have been carefully explained to me by my attorney. My
14 attorney has not promised me anything not mentioned in this plea
15 memorandum, and, in particular, my attorney has not promised that I
16 will get any specific sentence. I am satisfied with my counsel's
17 advice and representation leading to this resolution of my case. I
18 am aware that if I am not satisfied with my counsel I should advise
19 the Court at this time. I believe that entering my plea is in my
20 best interest and that going to trial is not in my best interest. My
21 attorney has advised me that if I wish to appeal, any appeal, if
22 applicable to my case, must be filed within thirty days of my
23 sentence and/or judgment.

24 13. I understand that this plea and resulting conviction
25 will likely have adverse effects upon my residency in this country if
26 I am not a U. S. Citizen. I have discussed the effects my plea will

1 have upon my residency with my counsel.

2 14. I offer my plea freely, voluntarily, knowingly and
3 with full understanding of all matters set forth in the Information
4 and in this Plea Memorandum. I have read this plea memorandum
5 completely and I understand everything contained within it.

6 15. My plea of guilty is voluntary and is not the result
7 of any threats, coercion or promises of leniency.


8 16. I am signing this Plea Memorandum voluntarily with
9 advice of counsel, under no duress, coercion, or promises of
10 leniency.

11 17. I do hereby swear under penalty of perjury that all of
12 the assertions in this written plea agreement document are true.


13 AFFIRMATION PURSUANT TO NRS 239B.030

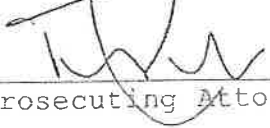
14 The undersigned does hereby affirm that the preceding
15 document does not contain the social security number of any person.

16 DATED this 17 day of

17 May 21.
18 
19 Defendant

20 Translator/Interpreter

21 
22 Attorney Witnessing Defendant's Signature

23 
24 Prosecuting Attorney
25
26

1 Code #4185
2 SUNSHINE LITIGATION SERVICES
3 151 County Estates Circle
4 Reno, Nevada 89511

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7 HONORABLE DAVID A. HARDY, DISTRICT JUDGE

8 -o0o-

9 THE STATE OF NEVADA,
10 Plaintiff,
11 vs.

Case No. CR20-3529
Dept No. 15

12 REX ALVIN LAND,
13 Defendant.
14 _____/

15
16
17 TRANSCRIPT OF PROCEEDINGS

18 ARRAIGNMENT

19 MAY 17, 2021

20 RENO, NEVADA

21
22
23
24 REPORTED BY: CORRIE L. WOLDEN, NV CSR #194, RPR, CP
25 JOB NO. 761199

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A P P E A R A N C E S

FOR THE PLAINTIFF: DEPUTY DISTRICT ATTORNEY, WASHOE
COUNTY
BY: NICOLE HICKS, ESQ.
P.O. Box 11130
Reno, Nevada 89520
775-328-3286

FOR THE DEFENDANT: WASHOE COUNTY PUBLIC DEFENDER'S
OFFICE
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Reno, Nevada 89520
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lmnordvig@washoecounty.us

FOR THE DIVISION OF SARA CURRENCE
PAROLE AND PROBATION:

FOR PRETRIAL SERVICES: LORI PITT

1 RENO, NEVADA, MONDAY, MAY 17, 2021, 11:33 A.M.

2 -o0o-

3

4 THE COURT: CR20-3529, State versus Rex Alvin

5 Land. This is the time set for entry of plea. I have --

6 Good morning, Mr. Land.

7 THE DEFENDANT: Good morning, Your Honor.

8 THE COURT: Mr. Land is present through Zoom. He
9 is in custody. He is represented by Ms. Nordvig. Ms. Hicks
10 is present for the state.

11 I have in hand a May 7th Information charging
12 Count I, Residential Burglary, and Count II, Attempted Open
13 or Gross Lewdness. Count II is a category E felony.
14 Count I is a category B felony.

15 Ms. Nordvig, if you will please confirm your
16 client is properly identified, familiar with the contents of
17 the charging document, and declare if you wish the
18 Information to be read in open court.

19 MS. NORDVIG: Thank you, Your Honor.

20 We are in receipt of the Information, excuse me,
21 filed May 7th, 2021. Mr. Land indicates that his true and
22 correct legal name is correctly spelled at line 12. We are
23 familiar with the contents and waive its formal reading.

24 Your Honor, it's my understanding that he will be
25 entering guilty pleas to each count in the Information. In

1 exchange for that plea, those pleas, both parties are free
2 to argue for an appropriate sentence, including whether the
3 two sentences run concurrent or consecutive. He does also
4 understand that he needs to have a risk assessment that
5 shows that he is not a high risk to reoffend to qualify for
6 probation in this case.

7 THE COURT: Thank you. And to the state are you
8 satisfied?

9 MS. HICKS: Your Honor, I am and I just want to
10 make sure that Ms. Nordvig stated that he will be required
11 to register as a sex offender. I'm not sure if she did
12 state that, but I wanted to ensure that that was stated.

13 MS. NORDVIG: And that is in the Guilty Plea
14 Memorandum and he is aware of that.

15 THE COURT: Thank you. Mr. Land, please face my
16 clerk, raise your right hand, and be sworn.

17 (Whereupon the defendant was sworn.)

18 THE COURT: Good morning, Mr. Land. Has your
19 attorney accurately stated the agreement as you understand
20 it?

21 THE DEFENDANT: Your Honor, I would like to speak
22 with my attorney for a private consult regarding the
23 charges.

24 THE COURT: That would be acceptable.

25 Ms. Nordvig, do you have the number to call into?

1 MS. NORDVIG: Yes. Thank you, Your Honor.

2 THE COURT: Please remember to mute yourself.

3 And, Ms. Clerk, let me know when they are ready.

4 THE DEFENDANT: Thank you.

5

6 (Whereupon a break was taken from 11:36 a.m. to 11:43 a.m.)

7

8 THE COURT: Mr. Land, have you had an adequate

9 time to discuss this matter with your attorney?

10 THE DEFENDANT: Yes, sir, I have. Thank you.

11 THE COURT: All right. The state has charged

12 Count I, Residential Burglary. The elements the state has

13 alleged are that on November 2nd, 2020, in Washoe County,

14 you willfully and unlawfully, by day or night, entered or

15 remained in the dwelling of Carol Marshall with the intent

16 to commit the felony offense of Open or Gross Lewdness

17 and/or Indecent or Obscene Exposure. This occurring at or

18 near Sky Valley Drive, #117.

19 Count II is that on the same day, November 2nd,

20 2020, you committed the crime Attempted Open or Gross

21 Lewdness, in Washoe County, you did willfully and unlawfully

22 attempt to commit an act of open or gross lewdness, in that

23 you lifted your shirt and began rubbing your stomach before

24 beginning to pull down your pants, which caused Patricia

25 Pierce to look away, at or near Sky Valley Drive #127, after

1 having been previously convicted of a sex offense as defined
2 by NRS 179D.097, specifically Indecent Exposure, this
3 occurring in 2007. Do you understand what the state has
4 alleged against you?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: The maximum possible penalty for
7 Count I is imprisonment in the Nevada Department of
8 Corrections for a range of time not to exceed 10 years. It
9 is probation eligible. I could order you to pay a fine not
10 to exceed \$10,000.

11 As to Count II, you could go to prison for a
12 maximum of 5 years. This is also probation eligible. I
13 could order you to pay a fine not to exceed \$5,000.

14 As I have said so many times this morning, when I
15 recite the maximum penalty, that's not a threat as to what
16 your sentence would be, because I have no idea what your
17 sentence would be. All I can tell you is that I would do an
18 independent analysis, meaning I would listen to you, I would
19 listen to the attorneys, I would read a report prepared by
20 the Division of Parole and Probation, and I would consider
21 the words of the victim, if she chose to participate.

22 Any questions so far, sir?

23 THE DEFENDANT: Your Honor, on the, on the second
24 count, my lawyer and I have been going over that, it was a
25 1 to 4 sentence on that, so --

1 MS. NORDVIG: And, Your Honor, you may have the
2 initial Guilty Plea Memorandum that was in error.

3 THE COURT: I do have that one and it does recite
4 1 to 5.

5 MS. NORDVIG: And it should be 1 to 4. We have
6 corrected that. The one that Mr. Land has at the Washoe
7 County Jail is the correct version. Mr. Lucia and I did
8 that on Saturday, so he received it this morning.

9 THE COURT: So what you just did, Mr. Land, is
10 wonderful. It is so refreshing to know that people actually
11 listen, they follow along, and I love to be corrected when
12 I'm wrong, so congratulations to you for paying attention.
13 That's a real significant event in this canvass. Well done.

14 Okay. Having said that, let's return to the
15 questions I have to ask. Remember, my purpose is to
16 determine that you are fully informed and you are making a
17 voluntary choice.

18 So you know the maximum possible penalties the
19 Court could impose. You know there is no promise of what
20 the outcome would be. You know the process I would go
21 through to arrive at a just sentence.

22 Turning to your plea choice, if you plead guilty,
23 the next time I see you will be for sentencing. You will be
24 incriminating yourself. While that may be appropriate, but
25 only you can determine if it's appropriate. You know what

1 happened, you know your conversations with your attorney,
2 and you know the state's position. So if you want you may
3 plead guilty, but nobody can force you. Do you understand
4 that?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: You could plead not guilty, which
7 means you would be maintaining your presumption of innocence
8 and I would set this matter for trial, a public and fair
9 trial, a speedy trial, a trial at which you would always
10 have an effective attorney assisting you.

11 A trial at which the state must prove your guilt
12 as opposed to you proving your innocence. A trial at which
13 the state must prove your guilt beyond a reasonable doubt, a
14 high standard of proof that must be found by all members of
15 the jury.

16 During that trial, you could remain silent or you
17 could testify. That, again, is your constitutional choice.
18 You could present your own witnesses and evidence if you
19 were so inclined and we would see what the jury did. Do you
20 understand that you have the right to enter the plea of your
21 choice?

22 THE DEFENDANT: Yes, sir, I do.

23 THE COURT: Do you feel that anybody is forcing
24 you this morning to do anything against your will?

25 THE DEFENDANT: No, sir, I do not.

1 THE COURT: All right. Did you read the Guilty
2 Plea Memorandum?

3 THE DEFENDANT: Yes, sir, I have.

4 THE COURT: Do you have any questions about it?

5 THE DEFENDANT: No, I do not.

6 THE COURT: Are you ready to enter your plea?

7 THE DEFENDANT: Yes, sir, I am.

8 THE COURT: To the felony charge Residential
9 Burglary, how do you plead?

10 THE DEFENDANT: I plead guilty, Your Honor.

11 THE COURT: To the felony charge Attempted Open or
12 Gross Lewdness, how do you plead?

13 THE DEFENDANT: I plead guilty on that, too,
14 Your Honor.

15 THE COURT: Do you understand as set forth in your
16 Guilty Plea Memorandum that if you are convicted of this
17 crime Attempted Open or Gross Lewdness you would be subject
18 to registration requirements?

19 THE DEFENDANT: Yes, sir, I do.

20 THE COURT: Okay. Has anybody promised anything
21 to you or threatened you in any way to obtain your plea?

22 THE DEFENDANT: No, sir, they have not.

23 THE COURT: Did you do what you are accused of
24 doing?

25 THE DEFENDANT: Yes, sir, I did.

1 THE COURT: Thank you. The Court finds that
2 Mr. Land is competent to enter his plea. There is a factual
3 basis to accept his plea. He understands his rights, which
4 he has waived. He understands the nature of the charges and
5 their consequences. The Court accepts the pleas. This
6 matter is set for entry of judgment and imposition of
7 sentence. Ms. Clerk.

8 MS. NORDVIG: Your Honor, he needs to sign the
9 Guilty Plea Memorandum.

10 THE COURT: Thank you. Would you please sign the
11 Guilty Plea Memorandum now.

12 MS. HICKS: Your Honor, once he is finished with
13 that, I would move for the admission of his prior as well.

14 MS. NORDVIG: And for the record, we have received
15 that. I have been able to review it and it seems to be
16 constitutionally valid.

17 THE COURT: The Notice of Certified Copy of Prior
18 Conviction that was filed on May 10th, 2021, shall be
19 admitted.

20 Mr. Land has signed his Guilty Plea Memorandum,
21 and this matter is set for entry of judgment and imposition
22 of sentence. Ms. Clerk.

23 THE CLERK: July 12th at 9:00 a.m.

24 THE COURT: We will see you on July 12th at
25 9:00 a.m. Thank you, Counsel. See somebody, if not you,

1 somebody this afternoon. Court will be in recess.

2 MS. NORDVIG: See you at 3:00.

3 THE DEPUTY: Ms. Nordvig?

4 MS. NORDVIG: Yes, sir.

5 THE DEPUTY: He has both guilty pleas. Which one
6 is the correct one?

7 MS. NORDVIG: It's the one that on page 3 on line
8 23 has 4 years.

9 THE DEPUTY: Go to page 3.

10 MS. NORDVIG: Mr. Land, listen carefully. Page 1
11 and page 2 of each document are identical.

12 THE DEFENDANT: Yes.

13 MS. NORDVIG: Page 3 is the only one that is
14 different. Find the page 3 that at line 23 has 4 years.

15 THE DEFENDANT: Yes, that's the one I have here.

16 MS. NORDVIG: Put that after page 2 and then get
17 pages 4, 5, and 6, which are identical in each one that you
18 got, and put them after page 3. And, Deputy, the page 3
19 that is incorrect could be shredded or torn up or whatever.

20 THE DEPUTY: I will take care of it, Ms. Nordvig.

21 MS. NORDVIG: Thank you. I appreciate it.

22 THE DEPUTY: You are welcome.

23 THE COURT: Court will be in recess.

24 MS. NORDVIG: Thank you, Your Honor.

25 -o0o-

1

2 STATE OF NEVADA)
3 WASHOE COUNTY) ss.

4 I, CORRIE L. WOLDEN, an Official Reporter of the
5 Second Judicial District Court of the State of Nevada, in
6 and for Washoe County, DO HEREBY CERTIFY;

7 That I am not a relative, employee or independent
8 contractor of counsel to any of the parties; or a relative,
9 employee or independent contractor of the parties involved
10 in the proceeding, or a person financially interested in the
11 proceeding;

12 That I was present in Department No. 15 of the
13 above-entitled Court on May 17, 2021, and took verbatim
14 stenotype notes of the proceedings had upon the matter
15 captioned within, and thereafter transcribed them into
16 typewriting as herein appears;

17 That the foregoing transcript, consisting of pages 1
18 through 12, is a full, true and correct transcription of my
19 stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 8th day of July, 2021.

21

/s/Corrie L. Wolden

22

CORRIE L. WOLDEN
CSR #194, RPR, CP

23 The document to which this certificate is
24 attached is a full, true and correct copy of the
original on file and of record in my office.

25 By: ALICIA L. LERUD, Clerk of the Second
Judicial District Court, in and for the County of
Washoe.

1 CODE: 4185
2 PEGGY B. HOOGS, CCR #160
3 Sunshine Litigation Services
4 151 Country Estates Cr.
5 Reno, Nevada 89511
6 (775) 323-3411
7 Court Reporter

8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9
10 IN AND FOR THE COUNTY OF WASHOE
11
12 THE HONORABLE DAVID A. HARDY, DISTRICT JUDGE
13 --oOo--

14 STATE OF NEVADA, Case No. CR20-3529
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16 Plaintiff, Dept. No. 15
17 vs.
18 REX ALVIN LAND,
19 Defendant.
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25 TRANSCRIPT OF PROCEEDINGS
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27 SENTENCING
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29 MONDAY, JULY 12, 2021
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35 Reported By: PEGGY B. HOOGS, CCR 160, RDR, CRR

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APPEARANCES:

For the Plaintiff:

TRAVIS LUCIA, ESQ.
Deputy District Attorney
1 South Sierra Street, 4th Floor
Reno, Nevada

For the Defendant:

LORENA VALENCIA, ESQ.
Deputy Public Defender
350 South Center Street
Reno, Nevada

For the Division of
Parole & Probation:

ERIN LUKL

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RENO, NEVADA; MONDAY, JULY 12, 2021; 9:00 A.M.

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THE COURT: The next case is CR20-3529, the State vs. Rex Land.

MR. LUCIA: Travis Lucia for the State.

MS. VALENCIA: Good afternoon, Your Honor. Lorena Valencia on behalf of Mr. Land, who is present at the Washoe County Jail.

THE COURT: This is the time set for entry of judgment and imposition of sentence.

Mr. Land pled guilty to two offenses on May 17th. The first is a category B felony, residential burglary. The second is a category E felony, attempted open or gross lewdness.

Counsel, the PSI indicates that this will be a conviction for which there is a lifetime duty to register. I have an Acknowledgement of Receipt of Duty to Register and a statute that should go to Mr. Land unless you disagree.

Do you agree or disagree, Counsel?

MR. LUCIA: I agree.

MS. VALENCIA: I agree, Your Honor.

1 THE COURT: So, Ms. Clerk, I'll need you to
2 email to the Washoe County Jail the Acknowledgement of
3 Receipt of Duty to Register. It will be printed by
4 deputy staff, and Mr. Land will sign acknowledgement of
5 his receipt of the statute before he's allowed to return
6 to his housing.

7 THE CLERK: Yes, Your Honor.

8 THE COURT: Mr. Land, your attorney is going to
9 speak for you in a moment. Before she does, is there
10 anything you'd like to say?

11 THE DEFENDANT: Yes, Your Honor, there is.

12 THE COURT: Please.

13 THE DEFENDANT: I had spoken with the probation
14 department here in regards to my case, and they -- I had
15 sent a letter over to them, you know, stating what
16 happened this night, whenever I was arrested, and I
17 wanted to make sure that the Court had -- you had the
18 opportunity to read this letter, statement.

19 THE COURT: Are you referring to a handwritten
20 statement that you might have prepared?

21 THE DEFENDANT: Yes, sir, I am.

22 THE COURT: I have a statement -- Let me tell
23 you everything that I've read, Counsel.

24 I've read the Presentence Investigation Report.

1 I've read a Risk Assessment Evaluation prepared by
2 Dr. Molten. Somewhere in here I have a victim impact
3 statement from a woman whose initials are CAM, and I have
4 a defendant's statement which is signed but completely
5 blank. So I have not read a handwritten statement
6 provided by Mr. Land.

7 MR. LUCIA: Just for the record as well, Your
8 Honor, in the PSI, when it comes to the portion of that,
9 I similarly just saw a blank section where the
10 defendant's statement typically is found that's signed by
11 somebody purporting to be Rex Land with a date of
12 June 14, 2021, but I haven't received any other similar
13 statements from Mr. Land.

14 MS. VALENCIA: Your Honor, I'm in receipt of
15 that same PSI. I'm not sure --

16 Mr. Land, when did you give Parole & Probation
17 that letter?

18 THE DEFENDANT: It must have been two weeks.

19 MS. LUKL: Your Honor, Erin Lukl on behalf of
20 the Division.

21 It looks like there is one in this file, and my
22 apologies, it must not have gotten eFiled. It is
23 handwritten in pencil. I can immediately try to get it
24 scanned and emailed to your court clerk for your access.

1 I'm hoping it will be able to show up well on that
2 process.

3 THE COURT: Well, if Mr. Land has taken the
4 time to write a statement, it is not just appropriate but
5 necessary that I read what he has written. So I'll go to
6 another case if you'll begin those efforts, please,
7 Ms. Lukl.

8 MS. LUKL: Yes, Your Honor.

9 THE COURT: Meanwhile, to the deputy staff, the
10 clerk has emailing, if not already, an acknowledgement
11 form with a copy of the statute. If you will print that
12 and hand it to Mr. Land before I recall his case.
13 Mr. Land, have a seat, please.

14 THE DEFENDANT: Thank you, Your Honor.

15 (A recess was taken.)

16 THE COURT: The next case is Land.

17 To the deputy staff, has Mr. Land received by
18 email a printed copy of the Acknowledgement of the
19 Receipt of Duty to Register?

20 THE BAILIFF: Yes, he has.

21 THE COURT: Let's begin with that, Mr. Land.
22 Where's counsel?

23 Ms. Roth?

24 MS. VALENCIA: No, Your Honor. Ms. Valencia.

1 THE COURT: Oh, Ms. Valencia. Excuse me. I've
2 got a large gallery. Excuse me.

3 MR. LUCIA: Travis Lucia for the State.

4 THE COURT: First of all, Mr. Land, would you
5 show to me the Acknowledgement of Receipt of Duty to
6 Register. Will you just hold it up for me to see.

7 (The defendant complied.)

8 THE COURT: Behind it you should have a copy of
9 the statute, which is NRS 179D.460.

10 Would you hold that up to me so I can see it.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: On this Acknowledgement of Receipt
13 of Duty to Register, at line 17, if you'll print your
14 name where it says, "I," blank, write "Rex Land."

15 (The defendant complied.)

16 THE COURT: Under paragraph 1 -- tell me when
17 you're ready.

18 THE DEFENDANT: Yes, Your Honor, I'm ready.

19 THE COURT: Under paragraph 1, it says, "I have
20 been provided a copy of my requirements to register."
21 Please place your initials there.

22 THE DEFENDANT: "In addition to any other
23 registration" is what it says here.

24 Oh, okay. I see. Yes. It's on the original

1 page, yes.

2 THE COURT: Have you initialed number 1?

3 THE DEFENDANT: Yes, sir, I have.

4 THE COURT: Have the requirements for
5 registration been explained to you?

6 THE DEFENDANT: No, they haven't. I was just
7 reading that in these two pages here, Your Honor, and I
8 just had gotten down to about the bottom of the first
9 page.

10 THE COURT: You need to visit with your
11 attorney about this, and so if you're telling me you have
12 not had these requirements for registration explained to
13 you, I'm going to give you a chance to talk to your
14 attorney on the phone privately.

15 My experience with Ms. Valencia is that during
16 negotiations and discussion of this case, these were
17 probably explained to you, but I'm going to have a clear
18 record that they were explained to you. I'm not going to
19 ask you to initial this until it's accurate.

20 So, deputy staff, find a telephone for
21 Mr. Land. Ms. Valencia, go ahead and take this call
22 offline. I need him to tell me that the requirements for
23 registration have been explained to him.

24 MS. VALENCIA: Okay. Thank you, Your Honor.

1 THE CLERK: Your Honor, I still don't have the
2 statement that Ms. Lukl tried to email me. I don't have
3 that. And Ms. Valencia has the rest of the calendar so I
4 don't know if you want to continue this case.

5 THE COURT: I'm not going to continue this
6 case. I'm going to be in recess for a short while, and
7 let's see if we can make it happen.

8 Be in contact with me, please, Ms. Clerk, in
9 five or ten minutes about this registration requirement.

10 (A recess was taken.)

11 THE COURT: Do you have that same form in front
12 of you that acknowledges receipt of duty to register?

13 THE DEFENDANT: Yes, Your Honor, I do.

14 THE COURT: If you look at paragraph number 2,
15 it says, "The requirements for registration have been
16 explained to me."

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have the requirements for
19 registration been explained to you?

20 THE DEFENDANT: Yes, sir, they have.

21 THE COURT: Please initial number 2.

22 (The defendant complied.)

23 THE COURT: Number 3 reads, "I understand the
24 requirements for registration."

1 Do you understand the requirements for
2 registration?

3 THE DEFENDANT: Yes, sir, I do.

4 THE COURT: Can you please initial number 3,
5 date it, and sign it. Give it to to the deputy staff who
6 will cause it to be emailed to the clerk.

7 (The defendant complied.)

8 THE COURT: While he's doing that, Counsel, I
9 have now read Mr. Land's handwritten statement.

10 Have you each had an opportunity to review it?

11 MS. VALENCIA: Yes, Your Honor.

12 MR. LUCIA: Yes, Your Honor.

13 THE COURT: Mr. Land, is there anything else
14 you'd like to say to the Court?

15 THE DEFENDANT: Well, yes, Your Honor, there
16 is.

17 For my offense that did happen that night, Your
18 Honor, that I am truly sorry for my conduct, my actions.
19 You know, I just pray to the Lord to take away, you know,
20 the shame that I've caused to myself and, you know, the
21 agony that I've showed -- that these women have gone
22 through for my actions, that I'm sorry, that I'm truly
23 sorry.

24 You know, I just -- like everything in my life,

1 I just turn around, you know, with my -- you know, and
2 just -- and my wife, you know, with the situation that
3 I've put her in, you know, and my actions that I did that
4 day. I'm truly sorry for what I did, and I'm appalled of
5 myself and my actions. It's out of character for me to
6 act this way, and, you know, I don't know how to say it,
7 but to, like, fall back on old, you know, actions or old
8 alcoholic ways.

9 I have been sober for quite a time in my life,
10 and, you know, I like to boast about that and brag about
11 it, and then to see it raise its head up and strike me in
12 the face again and to drink alcohol and to be out of
13 control like that, I'm very sorry for my actions that I
14 did that night. And I don't act this way in the
15 community with my -- you know, with my neighbors or my
16 friends or, you know, any of the -- you know, the places
17 where I conduct business. It's out of character for me
18 to do something like this, and I'm truly sorry for these
19 ladies.

20 If they were here, I would ask them to just
21 please, you know, forgive me my sins, and please take it
22 in their heart to forgive me, and, you know, if
23 there's -- forgiveness is, like, the first step, you
24 know, in recovery, you know, with the Lord, and I would

1 hate for them to hold a grudge against me, you know,
2 personally to block them from living in God's heaven
3 right now and trusting other people in their life and the
4 way that they conduct theirselves with other people and
5 other male figures, and that they would trust other male
6 figures in their life and just know that this is just
7 something that happened. It's out of character for me,
8 and I'm sorry, I truly apologize to those ladies.

9 I just see, you know, like with the other
10 people that I spend time with in church and gatherings,
11 that all of these ladies and other men and women know
12 that I'm a trustworthy person and that those ladies can
13 think in their minds and know that I am a trustworthy
14 person, that other men in the community are trustworthy
15 as well and that they could forgive me for this conduct,
16 Your Honor.

17 THE COURT: Thank you, Mr. Land.

18 Counsel, before I hear your arguments, I'd like
19 your help as I analyze the risk assessment evaluation.
20 There may be a general question that is different from
21 the decisions I make in this case.

22 I was struck, however, by this evaluation
23 prepared by Dr. Molten. It's file-stamped July 9th. On
24 page 2, under "Relevant Background Information," it

1 contains the following first sentence -- well, hold on,
2 Counsel.

3 I read the Presentence Investigation Report
4 before I read the evaluation, so I had Mr. Land's entire
5 criminal history in mind as I began reading the risk
6 assessment, and then I saw this sentence on page 2: "The
7 following information was obtained during the interview.
8 It is based upon the self-report of Mr. Land. It has not
9 been independently verified."

10 That sentence makes me worry a little bit about
11 risk assessments because, in the materials referenced as
12 predicate review, there was not the Presentence
13 Investigation Report, and I know the Presentence
14 Investigation Report criminal history section greatly
15 influences my perspective of this case.

16 Does an evaluator usually read or have access
17 to the PSI before a self-reported risk assessment is
18 prepared? Now, as I get to the risk assessment
19 conclusion, I think it lands at the right place anyway
20 because it indicates he is a high risk to reoffend, but
21 generally, Counsel, are these risk evaluators familiar
22 with the objective criminal history of some defendants?

23 MR. LUCIA: What I've found, Your Honor, it's
24 kind of hit or miss. It's been my experience

1 professionally that typically by the time an evaluation
2 is done, the Presentence Investigation Report hasn't been
3 completed yet, so as a pragmatic matter, that information
4 isn't available.

5 I would say, you know -- and this is me
6 anecdotally -- generally, most of the evaluations and
7 assessments I've seen, there is not a review of criminal
8 history, it's simply the facts of the case, and I
9 believe -- I don't recall specifically, but I believe
10 that Static 99, that instrument that's used to assess
11 risk, I believe it allows for consideration of history,
12 but it's been a long time since I've dived deeply into
13 that with experts and with cross-examination, so I can't
14 articulate clearly exactly how far down that rabbit hole
15 the document goes.

16 THE COURT: I want to say this respectfully --
17 Ms. Valencia, I promise I'll give you a chance, too. I
18 want to say this respectfully to Mr. Land because he,
19 like us, are not one-dimensional. We are not binary.
20 We're not all good, and we're not all bad. Each of us
21 has complexities.

22 Mr. Land told me four times, when I include his
23 handwritten statement, that this is out of character for
24 him, and it appears to be within character, and if

1 Dr. Molten had come up with any conclusion other than --
2 if Dr. Molten would have concluded neutral or low risk to
3 reoffend, I was actually going to have him called as a
4 witness. I was going to continue this to examine him on
5 whether his assessment included an understanding of
6 Mr. Land's past.

7 So I want to be very respectful and dependent
8 upon these risk assessments, but it troubles me it's
9 self-reported information. That's kind of like a
10 substance abuse evaluation, hit and miss.

11 Ms. Valencia, can you help me in any way?

12 MS. VALENCIA: Your Honor, I believe it is a
13 matter of the risk assessments requested. If we
14 requested or got the risk assessment after a Presentence
15 Investigation Report was provided to us or conducted, it
16 would take another six to eight weeks, so I think it's a
17 matter of timing. That's my understanding of it.

18 I understand the Court's concern in terms of it
19 being self-reported, but that's my understanding, Your
20 Honor.

21 THE COURT: All right. Well, Ms. Valencia, why
22 don't you offer your arguments. I understand that
23 Mr. Land is connecting this conduct to a relapse of
24 alcohol. I invite any assistance you may provide, any

1 arguments, please.

2 MS. VALENCIA: Thank you, Your Honor.

3 Your Honor, Mr. Land is -- he's had a very
4 difficult upbringing. My social workers spoke to him and
5 did a deep dive into his life. Again, it was
6 self-reported. However, my understanding is, Your Honor,
7 his family had gone through a very tragic time with
8 illnesses and injuries, but, specifically, when Mr. Land
9 was 20 years old, his sister was murdered at the age of
10 32. Illness caused by substance abuse led to the early
11 deaths of two of his brothers, and when his mother was
12 diagnosed with cancer, Mr. Land took care of her before
13 her death.

14 Mr. Land has always worked and, as a boy, he
15 worked on his family's farm with his uncles, and at the
16 age of 17, he started a career in construction. Drywall
17 installation is his specialty, and the business title is
18 Heritage Drywall. It's located in Tahoe City,
19 California.

20 His second business is an import textiles
21 antiques business that he operates with his wife. He
22 reported that the business had fallen on hard financial
23 times due to the COVID-19 pandemic.

24 Mr. Land is a member of the Contractors

1 Association of Truckee Tahoe and is proud of his
2 volunteer work that he's performed to help winterize
3 homes for families that have low socioeconomic resources.

4 Mr. Land is very spiritual, and he considers
5 that his greatest strength. He attends the Calvary
6 Church in Truckee. He helped start an AA program there
7 with his friend and pastor, Brian.

8 And, Your Honor, unfortunately, he had a bunch
9 of support systems in place before COVID-19 hit, and
10 those supports kind of fell away. His workload decreased
11 during the prime of the pandemic, and it negatively
12 impacted his financial stability that he worked really
13 hard to achieve. The stress of being evicted, growing
14 debt, and loss of socioeconomic connections led to his
15 relapse in drinking.

16 Your Honor, Mr. Land indicated that on that
17 night he had broke his sobriety, and as he had known in
18 the past, you know, sobriety is the way of staying out of
19 trouble. Your Honor, he is super regretful for his
20 actions, and he takes responsibility.

21 When asked about how he is going to move
22 forward, he expressed his commitment to his religion, his
23 wife, his 30-year-old daughter, who resides in
24 California, and his three-year-old grandson.

1 Your Honor, we did have our social workers help
2 him fill out an application to be accepted to -- I
3 apologize -- Steps to New Freedom. He's awaiting.
4 However, there would be a bed available in August.

5 Your Honor, I would ask that you consider
6 suspending the sentence on the burglary charge in order
7 for him to complete that and, on the attempted gross
8 lewdness charge, to sentence him to the minimum of 12 to
9 36 months and that he spend -- when he's done with that,
10 that he is released through the New Frontier -- I
11 apologize -- Steps to New Freedom.

12 Your Honor, Mr. Land has been through a lot.
13 He recognizes that he has put the victims in this case
14 through a lot. He's embarrassed, he's shameful, and he
15 expresses that to me and in his reports.

16 So, Your Honor, with that, I would submit.

17 THE COURT: Thank you, Counsel. Well done.

18 To the State.

19 MR. LUCIA: Your Honor, in this case the State
20 is going to ask the Court to impose the max on both
21 Count I and Count II and to run those two terms
22 consecutively to one another.

23 I would note the second offense is a category E
24 felony. However, Mr. Land is not a mandatory-probation

1 candidate due to the fact that his PSI reflects four
2 prior felony convictions, so it's within the Court's
3 discretion to either suspend time on Count II or to
4 actually impose that, and the State is asking the Court
5 to impose that for a variety of reasons.

6 This is an offense where the defendant was
7 effectively around an elderly folks' home, a retirement
8 home, made his way into the private residential space of
9 one of those residents, an elderly woman, and was
10 effectively masturbating while telling her, "You look so
11 beautiful." Understandably, she, terrified, pushed
12 Mr. Land out of the --

13 THE COURT: You're going in and out, and Judge
14 Walker is coming through strongly, and I want to be able
15 to hear every word you're saying, and the reporter is
16 nodding that it's been difficult.

17 MR. LUCIA: Would it be possible if we could
18 ask the jail --

19 THE COURT: Judge Walker just answered that
20 question. I don't think he heard it because all I hear
21 is his voice right now. I can't do court at the very
22 same time in the same location with Judge Walker, who is
23 my dear friend and colleague. Anyway, this is not about
24 him. He's doing the best he can. And so he's going to

1 have -- the sound is going to have to be decreased, and
2 for some reason you are going in and out, Mr. Lucia.

3 MR. LUCIA: I'll do a better job of projecting.

4 THE COURT: Thank you.

5 MR. LUCIA: And so at the risk of starting
6 over, I mean, effectively what the State is asking for is
7 max consecutive terms on both. The category E felony is
8 not one to where probation is mandated due to Mr. Land's
9 prior criminal history, which includes four prior felony
10 offenses.

11 THE COURT: So I think we got all that. Where
12 you went off was when he was in the home masturbating,
13 indicating that the victim looked so beautiful. If
14 you'll go from there, please.

15 MR. LUCIA: Appreciate that, Judge.

16 So from there, the victim, understandably,
17 forcibly -- an elderly woman has to forcibly remove
18 Mr. Land from her residence, whereupon she contacts the
19 police, who respond quickly, appropriately, with urgency
20 to this offense.

21 It is at that point Mr. Land, seemingly
22 undeterred from this interaction that he just had, is
23 spotted outside a second resident's window where he
24 begins lifting up his shirt, exposing his stomach area

1 and then proceeding to basically disrobe, which in effect
2 causes the second victim to avert her gaze and look away
3 from Mr. Land.

4 Chillingly, she reports to the police, upon
5 their arrival, that then somebody tried to enter her
6 residence, tried to open the door that separates her
7 private area from the rest of this residential home.

8 Mr. Land, upon contact with law enforcement,
9 was observed to be in the act of pleasuring himself and
10 effectively refusing numerous commands to comply, to stop
11 his conduct.

12 This is a person who I mentioned is a four-time
13 prior felony conviction, and as Your Honor correctly
14 noted, one of the notes I made was Mr. Land's repetitive
15 remarks about this is not the kind of person he is, this
16 is not how he acts to friends, to co-workers, to
17 relatives, neighbors, and that this is out of his
18 character, but he's been convicted numerous times
19 effectively, this being his fourth time, for offenses of
20 this type: In 2007, a felony indecent exposure; a
21 separate misdemeanor indecent exposure from that same
22 year; a 2008 indecent exposure.

23 And with respect to compliance, his recent
24 history, repetitive in its own nature, too, is that it's

1 abysmal. He's got a felony conviction in 2015 for
2 failing to register; he's got a felony conviction in 2019
3 for failing to register.

4 And candidly, Judge, the criminal history
5 really serves as window dressing to what's most obvious
6 to the State, and it's that these allegations are the
7 stuff -- not to be blunt about it -- are the things that
8 horror movies are made of. These are elderly women in
9 what should be a secure location for them that I believe,
10 based on the facts that I'm aware of and that are borne
11 out in the PSI, were targeted.

12 I read Mr. Land's written statement, and I
13 appreciate the Court giving us and the Division giving us
14 the opportunity to do so because I, frankly, found it
15 unbelievable to me that this was just some fortuitous,
16 coincidental sort of thing that happens where Mr. Land is
17 chasing some purported thief and just ends up at this
18 location where he stumbles into the first resident's home
19 masturbating, commenting on her physical appearance, when
20 in reality he was really actively hunting for this woman
21 who had taken his wallet or phone and was trying to find
22 her. So, frankly, I do not find that to be credible.

23 What is his consistent to me and is borne out
24 by the defendant's statements, by his physical gestures,

1 by his prior history is that it was no accident that Rex
2 Land was at that place at that time. Yes, he might have
3 been drunk. Most folks that come before police and
4 judges are inebriated in some fashion. Yes, that
5 probably lowered his inhibition. But, nevertheless,
6 these are concerning allegations, and the fact that even
7 after the initial encounter with the first victim,
8 Mr. Land persists in the conduct going so far as, I
9 believe, to endeavor to make entry into yet another
10 victim's home.

11 And what we know from the victim impact
12 statement is what's also equally obvious to the State,
13 and that's that this crime has had a substantial impact
14 on one of the victims, resulting in her having to
15 undertake counseling and effectively being robbed of her
16 security that she feels in a place where she should be
17 most secure, where she should be most safe.

18 So on the back of that prior criminal history
19 and of the egregious conduct that Mr. Land engaged in in
20 this case, it's the State's opinion that he presents as a
21 risk to the community's safety, and not just in the
22 general sense, but to the most vulnerable of our
23 community, the elderly, and that by virtue of his
24 repetitive engagement in this exact kind of conduct,

1 buttressed somewhat by his above-average risk assessment
2 score, Mr. Land is not somebody who can be safely
3 monitored by the Division. If, literally, alcohol is all
4 it takes for him to reach this tipping point, Judge, he's
5 a ticking time bomb, frankly.

6 So for those reasons, I make the recommendation
7 that on Count I, Mr. Land be sentenced to 48 to
8 120 months; on Count II, 19 to 48 months; that those
9 counts run consecutively to one another for an aggregate
10 term of 67 to 168 months.

11 Just for the record, Judge, we have notified
12 both victims of their right to be present today. I don't
13 see their name either as a panelist or an attendee.

14 And with that, Judge, unless the Court has
15 questions, I'd submit it.

16 THE COURT: Thank you, Counsel.

17 This is a case in which all necessary
18 influences are present. I have a State advocating for
19 public safety and social work. I have the defense
20 attorney zealously advocating for her client's interests.
21 I have the defendant adequately and articulately
22 advocating for himself. I have the Division of Parole &
23 Probation neutrally disclosing many features of
24 Mr. Land's life and history. I have Ph.D. Molten who is

1 using social science to evaluate Mr. Land's risks of
2 sexual reoffense. I have a victim being heard, providing
3 meaningful information. And so the process works for
4 this Court. Of course, the outcome Mr. Land feels will
5 not work for him, but the Court is fully informed through
6 each of these competing influences.

7 It is the judgment of this Court that Mr. Land
8 be adjudicated of the offenses. I've chosen not to say
9 them. I think that everything as to all of those
10 influences that should be said has been said.

11 Mr. Land will pay an administrative assessment
12 of \$25, a DNA administrative assessment of \$3, an
13 attorney's fee of \$500, and a DNA test fee of \$150.

14 As to Count I, Mr. Land will go to the Nevada
15 Department of Corrections for a minimum of 48 months and
16 a maximum of 128 months with credit for time served in
17 the amount of 253 days.

18 As to Count II, Mr. Land will go to the Nevada
19 Department of Corrections for a minimum of 12 months and
20 a maximum of 30 months to be served consecutive to
21 Count I. There will be no credit for time served as to
22 Count II because of the consecutive nature of the
23 sentences.

24 Counsel, am I missing anything?

1 MR. LUCIA: Your Honor, I believe the Court --
2 consecutive sentencing must be announced in the
3 aggregate, so I'm trying to do that right now.

4 THE COURT: That would be 48 plus 12 is 60, is
5 the aggregate on the bottom end, and 120 plus 30 would be
6 150 months on the top end.

7 Anything else, Counsel, that I'm missing?

8 MR. LUCIA: Nothing for the State. Thank you.

9 MS. VALENCIA: No, Your Honor.

10 THE CLERK: Counsel, does he have lifetime
11 supervision? I couldn't remember.

12 THE COURT: He does. It will be set forth in
13 the judgment of conviction consistent with the PSI.

14 Thank you, Mr. Land. You may be seated.

15 (Proceedings concluded.)
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1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)

4 I, PEGGY B. HOOGS, Certified Court Reporter in
5 and for the State of Nevada, do hereby certify:

6 That the foregoing proceedings were taken by me
7 at the time and place therein set forth; that the
8 proceedings were recorded stenographically by me and
9 thereafter transcribed via computer under my supervision;
10 that the foregoing is a full, true and correct
11 transcription of the proceedings to the best of my
12 knowledge, skill and ability.

13 I further certify that I am not a relative nor
14 an employee of any attorney or any of the parties, nor am
15 I financially or otherwise interested in this action.

16 I declare under penalty of perjury under the
17 laws of the State of Nevada that the foregoing statements
18 are true and correct.

19 Dated this 24th day of August, 2021.

20 /s/ Peggy B. Hoogs

21 Peggy B. Hoogs, CCR #160, RDR

22

23

24

JUDICIAL D.
The document to which this certificate is
attached is a full, true and correct copy of the
original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second
Judicial District Court, in and for the County of
Washoe.

1 **CODE 1850**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR20-3529

11 **vs.**

Dept. No. 15

12 **REX ALVIN LAND,**

13 **Defendant.**
14 _____

15 **JUDGMENT**

16 The Defendant, having entered a plea of Guilty, and no sufficient cause being shown
17 as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

18 That Rex Alvin Land is guilty of the crime of Residential Burglary, a violation of
19 NRS 205.060(1)(a), a category B felony, as charged in Count I of the Information, and that he be
20 punished by imprisonment in the Nevada Department of Corrections for the maximum term of one
21 hundred twenty (120) months with the minimum parole eligibility of forty-eight (48) months, with
22 credit for two hundred fifty-three (253) days time served.

23 That Rex Alvin Land is guilty of the crime of Attempted Open or Gross Lewdness,
24 Subsequent Offense, a violation of NRS 199.330, being an attempt to violate NRS 201.210(1)(b), a
25 category E felony, as charged in Count II of the Information, and that he be punished by
26 imprisonment in the Nevada Department of Corrections for the maximum term of thirty (30)
27 months with the minimum parole eligibility of twelve (12) months, to be served consecutively to the
28 sentence imposed for Count I, with credit for zero (0) days time served.

1 It is further ordered that a special sentence of lifetime supervision commence after
2 any period of probation, any term of imprisonment, or after any period of release on parole.

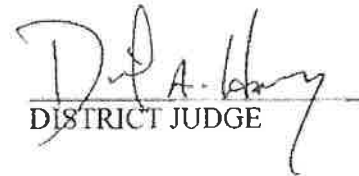
3 It is further ordered that the Defendant shall register as a sex offender within forty-
4 eight (48) hours of sentencing or his release from custody pursuant to NRS 179D.460.

5 The Court, having found that the sentence imposed for Count II be served
6 consecutively to the sentence imposed for Count I, finds that the maximum aggregate term of
7 imprisonment is one hundred fifty (150) months in the Nevada Department of Corrections, and the
8 minimum aggregate term of imprisonment is sixty (60) months in the Nevada Department of
9 Corrections.

10 It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollars
11 (\$25.00) administrative assessment fee; that he shall submit to a DNA analysis test for the purpose
12 of determining genetic markers and pay a testing fee in the amount of One Hundred Fifty Dollars
13 (\$150.00); that he shall pay a Three Dollar (\$3.00) administrative assessment fee for obtaining a
14 biological specimen and conducting a genetic marker analysis; and that he shall reimburse Washoe
15 County in the amount of Five Hundred Dollars (\$500.00) for legal services rendered.

16 It is further ordered that the fees shall be subject to removal from the Defendant's
17 books at the Washoe County Jail and/or the Nevada Department of Corrections. Any fine, fee,
18 administrative assessment, or restitution ordered today (as reflected in this Judgment) constitutes a
19 lien, as defined in NRS 176.275. Should the Defendant not pay these fines, fees, assessments, or
20 restitution, collection efforts may be undertaken against him.

21 Dated this 12th day of July, 2021.

22
23
24 
25 DISTRICT JUDGE
26
27
28

1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
350 South Center Street, 5th Floor
4 Reno, Nevada 89501
5 (775) 337-4827
jpetty@washoecounty.us
6 Attorney for Defendant

7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9
10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

Case No. CR20-3529

13 REX ALVIN LAND,

Dept. No. 15

14 Defendant.

15
16 NOTICE OF APPEAL

17 Defendant, Rex Alvin Land, hereby appeals to the Supreme Court of Nevada
18 from the judgment of conviction in this action on July 13, 2021.

19 The undersigned hereby affirms, pursuant to NRS 239B.030, that this
20 document does not contain the social security number of any person.

21 DATED this 11th day of August 2021.

22 JOHN L. ARRASCADA
23 WASHOE COUNTY PUBLIC DEFENDER

24 By: /s/ John Reese Petty
25 JOHN REESE PETTY, Chief Deputy
26

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I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing document addressed to:

7 REX ALVIN LAND (#1246756)
Northern Nevada Correctional Center
8 P.O. Box 7000
Carson City, Nevada 89702

JENNIFER P. NOBLE
Chief Appellate Deputy
Washoe County District Attorney's Office
(E-mail)

13 AARON D. FORD
Attorney General State of Nevada
14 100 N. Carson Street
Carson City, Nevada 89701

17 DATED this 11th day of August 2021.

19 /s/ John Reese Petty
JOHN REESE PETTY

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 4th day of December 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Jennifer P. Noble, Chief Appellate Deputy
Washoe County District Attorney's Office

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Rex Alvin Land (#1246756)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89701

John Reese Petty
Washoe County Public Defender's Office

IN THE SUPREME COURT OF THE STATE OF NEVADA

REX ALVIN LAND,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
No. 83360 Dec 04 2021 09:41 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**Appeal from a Judgment of Conviction, Case No. CR20-3529
The Second Judicial District Court of the State of Nevada
The Honorable David A. Hardy, District Judge**

JOINT APPENDIX

JOHN L. ARRASCADA
Washoe County Public Defender

CHRISTOPHER J. HICKS
Washoe County District Attorney

JOHN REESE PETTY
Chief Deputy

JENNIFER P. NOBLE
Chief Appellate Deputy

350 South Center Street, 5th Floor
Reno, Nevada 89501

One South Sierra Street, 7th Floor
Reno, Nevada 89501

Attorneys for Appellant

Attorneys for Respondent

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RPD RP20-019580

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Alicia L. Lerud
Clerk of the Court
Transaction # 8434449 : bblough

1 CODE 1800
2 Christopher J. Hicks
3 #7747
4 One South Sierra Street
5 Reno, NV 89501
6 districtattorney@da.washoecounty.us
7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR20-3529

15 v.

Dept. No.: D15

16 REX ALVIN LAND,

17 Defendant.

18 INFORMATION

19 CHRISTOPHER J. HICKS, District Attorney within and for the
20 County of Washoe, State of Nevada, in the name and by the authority
21 of the State of Nevada, informs the above entitled Court that, the
22 defendant above-named, REX ALVIN LAND, has committed the crime(s) of:

23 COUNT I. RESIDENTIAL BURGLARY, a violation of NRS
24 205.060(1)(a), a category B felony, (61934) in the manner following:

25 That the said defendant, REX ALVIN LAND, on or about
26 November 2, 2020, within the County of Washoe, State of Nevada, did
willfully and unlawfully, by day or night, enter or remain in the
dwelling of CAROL MARSHALL with the intent to commit the felony

///

1 offense of Open or Gross Lewdness and/or Indecent or Obscene
2 Exposure, at or near Sky Valley Drive, room #117.

3 COUNT II. ATTEMPTED OPEN OR GROSS LEWDNESS, SUBSEQUENT
4 OFFENSE, a violation of NRS 199.330, being in attempt to violate NRS
5 201.210(1)(b), a category E felony, (50979) in the manner following:

6 That the said defendant REX ALVIN LAND, on or about
7 November 2, 2020, within the County of Washoe, State of Nevada,
8 did willfully and unlawfully attempt to commit an act of open or
9 gross lewdness, in that the Defendant lifted his shirt and began
10 rubbing his stomach before beginning to pull down his pants which
11 caused PATRICIA PIERCE to look away, at or near Sky Valley Drive,
12 room #127, and after having been previously convicted of a sex
13 offense as defined by NRS 179D.097, specifically Indecent Exposure on
14 or about September 14, 2007 in South Lake Tahoe.

15
16 All of which is contrary to the form of the Statute in such
17 case made and provided, and against the peace and dignity of the
18 State of Nevada.

19
20 CHRISTOPHER J. HICKS
21 District Attorney
22 Washoe County, Nevada

23
24
25 By: /s/ Travis Lucia
26 TRAVIS LUCIA
11188
DEPUTY District Attorney

1 The following are the names of such witnesses as are known
2 to me at the time of the filing of the within Information:

3 CAROL ANNETTE MARSHALL
4 ISAAC MEADOWS
5 PATRICA PIERCE
6 WILLIAM P TARBELL
7 VICTOR VEGA

8 AFFIRMATION PURSUANT TO NRS 239B.030

9 The party executing this document hereby affirms that this
10 document submitted for recording does not contain the social security
11 number of any person or persons pursuant to NRS 239B.030.
12

13 CHRISTOPHER J. HICKS
14 District Attorney
15 Washoe County, Nevada

16 By: /s/ Travis Lucia
17 TRAVIS LUCIA
18 11188
19 DEPUTY District Attorney
20
21
22
23
24
25

26 PCN RPD0070946C-LAND

1 CODE 1785
2 Christopher J. Hicks
3 #7747
4 One South Sierra Street
5 Reno, NV 89501
6 districtattorney@da.washoecounty.us
7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR20-3529

15 v.

Dept. No. D15

16 REX ALVIN LAND,

17 Defendant.

18 GUILTY PLEA MEMORANDUM

19 1. I, REX ALVIN LAND, understand that I am charged with
20 the offense(s) of: Count I: RESIDENTIAL BURGLARY, a violation of NRS
21 205.060, a category B felony, and Count II: ATTEMPTED OPEN OR GROSS
22 LEWDNESS, SUBSEQUENT OFFENSE, a violation of NRS 199.330, being in
23 attempt to violate NRS 201.210(1)(b), a category E felony.

24 2. I desire to enter a plea of guilty to the offense(s)
25 of, Count I: RESIDENTIAL BURGLARY, a violation of NRS 205.060, a
26 category B felony, and Count II: ATTEMPTED OPEN OR GROSS LEWDNESS,
SUBSEQUENT OFFENSE, a violation of NRS 199.330, being in attempt to
violate NRS 201.210(1)(b), a category E felony, as more fully alleged
in the charge(s) filed against me.

1 3. By entering my plea of guilty I know and understand
2 that I am waiving the following constitutional rights:

3 A. I waive my privilege against self-incrimination.

4 B. I waive my right to trial by jury, at which trial the
5 State would have to prove my guilt of all elements of the offense(s)
6 beyond a reasonable doubt.

7 C. I waive my right to confront my accusers, that is, the
8 right to confront and cross examine all witnesses who would testify
9 at trial.

10 D. I waive my right to subpoena witnesses for trial on my
11 behalf.

12 4. I understand the charge(s) against me and that the
13 elements of the offense(s) which the State would have to prove beyond
14 a reasonable doubt at trial are that on November 2nd, 2020, or
15 thereabout, in the County of Washoe, State of Nevada, I did, as to
16 Count I willfully and unlawfully, by day or night, enter or remain in
17 the dwelling of CAROL MARSHALL with the intent to commit the felony
18 offense of Open or Gross Lewdness and/or Indecent or Obscene
19 Exposure, at or near Sky Valley Drive, room #117.

20 I further understand the charge(s) against me and that the
21 elements of the offense(s) which the State would have to prove beyond
22 a reasonable doubt at trial are that on November 2nd, 2020, or
23 thereabout, in the County of Washoe, State of Nevada, I did, as to
24 Count II willfully and unlawfully attempt to commit an act of open or
25 gross lewdness, in that I lifted my shirt and began rubbing my
26 stomach before beginning to pull down my pants which caused PATRICIA

1 PIERCE to look away, at or near Sky Valley Drive, room #127, and
2 after having been previously convicted of a sex offense as defined by
3 NRS 179D.097, specifically Indecent Exposure on or about September
4 14, 2007 in South Lake Tahoe.

5 5. I understand that I admit the facts which support all
6 the elements of the offense(s) by pleading guilty. I admit that the
7 State possesses sufficient evidence which would result in my
8 conviction. I have considered and discussed all possible defenses
9 and defense strategies with my counsel. I understand that I have the
10 right to appeal from adverse rulings on pretrial motions only if the
11 State and the Court consent to my right to appeal in a separate
12 written agreement. I understand that any substantive or procedural
13 pretrial issue(s) which could have been raised at trial are waived by
14 my plea.

15 6. I understand that the consequences of my plea of guilty
16 as to Count I are that I may be imprisoned in the State prison for a
17 minimum term of not less than 1 year and a maximum term of not more
18 than 10 years. I am eligible for probation. I may also be fined up
19 to \$10,000.00.

20 I further understand that the consequences of my plea of
21 guilty as to Count II are that I may be imprisoned in the State
22 prison for a minimum term of not less than 1 year and a maximum term
23 of not more than 4 years. I am eligible for probation but only in
24 the event an evaluation conducted pursuant to NRS 176A.110 certifies
25 that I do not represent a high risk to reoffend based upon a
26 currently accepted standard of assessment. I may also be fined up to

1 \$5,000.00. I understand that I will be required to register as a
2 convicted sex offender pursuant to NRS 179D.097(s). I understand
3 that the sentence on each count may be concurrent or consecutive to
4 each other.

5 7. In exchange for my plea of guilty, the State, my
6 counsel and I have agreed to recommend the following: At sentencing,
7 the State and I will be free to argue for any legally appropriate
8 sentence. The State will not pursue additional charges or
9 enhancements arising from this event.

10 8. I understand that, even though the State and I have
11 reached this plea agreement, the State is reserving the right to
12 present arguments, facts, and/or witnesses at sentencing in support
13 of the plea agreement.

14 9. Where applicable, I additionally understand and agree
15 that I will be responsible for the repayment of any costs incurred by
16 the State or County in securing my return to this jurisdiction.

17 10. I understand that the State, at their discretion, is
18 entitled to either withdraw from this agreement and proceed with the
19 prosecution of the original charges or be free to argue for an
20 appropriate sentence at the time of sentencing if I fail to appear at
21 any scheduled proceeding in this matter OR if prior to the date of my
22 sentencing I am arrested in any jurisdiction for a violation of law
23 OR if I have misrepresented my prior criminal history. I understand
24 and agree that the occurrence of any of these acts constitutes a
25 material breach of my plea agreement with the State. I further
26 understand and agree that by the execution of this agreement, I am

1 waiving any right I may have to remand this matter to Justice Court
2 should I later withdraw my plea.

3 11. I understand and agree that pursuant to the terms of
4 the plea agreement stated herein, any counts which are to be
5 dismissed and any other cases charged or uncharged which are either
6 to be dismissed or not pursued by the State, may be considered by the
7 court at the time of my sentencing.

8 12. I understand that the Court is not bound by the
9 agreement of the parties and that the matter of sentencing is to be
10 determined solely by the Court. I have discussed the charge(s), the
11 facts and the possible defenses with my attorney. All of the
12 foregoing rights, waiver of rights, elements, possible penalties, and
13 consequences, have been carefully explained to me by my attorney. My
14 attorney has not promised me anything not mentioned in this plea
15 memorandum, and, in particular, my attorney has not promised that I
16 will get any specific sentence. I am satisfied with my counsel's
17 advice and representation leading to this resolution of my case. I
18 am aware that if I am not satisfied with my counsel I should advise
19 the Court at this time. I believe that entering my plea is in my
20 best interest and that going to trial is not in my best interest. My
21 attorney has advised me that if I wish to appeal, any appeal, if
22 applicable to my case, must be filed within thirty days of my
23 sentence and/or judgment.

24 13. I understand that this plea and resulting conviction
25 will likely have adverse effects upon my residency in this country if
26 I am not a U. S. Citizen. I have discussed the effects my plea will

1 have upon my residency with my counsel.

2 14. I offer my plea freely, voluntarily, knowingly and
3 with full understanding of all matters set forth in the Information
4 and in this Plea Memorandum. I have read this plea memorandum
5 completely and I understand everything contained within it.

6 15. My plea of guilty is voluntary and is not the result
7 of any threats, coercion or promises of leniency.


8 16. I am signing this Plea Memorandum voluntarily with
9 advice of counsel, under no duress, coercion, or promises of
10 leniency.

11 17. I do hereby swear under penalty of perjury that all of
12 the assertions in this written plea agreement document are true.


13 AFFIRMATION PURSUANT TO NRS 239B.030

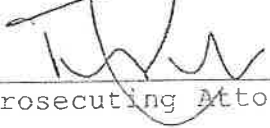
14 The undersigned does hereby affirm that the preceding
15 document does not contain the social security number of any person.

16 DATED this 17 day of May 21.

17
18 
19 Defendant

20 Translator/Interpreter

21 
22 Attorney Witnessing Defendant's Signature

23 
24 Prosecuting Attorney
25
26

1 Code #4185
2 SUNSHINE LITIGATION SERVICES
3 151 County Estates Circle
4 Reno, Nevada 89511

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF WASHOE

7 HONORABLE DAVID A. HARDY, DISTRICT JUDGE

8 -o0o-

9 THE STATE OF NEVADA,

Case No. CR20-3529

10 Plaintiff,

Dept No. 15

11 vs.

12 REX ALVIN LAND,

13 Defendant.
14 _____/

15
16
17 TRANSCRIPT OF PROCEEDINGS

18 ARRAIGNMENT

19 MAY 17, 2021

20 RENO, NEVADA

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24 REPORTED BY: CORRIE L. WOLDEN, NV CSR #194, RPR, CP

25 JOB NO. 761199

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A P P E A R A N C E S

FOR THE PLAINTIFF: DEPUTY DISTRICT ATTORNEY, WASHOE COUNTY
BY: NICOLE HICKS, ESQ.
P.O. Box 11130
Reno, Nevada 89520
775-328-3286

FOR THE DEFENDANT: WASHOE COUNTY PUBLIC DEFENDER'S OFFICE
BY: LINDA M. NORDVIG, ESQ.
P.O. Box 11130
Reno, Nevada 89520
775-337-4807
lmnordvig@washoecounty.us

FOR THE DIVISION OF PAROLE AND PROBATION: SARA CURRENCE

FOR PRETRIAL SERVICES: LORI PITT

1 RENO, NEVADA, MONDAY, MAY 17, 2021, 11:33 A.M.

2 -o0o-

3

4 THE COURT: CR20-3529, State versus Rex Alvin

5 Land. This is the time set for entry of plea. I have --

6 Good morning, Mr. Land.

7 THE DEFENDANT: Good morning, Your Honor.

8 THE COURT: Mr. Land is present through Zoom. He
9 is in custody. He is represented by Ms. Nordvig. Ms. Hicks
10 is present for the state.

11 I have in hand a May 7th Information charging
12 Count I, Residential Burglary, and Count II, Attempted Open
13 or Gross Lewdness. Count II is a category E felony.
14 Count I is a category B felony.

15 Ms. Nordvig, if you will please confirm your
16 client is properly identified, familiar with the contents of
17 the charging document, and declare if you wish the
18 Information to be read in open court.

19 MS. NORDVIG: Thank you, Your Honor.

20 We are in receipt of the Information, excuse me,
21 filed May 7th, 2021. Mr. Land indicates that his true and
22 correct legal name is correctly spelled at line 12. We are
23 familiar with the contents and waive its formal reading.

24 Your Honor, it's my understanding that he will be
25 entering guilty pleas to each count in the Information. In

1 exchange for that plea, those pleas, both parties are free
2 to argue for an appropriate sentence, including whether the
3 two sentences run concurrent or consecutive. He does also
4 understand that he needs to have a risk assessment that
5 shows that he is not a high risk to reoffend to qualify for
6 probation in this case.

7 THE COURT: Thank you. And to the state are you
8 satisfied?

9 MS. HICKS: Your Honor, I am and I just want to
10 make sure that Ms. Nordvig stated that he will be required
11 to register as a sex offender. I'm not sure if she did
12 state that, but I wanted to ensure that that was stated.

13 MS. NORDVIG: And that is in the Guilty Plea
14 Memorandum and he is aware of that.

15 THE COURT: Thank you. Mr. Land, please face my
16 clerk, raise your right hand, and be sworn.

17 (Whereupon the defendant was sworn.)

18 THE COURT: Good morning, Mr. Land. Has your
19 attorney accurately stated the agreement as you understand
20 it?

21 THE DEFENDANT: Your Honor, I would like to speak
22 with my attorney for a private consult regarding the
23 charges.

24 THE COURT: That would be acceptable.

25 Ms. Nordvig, do you have the number to call into?

1 MS. NORDVIG: Yes. Thank you, Your Honor.

2 THE COURT: Please remember to mute yourself.

3 And, Ms. Clerk, let me know when they are ready.

4 THE DEFENDANT: Thank you.

5

6 (Whereupon a break was taken from 11:36 a.m. to 11:43 a.m.)

7

8 THE COURT: Mr. Land, have you had an adequate

9 time to discuss this matter with your attorney?

10 THE DEFENDANT: Yes, sir, I have. Thank you.

11 THE COURT: All right. The state has charged

12 Count I, Residential Burglary. The elements the state has

13 alleged are that on November 2nd, 2020, in Washoe County,

14 you willfully and unlawfully, by day or night, entered or

15 remained in the dwelling of Carol Marshall with the intent

16 to commit the felony offense of Open or Gross Lewdness

17 and/or Indecent or Obscene Exposure. This occurring at or

18 near Sky Valley Drive, #117.

19 Count II is that on the same day, November 2nd,

20 2020, you committed the crime Attempted Open or Gross

21 Lewdness, in Washoe County, you did willfully and unlawfully

22 attempt to commit an act of open or gross lewdness, in that

23 you lifted your shirt and began rubbing your stomach before

24 beginning to pull down your pants, which caused Patricia

25 Pierce to look away, at or near Sky Valley Drive #127, after

1 having been previously convicted of a sex offense as defined
2 by NRS 179D.097, specifically Indecent Exposure, this
3 occurring in 2007. Do you understand what the state has
4 alleged against you?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: The maximum possible penalty for
7 Count I is imprisonment in the Nevada Department of
8 Corrections for a range of time not to exceed 10 years. It
9 is probation eligible. I could order you to pay a fine not
10 to exceed \$10,000.

11 As to Count II, you could go to prison for a
12 maximum of 5 years. This is also probation eligible. I
13 could order you to pay a fine not to exceed \$5,000.

14 As I have said so many times this morning, when I
15 recite the maximum penalty, that's not a threat as to what
16 your sentence would be, because I have no idea what your
17 sentence would be. All I can tell you is that I would do an
18 independent analysis, meaning I would listen to you, I would
19 listen to the attorneys, I would read a report prepared by
20 the Division of Parole and Probation, and I would consider
21 the words of the victim, if she chose to participate.

22 Any questions so far, sir?

23 THE DEFENDANT: Your Honor, on the, on the second
24 count, my lawyer and I have been going over that, it was a
25 1 to 4 sentence on that, so --

1 MS. NORDVIG: And, Your Honor, you may have the
2 initial Guilty Plea Memorandum that was in error.

3 THE COURT: I do have that one and it does recite
4 1 to 5.

5 MS. NORDVIG: And it should be 1 to 4. We have
6 corrected that. The one that Mr. Land has at the Washoe
7 County Jail is the correct version. Mr. Lucia and I did
8 that on Saturday, so he received it this morning.

9 THE COURT: So what you just did, Mr. Land, is
10 wonderful. It is so refreshing to know that people actually
11 listen, they follow along, and I love to be corrected when
12 I'm wrong, so congratulations to you for paying attention.
13 That's a real significant event in this canvass. Well done.

14 Okay. Having said that, let's return to the
15 questions I have to ask. Remember, my purpose is to
16 determine that you are fully informed and you are making a
17 voluntary choice.

18 So you know the maximum possible penalties the
19 Court could impose. You know there is no promise of what
20 the outcome would be. You know the process I would go
21 through to arrive at a just sentence.

22 Turning to your plea choice, if you plead guilty,
23 the next time I see you will be for sentencing. You will be
24 incriminating yourself. While that may be appropriate, but
25 only you can determine if it's appropriate. You know what

1 happened, you know your conversations with your attorney,
2 and you know the state's position. So if you want you may
3 plead guilty, but nobody can force you. Do you understand
4 that?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: You could plead not guilty, which
7 means you would be maintaining your presumption of innocence
8 and I would set this matter for trial, a public and fair
9 trial, a speedy trial, a trial at which you would always
10 have an effective attorney assisting you.

11 A trial at which the state must prove your guilt
12 as opposed to you proving your innocence. A trial at which
13 the state must prove your guilt beyond a reasonable doubt, a
14 high standard of proof that must be found by all members of
15 the jury.

16 During that trial, you could remain silent or you
17 could testify. That, again, is your constitutional choice.
18 You could present your own witnesses and evidence if you
19 were so inclined and we would see what the jury did. Do you
20 understand that you have the right to enter the plea of your
21 choice?

22 THE DEFENDANT: Yes, sir, I do.

23 THE COURT: Do you feel that anybody is forcing
24 you this morning to do anything against your will?

25 THE DEFENDANT: No, sir, I do not.

1 THE COURT: All right. Did you read the Guilty
2 Plea Memorandum?

3 THE DEFENDANT: Yes, sir, I have.

4 THE COURT: Do you have any questions about it?

5 THE DEFENDANT: No, I do not.

6 THE COURT: Are you ready to enter your plea?

7 THE DEFENDANT: Yes, sir, I am.

8 THE COURT: To the felony charge Residential
9 Burglary, how do you plead?

10 THE DEFENDANT: I plead guilty, Your Honor.

11 THE COURT: To the felony charge Attempted Open or
12 Gross Lewdness, how do you plead?

13 THE DEFENDANT: I plead guilty on that, too,
14 Your Honor.

15 THE COURT: Do you understand as set forth in your
16 Guilty Plea Memorandum that if you are convicted of this
17 crime Attempted Open or Gross Lewdness you would be subject
18 to registration requirements?

19 THE DEFENDANT: Yes, sir, I do.

20 THE COURT: Okay. Has anybody promised anything
21 to you or threatened you in any way to obtain your plea?

22 THE DEFENDANT: No, sir, they have not.

23 THE COURT: Did you do what you are accused of
24 doing?

25 THE DEFENDANT: Yes, sir, I did.

1 THE COURT: Thank you. The Court finds that
2 Mr. Land is competent to enter his plea. There is a factual
3 basis to accept his plea. He understands his rights, which
4 he has waived. He understands the nature of the charges and
5 their consequences. The Court accepts the pleas. This
6 matter is set for entry of judgment and imposition of
7 sentence. Ms. Clerk.

8 MS. NORDVIG: Your Honor, he needs to sign the
9 Guilty Plea Memorandum.

10 THE COURT: Thank you. Would you please sign the
11 Guilty Plea Memorandum now.

12 MS. HICKS: Your Honor, once he is finished with
13 that, I would move for the admission of his prior as well.

14 MS. NORDVIG: And for the record, we have received
15 that. I have been able to review it and it seems to be
16 constitutionally valid.

17 THE COURT: The Notice of Certified Copy of Prior
18 Conviction that was filed on May 10th, 2021, shall be
19 admitted.

20 Mr. Land has signed his Guilty Plea Memorandum,
21 and this matter is set for entry of judgment and imposition
22 of sentence. Ms. Clerk.

23 THE CLERK: July 12th at 9:00 a.m.

24 THE COURT: We will see you on July 12th at
25 9:00 a.m. Thank you, Counsel. See somebody, if not you,

1 somebody this afternoon. Court will be in recess.

2 MS. NORDVIG: See you at 3:00.

3 THE DEPUTY: Ms. Nordvig?

4 MS. NORDVIG: Yes, sir.

5 THE DEPUTY: He has both guilty pleas. Which one
6 is the correct one?

7 MS. NORDVIG: It's the one that on page 3 on line
8 23 has 4 years.

9 THE DEPUTY: Go to page 3.

10 MS. NORDVIG: Mr. Land, listen carefully. Page 1
11 and page 2 of each document are identical.

12 THE DEFENDANT: Yes.

13 MS. NORDVIG: Page 3 is the only one that is
14 different. Find the page 3 that at line 23 has 4 years.

15 THE DEFENDANT: Yes, that's the one I have here.

16 MS. NORDVIG: Put that after page 2 and then get
17 pages 4, 5, and 6, which are identical in each one that you
18 got, and put them after page 3. And, Deputy, the page 3
19 that is incorrect could be shredded or torn up or whatever.

20 THE DEPUTY: I will take care of it, Ms. Nordvig.

21 MS. NORDVIG: Thank you. I appreciate it.

22 THE DEPUTY: You are welcome.

23 THE COURT: Court will be in recess.

24 MS. NORDVIG: Thank you, Your Honor.

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2 STATE OF NEVADA)
3 WASHOE COUNTY) ss.

4 I, CORRIE L. WOLDEN, an Official Reporter of the
5 Second Judicial District Court of the State of Nevada, in
6 and for Washoe County, DO HEREBY CERTIFY;

7 That I am not a relative, employee or independent
8 contractor of counsel to any of the parties; or a relative,
9 employee or independent contractor of the parties involved
10 in the proceeding, or a person financially interested in the
11 proceeding;

12 That I was present in Department No. 15 of the
13 above-entitled Court on May 17, 2021, and took verbatim
14 stenotype notes of the proceedings had upon the matter
15 captioned within, and thereafter transcribed them into
16 typewriting as herein appears;

17 That the foregoing transcript, consisting of pages 1
18 through 12, is a full, true and correct transcription of my
19 stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 8th day of July, 2021.

21

/s/Corrie L. Wolden

22

CORRIE L. WOLDEN
CSR #194, RPR, CP

23 The document to which this certificate is
24 attached is a full, true and correct copy of the
original on file and of record in my office.

25 By: ALICIA L. LERUD, Clerk of the Second
Judicial District Court, in and for the County of
Washoe.

1 CODE: 4185
2 PEGGY B. HOOGS, CCR #160
3 Sunshine Litigation Services
4 151 Country Estates Cr.
5 Reno, Nevada 89511
6 (775) 323-3411
7 Court Reporter

8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9
10 IN AND FOR THE COUNTY OF WASHOE
11
12 THE HONORABLE DAVID A. HARDY, DISTRICT JUDGE
13 --oOo--
14

15 STATE OF NEVADA, Case No. CR20-3529
16 Plaintiff, Dept. No. 15
17 vs.
18 REX ALVIN LAND,
19 Defendant.
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25 TRANSCRIPT OF PROCEEDINGS
26 SENTENCING
27 MONDAY, JULY 12, 2021

28 Reported By: PEGGY B. HOOGS, CCR 160, RDR, CRR

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APPEARANCES:

For the Plaintiff:

TRAVIS LUCIA, ESQ.
Deputy District Attorney
1 South Sierra Street, 4th Floor
Reno, Nevada

For the Defendant:

LORENA VALENCIA, ESQ.
Deputy Public Defender
350 South Center Street
Reno, Nevada

For the Division of
Parole & Probation:

ERIN LUKL

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RENO, NEVADA; MONDAY, JULY 12, 2021; 9:00 A.M.

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THE COURT: The next case is CR20-3529, the State vs. Rex Land.

MR. LUCIA: Travis Lucia for the State.

MS. VALENCIA: Good afternoon, Your Honor. Lorena Valencia on behalf of Mr. Land, who is present at the Washoe County Jail.

THE COURT: This is the time set for entry of judgment and imposition of sentence.

Mr. Land pled guilty to two offenses on May 17th. The first is a category B felony, residential burglary. The second is a category E felony, attempted open or gross lewdness.

Counsel, the PSI indicates that this will be a conviction for which there is a lifetime duty to register. I have an Acknowledgement of Receipt of Duty to Register and a statute that should go to Mr. Land unless you disagree.

Do you agree or disagree, Counsel?

MR. LUCIA: I agree.

MS. VALENCIA: I agree, Your Honor.

1 THE COURT: So, Ms. Clerk, I'll need you to
2 email to the Washoe County Jail the Acknowledgement of
3 Receipt of Duty to Register. It will be printed by
4 deputy staff, and Mr. Land will sign acknowledgement of
5 his receipt of the statute before he's allowed to return
6 to his housing.

7 THE CLERK: Yes, Your Honor.

8 THE COURT: Mr. Land, your attorney is going to
9 speak for you in a moment. Before she does, is there
10 anything you'd like to say?

11 THE DEFENDANT: Yes, Your Honor, there is.

12 THE COURT: Please.

13 THE DEFENDANT: I had spoken with the probation
14 department here in regards to my case, and they -- I had
15 sent a letter over to them, you know, stating what
16 happened this night, whenever I was arrested, and I
17 wanted to make sure that the Court had -- you had the
18 opportunity to read this letter, statement.

19 THE COURT: Are you referring to a handwritten
20 statement that you might have prepared?

21 THE DEFENDANT: Yes, sir, I am.

22 THE COURT: I have a statement -- Let me tell
23 you everything that I've read, Counsel.

24 I've read the Presentence Investigation Report.

1 I've read a Risk Assessment Evaluation prepared by
2 Dr. Molten. Somewhere in here I have a victim impact
3 statement from a woman whose initials are CAM, and I have
4 a defendant's statement which is signed but completely
5 blank. So I have not read a handwritten statement
6 provided by Mr. Land.

7 MR. LUCIA: Just for the record as well, Your
8 Honor, in the PSI, when it comes to the portion of that,
9 I similarly just saw a blank section where the
10 defendant's statement typically is found that's signed by
11 somebody purporting to be Rex Land with a date of
12 June 14, 2021, but I haven't received any other similar
13 statements from Mr. Land.

14 MS. VALENCIA: Your Honor, I'm in receipt of
15 that same PSI. I'm not sure --

16 Mr. Land, when did you give Parole & Probation
17 that letter?

18 THE DEFENDANT: It must have been two weeks.

19 MS. LUKL: Your Honor, Erin Lukl on behalf of
20 the Division.

21 It looks like there is one in this file, and my
22 apologies, it must not have gotten eFiled. It is
23 handwritten in pencil. I can immediately try to get it
24 scanned and emailed to your court clerk for your access.

1 I'm hoping it will be able to show up well on that
2 process.

3 THE COURT: Well, if Mr. Land has taken the
4 time to write a statement, it is not just appropriate but
5 necessary that I read what he has written. So I'll go to
6 another case if you'll begin those efforts, please,
7 Ms. Lukl.

8 MS. LUKL: Yes, Your Honor.

9 THE COURT: Meanwhile, to the deputy staff, the
10 clerk has emailing, if not already, an acknowledgement
11 form with a copy of the statute. If you will print that
12 and hand it to Mr. Land before I recall his case.
13 Mr. Land, have a seat, please.

14 THE DEFENDANT: Thank you, Your Honor.

15 (A recess was taken.)

16 THE COURT: The next case is Land.

17 To the deputy staff, has Mr. Land received by
18 email a printed copy of the Acknowledgement of the
19 Receipt of Duty to Register?

20 THE BAILIFF: Yes, he has.

21 THE COURT: Let's begin with that, Mr. Land.
22 Where's counsel?

23 Ms. Roth?

24 MS. VALENCIA: No, Your Honor. Ms. Valencia.

1 THE COURT: Oh, Ms. Valencia. Excuse me. I've
2 got a large gallery. Excuse me.

3 MR. LUCIA: Travis Lucia for the State.

4 THE COURT: First of all, Mr. Land, would you
5 show to me the Acknowledgement of Receipt of Duty to
6 Register. Will you just hold it up for me to see.

7 (The defendant complied.)

8 THE COURT: Behind it you should have a copy of
9 the statute, which is NRS 179D.460.

10 Would you hold that up to me so I can see it.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: On this Acknowledgement of Receipt
13 of Duty to Register, at line 17, if you'll print your
14 name where it says, "I," blank, write "Rex Land."

15 (The defendant complied.)

16 THE COURT: Under paragraph 1 -- tell me when
17 you're ready.

18 THE DEFENDANT: Yes, Your Honor, I'm ready.

19 THE COURT: Under paragraph 1, it says, "I have
20 been provided a copy of my requirements to register."
21 Please place your initials there.

22 THE DEFENDANT: "In addition to any other
23 registration" is what it says here.

24 Oh, okay. I see. Yes. It's on the original

1 page, yes.

2 THE COURT: Have you initialed number 1?

3 THE DEFENDANT: Yes, sir, I have.

4 THE COURT: Have the requirements for
5 registration been explained to you?

6 THE DEFENDANT: No, they haven't. I was just
7 reading that in these two pages here, Your Honor, and I
8 just had gotten down to about the bottom of the first
9 page.

10 THE COURT: You need to visit with your
11 attorney about this, and so if you're telling me you have
12 not had these requirements for registration explained to
13 you, I'm going to give you a chance to talk to your
14 attorney on the phone privately.

15 My experience with Ms. Valencia is that during
16 negotiations and discussion of this case, these were
17 probably explained to you, but I'm going to have a clear
18 record that they were explained to you. I'm not going to
19 ask you to initial this until it's accurate.

20 So, deputy staff, find a telephone for
21 Mr. Land. Ms. Valencia, go ahead and take this call
22 offline. I need him to tell me that the requirements for
23 registration have been explained to him.

24 MS. VALENCIA: Okay. Thank you, Your Honor.

1 THE CLERK: Your Honor, I still don't have the
2 statement that Ms. Lukl tried to email me. I don't have
3 that. And Ms. Valencia has the rest of the calendar so I
4 don't know if you want to continue this case.

5 THE COURT: I'm not going to continue this
6 case. I'm going to be in recess for a short while, and
7 let's see if we can make it happen.

8 Be in contact with me, please, Ms. Clerk, in
9 five or ten minutes about this registration requirement.

10 (A recess was taken.)

11 THE COURT: Do you have that same form in front
12 of you that acknowledges receipt of duty to register?

13 THE DEFENDANT: Yes, Your Honor, I do.

14 THE COURT: If you look at paragraph number 2,
15 it says, "The requirements for registration have been
16 explained to me."

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have the requirements for
19 registration been explained to you?

20 THE DEFENDANT: Yes, sir, they have.

21 THE COURT: Please initial number 2.

22 (The defendant complied.)

23 THE COURT: Number 3 reads, "I understand the
24 requirements for registration."

1 Do you understand the requirements for
2 registration?

3 THE DEFENDANT: Yes, sir, I do.

4 THE COURT: Can you please initial number 3,
5 date it, and sign it. Give it to to the deputy staff who
6 will cause it to be emailed to the clerk.

7 (The defendant complied.)

8 THE COURT: While he's doing that, Counsel, I
9 have now read Mr. Land's handwritten statement.

10 Have you each had an opportunity to review it?

11 MS. VALENCIA: Yes, Your Honor.

12 MR. LUCIA: Yes, Your Honor.

13 THE COURT: Mr. Land, is there anything else
14 you'd like to say to the Court?

15 THE DEFENDANT: Well, yes, Your Honor, there
16 is.

17 For my offense that did happen that night, Your
18 Honor, that I am truly sorry for my conduct, my actions.
19 You know, I just pray to the Lord to take away, you know,
20 the shame that I've caused to myself and, you know, the
21 agony that I've showed -- that these women have gone
22 through for my actions, that I'm sorry, that I'm truly
23 sorry.

24 You know, I just -- like everything in my life,

1 I just turn around, you know, with my -- you know, and
2 just -- and my wife, you know, with the situation that
3 I've put her in, you know, and my actions that I did that
4 day. I'm truly sorry for what I did, and I'm appalled of
5 myself and my actions. It's out of character for me to
6 act this way, and, you know, I don't know how to say it,
7 but to, like, fall back on old, you know, actions or old
8 alcoholic ways.

9 I have been sober for quite a time in my life,
10 and, you know, I like to boast about that and brag about
11 it, and then to see it raise its head up and strike me in
12 the face again and to drink alcohol and to be out of
13 control like that, I'm very sorry for my actions that I
14 did that night. And I don't act this way in the
15 community with my -- you know, with my neighbors or my
16 friends or, you know, any of the -- you know, the places
17 where I conduct business. It's out of character for me
18 to do something like this, and I'm truly sorry for these
19 ladies.

20 If they were here, I would ask them to just
21 please, you know, forgive me my sins, and please take it
22 in their heart to forgive me, and, you know, if
23 there's -- forgiveness is, like, the first step, you
24 know, in recovery, you know, with the Lord, and I would

1 hate for them to hold a grudge against me, you know,
2 personally to block them from living in God's heaven
3 right now and trusting other people in their life and the
4 way that they conduct theirselves with other people and
5 other male figures, and that they would trust other male
6 figures in their life and just know that this is just
7 something that happened. It's out of character for me,
8 and I'm sorry, I truly apologize to those ladies.

9 I just see, you know, like with the other
10 people that I spend time with in church and gatherings,
11 that all of these ladies and other men and women know
12 that I'm a trustworthy person and that those ladies can
13 think in their minds and know that I am a trustworthy
14 person, that other men in the community are trustworthy
15 as well and that they could forgive me for this conduct,
16 Your Honor.

17 THE COURT: Thank you, Mr. Land.

18 Counsel, before I hear your arguments, I'd like
19 your help as I analyze the risk assessment evaluation.
20 There may be a general question that is different from
21 the decisions I make in this case.

22 I was struck, however, by this evaluation
23 prepared by Dr. Molten. It's file-stamped July 9th. On
24 page 2, under "Relevant Background Information," it

1 contains the following first sentence -- well, hold on,
2 Counsel.

3 I read the Presentence Investigation Report
4 before I read the evaluation, so I had Mr. Land's entire
5 criminal history in mind as I began reading the risk
6 assessment, and then I saw this sentence on page 2: "The
7 following information was obtained during the interview.
8 It is based upon the self-report of Mr. Land. It has not
9 been independently verified."

10 That sentence makes me worry a little bit about
11 risk assessments because, in the materials referenced as
12 predicate review, there was not the Presentence
13 Investigation Report, and I know the Presentence
14 Investigation Report criminal history section greatly
15 influences my perspective of this case.

16 Does an evaluator usually read or have access
17 to the PSI before a self-reported risk assessment is
18 prepared? Now, as I get to the risk assessment
19 conclusion, I think it lands at the right place anyway
20 because it indicates he is a high risk to reoffend, but
21 generally, Counsel, are these risk evaluators familiar
22 with the objective criminal history of some defendants?

23 MR. LUCIA: What I've found, Your Honor, it's
24 kind of hit or miss. It's been my experience

1 professionally that typically by the time an evaluation
2 is done, the Presentence Investigation Report hasn't been
3 completed yet, so as a pragmatic matter, that information
4 isn't available.

5 I would say, you know -- and this is me
6 anecdotally -- generally, most of the evaluations and
7 assessments I've seen, there is not a review of criminal
8 history, it's simply the facts of the case, and I
9 believe -- I don't recall specifically, but I believe
10 that Static 99, that instrument that's used to assess
11 risk, I believe it allows for consideration of history,
12 but it's been a long time since I've dived deeply into
13 that with experts and with cross-examination, so I can't
14 articulate clearly exactly how far down that rabbit hole
15 the document goes.

16 THE COURT: I want to say this respectfully --
17 Ms. Valencia, I promise I'll give you a chance, too. I
18 want to say this respectfully to Mr. Land because he,
19 like us, are not one-dimensional. We are not binary.
20 We're not all good, and we're not all bad. Each of us
21 has complexities.

22 Mr. Land told me four times, when I include his
23 handwritten statement, that this is out of character for
24 him, and it appears to be within character, and if

1 Dr. Molten had come up with any conclusion other than --
2 if Dr. Molten would have concluded neutral or low risk to
3 reoffend, I was actually going to have him called as a
4 witness. I was going to continue this to examine him on
5 whether his assessment included an understanding of
6 Mr. Land's past.

7 So I want to be very respectful and dependent
8 upon these risk assessments, but it troubles me it's
9 self-reported information. That's kind of like a
10 substance abuse evaluation, hit and miss.

11 Ms. Valencia, can you help me in any way?

12 MS. VALENCIA: Your Honor, I believe it is a
13 matter of the risk assessments requested. If we
14 requested or got the risk assessment after a Presentence
15 Investigation Report was provided to us or conducted, it
16 would take another six to eight weeks, so I think it's a
17 matter of timing. That's my understanding of it.

18 I understand the Court's concern in terms of it
19 being self-reported, but that's my understanding, Your
20 Honor.

21 THE COURT: All right. Well, Ms. Valencia, why
22 don't you offer your arguments. I understand that
23 Mr. Land is connecting this conduct to a relapse of
24 alcohol. I invite any assistance you may provide, any

1 arguments, please.

2 MS. VALENCIA: Thank you, Your Honor.

3 Your Honor, Mr. Land is -- he's had a very
4 difficult upbringing. My social workers spoke to him and
5 did a deep dive into his life. Again, it was
6 self-reported. However, my understanding is, Your Honor,
7 his family had gone through a very tragic time with
8 illnesses and injuries, but, specifically, when Mr. Land
9 was 20 years old, his sister was murdered at the age of
10 32. Illness caused by substance abuse led to the early
11 deaths of two of his brothers, and when his mother was
12 diagnosed with cancer, Mr. Land took care of her before
13 her death.

14 Mr. Land has always worked and, as a boy, he
15 worked on his family's farm with his uncles, and at the
16 age of 17, he started a career in construction. Drywall
17 installation is his specialty, and the business title is
18 Heritage Drywall. It's located in Tahoe City,
19 California.

20 His second business is an import textiles
21 antiques business that he operates with his wife. He
22 reported that the business had fallen on hard financial
23 times due to the COVID-19 pandemic.

24 Mr. Land is a member of the Contractors

1 Association of Truckee Tahoe and is proud of his
2 volunteer work that he's performed to help winterize
3 homes for families that have low socioeconomic resources.

4 Mr. Land is very spiritual, and he considers
5 that his greatest strength. He attends the Calvary
6 Church in Truckee. He helped start an AA program there
7 with his friend and pastor, Brian.

8 And, Your Honor, unfortunately, he had a bunch
9 of support systems in place before COVID-19 hit, and
10 those supports kind of fell away. His workload decreased
11 during the prime of the pandemic, and it negatively
12 impacted his financial stability that he worked really
13 hard to achieve. The stress of being evicted, growing
14 debt, and loss of socioeconomic connections led to his
15 relapse in drinking.

16 Your Honor, Mr. Land indicated that on that
17 night he had broke his sobriety, and as he had known in
18 the past, you know, sobriety is the way of staying out of
19 trouble. Your Honor, he is super regretful for his
20 actions, and he takes responsibility.

21 When asked about how he is going to move
22 forward, he expressed his commitment to his religion, his
23 wife, his 30-year-old daughter, who resides in
24 California, and his three-year-old grandson.

1 Your Honor, we did have our social workers help
2 him fill out an application to be accepted to -- I
3 apologize -- Steps to New Freedom. He's awaiting.
4 However, there would be a bed available in August.

5 Your Honor, I would ask that you consider
6 suspending the sentence on the burglary charge in order
7 for him to complete that and, on the attempted gross
8 lewdness charge, to sentence him to the minimum of 12 to
9 36 months and that he spend -- when he's done with that,
10 that he is released through the New Frontier -- I
11 apologize -- Steps to New Freedom.

12 Your Honor, Mr. Land has been through a lot.
13 He recognizes that he has put the victims in this case
14 through a lot. He's embarrassed, he's shameful, and he
15 expresses that to me and in his reports.

16 So, Your Honor, with that, I would submit.

17 THE COURT: Thank you, Counsel. Well done.

18 To the State.

19 MR. LUCIA: Your Honor, in this case the State
20 is going to ask the Court to impose the max on both
21 Count I and Count II and to run those two terms
22 consecutively to one another.

23 I would note the second offense is a category E
24 felony. However, Mr. Land is not a mandatory-probation

1 candidate due to the fact that his PSI reflects four
2 prior felony convictions, so it's within the Court's
3 discretion to either suspend time on Count II or to
4 actually impose that, and the State is asking the Court
5 to impose that for a variety of reasons.

6 This is an offense where the defendant was
7 effectively around an elderly folks' home, a retirement
8 home, made his way into the private residential space of
9 one of those residents, an elderly woman, and was
10 effectively masturbating while telling her, "You look so
11 beautiful." Understandably, she, terrified, pushed
12 Mr. Land out of the --

13 THE COURT: You're going in and out, and Judge
14 Walker is coming through strongly, and I want to be able
15 to hear every word you're saying, and the reporter is
16 nodding that it's been difficult.

17 MR. LUCIA: Would it be possible if we could
18 ask the jail --

19 THE COURT: Judge Walker just answered that
20 question. I don't think he heard it because all I hear
21 is his voice right now. I can't do court at the very
22 same time in the same location with Judge Walker, who is
23 my dear friend and colleague. Anyway, this is not about
24 him. He's doing the best he can. And so he's going to

1 have -- the sound is going to have to be decreased, and
2 for some reason you are going in and out, Mr. Lucia.

3 MR. LUCIA: I'll do a better job of projecting.

4 THE COURT: Thank you.

5 MR. LUCIA: And so at the risk of starting
6 over, I mean, effectively what the State is asking for is
7 max consecutive terms on both. The category E felony is
8 not one to where probation is mandated due to Mr. Land's
9 prior criminal history, which includes four prior felony
10 offenses.

11 THE COURT: So I think we got all that. Where
12 you went off was when he was in the home masturbating,
13 indicating that the victim looked so beautiful. If
14 you'll go from there, please.

15 MR. LUCIA: Appreciate that, Judge.

16 So from there, the victim, understandably,
17 forcibly -- an elderly woman has to forcibly remove
18 Mr. Land from her residence, whereupon she contacts the
19 police, who respond quickly, appropriately, with urgency
20 to this offense.

21 It is at that point Mr. Land, seemingly
22 undeterred from this interaction that he just had, is
23 spotted outside a second resident's window where he
24 begins lifting up his shirt, exposing his stomach area

1 and then proceeding to basically disrobe, which in effect
2 causes the second victim to avert her gaze and look away
3 from Mr. Land.

4 Chillingly, she reports to the police, upon
5 their arrival, that then somebody tried to enter her
6 residence, tried to open the door that separates her
7 private area from the rest of this residential home.

8 Mr. Land, upon contact with law enforcement,
9 was observed to be in the act of pleasuring himself and
10 effectively refusing numerous commands to comply, to stop
11 his conduct.

12 This is a person who I mentioned is a four-time
13 prior felony conviction, and as Your Honor correctly
14 noted, one of the notes I made was Mr. Land's repetitive
15 remarks about this is not the kind of person he is, this
16 is not how he acts to friends, to co-workers, to
17 relatives, neighbors, and that this is out of his
18 character, but he's been convicted numerous times
19 effectively, this being his fourth time, for offenses of
20 this type: In 2007, a felony indecent exposure; a
21 separate misdemeanor indecent exposure from that same
22 year; a 2008 indecent exposure.

23 And with respect to compliance, his recent
24 history, repetitive in its own nature, too, is that it's

1 abysmal. He's got a felony conviction in 2015 for
2 failing to register; he's got a felony conviction in 2019
3 for failing to register.

4 And candidly, Judge, the criminal history
5 really serves as window dressing to what's most obvious
6 to the State, and it's that these allegations are the
7 stuff -- not to be blunt about it -- are the things that
8 horror movies are made of. These are elderly women in
9 what should be a secure location for them that I believe,
10 based on the facts that I'm aware of and that are borne
11 out in the PSI, were targeted.

12 I read Mr. Land's written statement, and I
13 appreciate the Court giving us and the Division giving us
14 the opportunity to do so because I, frankly, found it
15 unbelievable to me that this was just some fortuitous,
16 coincidental sort of thing that happens where Mr. Land is
17 chasing some purported thief and just ends up at this
18 location where he stumbles into the first resident's home
19 masturbating, commenting on her physical appearance, when
20 in reality he was really actively hunting for this woman
21 who had taken his wallet or phone and was trying to find
22 her. So, frankly, I do not find that to be credible.

23 What is his consistent to me and is borne out
24 by the defendant's statements, by his physical gestures,

1 by his prior history is that it was no accident that Rex
2 Land was at that place at that time. Yes, he might have
3 been drunk. Most folks that come before police and
4 judges are inebriated in some fashion. Yes, that
5 probably lowered his inhibition. But, nevertheless,
6 these are concerning allegations, and the fact that even
7 after the initial encounter with the first victim,
8 Mr. Land persists in the conduct going so far as, I
9 believe, to endeavor to make entry into yet another
10 victim's home.

11 And what we know from the victim impact
12 statement is what's also equally obvious to the State,
13 and that's that this crime has had a substantial impact
14 on one of the victims, resulting in her having to
15 undertake counseling and effectively being robbed of her
16 security that she feels in a place where she should be
17 most secure, where she should be most safe.

18 So on the back of that prior criminal history
19 and of the egregious conduct that Mr. Land engaged in in
20 this case, it's the State's opinion that he presents as a
21 risk to the community's safety, and not just in the
22 general sense, but to the most vulnerable of our
23 community, the elderly, and that by virtue of his
24 repetitive engagement in this exact kind of conduct,

1 buttressed somewhat by his above-average risk assessment
2 score, Mr. Land is not somebody who can be safely
3 monitored by the Division. If, literally, alcohol is all
4 it takes for him to reach this tipping point, Judge, he's
5 a ticking time bomb, frankly.

6 So for those reasons, I make the recommendation
7 that on Count I, Mr. Land be sentenced to 48 to
8 120 months; on Count II, 19 to 48 months; that those
9 counts run consecutively to one another for an aggregate
10 term of 67 to 168 months.

11 Just for the record, Judge, we have notified
12 both victims of their right to be present today. I don't
13 see their name either as a panelist or an attendee.

14 And with that, Judge, unless the Court has
15 questions, I'd submit it.

16 THE COURT: Thank you, Counsel.

17 This is a case in which all necessary
18 influences are present. I have a State advocating for
19 public safety and social work. I have the defense
20 attorney zealously advocating for her client's interests.
21 I have the defendant adequately and articulately
22 advocating for himself. I have the Division of Parole &
23 Probation neutrally disclosing many features of
24 Mr. Land's life and history. I have Ph.D. Molten who is

1 using social science to evaluate Mr. Land's risks of
2 sexual reoffense. I have a victim being heard, providing
3 meaningful information. And so the process works for
4 this Court. Of course, the outcome Mr. Land feels will
5 not work for him, but the Court is fully informed through
6 each of these competing influences.

7 It is the judgment of this Court that Mr. Land
8 be adjudicated of the offenses. I've chosen not to say
9 them. I think that everything as to all of those
10 influences that should be said has been said.

11 Mr. Land will pay an administrative assessment
12 of \$25, a DNA administrative assessment of \$3, an
13 attorney's fee of \$500, and a DNA test fee of \$150.

14 As to Count I, Mr. Land will go to the Nevada
15 Department of Corrections for a minimum of 48 months and
16 a maximum of 128 months with credit for time served in
17 the amount of 253 days.

18 As to Count II, Mr. Land will go to the Nevada
19 Department of Corrections for a minimum of 12 months and
20 a maximum of 30 months to be served consecutive to
21 Count I. There will be no credit for time served as to
22 Count II because of the consecutive nature of the
23 sentences.

24 Counsel, am I missing anything?

1 MR. LUCIA: Your Honor, I believe the Court --
2 consecutive sentencing must be announced in the
3 aggregate, so I'm trying to do that right now.

4 THE COURT: That would be 48 plus 12 is 60, is
5 the aggregate on the bottom end, and 120 plus 30 would be
6 150 months on the top end.

7 Anything else, Counsel, that I'm missing?

8 MR. LUCIA: Nothing for the State. Thank you.

9 MS. VALENCIA: No, Your Honor.

10 THE CLERK: Counsel, does he have lifetime
11 supervision? I couldn't remember.

12 THE COURT: He does. It will be set forth in
13 the judgment of conviction consistent with the PSI.

14 Thank you, Mr. Land. You may be seated.

15 (Proceedings concluded.)
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1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)

4 I, PEGGY B. HOOGS, Certified Court Reporter in
5 and for the State of Nevada, do hereby certify:

6 That the foregoing proceedings were taken by me
7 at the time and place therein set forth; that the
8 proceedings were recorded stenographically by me and
9 thereafter transcribed via computer under my supervision;
10 that the foregoing is a full, true and correct
11 transcription of the proceedings to the best of my
12 knowledge, skill and ability.

13 I further certify that I am not a relative nor
14 an employee of any attorney or any of the parties, nor am
15 I financially or otherwise interested in this action.

16 I declare under penalty of perjury under the
17 laws of the State of Nevada that the foregoing statements
18 are true and correct.

19 Dated this 24th day of August, 2021.

20 /s/ Peggy B. Hoogs

21 Peggy B. Hoogs, CCR #160, RDR

22

23

24

JUDICIAL D.
The document to which this certificate is
attached is a full, true and correct copy of the
original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second
Judicial District Court, in and for the County of
Washoe.

1 **CODE 1850**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR20-3529

11 **vs.**

Dept. No. 15

12 **REX ALVIN LAND,**

13 **Defendant.**
14 _____

15 **JUDGMENT**

16 The Defendant, having entered a plea of Guilty, and no sufficient cause being shown
17 as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

18 That Rex Alvin Land is guilty of the crime of Residential Burglary, a violation of
19 NRS 205.060(1)(a), a category B felony, as charged in Count I of the Information, and that he be
20 punished by imprisonment in the Nevada Department of Corrections for the maximum term of one
21 hundred twenty (120) months with the minimum parole eligibility of forty-eight (48) months, with
22 credit for two hundred fifty-three (253) days time served.

23 That Rex Alvin Land is guilty of the crime of Attempted Open or Gross Lewdness,
24 Subsequent Offense, a violation of NRS 199.330, being an attempt to violate NRS 201.210(1)(b), a
25 category E felony, as charged in Count II of the Information, and that he be punished by
26 imprisonment in the Nevada Department of Corrections for the maximum term of thirty (30)
27 months with the minimum parole eligibility of twelve (12) months, to be served consecutively to the
28 sentence imposed for Count I, with credit for zero (0) days time served.

1 It is further ordered that a special sentence of lifetime supervision commence after
2 any period of probation, any term of imprisonment, or after any period of release on parole.

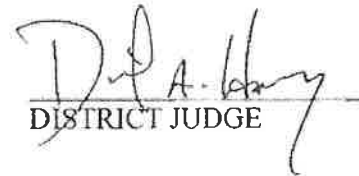
3 It is further ordered that the Defendant shall register as a sex offender within forty-
4 eight (48) hours of sentencing or his release from custody pursuant to NRS 179D.460.

5 The Court, having found that the sentence imposed for Count II be served
6 consecutively to the sentence imposed for Count I, finds that the maximum aggregate term of
7 imprisonment is one hundred fifty (150) months in the Nevada Department of Corrections, and the
8 minimum aggregate term of imprisonment is sixty (60) months in the Nevada Department of
9 Corrections.

10 It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollars
11 (\$25.00) administrative assessment fee; that he shall submit to a DNA analysis test for the purpose
12 of determining genetic markers and pay a testing fee in the amount of One Hundred Fifty Dollars
13 (\$150.00); that he shall pay a Three Dollar (\$3.00) administrative assessment fee for obtaining a
14 biological specimen and conducting a genetic marker analysis; and that he shall reimburse Washoe
15 County in the amount of Five Hundred Dollars (\$500.00) for legal services rendered.

16 It is further ordered that the fees shall be subject to removal from the Defendant's
17 books at the Washoe County Jail and/or the Nevada Department of Corrections. Any fine, fee,
18 administrative assessment, or restitution ordered today (as reflected in this Judgment) constitutes a
19 lien, as defined in NRS 176.275. Should the Defendant not pay these fines, fees, assessments, or
20 restitution, collection efforts may be undertaken against him.

21 Dated this 12th day of July, 2021.

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24 
25 DISTRICT JUDGE
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28

1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
350 South Center Street, 5th Floor
4 Reno, Nevada 89501
5 (775) 337-4827
jpetty@washoecounty.us
6 Attorney for Defendant

7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8
9 IN AND FOR THE COUNTY OF WASHOE

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

Case No. CR20-3529

13 REX ALVIN LAND,

Dept. No. 15

14 Defendant.

15
16 NOTICE OF APPEAL

17 Defendant, Rex Alvin Land, hereby appeals to the Supreme Court of Nevada
18 from the judgment of conviction in this action on July 13, 2021.

19 The undersigned hereby affirms, pursuant to NRS 239B.030, that this
20 document does not contain the social security number of any person.

21 DATED this 11th day of August 2021.

22 JOHN L. ARRASCADA
23 WASHOE COUNTY PUBLIC DEFENDER

24 By: /s/ John Reese Petty
25 JOHN REESE PETTY, Chief Deputy
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I hereby certify that I am an employee of the Washoe County Public
Defender's Office, Reno, Washoe County, Nevada, and that on this date I forwarded
a true copy of the foregoing document addressed to:

7 REX ALVIN LAND (#1246756)
Northern Nevada Correctional Center
8 P.O. Box 7000
Carson City, Nevada 89702

JENNIFER P. NOBLE
Chief Appellate Deputy
Washoe County District Attorney's Office
(E-mail)

13 AARON D. FORD
Attorney General State of Nevada
14 100 N. Carson Street
Carson City, Nevada 89701

17 DATED this 11th day of August 2021.

19 /s/ John Reese Petty
JOHN REESE PETTY

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 4th day of December 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Jennifer P. Noble, Chief Appellate Deputy
Washoe County District Attorney's Office

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Rex Alvin Land (#1246756)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89701

John Reese Petty
Washoe County Public Defender's Office