

IN THE SUPREME COURT OF THE STATE OF NEVADA

Rafael Rosas Cardenas,

Appellant,

VS.

The State of Nevada,

Respondent

Supreme Ct No. 84288

District Ct No. CR19-7109

Electronically Filed
Apr 27 2022 12:20 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appellant's Appendix

ATTORNEY FOR APPELLANT

**Matt Stermitz, NSB # 3610
Humboldt County Public Defender
Drawer 309
Winnemucca, Nevada 89445
775-623-6550**

ATTORNEY FOR RESPONDENT

Michael Macdonald
Humboldt County DA
Drawer 909
Winnemucca, Nevada 89445
775-623-6363

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1 NO. CR19-7109

2 DEPT. II

FILED

2019 SEP 12 PH 2:35

TAMI RAE SP. J.
DIST. COURT CLERK

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6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7
8 IN AND FOR THE COUNTY OF HUMBOLDT.

9 -oo-

10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

INFORMATION

13 RAFAEL CARDENAS AKA
14 RAFAEL ROSAS,
15 DOB: 05/29/1966,

16 Defendant(s).

17 MICHAEL MACDONALD, District Attorney of Humboldt County,
18 Nevada, in the name and by the authority of the State of Nevada,
19 informs the Court:

20 COUNT I

21 LEWDNESS WITH CHILD UNDER 14 YEARS,
22 A CATEGORY A FELONY
23 AS DEFINED BY NRS 201.230(2)

24 That the Defendant did knowingly, willfully,
25 unlawfully and lewdly commit any lewd or lascivious
26 act, other than acts constituting the crime of sexual
27 assault, upon or with the body, or any part or member
28 thereof, of a child under the age of 14 years, with
the intent of arousing, appealing to, or gratifying
the lust or passions or sexual desires of that person
or of that child, in the following manner, to-wit:
That on or between the 1st day of July, 2018, and the
3rd day of July, 2019, at or near the location of 4200
Maslona Dr. #48, Winnemucca, County of Humboldt, State

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1 of Nevada, the Defendant rubbed the bare breasts of
2 "O.R.", a known but unnamed female juvenile under the
3 age of 14, with the intent of gratifying the lust or
4 passions or sexual desires of the Defendant or "O.R".

5 **COUNT II**

6 **LEWDNESS WITH CHILD UNDER 14 YEARS,**
7 **A CATEGORY A FELONY**
8 **AS DEFINED BY NRS 201.230(2)**

9 That the Defendant did knowingly, willfully,
10 unlawfully and lewdly commit any lewd or lascivious
11 act, other than acts constituting the crime of sexual
12 assault, upon or with the body, or any part or member
13 thereof, of a child under the age of 14 years, with
14 the intent of arousing, appealing to, or gratifying
15 the lust or passions or sexual desires of that person
16 or of that child, in the following manner, to-wit:
17 That on or between the 1st day of July, 2018, and the
18 3rd day of July, 2019, at or near the location of 4200
19 Maslona Dr. #48, Winnemucca, County of Humboldt, State
20 of Nevada, the Defendant rubbed the bare vagina of
21 "O.R.", a known but unnamed female juvenile under the
22 age of 14, with the intent of gratifying the lust or
23 passions or sexual desires of the Defendant or "O.R".

24 **COUNT III**

25 **LEWDNESS WITH CHILD UNDER 14 YEARS,**
26 **A CATEGORY A FELONY**
27 **AS DEFINED BY NRS 201.230(2)**

28 That the Defendant did knowingly, willfully,
unlawfully and lewdly commit any lewd or lascivious
act, other than acts constituting the crime of sexual
assault, upon or with the body, or any part or member
thereof, of a child under the age of 14 years, with
the intent of arousing, appealing to, or gratifying
the lust or passions or sexual desires of that person
or of that child, in the following manner, to-wit:
That on or between the 1st day of July, 2018, and the
3rd day of July, 2019, at or near the location of 4200
Maslona Dr. #48, Winnemucca, County of Humboldt, State
of Nevada, the Defendant had "O.R.", a known but
unnamed female juvenile under the age of 14, grab his
exposed penis, with the intent of gratifying the lust
or passions or sexual desires of the Defendant or
"O.R".

EXHIBIT "A"
INFORMATION

Names and Addresses Known to the
District Attorney at the time of
Filing of the Information

DETECTIVE MATT MORGAN
Winnemucca Police Department
500 E. Winnemucca Blvd.
Winnemucca, NV 89445

OFFICER SERGIO CABADA
Winnemucca Police Department
500 E. Winnemucca Blvd.
Winnemucca, NV 89445

RAMON REYES
Division of Child and Family Services
475 W. Haskell St.
Winnemucca, NV 89445

JADE PUGA
5575 E. Winnemucca Blvd. #116
Winnemucca, NV 89445

ALFREDO ROSAS
4200 Maslona Dr. #48
Winnemucca, NV 89445

"O.R."
Address on file at Humboldt County
District Attorney's Office
Winnemucca, NV 89445

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HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 12 day of September, 2019, I delivered a true copy of the INFORMATION to:

RENDAL MILLER
Miller Law, Inc.
115 W. Fifth St.
Winnemucca, NV 89445

- () U.S. Mail
() Certified Mail
() Hand-delivered
☒ Placed in DCT Box
() Via Facsimile

Agall

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1 NO. CR19-7109

2 DEPT. II

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2020 OCT 23 AM 11:21
CLERK

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6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7
8 IN AND FOR THE COUNTY OF HUMBOLDT.

9 -oOo-

10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

AMENDED INFORMATION

13 RAFAEL CARDENAS AKA
14 RAFAEL ROSAS,
15 DOB: 05/29/1966,

16 Defendant(s) ./

17 MICHAEL MACDONALD, District Attorney of Humboldt County,
18 Nevada, in the name and by the authority of the State of Nevada,
19 informs the Court:

20 COUNT I

21 LEWDNESS WITH CHILD UNDER 14 YEARS, (NO PROBATION)
22 A CATEGORY A FELONY
23 AS DEFINED BY NRS 201.230 (2)

24 That the Defendant did knowingly, willfully,
25 unlawfully and lewdly commit any lewd or lascivious
26 act, other than acts constituting the crime of sexual
27 assault, upon or with the body, or any part or member
28 thereof, of a child under the age of 14 years, with
the intent of arousing, appealing to, or gratifying
the lust or passions or sexual desires of that person
or of that child, in the following manner, to-wit:
That on or between the 1st day of July, 2017, and the
3rd day of July, 2018, at or near the location of 4200
Maslona Dr. #48, Winnemucca, County of Humboldt,
of Nevada, the Defendant rubbed the bare breasts of

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1 "O.R.", a known but unnamed female juvenile under the
2 age of 14, with the intent of gratifying the lust or
3 passions or sexual desires of the Defendant or "O.R."

4 COUNT II

5 LEWDNESS WITH CHILD UNDER 14 YEARS,
6 A CATEGORY A FELONY
7 AS DEFINED BY NRS 201.230(2)

8 That the Defendant did knowingly, willfully,
9 unlawfully and lewdly commit any lewd or lascivious
10 act, other than acts constituting the crime of sexual
11 assault, upon or with the body, or any part or member
12 thereof, of a child under the age of 14 years, with
13 the intent of arousing, appealing to, or gratifying
14 the lust or passions or sexual desires of that person
15 or of that child, in the following manner, to-wit:
16 That on or between the 1st day of July, 2018, and the
17 3rd day of July, 2019, at or near the location of 4200
18 Maslona Dr. #48, Winnemucca, County of Humboldt, State
19 of Nevada, the Defendant rubbed the bare breasts of
20 "O.R.", a known but unnamed female juvenile under the
21 age of 14, with the intent of gratifying the lust or
22 passions or sexual desires of the Defendant or "O.R."

10-LIFE

23 COUNT III

24 LEWDNESS WITH CHILD UNDER 14 YEARS,
25 A CATEGORY A FELONY
26 AS DEFINED BY NRS 201.230(2)

27 That the Defendant did knowingly, willfully,
28 unlawfully and lewdly commit any lewd or lascivious
act, other than acts constituting the crime of sexual
assault, upon or with the body, or any part or member
thereof, of a child under the age of 14 years, with
the intent of arousing, appealing to, or gratifying
the lust or passions or sexual desires of that person
or of that child, in the following manner, to-wit:
That on or between the 1st day of July, 2019, and the
3rd day of July, 2020, at or near the location of 4200
Maslona Dr. #48, Winnemucca, County of Humboldt, State
of Nevada, the Defendant rubbed the bare breasts of
"O.R.", a known but unnamed female juvenile under the
age of 14, with the intent of gratifying the lust or
passions or sexual desires of the Defendant or "O.R."

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COUNT IV

LEWDNESS WITH CHILD UNDER 14 YEARS,
A CATEGORY A FELONY
AS DEFINED BY NRS 201.230(2)

That the Defendant did knowingly, willfully, unlawfully and lewdly commit any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, in the following manner, to-wit: That on or between the 1st day of July, 2017, and the 3rd day of July, 2018, at or near the location of 4200 Maslona Dr. #48, Winnemucca, County of Humboldt, State of Nevada, the Defendant rubbed the bare vagina of "O.R.", a known but unnamed female juvenile under the age of 14, with the intent of gratifying the lust or passions or sexual desires of the Defendant or "O.R."

COUNT V

10-LIFE

LEWDNESS WITH CHILD UNDER 14 YEARS,
A CATEGORY A FELONY
AS DEFINED BY NRS 201.230(2)

That the Defendant did knowingly, willfully, unlawfully and lewdly commit any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, in the following manner, to-wit: That on or between the 1st day of July, 2018, and the 3rd day of July, 2019, at or near the location of 4200 Maslona Dr. #48, Winnemucca, County of Humboldt, State of Nevada, the Defendant rubbed the bare vagina of "O.R.", a known but unnamed female juvenile under the age of 14, with the intent of gratifying the lust or passions or sexual desires of the Defendant or "O.R."

COUNT VI

10-LIFE

LEWDNESS WITH CHILD UNDER 14 YEARS,
A CATEGORY A FELONY
AS DEFINED BY NRS 201.230(2)

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1 That the Defendant did knowingly, willfully,
2 unlawfully and lewdly commit any lewd or lascivious
3 act, other than acts constituting the crime of sexual
4 assault, upon or with the body, or any part or member
5 thereof, of a child under the age of 14 years, with
6 the intent of arousing, appealing to, or gratifying
7 the lust or passions or sexual desires of that person
8 or of that child, in the following manner, to-wit:
9 That on or between the 1st day of July, 2019, and the
10 3rd day of July, 2020, at or near the location of 4200
11 Maslona Dr. #48, Winnemucca, County of Humboldt, State
12 of Nevada, the Defendant rubbed the bare vagina of
13 "O.R.", a known but unnamed female juvenile under the
14 age of 14, with the intent of gratifying the lust or
15 passions or sexual desires of the Defendant or "O.R."

10-LIFE

COUNT VII

LEWDNESS WITH CHILD UNDER 14 YEARS,
A CATEGORY A FELONY
AS DEFINED BY NRS 201.230(2)

10-LIFE

16 That the Defendant did knowingly, willfully,
17 unlawfully and lewdly commit any lewd or lascivious
18 act, other than acts constituting the crime of sexual
19 assault, upon or with the body, or any part or member
20 thereof, of a child under the age of 14 years, with
21 the intent of arousing, appealing to, or gratifying
22 the lust or passions or sexual desires of that person
23 or of that child, in the following manner, to-wit:
24 That on or between the 1st day of July, 2017, and the
25 3rd day of July, 2018, at or near the location of 4200
26 Maslona Dr. #48, Winnemucca, County of Humboldt, State
27 of Nevada, the Defendant rubbed the bare buttocks of
28 "O.R.", a known but unnamed female juvenile under the
age of 14, with the intent of gratifying the lust or
passions or sexual desires of the Defendant or "O.R."

COUNT VIII

LEWDNESS WITH CHILD UNDER 14 YEARS, 10-LIFE
A CATEGORY A FELONY
AS DEFINED BY NRS 201.230(2)

26 That the Defendant did knowingly, willfully,
27 unlawfully and lewdly commit any lewd or lascivious
28 act, other than acts constituting the crime of sexual
assault, upon or with the body, or any part or member
thereof, of a child under the age of 14 years, with
the intent of arousing, appealing to, or gratifying

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1 the lust or passions or sexual desires of that person
2 or of that child, in the following manner, to-wit:
3 That on or between the 1st day of July, 2018, and the
4 3rd day of July, 2019, at or near the location of 4200
5 Maslona Dr. #48, Winnemucca, County of Humboldt, State
6 of Nevada, the Defendant rubbed the bare buttocks of
7 "O.R.", a known but unnamed female juvenile under the
8 age of 14, with the intent of gratifying the lust or
9 passions or sexual desires of the Defendant or "O.R."

10 COUNT IX

11 LEWDNESS WITH CHILD UNDER 14 YEARS,
12 A CATEGORY A FELONY
13 AS DEFINED BY NRS 201.230 (2)

10-LIFE

14 That the Defendant did knowingly, willfully,
15 unlawfully and lewdly commit any lewd or lascivious
16 act, other than acts constituting the crime of sexual
17 assault, upon or with the body, or any part or member
18 thereof, of a child under the age of 14 years, with
19 the intent of arousing, appealing to, or gratifying
20 the lust or passions or sexual desires of that person
21 or of that child, in the following manner, to-wit:
22 That on or between the 1st day of July, 2019, and the
23 3rd day of July, 2020, at or near the location of 4200
24 Maslona Dr. #48, Winnemucca, County of Humboldt, State
25 of Nevada, the Defendant rubbed the bare buttocks of
26 "O.R.", a known but unnamed female juvenile under the
27 age of 14, with the intent of gratifying the lust or
28 passions or sexual desires of the Defendant or "O.R."

COUNT X

LEWDNESS WITH CHILD UNDER 14 YEARS,
A CATEGORY A FELONY
AS DEFINED BY NRS 201.230 (2)

10-LIFE

That the Defendant did knowingly, willfully,
unlawfully and lewdly commit any lewd or lascivious
act, other than acts constituting the crime of sexual
assault, upon or with the body, or any part or member
thereof, of a child under the age of 14 years, with
the intent of arousing, appealing to, or gratifying
the lust or passions or sexual desires of that person
or of that child, in the following manner, to-wit:
That on or between the 1st day of July, 2018, and the
3rd day of July, 2019, at or near the location of 4200
Maslona Dr. #48, Winnemucca, County of Humboldt, State
of Nevada, the Defendant had "O.R.", a known but

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1 unnamed female juvenile under the age of 14, grab his
2 exposed penis, with the intent of gratifying the lust
3 or passions or sexual desires of the Defendant or
4 "O.R."

5 COUNT XI

6 SEXUAL ASSAULT ON A CHILD UNDER 14,
7 A CATEGORY A FELONY

8 AS DEFINED BY NRS 200.366(1) (b) and NRS 200.366(3) (c)

35 - LIFE
CNO? PROBATION.
NO
PAROLE
35 yrs

9 That the Defendant knowingly, willfully and
10 unlawfully, committed a sexual penetration upon a
11 child under the age of 14 years or causes a child
12 under the age of 14 years to make a sexual penetration
13 on himself or herself or another, or on a beast, in
14 the following manner to-wit: That on or between the 1st
15 day of July, 2017 and the 3rd day of July, 2018, at or
16 near the location of 4200 Maslona Dr. #48, Winnemucca,
17 County of Humboldt, State of Nevada, the Defendant
18 pushed his penis into the anus of 9 year old known but
19 unnamed female identified as "O.R."

20 COUNT XII

21 SEXUAL ASSAULT ON A CHILD UNDER 14,
22 A CATEGORY A FELONY

23 AS DEFINED BY NRS 200.366(1) (b) and NRS 200.366(3) (c)

35 - LIFE

24 That the Defendant knowingly, willfully and
25 unlawfully, committed a sexual penetration upon a
26 child under the age of 14 years or causes a child
27 under the age of 14 years to make a sexual penetration
28 on himself or herself or another, or on a beast, in
the following manner to-wit: That in the summer of
2019, at or near the location of 4200 Maslona Dr. #48,
Winnemucca, County of Humboldt, State of Nevada, the
Defendant pushed his penis into the vagina of 10 year
old known but unnamed female identified as "O.R."

COUNT XIII

LEWDNESS WITH CHILD UNDER 14 YEARS,
A CATEGORY A FELONY

AS DEFINED BY NRS 201.230(2)

10 - LIFE

That the Defendant did knowingly, willfully,
unlawfully and lewdly commit any lewd or lascivious
act, other than acts constituting the crime of sexual
assault, upon or with the body, or any part or member

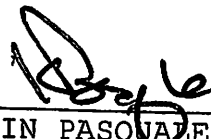
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1 thereof, of a child under the age of 14 years, with
2 the intent of arousing, appealing to, or gratifying
3 the lust or passions or sexual desires of that person
4 or of that child, in the following manner, to-wit:
5 That in the summer of 2019, at or near the location of
6 4200 Maslona Dr. #48, Winnemucca, County of Humboldt,
7 State of Nevada, the Defendant bit the nipple and/or
8 nipples of "O.R." a known but unnamed 10 year old
9 female juvenile with the intent of gratifying his lust
10 or passion or sexual desires.

11 All of which is contrary to the form of the statute in such
12 cases made and provided and against the peace and dignity of the
13 State of Nevada.

14 That the names of all witnesses who will testify for the
15 State of Nevada in said action that are known to the District
16 Attorney at the time of the filing of this Information are
17 listed with addresses on the annexed Exhibit "A" and the names
18 of all other witnesses who will testify for the State of Nevada
19 that become known to the District Attorney before time of trial
20 will be endorsed hereon by subsequent Exhibit.

21 Furthermore, pursuant to NRS 239B.030, the undersigned hereby
22 affirms this document does not contain the social security
23 number of any person.

24 
25 KEVIN PASQUALE
26 Chief Deputy District Attorney
27
28

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EXHIBIT "A"
INFORMATION

Names and Addresses Known to the
District Attorney at the time of
Filing of the Information

OFFICER SERGIO CABADA
Winnemucca Police Department
500 E. Winnemucca Blvd.
Winnemucca, NV 89445

DETECTIVE ANDY ROREX
Winnemucca Police Department
500 E. Winnemucca Blvd.
Winnemucca, NV 89445

RAMON REYES
Division of Child and Family Services
475 W. Haskell St.
Winnemucca, NV 89445

JADE PUGA
5575 E. Winnemucca Blvd. #116
Winnemucca, NV 89445

ALFREDO ROSAS
4200 Maslona Dr. #48
Winnemucca, NV 89445

"O.R."
Address on file at Humboldt County
District Attorney's Office
Winnemucca, NV 89445

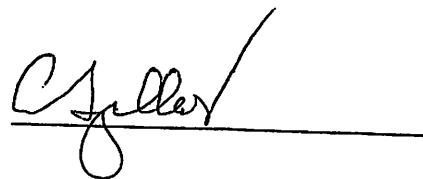
CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 22 day of October, 2020, I delivered a true copy of the

AMENDED INFORMATION to:

RENDAL MILLER
Miller Law, Inc.
115 W. Fifth St.
Winnemucca, NV 89445

- () U.S. Mail
() Certified Mail
() Hand-delivered
(X) Placed in DCT Box
() Via Facsimile



1 NO. CR19-7109

2 DEPT. II

FILED

OCT 12 2021

TAMI RAE SPERO
DIST. COURT CLERK

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6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
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8 IN AND FOR THE COUNTY OF HUMBOLDT.

9 -oOo-

10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

SECOND
AMENDED INFORMATION

13 RAFAEL CARDENAS AKA
14 RAFAEL ROSAS,
15 DOB: 05/29/1966,

16 Defendant(s)./

17 MICHAEL MACDONALD, District Attorney of Humboldt County, Nevada, in the
18 name and by the authority of the State of Nevada, informs the Court:

19 COUNT I

20 CHILD ABUSE, NEGLECT, OR ENDANGERMENT,
21 INVOLVING SEXUAL EXPLOITATION,
22 A CATEGORY B FELONY
AS DEFINED BY NRS 200.508(1)(a)(2) and NRS 179D.097(1)(g)

23 That the Defendant did knowingly, willfully and unlawfully cause a child, who is
24 less than eighteen (18) years of age to suffer unjustifiable physical pain or mental
25 suffering as a result of abuse or neglect or to be placed in a situation where the
26 child may suffer physical pain or mental suffering as a result of the abuse or
27 neglect, in the following manner, to-wit: That between the 1st day of July, 2017
28 and the 3rd day of July, 2019, at or near the location of 4200 Maslona Drive #48,
Winnemucca, County of Humboldt, State of Nevada, the Defendant rubbed the
bare breast and vagina and inserted his penis in the anus and vagina of O.R., a
known but unnamed female juvenile, causing O.R. to suffer substantial mental
injury.

All of which is contrary to the form of the statute in such cases made and provided and

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1 against the peace and dignity of the State of Nevada.

2 That the names of all witnesses who will testify for the State of Nevada in said action that
3 are known to the District Attorney at the time of the filing of this Information are listed with
4 addresses on the annexed Exhibit "A" and the names of all other witnesses who will testify for
5 the State of Nevada that become known to the District Attorney before time of trial will be
6 endorsed hereon by subsequent Exhibit.
7

8 Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this document does not
9 contain the social security number of any person.


10 
11 KEVIN PASQUALE
12 Chief Deputy District Attorney
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"
SECOND AMENDED INFORMATION
Names and Addresses Known to the
District Attorney at the time of
Filing of the Information

OFFICER SERGIO CABADA
Winnemucca Police Department
500 E. Winnemucca Blvd.
Winnemucca, NV 89445

DETECTIVE ANDY ROREX
Winnemucca Police Department
500 E. Winnemucca Blvd.
Winnemucca, NV 89445

RAMON REYES
Division of Child and Family Services
475 W. Haskell St.
Winnemucca, NV 89445

JADE PUGA
5575 E. Winnemucca Blvd. #116
Winnemucca, NV 89445

ALFREDO ROSAS
4200 Maslona Dr. #48
Winnemucca, NV 89445

"O.R."
Address on file at Humboldt County
District Attorney's Office
Winnemucca, NV 89445

Case No. CR19-7109

Dept. No. 2

FILED

OCT 12 2021

TAMI RAE SPERC
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

RAFAEL CARDENAS,

Defendant. /

GUILTY PLEA AGREEMENT

I, Rafael Cardenas, Defendant, hereby agree to plead guilty to: CHILD ABUSE,
NEGLECT, OR ENDANGERMENT, INVOLVING SEXUAL EXPLOITATION, Category B
Felony, in violation of NRS 200.508(1)(a)(2) and 179D.097(1)(g).

My decision to plead guilty is based upon the plea agreement in this case which is as
follows:

The State will not prosecute the Defendant for any other criminal offence involving O.R.
a known female juvenile, known by the State to have been committed by the Defendant between
the 1st day of July, 2017 through the summer of 2019. The Parties agree to jointly recommend a
minimum term of ninety-six (96) months and a maximum term of two hundred forty (240)

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1 months in the Nevada Department of Corrections.

2
3 The State explicitly reserves the right to present facts and/or argument through witnesses
4 and/or victims at time of sentencing. Further, the State retains the right to comment on
5 Defendant's crimes, past conduct and/or present evidence in any form.

6 I understand that if the State of Nevada has agreed to recommend or stipulate to a
7 particular sentence or has agreed not to present argument regarding the sentence, or agreed not to
8 oppose a particular sentence, such agreement is contingent upon my appearance in Court on the
9 initial sentencing date (and any subsequent date if the sentencing is continued). I understand that
10 if I fail to appear for any future scheduled court date in regards to this case or I commit a new
11 criminal offense prior to sentencing, the State of Nevada is released from any agreement as to
12 sentence and would regain the full right to argue for any lawful sentence.

13
14 I have entered into these negotiations and have signed this document of my own free will
15 without threat or promise on the part of anyone other than expressed herein.

16 CONSEQUENCES OF THE PLEA

17 I understand that by pleading guilty I admit the facts which support all the elements of the
18 offenses to which I now plead. Also, that the State must prove the following elements beyond a
19 reasonable doubt:
20

21 COUNT I

- 22 1. That between the 1st day of July, 2017 and the 3rd day of July, 2019, in
23 Humboldt County, Nevada;
- 24 2. I did knowingly, willfully and unlawfully;
25 *inappropriately Touched the bare*
26 3. *Rubbed the bare breast and vagina and inserted his penis in the anus and*
27 *vagina* of "O.R.", a known but unnamed female juvenile;
28 4. Causing "O.R." to suffer substantial mental injury.

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1 I understand that as a consequence of my plea of guilty I may be imprisoned a minimum
2 term of not less than two (2) years and a maximum term of not more than twenty (20) years in
3 the Nevada Department of Corrections and I am eligible for probation depending on a
4 psychosexual evaluation. I understand that the law requires me to pay an administrative
5 assessment fee in the amount of \$25.00, a DNA assessment fee in the amount of \$3.00, and a
6 DNA fee in the amount of \$150.00. Furthermore, I understand that pursuant to NRS 176A.100 if
7 I was on probation at the time I committed this offense, probation is not mandatory for any
8 Category E offense to which I plead guilty. I understand that, if appropriate, I will be ordered to
9 make restitution to the victim of the offenses to which I am pleading guilty and to the victim of
10 any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will
11 also be ordered to reimburse the State of Nevada for expenses related to my extradition, if any.
12

13 I understand that, except as otherwise provided by statute, the question of whether I
14 receive probation is in the discretion of the sentencing judge.
15

16 I understand that there is a collateral consequence of deportation if I am not a citizen of
17 the United States of America, I have been advised that conviction of the offense for which I have
18 been charged may have the consequences of deportation, exclusion from admission to the United
19 States of America, or denial of naturalization pursuant to the laws of the United States of
20 America.
21

22 I understand that the District Attorney's Office shall not be bound by any oral
23 negotiations preceding the actual execution of this Agreement until such time as this Agreement
24 has been actually executed, that is, signed, by the District Attorney or one of his authorized
25 deputies and I have entered my plea before the court.
26

27 Further, should I, subsequent to the entry of a plea of guilty, as provided for herein, make
28 application for Civil Commitment and/or treatment as an Alcoholic, pursuant to the provisions of

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1 NRS 458.290 to NRS 458.350, or if I make a Motion to Suspend or Reduce my sentence
2 pursuant to NRS 453.3363 to NRS 453.3405, the District Attorney shall have the absolute right
3 to withdraw from this Agreement and to proceed against me upon the original charge or charges
4 pending against me, as if this Agreement had never been entered into, or executed by the parties.
5

6 I represent to the State that I have ____ prior felonies. The state and county where my
7 prior felonies occurred and type of felony is as follows:

- 8 A. _____
9 B. _____
10 C. _____
11

12 Any misrepresentation of my prior criminal record will allow the State to withdraw from
13 this plea agreement.

14 I further understand as a consequence of my guilty plea to the above charges I will be
15 required to register as a sex offender, and I will be subject to a term of lifetime supervision
16 pursuant to NRS 176.0931(2), NRS 176.0931(c)(1), and NRS 176.0931(c)(2).
17

18 I understand that if more than one sentence of imprisonment is imposed and I am eligible
19 to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences
20 served concurrently or consecutively.

21 I understand that information regarding charges not filed, dismissed charges or charges to
22 be dismissed pursuant to this agreement may be considered by the judge at sentencing.
23

24 I have not been promised or guaranteed any particular sentence by anyone. I know that
25 my sentence is to be determined by the court within the limits prescribed by statute. I understand
26 that if my attorney or the State of Nevada or both recommend any specific punishment to the
27 court, the court is not obligated to accept the recommendation.

28 I understand that the Division of Parole and Probation of the Department of Motor

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1 Vehicles and Public Safety may or will prepare a report for the sentencing judge before
2 sentencing. This report will include matters relevant to the issue of sentencing, including my
3 criminal history. I understand that this report may contain hearsay information regarding my
4 background and criminal history. My attorney and I will each have the opportunity to comment
5 on the information contained in the report at the time of sentencing.
6

7 WAIVER OF RIGHTS

8 By entering my plea of guilty, I understand that I have waived the following rights and
9 privileges:
10

11 1. The constitutional privilege against self-incrimination, including the right to refuse to
12 testify at trial, in which event the prosecution would not be allowed to comment to the jury about
13 my refusal to testify.

14 2. The constitutional right to a speedy and public trial by an impartial jury, free of
15 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
16 assistance of an attorney, either appointed or retained. At trial, the state would bear the burden
17 of proving beyond a reasonable doubt each element of the offense charged.
18

19 3. The constitutional right to confront and cross-examine any witnesses who would
20 testify against me.

21 4. The constitutional right to subpoena witnesses to testify on my behalf.

28 writing, as soon as possible, because the notice of appeal must be filed within thirty (30) days

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1 from the judgment of conviction.

2
3 **VOLUNTARINESS OF PLEA**

4 I have discussed the elements of all the original charges against me with my attorney and
5 I understand the nature of these charges against me.

6 I understand that the state would have to prove each element of the charge against me at
7 trial.

8 I have discussed with my attorney any possible defenses and circumstances which might
9 be in my favor.

10 All of the foregoing elements, consequences, rights and waiver of rights have been
11 thoroughly explained to me by my attorney.

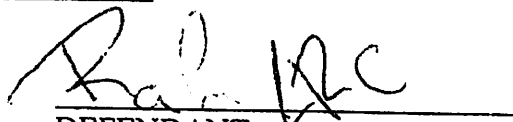
12 I believe that pleading guilty and accepting this plea bargain is in my best interest and
13 that a trial would be contrary to my best interest.

14 I am signing this agreement voluntarily, after consultation with my attorney and I am not
15 acting under duress or coercion or by virtue of any promises of leniency, except for those set
16 forth in this agreement.

17 I am not now under the influence of intoxicating liquor, a controlled substance or other
18 drug which would in any manner impair my ability to comprehend or understand this agreement
19 or the proceedings surrounding my entry of this plea.

20 My attorney has answered all my questions regarding this guilty plea agreement and its
21 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

22
23
24
25 DATED this 12 day of October, 2021.

26
27 
28 DEFENDANT

Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this document does not

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1 contain the social security number of any person.

2
3 Agreed to on this 12 day of October, 2021.

4
5 Boyle
6 CHIEF DEPUTY DISTRICT ATTORNEY

7 **CERTIFICATE OF COUNSEL**

8 I, the undersigned, as the attorney for the defendant named herein and as an officer of the
9 court hereby certify that:

10 1. I have fully explained to the defendant the allegations contained in the charges to
11 which guilty pleas are being entered.

12 2. I have advised the defendant of the penalties for each charge and the restitution that
13 the defendant may be ordered to pay.

14 3. All pleas of guilty offered by the defendant pursuant to this agreement are consistent
15 with all the facts known to me and are made with my advice to the defendant and are in the best
16 interest of the defendant.

17 4. To the best of my knowledge and belief, the defendant:

18 a. Is competent and understands the charges and the consequences of pleading
19 guilty as provided in this agreement.

20 b. Executed this agreement and will enter all guilty pleas pursuant hereto
21 voluntarily.

22 c. Was not under the influence of intoxicating liquor, a controlled substance or
23 other drug at the time of the execution of this agreement.

24 DATED this 12 day of October, 2021.

25
26 Matt Stern-12
27 ATTORNEY FOR DEFENDANT
28

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1 Case No. CR1907109

2 Dept. No. II

FILED

2022 FEB 10 PM 1:49

3
4
5
6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF HUMBOLDT.

8 -oOo-

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

JUDGMENT OF CONVICTION

12 RAFAEL ROSAS CARDENAS,
13 Defendant. /

14 WHEREAS, on the day of 12th day of October, 2021, the above matter was set for
15 Settlement Conference before the Honorable William Maddox. At which time the Defendant
16 entered his plea of guilty to the charge of CHILD ABUSE, NEGLECT, OR
17 ENDANGERMENT, INVOLVING SEXUAL EXPLOITATION, a Category B Felony, and the
18 matter having been submitted.

19 At the time Defendant entered the plea of guilty, this Court informed the Defendant of
20 the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial
21 by jury, the right to compulsory process to compel witnesses to testify on behalf of the
22 Defendant and the right to confront the accusers. That after being so advised, the Defendant
23 stated that these rights were understood and still desired this Court to accept the plea of guilty.

24 The Court having accepted the Defendant's plea of guilty, set the date of the 14th day
of December, 2021, at the hour of 9:30 a.m. as the date and time for imposing judgment and



1 sentence. That was continued to the 1st day of February, 2022, at the hour of 3:00 p.m. as the date
2 and time for imposing judgment and sentencing.

3 Furthermore, at the time Defendant entered the plea of guilty and at the time of sentencing,
4 Defendant was represented by attorney, MATT STERMITZ, Humboldt County Public Defender;
5 also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk or her designated
6 agent; MIKE ALLEN, Sheriff of Humboldt County or his designated agent; ELIZABETH HILL
7 and MARNI POOL, representing the Division of Parole and Probation; and MICHAEL
8 MACDONALD, Humboldt County District Attorney or his designated agent, representing the
9 State of Nevada.

10 The Defendant having appeared before the Honorable Michael R. Montero on 1st day
11 of February, 2022, represented by counsel and Defendant having been given the opportunity to
12 exercise the right of allocution and having shown no legal cause why judgment should not be
13 pronounced at this time.

14 The above-entitled Court having pronounced RAFAEL ROSAS CARDENAS, guilty
15 of CHILD ABUSE, NEGLECT, OR ENDANGERMENT, INVOLVING SEXUAL
16 EXPLOITATION, a Category B Felony, in violation of NRS 200.508(1)(a)(2) and NRS
17 179D.097(1)(g), on the 1st day of February, 2022, the Defendant was thereby ordered by the
18 Court to serve a minimum term of ninety-six (96) months and a maximum term of two hundred-
19 forty (240) months in the Nevada Department of Corrections, with credit for time served of nine
20 hundred twenty (920) days. The Defendant is further ordered to lifetime supervision
21 commencing after any period of imprisonment. The Defendant shall register as a sex offender
22 within forty-eight (48) hours of sentencing or release from custody.

23 The Defendant is ordered to pay an administrative assessment fee in the amount
24 of \$25.00, a DNA fee in the amount of \$150.00 (collected), a DNA assessment fee in the amount

1 of \$3.00, and a public defender fee in the amount of \$1,000.00, payable to the Humboldt County
2 Clerk of the Court. The Defendant is further ordered to pay a psychosexual evaluation fee in the
3 amount of \$1,425.00, payable to the Division of Parole and Probation.

4 Furthermore, bail, if any, is hereby exonerated.

5 MATT STERMITZ, Humboldt County Public Defender, represented the
6 Defendant during all stages of the proceedings;

7 MICHAEL MACDONALD, Humboldt County District Attorney, represented the
8 State of Nevada at all stages of these proceedings.

9 Therefore, the clerk of the above-entitled Court is hereby directed to enter this
10 Judgment of Conviction as a part of the record in the above-entitled matter.

11 Furthermore, pursuant to NRS 239B.030, the undersigned hereby affirms this
12 document does not contain the social security number of any person.

13 DATED this 9th day of February, 2022, in the City of Winnemucca, County of
14 Humboldt, State of Nevada.

15 
16 MICHAEL R. MONTERO
17 DISTRICT COURT JUDGE
18
19
20
21
22
23
24

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 9 day of February, 2022, I delivered at Winnemucca, Nevada, by the following means, a copy of the **JUDGMENT OF CONVICTION** to:

MICHAEL MACDONALD
Humboldt County District Attorney
501 S. Bridge Street
Winnemucca, Nevada
(DCT Box)

MATT STERMITZ
Humboldt County Public Defender
25 W. Fifth Street
Winnemucca, Nevada 89445
(DCT Box)


ELISHA FORMBY
Judicial Assistant

1 Case No. CR 19-7109

FILED

2 Dept. No. 2

2022 FEB 23 PM 2:22

3 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
4 IN AND FOR THE COUNTY OF HUMBOLDT

5
6 STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 RAFAEL ROSAS CARDENAS,

10 Defendant.
11

12 NOTICE OF APPEAL

13 Rafael Rosas Cardenas, defendant, by and through his attorney, Matt Stermitz,
14 the Humboldt County Public Defender, appeals to the Nevada Supreme Court from the
15 Judgment of Conviction entered herein on the 10th day of February, 2022, and attached
16 hereto.

17 Dated this 23rd day of February, 2022.

18 Matt Stermitz
19 Matt Stermitz, Bar # 03610
20 Humboldt County Public Defender
21 Drawer 309
22 Winnemucca, Nevada 89445
23 775-623-6550

24 CERTIFICATE OF SERVICE

25 Pursuant to applicable appellate rules, on the 23rd day of February, 2022,
26 the undersigned mailed a true and correct copy of the foregoing, addressed to:
27 Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89445, and
28 Rafael Rosas # 1253465, NNCC, Box 7000, Carson City, Nevada 89702.

27 Matt Stermitz
28 Matt Stermitz

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FILED

2022 APR -8 PM 12:59

IN THE SIXTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT,

BEFORE THE HONORABLE MICHAEL MONTERO, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,

Plaintiff,

Case No. CR 19-7109

V.

Dept. No. 2

RAFAEL ROSAS CARDENAS,

Defendant.

COPY

Transcript of Proceedings

Sentencing Hearing

February 1, 2022

Winnemucca, Nevada

Transcribed By: Julie Rowan - (775) 745-2327

000029

A P P E A R A N C E S

For the Plaintiff: Richard Haas, Esq.
Humboldt County District Attorney's
Office
P.O. Box 909
Winnemucca, NV 89445

For the Defendant: Matt Stermitz, Esq.
Humboldt County Public Defender
Drawer 309
Winnemucca, NV 89445

Division of Parole Marni Pool
and Probation

-oOo-

I N D E X

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VICTIM IMPACT STATEMENT	13

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1 FEBRUARY 1, 2022, WINNEMUCCA, NEVADA

2 -oOo-

3 THE COURT: We're on the record in Case
4 CR 19-7109, case caption, State of Nevada, Plaintiff,
5 versus Rafael Rosas Cardenas, Defendant. The record
6 this afternoon will reflect the presence of the
7 Defendant, Mr. Cardenas, represented by counsel,
8 Mr. Matthew Stermitz. Also present at Defense table is
9 Ms. Maria Davis, court interpreter. The State is
10 represented by Mr. Richard Haas. Also appearing today
11 via Zoom for sentencing is Ms. Marni Pool with the
12 Division of Parole and Probation.

13 The first order of business today is I would
14 like to place the court interpreter under oath. So,
15 Ms. Davis, if you would please stand, raise your right
16 hand, and the clerk will administer the oath.

17 THE CLERK: Do you solemnly swear or affirm
18 that you will interpret accurately, completely, and
19 impartially, use your best skills and judgment in
20 accordance with the standards described by law, and
21 follow all official guidelines established by this Court
22 for legal interpreting or translating and discharge all
23 of the solemn duties and obligations of legal
24 interpretation and translation?

25 THE INTERPRETER: I do.

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1 THE COURT: Thank you, you may be seated.

2 And, Ms. Pool, are you able to hear the
3 Court? I just want to ensure that we have an
4 appropriate connection.

5 MS. POOL: Yes, Your Honor, I can hear you
6 guys perfectly.

7 THE COURT: Okay. Thank you very much.

8 I'm going to ask the attorneys, when you
9 speak or the Defendant when you speak, please use the
10 microphones at your tables so that we have an
11 appropriate record of today's proceedings.

12 The Court is also in receipt of a presentence
13 investigation report. The report was prepared by the
14 Division of Parole and Probation on November 22nd, 2021.
15 The presentence investigation report has a number of
16 attachments, including the Defendant's statement, which
17 has been translated from Spanish to English, a copy of
18 two victim impact statements, and a psychosexual
19 evaluation and billing statement.

20 Mr. Stermitz, first to Defense counsel, do
21 you have a copy of this presentence investigation report
22 and the attachments indicated by the Court?

23 MR. STERMITZ: I do.

24 THE COURT: And do you or your client have
25 any factual corrections?

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1 MR. STERMITZ: None that I'm aware of.

2 THE COURT: Has the presentence investigation
3 report been presented to your client for review and
4 interpretation?

5 MR. STERMITZ: Yes.

6 THE COURT: Mr. Cardenas, have you reviewed
7 the presentence investigation report?

8 THE DEFENDANT: Yes.

9 THE COURT: In reviewing that presentence
10 investigation report, did you find any factual errors?

11 THE DEFENDANT: No.

12 THE COURT: The Court would like to indicate
13 on the presentence investigation report, it has Judge
14 William Maddox. He was the Judge that handled the
15 arraignment, I believe, in this case. I'm going to
16 include my name as well. I'm also going to include
17 Mr. Richard Haas as counsel for the District Attorney's
18 Office.

19 And, Mr. Haas, with those corrections --
20 first, do you have a copy of the presentence
21 investigation report?

22 MR. HAAS: I do, Judge.

23 THE COURT: And does the State have any
24 factual corrections?

25 MR. HAAS: I think it's more housekeeping,

1 Judge. I think we also need to add Department 2. It
2 says Department 3 on the presentence investigation.

3 THE COURT: Thank you.

4 MR. HAAS: And then the sentencing date, I
5 think the original sentencing date was 12/14/21. If we
6 could reflect today's date as well.

7 THE COURT: Which also brings the Court to
8 the issue of credit for time served, but we'll address
9 that next.

10 MR. HAAS: And I was going to ask that as
11 well, Judge. So when we get to that point, I did do a
12 calculation. I'd like to see if I came up with the
13 correct days but...

14 THE COURT: And the State's calculation is
15 what?

16 MR. HAAS: Judge, so I have the original, as
17 reflected in the PSI, as July 29th, 2019 to 12/14/21 as
18 870 days. It would appear that from 12/15/2021 to
19 today's date of 2/1/22 would be an additional 50 days.
20 So I have a total of 920 days as opposed to the 870
21 days, if my math is correct.

22 THE COURT: Ms. Pool, has the Division of
23 Parole and Probation recalculated credit time served for
24 today's sentencing?

25 MS. POOL: Yes, Your Honor, and that is

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1 correct. Updated credit for time served is 920 days.

2 THE COURT: And, Mr. Stermitz, any objection
3 to that calculation?

4 MR. STERMITZ: None.

5 THE COURT: The presentence investigation
6 report then will reflect the additional 50 days for a
7 total of 920 days credit for time served.

8 MR. HAAS: And, Judge, at the appropriate
9 time, I just have one victim impact statement for the
10 Court.

11 THE COURT: Oral?

12 MR. HAAS: Yes, Judge.

13 THE COURT: Thank you.

14 Any other factual corrections?

15 MR. HAAS: No, not that I'm aware of, Judge,
16 at this point in time.

17 THE COURT: Thank you. Mr. Stermitz, any
18 evidence today for sentencing?

19 MR. STERMITZ: No.

20 THE COURT: Mr. Haas, any evidence for
21 purposes of sentencing?

22 MR. HAAS: I just have that one victim impact
23 statement, Judge, at the appropriate time.

24 THE COURT: Mr. Stermitz, you may proceed
25 with argument.

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1 MR. STERMITZ: Your Honor, this offense in
2 (indiscernible) a psychosexual examination prior to
3 sentencing. That was conducted by the State of Nevada.
4 Mr. Cardenas was found to be a low risk to -- or not a
5 high risk to offend. That goes on to indicate that
6 his -- in other testing that his recidivism rates are
7 de minimus. He's not a threat to the community.

8 Considering his age, that -- the fact that
9 he's always been employed, a productive member of
10 society, has absolutely no criminal history, we think
11 this is an offense that probation may be appropriate.

12 THE COURT: Mr. Stermitz, I need to reflect
13 back to the -- the plea agreement in this case. Do you
14 want to review that?

15 MR. STERMITZ: I assume you're referring to
16 the terms of the plea agreement as to whether this is
17 probatable or not?

18 THE COURT: No. The parties jointly agreed
19 to a recommended sentence.

20 MR. STERMITZ: Ah, then I have -- I have
21 misspoken, and I would ask the Court to adopt the
22 agreed-upon sentence, thank you.

23 THE COURT: Mr. Haas, do you have any concern
24 with the -- I mean, the Court is aware that this is a
25 probatable offense, but I would also recognize that

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1 there was a plea agreement that contemplated a joint
2 recommendation of a minimum term of 96 and a maximum of
3 240. I believe Mr. Stermitz has pointed out the
4 possibility of probation but following the agreement of
5 the plea.

6 Is that correct, Mr. Stermitz?

7 MR. STERMITZ: Correct.

8 THE COURT: Mr. Haas.

9 MR. HAAS: The State understands the record
10 that the Court has made. The State accepts that record.
11 At this point, we'd ask the Court to adopt the
12 recommendations of the plea agreement as recommended as
13 a joint recommendation of the parties.

14 THE COURT: Any further argument?

15 MR. HAAS: No, just that, Judge.

16 THE COURT: Mr. Cardenas, before I impose
17 sentence, you have the right of allocution, which means
18 that you may make a statement to the Court or present
19 information in mitigation of punishment. The Court has
20 reviewed your written statement that was translated from
21 Spanish to English, but today I want to give you the
22 opportunity here in court, if you wish, to make a
23 further statement.

24 You may proceed.

25 THE DEFENDANT: May I say it?

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1 THE COURT: Yes.

2 THE DEFENDANT: May I take my mask off?

3 THE COURT: I would prefer not. I am aware,
4 and we'll just make sure that you speak slowly and have
5 time -- I'll give you time to articulate. But the
6 problem is is I know that there have been some COVID
7 cases in the detention center, and I want to make sure
8 that everybody is safe today, okay?

9 Go ahead, you may speak.

10 THE DEFENDANT: May I stand up?

11 THE COURT: You can stay seated. That's okay
12 because I want you to speak into the microphone.

13 THE DEFENDANT: Well, first of all, to thank
14 God for this moment, this moment, which is decisive of
15 my life and the life that God has prepared for me. I
16 have the hope that it's going to be a better life, a
17 life where the shadows of the hatred,
18 incomprehensiveness, and the malice.

19 I know the mistakes in this life are
20 inevitable, and they have to be paid. That's why I'm --
21 I give thanks to God that he allows me to live and
22 confront that and be before you, that you may see the
23 decision that -- that may be taken this day, that God
24 may touch your heart, and for me, that he may help me to
25 walk on this road.

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1 And what happens on this day, the decisions
2 that I made on this day that may bring peace,
3 understanding, and that the people here present, my
4 brother, that God, through the decision that is taken
5 here today, may help him also, just as I ask him to help
6 me so that we may get through this bad thing, this bad
7 thing that has obscured our lives -- that has obscured
8 our lives all of this time and to leave everything in
9 God's hands and the hands of our Lord Jesus Christ and
10 that he may bring light to our soul -- that he may bring
11 back the light to our soul, and that he may give us his
12 peace.

13 That is all.

14 THE COURT: Thank you.

15 Ms. Pool, the -- you indicated the credit for
16 time served. Were there any other additions for the
17 record today from the Division of Parole and Probation?

18 MS. POOL: No, Your Honor.

19 THE COURT: Okay. Mr. Haas, you had a victim
20 impact statement?

21 MR. HAAS: Yes, Judge, the victim in this
22 case would like to make a statement. She is a juvenile,
23 and we will refer to her, if it's appropriate for -- by
24 her first and last initials of O.R. She would like to
25 make a statement as the victim in this case.

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1 THE COURT: Okay. Will you please come
2 forward.

3 Hi.

4 MS. O.R.: Hi.

5 THE COURT: How are you?

6 MS. O.R.: I'm good.

7 THE COURT: Good. So what we have to do
8 today is I'm going to have the clerk place you under
9 oath, okay. Will you raise your right hand and then
10 listen carefully to the oath that you're given.

11 THE CLERK: You do solemnly swear or affirm
12 that the evidence you're about to give in the matter now
13 pending before the Court shall be the truth, the whole
14 truth, and nothing but the truth, so help you God, under
15 the pains and penalties of perjury?

16 MS. O.R.: I do.

17 THE COURT: Thank you. Can you please come
18 take a seat next to me. And you understand today, for
19 our record, we're just going to refer to you as O.R.

20 Is that okay?

21 MS. O.R.: Yes.

22 THE COURT: Okay, thank you. And at this
23 time, do you wish to make a statement?

24 MS. O.R.: Yes, I would.

25 THE COURT: You may proceed.

1 O.R.

2 (Sworn as witness, testified as follows)

3 VICTIM IMPACT STATEMENT

4 MS. O.R.: Dear Judge Montero, this letter is
5 to explain how my uncle and his actions impacted my life
6 and the life of my family. For five years, he was being
7 inappropriate towards me with actions. These actions
8 made me feel like I was weak and not strong enough to
9 fight back when I needed to.

10 Those years made me feel like I was hiding
11 something that wasn't happening by a family member. My
12 uncle's actions also impacted my dad. My dad was
13 affected after my uncle was accused because his family
14 thought I was lying. Because of their accusations, my
15 dad no longer talks to his sisters or brothers. My
16 dad's family has made threats against me, which has led
17 to my dad worrying.

18 My life has changed a lot because of my
19 uncle's actions. I was only six when he started, and I
20 lost a normal childhood. My uncle took something away
21 from me that I can never get back. My biggest worry is
22 that my uncle would do it to someone else and ruin their
23 childhood like me.

24 My hope is this letter will help you decide
25 to put him in jail for a long time for what he has done

1 to me. I didn't deserve to have someone that I thought
2 would protect me hurt me so incredibly.

3 Thank you for your time.

4 THE COURT: Thank you. You may step down.

5 MR. HAAS: Thank you, Judge.

6 THE COURT: Mr. Haas, any further victim
7 impact statements?

8 MR. HAAS: No, Judge, thank you.

9 THE COURT: Mr. Cardenas, you're going to
10 stand for the sentence. Will you please stand up.

11 Hearing no legal cause why you should not be
12 sentenced and based upon your plea of guilty, this Court
13 does now pronounce you guilty to the crime of child
14 abuse, neglect, or endangerment involving sexual
15 exploitation, a category B felony. In accordance with
16 the laws of the State of Nevada, it will be the order
17 and judgment of this Court that the Defendant,
18 Mr. Rafael Rosas Cardenas, be sentenced as follows:

19 As a part of the sentence in this case, the
20 Court renders judgment against you in the amount of \$3
21 for a DNA assessment, \$25 administrative assessment,
22 \$150 DNA analysis, a \$1,000 Public Defender fee, and a
23 psychosexual evaluation fee of \$1,425.

24 The Court further orders that you be
25 sentenced to a minimum term of 96 months and a maximum

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1 term of 240 months in the Nevada Department of
2 Corrections with credit for time served in the amount of
3 920 days.

4 In addition to any incarceration -- period of
5 incarceration, the Court further orders that you will be
6 subject to lifetime supervision commencing after any
7 period of imprisonment or period of release upon parole
8 and further orders that you shall register as a sex
9 offender within 48 hours of sentencing or release from
10 custody.

11 Mr. Cardenas, the Court today is going to
12 order that you be remanded to the custody of the Sheriff
13 to carry out this sentence. The sentence that the Court
14 has imposed today is the maximum sentence that is
15 allowed by law for the offense for which you have pled
16 guilty. That will be the sentence of this Court.

17 We'll be in recess for today.

18 And I'd like the family to remain here for a
19 moment until the courtroom and the Defendant -- the
20 Defendant has been cleared of the courtroom. And with
21 that, that will end our sentencing hearing.

22 (Whereupon, proceeding concluded)
23
24
25

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C E R T I F I C A T I O N

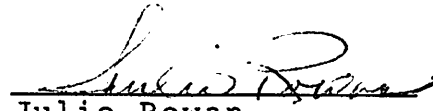
I, JULIE ROWAN, do hereby certify:

That on February 1, 2022, a sentencing hearing was held in the within-entitled matter in the Sixth Judicial District Court, within the State of Nevada, in and for the County of Humboldt;

That said change of sentencing hearing was recorded on a recording system, and said recording was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 16, is a full, true, and correct transcript of said recording performed to the best of my ability.

Dated this 6th day of February, 2022.


Julie Rowan

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Case #: CR1907109
 Judge: MONTERO, MICHAEL R.

Date Filed: Department:

Case Type: FELONY/PERSON

Plaintiff(s)
 NEVADA, THE STATE

Attorney(s)
 DISTRICT ATTORNEY

Defendant(s)
 CARDENAS, RAFAEL ROSAS

Attorney(s)
 PUBLIC DEFENDER

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
02/10/2022	ADMIN	\$25.00	\$0.00	\$0.00	\$25.00

Charge: 200.366 SEXUAL ASSAULT ON CHILD UNDER 14 YEARS / Count 1

Sent: MIN TERM OF 96 MONTHS, MAX TERM OF 240 MONTHS AT NDOC
 920 DAYS CREDIT FOR TIME SERVED
 \$25 AA \$3 DNA \$150 DNA (COLLECTED) \$1000 PUBLIC DEF FEE
 \$1425 PSYCHOSEXUAL EVALUATION FEE PAYABLE TO P&P

Disp/Judgment: Date:

Hearings:

Date	Time	Hearing
10/22/2019	9:30AM	ARRAIGNMENT
11/12/2019	9:30AM	ARRAIGNMENT
04/21/2020	11:00AM	HEARING
06/16/2020	11:00AM	MOTION HEARING
08/17/2020	10:00AM	SETTLEMENT CONFERENCE
08/25/2020	11:00AM	PRE-TRIAL CONFERENCE
09/16/2020	10:00AM	HEARING
11/17/2020	11:00AM	ARRAIGNMENT
03/23/2021	10:30AM	PRE-TRIAL CONFERENCE
04/02/2021	10:30AM	PRE-TRIAL CONFERENCE
04/27/2021	11:30AM	HEARING
05/04/2021	9:00AM	HEARING
08/10/2021	9:30AM	PRE-TRIAL CONFERENCE
09/02/2021	9:00AM	MOTION HEARING
10/12/2021	9:00AM	SETTLEMENT CONFERENCE
10/12/2021	4:00PM	PRE-TRIAL CONFERENCE
12/14/2021	9:30AM	SENTENCING HEARING
02/01/2022	3:00PM	SENTENCING HEARING

Filings:

Date	Filing
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09/03/2019 JUSTICE COURT PROCEEDINGS (19 CR 00462)
09/12/2019 INFORMATION
09/12/2019 Legacy Images
09/24/2019 REQUEST FOR DISCOVERY
09/25/2019 Legacy Images
10/10/2019 EXPARTE MOTION FOR INVESTIGATIVE FEES FILED UNDER SEAL
10/15/2019 EX PARTE ORDER FOR INVESTIGATIVE FEES FILED UNDER SEAL
10/16/2019 REQUEST FOR ADDITIONAL DISCOVERY
10/16/2019 Legacy Images
10/16/2019 Legacy Images
10/17/2019 Legacy Images
10/22/2019 MINUTES - ARRAIGNMENT HEARING
10/24/2019 ARRAIGNMENT SET FOR 11/12/2019 AT 9:30 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
10/24/2019 CONT. ARRAIGNMENT
10/31/2019 EXPARTE MOTION FOR PAYMENT (\$241.15 TO MILLER LAW)
11/05/2019 EXPARTE ORDER FOR PAYMENT (\$241.15 TO MILLER LAW)
11/07/2019 PROSECUTOR: DISTRICT ATTORNEY ASSIGNED
11/12/2019 PRE-TRIAL CONFERENCE SET FOR 04/07/2020 AT 9:30 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
11/12/2019 JURY TRIAL SET FOR 04/28/2020 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
11/12/2019 4 DAYS (MRM 11/12/19)
11/12/2019 MINUTES-ARRAIGNMENT HEARING
11/13/2019 EXPARTE MOTION FOR PAYMENT (MILLER \$641.50)
11/14/2019 REQUEST FOR DISCLOSURE BY DEFENDANT OF EVIDENCE RELATING TO
DEFENSE PURSUANT TO NRS 174.245
11/15/2019 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$641.50)
12/11/2019 MOTION FOR NEVADA CERTIFIED COURT INTERPRETER
12/12/2019 EX PARTE MOTION FOR PAYMENT (MILLER \$561.00)
12/20/2019 NON-OPPOSITION TO MOTION FOR NEVADA CERTIFIED COURT INTERPRETER
12/23/2019 EX PARTE ORDER FOR PAYMENT (MILLER LAW \$561.00)
01/02/2020 REQUEST FOR SUBMISSION
01/07/2020 ORDER FOR NEVADA CERTIFIED COURT INTERPRETER
01/08/2020 PRE-TRIAL MOTIONS IN LIMINE
01/15/2020 CERTIFICATE OF MAILING
01/16/2020 MOTION FOR INVESTIGATIVE FEES
01/16/2020 MOTION FOR DEFENDANT'S RELEASE ON OWN RECOGNIZANCE IN THE
ALTERNATIVE, REDUCTION OF BAIL AMOUNT
01/22/2020 ORDER FOR INVESTIGATIVE FEES
01/24/2020 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$642.10)
01/28/2020 STATE'S RESPONSE TO DEFENDANT'S MOTION FOR PRE-TRIAL MOTIONS IN
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01/28/2020 STATE'S RESPONSE TO DEFENDANT'S MOTION FOR RELEASE ON OWN
RECOGNIZANCE ON IN THE ALTERNATIVE FOR REDUCTION OF BAIL AMOUNT
01/31/2020 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$642.10)
02/25/2020 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$231.65)
03/04/2020 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$231.65)

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03/17/2020 STIPULATION & ORDER TO VACATE & RESET PRETRIAL & TRIAL
03/24/2020 CERTIFICATE OF MAILING
03/25/2020 EXPARTE MOTION FOR PAYMENT (\$204.75 MILLER LAW)
03/25/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 2 ATTACHMENTS
FROM DOCKETS FREETYPE-3/25/2020
03/26/2020 EXPARTE MOTION FOR PAYMENT (MILLER \$204.75)
03/30/2020 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$204.75)
03/30/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS FREETYPE-3/30/2020
04/16/2020 HEARING SET FOR 04/21/2020 AT 11:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
04/21/2020 PRE-TRIAL CONFERENCE SET FOR 08/25/2020 AT 9:30 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
04/21/2020 JURY TRIAL SET FOR 09/16/2020 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
04/21/2020 2 DAYS
04/21/2020 MINUTES - STATUS HEARING
04/22/2020 3 DAYS
04/22/2020 REQUEST FOR SUBMISSION
04/24/2020 EXPARTE MOTION FOR PAYMENT (\$612.50 MILLER LAW)
05/05/2020 EX PARTE ORDER FOR PAYMENT (\$612.50 MILLER LAW)
05/18/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS FREETYPE-5/5/2020
05/18/2020 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$390)
05/20/2020 MOTION FOR IN CAMERA REVIEW
05/20/2020 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$390.00)
05/29/2020 BAIL
05/29/2020 RESPONSE TO MOTION FOR IN CAMERA REVIEW
06/02/2020 REPLY TO STATE'S RESPONSE TO DEFENDANT'S MOTION FOR RELEASE ON OWN
RECOGNIZANCE; IN THE ALTERNATIVE, REDUCTION OF BAIL AMOUNT
06/02/2020 NOTICE OF HEARING
06/11/2020 MOTION HEARING SET FOR 06/16/2020 AT 11:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
06/11/2020 REQUEST FOR SETTLEMENT CONFERENCE
06/16/2020 MINUTES-MOTIONS HEARING
06/17/2020 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$801.50)
06/18/2020 STATE OF NEVADA'S RESPONSE TO DEFENDANT'S REQUEST FOR SETTLEMENT
CONFERENCE
06/18/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS FREETYPE-6/18/2020
06/22/2020 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$801.00)\
07/08/2020 ORDER AFTER BAIL REDUCTION HEARING
07/21/2020 STIPULATION TO SET SETTLEMENT CONFERENCE AND ORDER
07/22/2020 MEMORANDUM OF TEMPORARY ASSIGNMENT (ESTES)
07/24/2020 JUDGE ESTES, ROBERT: ASSIGNED (JUDGE ESTES FOR SETTLEMENT
CONFERENCE)

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07/24/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS A002-7/24/2020

07/24/2020 JUDGE MONTERO, MICHAEL R: ASSIGNED

07/30/2020 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$370.50)

08/07/2020 OFF-JUDGE ESTES UNAVAILABLE

08/07/2020 SETTLEMENT CONFERENCE OFF-JUDGE ESTES UNAVAILABLE

08/07/2020 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$370.50)

08/10/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS FREETYPE-7/21/2020

08/10/2020 SETTLEMENT CONFERENCE SET FOR 08/17/2020 AT 10:00 AM IN C1/ ,
JDG: MONTERO, MICHAEL R

08/10/2020 ORDER RESCHEDULING SETTLEMENT CONFERENCE (JUDGE ESTES)

08/10/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS FREETYPE-8/10/2020

08/12/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS LEGIM-9/12/2019

08/13/2020 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS LEGIM-9/12/2019

08/20/2020 PRE-TRIAL CONFERENCE SET FOR 08/25/2020 AT 11:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.

08/25/2020 HEARING SET FOR 09/16/2020 AT 10:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.

08/25/2020 CHANGE OF PLEA

08/25/2020 MINUTES-PRETRIAL CONFERENCE

08/27/2020 EXPARTE MOTION FOR PAYMENT (\$270.50 MILLER LAW)

08/31/2020 ORDER AFTER PRE-TRIAL CONFERENCE

09/01/2020 EXPARTE ORDER FOR PAYMENT (MILLER \$270.50)

09/16/2020 EXPARTE MOTION FOR PAYMENT (MILLER \$620.00)

09/16/2020 MINUTES-CHANGE OF PLEA HEARING

09/21/2020 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$620.00)

09/23/2020 ORDER FOR REMAND

10/19/2020 ARRAIGNMENT SET FOR 11/17/2020 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.

10/19/2020 JUDGE MONTERO, MICHAEL R.: ASSIGNED

10/19/2020 AMENDED FELONY COMPLAINT

10/19/2020 ARREST SEQ: 1 - (201.230) 201.230 LEWDNESS WITH CHILD UNDER AGE
OF 14 YEARS

10/19/2020 ARREST SEQ: 2 - (200.366) 200.366 SEXUAL ASSAULT ON CHILD UNDER
14 YEARS

10/23/2020 AMENDED INFORMATION

11/09/2020 EXPARTE MOTION/ORDER FOR PAYMENT (MILLER LAW) (FROM JUSTICE COURT)

11/12/2020 ARRAIGNMENT SET FOR 11/17/2020 AT 11:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.

11/17/2020 MINUTES-ARRAIGNMENT HEARING

11/19/2020 PRE-TRIAL CONFERENCE SET FOR 03/23/2021 AT 9:30 AM IN C1/ , JDG:
MONTERO, MICHAEL R.

11/19/2020 JURY TRIAL SET FOR 04/26/2021 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.

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12/08/2020 ADDITIONAL JUSTICE COURT PROCEEDINGS
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12/30/2020 REQUEST FOR SUBMISSION RE: MOTION FOR IN CAMERA REVIEW
01/11/2021 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$752.30)
01/11/2021 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$320.00)
01/12/2021 ORDER GRANTING MOTION TO COMPEL
01/12/2021 ORDER GRANTING MOTION FOR IN CAMERA REVIEW
01/15/2021 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$752.30)
01/15/2021 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$320.00)
01/25/2021 NOTICE OF ENTRY OF ORDER (MOTION FOR IN CAMERA REVIEW)
01/25/2021 NOTICE OF ENTRY OF ORDER (MOTION TO COMPEL)
01/26/2021 EXPARTE APPLICATION FOR EXPERT FUNDING
01/28/2021 ORDER GRANTING EXPERT FUNDING
02/01/2021 NOTICE OF ENTRY OF ORDER
03/17/2021 PRE-TRIAL CONFERENCE SET FOR 03/23/2021 AT 10:30 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
03/19/2021 SUBPOENA (SERGIO CABADA)
03/19/2021 SUBPOENA (RAMON REYES)
03/19/2021 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$650.51)
03/19/2021 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$835.36)
03/23/2021 MINUTES - PRE-TRIAL CONFERENCE
03/25/2021 PRE-TRIAL CONFERENCE SET FOR 04/02/2021 AT 9:00 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
03/26/2021 EXPARTE ORDER FOR PAYMENT(MILLER LAW \$650.51)
03/26/2021 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$835.36)
03/26/2021 EXPARTE APPLICATION FOR EXPERT FUNDING-SECOND
03/30/2021 NOTICE OF TEMPORARY REGULATION OF THE BOARD ON INDIGENT DEFENSE
SERVICES AMENDMENT TO CHAPTER 180 OF NAC
03/30/2021 REQUEST FOR SUBMISSION
03/31/2021 PRE-TRIAL CONFERENCE SET FOR 04/02/2021 AT 10:30 AM IN C1/ , JDG:
MONTERO, MICHAEL R.
03/31/2021 SUBPOENA-ANDY ROREX
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04/05/2021 ORDER CONTINUING TRIAL AFTER APRIL 2, 2021 PRE-TRIAL CONFERENCE
04/16/2021 HEARING SET FOR 04/27/2021 AT 11:30 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
04/28/2021 HEARING SET FOR 05/04/2021 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
04/28/2021 ORDER RELIEVING DEFENDANT'S COUNSEL AND APPOINTING HUMBOLDT COUNTY
PUBLIC DEFENDER
04/28/2021 MINUTES- STATUS HEARING
04/30/2021 DEFENSE ATTORNEY: PUBLIC DEFENDER ASSIGNED
04/30/2021 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$1710.00)
05/04/2021 MINUTES-STATUS HEARING
05/05/2021 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$1,710-NO COPIES PROVIDED
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05/06/2021 JURY TRIAL SET FOR 10/25/2021 AT 9:00 AM IN C1/ , JDG: MONTERO,
MICHAEL R.
05/06/2021 5 DAYS

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05/06/2021 PRE-TRIAL CONFERENCE SET FOR 08/10/2021 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.

05/20/2021 EXPARTE MOTION FOR PAYMENT (MILLER LAW \$462.20)

06/03/2021 JURY TRIAL SET FOR 10/18/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

06/03/2021 5 DAYS

06/03/2021 EXPARTE ORDER FOR PAYMENT (MILLER LAW \$462.20)

07/06/2021 REQUEST TO SUBMIT PRE-TRIAL MOTIONS IN LIMINE

07/21/2021 MOTION TO SUPPRESS

08/06/2021 STATES OPPOSITION TO DEFENDANTS MOTION TO SUPPRESS

08/10/2021 REQUEST FOR SUBMISSION

08/10/2021 MINUTES-PRETRIAL CONFERENCE

08/11/2021 MOTION HEARING SET FOR 09/01/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

08/11/2021 MOTION TO SUPPRESS

08/25/2021 MOTION HEARING SET FOR 09/02/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

09/02/2021 MINUTES-SUPPRESSION HEARING

09/07/2021 MOTION IN LIMINE RE: MATT MORGAN

09/07/2021 MOTION IN LIMINE RE: DCFS FILE CONFIDENTIAL

09/08/2021 NOTICE OF EXPERT WITNESS

09/08/2021 NOTICE OF WITNESS

09/08/2021 NOTICE OF PERSON OR PERSONS WITH COMMUNICATION DISABILITY

09/14/2021 AMENDED NOTICE OF PERSON WITH COMMUNICATIONS DISABILITY

09/14/2021 ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS

09/14/2021 STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE RE: DCFS FILE CONFIDENTIAL

09/14/2021 COURT INTERPRETER SPANISH

09/16/2021 PRE-TRIAL CONFERENCE SET FOR 10/12/2021 AT 4:00 PM IN C1/ , JDG: MONTERO, MICHAEL R.

09/16/2021 JURY TRIAL SET FOR 10/19/2021 AT 9:00 AM IN C1/ , JDG: MONTERO, MICHAEL R.

09/23/2021 REQUEST FOR ASSIGNMENT OF SENIOR JUDGE

09/24/2021 SETTLEMENT CONFERENCE REQUEST

09/30/2021 MEMORANDUM OF TEMPORARY ASSIGNMENT (JUDGE MADDOX FOR SETTLEMENT CONFERENCE)

10/01/2021 SETTLEMENT CONFERENCE SET FOR 10/12/2021 AT 9:00 AM IN C2/ , JDG: MADDOX, WILLIAM A

10/01/2021 MEMO AS TO COURT DATE

10/05/2021 NOTICE OF ORDER

10/05/2021 REQUEST FOR SUBMISSION

10/06/2021 REQUEST FOR SUBMISSION AND REQUEST FOR HEARING

10/08/2021 NOTICE OF WITNESSES

10/11/2021 ADDENDUM TO NOTICE OF WITNESS

10/11/2021 STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE RE: MATT MORGAN

10/12/2021 ADDENDUM TO NOTICE OF EXPERT WITNESS

10/12/2021 SECOND AMENDED INFORMATION

10/12/2021 GUILTY PLEA AGREEMENT

10/12/2021 SENTENCING HEARING SET FOR 12/14/2021 AT 9:30 AM IN C1/ , JDG: MONTERO, MICHAEL R.

10/12/2021 MINUTES-PRETRIAL CONFERENCE

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10/13/2021 PRE-SENTENCE INVESTIGATION REQUEST PACKET
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THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS FREETYPE-10/13/2021 - PSI REQUEST SENT TO P&P - M.
POOL CONFIRMED RECEIPT SAME DAY
10/20/2021 ORDER AFTER PRE-TRIAL CONFERENCE
11/22/2021 PRESENTENCE INVESTIGATION REPORT (CONFIDENTIAL)
12/07/2021 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS FREETYPE-10/12/2021 - PLEA AGREEMENT TO EVA/DA
12/13/2021 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS
FROM DOCKETS FREETYPE-10/12/2021 - 2ND AMENDED INFORMATION EMAILED
TO DA'S OFFICE - G. RAMIREZ
12/14/2021 MINUTES-SENTENCING HEARING (CONT. DUE TO TECHNOLOGICAL ISSUES)
12/20/2021 SENTENCING HEARING SET FOR 02/01/2022 AT 3:00 PM IN C1/ , JDG:
MONTERO, MICHAEL R.
02/01/2022 COURT INTERPRETER SPANISH
02/01/2022 MINUTES- SENTENCING HEARING
02/10/2022 JUDGMENT OF CONVICTION
02/10/2022 CHARGE CNT 1 SENTENCING NOTES: MIN TERM OF 96 MONTHS, MAX TERM OF
240 MONTHS AT NDOC
920 DAYS CREDIT FOR TIME SERVED
\$25 AA \$3 DNA \$150 DNA (COLLECTED) \$1000 PUBLIC DEF FEE
\$1425 PSYCHOSEXUAL EVALUATION FEE PAYABLE TO P&P
02/23/2022 NOTICE OF APPEAL
02/23/2022 CASE APPEAL STATEMENT
02/23/2022 REQUEST FOR TRANSCRIPT
02/23/2022 CASE APPEAL PACKET
02/28/2022 RECEIPT FOR DOCUMENTS
04/08/2022 TRANSCRIPT OF PROCEEDINGS SENTENCING HEARING FEBRUARY 1, 2022

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CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 27th day of April, 2022, the undersigned mailed a true and correct copy of the foregoing addressed to Rafael Rosas Cardenas # 1253465, Northern Nevada Correctional Center, Box 7000, Carson City, NV 89702.

Matt Stermitz
Matt Stermitz