

Steven D. Grierson

MARCOS RAMOS HERNANDEZ # 1249611

DEFENDANT in Proper Person
P.O. Box 650 H.D.S.P.

Indian Springs, Nevada 89070.

Electronically Filed
Nov 19 2021 09:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8th DISTRICT COURT
CLARK COUNTY NEVADA.

BRIAN E. WILLIAMS, et al.

THE STATE OF NEVADA
Plaintiff

V.S

MARCOS RAMOS HERNANDEZ
DEFENDANT

CASE # C-184874
C-20-351079-1

Dept N° XVII

NOTICE OF APPEAL



Notice is hereby given that the DEFENDANT, Marcos Ramos
Hernandez, by and through himself in Proper Person,
Does now appeal to the Supreme Court of the
State of Nevada, the decision of the District Court
JUDGMENT OF CONVICTION

This Action the 2th Day of November 2021

X Marcos Ramos Hernandez
Defendant in Proper Person

Marcos Ramos H. #1249611

CLERK OF THE COURT

NOV 15 2021

RECEIVED

District Court
Clark, County, Nevada

Marcos Ramos Hernandez

Vs

THE STATE OF NEVADA

BRIAN E. WILLIAMS, et al.

C-18487K
CASE N^o C-20-351079-1

Dept N^o XVII

CERTIFICATE OF SERVICE BY MAILING

I Marcos Ramos Hernandez hereby Certify, Pursuant to NRCP 5(b),

That on this day of November, 2021 I, mailed a true and
Correct copy of the Foregoing " - - - - -

NOTICE OF APPEAL

Was Served UP on the Following:

(1) Victoria Villegas (ESG)

District Attorney, Chief Deputy

200 Lewis Ave

Las Vegas, Nevada, 89155

(2) Steven D. Grierson Clerk of the Court

200 Lewis Ave 3rd Floor

Las Vegas NV. 89155-1160.

Marcos R. Hernandez #1249611
Defendant in Proper Person
P.O. Box 650
Indian Springs Nevada 89070

AFFIRMATION

Pursuant to NRS 239 B.030.

The undersigned does hereby affirm that the Preceding
NOTICE OF APPEAL

Filed in District Court Case No. _____

☒ Does not contain the Social Security Number of any Person.

-OR-

☐ Contain the Social Security number of a person as required by:
A. A specific State or Federal Law, to wit:

State specific Law

-OR-

B. For the administration of a Public Program or
for an application for a federal or state grant

Marcos R. Hernandez #1248611
11-2-2021
DATE

MARCOS RAMOS HERNANDEZ #1249611
High Desert State Prison
P.O. Box 650
Indian Springs NV 89070

LAS VEGAS NV 890
8 NOV 2021 PM 4 L

NOV 15 2021

RECEIVED

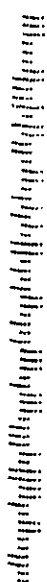
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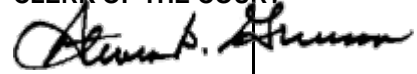
NOV 7 2021

UNIT

STEVEN D. GRIERSON
CLERK OF THE COURT
200 Lewis Ave 3rd Floor
Las Vegas NV 89155-1160

89101-630000





1 ASTA
2
3
4
5

6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 MARCOS RAMOS HERNANDEZ,

14 Defendant(s),
15

Case No: C-20-351079-1

Dept No: XXI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Marcos Ramos Hernandez

20 2. Judge: Tara Clark Newberry

21 3. Appellant(s): Marcos Ramos Hernandez

22 Counsel:

23 Marcos Ramos Hernandez #1249611
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: September 28, 2020

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 18 day of November 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Marcos Ramos Hernandez

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-20-351079-1**

State of Nevada
vs
MARCOS HERNANDEZ

§ Location: **Department 21**
§ Judicial Officer: **Clark Newberry, Tara**
§ Filed on: **09/28/2020**
§ Case Number History:
§ Cross-Reference Case **C351079**
§ Number:
§ Defendant's Scope ID #: **1986117**
§ ITAG Booking Number: **0**
§ ITAG Case ID: **2243355**
§ Lower Court Case # Root: **19F06645**
§ Lower Court Case Number: **19F06645X**
§ Metro Event Number: **999999999999**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 PCN: DSD1011854C ACN: 999999999999 <i>Filed As:</i> SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 08/10/2020 MET - Metro	201.230.1B	F	08/01/2009	Case Status:	10/04/2021 Closed
2. ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 <i>Filed As:</i> SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	201.230.1B	F	08/01/2009		
3. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	F	08/01/2009		
4. LEWDNESS WITH A CHILD UNDER THE AGE OF 14	201.230.2	F	08/01/2009		

Statistical Closures

10/04/2021 Guilty Plea with Sentence (before trial) (CR)

DATE**CASE ASSIGNMENT****Current Case Assignment**













Case Number C-20-351079-1
Court Department 21
Date Assigned 01/04/2021
Judicial Officer Clark Newberry, Tara

PARTY INFORMATION








Defendant	HERNANDEZ, MARCOS RAMOS	<i>Lead Attorneys</i>
		Park, Leslie A. <i>Retained</i> 702-382-3847(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**09/28/2020  Criminal Bindover Packet Justice CourtIn
#1

CASE SUMMARY
CASE NO. C-20-351079-1

	[1]	
09/28/2020	 Criminal Bindover - Confidential	In #2
	[2]	
09/29/2020	 Information Party: Plaintiff State of Nevada [3] Information	In #3
10/08/2020	 Transcript of Proceedings [4] Reporter's Transcript of Preliminary Hearing	In #4
10/13/2020	 Media Request and Order [5] HERNANDEZ DC18	In #5
10/15/2020	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada [6] State's Notice of Witnesses	In #6
10/15/2020	 Motion for Own Recognizance Release/Setting Reasonable Bail Filed By: Defendant HERNANDEZ, MARCOS RAMOS [7] Motion to Strike Illegal Custody Order and Request for Valdez-Jimenez	In #7
10/15/2020	 Clerk's Notice of Hearing [8] Notice of Hearing	In #8
10/19/2020	 Opposition [9] State's Opposition to Defendant s Motion to Strike Illegal Custody Order and Request for Valdez-Jimenez Hearing and/or Emergency Motion for Compassionate Release	In #9
10/22/2020	 Order Filed By: Plaintiff State of Nevada [10] Order Denying Defendant's Motion to Strike Illegal Custody Order and Request For Valdez-Jimenz Hearing and/or Emergency Motion For Comassionate Release	In #1
11/03/2020	 Receipt of Copy [11] Receipt of Copy	In #1
01/04/2021	Case Reassigned to Department 21 Judicial Reassignment to Judge Tara Clark Newberry	
06/17/2021	 Notice of Rescheduling of Hearing [12] Notice of Rescheduling of Hearing	In #1
08/05/2021	 Guilty Plea Agreement [13] Guilty Plea Agreement	In #1
08/05/2021	 Amended Information [14] Amended Information	In #1

CASE SUMMARY
CASE NO. C-20-351079-1

09/13/2021	 PSI [15]	In #1
09/13/2021	 PSI - Psychosexual Evaluation [16]	In #1
10/04/2021	 Judgment of Conviction [17] <i>Judgment of Conviction</i>	In #1
10/20/2021	 Motion to Dismiss Counsel Party: Defendant HERNANDEZ, MARCOS RAMOS [18] <i>Motion to Dismiss Counsel and Appoint Alternate Counsel</i>	In #1
11/08/2021	 Response Filed by: Plaintiff State of Nevada [19] <i>State's Response to Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel</i>	In #1
11/16/2021	 Notice of Appeal (Criminal) [20] <i>Notice of Appeal</i>	In #2
11/18/2021	 Case Appeal Statement Filed By: Defendant HERNANDEZ, MARCOS RAMOS <i>Case Appeal Statement</i>	In #2
<u>DISPOSITIONS</u>		
08/05/2021	Disposition (Judicial Officer: Clark Newberry, Tara) 3. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Amended Information Filed/Charges Not Addressed PCN: Sequence: 4. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Amended Information Filed/Charges Not Addressed PCN: Sequence:	
08/05/2021	Plea (Judicial Officer: Clark Newberry, Tara) 1. ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Guilty PCN: DSD1011854C Sequence: 2. ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Guilty PCN: Sequence:	
09/28/2021	Disposition (Judicial Officer: Clark Newberry, Tara) 1. ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Guilty PCN: DSD1011854C Sequence: 2. ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Guilty PCN: Sequence:	

CASE SUMMARY
CASE NO. C-20-351079-1

09/28/2021 **Adult Adjudication** (Judicial Officer: Clark Newberry, Tara)
1. ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14
08/01/2009 (F) 201.230.1B (DC60471)
PCN: DSD1011854C Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:8 Years, Maximum:10 Years

09/28/2021 **Adult Adjudication** (Judicial Officer: Clark Newberry, Tara)
2. ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14
08/01/2009 (F) 201.230.1B (DC60471)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:8 Years, Maximum:10 Years

Consecutive: Charge 1
Credit for Time Served: 457 Days

Condition

1. Register As A Sex Offender
2. Lifetime Supervision


Other Fees


1. , \$2,142.45
2. , \$2,631.00 for extraditions fees payable to the State of Nevada

Fee Totals:

Administrative	
Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker	
Analysis AA Fee	3.00
\$3	
Fee Totals \$	178.00

HEARINGS

09/30/2020  **Initial Arraignment** (8:00 AM) (Judicial Officer: Bixler, James)
Trial Date Set;
Journal Entry Details:
Deputized Law Clerk, Ronald Evans, appearing for the State. Spanish Interpreter, Ximena Fiene, present. DEFT. HERNANDEZ ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial. CUSTODY 10/27/20 9:00 AM CALENDAR CALL (DEPT. 18) 11/02/20 1:00 PM JURY TRIAL (DEPT. 18);

10/20/2020  **Motion for Own Recognizance Release/Setting Reasonable Bail** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)
Motion to Strike Illegal Custody Order and Request for Valdez-Jimenez
Denied;
Journal Entry Details:
Robert Stephens, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference; Spanish Court Interpreter, Ximena Fiene, also present. Statements by Ms. Park in support of the instant Motion. Arguments by Mr. Stephens. Further statements by Ms. Park. Court noted it didn't see any additional information since bail was set in the Lower Court; therefore, FINDS that the State met it's burden by clear and convincing evidence. Court stated based upon everything \$25,000.00 was reasonable bail, and it didn't see an increased risk due to COVID-19. COURT ORDERED, Motion to Strike Illegal Custody Order and Request for Valdez-Jimenez was hereby DENIED, and bail STANDS. Upon Court's inquiry, Mr. Stephens noted it didn't appear to be any additional conditions of release if Deft. posted bail. COURT FURTHER ORDERED, no unsupervised contact with any minors in the event Deft. was released. CUSTODY 10/27/20 12:00 PM CALENDAR CALL 11/2/20 1:00 PM JURY TRIAL;

10/27/2020  **Calendar Call** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)

CASE SUMMARY

CASE NO. C-20-351079-1

10/27/2020, 10/29/2020

Matter Continued;

Vacated and Reset;

Journal Entry Details:

Sandra Digiaco, Esq. and Leslie Park, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference; Spanish Court Interpreter, Ximena Fiene, also present. Upon Court's inquiry, Ms. Park noted the trial setting was a quick set and she wasn't ready to proceed; therefore, they would need to reset the trial date. Court inquired if Deft. was invoked; however, Ms. Digiaco advised the Court Deft. WAIVED with Judge Bell at the Central Calendar Call. COURT ORDERED, trial date SET. CUSTODY 1/26/21 9:00 AM CALENDAR CALL 2/1/21 1:00 PM JURY TRIAL ;

Matter Continued;

Vacated and Reset;

Journal Entry Details:

Sandra Digiaco, Esq. and Leslie Park, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference; Spanish Court Interpreter, Maria Peters, also present. Upon Court's inquiry, Ms. Digiaco noted parties had trial readiness set the following day, which Deft. was on invoked status. COURT ORDERED, matter CONTINUED to Thursday, October 29, 2020 to see where the instant case was at. Parties concurred. Court inquired how many witnesses and days were parties anticipating for trial, which Ms. Digiaco advised the State had 10 witnesses and they were estimating going into the second week for trial. CUSTODY 10/29/20 12:00 PM CONTINUED: CALENDAR CALL;

10/28/2020



Central Calendar Call (2:00 PM) (Judicial Officer: Bell, Linda Marie)

Matter Heard;

Journal Entry Details:

Counsel present via Bluejeans. Spanish Interpreter, Ricardo Pico, also present. Ms. Park announced not ready for trial. Upon Court's inquiry, Defendant WAIVED speedy trial. State has no opposition to a continuance however State is ready. COURT ORDERED, trial date VACATED and calendar call STANDS for department to reset trial. CUSTODY;

11/02/2020

CANCELED Jury Trial (1:00 PM) (Judicial Officer: Holthus, Mary Kay)

Vacated

01/26/2021



Calendar Call (1:30 PM) (Judicial Officer: Clark Newberry, Tara)

Trial Date Set;

Journal Entry Details:

Also present, Jeanette Encinas, Spanish Interpreter. Upon Court's inquiry, counsel advised Defendant was not invoked. Court advised based on Covid, the trial cannot go forward. COURT ORDERED, trial date VACATED and RESET. CUSTODY 8/3/21 1:30 PM CALENDAR CALL 8/9/2021 9:00 AM JURY TRIAL ;

02/01/2021

CANCELED Jury Trial (9:00 AM) (Judicial Officer: Clark Newberry, Tara)

Vacated

07/27/2021



Calendar Call (1:30 PM) (Judicial Officer: Clark Newberry, Tara)

Matter Heard;

Journal Entry Details:

Spanish Interpreter, Yul Haasmann, present. Ms. Park indicated they had come to a resolution and noted she received the Guilty Plea Agreement late afternoon yesterday. Therefore, requested a week continuance to schedule a visit with an interpreter at the jail to review the Guilty Plea Agreement with the Deft. There being no objection, COURT ORDERED trial dates VACATED; matter SET for entry of plea. CUSTODY 08-05-2021 01:30 PM ENTRY OF PLEA;

08/05/2021



Entry of Plea (1:30 PM) (Judicial Officer: Clark Newberry, Tara)

Plea Entered;



Journal Entry Details:

Spanish Interpreter, Magdalena Becerra, present. Ms. Park noted the Guilty Plea Agreement (GPA) had been filed today. Ms. DiGiacomo indicated they needed to file the Amended Information as the GPA had been filed today. MATTER TRAILED. MATTER RECALLED. Ms. DiGiacomo noted the Amended Information had been filed. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED on August 5, 2021 and placed on the record by Ms. Park. DEFT. HERNANDEZ ARRAIGNED and PLED GUILTY PURSUANT TO THE ALFORD DECISION as to COUNT 1 and COUNT 2 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). State gave an offer of proof. Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. CUSTODY 09-21-2021 01:30 PM SENTENCING;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-20-351079-1

08/09/2021	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Clark Newberry, Tara) <i>Vacated</i>
09/21/2021	 Sentencing (1:30 PM) (Judicial Officer: Clark Newberry, Tara) 09/21/2021, 09/28/2021 Matter Continued; Defendant Sentenced; Journal Entry Details: <i>Spanish Interpreter, Carlos Calvo, present. Court noted the matter had been previously continued on Ms. Park's request to ensure the Deft. had reviewed the Pre-Sentence Investigation (PSI). Ms. Park indicated they were ready to proceed. DEFT. HERNANDEZ ADJUDGED GUILTY of COUNT 1 and COUNT 2 of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). Mr. Iscan noted he would be making factual arguments and he wanted to make sure Ms. Park was ready to proceed at this point in the calendar. Mr. Park required the matter be heard last. MATTER TRAILED. MATTER RECALLED. DEFT. HERNANDEZ ADJUDGED GUILTY of COUNT 1 and COUNT 2 of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). Arguments by Mr. Iscan and Ms. Park. COURT ORDERED, in addition to RESTITUTION in the amount of \$2,631.00 for extraditions fees payable to the State of Nevada, a \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, a \$2,142.45 Psychosexual Evaluation fee, and \$3.00 DNA Collection fee, Deft. SENTENCED as to COUNT 1 to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TEN (10) YEARS in the Nevada Department of Corrections (NDC) and Deft. SENTENCED as to COUNT 2 to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TEN (10) YEARS, CONSECUTIVE TO COUNT 1. Court Advised it did not take into consideration the prior allegations only the facts in this case. COURT ORDERED a total aggregate sentence of a MINIMUM of SIXTEEN (16) YEARS and a MAXIMUM of FORTY (40) YEARS in NDC. COURT FURTHER ORDERED Deft. to receive FOUR HUNDRED FIFTY-SEVEN (457) DAYS credit for time served. COURT ADDITIONALLY ORDERED, Deft. to Register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing and a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. NDC;</i> Matter Continued; Defendant Sentenced; Journal Entry Details: <i>Spanish Interpreter, Mariella Lopez, present. Ms. Park requested a one week continuance as she had received the Pre-Sentence Investigation (PSI) report last Wednesday and she hadn't been able to go to the Jail with an Interpreter to review it with Deft. Mr. Iscan had no objection. Upon Court's inquiry, Mr. Iscan indicated they did originally anticipate a victim speaker however the victim advocate informed she had decided not to speak. COURT ORDERED matter CONTINUED. CUSTODY 09-28-2021 01:30 PM SENTENCING;</i>
11/16/2021	 Motion to Dismiss (1:30 PM) (Judicial Officer: Clark Newberry, Tara) <i>Motion to Dismiss Counsel and Appoint Alternate Counsel</i> Denied; Motion to Dismiss Counsel and Appoint Alternate Counsel Journal Entry Details: <i>Spanish Interpreter, Deborah Silvera, present. Upon Court's inquiry, Court Services Officer Advised Deft. was not on their transport list. Court released the Spanish interpreter as the Deft. was not transported. Upon Court's further inquiry, Ms. Rhoades indicated she had not had communication with Ms. Park in regard to the motion. Court Advised the motion was not properly before the Court as the it was filed in Spanish and pursuant to NRS 1.040 all pleadings must be written in English. Thus, COURT ORDERED motion DENIED based on its failure to comply with Nevada Law. In addition, COURT FINDS the motion improper as the proper basis would have been for a writ to have been filed and then for the Court to make the determination as to the appointment of counsel in this case; in either respect Court noted there were two basis to deny the motion and DIRECTED the State to prepare the order pursuant to NRS 1.040. NDC;</i>
11/23/2021	CANCELED Motion to Dismiss (1:30 PM) (Judicial Officer: Clark Newberry, Tara) <i>Vacated - Duplicate Entry</i> <i>[19] State's Response to Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel</i>

DATE

FINANCIAL INFORMATION

Defendant HERNANDEZ, MARCOS RAMOS	
Total Charges	178.00
Total Payments and Credits	0.00
Balance Due as of 11/18/2021	178.00

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARCOS RAMOS HERNANDEZ
#1986117

Defendant.

CASE NO. C-20-351079-1

DEPT. NO. XXI

JUDGMENT OF CONVICTION

(PLEA OF GUILTY- ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to the crimes of COUNT 1 – ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony) in violation of NRS 201.230(2); and COUNT 2 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony) in violation of NRS 201.230(2); thereafter, on the 28th day of September, 2021, the Defendant was present in court for sentencing with counsel LESLIE A. PARK, ESQ., via Blue jeans, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$2,142.45 Psychosexual Evaluation Fee, \$2,631.00 Extradition Cost and \$150.00 DNA Analysis Fee including testing to determine

1 genetic markers plus \$3.00 DNA Collection Fee, the Defendant is sentenced to the Nevada
2 Department of Corrections (NDC) as follows: as to COUNT 1 - a MAXIMUM of TWENTY
3 (20) YEARS with a MINIMUM parole eligibility of EIGHT (8) YEARS; and COUNT 2 - to a
4 MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of EIGHT (8)
5 YEARS, CONSECUTIVE to COUNT 1; with FOUR HUNDRED FIFTY-SEVEN (457) DAYS
6 credit for time served. The AGGREGATE TOTAL sentence is FORTY (40) YEARS
7 MAXIMUM with a MINIMUM Parole Eligibility of SIXTEEN (16) YEARS.
8

9 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is
10 imposed to commence upon release from any term of imprisonment, probation or parole. In
11 addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of
12 the Mental Health and Development Services of the Department of Human Resources or his
13 designee; the Director of the Department of Corrections or his designee; and a psychologist
14 licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must
15 certify that the Defendant does not represent a high risk to re-offend based on current accepted
16 standards of assessment.
17
18

19 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
20 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from
21 custody.
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23
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27
28

Dated this 4th day of October, 2021



708 7CE 1554 1FFC
Tara Clark Newberry
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-351079-1

7 vs

DEPT. NO. Department 21

8 MARCOS HERNANDEZ

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/4/2021

15 Dept 18 Law Clerk

dept18lc@clarkcountycourts.us

16 Dept 21 Law Clerk

dept21lc@clarkcountycourts.us

17 LESLIE ESQ.

leslieparklaw@gmail.com

18 SANDRA DDA

sandra.digiacom@clarkcountyda.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2020

C-20-351079-1 State of Nevada
 vs
 MARCOS HERNANDEZ

September 30, 2020 8:00 AM Initial Arraignment

HEARD BY: Bixler, James **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT: HERNANDEZ, MARCOS RAMOS Defendant
 Park, Leslie A. Attorney

JOURNAL ENTRIES

- Deputized Law Clerk, Ronald Evans, appearing for the State. Spanish Interpreter, Ximena Fiene, present.

DEFT. HERNANDEZ ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE.
COURT ORDERED, matter SET for trial.

CUSTODY

10/27/20 9:00 AM CALENDAR CALL (DEPT. 18)

11/02/20 1:00 PM JURY TRIAL (DEPT. 18)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 20, 2020**

C-20-351079-1 State of Nevada
vs
MARCOS HERNANDEZ

**October 20, 2020 12:00 AM Motion for Own
Recognizance
Release/Setting Reasonable
Bail**

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	HERNANDEZ, MARCOS RAMOS	Defendant
	Park, Leslie A.	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

JOURNAL ENTRIES

- Robert Stephens, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference; Spanish Court Interpreter, Ximena Fiene, also present.

Statements by Ms. Park in support of the instant Motion. Arguments by Mr. Stephens. Further statements by Ms. Park. Court noted it didn't see any additional information since bail was set in the Lower Court; therefore, FINDS that the State met it's burden by clear and convincing evidence. Court stated based upon everything \$25,000.00 was reasonable bail, and it didn't see an increased risk due to COVID-19. COURT ORDERED, Motion to Strike Illegal Custody Order and Request for Valdez-Jimenez was hereby DENIED, and bail STANDS. Upon Court's inquiry, Mr. Stephens noted it didn't appear to be any additional conditions of release if Deft. posted bail. COURT FURTHER ORDERED, no unsupervised contact with any minors in the event Deft. was released.

C-20-351079-1

CUSTODY

10/27/20 12:00 PM CALENDAR CALL

11/2/20 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 27, 2020

C-20-351079-1 State of Nevada
 vs
 MARCOS HERNANDEZ

October 27, 2020 12:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 HERNANDEZ, MARCOS RAMOS Defendant
 Park, Leslie A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Sandra Digiacomo, Esq. and Leslie Park, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference; Spanish Court Interpreter, Maria Peters, also present.

Upon Court's inquiry, Ms. Digiacomo noted parties had trial readiness set the following day, which Deft. was on invoked status. COURT ORDERED, matter CONTINUED to Thursday, October 29, 2020 to see where the instant case was at. Parties concurred. Court inquired how many witnesses and days were parties anticipating for trial, which Ms. Digiacomo advised the State had 10 witnesses and they were estimating going into the second week for trial.

CUSTODY

10/29/20 12:00 PM CONTINUED: CALENDAR CALL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2020

C-20-351079-1 State of Nevada
vs
MARCOS HERNANDEZ

October 28, 2020 2:00 PM Central Calendar Call

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 HERNANDEZ, MARCOS RAMOS Defendant
 Park, Leslie A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Counsel present via Bluejeans. Spanish Interpreter, Ricardo Pico, also present.

Ms. Park announced not ready for trial. Upon Court's inquiry, Defendant WAIVED speedy trial. State has no opposition to a continuance however State is ready. COURT ORDERED, trial date VACATED and calendar call STANDS for department to reset trial.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 29, 2020

C-20-351079-1 State of Nevada
vs
MARCOS HERNANDEZ

October 29, 2020 12:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 HERNANDEZ, MARCOS RAMOS Defendant
 Park, Leslie A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Sandra Digiacomo, Esq. and Leslie Park, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference; Spanish Court Interpreter, Ximena Fiene, also present.

Upon Court's inquiry, Ms. Park noted the trial setting was a quick set and she wasn't ready to proceed; therefore, they would need to reset the trial date. Court inquired if Deft. was invoked; however, Ms. Digiacomo advised the Court Deft. WAIVED with Judge Bell at the Central Calendar Call. COURT ORDERED, trial date SET.

CUSTODY

1/26/21 9:00 AM CALENDAR CALL

2/1/21 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 26, 2021

C-20-351079-1 State of Nevada
 vs
 MARCOS HERNANDEZ

January 26, 2021 1:30 PM Calendar Call

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Louisa Garcia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: HERNANDEZ, MARCOS RAMOS Defendant
 Park, Leslie A. Attorney
 Rhoades, Kristina A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Also present, Jeanette Encinas, Spanish Interpreter.

Upon Court's inquiry, counsel advised Defendant was not invoked. Court advised based on Covid, the trial cannot go forward. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

8/3/21 1:30 PM CALENDAR CALL

8/9/2021 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 27, 2021

C-20-351079-1 State of Nevada
 vs
 MARCOS HERNANDEZ

July 27, 2021 1:30 PM Calendar Call

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: HERNANDEZ, MARCOS RAMOS Defendant
 Luzaich, Elissa Attorney
 Park, Leslie A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Spanish Interpreter, Yul Haasmann, present.

Ms. Park indicated they had come to a resolution and noted she received the Guilty Plea Agreement late afternoon yesterday. Therefore, requested a week continuance to schedule a visit with an interpreter at the jail to review the Guilty Plea Agreement with the Deft. There being no objection, COURT ORDERED trial dates VACATED; matter SET for entry of plea.

CUSTODY

08-05-2021 01:30 PM ENTRY OF PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 05, 2021

C-20-351079-1 State of Nevada
vs
MARCOS HERNANDEZ

August 05, 2021 1:30 PM Entry of Plea

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 HERNANDEZ, MARCOS RAMOS Defendant
 Park, Leslie A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Spanish Interpreter, Magdalena Becerra, present.

Ms. Park noted the Guilty Plea Agreement (GPA) had been filed today. Ms. DiGiacomo indicated they needed to file the Amended Information as the GPA had been filed today. MATTER TRAILED.

MATTER RECALLED. Ms. DiGiacomo noted the Amended Information had been filed.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED on August 5, 2021 and placed on the record by Ms. Park. DEFT. HERNANDEZ ARRAIGNED and PLED GUILTY PURSUANT TO THE ALFORD DECISION as to COUNT 1 and COUNT 2 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). State gave an offer of proof.

Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

CUSTODY

C-20-351079-1

09-21-2021 01:30 PM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 21, 2021

C-20-351079-1 State of Nevada
 vs
 MARCOS HERNANDEZ

September 21, 2021 1:30 PM Sentencing

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: HERNANDEZ, MARCOS RAMOS Defendant
 Iscan, Ercan E Attorney
 Park, Leslie A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Spanish Interpreter, Mariella Lopez, present.

Ms. Park requested a one week continuance as she had received the Pre-Sentence Investigation (PSI) report last Wednesday and she hadn't been able to go to the Jail with an Interpreter to review it with Deft. Mr. Iscan had no objection. Upon Court's inquiry, Mr. Iscan indicated they did originally anticipate a victim speaker however the victim advocate informed she had decided not to speak. COURT ORDERED matter CONTINUED.

CUSTODY

09-28-2021 01:30 PM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 28, 2021

C-20-351079-1 State of Nevada
 vs
 MARCOS HERNANDEZ

September 28, 2021 1:30 PM Sentencing

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: HERNANDEZ, MARCOS RAMOS Defendant
 Iscan, Ercan E Attorney
 Park, Leslie A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Spanish Interpreter, Carlos Calvo, present.

Court noted the matter had been previously continued on Ms. Park s request to ensure the Deft. had reviewed the Pre-Sentence Investigation (PSI). Ms. Park indicated they were ready to proceed. DEFT. HERNANDEZ ADJUDGED GUILTY of COUNT 1 and COUNT 2 of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). Mr. Iscan noted he would be making factual arguments and he wanted to make sure Ms. Park was ready to proceed at this point in the calendar. Mr. Park required the matter be heard last. MATTER TRAILED.

MATTER RECALLED. DEFT. HERNANDEZ ADJUDGED GUILTY of COUNT 1 and COUNT 2 of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). Arguments by Mr. Iscan and Ms. Park. COURT ORDERED, in addition to RESTITUTION in the amount of \$2,631.00 for extraditions fees payable to the State of Nevada, a \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, a \$2,142.45 Psychosexual Evaluation fee, and \$3.00 DNA Collection fee, Deft. SENTENCED as to COUNT 1 to a MINIMUM of

EIGHT (8) YEARS and a MAXIMUM of TEN (10) YEARS in the Nevada Department of Corrections (NDC) and Deft. SENTENCED as to COUNT 2 to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TEN (10) YEARS, CONSECUTIVE TO COUNT 1. Court Advised it did not take into consideration the prior allegations only the facts in this case. COURT ORDERED a total aggregate sentence of a MINIMUM of SIXTEEN (16) YEARS and a MAXIMUM of FORTY (40) YEARS in NDC. COURT FURTHER ORDERED Deft. to receive FOUR HUNDRED FIFTY-SEVEN (457) DAYS credit for time served. COURT ADDITIONALLY ORDERED, Deft. to Register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing and a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2021

C-20-351079-1 State of Nevada
vs
MARCOS HERNANDEZ

**November 16, 2021 1:30 PM Motion to Dismiss Motion to Dismiss
Counsel and Appoint
Alternate Counsel**

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Rhoades, Kristina A. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Spanish Interpreter, Deborah Silvera, present.

Upon Court's inquiry, Court Services Officer Advised Deft. was not on their transport list. Court released the Spanish interpreter as the Deft. was not transported. Upon Court's further inquiry, Ms. Rhoades indicated she had not had communication with Ms. Park in regard to the motion. Court Advised the motion was not properly before the Court as the it was filed in Spanish and pursuant to NRS 1.040 all pleadings must be written in English. Thus, COURT ORDERED motion DENIED based on its failure to comply with Nevada Law. In addition, COURT FINDS the motion improper as the proper basis would have been for a writ to have been filed and then for the Court to make the determination as to the appointment of counsel in this case; in either respect Court noted there were two basis to deny the motion and DIRECTED the State to prepare the order pursuant to NRS 1.040.

NDC

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY - ALFORD); DISTRICT
COURT MINUTES

STATE OF NEVADA,

Plaintiff(s),

vs.

MARCOS RAMOS HERNANDEZ,

Defendant(s).

Case No: C-20-351079-1

Dept No: XXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 18 day of November 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk