

Case No. CR 19-7109

Dept. No. 2

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

STATE OF NEVADA,

Plaintiff,

vs.

RAFAEL ROSAS CARDENAS,

Defendant.

NOTICE OF APPEAL

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

Dated this 23<sup>rd</sup> day of February, 2022.

Matt Stermitz

Matt Stermitz, Bar # 03610  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89445  
775-623-6550

CERTIFICATE OF SERVICE

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

Matt Stermitz

Matt Stermitz

FILED

2022 FEB 23 PM 2:21

Electronically Filed  
Feb 25 2022 01:23 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

SIXTH JUDICIAL  
DISTRICT COURT  
• HUMBOLDT COUNTY, NEVADA •  
MICHAEL R. MONTERO  
DISTRICT JUDGE

Case No. CR1907109

Dept. No. II

FILED

2022 FEB 10 PM 1:49

FAMILIAE SPERO  
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.

**JUDGMENT OF CONVICTION**

RAFAEL ROSAS CARDENAS,  
Defendant. /

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

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

The Court having accepted the Defendant's plea of guilty, set the date of the 14<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 9<sup>th</sup> day of February, 2022, in the City of Winnemucca, County of  
14 Humboldt, State of Nevada.



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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
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

Case No. CR 19-7109

Dept. No. 2

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

STATE OF NEVADA,

Plaintiff,

vs.

RAFAEL ROSAS CARDENAS,

Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing case appeal statement: Rafael Rosas Cardenas.
2. Identify the judge issuing the decision, judgment or order appealed from: Michael Montero.
3. Identify all parties to the proceedings in district court: Rafael Rosas Cardenas, represented by the Humboldt County Public Defender, Drawer 309, Winnemucca, Nevada 89446, 775-623-6550. The State of Nevada, represented by the Humboldt County District Attorney, Drawer 909, Winnemucca, Nevada 89446, 775-623-6363.
4. Identify all parties to this appeal: Rafael Rosas Cardenas and the State of Nevada.
5. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appointed counsel.
6. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appointed counsel.
7. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave. The

Humboldt County Public Defender was appointed to represent Rafael Rosas Cardenas from the inception of the case and remains attorney of record.

8. Indicate the date the proceedings commenced in the district court.  
Proceedings commenced in district court on or about the 4<sup>th</sup> day of September, 2019.
9. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: Rafael Rosas Cardenas plead guilty to one count of child abuse neglect, or endangerment, involving sexual exploitation, a category B Felony, in violation of NRS 200.508(1)(a)(2) and NRS 179D.097(a)(g). The district court sentenced Rafael Rosas Cardenas to serve a minimum term of ninety-six months and a maximum term of two hundred-forty months in the Nevada Department of Corrections. Rafael Rosas Cardenas appeals the judgment of conviction.
10. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: This case has not been the subject of an appeal or other proceeding in the Supreme Court.
11. Indicate whether this appeal involves child custody or visitation: This case does not involve child custody or visitation.
12. If this is a civil case, indicate whether this appeal involves the possibility of settlement. N/A.

Dated this 23<sup>rd</sup> day of February, 2022.

Matt Stermitz

Matt Stermitz, Bar # 03610  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89445  
775-623-6550

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Matt Stermitz



Case No. CR 19-7109

Dept. No. 2

FILED

2022 FEB 23 PM 2:22

TAMI RAE STERO  
DIST. COURT CLERK

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

STATE OF NEVADA,

Plaintiff,

vs.

RAFAEL ROSAS CARDENAS,

Defendant.

REQUEST FOR TRANSCRIPT

TO: Elisha Formby, Judicial Assistant, Sixth Judicial District Court, 25 W. 5<sup>th</sup>,  
Winnemucca, NV 89445.

Rafael Rosas Cardenas defendant, through his attorney, the Humboldt County  
Public Defender, requests preparation of a transcript of certain portions of the  
proceedings before the district court, as follows:

Sentencing proceeding on the 1<sup>st</sup> day of February, 2022.

This notice requests a transcript of only those portions of the district court  
proceedings that counsel reasonably and in good faith believes are necessary to  
determine whether appellate issues are present.

I recognize that I must serve a copy of this form on the above-named court  
reporter and opposing counsel, and that the above-named court reporter shall have  
twenty days from the receipt of this notice to prepare and submit to the district court the

transcript requested herein.

Dated this 23<sup>rd</sup> day of February, 2022.

Matt Stermitz

Matt Stermitz, Bar # 03610  
Humboldt County Public Defender  
Drawer 309  
Winnemucca, Nevada 89445  
775-623-6550

CERTIFICATE OF SERVICE

Pursuant to applicable appellate rules, on the 23<sup>rd</sup> day of February, 2022, the undersigned hand delivered a copy of the foregoing to Elisha Formby, Sixth Judicial District Court, 25 W. 5<sup>th</sup>, Winnemucca, Nevada 89445, and mailed the same to the Humboldt County District Attorney, Drawer 309, Winnemucca, Nevada 89446, and Elisha Formby, c/o HCDC, 801 E. Fairgrounds Road, Winnemucca, Nevada 89445.

Matt Stermitz

Matt Stermitz

Sixth Judicial District Court - Humboldt County

Run: 02/23/2022  
14:27:56

Case Summary

Page 1

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
------	--------

Run: 02/23/2022  
14:28:03

Case Summary

Page 2

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  
LIMINE  
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)

Run: 02/23/2022  
14:28:03

Case Summary

Page 3

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)

Run: 02/23/2022  
14:28:03

Case Summary

Page 4

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.

Run: 02/23/2022  
14:28:03

Case Summary

Page 5

11/19/2020	5 DAYS
12/08/2020	ADDITIONAL JUSTICE COURT PROCEEDINGS
12/30/2020	MOTION TO COMPEL
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
04/02/2021	MINUTES - PRE-TRIAL CONFERENCE
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 FOR RETURN)
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

Run: 02/23/2022  
14:28:03

Case Summary

Page 6

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



Run: 02/23/2022  
14:28:03

Case Summary

Page 7

10/12/2021 MINUTES - SETTLEMENT CONFERENCE/ARRAIGNMENT  
10/13/2021 PRE-SENTENCE INVESTIGATION REQUEST PACKET  
10/13/2021 EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CR1907109,  
THE STATE OF NEVADA VS. CARDENAS, RAFAEL ROSAS WITH 1 ATTACHMENTS  
FROM DOCKETS FREETYPE-10/13/2021 - 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

Case No. CR1907109

Dept. No. II

FILED

2022 FEB 10 PM 1:49

TAMI RAE SPERO  
DIST. COURT CLERK

*M. Pinner*

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.

JUDGMENT OF CONVICTION

RAFAEL ROSAS CARDENAS,  
Defendant. /

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

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

The Court having accepted the Defendant's plea of guilty, set the date of the 14<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 9<sup>th</sup> 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

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4

**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*  
ELISHA FORMBY  
Judicial Assistant

CR 19-7109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Jody Clark

**OCTOBER 22, 2019**

**ARRAINGNMENT HEARING**

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Defendant (Custody) with counsel, Kale Brock. Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation.

The record reflected that this matter comes before the Court as an arraignment.

The Court informed the Defendant of the purpose of the hearing.

The Defendant stated his understanding.

Brock motioned the Court for a continuance to allow time for additional discovery from both sides.

The Court asked how much time was needed.

Brock suggested continuing until November.

Haas concurred.

The Court set a Continued Arraignment Hearing for Tuesday, November 12, 2019, at 9:30 a.m.

SCANNED

CR 1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**November 12, 2019**

**Arraignment**

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation. Defendant (in custody), with counsel, Kale Brock. Chris Houghton present to interpret for the Defendant.

The record reflected that this matter comes before the Court for an arraignment.

The Court informed the Defendant of the purpose of the hearing.

The Defendant stated his understanding.

An Information, charging the crime of three counts of LEWDNESS WITH A CHILD UNDER FOURTEEN YEARS OF AGE, a Category A Felony, in violation of NRS 201.230(2), had been filed against the Defendant on September 12, 2019. The Court updated the Defendant's name through interlineation on the information to read "Rafael Rosas Cardenas".

The Court interrogated the Defendant. A Preliminary Hearing had been waived. Copies of the Information had been received and counsel waived a formal reading. The Court stated the Defendant's Constitutional Rights. The Court stated the essential elements the State would have to prove should this matter go to trial as well as the possible penalties.

The Defendant entered his plea of NOT GUILTY to all three counts.

The Defendant waived his right to a speedy trial.

The Court asked how many days would be needed for the jury trial.

Haas requested four (4) days.

A jury trial was scheduled for April 28, 2020 through May 1, 2020. A pre-trial conference was scheduled for April 7, 2020 at 9:30 a.m.



CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Jody Clark

**APRIL 21, 2020**

**STATUS HEARING**

PRESENT via Zoom due to COVID 19; Richard Haas, Humboldt County Deputy District Attorney, present on behalf of the State. Defendant (Custody) and appearing telephonically, present with counsel, Rendal Miller; Debbie Okuma, DPS Specialist III, present on behalf of the Adult Division of Parole and Probation.

The record reflected that a Stipulation to Vacate and Reset Pre-Trial and Trial and Order had been filed March 17, 2020.

The Court would like to address the status of the matter.

Miller stated a plea agreement is in the works. Miller suggested the matter be set for a new trial date in August and set a pre-trial conference date.

Haas concurred.

The Court set this matter for a Jury Trial to commence Tuesday, September 15, 2020, at 9:00 a.m. for four (4) days with a Pre-Trial Conference on Tuesday, August 25, 2020, at 9:30 a.m. The Court further informed counsel that should there be any pretrial motions he would like to know this prior to the hearing. Another date may be set to hear any pretrial motions if any.

Miller stated a Motion for Defendant's Release on Own Recognizance; in the Alternative, Reduction of Bail Amount was filed on January 16, 2020.

The Court stated the State's Response to Defendant's Motion for Release on Own Recognizance or in the Alternative, for Reduction of Bail Amount had been filed on January 27, 2020, but does not see that it was ever submitted to the Court.

Miller stated the matter is attempting to be settled and as such, held off on the submission.

The Court directed Miller to file a Request for Submission and the Court shall take the motion under advisement.

The Court wants it to be clear there is no interpreter on the line today. He further wants to make it clear nothing of substance has been discussed only the matter of resetting for trial. The Court also stated it is Miller's responsibility to advise his client of this.

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**June 16, 2020**

**MOTION HEARING**

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation. Randal Miller, present on behalf of the Defendant (In custody). Also present was Marta Cortez, Interpreter for the Court, to assist the Defendant. The parties were present via Zoom audio/video conference system., with prior permission from the Court due to the COVID-19 pandemic.

The record reflected that this matter comes before the Court on Motion for Defendant's Release on Own Recognizance: In the Alternative a Reduction of Bail Amount filed by the Defense on January 16, 2020. The State filed their response on January 27, 2020, and the Defense responded on June 2, 2020.

A discussion ensued regarding the reason for today's hearing. The Court was in receipt of a request for settlement conference. Miller stated he would like to proceed on the Motion for Defendant's Release.

Opening statement from Miller. Requesting that the Court grant the Defendant an O.R. release or in the alternative, a reduction of bail. Miller referred to Valdez Jimenez V. 8<sup>th</sup> Judicial District Court.

Opening statement from Haas. He stated no bail reduction should be granted and that the Defendant should not be released due to a prior failure to appear in Esmeralda county.

The Court stated the current bail was at \$3,250,000.00. The Court asked Haas to confirm.

Haas referred to the Police Report and confirmed that was the correct bail amount. A discussion ensued between the parties regarding the correct bail. The Defendant was originally arrested on thirteen (13) counts at \$250,000.00 each, which equated to the \$3,250,000.00. The Defendant was now charged on the Information with three (3) counts, so bail should be \$750,000.00.

Argument by Miller.

The Court granted the Motion in the Alternative for Reduction of Bail Amount to the amount of \$750,000.00. The Court found that the State has proven by clear and convincing evidence that bail is appropriate in this case. The Court found that the new bail amount was reasonable and necessary to protect the health, safety, and welfare for citizens of the community and to ensure the Defendant's presence at future Court hearings. The Court discussed the motion in regards to the Defendant's ties to the community as well as California, and the Defendant's children. The Court determined that four out of five of the Defendant's children were of the age of majority and able to work to support the family in the Defendant's absence, and that argument lacked sufficient merit. The Court further stated that the motion does not refer to significant employment in Humboldt county, and that according to the State, the Defendant did fail to appear in Esmeralda count in 2016, which the Court would consider. The Defendant's Motion for Release on O.R. was denied. The Court directed Haas to prepare the order.

A discussion ensued regarding the request for a settlement conference.

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**August 25, 2020**

**PRE-TRIAL CONFERENCE**

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present (via Zoom) on behalf of the Division of Parole and Probation. Defendant, (in custody via Zoom), with Counsel, Rendal Miller, and Marta Cortez, Interpreter.

The record reflected that this matter comes before the Court for a pre-trial conference. Prior to going on the record, the Court was informed that it was the parties' intention to request a continuance in this matter to allow Miller to meet with his client to go over the plea agreement.

Haas stated he was fine with a continuance, however, the jury trial currently scheduled in this matter may need to be vacated.

The Court asked Miller if he had any concern about vacating the jury trial.

Miller stated no objection to vacating the jury trial.

The Court ordered that the jury trial currently set for September 15-18, 2020 be vacated. The Court set this matter for a change of plea hearing on September 16, 2020.

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

September 16, 2020

CHANGE OF PLEA HEARING

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present (via Zoom) on behalf of the Division of Parole and Probation. Defendant, present (in custody via Zoom), with Counsel, Rendal Miller, and Maria Davis, Certified Court Interpreter.

The Court placed Maria Davis, Court Interpreter, under oath.

The Court stated this matter was on the Court's calendar for a change of plea hearing. The Court asked Miller if that was still the case and how the parties wished to proceed.

Miller stated the parties are not ready to proceed with a change of plea, and would rather reset this matter and proceed with trial.

Haas withdrew the plea agreement previously offered to the Defendant and asked the Court for leave to amend the Information to the original thirteen (13) felony counts. Haas further motioned the Court to set this matter for an arraignment next Tuesday to take the Defendant's plea on the original Felony Complaint, and set a date for the jury trial on that day as well.

Miller objected to the State's request to amend the Information. Miller requested more time prior to scheduling an arraignment.

Rebuttal by Haas.

The Court granted the State's oral motion to file an Amended Information. The Court asked the parties if there was the need to remand this matter back to Justice Court for a preliminary hearing. The Court stated that Miller and Haas should discuss this issue, and if there was a dispute, the Court would have the parties brief the issue.

Haas responded that the parties may stipulate to leave the matter in the District Court.

The Court reviewed the language contained in the Conditional Waiver, which stated the matter should be remanded to Justice Court for a preliminary hearing. The Court stated that if the parties stipulated to have the matter remain in District Court, that would be fine, but the parties would need to discuss that.

Haas responded that it would be up to Miller and the State would follow his request.

Miller stated that he had discussed this with his client and it was understood that the matter would be remanded.

The Court ordered that this matter be remanded to Justice Court as stated in the Conditional Waiver, for a preliminary hearing to be held.

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas a.k.a Rafael Rosas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**November 17, 2020**

**ARRAIGNMENT HEARING**

PRESENT: Richard Haas, Deputy District Attorney, present on behalf of the State. Defendant, present (In custody) with Counsel, Jeff Miller, as well as the Court Interpreter, Maria Davis. Elizabeth Hill, Parole and Probation Officer, present on behalf of the Division of Parole and Probation. All parties were present via Zoom, audio/video conference system, with prior permission from the Court due to the COVID-19 pandemic.

The record reflected that this matter comes before the Court for an arraignment.

The Court placed Davis the Interpreter under oath.

Davis placed her credentials on the record.

The Court informed the Defendant of the purpose of the hearing.

The Defendant stated his understanding.

The Court reviewed the procedural history of this case. An Amended Information, charging eleven counts of LEWDNESS WITH A CHILD UNDER 14 YEARS, a Category A Felony, in violation of NRS 201.230(2) and two counts of SEXUAL ASSAULT ON A CHILD UNDER 14, Category A Felony, in violation of NRS 200.366(1)(b) and NRS 200.366(3)(c), had been filed against the Defendant on October 23, 2020. The Defendant's true and correct name stated.

The Court interrogated the Defendant. A Preliminary Hearing had been held on December 16, 2020. Copies of the Amended Information had been received and counsel waived a formal reading. The Court stated the Defendant's Constitutional Rights. The Court stated the essential elements the State would have to prove should this matter go to trial as well as the possible penalties. The Court asked the Defendant if he needed any more time to speak with his attorney.

The Defendant stated yes.

The Court placed the Defendant, the interpreter, and the Defendant's counsel in a breakout room to afford them the opportunity to speak.

Upon returning to the Zoom hearing, the Court asked the Defendant for his pleas.

The Defendant entered his pleas of NOT GUILTY to all THIRTEEN COUNTS contained in the Amended Information.

The Court examined the Defendant and accepted his pleas.

A discussion ensued as to whether the Defendant would exercise his right to a speedy trial or waive it.

The Defendant requested time to speak to his attorney about that issue.

The Court placed the Defendant, the interpreter, and the Defendant's counsel in a breakout room to afford them the opportunity to speak again.

Upon returning, the Court asked the Defendant once again if he wished to exercise his right to a speedy trial or waived it.

The Defendant waived his right to a speedy trial.

The Court set this matter for a five (5) day jury trial April 26-30, 2021, with a pre-trial conference on March 23, 2021 at 9 a.m.

CR1907109

The State of Nevada vs. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Jessica Koepke

**MARCH 23, 2021**

**PRE-TRIAL CONFERENCE**

PRESENT via ZOOM: Kevin Pasquale, Humboldt County Deputy District Attorney, present on behalf of the State. Randal Miller and Jeff Miller, Counsel, present on behalf of the defendant. Rafael Cardenas, defendant, present in custody. Denni Byrd, present on behalf of pre-trial services. Debbie Okuma, present on behalf of Parole and Probation.

The record reflected that this matter comes before the Court for a pre-trial conference on a trial set for April 26, 2021 for 5 days. The court addressed the motions pending before the court.

Miller updated the court on motions filed by the defense and motioned the Court to address the pending motions.

The Court will review the motions and may set this matter for a continued pre-trial conference if needed.

Pasquale updated the court on potential motions.

The Court stated that the motions in limine will be submitted to Court and if settlement is needed the Court will assist in setting that up with a senior judge.

Miller asked the Court if both attorneys for the defense may be present during the trial. The Court gave procedural directions to defense counsel, and stated that as long as those directions were followed there would be no issue with both attorneys being present during trial.

The Court directed the Humboldt County Clerk to summon ninety (90) potential jurors on April 9<sup>th</sup>, 2021 to the east hall of the convention center for selection with trial to commence in the District Court courtroom.

Pasquale motioned the Court to set this matter for another pretrial before the commencement of the trial; Miller gave no objection.

This matter will be set for a continued pre-trial conference by court staff.

CR1907109

The State of Nevada vs. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Jessica Koepke

**APRIL 2, 2021**

**PRE-TRIAL CONFERENCE**

PRESENT via ZOQM: Kevin Pasquale, Humboldt County Deputy District Attorney, present on behalf of the State. Defendant, present (in custody) with Counsel, Randal Miller and Jeffrie Miller.

The record reflected that this matter comes before the Court for a pre-trial conference.

Pasquale directed the Court's attention to the Notice of Temporary Regulation of the Board on Indigent Defense Services Amendment to Chapter 180 of NAC filed March 30, 2021. The State does not believe that defense counsel meets the qualifications required of Indigent Defense Services.

Discussion ensued regarding the appointment of defense counsel.

R. Miller updated the Court on his status of meeting the qualifications of the regulations set forth by the Board on Indigent Defense Services.

Discussion ensued regarding proceeding with the trial due to Defense Counsel being approved by the Board on Indigent Defense Services to represent the defendant.

R. Miller is not opposed to continuing the current trial date to await his application and approval. Counsel is also waiting on in-camera review documents from the Division of Child and Family Services.

The Court questioned R. Miller on status of J. Miller in meeting the requirements as set forth from the Board on Indigent Defense Services; R. Miller responded that J. Miller is also in the process of becoming qualified.

Pasquale does not think that the matter can proceed without the approval of Defense Counsel from the Board on Indigent Defense Services.

R. Miller stated he remains qualified as defense counsel until his application is denied by the Board on Indigent Defense Services.

Discussion ensued regarding the amount of time the application of Defense Counsel would take to obtain the necessary qualifications.

The Court continued the trial set for April 26, 2021, and that should the application of Defense Counsel be denied the Court will appoint the Humboldt County Public Defender. Further, the Court will not allow J. Miller to remain as co-counsel due to his lack of qualifications in relation to the regulations from the Board on Indigent Defense Services. The Court directed R. Miller to update the parties on the outcome of his application and whether or not it was accepted or denied. The Court will provide the in-camera review paperwork from the Division of Child and Family Services to the State and to Defense Counsel. The Court's staff will set this matter for a status hearing within the next couple of weeks.



CR1907109

The State of Nevada VS Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Maria Pinuelas

**April 26, 2021**

**STATUS HEARING**

PRESENT: Kevin Pasquale Humboldt County Chief Deputy District Attorney, present on behalf of the State. Defendant, present, in custody, with Counsel, Randal Miller. Maria Davis, court interpreter, present via ZOOM

The Court reflected that this matter come before the court for an issue that was raised of the qualifications of the defense counsel by the Indigent services, there was an application made and were waiting for a response since the prior pre-trial hearing.

Miller stated there was an issue by indigent services that has not been resolved and recommended the public defender take back the case and not have his client continue waiting.

Pasquale stated Matt Stermitz had previously asked to be relieved due to annual leave. Alternate Public Defender was also relieved. He also stated Stermitz should be able to take the case now.

The Court addressed the issue to the defendant and relieved Miller and would re-assign the case to the public defender office immediately.

The defendant addressed the Court.

The Court would have his staff set this matter for a status hearing to be possibly scheduled May 4, 2021.

The defendant addressed the Court again.

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**May 4, 2021**

**STATUS HEARING**

PRESENT: Kevin Pasquale, Chief Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, and Elizabeth Hill, Parole and Probation Officer, present on behalf of the Division of Parole and Probation. Defendant (in custody via Zoom) present with counsel, Matt Stermitz as well as interpreter, Maria Davis. Denni Byrd, Pre-Trial Services Coordinator, also present.

The record reflected that this matter comes before the court for a status hearing. An Order Relieving Defendant's Counsel and Appointing Humboldt County Public Defender was filed on April 28, 2021.

Stermitz indicated he would like to set this matter for trial, and a discussion ensued as to how many days would be needed.

The Court set this matter for a jury trial, to commence on October 25, 2021 for five days. A pre-trial conference would be set by Court's staff and the parties would be informed.

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**August 10, 2021**

**PRE-TRIAL CONFERENCE**

PRESENT: Michael Macdonald, Humboldt County District Attorney, and Anthony Gordon, Deputy District Attorney, present on behalf of the State. Debbie Okuma, DPS Specialist III, present (via Zoom) on behalf of the Division of Parole and Probation. Defendant, present (in custody) with counsel, Matt Stermitz, Humboldt County Public Defender, as well as Maria Davis, Certified Court Interpreter. Denni Byrd, Pre-Trial Services Coordinator, also present.

The record reflected that this matter comes before the Court for a pre-trial conference. A jury trial was set to commence on October 18, 2021 for five (5) days.

The Court placed the interpreter under oath.

The Court was in receipt of a Motion to Suppress, filed July 21, 2021. The Court stated that Motion had been submitted to the Court for decision this morning, but that this Court had not reviewed the State's Opposition, filed on August 6, 2021. The Court would like to set this matter for a suppression hearing at another date and time.

Stermitz requested that the suppression hearing be set before the end of the month.

Gordon agreed that a suppression hearing was needed and concurred with setting it by the end of the month.

The Court set this matter for a suppression hearing on September 2, 2021 at 9 a.m.

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**September 2, 2021**

**SUPPRESSION HEARING**

**PRESENT:** Kevin Pasquale, Chief Deputy District Attorney, present on behalf of the State..Defendant, present (in custody) with counsel, Matt Stermitz, as well as Maria Davis, certified court interpreter.

The record reflected that this matter comes before the Court for a suppression hearing. The Court asked the parties if they were prepared to proceed; the parties concurred.

The Clerk placed the interpreter under oath.

A Motion to Suppress was filed on July 21, 2021, the States Response was filed on August 6, 2021, the matter was then submitted to the Court on August 10, 2021, and a hearing was scheduled.

Defendant's Exhibit A-CD with interview between Detective Matt Morgan and the Defendant, marked, offered, and admitted. The CD was then published.

The Court recessed at 10:05 a.m. and returned at 10:28 a.m.

The Defense rested.

Plaintiff's Exhibit 1-Transcript of Recorded Interview (Defendant's Exhibit A), marked, offered, and admitted.

Ramon Reyes, duly sworn, testified under the direct examination of Pasquale. Cross examination by Stermitz.

The State rested.

Argument by Stermitz.

Argument by Pasquale.

Rebuttal by Stermitz.

The Court would take the matter under submission and issue a written Order. The Court ordered that the State provide another copy of the CD of the recorded interview between Detective Matt Morgan and the Defendant to Stermitz.

<b>EXHIBIT LIST</b>			
<b>PLAINTIFF: The State of Nevada</b>		<b>Plaintiff's Counsel: DA</b>	
<b>DEFENDANT: Rafael Rosas Cardenas</b>		<b>Defense Counsel: Stermitz</b>	
<b>Case No: CR1907109</b>	<b>Dept. No:</b>	<b>2</b>	<b>Date: 9-2-21</b>

**Plaintiff's Counsel: DA**

**Defense Counsel: Stermitz**

**Date: 9-2-21**

[illegible]

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**October 12, 2021**

**PRE-TRIAL CONFERENCE**

Michael Macdonald, Humboldt County District Attorney, present on behalf of the State. Matthew Stermitz, Humboldt County Public Defender, present on behalf of the Defendant, who was not present.

The record reflected that this matter comes before the Court for a pre-trial conference. The Court stated he was aware that there was an ongoing settlement conference today in this case before Senior Judge Maddox. A four-day jury trial was scheduled to commence on October 19, 2021. The Court asked the parties to give him an update as to the outcome of the settlement conference.

Stermitz informed the Court that there had been a settlement reached in this matter, and that an Amended Information had been filed, as well as a Plea Agreement.

Macdonald concurred and informed the Court that Senior Judge Maddox had held the arraignment and taken the Defendant's plea.

The Court ordered that the jury trial scheduled for October 19, 2021 be vacated and ordered that the Clerk's Office notify the jurors. Sentencing was set by Judge Maddox for December 14, 2021 at 9:30 a.m. The State to prepare the order.

CR1907109

The State of Nevada vs. Rafael Rosas Cardenas.

Judge: William A. Maddox

Clerk: Jessica Koepke

**OCTOBER 12, 2021**

**SETTLEMENT CONFERENCE/PLEA HEARING**

PRESENT via ZOOM: Kevin Pasquale, Humboldt County Deputy District Attorney, and Richard Haas, Humboldt County Deputy District Attorney, present on behalf of the State. Matthew Stermitz, Humboldt County Public Defender, present on behalf of the Defendant, Rafael Rosas Cardenas, present (in custody), with interpreter Maria Davis.

The record reflected that this matter came before the Court to engage in a Settlement Conference. The Court further stated that it is the understanding of the Court that the parties have reached an agreement and that the Defendant is willing to sign a plea agreement if some language in the Second Amended Information is changed.

The Court stated the Defendant is objecting to the language in the Second Amended Information; Deputy Haas and Deputy Pasquale stated that the State is willing to change the language; The Court offered changes to the Second Amended Information; the Defendant accepted the changes presented by the Court; the State offered no objection. The Court will make the change to the Second Amended Information as presented by the Court.

Further discussion of the changes to the Second Amended Information ensued.

The Court questioned the Defendant on whether or not he will accept the plea if the changes to the information are made; the Defendant stated that he is not sure if he is willing to accept the plea agreement.

The Court further explained the consequences of not accepting the plea and the potential sentence if the Court does accept the plea.

The Defendant stated that he will accept the plea, and sign the information and plea.

The Court recessed to allow the Second Amended Information and Plea Agreement to be signed by the Defendant, the Court further directed the Clerk to file the Second Amended Information and Plea Agreement once signed by the Defendant and to provide copies to all of the parties.

The Court reconvened.

The Court asked the Defendant if he is going to sign the Plea Agreement; the Defendant stated yes and signed the Plea Agreement; copies were provided to all parties.

The Court moved forward with arraignment.

Interpreter duly sworn.

Defendant, Rafael Rosas Cardenas, duly sworn.

A Second Amended Information filed October 12, 2021, name corrected to read Rafael Rosas Cardenas on Information and a portion of line 26 and 27 struck, in violation of NRS 200.508(1)(a)(2) and NRS 179D.097(1)(g), a Category B Felony, the Court asked the Defendant for their plea on the allegations against them. The Court canvassed the Defendant on their rights and explained the consequences should they plead guilty to the allegations in the Information. The Defendant stated understanding. The Court questioned if the Defendant understands the penalty and consequences, the Defendant stated yes. The Court asked for the Defendant's plea, the Defendant-plead Guilty.

The Court further canvassed the Defendant as to their constitutional rights, and further explained the essential elements that must be proven by the State to convict the Defendant of allegations against them. The Defendant stated understanding. The Court further explained the elements that must be proven by the State. The Defendant stated understanding. The Court further explained the consequences and potential sentence. The Defendant stated understanding.

The Court stated that they are in possession of a Guilty Plea Agreement filed October 12, 2021. The Court asked if the Defendant's signature is on the Guilty Plea Agreement, Defendant stated yes; the Court asked if he understands the plea agreement and if he had all of his questions answered; the Defendant stated that he does not have any questions about what he signed. The Court asked if the Defendant is under the influence of narcotics or alcohol; the Defendant stated no. The Court asked if the Defendant is being forced to sign the Plea Agreement; the Defendant stated no. The Court further explained the terms of the Guilty Plea Agreement and that the State cannot further prosecute on these allegations. The Court explained that the State reserves the right to present evidence and witnesses at time of sentencing, and comment on any prior crimes and conduct. The Court stated that the Court reserves the right to sentence to the full extent of the law regardless of what is recommended. The Court further canvassed the Defendant on his constitutional rights; the Defendant stated understanding.

Stermitz stated that he has issued a lot of subpoenas and was ready to go to jury trial.

The Court further asked for the Defendant's understanding of the rights that he is forfeiting by pleading guilty; the Defendant stated understanding.

Stermitz stated that he had discussed the appeal process with the Defendant. The Defendant questioned the Court on what can be appealed; the Court explained to the Defendant what can be appealed should the Court accept the Defendant's Guilty Plea.

The Court canvassed the Defendant on his right to obtain an attorney and be represented by an attorney. Discussion ensued regarding how attorneys are appointed to represent indigent defendants. The Court asked if the Defendant is satisfied with his representation; the Defendant stated not completely. The Court further explained the potential if he does not accept the Defendant's plea, the Court further stated that if the Defendant is not satisfied with their representation then the Court will not accept their plea, and that the Defendant will have to go to trial with Stermitz as his attorney.

Stermitz explained all of the research and work that he has put into this case, he stated that it is in excess of one-hundred (100) hours of work and is not derelict in his duties.

The Court questioned the Defendant on how much he had discussed his case with his attorney; the Defendant stated that he did not discuss it very much. The Court asked the Defendant if he had questions about his case, and that the Court will answer his questions, should he have questions.



Stermitz stated he has shared all discovery with the Defendant and has filed motions to suppress. The Court stated that if the Defendant is not satisfied with his representation than the Court will not accept the plea. The Defendant stated that he wanted his attorney to investigate people. Stermitz stated that he investigated all persons involved and has evidence that he could move forward with at trial.

The Defendant stated he will enter this plea, but maintains his innocence.

The Court stated that it appears that Stermitz has represented the Defendant well, and asked the Defendant why he is pleading guilty.

The Defendant stated that he is not free of sin. The Court asked if they have done something wrong, the Defendant stated that he believes that he committed a mistake.

The Court stated from the record what the Defendant stated to the detective whom investigated the allegation against them; the Court asked the Defendant if he did what he stated to the detective; the Defendant answered no. The Court stated if the Defendant does not take responsibility, the Court will not accept his plea; the Defendant stated that he does take responsibility for being there and will accept the responsibility.

The Court asked the Defendant if he is entering a guilty plea to receive a lesser sentence; The Defendant stated yes.

The Court asked for input from the other parties.

Stermitz stated they have a right to enter plea.

The Court finds that Stermitz has done an exemplary job of representing the Defendant. The Court further finds that if the Defendant went to trial there is substantial likely hood that he could be convicted and sentenced to a much more severe sentence. The Court finds that the Defendant knowingly entered his plea and waived his right to a trial by a jury of his peers. The Court directed Parole and Probation to prepare a pre-sentence investigation report and to have a psycho-sexual evaluation be completed on the Defendant before sentencing; which is to occur on to happen December 14, 2021 at 9:30 A.M.

Pasquale asked that the jury trial be vacated.

The Court explained that a Settlement Judge should not make that decision and that the District Court Judge will address vacating the Trial at the Pre-Trial Conference.

CR1907109

The State of Nevada VS. Rafael Rosas Cardenas

Judge: Michael R. Montero

Clerk: Mikayla Mecham

**December 14, 2021**

**SENTENCING HEARING**

PRESENT: Kevin Pasquale, Chief Deputy District Attorney, present on behalf of the State. Elizabeth Hill and Marni Pool, present on behalf of the Division of Parole and Probation. Defendant, present (in custody via Zoom) with counsel, Matt Stermitz, Humboldt County Public Defender, as well as Maria Davis (via Zoom) Certified Court Interpreter to translate for the Defendant. Denni Byrd, Pre-Trial Services Coordinator, also present.

A discussion ensued regarding setting up the Interpreter mode on Zoom.

The record reflected that this matter comes before the Court for sentencing.

The Court was in receipt of a Pre-Sentence Investigation Report, filed November 22, 2021; copies had been received.

The Court tabled the matter due to technological issues with Zoom.

After attempting to fix the issues with Zoom the Court informed the parties that the matter would have to be continued to a date and time where all parties could be present in person.

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

-COURT MINUTES-

THE STATE OF NEVADA,

Plaintiff,

vs.

RAFAEL ROSAS CARDENAS,

Defendant,

CR1907109

Tuesday, February 1, 2022

3:03 P.M.

PRESENT: Honorable Michael R. Montero, District Court Judge presiding; Maria Pinuelas,  
Deputy County Clerk; Shane Goodale, Bailiff.

SENTENCING

Richard Haas, Deputy District Attorney, present on behalf of the State. Marni Pool, present on behalf of the Division of Parole and Probation. Defendant (in custody) with counsel, Matthew Stermitz, Humboldt County Public Defender. Maria Davis, Court interpreter.

The record reflected that this matter comes before the Court for sentencing.

The Court asked the Clerk to place the interpreter under oath.

Maria Davis, duly sworn.

The Court was in receipt of a presentence investigation report prepared November 22, 2021. The following attachments were on the report as well, the Defendant's statement which was translated from Spanish to English, and two (2) victim impact statements. No factual corrections were made on the report. The Defendant stated that he had reviewed the report and had no factual corrections. The Court included his name and Richard Hass on the report. The State had some factual corrections made to the report which the court corrected. Nine hundred and twenty (920) days for credit for time served were calculated by the State. The Court asked the Division of Parole and Probation for the correct amount, Pool indicated nine hundred and twenty (920) days was correct. Stermitz had no objection to the credit for time served.

No evidence was presented.

Argument by Stermitz.

Discussion ensued regarding the guilty plea agreement.

Argument by Hass.

Argument by Hass.

The Court had reviewed the Defendants statement and asked if he had anything further to add.

The Defendant exercised his right of allocution.

The Court asked of any additions from Parole and Probation, Pool indicated no.

O.R, duly sworn, offered a victim impact statement.

The Court pronounced the Defendant guilty of the crime of CHILD ABUSE, NEGLECT, OR ENDANGERMENT, INVOLVING SEXUAL EXPLOITATION, a category B felony in violation of NRS 200.508(1)(a)(2) and sentenced the Defendant as follows: the Defendant shall pay a \$3.00 DNA collection fee, a \$25.00 administrative assessment fee, a \$150.00 DNA, if not paid already, a \$1000.00 public defender fee, all payable to the Humboldt County Clerk, and a \$1,425.00 psychosexual evaluation fee, payable to the Division of Parole and Probation. The Defendant is further ordered to serve a minimum term of ninety-six (96) months and a maximum term of two hundred and forty (240) months in the Nevada Department of Corrections, with credit for time served of nine hundred and twenty (920) days. The Defendant is further ordered to lifetime supervision and shall register as a sex offender.

The Defendant was remanded to the custody of the sheriff to carry out this sentence and the Court indicated that this sentenced is the maximum allowed by law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Certification of Copy**

STATE OF NEVADA,

COUNTY OF HUMBOLDT,

I, TAMI RAE SPERO, the duly elected, qualifying and acting Clerk of Humboldt County, in the State of Nevada,  
and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy  
of the original: Notice of Appeal, Case Appeal Statement, Request for Transcript, District Court Docket Entries,  
Judgement of Conviction filed February 10, 2022, District Court Minutes.

THE STATE OF NEVADA,

Plaintiff,

vs.

CASE NO. CR1907109

RAFAEL ROSAS CARDENAS,

Defendant

now on file and record in this office.

IN WITNESS THEREOF, I have hereunto set  
My hand and affixed the seal of the Court at my  
Office, Winnemucca, Nevada this 23rd day of  
February 2022, A.D.



MARIA PINUELAS, DEPUTY CLERK

