

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER TRUSCA
Appellant,

vs

THE STATE OF NEVADA,
Respondent,

Electronically Filed
Jan 14 2022 09:43 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83853

**STATE'S OPPOSITION TO APPELLANT'S MOTION
FOR BAIL PENDING APPEAL**

COMES NOW, the State of Nevada, Real Party in Interest, by STEVEN B. WOLFSON, District Attorney, through his Deputy, JOHN AFSHAR, and submits this Opposition to Appellant's Motion for Bail Pending Appeal filed January 11, 2022, in the above-captioned case. This opposition is filed pursuant to NRAP Rules 8(e) and 27 and is based on the following memorandum and all papers and pleadings on file herein.

Dated this 14th day of January, 2022.

Respectfully submitted,

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

BY /s/ John Afshar

JOHN AFSHAR
Deputy District Attorney
Nevada Bar #044108
Office of the Clark County District Attorney

ARGUMENT

This Court should deny the instant motion for bail pending appeal. There is “no constitutional right to bail following conviction and pending appeal.” Bergna v. State, 120 Nev. 869, 872, 102 P.3d 549, 551 (2004). Nevertheless, this Court has statutory authority to allow bail pending appeal. NRS 178.488. In deciding whether to allow bail pending appeal, this court is guided by two factors: whether the appeal is frivolous or taken for delay and whether the Appellant’s release may pose a risk of flight or danger to the community. Bergna, 120 Nev. at 877, 102 P.3d at 554; see also NRS 178.488(1) (“Bail may be allowed pending appeal . . . unless it appears that the appeal is frivolous or taken for delay.”). In evaluating the two Bergna factors, there are several relevant considerations, including the nature and quality of the evidence adduced at trial, the circumstances of the offense, and the Appellant’s prior criminal record, attempted escapes from confinement, community associations, and employment status. Bergna, 120 Nev. at 877, 102 P.3d at 554. Ultimately, an Appellant “who has been convicted of a violent, serious offense and who faces a substantial term of imprisonment will shoulder a heavy burden” to demonstrate that both factors weigh in favor of allowing bail pending appeal. Id.

The Bergna factors do not support releasing Trusca on bail. Trusca's appeal is frivolous, and he is a danger to the community. Accordingly, bail should be denied pending appeal.

Trusca was initially charged with two counts of Possession of Visual Presentation Depicting Sexual Conduct of a Child, and one count of Use of Internet to Control Visual presentation Depicting Sexual Conduct of A Person Under 16. Exhibit One - Criminal Complaint. These charges stemmed from Dropbox's report that Trusca has uploaded "6 images of child pornographic material to their individual cloud storage account on September 16, 2018," Trusca's admission that he uploaded "30 or 40 links" to images containing bestiality and underaged girls wherein the links contained "100's to 1000's [of] images (pictures and videos)" and his drug addiction. Exhibit Two – Redacted Police Reports at 1-2. Forensic analysis of Trusca's Dropbox and Mega.nz account found 771 images and 89 videos of Child Abuse Material, 1115 images and 15 videos of Child Exploitive material, 43 images of Child Exploitive Animation, and 196 saves links on his phone leading to child pornography. Id. at 2, 6.-7. Dropbox provided a "external flash drive containing 128 **gigabytes** of information" found in Trusca's account. Id. at 5 (emphasis added). Later investigation determined that Trusca's Dropbox contained nearly 62,000 images. Id. at 7.

In light of this evidence, Trusca pled guilty to a single count of Possession of Visual Presentation Depicting Sexual Conduct of a Child. Exhibits Three and Four. Prior to sentencing, Trusca was ordered to undergo a psychosexual evaluation, wherein he was found to be a moderate risk to reoffend. Psychosexual Evaluation at 7-9.¹ His psychosexual evaluator recommended, among other things, that he not be allowed “unsupervised contact with any minor or vulnerable persons, including his daughter.” Id. at 8.

Trusca has not yet filed an opening brief, though he has waived his right to file one as a result of pleading guilty. Trusca offers only an entirely vague assurance that “at least two issues [will be raised] on appeal which are valid and viable, not (under any definition) frivolous as the trial court found.” Motion at 3. Presumably, those issues in some manner relate to sentencing. Motion at 5-6. However, Trusca’s GPA includes the following waiver of appellate rights:

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges...

6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction

¹ Contemporaneously with this opposition the State has filed a motion to transmit the psychosexual report.

through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

Exhibit Four at 4-5. Accordingly, Trusca has unconditionally waived his right to appeal and his appeal should be dismissed on that basis if it is ever filed. For the purposes of NRS 1780.488, however, the filing of an unwarranted appeal is certainly “frivolous.”

Moreover, pursuant to Bergna, factors like the strength of the evidence in a case are relevant to the determination to grant or deny bail. Bergna, 120 Nev. at 874, 102 P.3d at 552. Unlike cases where serious errors in a trial may be apparent from a casual inspection of the record, however, here Trusca admitted his involvement to police prior to charging, pled guilty to receive a lesser sentence, and received a substantial benefit from deciding to plead guilty as compared to the potential sentence should he have proceeded to trial on the charged crimes, much less the actual scope of his criminal conduct. The State noted during sentencing, Trusca accessed links containing child pornography, some with victims as young as toddlers, numerous times over a series of years. Exhibit Five – Sentencing Transcript at 4-5. As the District Court noted during sentencing, “[t]he harm and conduce here is immense, and prison time is warranted.” Id. at 8.

The district court, most familiar with the case (particularly in this instance, where no appeal or appendix has even been filed) denied Trusca’s motion for bail

pending appeal. Trusca provides no good reason for this Court to come to a different conclusion, and his Motion should, therefore, be denied.

CONCLUSION

Based upon the foregoing and the record before this Court, the State respectfully submits that Appellant's Motion for Bail pending Appeal should be denied.

Dated this 14th day of January, 2022.

Respectfully submitted,

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

BY /s/ John Afshar
JOHN AFSHAR
Deputy District Attorney
Nevada Bar #014408
Office of the Clark County District Attorney

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 14, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

JAMIE J. RESCH, ESQ.
Counsel for Appellant

JOHN AFSHAR
Deputy District Attorney

BY /s/ E. Davis
Employee, District Attorney's Office

JA//ed

EXHIBIT 1

EXHIBIT 1

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

2020 SEP - 9 AM 8:44

THE STATE OF NEVADA,

Plaintiff,

FILED

CASE NO: 20CRH001251-0000

DEPT NO: III

DA CASE NO: 202030711C

-vs-

CHRISTOPHER TRUSCA, aka,
Christopher Adam Trusca #2741887,

Defendant.

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700, 200.730 - NOC 50374) and USE OF INTERNET TO CONTROL VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER 16 YEARS OF AGE (Category C Felony - NRS 200.727.1(a) - NOC 55090), in the manner following, to wit: That the said Defendant, on or about the 16th day of September, 2018, at and within the County of Clark, State of Nevada,

COUNT 1 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

did willfully, unlawfully, feloniously, and knowingly have in his possession any film, photograph, or other visual presentation depicting a child under the age of 16 years of age as the subject of a sexual portrayal and/or engaging in, simulating, or assisting others to engage in or simulate sexual conduct on a device, to-wit: a Dropbox Cloud storage account for username "Chris Buddy".

COUNT 2 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

did willfully, unlawfully, feloniously, and knowingly have in his possession any film, photograph, or other visual presentation depicting a child under the age of 16 years of age as the subject of a sexual portrayal and/or engaging in, simulating, or assisting others to engage

1 in or simulate sexual conduct on a device, to-wit: an Apple iPhone X, bearing Serial No.
2 GHLX720KJCLF.

3 COUNT 3 - USE OF INTERNET TO CONTROL VISUAL PRESENTATION
4 DEPICTING SEXUAL CONDUCT OF A PERSON UNDER 16 YEARS OF
5 AGE

6 did willfully, unlawfully, knowingly and feloniously, with the specific intent to view
7 any film, photograph or other visual presentation depicting a person under the age of 16 years,
8 engaging in or simulating sexual conduct, use the Internet to control such a film, photograph
9 or other visual presentation, to wit: by downloading links to child pornographic material
and/or viewing said material and/or retaining said material in a dropbox account.

10 All of which is contrary to the form, force and effect of Statutes in such cases made and
11 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
12 this declaration subject to the penalty of perjury.

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27 /mab
28 LVMPD EV# 181000131108
(TK)

EXHIBIT 2

EXHIBIT 2

VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS
(N.R.S. 171.106)
(N.R.S. 53 amended 7/13/1993)

Event Number: 181000131108

STATE OF NEVADA) Trusca, Christopher
) ss: ID#2741887
COUNTY OF CLARK) DOB: SOC:

Detective and Task Force Officer Michael Fortunato P#6978, being first duly sworn, deposes and says:

That he is a detective with the Las Vegas Metropolitan Police Department and cross deputized with federal credentials to the FBI, being so employed for a period of 19 years, assigned to investigate the crime(s) of 2 Counts of Possession of Visual Presentation Depicting Sexual Conduct of Person Under 16 yrs of age (NRS 200.730) Use of Internet to Control Visual Presentation Depicting Sexual Conduct of Person Under 16 years (NRS 200.725) and committed on or about September 16, 2018 18:31:13 UTC , which investigation has developed Trusca, Christopher as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

REPORT SUMMARY:

1. Victim: State of Nevada
2. Suspect: Trusca, Christopher (DOB:)

On September 17, 2018 (18:31:32 UTC), Dropbox reported to the National Center for Missing and Exploited Children (NCMEC) that one of its subscribers had uploaded 6 images of child pornographic material to their individual cloud storage account on September 16, 2018 (18:31:13 UTC). On October 11, 2018 (18:00:50 UTC), NCMEC in-turn forwarded the report to the Nevada Internet Crimes Against Children Task Force (NVIACCTF). Dropbox provided account information, associated email, and IP address information. Legal process was completed (ie: preservation letters, administrative subpoenas, and search warrants) for the Dropbox account. Dropbox provided the cloud account content and IP address login log. The IP address resolved back to 1738 Toltec Circle Henderson, NV. 89014. The content contained in the Dropbox account and subscriber to the cloud account was identified as Christopher Trusca (DOB:) and him residing at the previous mentioned address.

On May 28, 2019, a search warrant for the residence was obtained and signed by the Honorable Eighth District Court Judge Cristina Silva. The search warrant was executed on May 31, 2019 and 3 items were seized for further digital forensic examination. A taped interview was conducted with Trusca on scene during the execution of the search warrant. Trusca, post Miranda, admitted to uploading links (total of 30 or 40 links) from the Whisper

CONTINUATION

Event #: 181000131108

Application and would be in forum groups labeled "Dropbox Links". He admitted the links had bestiality, underaged girls and them containing 100's to 1000's images (pictures and videos). He described being able to click on files that would open more files to images and then another file contained in the file that would lead to even more images. He admitted it was messed up and wrong. Yet he continued to download links and retain all the images to include all the child porn images. He admitted it was attributed to his drug addiction to opioids. He denied trading or exchanging links.

Forensic analysis of the devices resulted in one device containing:

771 images and 89 videos of Child Abuse Material (CAM) - Illegal

1115 images and 15 videos of Child Exploitive (Non-CAM)/Age Difficult

43 images of Child Exploitive Animation

There was evidence on the device of Dropbox and Mega.nz links listed by Trusca indicating he may have been trading. Reviewing chats in KIK and Whisper from the device it was clear that some of the links were of teen girls 13 to 16, young, and homemade family sex. It was clear he was downloading these links but no evidence he was sending links out. Trusca had saved 196 links on his phone that a large amount contained or previously contained child porn.

As a result, I am submitting this case for 2 counts of Possession of Visual Presentation Depicting Sexual Conduct of Person Under 16 (NRS 200.730) for the images that were contained in the Apple 10 cellphone and Trusca's Dropbox account; and 1 count of Use of Internet to Control Visual Presentation Depicting Sexual Conduct of Person Under 16 years (NRS 200.725) for Trusca's admitting he downloaded, viewed and retained links containing child pornographic material.

INVESTIGATION:

As an Electronic Communication Service Provider (ECSP), per United States Code: Title 42: Section 13032, *Dropbox, Inc.* is mandated to report incidents of online child sexual exploitation to the CyberTip Line operated by the National Center for Missing and Exploited Children (NCMEC). Pursuant to a Congressional Mandate, NCMEC functions as a national clearinghouse for information on missing and exploited children. NCMEC gathers and forwards all information to law enforcement agencies for investigation and disposition.

On or about September 17, 2018, the National Center for Missing and Exploited Children (NCMEC) received a report from *Dropbox, Inc.* reference the electronic transmissions of child pornography. *Dropbox, Inc.* reported a user uploaded 6 files of child sexual exploitation to their Dropbox account. *Dropbox, Inc.* provided the following information regarding the user:

Email Address: chrstrusca@gmail.com

Name: Chris Buddy

ESP User ID: 192640567

IP Addresses: 70.175.56.185

Date of Incident: September 17, 2018 04:06:48 UTC.

This was documented under NCMEC CyberTip #4034023 and forwarded on October 11, 2018, to the Las Vegas Metropolitan Police Department for follow up investigation.

Affiant review of the cyber tip revealed the following information. There are 6 videos in MP4, WMV and AVI format (movies). There is 3 originals and the 3 videos are duplicated. I reviewed these videos and below is a synopsis of the description of the 3 videos.

Videos (3)

1. **File Name:** [1st Studio]Siberian Mouse Custom MSH_45 (blowjob_hq).avi

File Path: /[1st Studio]Siberian Mouse Custom MSH_45 (blowjob_hq).avi

SHA1: 01435782A0DC5D26CC68BC343702071070C3B99B

Video Description: Video appears to be in a room with a couch. The girl in the video appears to be early to mid-teenage age. She has developing fatty breast tissue and pubic hair. She is sitting on the couch and is fully naked. She opens her legs to expose her vagina and begins to touch her vagina by rubbing it with her hand. She opens her vagina with both her hands and the camera zooms in on her vagina. The girl then goes into a doggy style position and an adult hand comes into the picture, rubbing her buttohole and the penetrating her buttohole with the index finger. The hand places an unknown clear shiny substance on her buttohole and brings in a light purple vibrator penetrating her buttohole with the vibrator. The vibrator is removed, and the index finger is reinserted into her buttohole. Several minutes of this is going on with penetration of the finger and the vibrator into her buttohole happens. It is then revealed that the hand in question is a male because the girl sits up and begins to masturbate the male's penis with her hand and inserts his penis into her mouth. Oral sex (penis to mouth) goes on for several minutes. The male then strokes his penis to ejaculation and ejaculates into the girls' mouth. He then has the girl get closer to the camera and show the ejaculate (semen) in her mouth and pushes it out her mouth with her tongue, making it go down to her chin and drip off her face. The girl then wipes it up into her hand and begins to rub the nipple of her breasts with the ejaculate. Video is 23 minutes and 53 seconds in length.

2. **File Name:** Film_0013.wmv

File Path: /Film_0013.wmv

SHA1: 3FA68B8600845761A0C8D53BD5EC0CE8A17BEADC

Video Description: The video appears to be in a room. There is an ironing board with a fully naked prepubescent girl standing in front of the ironing board. She looks back at the camera as she irons and dances with her butt facing the camera the whole time. The girl has her legs wide enough open that the camera comes from under and behind her to get her exposed vagina and anus. The girl is ironing and shaking her butt and vagina to the camera.

Video is 16 seconds in length.

CONTINUATION

Event #: 181000131108

3. **File name:** VID-20170207-WA0002.mp4

File Path: /VID-20170207-WA0002.mp4

SHA1: B7EF73FDF45643387C9974B04C480E06C4F908E9

Video Description: The video is an advertisement for child porn for sale. There is dramatic music playing throughout the background of the video. There are several quick scenes of prepubescent girls fully naked masturbating themselves with vibrators and their hands. There is one scene with an adult male inserting his penis into a prepubescent girl's vagina. There is a scene of a prepubescent girl performing oral sex (penis to mouth) on a male. There is another scene of a prepubescent girl rubbing her vagina with a cucumber. Throughout the video there are quick flashes of words (advertising) that pop up on the screen and they are as follows:

"CP4Sale Presents"

"The HOTES latin girls you've ever seen"

"New fresh girls from latin America"

"You'll love it"

"Girls are soooooo horny"

"Order today, 100% satisfy"

It closes with the following email address cp4sale@mail2tor.com. Video is 58 seconds in length.

On October 30, 2018, Investigative Specialist (IS) Lisa Rowe, P# 3727, served an Administrative Subpoena on Cox Communications for subscriber information pertaining to IP Address: 70.175.56.185 on 9-17-2018 at 04:06 hours GMT.

On October 30, 2018, Investigative Specialist (IS) Lisa Rowe, P# 3727, served a Preservation Order on Dropbox, Inc. reference email address: chistrusca@gmail.com.

On November 14, 2018, Cox Communications responded that IP address 70.175.56.185 came back to the following subscriber information:

Perla Milroy SSN 201-30-2306, address 1738 Toltec Cir, Henderson, Nevada 89014; Telephone 702-339-2104. (MAC (Router info): 78:96:84:EC:88:B0 & CPE MAC: 8C:3B:AD:FB:A5:D0).

An open source search located a Chris Trusca on Facebook linking him to Henderson. Further open source search resulted in information of him living at 1738 Toltec Cir, Henderson, Nevada 89014. A records check through DMV showed him registered at the same address and the last transaction or update on his DMV record was 12/7/2017.

On December 26, 2018, a search warrant for the Dropbox account was authorized by the Honorable Eight District Court Judge Jerry Wiese and served via email law enforcement portal.

CONTINUATION

Event #: 181000131108

On January 15, 2019, I received a reply from Dropbox reference the search warrant request for the account registration and account content. I received an external flash drive containing 128 gigabytes of information. A preliminary review of the information resulted in the following findings: there are 21,531 picture files and 7,256 video files with a total of 28,787 files contained in the Dropbox file. There are multiple files and sub-files. Many of the files are labeled. Many of the files clearly are of prepubescent children, toddlers, and young children (boys and girls) in various ages. Your affiant is still reviewing the files to properly categorize and document the images. Contained within the Dropbox information is the linked IP address (70.175.56.185) showing the date of the download. In reviewing the files your affiant found a file labeled "Camera Uploads", within the file are multiple pictures and videos. There are multiple pictures (ie: selfies) of a male that is clearly Trusca, Christopher, as for they match his DMV photo. Many of the photos contain EXIF data and show the pictures being taken by an iPhone and at the address in question. I found three other pictures that clearly show that the Dropbox account and files belong to Trusca, Christopher. The images in question are as follows:

1. Picture is of a Henderson Jail Booking sheet dated 8/13/2014 with the name Trusca, Christopher printed on it.
2. Picture is of a prescription paper dated 7/6/2015, for a Christopher Trusca DOB: , Phone # and address 1738 Toltec Cir, Henderson, Nevada 89014.
3. Picture is of a Ford Focus bearing a NV plate of 713B67 (Picture taken 8/31/2017). DMV registration comes back to Trusca, Christopher DOB: , SOC: physical address of 1738 Toltec Cir, Henderson, Nevada 89014. The registration is active and expires 8/23/2019.

On January 18, 2019, while conducting a visual verification of the address. Affiant observed the Ford Focus bearing a NV/713B67 parked on the street and just to the right of the residence. I further conducted a WIFI test of all WIFI broadcasting (secured and unsecured) in the area. I found the WIFI coming from the residence in question is named NETGEAR84 and has a CPE MAC address of (8C:3B:AD:FB:A5:D0). This address is a unique identifier assigned to the router or modem and is the same showing on the Cox Communication record for the address.

On May 28, 2019, a search warrant for the residence was obtained and signed by the Honorable Eighth District Court Judge Cristina Silva. The search warrant was executed on May 31, 2019 and 3 items were seized for further digital forensic examination. A taped interview was conducted with Trusca on scene during the execution of the search warrant. Trusca, post Miranda, admitted to uploading links (total of 30 or 40 links) from the Whisper Application and would be in forum groups labeled "Dropbox Links". He admitted the links had bestiality, underaged girls and them containing 100's to 1000's images (pictures and videos). He described being able to click on files that would open more files to images and then another file contained in the file that would lead to even more images. He admitted it was messed up and wrong. Yet he continued to download links and retain all the images to include all the child porn images. He admitted it was attributed to his drug addiction to opioids. He denied trading or exchanging links.

CONTINUATION

Event #: 181000131108

Forensic analysis of the devices completed by Forensic Analysis Matthew Trafford P# 14286 resulted in one device containing:

771 images and 89 videos of Child Abuse Material (CAM) - Illegal

1115 images and 15 videos of Child Exploitive (Non-CAM)/Age Difficult

43 images of Child Exploitive Animation

There was evidence on the device of Dropbox and Mega.nz links listed by Trusca indicating he may have been trading. Reviewing chats in KIK and Whisper from the device it was clear that some of the links were of teen girls 13 to 16, young, and homemade family sex. It was clear he was downloading these links but no evidence he was sending links out.

In reviewing the links discovered in the forensic report, I proceeded to randomly see if they are active. I found a link under the note made on 8/10/2017 for a box.com account. The link was active and showed it was created and modified on March 17, 2017. There was 160 mp4 videos that were all child sexual abuse material (CSAM) – illegal.

I found another link dated 8/23/2018 and modified on 3/15/2019 for a Mega.nz link that had the following flag (pop-up) saying, "This folder/file was reported to contain objectionable content, such as Child Exploitation Material, Violent Extremism, or Bestiality. The link creator's account has been closed and their full detail, including IP address, have been provided to the authorities."

I found another link dated 5/5/2019 for a Mega.nz link that had the following flag (pop-up) saying, "This folder/file was reported to contain objectionable content, such as Child Exploitation Material, Violent Extremism, or Bestiality. The link creator's account has been closed and their full detail, including IP address, have been provided to the authorities."

I found another link dated 5/20/2019 for a Mega.nz link that had the following flag (pop-up) saying, "This folder/file was reported to contain objectionable content, such as Child Exploitation Material, Violent Extremism, or Bestiality. The link creator's account has been closed and their full detail, including IP address, have been provided to the authorities."

I found another link dated 5/26/2019 for a Mega.nz link that had the following flag (pop-up) saying, "This folder/file was reported to contain objectionable content, such as Child Exploitation Material, Violent Extremism, or Bestiality. The link creator's account has been closed and their full detail, including IP address, have been provided to the authorities."

The breakdown of the documented links are as follows:

Note dated 8/10/2017 02:48 – 10 links

Note dated 8/10/2017 03:02 – 20 links

Note dated 9/13/2017 07:44 – 11 links

Note dated 9/15/2017 09:11 – 25 links

Note dated 8/23/2018 and modified on 3/15/2019 – 86 links

Note dated 4/9/2019 – 7 links

Note dated 5/5/2019 – 16 links

Note dated 5/20/2019 – 8 links

Note dated 5/26/2019 – 13 links

****Total links 196 links****

The return from Dropbox was placed in the Griffeye software to categorize the known and unknown CSAM. The report generated the following information reference Trusca's Dropbox account:

61,899 images

2,442 CSAM – Illegal

27,698 – Age difficult

6 cgi/anime


97 unrecognized

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect Trusca, Christopher on the charge(s) of 2 Counts of Possession of Visual Presentation Depicting Sexual Conduct of Person Under 16 yrs of age (NRS 200.730) Use of Internet to Control Visual Presentation Depicting Sexual Conduct of Person Under 16 years (NRS 200.725).

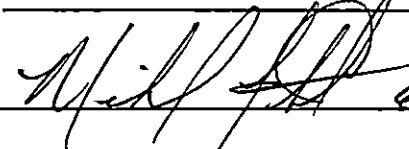
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 21st day of July, 2020.

DECLARANT:

 14466

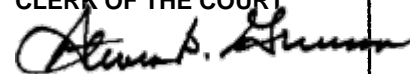
WITNESS:

 6978

DATE: July 21, 2020

EXHIBIT 3

EXHIBIT 3



INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

CHRISTOPHER TRUSCA, aka,
Christopher Adam Trusca #2741887,
Defendant.

CASE NO: C-21-356689-1

DEPT NO: XVIII

INFORMATION

STATE OF NEVADA)
COUNTY OF CLARK) ss.

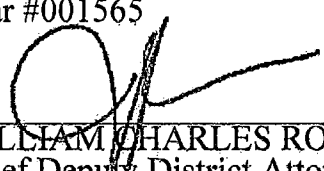
STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That CHRISTOPHER TRUSCA, aka, Christopher Adam Trusca, the Defendant above named, having committed the crime of **POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700, 200.730 - NOC 50374)**, on or about the 16th day of September, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did willfully, unlawfully, feloniously, and knowingly have in his possession any film, photograph, or other visual presentation depicting a child under the age of 16 years of age as the subject of a sexual portrayal and/or engaging in, simulating, or assisting others to engage in or simulate sexual

1 conduct on a device, to-wit: a Dropbox Cloud storage account for username "Chris Buddy"
2 and/or an Apple iPhone X, bearing Serial No. GHLX720KJCLF.

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

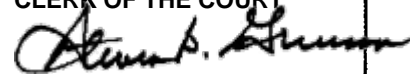
6 BY


7 WILLIAM CHARLES ROWLES
8 Chief Deputy District Attorney
9 Nevada Bar #013577

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27 20CRH001251/mlb/SVU
28 LVMPD EV#181000131108
(TK)

EXHIBIT 4

EXHIBIT 4



1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 WILLIAM CHARLES ROWLES
6 Chief Deputy District Attorney
7 Nevada Bar #013577
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

CASE NO: C-21-356689-1

12 CHRISTOPHER TRUSCA, aka,
13 Christopher Adam Trusca #2741887,

DEPT NO: XVIII

14 Defendant.

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: **POSSESSION OF VISUAL PRESENTATION**
17 **DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700,**
18 **200.730 - NOC 50374),** as more fully alleged in the charging document attached hereto as
19 Exhibit "1".

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

22 The parties both retain the right to argue. The State will have no opposition to removing
23 electronic monitoring at entry of plea.

24 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
25 related equipment and/or weapons or any interest in any electronic storage devices, computers
26 and/or related equipment and/or weapons seized and/or impounded in connection with the
27 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
28 agreement.

1 I understand and agree that, if I fail to interview with the Department of Parole and
2 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
3 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
4 including reckless driving or DUI, but excluding minor traffic violations, the State will have
5 the unqualified right to argue for any legal sentence and term of confinement allowable for the
6 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
7 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
8 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
9 twenty-five (25) year term with the possibility of parole after ten (10) years.

10 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
11 plea agreement.

12 CONSEQUENCES OF THE PLEA

13 I understand that by pleading guilty I admit the facts which support all the elements of
14 the offense(s) to which I now plead as set forth in Exhibit "1".

15 I understand that as a consequence of my plea of guilty the Court must sentence me to
16 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
17 ONE (1) year and a maximum term of not more than SIX (6) years. The minimum term of
18 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
19 understand that I may also be fined up to \$5,000.00. I understand that the law requires me to
20 pay an Administrative Assessment Fee.

21 I understand that, if appropriate, I will be ordered to make restitution to the victim of
22 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
23 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
24 reimburse the State of Nevada for any expenses related to my extradition, if any.

25 I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for
26 which the suspension of sentence or the granting of probation is permitted, P&P shall arrange
27 for a psychosexual evaluation as part of the Division's Presentence Investigation (PSI) Report
28 to the court.

1 I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the
2 psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a
3 currently accepted standard of assessment. I understand that, except as otherwise provided by
4 statute, the question of whether I receive probation is in the discretion of the sentencing judge.

5 I understand that, before I am eligible for parole a panel consisting of the Administrator
6 of the Mental Health and Developmental Services of the Department of Human Resources or
7 his designee; the Director of the Department of Corrections or his designee; and a psychologist
8 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
9 certifies that I was under observation while confined in an institution of the department of
10 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
11 standard of assessment.

12 I understand that the Court will include as part of my sentence, in addition to any other
13 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
14 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

15 I understand that I must submit to blood and/or saliva tests under the direction of P&P
16 to determine genetic markers and/or secretor status.

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

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

22 I have not been promised or guaranteed any particular sentence by anyone. I know that
23 my sentence is to be determined by the Court within the limits prescribed by statute.

24 I understand that if my attorney or the State of Nevada or both recommend any specific
25 punishment to the Court, the Court is not obligated to accept the recommendation.

26 I understand that if the State of Nevada has agreed to recommend or stipulate a
27 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
28 to oppose a particular sentence, such agreement is contingent upon my appearance in court on

1 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
2 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
3 offense prior to sentencing the State of Nevada would regain the full right to argue for any
4 lawful sentence.

5 I understand if the offense(s) to which I am pleading guilty to was committed while I
6 was incarcerated on another charge or while I was on probation or parole that I am not eligible
7 for credit for time served toward the instant offense(s).

8 I understand that if I am not a United States citizen, any criminal conviction will likely
9 result in serious negative immigration consequences including but not limited to:

- 10 1. The removal from the United States through deportation;
- 11 2. An inability to reenter the United States;
- 12 3. The inability to gain United States citizenship or legal residency;
- 13 4. An inability to renew and/or retain any legal residency status; and/or
- 14 5. An indeterminate term of confinement, with the United States Federal
15 Government based on my conviction and immigration status.

16 Regardless of what I have been told by any attorney, no one can promise me that this
17 conviction will not result in negative immigration consequences and/or impact my ability to
18 become a United States citizen and/or a legal resident.

19 I understand that P&P will prepare a report for the sentencing judge prior to sentencing.
20 This report will include matters relevant to the issue of sentencing, including my criminal
21 history. This report may contain hearsay information regarding my background and criminal
22 history. My attorney and I will each have the opportunity to comment on the information
23 contained in the report at the time of sentencing. Unless the District Attorney has specifically
24 agreed otherwise, then the District Attorney may also comment on this report.

25 WAIVER OF RIGHTS

26 By entering my plea of guilty, I understand that I am waiving and forever giving up the
27 following rights and privileges:

28 ///

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

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

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


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

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

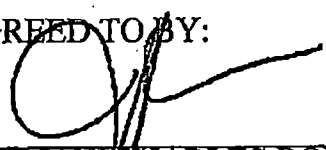
4 My attorney has answered all my questions regarding this guilty plea agreement and its
5 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

6 DATED this 15th day of April, 2021.

7 June

8 
9 CHRISTOPHER TRUSCA, aka,
Christopher Adam Trusca
10 Defendant

11 AGREED TO BY:

12 
13 WILLIAM CHARLES ROWLES
14 Chief Deputy District Attorney
Nevada Bar #013577

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 2nd day of June, 2021.


JOHN SCHALLER, ESQ.

mlb/SVU

1 INFM
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
4 Nevada Bar #013577
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff

7
8 DISTRICT COURT
CLARK COUNTY, NEVADA
9

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 CHRISTOPHER TRUSCA, aka,
Christopher Adam Trusca #2741887,

14 Defendant.
15

CASE NO: C-21-356689-1

DEPT NO: XVIII

INFORMATION

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss.

18 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
19 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

20 That CHRISTOPHER TRUSCA, aka, Christopher Adam Trusca, the Defendant above
21 named, having committed the crime of **POSSESSION OF VISUAL PRESENTATION**
22 **DEPICTING SEXUAL CONDUCT OF A CHILD (Category B Felony - NRS 200.700,**
23 **200.730 - NOC 50374)**, on or about the 16th day of September, 2018, within the County of
24 Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
25 and provided, and against the peace and dignity of the State of Nevada, did willfully,
26 unlawfully, feloniously, and knowingly have in his possession any film, photograph, or other
27 visual presentation depicting a child under the age of 16 years of age as the subject of a sexual
28 portrayal and/or engaging in, simulating, or assisting others to engage in or simulate sexual

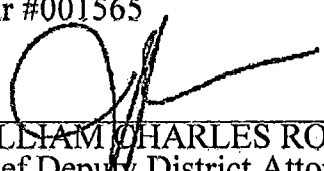
EXHIBIT "1"

V:\020307\11\202030711C-INFM-(TRUSCA, CHRISTOPHER)-001.DOCX

1 conduct on a device, to-wit: a Dropbox Cloud storage account for username "Chris Buddy"
2 and/or an Apple iPhone X, bearing Serial No. GHLY720KJCLF.

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

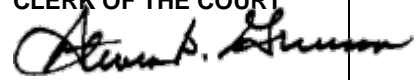
6 BY


7 WILLIAM CHARLES ROWLES
8 Chief Deputy District Attorney
9 Nevada Bar #013577

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(TK)

EXHIBIT 5

EXHIBIT 5



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

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7 THE STATE OF NEVADA,
8 Plaintiff,
9 vs.
10 CHRISTOPHER TRUSCA,
11 Defendant.

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CASE NO.: C-21-356689-1
DEPT. NO.: XV

BEFORE THE HONORABLE JOE HARDY, DISTRICT COURT JUDGE
TUESDAY, OCTOBER 19, 2021

RECORDER'S TRANSCRIPT RE:
SENTENCING

APPEARANCES:

For the State: WILLIAM C. ROWLES, ESQ.
(Appearing Via BlueJeans)

For the Defendant: JOHN B. LANNING, ESQ.
(Appearing Via BlueJeans)

TRANSCRIBED BY: MATTHEW YARBROUGH, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 19, 2021, 1:15 P.M.

2 * * * * *

3 COURT CLERK: C356689-1, State of Nevada versus Christopher Trusca.

4 MR. TRUSCA: Good afternoon, Your Honor.

5 THE COURT: Good afternoon.

6 MR. LANNING: Good afternoon. John Lanning, bar number 15585, appearing
7 on behalf of the defendant Christopher Trusca. And filling in for John Schaller. I am,
8 as well as the Defendant is present via BlueJeans.

9 THE COURT: Good afternoon. And Mr. Trusca, can you hear us, okay?

10 MR. TRUSCA: Yes, I can.

11 THE COURT: Okay. And Mrs. Villegas, are you on this one too?

12 MR. ROWLES: No, Your Honor. William Rowles, on behalf of the State.

13 THE COURT: Oh, sorry. I missed you, sorry about that. Um, are we ready for
14 sentencing?

15 MR. ROWLES: The State is ready, Your Honor.

16 MR. LANNING: Yes, Your Honor.

17 THE COURT: Okay. Mr. Trusca, are you under the influence of any drug,
18 medication, or alcoholic beverage?

19 MR. TRUSCA: No, I am not, Your Honor.

20 THE COURT: You understand that you are here to be sentenced today
21 because you plead guilty to possession of visual presentation depicting sexual
22 conduct of a child, Category B Felony?

23 MR. TRUSCA: Yes, Your Honor.

24 THE COURT: Have you had the opportunity to review, go over the Pre-
25 Sentence Investigation Report and Psychosexual Evaluation with your attorney?

1 MR. TRUSCA: Yes, Your Honor.

2 THE COURT: Do you have any issues, questions, or concerns with any of the
3 information contained in those documents?

4 MR. TRUSCA: No, Your Honor.

5 THE COURT: Okay, does the State have the right to argue on this one?

6 MR. ROWLES: Yes, Your Honor.

7 THE COURT: Go ahead.

8 **[State's Argument]**

9 MR. ROWLES: Your Honor, today I am going to be asking that you sentence
10 the Defendant to a term of incarceration in the Nevada Department of Corrections
11 for how long I'll submit [massive feedback from BlueJeans] - -

12 THE COURT: Um, I am sorry we are getting feedback from someone - -

13 MARSHAL: It's coming from the attorney [again massive feedback from
14 someone on BlueJeans] - -

15 THE COURT: Sorry, let's pause.

16 MARSHAL: It's coming from attorney Mr. Lanning - -

17 THE COURT: If you are not on this case, please mute yourself. Let's try that
18 again. Go ahead, Mr. Rowles.

19 MR. ROWLES: Yes, Your Honor. Today I am going to be asking this Court to
20 sentence the Defendant to a term of incarceration in the Nevada Department of
21 Corrections. The amount I'll submit to this Court's discretion. But I say that for three
22 reasons; one is, Your Honor, I don't believe that the PSI accurately reflects the true
23 extent of the amount of images that were recovered from Mr. Trusca's devices or his
24 online activity. Although only 771 images and 89 videos were ultimately found on his
25 device, during the course of our investigation - -

1 THE COURT: Let me pause you - -

2 MARSHAL: It's attorney John Lanning who is on this case. He needs to mute
3 himself while he is not speaking.

4 THE COURT: Counsel, if you could mute yourself because we're getting
5 feedback.

6 COURT RECORDER: There he goes.

7 THE COURT: Okay. Sorry about that, Mr. Rowles.

8 MR. ROWLES: Yes, Your Honor, as I was saying, when we - - during our
9 investigation when we issued an administrative subpoena to Dropbox, their return
10 for the Defendants account had over twenty-nine thousand images associated with
11 his Dropbox account. Now two thousand four hundred and forty-two images of this
12 were confirmed child sexual abuse material, ranging as low as individuals at the age
13 of what we would refer to as toddlers to prepubescent teenagers, all the way to
14 teenagers. So, I bring that to this Court's attention because I don't believe that the
15 PSI accurately reflects the true extent of the amount of images Mr. Trusca had. He
16 had several thousand images as young as toddlers and prepubescent teenagers on
17 his Dropbox account when he uploaded those. And finally, but fortunately,
18 N.C.M.E.C was able to identify and tip that off to law enforcement.

19 Second, Your Honor, this is not an individual that just downloaded one link,
20 one time over the course of his voyeurism into this child pornography. His Dropbox
21 account and his Maga NS link account show that on August 10th, 2017, he accessed
22 ten links of confirmed child sexual abuse material. Again, on August 10th, 2017,
23 nearly twenty minutes after his first access, he accessed an additional twenty links.
24 Now again, on September 13th, 2017, he accesses eleven links. On September 15th,
25 2017, he accesses twenty-five links. On August 23rd, 2018, he accesses eighty-six

1 links. On April 9th, 2019, he accesses seven links. On May 5th, 2019, he accesses
2 sixteen links, and all of this is confirmed child sexual abuse material. And on May
3 20th and May 26th, 2019, he accesses a total of twenty-one links. And total, we
4 uncovered one hundred and ninety-seven links that he downloaded for child
5 pornography.

6 So, the PSI sort of reads, and the Psychosexual Evaluation sort of reads that
7 this was an individual who, on one occasion, downloaded a link and viewed a couple
8 of thousand images of child pornography. That's not the case, Your Honor. This is
9 an individual that, over the course of two years, downloaded a hundred and ninety-
10 six links of child sexual abuse material. I say that because I take a big difference
11 between an individual who may be browsing the internet and stumbles across a link
12 where you have age difficult type situations, where the girl could be twenty-years-
13 old, or the girl could be fourteen-years-old. And you look at it one time, and then you
14 delete it. This individual viewed child pornography as young as toddlers over the
15 course of several years. I think that type of active online warrants punitive
16 punishment, and that's why I am asking this Court to sentence him to prison.

17 Now I don't get the opportunity to respond to the Defendant's statements and
18 migration. But the theme of this case over the last several years or the last year that
19 I have been assigned to it has been that Mr. Trusca has suffered from an opioid
20 addiction. And, Your Honor, I am sympathetic towards drug addiction, and I am
21 sympathetic towards drug addiction that causes an individual to commit property
22 crimes or cause an individual to commit financial crimes to support their addiction. I
23 don't accept, and I don't support the idea that drug addiction causes you to view
24 child pornography for several years. His opioid addiction did not cause him to view a
25 video of a prepubescent teenager masturbating and being forced to perform oral sex

1 on an adult male. That's just not how drug addiction works, in the State's opinion.
2 And I ask this Court, and I urge this Court to sort of disregard drug addition. He's not
3 here because he was feeding his addiction; he was here because he was viewing
4 child pornography over the course of several years. And for that reason, Your
5 Honor, I ask that you sentence him to prison, and in that, I'll submit.

6 THE COURT: Thank you very much. Defense counsel?

7 **[Defense Argument]**

8 MR. LANNING: Yes, Your Honor, we would ask that he have a suspended
9 sentence and be placed on supervised probation. A few different things, one if we
10 look at the PSI report, it clearly indicates that Mr. Trusca is - - he is not a sufficient
11 risk, and he would do just fine on supervised probation. Furthermore, if you look at
12 the Psychosexual Report, it shows that he has been sober from opiates for quite
13 some time now, I believe five months from the time the report was made.

14 Additionally, he also - - as long as there are certain terms and conditions,
15 there is no risk - - opposes a very low risk of recidivism, ah as far as monitoring his
16 communication and computer, which again, is the main issue.

17 THE COURT: Thank you very much. Mr. Trusca, is there anything you would
18 like to say?

19 **[Mr. Trusca's Statement to the Court]**

20 MR. TRUSCA: Um, yeah, I mean I have lots to say, Your Honor. I am
21 absolutely, you know, I completely do understand how, you know, someone can say
22 it's not drugs. And I am not going to say it's not drugs, or it's heroin that made me do
23 anything specific; it's was - - it was a whole portion of my life, Your Honor. I lost my
24 brother when I was seventeen; um, he was my best friend, and I kind of just went on
25 this bad downward spiral. I was in a place - - I don't know if you've ever been in a

1 place where you just don't - - in your own head, you don't ever know if you're going
2 to actually get out of it. And I was in a very, very dark and bad place in my life. And it
3 took me a long time, and I am still working on it every single day.

4 I am actually a father now, um, if, you know, and finally, for the first time in my
5 entire life, I have a reason. Um, an actual purpose, and - - I want to wake up every
6 single morning and be the best that I can be. I don't think I could actually ever say
7 that there's been a time in my life where I could say that, honestly, until now. I see
8 my daughter's face, and my whole life is finally - - I see what - - I see what is going
9 to make my whole life really mean something again. And it's the first time since my
10 brother has been gone, I actually feel like I have a chance, and there is something
11 good going on here, and I'm happy.

12 You know, I've always been around, you know, I've been around my entire
13 life, you know, and I've obviously just decided to start growing up [inaudible] they
14 can vouch for me, I've never done anything. And I would never hurt anybody, let
15 alone children ever. It's just something and - - it a couple of years now and where I
16 was then and where I am today is someone very different. Um, I literally stopped
17 everything in my life that was, your know, that brings me to where I was, and I can't -
18 - I was in a bad place, and I was in a bad place, I was in the hospital, I was on life
19 support, and I was in a very, very bad place for a while. And anyway, I don't want to
20 get too far off-topic. I appreciate everybody's time here; I - - I just want you to please
21 consider the fact that I am trying - - I'm trying my very best, Your Honor, I truly am.

22 THE COURT: Thank you.

23 **[Court's Ruling]**

24 THE COURT: Are you a Veteran or a member of the military?

25 MR. TRUSCA: No, I am not, Your Honor.

1 THE COURT: Thank you. The Court is going to adjudge defendant Trusca
2 guilty: possession of visual presentation depicting sexual conduct of a child, as a
3 Category B Felony. Four days credit time served, twenty-five dollar Administrative
4 Assessment, three dollar DNA Administrative Assessment, submit to DNA testing,
5 and that fee is hundred and fifty dollars. Psychosexual fee one thousand six
6 hundred seventy-six dollars and seventy cents.

7 Per N.R.S.179D.460. defendant Trusca shall register as a sex offender within
8 48 hours after sentencing or release from custody. And comply with the required
9 terms and conditions set forth under N.R.S. 176A.410. Minimum term nineteen
10 months, maximum term forty-eight months, to be served in the Nevada Department
11 of Corrections. The harm and conduct here is immense, and a prison term is
12 warranted. Defendant Trusca to report immediately to CCDC, and we need to set a
13 status check for next week to make sure he is in custody.

14 MR. TRUSCA: What.

15 COURT CLERK: And that will be October 26th, 2021, at 11:00 a.m.

16 COURT CLERK: And Judge, I don't think N.R.S 176A applies.

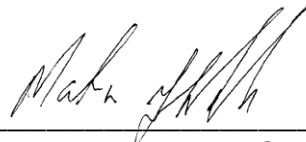
17 THE COURT: Okay, okay. So, 176A does not apply.

18 MR. ROWLES: Thank you, Your Honor.

19 THE COURT: Thank you.

20 [Proceedings concluded, 1:29 p.m.]

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

23 

24 MATTHEW YARBROUGH
25 Court Recorder/Transcriber