

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

Electronically Filed
Feb 03 2022 02:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

LUIGY RICHARD LOPEZ-DELGADO,

Plaintiff,

vs.

Sup. Ct. Case No. 83885

Case No. CR18-1654

Dept. 9

THE STATE OF NEVADA,

Defendant.

RECORD ON APPEAL

VOLUME 2 OF 6

DOCUMENTS

APPELLANT

**Luigy Lopez-Delgado #1213684
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419**

RESPONDENT

**Washoe County District
Attorney's Office
Jennifer P. Noble, Esq. #9446
P.O. Box 30083
Reno, Nevada 89502-3083**

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 LUIGY RICHARD LOPEZ-DELGADO vs STATE OF NEVADA
 DATE: FEBRUARY 3, 2022

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs.

Case No. BIND-2018

LUIGY RICHARD LOPEZ,

Defendant.

NOTICE OF BINDOVER

DEFENDANT'S NAME: Luigy Richard Lopez

AKA's: Luigi Lopez, Luigi Lopez-Delgado,
Luigi Richard Lopez-Delgado, Luigi
Richard Lopez-Delgado

DATE OF BIRTH: 02/03/1993

DATE OF BINDOVER: 9/24/2018

JUSTICE COURT: Sparks Justice Court

J/C Case Number: 17-SCR-02095 DA Case Number: 17-14504

Co-Defendant(s): No

DAS Supervision: No

PROSECUTING ATTORNEY: Nickolas J Graham

DEFENSE COUNSEL: Public Defender

1 **Code 3700**
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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **THE STATE OF NEVADA,**
10

11 **Plaintiff,**

12 **vs.**

13 **Luigy Richard Lopez,**
14

15 **Defendant.**
16

17 **PROCEEDINGS**
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SPARKS CRIMINAL
CASE SUMMARY
CASE NO. 17-SCR-02095

The State of Nevada
vs.
Luigi Richard Lopez-Delgado

§
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§

Location: **Sparks Criminal**
Judicial Officer: **Wilson, Chris**
Filed on: **12/19/2017**
Case Number History: **17-PC-002276**
Agency Number: **WC17-6416**
Booking Number: **17-20508**
District Attorney Number: **17-14504**
Probable Cause Number: **WASO0070047C**
WASO0074509C

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony
1. Statutory sexual seduction by person age 21 or older	NRS 200.368.1	B	10/01/2017	Case Status:	12/19/2017 Active
2. Statutory sexual seduction by person age 21 or older	NRS 200.368.1	B	10/01/2017	Case Flags:	In Custody
3. Use or permit minor, under age 14, to produce pornography	NRS 200.710.1	A	10/01/2017		
4. Possess visual pornography of person under age 16, 1st	NRS 200.730.1	B	10/01/2017		
5. Lewdness with child older than 14	NRS 201.230.3	B	10/01/2017		
6. Lewdness with child older than 14	NRS 201.230.3	B	10/01/2017		
7. Lure/att to lure child/mentally ill pers w/use of computer technology to engage in sexual conduct	NRS 201.560.4a	B	10/01/2017		
8. Prevent, dissuade, or att to prevent or dissuade person from testifying or producing evidence	NRS 199.230.2	G	12/26/2017		

Statistical Closures

09/24/2018 Preliminary Hearing - Bindover

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 17-SCR-02095
Court Sparks Criminal
Date Assigned 12/19/2017
Judicial Officer Wilson, Chris

PARTY INFORMATION

Plaintiff	The State of Nevada	<i>Lead Attorneys</i> Graham, Nickolas J 775-328-3200(H)
Defendant	Lopez-Delgado, Luigi Richard <i>Also Known As</i> Lopez, Luigi Richard <i>Also Known As</i> Lopez, Luigi	Slocum, Jay <i>Retained</i>

DATE

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12/15/2017	Court Found Probable Cause <i>SEALED</i>	

SPARKS CRIMINAL
CASE SUMMARY
CASE NO. 17-SCR-02095

12/15/2017	 Bail Set (Judicial Officer: Longley, Jessica) \$200,000 F/\$1,000 M bondable with supervision
12/15/2017	 Public Defender Denied
12/15/2017	 Nevada Pre-trial Risk Assessment Medium
12/18/2017	 72 Hour (8:30 AM) (Judicial Officer: Longley, Jessica) <i>Parties Present: Defendant Lopez-Delgado, Luigi Richard</i>
12/18/2017	 Public Defender Appointed <i>On the record</i>
12/19/2017	 Case Filed
12/20/2017	Arraignment (8:30 AM) (Judicial Officer: Longley, Jessica) <i>Parties Present: Defendant Lopez-Delgado, Luigi Richard</i>
12/20/2017	Bail Set (Judicial Officer: Longley, Jessica) \$200,000 Bondable with supervision
12/20/2017	 Amended Criminal Complaint Filed <i>Amended wrong name on Count III</i>
12/21/2017	Arraignment (8:30 AM) (Judicial Officer: Wilson, Chris) <i>Parties Present: Defendant Lopez-Delgado, Luigi Richard</i>
12/28/2017	CANCELED Mandatory Status Conference (1:30 PM) (Judicial Officer: Wilson, Chris) <i>Vacated</i>
01/03/2018	CANCELED Preliminary Hearing (10:00 AM) (Judicial Officer: Wilson, Chris) <i>Vacated</i>
01/18/2018	CANCELED Mandatory Status Conference (1:30 PM) (Judicial Officer: Wilson, Chris) <i>Vacated</i>
01/31/2018	 Amended Criminal Complaint Filed <i>Second - Added Count VIII and new PC.</i>
02/01/2018	Arraignment (8:30 AM) (Judicial Officer: Higgins, Kevin) <i>Parties Present: Defendant Lopez-Delgado, Luigi Richard</i>
02/01/2018	Hearing Result: <i>Defendant arraigned on amended criminal complaint.</i>
02/01/2018	Bail Reduction \$200,000 bondable with supervision
02/05/2018	CANCELED Mandatory Status Conference (1:30 PM) (Judicial Officer: Wilson, Chris) <i>Vacated</i>
02/05/2018	 Custody Change Request Filed
02/05/2018	Bail Reduction

Instrument#
2

SPARKS CRIMINAL
CASE SUMMARY
CASE NO. 17-SCR-02095

	<i>\$80,000 bondable with enhanced supervision</i>
04/18/2018	CANCELED Preliminary Hearing (2:00 PM) (Judicial Officer: Wilson, Chris) <i>Vacated</i>
07/05/2018	CANCELED Mandatory Status Conference (1:30 PM) (Judicial Officer: Wilson, Chris) <i>Vacated</i>
07/12/2018	CANCELED Mandatory Status Conference (1:30 PM) (Judicial Officer: Wilson, Chris) <i>Vacated</i>
09/24/2018	Preliminary Hearing (10:00 AM) (Judicial Officer: Wilson, Chris) <div style="display: flex; justify-content: space-between;"> <div> <i>Parties Present: Plaintiff</i> <i>Defendant</i> <i>Public Defender</i> <i>Deputy District Attorney</i> </div> <div> <i>The State of Nevada</i> <i>Lopez-Delgado, Luigi Richard</i> <i>Slocum, Jay</i> <i>Graham, Nickolas J</i> </div> </div>
09/24/2018	 Hearing Result: <i>Defendant motions for new Public defender. Motion denied. Defendant arraigned on amended criminal complaint.</i>
09/24/2018	 Amended Criminal Complaint Filed <i>3rd</i>
09/24/2018	Disposition (Judicial Officer: Wilson, Chris) <ol style="list-style-type: none"> 1. Statutory sexual seduction by person age 21 or older Bound Over 2. Statutory sexual seduction by person age 21 or older Bound Over 3. Use or permit minor, under age 14, to produce pornography Bound Over 4. Possess visual pornography of person under age 16, 1st Bound Over 5. Lewdness with child older than 14 Bound Over 6. Lewdness with child older than 14 Bound Over 7. Lure/att to lure child/mentally ill pers w/use of computer technology to engage in sexual conduct Bound Over 8. Prevent, dissuade, or att to prevent or dissuade person from testifying or producing evidence Bound Over
09/24/2018	Notice of Bindover
09/25/2018	Request for Transcript

**IN THE JUSTICE COURT OF
WASHOE COUNTY, STATE OF NEVADA**
EN EL TRIBUNAL DE JUSTICIA DEL
CONDADO DE WASHOE, ESTADO DE NEVADA

THE STATE OF NEVADA,) APPLICATION FOR APPOINTMENT
EL ESTADO DE NEVADA,) OF PUBLIC DEFENDER
Plaintiff/ Demandante,) SOLICITUD DE ASIGNACIÓN DEL DEFENSOR
PÚBLICO
vs.)
Luigi Lopez-Delgado) CASE NO. WC17-6416
Defendant/Acusado) CAUSA No.
PCN

I hereby apply for appointment of the Washoe County Public Defender and **declare under penalty of perjury**: (1) I am indigent and I am without financial means to hire an attorney. Mediante la presente solicito la asignación del Defensor Público del Condado de Washoe y **declaro bajo pena de perjurio**: (1) que soy indigente y (2) que no tengo los medios económicos para contratar a un abogado.

I receive government assistance yes no, specifically _____.
Recibo ayuda del gobierno sí no, específicamente _____.

My weekly household income is \$1000 the total number of people in my household is 2,
and my total assets are \$1500.
Los ingresos semanales de mi familia son de _____ el número de personas que viven en mi hogar es _____
y mi capital total es de _____.

X [Signature]
DEFENDANT/ACUSADO

WITNESSED: 12/14 2017 [Signature]
TESTIGO COURT STAFF or JUDGE
PERSONAL JUDICIAL O JUEZ

ORDER

The Court has reviewed this Application executed under penalty of perjury. Good cause appearing it is hereby ordered that:

☒ the Application is DENIED. The Court finds the Defendant is not indigent.

Comment: _____

☐ the Application is GRANTED. The Court finds that the Defendant is without means to employ an attorney or otherwise determines that representation by the Washoe County Public Defender is required. Reimbursement may be ordered by the Justice Court or District Court at a later time. The Washoe County Public Defender is appointed to represent the Defendant on the following condition(s):

DATED: _____ 20____.

PD DENIED
[Signature]
JUSTICE OF THE PEACE
9:49 am, Dec 15 2017

¹ (\$464/1, \$625/2, \$785/3, \$946/4, \$1,107/5)



BOOKING RECORD

Washoe County Jail

Booking Name:
LOPEZ-DELGADO, LUIGI RICHARD
DOB: 02/03/1993 AFIS Number:

Booking No: 17-20508 Jail ID#: P-164644
Housing: WC-H04-A04
Booking Date: 12/14/2017 Booking Time: 02:05
Race: W Sex: M

Address

228 E 8TH AV

State ZIP Code

NV 89433

Height Weight Hair Color Eye Color POB Ethnicity

6'00" 210# BLK BRO NV H

Total Charges Unserved Sentenced Holds State Hold Federal Hold

29 29

Bin/Locker No

0490

POB City

RENO

POB

NV

Occupation

LABOR

Employer

LABOR FINDERS

OCA #

17-6416

Arrest Agency

WASHOE COUNTY SHERIFF'S OFFICE

Arrest Date

12/13/2017

Arrest Time

23:46

Vehicle Storage

IMPOUNDED

Chg	Chls	LVI	NOC/Charge	Warrant No	Bail Out	Court	Charge Literal	Bail Amount	Warrant Agency	Bail Type	Court Case No	OCA #
1	1	F	60323		N	SJC	STAT SEX SEDUCTION PERSON AGE >=21		WASO0070047C		170006416	
2	1	F	60323		N	SJC	STAT SEX SEDUCTION PERSON AGE >=21		WASO0070047C		170006416	
3	1	F	60323		N	SJC	STAT SEX SEDUCTION PERSON AGE >=21		WASO0070047C		170006416	
4	1	F	60323		N	SJC	STAT SEX SEDUCTION PERSON AGE >=21		WASO0070047C		170006416	
5	1	F	60323		N	SJC	STAT SEX SEDUCTION PERSON AGE >=21		WASO0070047C		170006416	



BOOKING RECORD

Washoe County Jail

Booking Name:
LOPEZ-DELGADO, LUIGI RICHARD
DOB: 02/03/1993
MIS Number:

Booking No: 17-20508
Jail ID#: P-164644
Housing: WC-H04-A04
Booking Date: 12/14/2017
Booking Time: 02:05
Race: W
Sex: M

Chg	Cnts	Lvl	NOC/Charge	Charge Literal	Warrant Agency	OCA#
			Warrant No	Bail Amount	Bail Type	
			Bail Out			
			Court			
6	1	F	60336	LEWDNESS W/CHILD 14 OR 15 YOA	WASO0070047C	170006416
			N			
			SJC			
7	1	F	60336	LEWDNESS W/CHILD 14 OR 15 YOA	WASO0070047C	170006416
			N			
			SJC			
8	1	F	60336	LEWDNESS W/CHILD 14 OR 15 YOA	WASO0070047C	170006416
			N			
			SJC			
9	1	F	60336	LEWDNESS W/CHILD 14 OR 15 YOA	WASO0070047C	170006416
			N			
			SJC			
10	1	F	60336	LEWDNESS W/CHILD 14 OR 15 YOA	WASO0070047C	170006416
			N			
			SJC			
11	1	F	50367	USE/PERMIT MINOR 14+ TO PROD PORN	WASO0070047C	170006416
			N			
			SJC			
12	1	F	50367	USE/PERMIT MINOR 14+ TO PROD PORN	WASO0070047C	170006416
			N			
			SJC			
13	1	F	50367	USE/PERMIT MINOR 14+ TO PROD PORN	WASO0070047C	170006416
			N			
			SJC			



BOOKING RECORD

Washoe County Jail

Booking No 17-20508 Jail ID# P-164644
Housing WC-H04-A04
Booking Date 12/14/2017 Booking Time 02:05
Race Sex W M

Booking Name
LOPEZ-DELGADO, LUIGI RICHARD
DOB 02/03/1993 AFIS Number

Chg	Cnts	Lvl	NOC/Charge	Charge Literal	Warrant Agency	OCA #
			Warrant No		Det Type	
			Bail Out	Bail Amount	PCN	Court Case No
14	1	F	50374	POSS VISUAL PORN OF PERS <16,1ST		170006416
			N			
			SJC	WASO0070047C		
15	1	F	50374	POSS VISUAL PORN OF PERS <16,1ST		170006416
			N			
			SJC	WASO0070047C		
16	1	F	50374	POSS VISUAL PORN OF PERS <16,1ST		170006416
			N			
			SJC	WASO0070047C		
17	1	F	50374	POSS VISUAL PORN OF PERS <16,1ST		170006416
			N			
			SJC	WASO0070047C		
18	1	F	50374	POSS VISUAL PORN OF PERS <16,1ST		170006416
			N			
			SJC	WASO0070047C		
19	1	F	50374	POSS VISUAL PORN OF PERS <16,1ST		170006416
			N			
			SJC	WASO0070047C		
20	1	F	50374	POSS VISUAL PORN OF PERS <16,1ST		170006416
			N			
			SJC	WASO0070047C		

V2.10

**BOOKING RECORD**
Washoe County Jail

Booking No 17-20508 Jail ID# P-164644
Housing WC-H04-A04
Booking Date 12/14/2017 Booking Time 02:05
Race Sex W M

Booking Name
LOPEZ-DELGADO, LUIGI RICHARD
DOB 02/03/1993 AHS Number

Chg	Cnta	Lvl	NOC/Charge	Charge Literal	Warrant Agency	OCA #
			Warrant No	FCN	FCN	
			Bail Out	Bail Amount	Bail Type	
			Court			
21	1	F	50374	POSS VISUAL PORN OF PERS <16, 1ST		170006416
			N			
			SJC	WASO0070047C		
22	1	F	50374	POSS VISUAL PORN OF PERS <16, 1ST		170006416
			N			
			SJC	WASO0070047C		
23	1	F	51081	LURE CHILD/MNT-ILL PERS T/ENG IN SEX		170006416
			N			
			SJC	WASO0070047C		
24	1	F	51081	LURE CHILD/MNT-ILL PERS T/ENG IN SEX		170006416
			N			
			SJC	WASO0070047C		
25	1	F	51081	LURE CHILD/MNT-ILL PERS T/ENG IN SEX		170006416
			N			
			SJC	WASO0070047C		
26	1	F	51081	LURE CHILD/MNT-ILL PERS T/ENG IN SEX		170006416
			N			
			SJC	WASO0070047C		
27	1	F	51081	LURE CHILD/MNT-ILL PERS T/ENG IN SEX		170006416
			N			
			SJC	WASO0070047C		
28	1	F	51078	LURE CHILD/MNT-ILL PERS W/COMP 4 SEX		170006416
			N			
			SJC	WASO0070047C		



BOOKING RECORD

Washoe County Jail

Booking No	Jail ID#
17-20508	P-164644
Housing	
WC-H04-A04	
Booking Date	Booking Time
12/14/2017	02:05
Race	Sex
W	M

Booking Name
LOPEZ-DELGADO, LUIGI RICHARD
 DOB
02/03/1993
 AFIS Number

Chg	Cnts	Lvl	NOC/Charge	Charge Literal	Warrant Agency	OCA #
			Warrant No		Bail Type	
			Bail Out	Bail Amount	FCN	Court Case No
			Court			
29	1	M	50994	EXHIB/DISTR/SELL OBSCENE MAT 2 MINOR		170006416
			N			
			SJC		WASO0070047C	

BAIL OR FINE
 CANNOT BAIL OUT ON LISTED OFFENSE(S) FROM ABOVE.

DEC 18 2017

By

J. Brown
DEPUTY CLERK

IN THE JUSTICE COURT OF SPARKS TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

THE STATE OF NEVADA

Plaintiff,

v.

Case No.: 17-PC-002276

Luigi Richard Lopez-Delgado

Defendant.

AFFIDAVIT FOR APPOINTMENT OF PUBLIC DEFENDER

I hereby apply for appointment of the Washoe County Public Defender and declare under penalty of perjury:

1. That affiant is indigent.

2. That affiant is without the financial means to employ an attorney for the reasons that:

(a) Affiant has no personal funds; (b) Affiant has no family or friends with the ability to provide funds to assist him; (c) Affiant has no assets of any kind in this State or elsewhere to assisting the employment of counsel; (d) Affiant is without financial resources of any kind which, if existent, would be used to assist in the employment of Counsel.

I receive government assistance _____ Yes _____ No Specifically _____

My weekly household income is \$ _____

The total number of people in my household is _____

My total assets are _____

On the Record _____
Defendants Signature

Jessica Brown _____
Court Staff/Witness

Phone _____

Date 12/18/17

ORDER

The Court has reviewed this Application executed under penalty of perjury. Good cause appearing it is hereby ordered that:

_____ The Application is DENIED. The Court finds the Defendant is not indigent.

X The Application is GRANTED. The Court finds that the Defendant is without means to employ an attorney or otherwise determines that representation by the Washoe County Public Defender is required. Reimbursement may be ordered by the Justice Court.

Fee Assessed: _____ No _____ Yes \$ _____

Dated: December 18, 2017

[Signature] _____
JUSTICE OF THE PEACE

[\$457/1, \$616/2, \$775/3, \$935/4, \$1094/5]

DEC 19 2017
By M. Wright
DEPUTY CLERK

DA #17-14504

WCSO WC17-006416

IN THE JUSTICE COURT OF SPARKS TOWNSHIP
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: 17-SR-02095

v.

Dept. No.: /

LUIGI RICHARD LOPEZ-DELGADO,
also known as
LUIGI LOPEZ,
also known as
LUIGY RICHARD LOPEZ,

Defendant.

CRIMINAL COMPLAINT

ERICA L. JACKSON of the County of Washoe, State of Nevada,
verifies and declares upon information and belief and under penalty
of perjury, that LUIGI RICHARD LOPEZ-DELGADO also known as LUIGI
LOPEZ also known as LUIGY RICHARD LOPEZ, the defendant above-named,
has committed the crime(s) of:

COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR
OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in
the manner following, to wit:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or
between October 1, 2017 and December 13, 2017, within the County of
Washoe, State of Nevada, did willfully and unlawfully, being over 21
years of age, commit an act of statutory sexual seduction with the
person of H.T., who was then and there under the age of 16 years, in
that the said defendant engaged in an act of oral intercourse with

1 the said H.E. at or near 3094 Diamond Dust Court, Washoe County,
2 Nevada.

3 COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR
4 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in
5 the manner following, to wit:

6 That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or
7 between October 1, 2017 and December 13, 2017, within the County of
8 Washoe, State of Nevada, did willfully and unlawfully, being over 21
9 years of age, commit an act of statutory sexual seduction with the
10 person of H.T., who was then and there under the age of 16 years, in
11 that the said defendant engaged in an act of vaginal intercourse with
12 the said H.E. at or near 3094 Diamond Dust Court, Washoe County,
13 Nevada.

14 COUNT III. USE OR PERMIT MINOR, UNDER AGE 18, TO PRODUCE
15 PORNOGRAPHY, a violation of NRS 200.710.1, a category A felony,
16 (50368) in the manner following, to wit:

17 That the said defendant JEFFERY LYNN FLUCKIGER, on or
18 between October 1, 2017 and December 13, 2017, at the Reno Township,
19 within the County of Washoe, State of Nevada, did willfully and
20 unlawfully, use or permit a minor child of approximately 14 years of
21 age to engage in sexual conduct to produce a performance and/or
22 pornography, in that the defendant did have H.T. produce nude
23 photographs of herself, at his suggestion and had her send them to
24 him.

25 ///

26 ///

1
2 COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE
3 16, FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony,
4 (50374) in the manner following, to wit:

5 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
6 between October 1, 2017 and December 13, 2017, within the County of
7 Washoe, State of Nevada, did knowingly, willfully and unlawfully have
8 in his possession for any purpose film, photograph or other visual
9 presentation depicting a person under 16 year as the subject of a
10 sexual portrayal or engaging in or simulating, or assisting others to
11 engage in or simulate, sexual conduct, in that the defendant
12 possessed nude photographs of H.T., who was under the age of 18 at
13 the time the photograph was taken, 3094 Diamond Dust Court, Washoe
14 County, Nevada.

15 COUNT V. LEWDNESS WITH CHILD OLDER THAN 14, a violation of
16 NRS 201.230.3, a category B felony, (58747) in the manner following,
17 to wit:

18 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
19 between October 1, 2017 and December 13, 2017, within the County of
20 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit
21 any lewd or lascivious act upon or with the body or any body part of
22 H.T., a female child between the ages of fourteen and sixteen years
23 at the time the act was committed, in that the defendant penetrated
24 H.T.'s mouth with his penis, with the intent of arousing, appealing
25 to, or gratifying the lust, passions, or sexual desires of himself or
26 the child, at or near 3094 Diamond Dust Court, Washoe County, Nevada.

1 COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14, a violation of
2 NRS 201.230.3, a category B felony, (58747) in the manner following,
3 to wit:

4 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
5 between October 1, 2017 and December 13, 2017, within the County of
6 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit
7 any lewd or lascivious act upon or with the body or any body part of
8 H.T., a female child between the ages of fourteen and sixteen years
9 at the time the act was committed, in that the defendant penetrated
10 H.T.'s vagina with his penis, with the intent of arousing, appealing
11 to, or gratifying the lust, passions, or sexual desires of himself or
12 the child, at or near 3094 Diamond Dust Court, Washoe County, Nevada.

13
14 COUNT VII. LURE OR ATTEMPT TO LURE A CHILD WITH THE USE OF
15 COMPUTER TECHNOLOGY TO ENGAGE IN SEXUAL CONDUCT, a violation of NRS
16 201.560.4a, a category B felony, (51078) in the manner following, to
17 wit:

18 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
19 between October 1, 2017 and December 13, 2017, within the County of
20 Washoe, State of Nevada, did willfully and unlawfully contact and/or
21 communicate with a child, H.T., who was less than 16 years of age and
22 who was at least 5 years younger than the defendant, with the intent
23 to persuade, lure or transport the child away from the child's home
24 or place where the child is located, without the express consent of
25 the parent or guardian or other person legally responsible for the
26 child; and with the intent to avoid the consent of the parent or

1 guardian or other person legally responsible for the child; with the
2 intent to solicit, persuade or lure the person to engage in sexual
3 conduct, to wit: the defendant contacted H.T., who was 14 at the time
4 he was 24, through Facebook and lured her away from her legal
5 guardian(s) in order to engage in sexual conduct at or near 3094
6 Diamond Dust Court, Sparks, Washoe County, Nevada.

7
8 AFFIRMATION PURSUANT TO NRS 239B.030

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

11
12 DATED this 19th day of December, 2017.

13
14 
15 ERICA L. JACKSON
16 DEPUTY DISTRICT ATTORNEY
17
18
19
20
21
22
23

24 CN: WASO0070047C-LOPEZ-DELGADO

25 Custody: X
26 Bailed:
Warrant:

District Court Dept:
District Attorney: JACKSON
Defense Attorney:
Bail _____
Restitution:
J

DEC 20 2017

By M. Wright
DEPUTY CLERK

DA #17-14504

WCSO WC17-006416

IN THE JUSTICE COURT OF SPARKS TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: 17-SCR-02095

v.

Dept. No.: 1

LUIGI RICHARD LOPEZ-DELGADO,
also known as
LUIGI LOPEZ,
also known as
LUIGY RICHARD LOPEZ,

Defendant.

AMENDED CRIMINAL COMPLAINT

ERICA L. JACKSON of the County of Washoe, State of Nevada,
verifies and declares upon information and belief and under penalty
of perjury, that LUIGI RICHARD LOPEZ-DELGADO also known as LUIGI
LOPEZ also known as LUIGY RICHARD LOPEZ, the defendant above-named,
has committed the crime(s) of:

COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR
OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in
the manner following, to wit:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or
between October 1, 2017 and December 13, 2017, within the County of
Washoe, State of Nevada, did willfully and unlawfully, being over 21
years of age, commit an act of statutory sexual seduction with the
person of H.T., who was then and there under the age of 16 years, in
that the said defendant engaged in an act of oral intercourse with

1 the said H.E. at or near 3094 Diamond Dust Court, Washoe County,
2 Nevada.

3 COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR
4 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in
5 the manner following, to wit:

6 That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or
7 between October 1, 2017 and December 13, 2017, within the County of
8 Washoe, State of Nevada, did willfully and unlawfully, being over 21
9 years of age, commit an act of statutory sexual seduction with the
10 person of H.T., who was then and there under the age of 16 years, in
11 that the said defendant engaged in an act of vaginal intercourse with
12 the said H.E. at or near 3094 Diamond Dust Court, Washoe County,
13 Nevada.

14 COUNT III. USE OR PERMIT MINOR, UNDER AGE 18, TO PRODUCE
15 PORNOGRAPHY, a violation of NRS 200.710.1, a category A felony,
16 (50368) in the manner following, to wit:

17 That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or
18 between October 1, 2017 and December 13, 2017, at the Reno Township,
19 within the County of Washoe, State of Nevada, did willfully and
20 unlawfully, use or permit a minor child of approximately 14 years of
21 age to engage in sexual conduct to produce a performance and/or
22 pornography, in that the defendant did have H.T. produce nude
23 photographs of herself, at his suggestion and had her send them to
24 him.

25 ///

26 ///

1
2 COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE
3 16, FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony,
4 (50374) in the manner following, to wit:

5 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
6 between October 1, 2017 and December 13, 2017, within the County of
7 Washoe, State of Nevada, did knowingly, willfully and unlawfully have
8 in his possession for any purpose film, photograph or other visual
9 presentation depicting a person under 16 year as the subject of a
10 sexual portrayal or engaging in or simulating, or assisting others to
11 engage in or simulate, sexual conduct, in that the defendant
12 possessed nude photographs of H.T., who was under the age of 18 at
13 the time the photograph was taken, 3094 Diamond Dust Court, Washoe
14 County, Nevada.

15 COUNT V. LEWDNESS WITH CHILD OLDER THAN 14, a violation of
16 NRS 201.230.3, a category B felony, (58747) in the manner following,
17 to wit:

18 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
19 between October 1, 2017 and December 13, 2017, within the County of
20 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit
21 any lewd or lascivious act upon or with the body or any body part of
22 H.T., a female child between the ages of fourteen and sixteen years
23 at the time the act was committed, in that the defendant penetrated
24 H.T.'s mouth with his penis, with the intent of arousing, appealing
25 to, or gratifying the lust, passions, or sexual desires of himself or
26 the child, at or near 3094 Diamond Dust Court, Washoe County, Nevada.

1 COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14, a violation of
2 NRS 201.230.3, a category B felony, (58747) in the manner following,
3 to wit:

4 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
5 between October 1, 2017 and December 13, 2017, within the County of
6 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit
7 any lewd or lascivious act upon or with the body or any body part of
8 H.T., a female child between the ages of fourteen and sixteen years
9 at the time the act was committed, in that the defendant penetrated
10 H.T.'s vagina with his penis, with the intent of arousing, appealing
11 to, or gratifying the lust, passions, or sexual desires of himself or
12 the child, at or near 3094 Diamond Dust Court, Washoe County, Nevada.

13
14 COUNT VII. LURE OR ATTEMPT TO LURE A CHILD WITH THE USE OF
15 COMPUTER TECHNOLOGY TO ENGAGE IN SEXUAL CONDUCT, a violation of NRS
16 201.560.4a, a category B felony, (51078) in the manner following, to
17 wit:

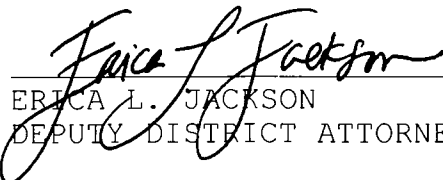
18 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
19 between October 1, 2017 and December 13, 2017, within the County of
20 Washoe, State of Nevada, did willfully and unlawfully contact and/or
21 communicate with a child, H.T., who was less than 16 years of age and
22 who was at least 5 years younger than the defendant, with the intent
23 to persuade, lure or transport the child away from the child's home
24 or place where the child is located, without the express consent of
25 the parent or guardian or other person legally responsible for the
26 child; and with the intent to avoid the consent of the parent or

1 guardian or other person legally responsible for the child; with the
2 intent to solicit, persuade or lure the person to engage in sexual
3 conduct, to wit: the defendant contacted H.T., who was 14 at the time
4 he was 24, through Facebook and lured her away from her legal
5 guardian(s) in order to engage in sexual conduct at or near 3094
6 Diamond Dust Court, Sparks, Washoe County, Nevada.

7
8 AFFIRMATION PURSUANT TO NRS 239B.030

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

11
12 DATED this 20th day of December, 2017.

13
14 
15 ERICA L. JACKSON
16 DEPUTY DISTRICT ATTORNEY
17
18
19
20
21
22
23

24 CN: WASO0070047C-LOPEZ-DELGADO

25 Custody: X
26 Bailed:
Warrant:

District Court Dept:
District Attorney: JACKSON
Defense Attorney:
Bail _____
Restitution:
J

DA #17-14504

WCSO WC17-006416

IN THE JUSTICE COURT OF SPARKS TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: 17-SCR-02095

v.

Dept. No.: S01

LUIGI RICHARD LOPEZ-DELGADO,
also known as
LUIGI LOPEZ,
also known as
LUIGY RICHARD LOPEZ,

Defendant.

/

SECOND AMENDED CRIMINAL COMPLAINT

ERICA L. JACKSON of the County of Washoe, State of Nevada,
verifies and declares upon information and belief and under penalty
of perjury, that LUIGI RICHARD LOPEZ-DELGADO also known as LUIGI
LOPEZ also known as LUIGY RICHARD LOPEZ, the defendant above-named,
has committed the crime(s) of:

COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR
OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in
the manner following, to wit:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or
between October 1, 2017 and December 13, 2017, within the County of
Washoe, State of Nevada, did willfully and unlawfully, being over 21
years of age, commit an act of statutory sexual seduction with the
person of H.T., who was then and there under the age of 16 years, in
that the said defendant engaged in an act of oral intercourse with

1 the said H.E. at or near 3094 Diamond Dust Court, Washoe County,
2 Nevada.

3 COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR
4 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in
5 the manner following, to wit:

6 That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or
7 between October 1, 2017 and December 13, 2017, within the County of
8 Washoe, State of Nevada, did willfully and unlawfully, being over 21
9 years of age, commit an act of statutory sexual seduction with the
10 person of H.T., who was then and there under the age of 16 years, in
11 that the said defendant engaged in an act of vaginal intercourse with
12 the said H.E. at or near 3094 Diamond Dust Court, Washoe County,
13 Nevada.

14 COUNT III. USE OR PERMIT MINOR, UNDER AGE 18, TO PRODUCE
15 PORNOGRAPHY, a violation of NRS 200.710.1, a category A felony,
16 (50368) in the manner following, to wit:

17 That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or
18 between October 1, 2017 and December 13, 2017, at the Reno Township,
19 within the County of Washoe, State of Nevada, did willfully and
20 unlawfully, use or permit a minor child of approximately 14 years of
21 age to engage in sexual conduct to produce a performance and/or
22 pornography, in that the defendant did have H.T. produce nude
23 photographs of herself, at his suggestion and had her send them to
24 him.

25 ///

26 ///

1
2 COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE
3 16, FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony,
4 (50374) in the manner following, to wit:

5 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
6 between October 1, 2017 and December 13, 2017, within the County of
7 Washoe, State of Nevada, did knowingly, willfully and unlawfully have
8 in his possession for any purpose film, photograph or other visual
9 presentation depicting a person under 16 year as the subject of a
10 sexual portrayal or engaging in or simulating, or assisting others to
11 engage in or simulate, sexual conduct, in that the defendant
12 possessed nude photographs of H.T., who was under the age of 18 at
13 the time the photograph was taken, 3094 Diamond Dust Court, Washoe
14 County, Nevada.

15 COUNT V. LEWDNESS WITH CHILD OLDER THAN 14, a violation of
16 NRS 201.230.3, a category B felony, (58747) in the manner following,
17 to wit:

18 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
19 between October 1, 2017 and December 13, 2017, within the County of
20 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit
21 any lewd or lascivious act upon or with the body or any body part of
22 H.T., a female child between the ages of fourteen and sixteen years
23 at the time the act was committed, in that the defendant penetrated
24 H.T.'s mouth with his penis, with the intent of arousing, appealing
25 to, or gratifying the lust, passions, or sexual desires of himself or
26 the child, at or near 3094 Diamond Dust Court, Washoe County, Nevada.

1 COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14, a violation of
2 NRS 201.230.3, a category B felony, (58747) in the manner following,
3 to wit:

4 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
5 between October 1, 2017 and December 13, 2017, within the County of
6 Washoe, State of Nevada, did willfully, unlawfully and lewdly commit
7 any lewd or lascivious act upon or with the body or any body part of
8 H.T., a female child between the ages of fourteen and sixteen years
9 at the time the act was committed, in that the defendant penetrated
10 H.T.'s vagina with his penis, with the intent of arousing, appealing
11 to, or gratifying the lust, passions, or sexual desires of himself or
12 the child, at or near 3094 Diamond Dust Court, Washoe County, Nevada.

13 COUNT VII. LURE OR ATTEMPT TO LURE A CHILD WITH THE USE OF
14 COMPUTER TECHNOLOGY TO ENGAGE IN SEXUAL CONDUCT, a violation of NRS
15 201.560.4a, a category B felony, (51078) in the manner following, to
16 wit:

17 That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
18 between October 1, 2017 and December 13, 2017, within the County of
19 Washoe, State of Nevada, did willfully and unlawfully contact and/or
20 communicate with a child, H.T., who was less than 16 years of age and
21 who was at least 5 years younger than the defendant, with the intent
22 to persuade, lure or transport the child away from the child's home
23 or place where the child is located, without the express consent of
24 the parent or guardian or other person legally responsible for the
25 child; and with the intent to avoid the consent of the parent or
26 guardian or other person legally responsible for the child; with the

1 intent to solicit, persuade or lure the person to engage in sexual
2 conduct, to wit: the defendant contacted H.T., who was 14 at the time
3 he was 24, through Facebook and lured her away from her legal
4 guardian(s) in order to engage in sexual conduct at or near 3094
5 Diamond Dust Court, Sparks, Washoe County, Nevada.

6 COUNT VIII. ATTEMPTING TO PREVENT OR DISSUADE A WITNESS
7 FROM TESTIFYING, a violation of NRS 199.230, a gross misdemeanor,
8 (52983), in the manner following, to wit:

9 That the said defendant on or about the 26th day of
10 December, 2017, within the County of Washoe, State of Nevada, did
11 willfully and unlawfully, by persuasion, force, threat, intimidation,
12 deception or otherwise, and with the intent to obstruct the course of
13 justice, attempt to prevent or dissuade another person from appearing
14 before any court or evade the process which requires the person to
15 appear as a witness to testify, to wit: the defendant wrote a
16 postcard to H.T./Accuser that stated "I am asking for you guys to
17 help me get these charges dismissed, my whole life and future is on
18 the line. I have a daughter and was in the process of enrolling in
19 the military but with these charges I wont be able to. This can ruin
20 my life and future I am trying to set for my daughter and I. Can you
21 please not show to court and not make up accusations anymore.
22 Anything to help get this dismissed. Thank u" from 911 Parr
23 Boulevard, Washoe County, Nevada.

24 ///

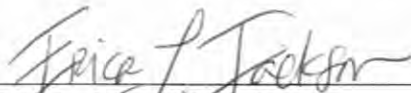
25 ///

26 ///

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 31st day of January, 2017.


ERICA L. JACKSON
DEPUTY DISTRICT ATTORNEY

CN: WASO0070047C; WASO0074509C-LOPEZ-DELGADO

Custody: X
Bailed:
Warrant:

District Court Dept:
District Attorney: JACKSON
Defense Attorney:
Bail
Restitution:
J

FEB 05 2018

By N. Ortiz
DEPUTY CLERK

CUSTODY CHANGE REQUESTDate: 2/5/2018

DEFENDANT'S NAME: Lopez, Luigi Richard DOB: 02/03/1993
 (Last) (First) (Middle)

ORIGINAL 17-20508 AGENCY: ORIGINAL \$200,000
 BOOKING #: BAIL:

CASE #: 17-SCR-02095 NEXT COURT DATE / TIME: 4/18/18 @ 2 p.m.
 Waived/Bound Over Today? ☐ YES ☒ NO

CHARGES: Statutory sexual seduction by person age 21 or older; Statutory sexual seduction by person age 21 or older; Use or permit minor, under age 14, to produce pornography; Possess visual pornography of person under age 16, 1st; Lewdness with child older than 14; Lewdness with child older than 14; Lure/att to lure child/mentally ill pers w/use of computer technology to engage in sexual conduct; Prevent, dissuade, or att to prevent or dissuade person from testifying or producing evidence

Requested by: Jackson *ELW* Title: DDA
Slocum Title: DPD

REQUESTED ACTION:☒ Bail Modification☐ Increase to: \$ _____☒ Decrease to: \$ 80,000 (B)☐ Supervised Bail

☐ PRT
☐ Basic

☐ DAS
☐ Medium

☐ ASU
☒ Enhanced

** Enhanced supervision if DEF bails out.*☐ O.R. Release with Supervision

☐ PRT
☐ Basic

☐ DAS
☐ Medium

☐ ASU
☐ Enhanced

☐ O.R. Release into In-Patient Treatment Program☐ Defendant to be transported by:☐ Inmate Assistance Program (IAP)☐ Other _____☐ Supervision after release from treatment:

☐ PRT ☐ DAS ☐ ASU
☐ Basic ☐ Medium ☐ Enhanced

☐ Self-surrender with prearranged O.R.☐ O.R./Supervised Bail Revocation RequestWarrant Requested? ☐ Yes ☐ No* If re-arrested/revoked and released, is supervision ordered again? ☐ Yes ☐ No☐ PRT ☐ DAS ☐ ASU☐ Basic ☐ Medium ☐ EnhancedBAILS _____ cash? ☐ Yes**Additional notes for the Judge's consideration or special conditions of release:**NO CONTACT w/ VICTIM☒ Approved☐ Denied

Judge's Signature: _____

Date: 2-5-18

FILED
ANITA WHITEHEAD, CLERK
SPARKS JUSTICE COURT

SEP 24 2018

By [Signature]
DEPUTY CLERK

FILED
Electronically
SPARKS JUSTICE COURT
01/31/2018
M. Wright

DA #17-14504

WCSO WC17-006416

IN THE JUSTICE COURT OF SPARKS TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: 17-SCR-02095

v.

Dept. No.: S01

LUIGI RICHARD LOPEZ-DELGADO,
also known as
LUIGI LOPEZ,
also known as
LUIGY RICHARD LOPEZ,

Defendant.

THIRD

~~SECOND~~ AMENDED CRIMINAL COMPLAINT

Nickolas J. Graham

~~ERICA L. JACKSON~~ of the County of Washoe, State of Nevada,

verifies and declares upon information and belief and under penalty
of perjury, that LUIGI RICHARD LOPEZ-DELGADO also known as LUIGI
LOPEZ also known as LUIGY RICHARD LOPEZ, the defendant above-named,
has committed the crime(s) of:

COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR
OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in
the manner following, to wit:

That the said defendant, LUIGI RICHARD LOPEZ-DELGADO, on or
between October 1, 2017 and December 13, 2017, within the County of
Washoe, State of Nevada, did willfully and unlawfully, being over 21
years of age, commit an act of statutory sexual seduction with the
person of H.T., who was then and there under the age of 16 years, in
that the said defendant engaged in an act of oral ^{SEXUAL} intercourse with

1 the said H.T. at or near 228 East 8th Ave, Sun Valley,
2 ~~3094 Diamond Dust Court~~, Washoe County,
3 Nevada.

4 COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR
5 OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in
6 the manner following, to wit:

7 That the said defendant, LUIGI RICHARD LOPEZ-DELGADO, on or
8 between October 1, 2017 and December 13, 2017, within the County of
9 Washoe, State of Nevada, did willfully and unlawfully, being over 21
10 years of age, commit an act of statutory sexual seduction with the
11 person of H.T., who was then and there under the age of 16 years, in
12 that the said defendant engaged in an act of vaginal ^{SEXUAL} intercourse with
13 the said H.T. at or near 228 East 8th Ave, Sun Valley,
14 ~~3094 Diamond Dust Court~~, Washoe County,
15 Nevada.

16 COUNT III. USE OR PERMIT MINOR, UNDER AGE 18, TO PRODUCE
17 PORNOGRAPHY, a violation of NRS 200.710.1, a category A felony,
18 (50368) in the manner following, to wit:

19 That the said defendant, LUIGI RICHARD LOPEZ-DELGADO, on or
20 between October 1, 2017 and December 13, 2017, at ~~the Reno~~ ^{Sparks} Township,
21 within the County of Washoe, State of Nevada, did willfully and
22 unlawfully, use or permit a minor child of approximately 14 years of
23 age to engage in sexual conduct to produce a performance and/or
24 pornography, in that the defendant did have H.T. produce nude
25 photographs of herself, at his suggestion and had her send them to
26 him.

27 ///

28 ///

COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE

16, FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony, (50374) in the manner following, to wit:

That the said defendant, LUIGI RICHARD LOPEZ-DELGADO, between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did knowingly, willfully and unlawfully have in his possession for any purpose film, photograph or other visual presentation depicting a person under 16 year as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct, in that the defendant possessed nude photographs of H.T., who was under the age of 18 at the time the photograph was taken, ^{at or near 228 East 8th Ave., Sun Valley,} ~~3094 Diamond Dust Court,~~ Washoe County, Nevada.

COUNT V. LEWDNESS WITH CHILD OLDER THAN 14, a violation of

NRS 201.230.3, a category B felony, (58747) in the manner following, to wit:

That the said defendant, LUIGI RICHARD LOPEZ-DELGADO, between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did willfully, unlawfully and lewdly commit any lewd or lascivious act upon or with the body or any body part of H.T., a female child between the ages of fourteen and sixteen years at the time the act was committed, in that the defendant penetrated H.T.'s mouth with his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or the child, at or near ^{228 East 8th Ave. Sun Valley,} ~~3094 Diamond Dust Court,~~ Washoe County, Nevada.

That the said defendant, LUIGI RICHARD LOPEZ-DELGADO, between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did willfully, unlawfully and lewdly commit any lewd or lascivious act upon or with the body or any body part of H.T., a female child between the ages of fourteen and sixteen years at the time the act was committed, in that the defendant penetrated H.T.'s vagina with his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or the child, at or near ~~3094 Diamond Dust Court~~ 228 East 8th Ave. Sun Valley, Washoe County, Nevada.

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did willfully and unlawfully contact and/or communicate with a child, H.T., who was less than 16 years of age and who was at least 5 years younger than the defendant, with the intent to persuade, lure or transport the child away from the child's home or place where the child is located, without the express consent of the parent or guardian or other person legally responsible for the child; and with the intent to avoid the consent of the parent or guardian or other person legally responsible for the child; with the

1 intent to solicit, persuade or lure the person to engage in sexual
2 conduct, to wit: the defendant contacted H.T., who was 14 at the time
3 he was 24, through Facebook and lured her away from her legal
4 guardian(s) in order to engage in sexual conduct at or near ~~3094~~ ^{528 East}
5 ~~Diamond Dust Court, Sparks,~~ ^{8th Avenue, Sun Valley,} Washoe County, Nevada.

6 COUNT VIII. ATTEMPTING TO PREVENT OR DISSUADE A WITNESS
7 FROM TESTIFYING, a violation of NRS 199.230, a gross misdemeanor,
8 (52983), in the manner following, to wit:

9 That the said defendant on or about the 26th day of
10 December, 2017, within the County of Washoe, State of Nevada, did
11 willfully and unlawfully, by persuasion, force, threat, intimidation,
12 deception or otherwise, and with the intent to obstruct the course of
13 justice, attempt to prevent or dissuade another person from appearing
14 before any court or evade the process which requires the person to
15 appear as a witness to testify, to wit: the defendant wrote a
16 postcard to H.T./Accuser that stated "I am asking for you guys to
17 help me get these charges dismissed, my whole life and future is on
18 the line. I have a daughter and was in the process of enrolling in
19 the military but with these charges I wont be able to. This can ruin
20 my life and future I am trying to set for my daughter and I. Can you
21 please not show to court and not make up accusations anymore.
22 Anything to help get this dismissed. Thank u" from 911 Parr
23 Boulevard, Washoe County, Nevada.

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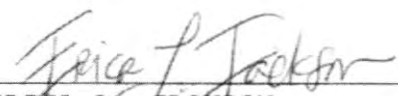
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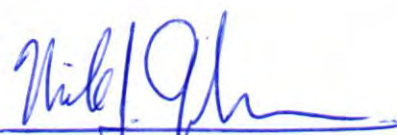
AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 31st day of January, 2017.


ERICA L. JACKSON
DEPUTY DISTRICT ATTORNEY

Dated this 24th day of September, 2018


NICKOLAS J. GRAHAM
DDA NICKOLAS J. GRAHAM

CN: WASO0070047C; WASO0074509C-LOPEZ-DELGADO

Custody: X

Bailed:

Warrant:

District Court Dept:
District Attorney: JACKSON
Defense Attorney:
Bail _____
Restitution:
J

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SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____
All pertinent information being sent to Second Judicial District Court for bindover proceedings

(Title of Document)

filed in case number: 17-SCR-02095



Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration of a public program

-or-



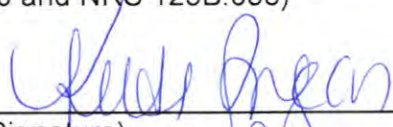
For an application for a federal or state grant

-or-



Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 9.24.18


(Signature)

Kelli Hargreaves
(Print Name)

(Attorney for)

1
2
3
4 **SECOND JUDICIAL DISTRICT COURT**
5 **STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**
7
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR18-1654

11 **vs.**

Dept No. D3

12 **LUIGY RICHARD LOPEZ-DELGADO**

13 **Defendant.**

14
15 **APPLICATION FOR SETTING**

16 **TYPE OF ACTION:**

Criminal

17 **MATTER TO BE HEARD:**

Arraignment

18 **DATE OF APPLICATION:**

9/25/2018

19 **COUNSEL FOR DEFENDANT(S):**

Jennifer Arias Mayhew, Esq.
Emilie Meyer, Esq.

20
21
22
23 **Setting at 09:00:00 on 10/11/2018**
24

Return Of NEF**Recipients**

JENNIFER MAYHEW, ESQ. - Notification received on 2018-09-25 09:05:52.16.

EMILIE MEYER, ESQ. - Notification received on 2018-09-25 09:05:52.113.

DIV. OF PAROLE & PROBATION - Notification received on 2018-09-25 09:05:52.191.

NICKOLAS GRAHAM, ESQ. - Notification received on 2018-09-25 09:05:51.77.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-1654

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

09-25-2018:09:04:22

Clerk Accepted:

09-25-2018:09:05:16

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ (D3)

Document(s) Submitted:

Application for Setting - eFile

Filed By:

Deputy Clerk RRodriguez

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

JENNIFER ARIAS MAYHEW, ESQ. for LUIGY
RICHARD LOPEZ-DELGADO

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

EMILIE MEYER, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO

DIV. OF PAROLE & PROBATION

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

1 CODE 4075
2 WASHOE COUNTY PUBLIC DEFENDER
3 JAY SLOCUM, #9909
4 P.O. BOX 11130
5 RENO, NV 89520-0027
6 (775) 337-4823
7 ATTORNEY FOR: DEFENDANT

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10 IN AND FOR THE COUNTY OF WASHOE
11

12 THE STATE OF NEVADA,
13 Plaintiff,

14 vs.

Case No. CR18-1654

15 LUIGI RICHARD LOPEZ-DELGADO, Dept. No. 3
16 Defendant.
17 _____/

18 **SUBSTITUTION OF COUNSEL WITHIN PUBLIC DEFENDER'S OFFICE**

19 JAY SLOCUM and LYNN BRANZELL, Deputy Public Defenders, hereby
20 substitutes in as the Deputy Public Defender handling the above-entitled matter on
21 behalf of the Defendant in place of EMILIE MEYER and JENNIFER MAYHEW,
22 Deputy Public Defenders. This Substitution of Counsel is being made to comply
23 with the requirements of District Court Rule 23 and to assure that we will receive
24 proper e-filing notifications in this case.

25 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

28 Dated this 25th day of September, 2018.

JOHN L. ARRASCADA
Washoe County Public Defender

By /s/JAY SLOCUM
JAY SLOCUM
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 25th day of September, 2018, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

DEPUTY DISTRICT ATTORNEY

/s/ Wendy Lucero
WENDY LUCERO

Return Of NEF

Recipients

JENNIFER MAYHEW, ESQ. - Notification received on 2018-09-25 11:42:21.283.

EMILIE MEYER, ESQ. - Notification received on 2018-09-25 11:42:21.252.

DIV. OF PAROLE & PROBATION - Notification received on 2018-09-25 11:42:21.314.

NICKOLAS GRAHAM, ESQ. - Notification received on 2018-09-25 11:42:21.22.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-1654

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

09-25-2018:11:20:08

Clerk Accepted:

09-25-2018:11:41:49

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ (D3)

Document(s) Submitted:

Pretrl Srvcs Assessment Report

Filed By:

Deputy Clerk JHults

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

JENNIFER ARIAS MAYHEW, ESQ. for LUIGY
RICHARD LOPEZ-DELGADO

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

EMILIE MEYER, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO

DIV. OF PAROLE & PROBATION

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-09-25 11:51:02.981.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-09-25 11:51:03.013.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-09-25 11:51:03.309.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-09-25 11:51:02.95.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-1654

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

09-25-2018:09:39:00

Clerk Accepted:

09-25-2018:11:50:31

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ (D3)

Document(s) Submitted:

Substitution of Counsel

Filed By:

Jay G. Slocum

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

JAY G. SLOCUM, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO

DIV. OF PAROLE & PROBATION

LYNN A BRANZELL, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

CODE 1800
Christopher J. Hicks
#7747
P.O. Box 11130
Reno, NV 89520
(775) 328-3200

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR18-1654

v.

Dept. No.: D03

LUIGI RICHARD LOPEZ-DELGADO,
also known as
LUIGY RICHARD LOPEZ,
also known as
LUIGI LOPEZ,

Defendant.

_____ /

INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the
County of Washoe, State of Nevada, in the name and by the authority
of the State of Nevada, informs the above entitled Court that LUIGI
RICHARD LOPEZ-DELGADO, also known as LUIGY RICHARD LOPEZ, also known
as LUIGI LOPEZ, the defendant above-named, has committed the crimes
of:

///

///

///

COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in the manner following:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did willfully and unlawfully, being over 21 years of age, commit an act of statutory sexual seduction with the person of H.T., who was then and there under the age of 16 years, in that the said defendant engaged in an act of oral sexual intercourse with the said H.T. at or near 228 East 8th Ave., Sun Valley, Washoe County, Nevada.

COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR OLDER, a violation of NRS 200.368.1, a category B felony, (60323) in the manner following:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did willfully and unlawfully, being over 21 years of age, commit an act of statutory sexual seduction with the person of H.T., who was then and there under the age of 16 years, in that the said defendant engaged in an act of vaginal sexual intercourse with the said H.T. at or near 228 East 8th Ave., Sun Valley, Washoe County, Nevada.

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COUNT III. USE OR PERMIT MINOR, UNDER AGE 18, TO PRODUCE PORNOGRAPHY, a violation of NRS 200.710.1, a category A felony,
(50368) in the manner following:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, on or between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did willfully and unlawfully, use or permit a minor child of approximately 14 years of age to engage in sexual conduct to produce a performance and/or pornography, in that the defendant did have H.T. produce nude photographs of herself, at his suggestion and had her send them to him.

COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16, FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony,
(50374) in the manner following:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did knowingly, willfully and unlawfully have in his possession for any purpose film, photograph or other visual presentation depicting a person under 16 year as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct, in that the defendant possessed nude photographs of H.T., who was under the age of 18 at the time the photograph was taken, 228 East 8th Ave., Sun Valley, Washoe County, Nevada.

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COUNT V. LEWDNESS WITH CHILD OLDER THAN 14, a violation of
NRS 201.230.3, a category B felony, (58747) in the manner following:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
between October 1, 2017 and December 13, 2017, within the County of
Washoe, State of Nevada, did willfully, unlawfully and lewdly commit
any lewd or lascivious act upon or with the body or any body part of
H.T., a female child between the ages of fourteen and sixteen years
at the time the act was committed, in that the defendant penetrated
H.T.'s mouth with his penis, with the intent of arousing, appealing
to, or gratifying the lust, passions, or sexual desires of himself or
the child, at or near 228 East 8th Ave., Sun Valley, Washoe County,
Nevada.

COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14, a violation of
NRS 201.230.3, a category B felony, (58747) in the manner following:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO,
between October 1, 2017 and December 13, 2017, within the County of
Washoe, State of Nevada, did willfully, unlawfully and lewdly commit
any lewd or lascivious act upon or with the body or any body part of
H.T., a female child between the ages of fourteen and sixteen years
at the time the act was committed, in that the defendant penetrated
H.T.'s vagina with his penis, with the intent of arousing, appealing
to, or gratifying the lust, passions, or sexual desires of himself or
the child, at or near 228 East 8th Ave., Sun Valley, Washoe County,
Nevada.

///

///

COUNT VII. LURE OR ATTEMPT TO LURE A CHILD WITH THE USE OF COMPUTER TECHNOLOGY TO ENGAGE IN SEXUAL CONDUCT, a violation of NRS 201.560.4a, a category B felony, (51078) in the manner following:

That the said defendant LUIGI RICHARD LOPEZ-DELGADO, between October 1, 2017 and December 13, 2017, within the County of Washoe, State of Nevada, did willfully and unlawfully contact and/or communicate with a child, H.T., who was less than 16 years of age and who was at least 5 years younger than the defendant, with the intent to persuade, lure or transport the child away from the child's home or place where the child is located, without the express consent of the parent or guardian or other person legally responsible for the child; and with the intent to avoid the consent of the parent or guardian or other person legally responsible for the child; with the intent to solicit, persuade or lure the person to engage in sexual conduct, to wit: the defendant contacted H.T., who was 14 at the time he was 24, through Facebook and lured her away from her legal guardian(s) in order to engage in sexual conduct at or near 228 East 8th Ave., Sun Valley, Sparks, Washoe County, Nevada.

COUNT VIII. ATTEMPTING TO PREVENT OR DISSUADE A WITNESS FROM TESTIFYING, a violation of NRS 199.230, a gross misdemeanor, (52983), in the manner following:

That the said defendant on or about the 26th day of December, 2017, within the County of Washoe, State of Nevada, did willfully and unlawfully, by persuasion, force, threat, intimidation, deception or otherwise, and with the intent to obstruct the course of justice, attempt to prevent or dissuade another person from appearing

before any court or evade the process which requires the person to appear as a witness to testify, to wit: the defendant wrote a postcard to H.T./Accuser that stated "I am asking for you guys to help me get these charges dismissed, my whole life and future is on the line. I have a daughter and was in the process of enrolling in the military but with these charges I wont be able to. This can ruin my life and future I am trying to set for my daughter and I. Can you please not show to court and not make up accusations anymore. Anything to help get this dismissed. Thank u" from 911 Parr Boulevard, Washoe County, Nevada.

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

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Nickolas J. Graham
NICKOLAS J. GRAHAM
10885
DEPUTY DISTRICT ATTORNEY

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

WILLIAM BRIAN ATKINSON, WASHOE COUNTY SHERIFFS OFFICE, WCSO SPECIAL OPS 911 PARR BLVD RENO, NV 89512
DENNIS CARRY, WASHOE COUNTY SHERIFFS OFFICE, WCSO DETECTIVES 911 PARR BLVD Reno, NV 89512
ARICK DICKSON, WASHOE COUNTY SHERIFFS OFFICE, WCSO SPECIAL OPS 911 PARR BLVD RENO, NV 89512
MICHAEL IVERS, WASHOE COUNTY SHERIFFS OFFICE, WCCL 911 PARR BLVD Reno, NV 89512
EMMETT FLOREZ,
BRITTNEY ANN CHILTON, WCCL 911 PARR BLVD Reno, NV 89512
JANENE TRUJILLO, 7562 Ulysses Drive Sparks, NV 89436

AFFIRMATION PURSUANT TO NRS 239B.030

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

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Nickolas J. Graham
NICKOLAS J. GRAHAM
10885
DEPUTY DISTRICT ATTORNEY

CODE 3870
Christopher J. Hicks
#7747
P.O. Box 11130
Reno, NV 89520
(775) 328-3200

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No: CR18-1654

v.

Dept: D03

LUIGI RICHARD LOPEZ-DELGADO,
also known as
LUIGY RICHARD LOPEZ,
also known as
LUIGI LOPEZ,

Defendant

_____ /

REQUEST FOR DISCOVERY PURSUANT TO NRS 174.245

The State hereby requests notice and disclosure of evidence relating to the defense in the above-entitled case pursuant to NRS 174.245, including any:

(a) Written or recorded statements made by a witness the defendant intends to call during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant; and

(c) Books, papers, documents or tangible objects that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant.

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 26th day of September, 2018.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By /s/ Nickolas J. Graham
NICKOLAS J. GRAHAM
10885
DEPUTY DISTRICT ATTORNEY

CERTIFICATE OF SERVICE BY E-FILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court. A notice will be sent electronically to the following:

PUBLIC DEFENDER
JAMES "JAY" G SLOCUM, ESQ.
LYNN BRANZELL, ESQ.

Dated this 26th day of September, 2018

/s/CELINA GONZALEZ-VALENZUELA
CELINA GONZALEZ-VALENZUELA

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-09-26 09:55:33.092.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-09-26 09:55:33.123.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-09-26 09:55:33.154.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-09-26 09:55:33.076.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-1654

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

09-26-2018:09:47:26

Clerk Accepted:

09-26-2018:09:55:04

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ (D3)

Document(s) Submitted:

Information
Request

Filed By:

Nickolas Graham

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

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NEVADA

JAY G. SLOCUM, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO

DIV. OF PAROLE & PROBATION

LYNN A BRANZELL, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO

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Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-09-28 09:22:14.766.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-09-28 09:22:14.798.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-09-28 09:22:14.813.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-09-28 09:22:14.735.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-1654

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

09-28-2018:08:56:56

Clerk Accepted:

09-28-2018:09:21:45

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ (D3)

Document(s) Submitted:

Pretrl Srvcs Assessment Report

Filed By:

Deputy Clerk JHults

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

JAY G. SLOCUM, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO

DIV. OF PAROLE & PROBATION

LYNN A BRANZELL, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO

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1 **Code 4105**

2

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

6 **IN AND FOR THE COUNTY OF WASHOE**

7 **THE STATE OF NEVADA ,**

8 **Plaintiff,**

Case No. CR18-1654

9 **vs.**

Luigy Richard Lopez,

Defendant.

10 _____/

11

12 **SUPPLEMENTAL PROCEEDINGS**

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Case No. 17-SCR-02095

Department 1

IN THE SPARKS JUSTICE COURT OF SPARKS TOWNSHIP
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

-oOo-

STATE OF NEVADA,

Plaintiff,

V.

PRELIMINARY HEARING

LUIGI RICHARD LOPEZ-DELGADO,

Defendant.



TRANSCRIPT OF PROCEEDING

Monday, September 24, 2018
Sparks, Nevada

APPEARANCES:

For the State of Nevada: Nickolas Graham, Esq.
Washoe County District
Attorney's Office
P.O. Box 11130
Reno, NV 89520

For the Defendant: Jay Slocum, Esq.
Washoe County Public
Defender's Office
P.O. Box 11130
Reno, NV 89520

Transcription Service: Julie Rowan
Nevada Dictation
P.O. Box 4332
Carson City, NV 89702
(775) 745-2327

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None

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1 THE COURT: All right, are you Luigi Richard
2 Lopez-Delgado?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. We're here on
5 17-SCR-02095, the State of Nevada versus Luigi Richard
6 Lopez-Delgado. Mr. Slocum is here for the --
7 Mr. Delgado, who's present in the courtroom today.
8 Mr. Graham is here for the State.

9 And are we ready to proceed?

10 MR. GRAHAM: Yes, Your Honor.

11 THE COURT: How many witnesses?

12 MR. GRAHAM: Your Honor, I have five
13 witnesses today.

14 THE COURT: Okay. And my plan is we'll go
15 until lunch. We'll break for lunch and come back, and
16 we'll continue on until the prelim is concluded.

17 MR. GRAHAM: Sounds good, Your Honor.

18 THE COURT: Okay.

19 MR. GRAHAM: One thing I did want to put on
20 the record is there was a --

21 THE COURT: I was going to ask, was there an
22 offer made in this case?

23 MR. GRAHAM: There was, Your Honor.

24 Mr. Slocum and I have gone back and forth numerous times
25 regarding this case.

1 THE COURT: Uh-huh.

2 MR. GRAHAM: The offer today that's going to
3 expire as soon as we start this preliminary hearing is
4 the Defendant was offered to plead guilty to one count
5 of stat sex by person age 21 or older. That is a
6 category B felony punishable by 1 to 10 in prison. And
7 also plead guilty to Count 5, which is lewdness with a
8 child older than 14. It's also a cat B, 1 to 10. If
9 you'll notice, I'll be dismissing several of the
10 charges, and most importantly, I'll be dismissing the
11 charge of use or permit minor under age 18 to produce
12 pornography. That's a category A felony, and that's
13 5 to life. That's the prison sentence on that case.

14 The negotiations would be that I would be
15 free to argue, but I would have no objection to
16 concurrent treatment. The life --

17 THE COURT: So the sentences running
18 concurrent, you mean?

19 MR. GRAHAM: The sentences would -- I have no
20 objection to them running concurrent. That reduces his
21 liability significantly down to approximately 4 to 10
22 years if he were to be maxed out. It's my understanding
23 that that offer has been conveyed and rejected by
24 Mr. Delgado. I just wanted to put that on the record so
25 he can't come back and say he wants that deal that -- my

1 understanding it's been fully explained to him, and he
2 understands what he's missing out on.

3 THE COURT: Okay. Well, Mr. Slocum.

4 MR. SLOCUM: Your Honor, that is correct. I
5 will note for the record it is now ten minutes before
6 11:00. Mr. Graham and I, again, repeatedly spoke about
7 the offer in this case. We spoke early this morning. I
8 arrived about 9:30, began speaking with Mr. Delgado
9 about the possibility of taking the offer. We talked
10 about a number of different things, to include the fact
11 that if he decided to waive the preliminary hearing, to
12 take the offer today and then he changed his mind, that
13 he would be able to plead not guilty at the District
14 Court and set the matter for trial if he decided later
15 that that was what he wanted to do.

16 And, of course, the original charges would
17 come back, but he would have some opportunity to talk
18 about and think about the offer should he want to do
19 that, and then I would be more than happy to go up and
20 spend even more time with him than what I already have
21 with him. My understanding is he desires not to even
22 waive the preliminary hearing today. He would like to
23 have the preliminary hearing. We discussed what that's
24 going to involve.

25 THE COURT: Uh-huh.

1 MR. SLOCUM: Additionally, Your Honor, I
2 received an inquiry that Mr. Lopez-Delgado had
3 submitted, it looks like, to the Court. It was sent to
4 me. I talked Mr. Graham, and he said he didn't receive
5 that, but I want to make sure we're on the same page
6 about that because there are -- there are some things
7 that were concerning to me in that letter, but I don't
8 know how the Court wants to approach that.

9 THE COURT: Let me see, I have an inmate
10 request that was submitted on 8/16/2018. Is that what
11 you're referring to?

12 MR. SLOCUM: I have one that was on
13 August 14th, 2018.

14 THE COURT: I'll print this out. I don't
15 have a 14th one.

16 MR. SLOCUM: Okay.

17 THE COURT: Do you have a 14th one in your
18 notes?

19 THE CLERK: I don't, Judge.

20 THE COURT: Like I said, I have this one.
21 I'm going to hand it to you. Hand that to Mr. Slocum.

22 MR. SLOCUM: Okay, and you will note, Your
23 Honor, that at the top here, it's August 14th, 2018.

24 THE COURT: Oh, I see that. I was looking at
25 the last assigned to line.

1 MR. SLOCUM: Right.

2 THE COURT: So it's the same.

3 MR. SLOCUM: Right, and then it was forwarded
4 to us, but this is part of the Court's record, correct?

5 THE COURT: It is, yes.

6 MR. SLOCUM: So, in that case, Your Honor, I
7 believe we need to address these issues with
8 Mr. Lopez-Delgado.

9 THE COURT: Okay. Do we want to do that
10 outside the presence of --

11 MR. SLOCUM: Yes, Your Honor.

12 THE COURT: All right. Ladies and gentlemen,
13 I'm going to ask everybody to step outside. I'm going
14 to close the hearing for a portion of it. I'm going to
15 ask the Prosecutor to, as well --

16 MR. GRAHAM: Yes.

17 THE COURT: -- to step outside. And then
18 once we've addressed this, we'll bring everybody back
19 in.

20 THE CLERK: Pause this?

21 THE COURT: Not yet.

22 All right, Mr. Slocum, I'm going to seal the
23 portion coming up here.

24 MR. SLOCUM: Thank you.

25 THE COURT: It will still -- there will still

1 be a record of it, but it will be sealed that nobody can
2 have access to it --

3 MR. SLOCUM: Thank you.

4 THE COURT: -- unless you have a court order.
5 Then you can always come back and look at what was
6 stated here. So we're going to seal it from this part
7 forward, but keep the tape going, okay. So it's sealed.

8 (Whereupon, closed hearing held with The
9 Court, Mr. Slocum, and the Defendant, transcript sealed)

10 THE COURT: We're back on the record in
11 17-SCR-02095, and this portion of the record forward is
12 not sealed. All right, let's get everybody back in.

13 Okay. Are they coming?

14 THE BAILIFF: Yes.

15 THE COURT: Okay. All right, are we ready to
16 proceed?

17 MR. GRAHAM: Yes, Your Honor.

18 THE COURT: Mr. Slocum.

19 MR. SLOCUM: If I can just have a moment,
20 Your Honor.

21 THE COURT: Oh, certainly.

22 (Whereupon, Mr. Slocum and the Defendant
23 confer)

24 THE COURT: Was there an amended filed in
25 this case?

1 MR. GRAHAM: I think there's a second
2 amended.

3 THE COURT: Could you print that out for me,
4 please.

5 (Whereupon, The Court and the Clerk confer)

6 THE COURT: It's time.

7 Mr. Slocum, the rule of exclusion? You've
8 got to make up your mind.

9 THE DEFENDANT: I don't know how sure --

10 THE COURT: Well, then we're going to move
11 forward.

12 Rule of exclusion, Mr. Slocum?

13 MR. SLOCUM: Rule of exclusion, Your Honor.

14 THE COURT: All right. Ladies and gentlemen,
15 if you're a witness in this case, the rule of exclusion
16 has been invoked. What that means is you may not speak
17 to anybody about this case, nor may you speak to any
18 witness who's testified about what they testified to or
19 what they're going to testify to until this proceeding
20 is concluded. You may, of course, speak to either
21 attorney about your testimony or proposed testimony but
22 no one else.

23 And who is your first witness? And I ask all
24 your witnesses to remain outside.

25 MR. GRAHAM: It's -- I'm sorry.

1 MR. SLOCUM: Your Honor, if I may --

2 THE COURT: Uh-huh.

3 MR. SLOCUM: -- part of our discussion when
4 it was just the Court and the Defense was regarding the
5 possibility that Mr. Lopez-Delgado could waive the
6 prelim and that would preserve the offer.

7 THE COURT: Yeah, he can keep the offer. He
8 can always do that.

9 MR. SLOCUM: Right, but the offer itself was
10 going to expire if we do the --

11 THE COURT: Yeah, once we call one of those
12 folks in there, then it's over.

13 MR. SLOCUM: Correct. And so --

14 THE COURT: My understanding from what --
15 well, you told me.

16 MR. GRAHAM: Yeah. No, that's correct.

17 MR. SLOCUM: That's correct. And so
18 Mr. Graham and I were just talking about that as a
19 possibility, and if he can put that on the record that
20 we were all very clear about that being an option in the
21 case. Again, Mr. Lopez-Delgado is not sure what he
22 wants to do, but that would allow him to --

23 THE COURT: He's had plenty of time since
24 January to figure it out.

25 MR. SLOCUM: Correct, although in all

1 fairness, Your Honor, this latest iteration of what the
2 offer is --

3 THE COURT: Oh, okay, I don't know the
4 machinations going on behind the scenes.

5 MR. SLOCUM: Right. So -- right. So we have
6 talked about a number of different possibilities, but
7 that particular offer came this morning, not for,
8 frankly, any lack of diligence. Both of us have been
9 working on it. I was in trial last week, and for
10 whatever reason, we were only able to get that morning.
11 With that being said, I've presented that to
12 Mr. Lopez-Delgado to try to give him a little bit more
13 time because the Court's, obviously, got a time --

14 THE COURT: Yes, we've got to move.

15 MR. SLOCUM: -- set for this prelim.

16 And, again, Mr. Lopez-Delgado is a little
17 unsure what he wants to do, but...

18 THE COURT: Well, if he wants to preserve it,
19 then he waive it and then decide in District Court. If
20 you don't want to preserve it, the option, then we go.
21 The folks have been waiting long enough, so. It's your
22 decision to make.

23 THE DEFENDANT: I'll go.

24 THE COURT: All right. Let's have the
25 prelim.

1 MR. SLOCUM: Okay.

2 THE COURT: All right, who's your first
3 witness?

4 MR. GRAHAM: It's going to be Alexis
5 Auckenthaler. And, Your Honor, her testimony and the
6 evidence is going to be about an hour. So with the
7 Court's permission, I was going to let my other
8 witnesses go and then come back after lunch.

9 THE COURT: Yeah, if you think she's going to
10 take an hour because we're going to break at noon --

11 MR. GRAHAM: Right.

12 THE COURT: -- and then come back at 1:30 and
13 continue on.

14 MR. GRAHAM: Okay.

15 THE COURT: All right. I'd ask the other
16 witnesses to remain outside and come back at 1:30.
17 How's that? Be back at 1:30 to continue the preliminary
18 hearing. We need this Alexis.

19 MS. AUCKENTHALER: (Indiscernible)

20 THE COURT: Yes, up here if you would.

21 MR. GRAHAM: For the record, that offer is
22 now expired for Mr. Lopez-Delgado.

23 THE COURT: I think we figured that out.

24 Ma'am, if you'd come up and face me, raise
25 your right hand. Do you swear to tell the truth, the

1 whole truth, and nothing but the truth, so help you God?

2 MS. AUCKENTHALER: Yes.

3 THE COURT: Have a seat right there if you
4 would.

5 THE WITNESS: Thank you.

6 THE COURT: Now, in front of you is a
7 microphone. It records everything you say, and I need
8 you to -- as soon as you've made yourself comfortable
9 and sit back, if you would, and pull that chair all the
10 way up. All right, I need you to state your name and
11 spell your last name for the record.

12 THE WITNESS: Alexis Auckenthaler. My last
13 name is spelled A-U-C-K-E-N-T-H-A-L-E-R.

14 MR. GRAHAM: Thank you.

15 ALEXIS AUCKENTHALER

16 (Sworn as a witness, testified as follows)

17 DIRECT EXAMINATION

18 BY MR. GRAHAM:

19 Q. Ms. Auckenthaler, how are you employed?

20 A. I'm employed as a forensic interviewer through the
21 Child Advocacy Center.

22 Q. And how long have you been with the Child Advocacy
23 Center?

24 A. Since October of 2016.

25 Q. As a forensic interviewer, what are your job duties?

1 A. I interview children who have been alleged victims
2 of abuse.

3 Q. Do you have to have any education or training, which
4 enables you to do that job?

5 A. Yes.

6 Q. And what is that?

7 A. I have a bachelor's and a master's degree in social
8 work, and I have attended specific trainings through
9 CornerHouse, which is the nationally-recognized forensic
10 interview protocol.

11 Q. Approximately, how many forensic interviews have you
12 conducted?

13 A. About 730.

14 Q. When you conduct a forensic interview, what's the
15 first thing that you do?

16 A. The very first thing is I meet with the
17 multidisciplinary team in a pre-interview staffing.

18 Q. And who's part of that multidisciplinary team?

19 A. It's whoever's involved in the case. So that would
20 be law enforcement, potentially Child Protective
21 Services, if they were involved. We will have a
22 prosecutor, potentially, if they're available, a victim
23 advocate is usually present during that meeting, and
24 medical staff if that's necessary, and, of course,
25 myself.

1 Q. What's the purpose of that -- that pre-interview
2 team meeting?

3 A. It's really for the team to meet together and
4 discuss the allegations. It's really helpful for me
5 before I go into an interview with the child to
6 understand what the dynamics of the case are so far and
7 really what the allegations are and what the child has
8 already talked about.

9 Q. And where does that pre-interview team meeting take
10 place?

11 A. That occurs at the Child Advocacy Center. We have
12 an observation room where the multidisciplinary team
13 meets, and that's where the pre-staffing also occurs.

14 Q. After that meeting, what's the next step of the
15 forensic interview?

16 A. So after that meeting, I go to the lobby, and I
17 introduce myself to the child, and then I bring the
18 child back to the interview room.

19 Q. And I think you already discussed it a little bit,
20 but where is the person interviewed?

21 A. At the Child Advocacy Center in a child-friendly
22 environment in one of our three interview rooms that we
23 have there.

24 Q. And is there a way that these conversations or these
25 interviews can be recorded?

1 A. Yes, we have video and audio recording. So there's
2 two cameras that are in the room that capture different
3 angles of the child in the interview.

4 Q. Is there anybody else in the room while you're
5 conducting the interview?

6 A. The only people in the room is myself and the child.

7 Q. Is anyone able to watch the interview while it's
8 going on?

9 A. Yes. So the multidisciplinary team, who I
10 mentioned, they are in the observation room, and they're
11 able to observe the interview from a monitor in that
12 observation room.

13 Q. Is it a live stream?

14 A. Yes.

15 Q. So they can hear the questions as you ask them and
16 see the responses, as well as hear the responses?

17 A. Yes.

18 Q. All right. And what are the first things you do
19 once the forensic interview is started?

20 A. The first thing that I do is develop rapport with
21 the child. Through developing rapport, that's the first
22 stage of the CornerHouse protocol. And within that
23 stage, I'm orienting the child to the interview room,
24 helping them understand what the conversation would look
25 like as the conversation continues, and I'm also just

1 kind of getting an understanding how the child is going
2 to respond to questions I ask and how -- and I also
3 provide that opportunity for the child to understand how
4 I'm going to ask questions throughout the rest of the
5 interview.

6 Q. During that initial stage, is part of your
7 responsibility to determine the child's verbal skills?

8 A. Yes.

9 Q. And kind of -- are you at that same time assessing
10 maybe their mental age or trying to determine how they
11 communicate and whether they can communicate?

12 A. Yes, absolutely.

13 Q. During the interview, what type of -- are the
14 questions you ask leading in any way?

15 A. No.

16 Q. What kind of questions do you ask?

17 A. I ask -- I start with the most open-ended questions
18 possible and then -- basically, I use a funnel
19 technique. And so if the open-ended questions -- if
20 there are still details that may be really important for
21 an investigation, then I can narrow my questions down to
22 more specific and just -- yeah.

23 Q. I'd like to draw your attention to Monday,
24 December 11th, 2017, in the -- 1:30 in the afternoon.

25 Were you working that day?

1 A. Yes.

2 Q. Did you have the opportunity to interview a person
3 for the purposes of this hearing that we're going to
4 refer to as Haley (phonetic)?

5 A. Yes.

6 Q. All right. Do you recall when Haley was born? Do
7 you recall her birthday?

8 A. January 6th, 2003.

9 Q. Okay. And so that would have made her 14 years old
10 at the date of the interview?

11 A. Yes.

12 Q. And during your interview of Haley, did you follow
13 the same protocol that you've outlined for the Court?

14 A. Yes.

15 Q. All right.

16 MR. GRAHAM: If I may approach?

17 THE COURT: Go ahead.

18 BY MR. GRAHAM:

19 Q. Showing you what's -- well, actually -- showing you
20 what's been marked as State's proposed Exhibit 1, do you
21 recognize this disc?

22 A. Yes.

23 Q. Is that the recording of the interview that you
24 conducted with Haley?

25 A. Yes.

1 Q. All right. And you watched it afterwards and
2 verified that it's actually the recording you conducted?

3 A. Yes.

4 MR. GRAHAM: All right, Your Honor --

5 THE COURT: What exhibit number?

6 MR. GRAHAM: 1.

7 THE COURT: Okay, go ahead.

8 MR. GRAHAM: Your Honor, at this time, I'd
9 move for admission and publication of State's Exhibit 1.

10 MR. SLOCUM: No objection for the purposes of
11 this hearing.

12 THE COURT: Exhibit 1 is admitted.

13 (Whereupon, Plaintiff's Exhibit 1 admitted)

14 MR. GRAHAM: Thank you.

15 THE COURT: Are you requesting permission to
16 publish?

17 MR. GRAHAM: Admit and publish, yes, Your
18 Honor.

19 THE COURT: Okay, permission granted.

20 MR. GRAHAM: Thank you.

21 (Whereupon, Plaintiff's Exhibit 1 played)

22 MR. GRAHAM: Before we go into this, I'm
23 pausing it at about 12 seconds there.

24 BY MR. GRAHAM:

25 Q. Do you recognize yourself in this video?

1 A. Yes.

2 Q. Can you identify yourself?

3 A. Looking at the screen, I'm the person on the
4 left-hand side.

5 Q. And do you see Haley in this screen?

6 A. Yes, she's sitting in the chair on the right-hand
7 side of the screen.

8 Q. Can you articulate an article of clothing that she's
9 wearing?

10 A. I apologize, I have really bad vision, but it looks
11 like she's wearing a red shirt.

12 Q. All right, thank you.

13 MR. GRAHAM: Then just -- Your Honor, I
14 wanted to let the Court know, usually I jump around, and
15 I'll play certain portions, but for this interview, I'm
16 going to be playing the majority of it. For the record,
17 starting it at 12 seconds.

18 THE COURT: All right, go ahead.

19 (Whereupon, Plaintiff's Exhibit 1 continued
20 to play)

21 THE COURT: Well, let's take a break now for
22 lunch. So we can pause it. What time do you have on
23 there?

24 MR. GRAHAM: 43 minutes, 13 seconds.

25 THE COURT: And we'll come back at 1:30 and

1 pick up where we left off. All right.

2 MR. GRAHAM: Thank you, Your Honor.

3 THE COURT: And I'll remind you the
4 admonition. So you can't talk to anybody, okay.

5 THE WITNESS: Uh-huh.

6 THE COURT: Other than the two attorneys.

7 THE WITNESS: Okay.

8 THE COURT: All right. We'll see everybody
9 back at 1:30.

10 MR. GRAHAM: Thank you.

11 (Whereupon, court recessed)

12 THE COURT: We're back on the record in
13 17-SCR-02095, State of Nevada versus Luigi Richard
14 Lopez-Delgado. The State's presented the Court with a
15 Third Amended Criminal Complaint. I'm having the
16 Prosecutor sign the copy, sign and date it, and then
17 he'll submit it to my clerk. We'll scan it in one more
18 time. We'll get some copies, arraign, Mr. Delgado on
19 it, and then we can proceed.

20 As soon as she scans that in, we'll hand you
21 this one. How's that?

22 MR. SLOCUM: That's fine, Your Honor, thank
23 you.

24 THE COURT: All right. Have you received a
25 copy of the Third Amended Criminal Complaint,

1 Mr. Slocum?

2 MR. SLOCUM: Thank you, Your Honor. We have
3 received it. Mr. Lopez-Delgado indicates to me his true
4 and correct name is set forth at line 7. We're going to
5 waive a formal reading of the amended criminal
6 complaint.

7 THE COURT: All right.

8 THE CLERK: It didn't scan -- oh, now --

9 THE COURT: Did it?

10 THE CLERK: Yes, we're good.

11 THE COURT: Good. Let me make sure we have
12 one copy for each counsel, and then we'll proceed. All
13 right, and while she's doing that, any objection to
14 proceeding at the prelim?

15 MR. SLOCUM: Not at all, Your Honor, thank
16 you.

17 THE COURT: Okay. We've already arraigned
18 him on it, so. All right, all parties are present. And
19 do we have Alexis Auckenthaler? Did I butcher that
20 name?

21 THE WITNESS: No, that was perfect.

22 THE COURT: All right, come on up, ma'am, to
23 continue with the proceeding. And as soon as we get
24 these printed up, I'll have my Bailiff hand them to you
25 gentlemen.

1 MR. GRAHAM: Thank you.

2 THE COURT: All right. Ma'am, I'll remind
3 you you're still under oath.

4 THE WITNESS: Okay.

5 THE COURT: And just have a seat and make
6 yourself comfortable and --

7 THE WITNESS: Thank you.

8 THE COURT: All right, counsel continue.

9 MR. GRAHAM: Thank you. For the record, we
10 stopped at 43 minutes, 13 seconds in the forensic
11 interview. I'm going to just click play to continue at
12 that same time.

13 (Whereupon, Plaintiff's Exhibit 1 continued
14 to play)

15 MR. GRAHAM: For the record, I had to rewind
16 it just a little bit to about 43 minutes, 10 seconds.

17 THE COURT: Okay.

18 (Whereupon, Plaintiff's Exhibit 1 continued
19 to play)

20 THE COURT: Okay, I didn't hear her answer.

21 MR. GRAHAM: I'll rewind it. Rewinding to
22 about 45 minutes, 30 seconds.

23 (Whereupon, Plaintiff's Exhibit 1 continued
24 to play)

25 MR. GRAHAM: Your Honor, at this point, I'm

1 stopping the video at 47 minutes, 51 seconds, and I'm
2 going to fast-forward it to 53 minutes and 34 seconds.

3 THE COURT: Go ahead.

4 MR. GRAHAM: Thank you. So starting -- I
5 couldn't get 34, but 53 minutes, 32 seconds.

6 (Whereupon, Plaintiff's Exhibit 1 continued
7 to play)

8 THE COURT: I couldn't hear that, say --
9 sorry.

10 MR. GRAHAM: Why don't I just rewind it about
11 ten seconds, starting it at 54 minutes, 5 seconds.

12 (Whereupon, Plaintiff's Exhibit 1 continued
13 to play)

14 MR. GRAHAM: I'm sorry, back it up again,
15 53 minutes, 44 seconds.

16 (Whereupon, Plaintiff's Exhibit 1 continued
17 to play)

18 MR. GRAHAM: Your Honor, if I could, it's
19 kind of --

20 THE COURT: It's coming in broken, yeah --

21 MR. GRAHAM: I'm going to back it up a little
22 bit.

23 THE COURT: -- and garbled.

24 MR. GRAHAM: I'm backing it up to one hour
25 53 seconds.

1 (Whereupon, Plaintiff's Exhibit 1 continued
2 to play)

3 MR. GRAHAM: Your Honor, I'm stopping the
4 video at one hour, one minute, and 38 seconds. I have
5 no further questions for Ms. Auckenthaler.

6 MR. SLOCUM: No questions, Your Honor.

7 THE COURT: No questions from the Defense?

8 MR. SLOCUM: No.

9 THE COURT: Okay. May this witness be
10 excused, gentlemen?

11 MR. SLOCUM: Yes.

12 THE COURT: Ma'am, you may go about your day.

13 MS. AUCKENTHALER: Thank you.

14 THE COURT: Your next witness.

15 MR. GRAHAM: The next witness is -- the State
16 calls Mike Ivers.

17 THE COURT: Sir, if you'd please face me and
18 raise your right hand. Do you swear to tell the truth,
19 the whole truth, and nothing but the truth, so help you
20 God?

21 MR. IVERS: Yes, I do, sir.

22 THE COURT: Please have a seat right there.
23 Once you've made yourself comfortable, if you would,
24 pull that chair all the way up. And in front of you is
25 a microphone. It's recording everything you say. Would

1 you please state your name and spell your last name for
2 the record.

3 MR. IVERS: It's Michael Ivers, I-V-E-R-S.

4 THE COURT: Counsel.

5 MR. GRAHAM: Thank you.

6 MICHAEL IVERS

7 (Sworn as a witness, testified as follows)

8 DIRECT EXAMINATION

9 BY MR. GRAHAM:

10 Q. Is it detective or deputy?

11 A. Deputy.

12 Q. Deputy. Deputy Ivers, how are you employed?

13 A. I'm a forensic investigator with the Washoe County
14 Sheriff's Office Crime Lab.

15 Q. How long have you been with the Washoe County
16 Sheriff's Office?

17 A. I was hired in 1996.

18 Q. And how long have you been with the Forensic
19 Division?

20 A. I've worked crime scene investigation since 1999 and
21 then as a full-time assignment from 2009 to current.

22 Q. To present, all right. As a crime scene
23 investigator, are you routinely tasked to take forensic
24 photos?

25 A. Yes.

1 Q. All right. Are you aware of a case involving a
2 defendant by the name of Lopez Luigi Delgado [sic]?

3 A. Yes.

4 Q. Excuse me, Luigi Richard Lopez-Delgado?

5 A. Yes, sir.

6 Q. I'd like to draw your attention to January 23rd,
7 2018.

8 Were you on duty that day?

9 A. I was.

10 Q. During that time, were you asked to take some
11 pictures of a beige Ford 1986 Econoline Windjammer
12 motorhome?

13 A. Yes, I was.

14 Q. All right. And where did you take those photos?

15 A. The Washoe County Sheriff's Office impound lot.

16 Q. All right. Are you aware of how that -- that RV got
17 to the Washoe County impound lot?

18 A. I don't have direct knowledge of that.

19 Q. All right. Who tasked you with taking photos?

20 A. Detective Arick Dickson.

21 Q. All right. And is he the case agent on this case?

22 A. He is.

23 Q. All right. And what did he ask you to do?

24 A. He asked for overall photographs, inside and outside
25 of the motorhome, photographs of the general layout, the

1 features inside the motorhome, the kitchen, dining area,
2 bedroom area, and the bathroom, and collect specific
3 items of evidence inside the motorhome.

4 Q. During your examination and taking the photographs
5 of the RV, did there come a time when you used something
6 called an ALS or alternative light source?

7 A. Yes.

8 Q. All right. And what is that?

9 A. An alternate light source is a light source that
10 emits light in different bandwidths of light. So
11 specifically, I was using a light source with 420 to
12 470 nanometers. We use that as a screening tool to find
13 biological material.

14 Q. What kind of biological material were you looking
15 for in this case?

16 A. Specifically semen, saliva, or vaginal secretions.

17 Q. Okay.

18 MR. GRAHAM: May I approach?

19 THE COURT: Yes.

20 BY MR. GRAHAM:

21 Q. I'm showing you what's been marked as State's
22 Exhibits -- proposed Exhibits 10 [sic] through 12. If
23 you can take a look at those and let me know if you
24 recognize those.

25 A. Yes, I recognize -- these photographs are of the

1 motorhome that I photographed for Detective Dickson.

2 Q. All right. And do they truly and accurately depict
3 the motorhome as depicted in those photos?

4 A. Yes, they do.

5 Q. All right.

6 MR. GRAHAM: Your Honor, at this time, I'd
7 move for admission of State's proposed Exhibits 2
8 through, I believe, 12 and publication.

9 THE COURT: Any objection?

10 MR. SLOCUM: No objection for the purpose of
11 this hearing.

12 THE COURT: And that's Exhibits 2 through 12?

13 MR. GRAHAM: That's correct, Your Honor.

14 THE COURT: All right. And no objection 2
15 through 12?

16 MR. SLOCUM: Not for this hearing, thank you.

17 THE COURT: All right. Exhibits 2 through 12
18 are admitted. Permission to publish.

19 (Whereupon, Plaintiff's Exhibits 2, 3, 4, 5,
20 6, 7, 8, 9, 10, 11, and 12 admitted)

21 MR. GRAHAM: Thank you, Your Honor.

22 BY MR. GRAHAM:

23 Q. Showing you what's been marked as State's Exhibit 2,
24 what do we see in this photo?

25 A. It's an overall photograph of the front end of the

1 Ford Windjammer motorhome.

2 Q. All right. Showing you what's been marked as
3 State's Exhibit 3, what are we looking at in this photo?

4 A. Number 3 is a photograph of the rear exterior of the
5 motorhome.

6 MR. GRAHAM: Can the Court see these?

7 THE COURT: Yes, I can see them.

8 MR. GRAHAM: Thank you.

9 BY MR. GRAHAM:

10 Q. Directing your attention to State's Exhibit 4, what
11 are we looking at in this photo?

12 A. It's the interior of the motorhome, the dining table
13 and kitchen area.

14 Q. Where is this photo taken from?

15 A. That photograph is taken almost immediately after
16 you enter the motorhome looking towards the rear of the
17 motorhome. So it's more towards the front.

18 Q. All right. And was there a door on the side of this
19 motorhome that you entered into this living area?

20 A. Yes, there was.

21 Q. And that's the door you were looking through?

22 A. Yes.

23 Q. Not like the passenger doors up front?

24 A. No.

25 Q. Okay. State's Exhibit 6 [sic].

1 A. Is an overall photograph of the dining table.

2 Q. Or excuse me, this is 5, State's Exhibit 5,
3 apologize. Dining table?

4 A. Yes, sir.

5 Q. Now State's Exhibit 6.

6 A. It's a photograph of me standing in the kitchen area
7 looking to the rear of the motorhome. There is an
8 accordion door, and it's looking into the bedroom area.

9 Q. State's Exhibit 7.

10 A. It's a photograph with the accordion door open
11 looking into the bedroom area of the motorhome.

12 Q. Drawing your attention specifically to the left-hand
13 corner of this photo, what is this area right here?

14 A. That is the bed. It's a couch that folds out into a
15 bed.

16 Q. All right. And in the right-hand corner with this
17 chair, was that chair there? I mean, you guys didn't
18 move anything, right, taking these photos?

19 A. Those photographs were taken before we've touched
20 anything in the motorhome.

21 Q. Thank you. And in the back, what do we see right
22 there?

23 A. There's a restroom towards the rear of the
24 motorhome.

25 Q. State's Exhibit 8.

1 A. It's an overall photograph of the bed.

2 Q. All right. And are there pillows on this bed?

3 A. Yeah, there were three pillows on the bed and a
4 couple cushions as well.

5 Q. State's Exhibit 9.

6 A. It's a photograph of a fan that was just near the
7 recliner that you could see in the previous photograph.

8 Q. All right. And is it also a heater?

9 A. I don't recall, sir.

10 Q. Okay. And State's Exhibit 10.

11 A. The box similar to the fan that was on the counter.

12 Q. And now we get into State's Exhibit 11. What are we
13 looking at here?

14 A. This is a photograph of the bed. All the pillows
15 and cushions have already been collected as evidence,
16 and I've removed -- I've began to remove the fabric that
17 was on the bed. So you can tell by the front end, that
18 piece of the fabric has already been removed.

19 Q. Okay. And State's Exhibit 12.

20 A. And then the next step is to remove the other piece
21 of fabric that was on the bed.

22 Q. Okay. What was the purpose of removing that fabric?

23 A. To collect as evidence. It had given a positive
24 result with the alternative light source.

25 Q. And once you removed that fabric, what did you do

1 with it?

2 A. Placed it inside of a paper bag.

3 Q. And after that?

4 A. It gets booked into evidence, submitted to our
5 evidence section.

6 Q. Okay. And were you able to tell, based on that ALS,
7 if there was some body fluids on that mattress?

8 A. It gave a presumptive positive result, which is not
9 a confirmatory result. It's a screening tool that we
10 can use to determine what items need to be collected.

11 Q. All right. So it gave you reason to take it and
12 test it further?

13 A. That's correct.

14 Q. All right. But you don't do that testing, do you?

15 A. I do not.

16 MR. GRAHAM: Court's indulgence.

17 BY MR. GRAHAM:

18 Q. Is there a specific lab number that is assigned to
19 these cases?

20 A. Yes.

21 Q. And what was -- do you remember the specific lab
22 number that was assigned to this case?

23 A. 17-001024.

24 Q. Thank you.

25 MR. GRAHAM: No further questions.

1 THE COURT: Cross.

2 MR. SLOCUM: I don't have any questions,
3 thank you.

4 THE COURT: I didn't hear, Mr. Slocum.

5 MR. SLOCUM: I don't have any questions.

6 THE COURT: Oh, all right. May this witness
7 be excused?

8 MR. SLOCUM: Yes.

9 THE COURT: Sir, you may go about your day.

10 MR. IVERS: Thank you.

11 THE COURT: Your next witness.

12 MR. GRAHAM: The State calls Brittany
13 Chilton.

14 THE COURT: Do you have Exhibit 1? I need
15 that for up here.

16 MR. GRAHAM: Oh, I'm sorry.

17 THE COURT: Okay, thanks.

18 All right, ma'am, if you'd please face me and
19 raise your right hand. Do you swear to tell the truth,
20 the whole truth, and nothing but the truth, so help you
21 God?

22 MS. CHILTON: I do.

23 THE COURT: All right, please have a seat
24 right there if you would. And once you've made yourself
25 comfortable -- yes, pull your chair all the way up. In

1 front of you is a microphone. It's recording everything
2 you say. And if you'd please state your name and spell
3 your last name for the record.

4 THE WITNESS: My name is Brittany Chilton.
5 The last name is spelled C-H-I-L-T-O-N.

6 THE COURT: Counsel.

7 MR. GRAHAM: Thank you.

8 BRITTANY CHILTON

9 (Sworn as a witness, testified as follows)

10 DIRECT EXAMINATION

11 BY MR. GRAHAM:

12 Q. Ms. Chilton, how are you employed?

13 A. I work at the Washoe County Sheriff's Office in the
14 Forensic Science Division.

15 Q. How long have you been employed there?

16 A. January will be seven years.

17 Q. What is your specific job?

18 A. I'm a criminalist, and as a criminalist, I examine
19 items of evidence that are associated with criminal
20 cases. Specifically, I am employed in the biology unit,
21 and I am cross-trained in primary exam, DNA, and CODIS.

22 Q. What kind of training and/or education do you have
23 in order to do your job?

24 A. I have a degree from the University of Nevada, Reno.
25 I graduated with a combined Bachelor of Science and

1 Master of Science in 2011 in biotechnology. At the
2 Crime Lab, we're required to go -- undergo extensive
3 training. I underwent two training programs in primary
4 exam and in DNA. That training program consisted of an
5 in-depth review of past and current literature in the
6 field.

7 I was required to observe qualified analysts
8 performing casework. I was required to perform DNA
9 analysis on mock samples that mimicked the type of
10 samples that I would see in actual cases. I was then
11 required to compile cases that had been completed by
12 previously-qualified analysts and come to the same
13 conclusions and opinions as the original analyst.

14 I then underwent mock cases and pre-mock cases.
15 Those included being watched by my trainer the entire
16 step of -- every step that I did, in which case they
17 verified that I followed all the procedures and
18 protocols.

19 Q. Have you been qualified as an expert in the analysis
20 of DNA in Washoe County?

21 A. I've been qualified as a primary examiner in Washoe
22 County, but I have been qualified in DNA in other Nevada
23 counties.

24 Q. Okay. And have you testified in Washoe County as an
25 expert?

1 A. In DNA or primary?

2 Q. Either?

3 A. Yes.

4 Q. Okay. How often do you perform DNA testing?

5 A. I wouldn't say daily. In between the lab and at my
6 desk daily, but that's where I'm assigned currently as
7 performing DNA analysis.

8 Q. Are you aware of an investigation of -- under lab
9 number 17-001024?

10 A. I am.

11 Q. What was your role in that case?

12 A. I performed the DNA analysis in this case.

13 Q. Okay. And did you receive something to test -- tell
14 us how that happened? Did you receive --

15 A. Yes. Evidence is brought into the laboratory with a
16 submission, and the submission says what type of testing
17 they would like to have done. The items that I received
18 first went to a primary examiner, which were screened
19 for the presence of bodily fluids. And then from there,
20 those items were sampled, and those samples were sent to
21 DNA, and I received those samples and processed them
22 through the DNA process.

23 Q. What samples did you receive?

24 A. I received a reference sample from an individual
25 named Haley, a reference sample from -- may I look at my

1 report for the exact names?

2 Q. Would that refresh your recollection?

3 A. Yeah.

4 Q. All right. Do you have your report up there?

5 A. I do.

6 Q. Oh, okay.

7 A. So a reference sample from an individual named
8 Haley, a portion of a reference sample from Luigi
9 Lopez-Delgado, a portion of vaginal swabs that had been
10 collected in a sexual assault kit under RN02951, a
11 portion of a small stain from a large cushion that was
12 collected in a motorhome, and a portion of a large stain
13 from a large cushion that was collected in a motorhome.

14 Q. Okay. And when you received those -- those samples,
15 what did you do?

16 A. I performed the DNA process, and what that is is I
17 apply a series of chemicals to the samples that will
18 break open or lyse the cells that will release the DNA
19 housed within those cells. From there, I perform a
20 quantitation that tells me how much DNA is in those
21 samples, and then depending on how much DNA there is, I
22 have thresholds that tell me I can proceed with the
23 process called polymerase chain reaction, or PCR, or I
24 have to stop the analysis. I stopped the analysis in
25 some of the samples and proceeded with analysis in other

1 samples in this case.

2 Q. All right. And so what samples did you end up
3 testing?

4 A. I ended up testing the small stain from the large
5 cushion, the large stain from the cushion, and the
6 reference samples. I stopped the vaginal samples at
7 quantitation.

8 Q. And what were your results with this testing that
9 you did?

10 A. Comparison of DNA profiles show that the profile
11 from Haley -- Haley's reference sample was the same as
12 the female DNA profile obtained from the epithelial
13 fraction of the smaller stain. The estimated frequency
14 of this matching DNA profile is approximately 1 in 21.66
15 octillion individuals, and based upon those results, it
16 is reasonable to conclude that Haley is the source of
17 this DNA profile.

18 Q. Just to be clear, so the results from the -- from
19 the smaller stain came back with the DNA profile from
20 Haley?

21 A. The epithelial fraction, correct.

22 Q. What does that mean?

23 A. During that extraction process where I lyse the
24 cells open to obtain the DNA, we have another type of
25 extraction process called a differential. What this

1 differential does is it allows me to separate skin cells
2 or epithelial cells from sperm cells.

3 Q. Okay. And so what is an epithelial cell?

4 A. An epithelial cell is a skin cell.

5 Q. Okay. And so basically, you were able to determine
6 that a skin cell was in that small stain on the cushion?

7 A. Correct.

8 Q. And it matched Haley's DNA profile?

9 A. Yes.

10 Q. Okay. What was your next result?

11 A. Additionally, comparison of DNA profile showed the
12 DNA profile obtained from the Luigi Lopez-Delgado
13 reference sample was the same as the DNA profile
14 obtained from each of the sperm fractions of the small
15 stain and the large stain. The estimated frequency of
16 this matching DNA profile is approximately 1 in 1.218
17 octillion individuals. Based upon these results, it's
18 reasonable to conclude that Luigi Lopez-Delgado is the
19 source of these DNA profiles.

20 Q. Okay. Now this is -- now this result is different
21 in that it's not an epithelial fraction?

22 A. Correct, it's a sperm fraction.

23 Q. Okay. And so meaning that Mr. Delgado's sperm was
24 what was analyzed and found to match his DNA that you
25 have -- that you had?

1 A. Correct.

2 Q. Okay. You're not familiar with Mr. Delgado at all;
3 is that correct?

4 A. No, I am not.

5 Q. And you're not familiar with Haley at all as well,
6 are you?

7 A. No.

8 Q. Have your DNA test results ever excluded a suspect?

9 A. Yes.

10 Q. All right. And if someone disagrees with your
11 results, is there a scientific way to check if you got
12 the right answer?

13 A. Yes.

14 Q. All right.

15 A. First and foremost, I should say that my work goes
16 through a second process called technical review. So my
17 entire case packet that I compile of my findings goes to
18 a second qualified individual at the laboratory who then
19 has to agree and sign off on my results as well.

20 If somebody else outside of our laboratory
21 disagreed, these results could always be sent to another
22 expert witness to review as well. And these are
23 portions of these stains. There are still other
24 portions remaining that could be tested by another
25 laboratory if that needed to happen.

1 Q. You had indicated that there was some that -- let me
2 back up. Were there some testing that you had to stop?

3 A. That is correct.

4 Q. And why was that?

5 A. There was no male DNA detected in the
6 non-concentrated extracts from the vaginal swabs, and
7 this item could not be processed beyond the
8 quantification step at that time. I would need a
9 stipulation to consume the other half of the vaginal
10 swabs to combine those to see if there is any male DNA
11 present.

12 Q. Okay.

13 MR. GRAHAM: No further questions. Pass the
14 witness.

15 THE COURT: Cross.

16 MR. SLOCUM: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. SLOCUM:

19 Q. If I may approach, can I see what it is that you're
20 looking at that you referred to?

21 A. This is the report.

22 MR. GRAHAM: May I approach as well?

23 THE COURT: Certainly.

24 BY MR. SLOCUM:

25 Q. So if I understood your testimony correctly, you're

1 provided some samples; is that right?

2 A. That is correct.

3 Q. Okay. So you don't -- you don't have necessarily a
4 knowledge of where specific items come from. You're
5 given a small piece that goes through the primary
6 section to you and just told test these items?

7 A. So I'm given the tube that contains the cutting, and
8 I'm also given the report from the primary examiner. So
9 I never saw the item itself, but that report and those
10 case findings went through technical review first, and
11 then another analyst agreed with those. And then at
12 that time, I'm allowed to take the samples.

13 Q. And when you say "take the samples," you mean you're
14 able to test the samples?

15 A. Correct. I receive them from the biology unit and
16 then proceed with my testing.

17 Q. Okay. So as an example, when it says a portion of
18 Haley's [full name stated, first name inserted]
19 reference sample?

20 THE COURT: We're going to strike the last
21 name that was just mentioned.

22 MR. SLOCUM: Thank you, Your Honor.

23 THE COURT: But we'll stick with Haley from
24 now on.

25 Go ahead.

1 BY MR. SLOCUM:

2 Q. When you talk about Haley reference sample, you
3 don't -- you don't have any knowledge of that reference
4 sample other than finding out that that's a -- an item
5 that's marked with this name.

6 Is that fair to say?

7 A. Correct. I did not actually receive the box that
8 contained it. I received a tube with a portion of the
9 sample.

10 Q. That is marked in some way to connect it up --

11 A. Correct.

12 Q. -- to Haley?

13 A. Yes, it's marked with the case number and
14 identifying mark. So in this instance, it was marked
15 with the name.

16 Q. And just so that we're clear about this, your
17 results, as far as a matching DNA profile, is only as
18 good as your knowledge about whether or not this came
19 from Haley or this came from Luigi Lopez-Delgado.

20 Is that fair to say?

21 A. Maybe you should restate the question.

22 Q. Certainly.

23 A. Okay.

24 Q. If, for example, you're making a comparison and
25 you're saying hey, this matches a reference sample of

1 this person, that information's only as good as how good
2 the reference sample itself is.

3 Is that fair to say?

4 A. Correct.

5 Q. So you could -- you could call that a different
6 name, and you would say, okay, it matches that. That's
7 all that you can really say, it matches one thing to
8 another thing.

9 A. Yes.

10 Q. But as far as connecting the name, that's not part
11 of what you do.

12 Is that fair to say?

13 A. Not exactly because the name does come with the
14 sample, and that name stays associated with that sample
15 through my entire process. And so as far as the name
16 going on the tube, you are correct, I had no connection
17 with putting that name on that tube, but that name
18 stayed with that tube through the entire process. And
19 the profile that was generated from that sample was
20 marked with a name, and that name then matched the
21 sample that was marked with the piece of evidence.

22 Q. Okay. But you don't have any firsthand knowledge of
23 the name itself --

24 A. Correct.

25 Q. -- that's my point.

1 A. Uh-huh.

2 Q. So all you're doing is making a comparison to
3 something that we could call X and making sure that,
4 yeah, X matches over here, and we have another sample
5 that we could call Y, and that Y matches over here.
6 That's your role. It isn't to assign individual names
7 to things.

8 Is that fair to say?

9 A. Yes.

10 Q. Okay.

11 MR. SLOCUM: I don't have any further
12 questions.

13 THE COURT: Redirect.

14 MR. GRAHAM: Just briefly.

15 REDIRECT EXAMINATION

16 BY MR. GRAHAM:

17 Q. You know, normally, I don't get to ask this question
18 in trial, but you don't stop once you -- if it comes
19 back to, as it did in this case, to Mr. Luigi
20 Lopez-Delgado, you don't just stop right there. Is
21 there any other tests that you run against that
22 reference sample?

23 A. I'm not sure what you're asking.

24 Q. Okay. In the second paragraph of your report --

25 A. Uh-huh.

1 Q. -- it indicated that the profile obtained was
2 searched against a Combined DNA Index System.

3 A. Correct.

4 Q. All right. And did it come back -- there is
5 specific language that is always written in these
6 reports. It's kind of like a double negative --

7 A. Uh-huh.

8 Q. -- that there's no unknown person. That means --
9 what does that mean?

10 A. So what this is saying in the report -- can I read
11 it first, and then I'll explain it?

12 Q. I have no objection to that.

13 THE COURT: Any objection, Mr. Slocum?

14 MR. SLOCUM: To, I'm sorry, reading it and
15 then explaining it?

16 THE COURT: It's for reference to some
17 statement in a report that I'm not aware of. She's
18 going to explain what the statement means.

19 MR. GRAHAM: Right.

20 THE COURT: Because he didn't read the
21 statement. I don't know what the statement says.

22 MR. SLOCUM: Yes, I'm not sure. Can we just
23 explain what she means rather than reading the
24 statement.

25 BY MR. GRAHAM:

1 Q. Without reading the statement --

2 A. I can do that. I can do that.

3 Q. -- can you just explain it.

4 Thank you.

5 A. So what ends up happening in a case -- the next step
6 after the DNA process would be what's called CODIS, so
7 the Combined DNA Index System. This index system houses
8 known profiles from convicted offenders, from qualifying
9 arrestees. It houses unknown profiles from crime
10 scenes, such as sexual assault cases. In this case, the
11 sperm fraction from the small stain qualified for CODIS.
12 It was entered into CODIS, and it came back to a match
13 matching to the Defendant.

14 Q. Okay. And so that would have not been a reference
15 sample that you were given. That would have been a
16 different sample that was put into CODIS?

17 A. That is correct.

18 Q. All right.

19 MR. GRAHAM: Nothing further, pass the
20 witness.

21 THE COURT: Recross.

22 RECROSS-EXAMINATION

23 BY MR. SLOCUM:

24 Q. And as I understood your testimony, that's a
25 standard procedure that you do?

1 A. That is a very standard procedure, yes.

2 Q. And why is that?

3 A. That is what CODIS is for is to link crimes and link
4 criminals back to crimes. And so at the end of our
5 processing, if profiles qualify for CODIS, we enter them
6 into the database, and they stay in the database to be
7 continually crossed against other cases to see if
8 matches occur, which can lead to investigative leads for
9 officers.

10 Q. Okay. Now, as I understood what you're saying, you
11 entered the DNA profile from this case and put it in
12 CODIS?

13 Is that what I understood?

14 A. Yes. I entered the profile obtained from the sperm
15 fraction of the small stain.

16 Q. Okay. But that's different than doing a search
17 against CODIS; is that right?

18 A. It does it at the same time. So when I enter a
19 profile, it will search at that time, and it's searched
20 at the State level. And when I put this profile in, it
21 did have a hit in this case, and it hit to the
22 individual named Luigi Lopez-Delgado.

23 Q. Okay. When you say "a hit," what does that mean?

24 A. What it does is it runs the profile against all the
25 known profiles in the database, and it will come back

1 and tell us if there's been a match. The match can
2 match to other unknown profiles for other cases, it can
3 match to convicted offenders, it can match to arrestees,
4 and in this case, it matched to -- I'm sorry, I'd have
5 to review my notes to tell you if it was an arrestee
6 sample or a convicted offender, but it matched to that,
7 and that sample was from the Defendant.

8 Q. Okay. And you're going to have to help me with
9 this, because as the D.A. said, normally, you don't ask
10 this question at trial, so. But when -- the statement,
11 as I understood it, was the profile obtained from the
12 sperm fraction of the small stain was searched against
13 the CODIS with no unknown matching profile found, right?

14 A. That terminology at our laboratory, for no unknown
15 matching profile found means that the profile that we
16 put it as a known, say I put it in already knowing that
17 it matched to a suspect or someone in the case matched
18 to the same individual in CODIS, and it would have
19 matched to either a convicted offender or an arrestee
20 sample. We don't re-list the individual's name because
21 I've already made a source statement in the text of my
22 report. So we use the terminology no unknown matching
23 profile found.

24 Q. And your point with that is that that's a
25 reenforcement somehow of the accuracy? Is that what it

1 is?

2 A. Yeah, so you had been asking how can I verify that
3 the reference samples -- you were saying you could call
4 it X or Y or whatever --

5 Q. Yeah.

6 A. -- and I believe the line of questioning from the
7 prosecution was, was there any additional tests that
8 would show that it matched to the individual named on
9 the tube, and the answer would be yes, and that I put it
10 into the CODIS database, and it matched to an individual
11 from a completely separate sample collected at a
12 completely separate time and it matched the same
13 individual.

14 Q. Okay. Because you notice the final statement in the
15 -- in that paragraph is if a matching profile is
16 located, you or a representative of your agency will be
17 contacted.

18 A. We're required to leave that in there because these
19 profiles stay in CODIS, and they will continue to be
20 searched against the database and additional matches
21 could be found if, in fact, the individual named had
22 committed other crimes at a later date, and those
23 profiles went in, they would match to one another and
24 those could be investigative leads for agencies. So
25 once a profile goes in, I'm required to say that it will

1 stay in, and should an additional match be found, I will
2 let you know at that time.

3 Q. And you're required to do that for CODIS, you mean?

4 A. It's a requirement, yes.

5 MR. SLOCUM: I don't have any further
6 questions, Your Honor.

7 THE COURT: All right, may this witness be
8 excused, gentlemen?

9 MR. GRAHAM: Yes, Your Honor, thank you.

10 MR. SLOCUM: Yes.

11 THE COURT: Ma'am, you may go about your day,
12 thank you.

13 MS. CHILTON: Thank you.

14 THE COURT: Your next witness.

15 MR. GRAHAM: The State calls Ms. Trujillo.

16 THE COURT: Up here, ma'am. And if you'd
17 please face me and raise your right hand, if you would.
18 Do you swear to tell the truth, the whole truth, and
19 nothing but the truth, so help you God, ma'am?

20 MS. TRUJILLO: Yes, I do.

21 THE COURT: Please have a seat right there.
22 And once you've made yourself comfortable, there you go,
23 pull that chair all the way up to the table. Now,
24 that's a microphone that's in front of you, and if you
25 could pull that towards you, ma'am. It's recording

1 everything you say. And I need you to state your name
2 and spell your last name for the record, if you would,
3 ma'am.

4 THE WITNESS: Jeanine Trujillo,
5 T-R-U-J-I-L-L-O.

6 THE COURT: Counsel, go ahead.

7 JEANINE TRUJILLO

8 (Sworn as a witness, testified as follows)

9 DIRECT EXAMINATION

10 BY MR. GRAHAM:

11 Q. Ms. Trujillo, do you know a person -- and for this
12 proceedings, we're going to refer to her as Haley. Do
13 you know a person by the name of Haley?

14 A. Yes.

15 Q. Who is Haley to you?

16 A. She's my granddaughter.

17 Q. All right. Are you her legal guardian?

18 A. Yes, I am.

19 Q. Okay. How long have you been Haley's legal
20 guardian?

21 A. Since she was 18 months old.

22 Q. All right. And where does Haley live -- what -- I
23 want to -- let's go back to last year between October
24 and January, where did Haley live? What was the
25 address?

1 A. 3094 Diamond Dust Court.

2 Q. And that's here in Sparks --

3 A. Sparks.

4 Q. -- Washoe County, Nevada?

5 A. Uh-huh.

6 Q. All right. Are you or did you become aware of Haley
7 being involved in a relationship with a person by the
8 name of Luigi Delgado?

9 A. Eventually, yes.

10 Q. How is it that you became aware of that?

11 A. Through the Police Department, I guess, through --
12 through my daughter, through my daughter who looked at
13 her phone.

14 Q. Okay. Now, your daughter who -- without telling
15 what your daughter said, did there come a time when you
16 reached out to have your daughter look through Haley's
17 phone?

18 A. Yes.

19 Q. Okay. Now, that daughter is not Haley's mother?

20 A. No.

21 Q. Okay. Before that happened, did there -- was there
22 an incident which caused your suspicions to kind of --
23 did something happen with your car?

24 A. Yes.

25 Q. And what was that?

- 1 A. She tried to take my car out.
- 2 Q. And who's she?
- 3 A. My granddaughter, Haley.
- 4 Q. Okay. And do you remember when that was?
- 5 A. I don't exactly.
- 6 Q. Was it before Thanksgiving?
- 7 A. I believe so.
- 8 Q. In 2017?
- 9 A. Yes.
- 10 Q. All right. And what caused you to notice that your
- 11 car had been taken out?
- 12 A. She was ramming it into the house.
- 13 Q. All right.
- 14 A. She couldn't get it out of the garage.
- 15 Q. Before that incident, was there something about a
- 16 spare tire?
- 17 A. Yes.
- 18 Q. Okay.
- 19 A. Yes. The -- I looked in the garage and the spare
- 20 was on the car, and I didn't think I'd ever had a spare
- 21 put on the car. I thought all my tires were fine. So I
- 22 asked, and she acted like she didn't know what had
- 23 happened, and I began to question my mental status.
- 24 Q. Eventually, did she admit to taking out the car?
- 25 A. Eventually.

1 Q. All right. Now, I want to go -- fast-forward a
2 little bit to November 23rd, 2017. That would have been
3 Thanksgiving --

4 A. Uh-huh.

5 Q. -- in 2017. Did there come a point in that evening
6 where you found Haley was missing?

7 A. Yes, she was running away.

8 Q. What did you do when you saw that Haley had ran
9 away?

10 A. I had to call the police.

11 Q. All right. And did Sparks Police come to your
12 house?

13 A. Yes.

14 Q. While Sparks Police were at your house, did Haley
15 eventually come home?

16 A. Yes.

17 Q. Okay. At some point -- as part of punishment, did
18 you do anything to Haley after she had run away?

19 A. Well, we took her phone away.

20 Q. Okay. And when you took the phone away, is that
21 when you called your daughter to take a look at it?

22 A. Yes.

23 Q. Okay. Based on what your daughter told you, without
24 telling what your daughter said, did you do anything or
25 question Haley as to the contents of her phone messages?

1 A. Oh, yes.

2 Q. All right. Did you question her about a person by
3 the name of Luigi Delgado?

4 A. Yes.

5 Q. And what did Haley say that person was to her?

6 A. Her boyfriend.

7 Q. All right. Did she indicate her feelings for --

8 A. Yes.

9 Q. What did she say?

10 MR. SLOCUM: And I'm going to object to
11 hearsay, Your Honor.

12 MR. GRAHAM: Your Honor, pursuant to
13 NRS 171.196, subsection 5, hearsay evidence consisting
14 of a statement made by the alleged victim of the offense
15 is admissible at a preliminary examination conducted
16 pursuant to this section only if the Defendant is
17 charged with one of the following crimes, and this talks
18 about sexual offenses.

19 THE COURT: Uh-huh.

20 MR. GRAHAM: That's how I was able to admit
21 --

22 THE COURT: Is one of these enumerated crimes
23 one of those offenses listed in the statute?

24 MR. GRAHAM: All of them except for the gross
25 misdemeanor.

1 THE COURT: Okay. Then it's admissible, is
2 it not?

3 MR. SLOCUM: No, Your Honor, the issue is her
4 feelings for him are not part of the -- part of the
5 crime.

6 THE COURT: It's still a statement made by
7 her.

8 MR. SLOCUM: But the -- if we take a look,
9 Your Honor -- okay, Your Honor.

10 THE COURT: Withdrawn?

11 MR. SLOCUM: Thank you.

12 THE COURT: All right. Objection overruled.
13 Re-ask the question.

14 BY MR. GRAHAM:

15 Q. Did she say anything about her feelings towards
16 Luigi Delgado?

17 A. Yes.

18 Q. What did she say?

19 A. She loved him.

20 Q. All right. Did you ask her or tell her what you
21 thought of the situation?

22 A. Well, yes.

23 Q. What did you say?

24 A. It's ridiculous.

25 Q. Did you indicate at any time that you thought he was

1 taking advantage of her?

2 A. Yes.

3 Q. Was that because of the age difference?

4 A. Yes.

5 Q. Did you know the age difference?

6 A. I knew that it was an adult.

7 Q. Did you ask or did Haley tell you how old
8 Mr. Delgado was?

9 A. No, I don't believe so. I think that came later,
10 but I'm not sure.

11 Q. Do you remember having a conversation with a
12 Detective Arick Dickson?

13 A. Yes.

14 Q. Do you remember telling him that Haley told you he
15 was 23?

16 A. Oh, okay.

17 Q. Do you remember that?

18 A. Yes, yes.

19 Q. Okay. Do you recall whether or not Haley told you
20 if they'd been involved sexually, if they had had sex?

21 A. Eventually she did, but not initially.

22 Q. But eventually she told you that?

23 A. Uh-huh.

24 Q. Do you recall her making a statement about tacos?

25 A. Yes.

1 Q. What was that?

2 A. That he took her to have tacos. He took her out,
3 and they had tacos.

4 Q. All right. Do you recall having a conversation with
5 Haley -- and I apologize for the graphic nature of this
6 but something regarding the Defendant wanting to use her
7 poo-poo hole?

8 A. I know that she said that he begged her for sex and
9 so she let him.

10 Q. All right. Do you recall Haley telling you that the
11 Defendant knew she was 14 before they had sex?

12 A. Yes.

13 Q. All right. After learning all these things, what
14 did you do?

15 A. I was horrified.

16 Q. Were you worried she was pregnant?

17 A. Yes.

18 Q. Did you make her do something as a result of that?

19 A. Yes.

20 Q. What was that?

21 A. I took her to the Children's Advocacy, and they
22 examined her to make sure that she didn't have any
23 diseases and was not pregnant.

24 Q. All right. Do you recall having a conversation with
25 her about the Internet and photos?

1 A. Yes.

2 Q. All right. What did Haley tell you about that?

3 A. Just that she was trying to please someone.

4 Q. All right. Did she indicate to you that she had
5 taken nude photos of herself?

6 A. Yes.

7 Q. And that she had sent them to Mr. Delgado?

8 A. Yes.

9 Q. And that was at his request?

10 A. Yes.

11 Q. All right.

12 MR. GRAHAM: Pass the witness, thank you.

13 CROSS-EXAMINATION

14 BY MR. SLOCUM:

15 Q. As I understand it --

16 THE COURT: Go ahead, counsel. Go ahead, I
17 was making notes.

18 MR. SLOCUM: Thank you, Your Honor.

19 BY MR. SLOCUM:

20 Q. Good afternoon. As I understood your testimony, you
21 never met Mr. Lopez-Delgado; is that right?

22 A. That's right.

23 Q. So the extent of your knowledge was what Haley had
24 told you that she had done; is that right?

25 A. Correct.

1 Q. And then some other things that you brought up on
2 your conversation with the District Attorney with regard
3 to her taking the car --

4 A. Uh-huh.

5 Q. -- and attempting to take the car; is that right?

6 A. Uh-huh.

7 Q. Is that a yes?

8 A. Yes.

9 Q. Okay. Because you have to answer out loud because
10 this is being recorded.

11 THE COURT: Yes, I was about to remind her of
12 the same thing. You need to speak out loud. So when
13 you say uh-huh, it doesn't pick up.

14 THE WITNESS: Oh, I see.

15 THE COURT: I don't know what the answer is.
16 You have to say yes or no.

17 THE WITNESS: Okay.

18 THE COURT: Okay, go ahead, counsel.

19 MR. SLOCUM: Thank you, Your Honor.

20 BY MR. SLOCUM:

21 Q. So with respect to those events, did you believe
22 that Mr. Lopez-Delgado had anything to do with those?

23 A. Yes.

24 Q. Okay. And is that because Haley told you that he
25 had something to do with it?

1 A. Because I believed that he had a lot to do with it.

2 Q. Okay. So at one point she had taken the car, and
3 she had apparently gotten a flat tire and replaced the
4 tire with a spare tire; is that right?

5 A. Yes, that's right.

6 Q. Okay. And you had said that Haley eventually
7 admitted to taking the car; is that right?

8 A. Yes.

9 Q. But she didn't tell you that Mr. Lopez-Delgado had
10 anything to do with that, did she?

11 A. No.

12 Q. Okay. And with respect to the time that she was
13 trying to take the car was apparently running into the
14 house?

15 A. Yes.

16 Q. Haley didn't tell you that he had anything to do
17 with that, correct?

18 A. No.

19 MR. SLOCUM: I don't have any further
20 questions, Your Honor.

21 THE COURT: All right. Redirect.

22 MR. GRAHAM: Just briefly.

23 REDIRECT EXAMINATION

24 BY MR. GRAHAM:

25 Q. As part of this investigation, did you release

1 Haley's phone to Detective Arick Dickson?

2 A. Yes.

3 Q. And were you the one who paid the phone bill on
4 that?

5 A. Yes.

6 Q. All right. And you let him examine it?

7 A. Yes --

8 Q. All right.

9 A. -- I did.

10 MR. GRAHAM: Nothing further.

11 MR. SLOCUM: I don't have any further
12 questions for her.

13 THE COURT: All right. May this witness be
14 excused?

15 MR. GRAHAM: Yes, Your Honor, thank you.

16 MR. SLOCUM: Yes.

17 THE COURT: Ma'am, you may go about your day,
18 thank you.

19 MR. GRAHAM: The State calls Detective Arick
20 Dickson.

21 THE COURT: Sir, if you'd raise your right
22 hand. Do you swear to tell the truth, the whole truth,
23 and nothing but the truth, so help you God?

24 MR. DICKSON: I do.

25 THE COURT: Please have a seat right there.

1 And once you've made yourself comfortable, pull that
2 chair all the way up to the table. In front of you is a
3 microphone. It's recording everything you say. Please
4 state your name and spell your last name for the record.

5 THE WITNESS: Arick Dickson, D-I-C-K-S-O-N.

6 THE COURT: Go ahead, counsel.

7 MR. GRAHAM: Thank you.

8 ARICK DICKSON

9 (Sworn as a witness, testified as follows)

10 DIRECT EXAMINATION

11 BY MR. GRAHAM:

12 Q. Detective Dickson, how are you employed?

13 A. I am a detective at the Washoe County Sheriff's
14 Office.

15 Q. And how long have you been with the Washoe County
16 Sheriff's Office?

17 A. For 16 and a half years.

18 Q. How long have you been a detective with the
19 Sheriff's Office?

20 A. For about six and a half years.

21 Q. Are you assigned to a specific division inside the
22 detectives' office?

23 A. Yes.

24 Q. What is that?

25 A. I am assigned to crimes against children.

1 Q. I'd like to direct your attention to a case -- your
2 case number 17-6416. That's State versus Luigi Richard
3 Lopez-Delgado. Are you familiar with the facts and
4 circumstances of that case?

5 A. Yes.

6 Q. Do you see a person in court today by the name of
7 Luigi Lopez-Delgado?

8 A. Yes.

9 Q. Can you point to him and identify an article of
10 clothing that he's wearing?

11 A. He's wearing a light blue shirt.

12 MR. GRAHAM: I'd ask that the record reflect
13 that the witness has identified the Defendant.

14 THE COURT: The record will reflect an
15 identification.

16 MR. GRAHAM: Thank you.

17 BY MR. GRAHAM:

18 Q. How is it that you became involved in this case?

19 A. I was assigned this case on either December 4th or
20 December 5th of 2017 by my supervisor.

21 Q. Okay. And at that time, what kind of information
22 did you have at the very beginning of your case?

23 A. That the victim had reported to a probation officer
24 that she had been in a sexual relationship with a 23 or
25 24-year-old man, and then he ended up making a report

1 with the Sheriff's Office.

2 Q. And was that report -- was the Defendant in that
3 report Mr. Delgado?

4 A. Yes.

5 Q. Are you aware of Mr. Delgado's birthday?

6 A. Yes.

7 Q. Is it February 3rd, 1993?

8 A. Yes.

9 Q. All right. And how old would that have made him at
10 the time of your investigation?

11 A. Twenty-four.

12 Q. Okay. What is the first thing that you did after
13 receiving the case?

14 A. I made contact with the -- with the victim's
15 guardian, grandmother, and set up a child forensic
16 interview.

17 Q. All right. And we've --

18 A. Actually, oh, sorry, I made a mistake. Prior to
19 that, I learned that there was evidence on a possible
20 phone, and so I did that before I scheduled the forensic
21 interview.

22 Q. So whose phone was there potential evidence on?

23 A. On the victim's.

24 Q. All right. And for the purposes of today's hearing,
25 we're referring to the victim as Haley. So would that

1 phone have been Haley's phone?

2 A. Yes.

3 Q. Okay. In speaking with the grandma of Haley, did
4 you get consent to retrieve that phone?

5 A. Yes.

6 Q. And download that phone to look at the contents of
7 the phone?

8 A. Yes.

9 Q. Okay. While that was occurring, I think you had
10 mentioned that you set up a child forensic interview?

11 A. Yes.

12 Q. Was that on December 11th, 2017?

13 A. Yes.

14 Q. Were you present for that interview?

15 A. Yes.

16 Q. We've already heard testimony from forensic
17 interviewer Alexis Auckenthaler. She indicated that
18 there was a multidisciplinary team meeting before the
19 actual interview.

20 Were you present for that?

21 A. Yes.

22 Q. All right. What, if anything, did you provide to
23 Ms. Auckenthaler regarding the interview?

24 A. That -- the initial probation officer's statement
25 about the original report and what generated this and

1 then just provided information that they had reportedly
2 gone to an RV that the suspect owned. So I wanted to
3 make sure we got a description of like the interior of
4 the motorhome during the forensic interview.

5 I also knew that -- she said that she was in a
6 relationship with him and that, according to the
7 grandmother, she relayed to the grandmother that she
8 cared for him because he bought her tacos so I wanted to
9 see if those would -- that would come up in the forensic
10 interview.

11 Q. After witnessing the forensic interview, what did
12 you do next?

13 A. After the forensic interview, then our victim
14 advocate scheduled a SART examination that occurred the
15 following day. And then on the -- on December 13th, I
16 found out information that the family was concerned that
17 Haley was going to be running away again, and after that
18 SART examination, I found out that the last known
19 contact they had had was a lot sooner than I previously
20 had thought.

21 Q. Regarding that SART examination, there was a
22 question I wanted to ask you about that. In the SART
23 examination, is there a DNA sample that is taken from
24 Haley and booked into evidence?

25 A. Yes.

1 Q. And what's the purpose of that?

2 A. For later, if there is biological evidence
3 discovered, they can use that for comparison purposes to
4 determine who the individual -- or who it belongs to.

5 Q. All right. So later you can actually send up
6 Haley's sample to be tested against any biological
7 samples, other biological samples discovered?

8 A. Yes.

9 Q. Okay. And that was done in this case?

10 A. Yes.

11 Q. So you had indicated that after the SART exam, you
12 discovered there was more recent contact than you
13 thought, and what did that cause you to do?

14 A. I wanted to -- or I expedited my contact with the
15 suspect, Luigi.

16 Q. So what did you do?

17 A. I went to his house, and then we also made contact
18 with his brother that was leaving, and I had contact
19 with the mom. He wasn't home. I got his phone number,
20 called him, and left him a message, and where he called
21 me back explain -- he explained that he was on a
22 graveyard shift and wouldn't be off until about 3:00,
23 3:30 in the morning, and I made arrangements to meet him
24 at that time.

25 Q. Now, you said you went to his house. Was that

1 located at 228 East 8th Avenue, Sun Valley?

2 A. Yes.

3 Q. Is that here in Washoe County, Nevada?

4 A. Yes.

5 Q. All right. When you went to his house, did you see
6 anything that corroborated Haley's forensic interview?

7 A. Yes.

8 Q. What was that?

9 A. There was a 1986 Ford motorhome parked out in front
10 of the house, and that was -- it was described as her
11 going to an RV after he had picked her up. Previous to
12 that too, she had also described him having a four-door
13 white car, and I had seen that he had a Subaru that
14 matched the description with four doors.

15 Q. So it was four doors, and it was white?

16 A. Yes.

17 Q. Okay. Now, you made contact with him. He indicated
18 to you that he doesn't get off until 3:30. Did you set
19 up a time to interview him?

20 A. Yeah, it was going to be at 3:00 or 3:30. Then
21 approximately like an hour later, he called back and
22 said that he was -- he wanted to take care of this and
23 find out what was going on so we made arrangements to
24 meet sooner at the Sheriff's Office.

25 Q. Ultimately, did he come to the Washoe County

1 Sheriff's Office for an interview?

2 A. Yes.

3 Q. What time was that?

4 A. I don't know exactly, but I know it was in the later
5 evening on December 13th.

6 Q. Okay. When he got there, was he under arrest?

7 A. No.

8 Q. Was he detained in any way?

9 A. No.

10 Q. Was the door open?

11 A. Yes.

12 Q. Or, I mean, at least not locked?

13 A. Yeah, it was unlocked.

14 Q. It was unlocked for privacy?

15 A. Yes.

16 Q. Was he in handcuffs?

17 A. No.

18 Q. All right. When you started the conversation,
19 what's the first thing you did?

20 A. I asked him how he had come to the Sheriff's Office.
21 I wanted to show that he had driven up by himself, that
22 he wasn't brought up by police officers or made to come
23 here, that he had volunteered to come here. Then went
24 over the phone conversation that we had had previously
25 and talked about how I wanted to talk to him about

1 involvement and any knowledge he had with a girl named
2 Haley. And then I read him his Miranda rights.

3 Q. And did he indicate he understood his Miranda
4 rights?

5 A. Yes.

6 Q. Did you ask him to do anything -- did he have a
7 phone with him?

8 A. Yes.

9 Q. Did you ask him to do anything with the phone?

10 A. Yeah, prior -- before going into the interview room,
11 I asked him to put it on airplane mode so we wouldn't be
12 disturbed with phone calls, messages, or anything like
13 that, and he said he would.

14 Q. All right. Now, after Miranda and he indicates he
15 understands, did you ask him about being in a dating
16 relationship with anyone?

17 A. Yes.

18 Q. And what was his response?

19 A. That he hadn't been in a dating or a sexual
20 relationship in over a year.

21 Q. Did he indicate whether he knew a person by the name
22 of Haley?

23 A. He said he did not -- oh, he said he knew a Haley
24 but described her as a 22-year-old female that lived in
25 Fernley and worked at the Wendy's, which did not match

1 the description of Haley, the victim in this case.

2 Q. Based on the forensic interview, did you have
3 information that Mr. Delgado had met Haley through
4 social media applications and or dating applications?

5 A. Yes.

6 Q. And what were those?

7 A. It started off with MeetMe, and then it transitioned
8 to Facebook Messenger.

9 Q. Did you ask Mr. Delgado about that?

10 A. Yes.

11 Q. What was his response?

12 A. I can't remember if he acknowledged MeetMe, but I
13 know he said that he wasn't on Facebook and never had
14 been on Facebook and didn't use it.

15 Q. Did he indicate whether or not he ever downloaded
16 those applications to his phone?

17 A. I don't think he ever said he had downloaded any of
18 those.

19 Q. Did he at any time indicate what his e-mail address
20 was?

21 A. Yes, it was something close to like
22 blazin218@gmail.com.

23 Q. All right. And if you had wrote in -- or excuse me,
24 put in your report that it was, in fact, blazin, spelled
25 B-L-A-Z-I-N, 218@gmail.com, would that be correct?

1 A. Yes.

2 Q. All right. Did you ask him about any other
3 electronics that he might have, like computers or
4 tablets?

5 A. Yes.

6 Q. All right. Did he say he had any other electronic
7 devices?

8 A. No, just his cellular phone.

9 Q. All right. Do you remember explaining to him the
10 allegations and how could these allegations just kind of
11 come out of thin air?

12 A. I might need a little bit more direction with that.
13 I don't understand.

14 Q. Do you recall a time the Defendant responding to you
15 that possibly he just had a stalker?

16 A. Yes.

17 Q. All right. And do you recall the question that
18 prompted that response?

19 A. Yeah, I asked him how anyone would have such
20 personal knowledge about him involving like his family
21 and his vehicles, and then he responded by saying that
22 maybe he had a stalker.

23 Q. All right. Did you ask him about whether his DNA or
24 Haley's DNA would be in the motorhome or the car?

25 A. Yes.

1 Q. And what was his response?

2 A. I don't remember if he said no, but I was asking him
3 for consent to search things. And that was the reason
4 why I gave of why I wanted to, but I can't remember
5 right now if he said no or how he responded.

6 Q. If you put in your report that he indicated that
7 Haley's DNA would not be in his motorhome -- or when
8 asked about whether it would be in there, and he stated
9 no, would that be correct?

10 A. Yeah, if it's in my report.

11 Q. Did you ask him about using a name or an e-mail -- I
12 don't know how to say it, but maybe a moniker of Richeez
13 spelled R-I-C-H-E-E-Z?

14 A. Yes.

15 Q. All right. Now, specifically to Facebook, is there
16 another application where you can kind of send text
17 messages?

18 A. Yes.

19 Q. What's that application called?

20 A. Facebook Messenger.

21 Q. All right. Did you ask him if he ever used Facebook
22 Messenger?

23 A. Yes.

24 Q. And what was his response?

25 A. No, that he didn't have Facebook.

1 Q. Okay. At some point, did the conversation end -- or
2 the interview ended at that point?

3 A. Yes.

4 Q. What did you do?

5 A. At that time, I placed him under arrest for several
6 charges.

7 Q. All right. And did you collect his phone at that
8 point or seize his phone?

9 A. Yes.

10 Q. Was there anything that you discovered when you
11 seized his phone?

12 A. Yes, I checked the phone to make sure it was in
13 airplane mode so it couldn't be manipulated or wiped
14 from an outside source, and I noticed that it wasn't in
15 airplane mode.

16 Q. Did you question him about that?

17 A. Yes.

18 Q. And what was his response?

19 A. He said he didn't think it was necessary to put it
20 in airplane mode.

21 Q. Okay. Now, at this point and at this time during
22 the interview, have you received a full download of
23 Haley's phone?

24 A. No.

25 Q. Okay. Did you author any search warrant after

1 arresting Mr. Delgado?

2 A. Yes.

3 Q. What were those search warrants for?

4 A. One was for MeetMe.com, one was for Facebook, one
5 was for the motorhome, one was for the Subaru, one was
6 for his phone, and then I completed a seizure order for
7 his DNA.

8 Q. All right. I want to fast-forward now to after you
9 authored those search warrants and seizure orders.

10 MR. GRAHAM: If I could approach?

11 THE COURT: Go ahead.

12 MR. GRAHAM: Thank you.

13 THE COURT: They're right here. What do you
14 need --

15 BY MR. GRAHAM:

16 Q. Directing your attention --

17 MR. GRAHAM: Thank you.

18 BY MR. GRAHAM:

19 Q. Directing your attention to what's been already
20 marked and admitted as State's Exhibits 2 through 12,
21 would you take a look at those.

22 A. (Witness complies)

23 Q. Do you recognize those State's exhibits?

24 A. Yes.

25 Q. And are those the photographs of Mr. Delgado's

1 motorhome?

2 A. Yes.

3 Q. And those are a result of the search warrant that
4 you obtained?

5 A. Yes.

6 Q. Okay. I'd like to draw your attention specifically
7 to State's Exhibit 7. And this is -- Deputy Ivers had
8 already testified that this is a -- a photograph of a
9 bed area, a chair with a toilet in the background. Did
10 anything regarding this area of the motorhome
11 corroborate Haley's forensic interview?

12 A. Yes. First, she described the bed as being a bench
13 style foldout bed, and then she also described that
14 there was a chair directly across from it. In the
15 forensic interview, she said it was very similar to the
16 chair that she was doing the interview in, which was an
17 armchair. She described that there was a small bathroom
18 in the back and also described there being accordion
19 style doors. And just off from here too is there was a
20 little space heater. And she described that it was --
21 it was very cold in the RV and that Luigi had gone into
22 the house and retrieved the heater.

23 Q. Showing you what's been marked as State's Exhibit 9,
24 is that a photo of the heater?

25 A. Yes.

1 Q. All right. And that's a space heater; is that
2 correct?

3 A. Yes.

4 Q. Okay. Now, on that bed, directing you to State's
5 Exhibit 11 and 12, it looks like some fabric has been
6 removed. What was the reason for removing that fabric?

7 A. To have it tested for biological fluids. We
8 couldn't remove it through any like zippers or buttons,
9 so it had to be cut to be removed.

10 Q. Is there a reason that this specific area was
11 important to the investigation?

12 A. Yes. First it was examined with an ultraviolet light
13 source. It lit so we knew that it could be a potential
14 source of evidence, and then I submitted for the lab to
15 test that and test those two stains to see what the
16 fluids came back as.

17 Q. Is that the area that Haley had described where they
18 would -- where all the sexual encounters had occurred?

19 A. Yes.

20 Q. Okay. During this time, did you receive the
21 download of Haley's phone?

22 A. Yes.

23 Q. And during the download of that phone, did you find
24 anything of value as it pertained to this case?

25 A. Yes, there was chats recovered from MeetMe.com. In

1 one of those, he was speaking with a user name with
2 Richeez. The user asks -- asks Haley if she wants to
3 have sex, and then -- I can't remember how she
4 responded, but that user of Richeez says, hey, it's me,
5 Louie, let's communicate on Facebook Messenger,
6 something to that sort.

7 MR. GRAHAM: May I approach the clerk?

8 THE COURT: You may.

9 MR. GRAHAM: I'd like to do this as a packet
10 if I could.

11 THE CLERK: Okay.

12 MR. GRAHAM: I need this one separate.

13 THE COURT: Is that the one that's going to
14 be sealed?

15 MR. GRAHAM: Yes, Your Honor.

16 THE COURT: We haven't done anything yet? We
17 haven't -- you're fine.

18 MR. GRAHAM: No, I just forget something in
19 my own case-in-chief.

20 THE COURT: I thought you were worried about
21 them not being sealed. They'll be sealed.

22 MR. GRAHAM: Thank you, Your Honor. I do ask
23 that these be sealed.

24 THE COURT: All right. What are they marked
25 for -- what numbers?

1 MR. GRAHAM: It's going to be 14.

2 THE COURT: 14 and what?

3 MR. GRAHAM: It's just --

4 THE COURT: Okay, 14, and how many -- could
5 you count them?

6 MR. GRAHAM: Oh, there are 24.

7 THE COURT: So Exhibit 14 has 24 parts?

8 MR. GRAHAM: Yes, Your Honor.

9 THE COURT: And has Mr. Slocum seen these
10 exhibits?

11 MR. GRAHAM: Yes, Your Honor.

12 THE COURT: Any objection to the way he's
13 doing this with 14 subparts or 24 subparts?

14 MR. SLOCUM: I don't have any problem with
15 what he's --

16 THE COURT: Just for preservation purposes is
17 all.

18 MR. SLOCUM: Right, I don't have any problem
19 with subparts, no.

20 THE COURT: Okay. I don't want to have to
21 label every one, but if you want to, we can label every
22 single one of them, 14A, B, C, through 24.

23 MR. SLOCUM: I don't think that there's any
24 necessity to do that, no.

25 THE COURT: Thank you, all right.

1 MR. SLOCUM: Thank you.

2 (Whereupon, Plaintiff's Exhibit 14 marked)

3 THE COURT: All right. Go ahead, counsel.

4 MR. GRAHAM: Thank you.

5 THE COURT: So there is no 13. I just
6 have 14.

7 MR. GRAHAM: Well, that's the thing I just
8 realized I messed up on.

9 THE COURT: Okay.

10 BY MR. GRAHAM:

11 Q. Showing you what's been marked as State's proposed
12 Exhibit 14, and it does have 24 subparts, do you
13 recognize this packet?

14 A. Yes.

15 Q. And what do you recognize that as?

16 A. These were CSI photographs taken by patrol
17 Deputy Stoess, while I was present, of the victim's
18 phone and going through different things on the screen
19 with Facebook Messenger with Haley's phone.

20 Q. Okay. And now, this -- and you were present when
21 Deputy Stoess did this?

22 A. Yes.

23 Q. All right. And do they fairly and accurately depict
24 Haley's phone and certain screen shots on Haley's phone?

25 A. Yes.

1 Q. And that was after Haley's grandmother gave you
2 consent to look through her phone?

3 A. Yes.

4 Q. All right.

5 MR. GRAHAM: Your Honor, at this time, I'd
6 move for admission and publication of State's Exhibit 14
7 and all subparts?

8 THE COURT: Any objection?

9 MR. SLOCUM: Not for the purposes of this
10 hearing.

11 THE COURT: All right, 14 will be admitted
12 with its 24 subparts. It is sealed, though.

13 (Whereupon, Plaintiff's Exhibit 14 admitted)

14 THE COURT: All right, go ahead.

15 BY MR. GRAHAM:

16 Q. Well, before I get into that, you were already aware
17 -- at the time that you examined this, you were already
18 aware who Luigi Delgado is?

19 A. Yes.

20 Q. All right. Part of the investigation, did it entail
21 linking Mr. Delgado to messages that he sent?

22 A. Yes.

23 Q. Were you able to ever look into Mr. Delgado's phone
24 to see whether he sent those actual messages?

25 A. No.

1 Q. And why was that?

2 A. Because he -- with the search warrant -- or after I
3 had retrieved the search warrant, I asked him for the
4 pass code, and he said he didn't remember what it was.

5 Q. Okay. So part of your investigation then entailed
6 having to prove that he was the one who was actually
7 sending these message to Haley?

8 A. Yes.

9 Q. How were you able to do that?

10 A. By examining the Facebook Messenger and comparing
11 some of the items that I found on the Messenger
12 application on the victim's phone to his Facebook
13 account.

14 Q. Okay. And are you aware of what his Facebook
15 account is?

16 A. Yes.

17 Q. What was that?

18 A. It was Louie Delgado. The name under the Facebook
19 Messenger was Luigi Delgado.

20 Q. So his actual Facebook name was Louie Delgado, but
21 his Facebook Messenger name was Luigi Delgado?

22 A. Yes.

23 Q. Was there a photo that was associated with the
24 Facebook Messenger name?

25 A. Yes, there was a small circle, and it showed a white

1 phone with a hand and a Band-Aid holding the white
2 phone.

3 Q. Did that photo correlate to any other photos?

4 A. Yes.

5 Q. What was that?

6 A. Some images that were on Louie Delgado's Facebook.
7 I found the same image, but it was much larger, and it
8 showed Luigi Delgado.

9 Q. In addition to that, you had indicated that you had
10 also subpoenaed Facebook.com?

11 A. Yes.

12 Q. Did you receive any information from Facebook.com
13 that linked up Mr. Delgado with that Facebook account?

14 A. Yeah, the photograph in itself and then there was
15 also other Facebook Messenger that was relayed back and
16 forth. I called someone that knew Luigi. I asked him
17 what Facebook he used. They identified it as Louie
18 Delgado. The content within some of the Facebook
19 messages matched up with things that I knew were
20 consistent with Luigi to include him mentioning an RV
21 and it being cold when he was talking to Haley.

22 MR. GRAHAM: If I may approach with State's
23 proposed Exhibit 15.

24 BY MR. GRAHAM:

25 Q. What are we looking at here?

1 A. This is one of the images that I found in Louie
2 Delgado's Facebook.

3 Q. All right. And did it match -- does it match the
4 Defendant?

5 A. Yes.

6 Q. Are you able to identify Mr. Delgado here, the
7 Defendant, with that photo?

8 A. Yes.

9 Q. And does this photo --

10 MR. GRAHAM: Your Honor, at this time, I'd
11 move for admission and publication of State's
12 Exhibit 15.

13 THE COURT: Any objection? Do you have a
14 copy of 15?

15 MR. SLOCUM: I do, thank you, Your Honor.
16 Not for the purposes of this hearing.

17 THE COURT: All right, 15 will be admitted.

18 (Whereupon, Plaintiff's Exhibit 15 admitted)

19 MR. GRAHAM: Thank you.

20 BY MR. GRAHAM:

21 Q. Before I asked the next question, I should have
22 asked that. Were you able to match that photo with any
23 photos from the Messenger application in Facebook?

24 A. Yes.

25 Q. And what was that?

1 A. That was the circular icon in front of -- in front
2 of his name, and it was of a white phone with a hand
3 holding it, and he's got a Band-Aid on his index finger.

4 Q. All right. Can you flip to that in the 14 packet
5 and just show the Court which one that would be. It
6 should have a number on the back.

7 A. Number 3.

8 Q. And then if you would just place it up here and show
9 the Court.

10 A. (Witness complies)

11 Q. So this photo right here is the one that is
12 associated with the Messenger application photo here?

13 A. Yes.

14 Q. And it's the same phone and the same Band-Aid?

15 A. Yes.

16 Q. All right. At this time, let's -- you're aware,
17 obviously, of the allegations that you're investigating.
18 Did you find anything of evidentiary value going through
19 these messages?

20 A. Yes.

21 Q. All right. Let's start with the beginning. So I
22 guess that's 14, so 2. What is that that we're looking
23 at?

24 A. This is Haley's phone, the one that I got permission
25 from the grandmother to search.

1 Q. And that has a cracked screen?

2 A. Yes.

3 Q. And it's a ZTE phone?

4 A. Yes.

5 Q. All right. Can you flip to 14-3. What are we
6 looking at at 14-3?

7 A. Starting at the very top and looking over to the
8 right, you can see there's a small circular icon.
9 That's a photograph of Haley with some filters that gave
10 her like a mouth or a nose. When you click on that, it
11 goes to a Cat Lorvan (phonetic), or a Catherine Lorvan.
12 And then down farther are people that she's
13 communicating with with Facebook Messenger.

14 Q. Okay. Now, Cat Lorvan or Catherine Lorvan, are you
15 aware of what that meaning -- the meaning of that name
16 as it pertains to Haley?

17 A. Yes, it was the Facebook name she was using.

18 Q. Okay. Now, is -- now, going down, we see a contact
19 by the name of Luigi Delgado. What is the date on that?

20 A. November 25th, 2017.

21 Q. Okay. And what does the message say?

22 A. Thought I was going to see you.

23 Q. Now, can you tell from this context, is he -- is
24 Luigi Delgado sending that message or receiving that
25 message?

1 A. I'm not sure about that.

2 Q. Okay.

3 A. Not on this one. I don't know.

4 Q. Not on this one?

5 A. No.

6 Q. Okay. Can you switch to the next page. What are we
7 looking at here.

8 A. This is a photograph that was taken within Haley's
9 room. It's of -- from the neck down where she's wearing
10 a bra and a skirt, and she comments, I didn't cut my
11 skirt right.

12 Q. All right. And can you tell who she's sending that
13 to?

14 A. Not on -- oh, yes, to Luigi Delgado.

15 Q. All right. Can you go to number 5. What is the
16 message here?

17 A. It continues. It says, cute. It's longer in front
18 and shorter in back.

19 Q. I'm sorry, who says cute?

20 A. Luigi.

21 Q. And what is Haley's response?

22 A. It's longer in front and shorter in back.

23 Q. What is Luigi's response?

24 A. Ha, take a pic bending over with it.

25 Q. All right. And then can you see the -- what happens

1 right after that?

2 A. A photograph is sent.

3 Q. And what's the date and time of that photograph?

4 A. November 9, 2017, at 12:11 a.m.

5 Q. Going -- can you flip to the next one, number -- it
6 would be number 6.

7 What do we see here?

8 A. It's a picture reflected from a mirror of a buttocks
9 with the skirt hiked up a little bit.

10 Q. All right. And now this mirror, were you able to
11 investigate whether you could locate this mirror?

12 A. Yes.

13 Q. What did you do to investigate that?

14 A. I went to Haley's grandmother's house, went inside
15 of her room, and compared the photograph with the --
16 with the border of the mirror, and it was the same.

17 Q. Now, in this photo, are you able to see any
18 genitalia?

19 A. Not really.

20 Q. Okay. And are you able to tell that Haley sent that
21 to Luigi?

22 A. Yes, it's labeled at the top, Luigi Delgado.

23 Q. And was that in response to his question, take a pic
24 bending over with it?

25 A. Yes.

1 Q. All right. Can you go to the next one, which would
2 be number 7.

3 What do we see here?

4 A. It's another photograph that's taken with a
5 reflection of the mirror. It's bent over. In this
6 case, you can see her buttocks and her vagina.

7 Q. Is there another photograph immediately below it?

8 A. Yes.

9 Q. All right. Can you go to number 8. And is that the
10 photograph that's partially cut off in 14-7?

11 A. Yes.

12 Q. And in this photograph, can you describe it for the
13 Court.

14 A. It's -- you can see a skirt pulled up. You can see
15 a buttocks, and you can see a vagina.

16 Q. And does Luigi give a response?

17 A. Four letter M's, like mmmm.

18 Q. And then how does Haley respond?

19 A. With a smiley wink emoji.

20 Q. And then does Luigi respond after that?

21 A. Yes.

22 Q. What does he say?

23 A. Fuck, another like the last one but spread open
24 more.

25 Q. And does Haley respond?

1 A. Yes, she sends back to two K's, to letter K's, and
2 then a photograph on November 9th at 12:30 a.m.

3 Q. And can you describe for the Court that photograph?

4 A. It's a blurrier photograph of a buttocks, and this
5 time you can see a hand on her buttocks.

6 Q. All right. And is it spread open more?

7 A. Yes.

8 Q. All right. Can you go to number 9 -- or excuse me,
9 we're on 9. Can you go to number 10.

10 Does Haley send a message?

11 A. Yes, she puts LOL, sorry, I fell over. You want me
12 to take another one?

13 Q. And what is Luigi's response?

14 A. Yeah.

15 Q. And what does Haley respond?

16 A. KK, and again, it's of the buttocks with -- you can
17 see the hand on one part of the buttocks that's more
18 spread open. You can see her vagina.

19 Q. All right. Can you go to number 11. Does Haley say
20 anything?

21 A. Yes, she puts the letter G and several A's, like
22 gaaa, give me a second, and then sends another
23 photograph.

24 Q. And please describe this photo for the Court?

25 A. It's of a bare buttocks again. This one I can't see

1 the vagina.

2 Q. All right. Continuing on to number 12. And does
3 Haley say anything?

4 A. Yeah, she says damn, I'm sorry. My hands are shaky,
5 and I'm horny, and I feel like I could throw up and run
6 a marathon.

7 Q. And what is Luigi's response?

8 A. Three letter M's, like mmm.

9 Q. And Haley's response to that?

10 A. You like them, with a question mark.

11 Q. And how does Luigi respond?

12 A. Yes, turned me on. Would you be wearing that if I
13 picked you up?

14 Q. And what is her response?

15 A. Yeah.

16 Q. And how does Luigi respond?

17 A. With four letter M's, like mmmm.

18 Q. Moving to number 12 -- or 13. And what is the date
19 on this next series of messages?

20 A. November 9th, 2017, at 1:11 a.m.

21 Q. Does Haley send a message?

22 A. Yes.

23 Q. And what does she say?

24 A. She says hee-hee, I'm wet.

25 Q. And what does the -- how does Luigi respond?

1 A. Let me see, and then Haley sends a photograph.

2 Q. And can you please describe that photograph for the
3 Court.

4 A. It's of a vagina with fingers at the very top of the
5 vagina.

6 Q. And how does Luigi respond?

7 A. I want it.

8 Q. Moving on to Exhibit 14 -- or excuse me, page 14 of
9 Exhibit 14, does Luigi give another statement -- or a
10 text rather after he says I want it?

11 A. He may have, but then it does move on to a different
12 date in the next series.

13 Q. Okay. Now moving to the next series, what date are
14 we now?

15 A. November 10th, 2017, at 12:16 a.m.

16 Q. And what does the Defendant's text say?

17 A. Now, with a question mark.

18 Q. And what does Haley respond?

19 A. Now is good for me.

20 Q. And how does Luigi respond?

21 A. He says, okay, come out, walk the way you were
22 walking last time.

23 Q. And how does Haley respond?

24 A. Okay.

25 Q. And then does Luigi respond to that?

1 A. Yes, he writes, what are you wearing? I'll tell you
2 when to leave.

3 Q. And then what does he say?

4 A. He says, hello, and then Haley responds with a KK,
5 and then Luigi responds, go now.

6 Q. Moving to November 10th, 2017, at 2:56 p.m., does
7 Haley send Luigi a message?

8 A. Yes. It says, hey.

9 Q. And does Luigi respond?

10 A. It looks like the next response is November 10th at
11 8:37 p.m., but I can't see what the message was because
12 I think it moves on to another series after this.

13 Q. Another series, all right. So going to page 16 in
14 Exhibit 14, what does Haley indicate -- or what does she
15 say -- or excuse me, what does Luigi say?

16 A. It says, IDK LOL. It's hot if you just send him a
17 pic of your pussy spread. He probably wants you.

18 Q. And what does Haley respond?

19 A. No, with several O's, I don't want to.

20 Q. And how does Luigi respond?

21 A. Don't ask, just spread it and send him one LOL.

22 Q. And how does Haley respond?

23 A. Actually, Luigi responds first with an LOLLO, and
24 then Haley responds with an LOL.

25 Q. And then does he say something after that?

1 A. Yes, it says, do it.

2 Q. Okay. And moving to the -- can you go to the next

3 one, which is going to be 17. Is this the same series?

4 A. Yes.

5 Q. All right. And what does Luigi say?

6 A. Show me screenshots of it. Did you? LOL.

7 Q. And how does Haley respond?

8 A. Yeah.

9 Q. And then Luigi?

10 A. Let me see what he'd say.

11 Q. And then how does Haley respond?

12 A. Oh, shit, is that really yours.

13 Q. And then Luigi?

14 A. Show me the screenshot, baby, with a question mark.

15 Q. And then does Haley do that, or does it --

16 A. Yeah, first Luigi responds show me the screenshot of

17 the messages and pic you sent. And that was on

18 November 12th, 2017, at 12:27 a.m. And then she sends a

19 screenshot.

20 Q. And does that screenshot include a picture?

21 A. Yes.

22 Q. And what is that picture of?

23 A. It's a picture of a vagina with some fingers above

24 it.

25 Q. All right. And is there any words that go with that

1 picture?

2 A. Yeah, it says, you want a surprise? The other
3 person responds, sure, I guess. Then it's the
4 photograph. And then it says, oh, shot, is that really
5 yours? So you want a surprise?

6 Q. All right. And does this indicate -- the context of
7 this conversation back and forth, is that indicative of
8 Luigi telling Haley to send a screenshot of her vagina
9 to another person?

10 A. Yes.

11 Q. And from this message, it looks like she complied?

12 A. Yes.

13 Q. All right. Moving to page 19, does Haley reach out
14 to Luigi at all?

15 A. Yes.

16 Q. All right. And what does she say?

17 A. She says, please fuck my ass and pussy until I can't
18 walk.

19 Q. And how does Luigi respond?

20 A. With three letter M's, like mmm, and then it says,
21 show me or S-H-O-W-M, and then it's finished with me.

22 Q. All right. And how does Haley respond?

23 A. November 16th at 1:20 a.m., there's a picture of her
24 bare buttocks with her hands separating her buttocks.
25 He can see her anus and her vagina.

1 Q. Moving to number 20, does Luigi send a message, and
2 what date and time are we now?
3 A. November 16th at, I think it's 1:33 a.m.
4 Q. What does Luigi say?
5 A. They're with me now. Show us your pussy.
6 Q. And how does Haley respond?
7 A. Mmm, you where, serious? And he responds with yes.
8 Q. And how does Haley respond?
9 A. Okay, and then several thumbs-up emojis.
10 Q. And after the thumbs up emojis, what do we see?
11 A. A picture of a vagina with some fingers above it.
12 Q. And that's what Haley sent to Luigi?
13 A. Yes.
14 Q. And what is Luigi's response?
15 A. Mmmm, like four letter M's. So you want to?
16 Q. And that's a question?
17 A. Yes.
18 Q. All right. Moving to page 22, and how does Haley
19 respond?
20 A. Okay, I will. Are we just fuck buddies, or are we
21 dating?
22 Q. And how does Luigi respond?
23 A. Both kinda. IDK about dating because you're really
24 young, but we can wait until you're older to date, but I
25 still want you.

1 Q. And how does Haley respond to that?

2 A. I still want you too, okay.

3 Q. And moving to number 23?

4 A. Haley asked how long do we have to wait until we

5 date?

6 Q. And then what does Luigi say?

7 A. He puts the numeral 16.

8 Q. And how does Haley respond to that?

9 A. Oh, okay, not that long. I'll be 15 in two months,

10 just a year.

11 Q. And does Luigi reply?

12 A. Yes.

13 Q. What's he say?

14 A. You had sex on Tuesday, question mark.

15 Q. And what does Haley say?

16 A. What, question mark.

17 Q. And then Luigi's response?

18 A. You had sex on Tuesday, and Haley responds with

19 yeah.

20 Q. Going to 24, and what does Luigi ask?

21 A. With who?

22 Q. And what does Haley -- or how does Haley respond?

23 A. Maybe it was last week, with you.

24 Q. And Luigi's response?

25 A. With who, another guy?

1 Q. And then Haley?

2 A. How did you know that?

3 Q. And Luigi?

4 A. Did you? Just tell the truth.

5 Q. Okay. Now --

6 THE COURT: All right, at this time we're
7 going to take a five-minute recess, and then we'll come
8 back. These are sealed. It's going to take us time to
9 scan those in and seal them.

10 MR. GRAHAM: All right.

11 (Whereupon, court recessed)

12 THE COURT: Are you ready to proceed?

13 MR. GRAHAM: I am, Your Honor, thank you.

14 THE COURT: Okay. Back on the record in
15 17-SCR-02095. All parties are present.

16 And go ahead, counsel.

17 MR. GRAHAM: Thank you.

18 BY MR. GRAHAM:

19 Q. Detective Dickson, before the break, we had been
20 speaking regarding the text -- well, Messenger messages
21 back and forth between Mr. Delgado and Haley. Were you
22 able to -- and there's a series of photos that are
23 encompassed in those messages. Were you able to
24 identify the female in those messages as Haley?

25 A. Yes.

1 Q. And that was based on the context as well as the
2 visual appearance of Haley?

3 A. Yeah, and the visual appearance of her room too.

4 Q. Okay. Did the examination of her phone help you
5 develop probable cause to get a seizure order?

6 A. Yes.

7 Q. And also to look into Mr. Delgado's phone?

8 A. Yes.

9 Q. Based on that, did you have to serve those on the
10 Defendant?

11 A. Yes.

12 Q. Okay. I want to draw your attention to
13 January 23rd, 2018. At that time, did you have contact
14 with Mr. Delgado?

15 A. Yes.

16 Q. Where did that contact occur?

17 A. In interview room number 2 at the Washoe County
18 Sheriff's Office.

19 Q. To be clear, was Mr. Delgado in custody at that
20 time?

21 A. Yes.

22 Q. And he had already been arraigned on this case?

23 A. I don't know for sure, but I assume so.

24 Q. Okay. And at that time, what was the purpose of
25 bringing him up to the interview room?

1 A. To conduct the seizure order to get his DNA and then
2 also to serve him with the other search warrants.

3 Q. All right. And how is it that you obtained his DNA?

4 A. With two buccal swabs.

5 Q. And for the Court, how, and for the record, how are
6 those buccal swabs obtained and what is a buccal swab?

7 A. A buccal swab is basically like a Q-tip. It's
8 rubbed on the inside of his cheek and then put into a
9 box.

10 Q. And what is the purpose of that?

11 A. To identify him and his DNA --

12 Q. Okay.

13 A. -- for comparison purposes at a later time if there
14 was any biological evidence.

15 Q. All right. And at this time, had you already
16 searched the motorhome?

17 A. No, I would do later that evening.

18 Q. Okay. And so you -- and is it -- that buccal swab,
19 is that oftentimes called a reference sample?

20 A. Yes.

21 Q. Okay. And during the service of that seizure order,
22 did you obtain a buccal swab?

23 A. Yes.

24 Q. And during that time while Mr. Delgado was in the
25 interview room, did he initiate contact with you in some

1 way?

2 A. Yes.

3 Q. And how is that?

4 A. He stated that I never identified the victim -- or I
5 had only called the victim Haley and that he knew her as
6 Kathleen or Catherine.

7 Q. Okay. And was that important to the investigation?

8 A. Yes.

9 Q. And why is that?

10 A. Because during the first interview, he said that he
11 had never known who Haley was even in -- even though
12 during that interview, I had showed him a picture of
13 Haley from her phone. So now it had changed
14 dramatically from the first interview when he said he
15 didn't know that Haley, and now he was saying he knew
16 her, just as a different -- under a different name.

17 Q. Okay. And that mean that he knew her as, you had
18 previously testified as Catherine or Cat, that was the
19 name on her Facebook account?

20 A. Yes.

21 Q. Okay. Did he indicate that he wanted to give a
22 statement regarding that?

23 A. Yes.

24 Q. What did you do when he told you that?

25 A. I told him that I wanted to go start the video and

1 the audio recording equipment in the room. I needed to
2 get someone that could watch the interview, and then I
3 wanted to go over his rights before we spoke again.

4 Q. Okay. And did you do that?

5 A. Yes.

6 Q. And did he say he understood his rights?

7 A. Yes.

8 Q. All right. And when you started speaking with him,
9 what were the questions that you asked?

10 A. It started with him describing, again, that he only
11 knew Haley as Catherine before, and I had never
12 mentioned that name during the first interview. And
13 then also, he went into another explanation of how she
14 could have got the SART findings.

15 Q. So he had received some discovery at that point?

16 A. Yes.

17 Q. Okay. Did he indicate what he and Catherine would
18 do together?

19 A. Yes, he said that they had communicated first on
20 MeetMe, then moved to Facebook Messenger, that he had
21 gone out to her grandmother's house and picked her up,
22 and that there was times that they had just driven
23 around, and then there was other incidents where he had
24 driven her, and they had gone inside of his RV.

25 Q. All right. And did he indicate what they would do

1 inside the RV?

2 A. He said that they would just talk and hang out. He
3 said that Haley talked a lot about having problems with
4 her dad and that also she had talked about suicidal
5 thoughts, and he said that he would just try to put her
6 at ease and talk to her and tell her to calm down.

7 Q. Did you ask Mr. Delgado how he and Catherine first
8 started communicating?

9 A. Yes.

10 Q. And what did he say?

11 A. He said that it started on MeetMe.com and then
12 transitioned to Messenger.

13 Q. Oh, I'm sorry, how long ago that it had started?

14 A. Oh, he -- he indicated October or November.

15 Q. All right. And did he confirm with you that -- his
16 Facebook account?

17 A. Yes, he was adamant that his Facebook account was
18 Luigi Delgado.

19 Q. Okay. And then did he at some point change to a
20 different Facebook name?

21 A. Yes.

22 Q. And what was that?

23 A. Rah Blazin.

24 Q. Spelled R-A-H space B-L-A-Z-I-N?

25 A. Yes.

1 Q. All right. Did you ask him again about his phone?

2 A. Yes.

3 Q. And what did he say?

4 A. Well, I asked him about the appearance of the phone
5 because it looked very new, and he had said that it had
6 gotten stolen in October, his previous phone had gotten
7 stolen in October. So he had a new phone. Later in the
8 interview, he'd say that he it for approximately two
9 weeks. I asked him specifically what had happened to
10 his white phone, and he said that he hadn't had that
11 white phone for approximately two years.

12 Q. Okay. Did you ask Luigi how he met, physically met,
13 Haley the first time?

14 A. Yes, and he described driving out to the
15 grandmother's house and then Haley meeting him in his
16 vehicle.

17 Q. All right. Did he accurately -- did you ask him to
18 physically describe Haley?

19 A. Yes.

20 Q. And how did he describe her?

21 A. He described her as tall with shorter dark hair with
22 glasses. He described her as being thick, which all
23 matched Haley's description.

24 Q. All right. Did you ask him to describe -- or did he
25 describe the first time meeting Catherine, who we know

1 is Haley?

2 A. Yes.

3 Q. What car did he pick her up in?

4 A. At first he said it was a blue Thunderbird, and then
5 later in the interview, he would say that it was
6 possible that he had picked him [sic] up in his white
7 Subaru.

8 Q. All right. Did he indicate what they would do while
9 talking in the RV?

10 A. He described them -- one of them sitting in the
11 chair and one of them sitting on the bed and just
12 talking.

13 Q. All right. Did he indicate anything that he would
14 put into his body?

15 A. Oh, he said that he would drink alcohol and take
16 Oxycodone.

17 Q. Okay. At any time did he indicate whether he would
18 pick her up in the white Subaru?

19 A. Yes.

20 Q. Okay. Did he indicate whether he knew about Haley
21 crashing her mother's vehicle?

22 A. Yes. He talked about also trying to counsel her and
23 not taking the vehicle and being kind to her
24 grandmother.

25 Q. All right. How did Luigi describe Haley's actions

1 toward him?

2 A. That she was the aggressor, that she wanted a
3 relationship with him. He described himself as not
4 being a kissing type, but he described times where Haley
5 would pull him onto her and then also described her as
6 touching his penis over and underneath his clothing.

7 Q. All right. Did he indicate that Haley would try to
8 get him to take off his clothes?

9 A. Yes.

10 Q. And he refused to do that?

11 A. Yes.

12 Q. Okay. Do you recall how many times Luigi admitted
13 that Haley and him were in the RV?

14 A. At least twice.

15 Q. Okay. In total how many times did he admit to
16 meeting?

17 A. Three or four. I was confused by it because I
18 didn't know if there was two incidents where he just
19 drove around, but he said that there was two different
20 times that they had gone into the RV.

21 Q. At some point did he ever tell you that he explained
22 to Haley that she wasn't old enough for him?

23 A. Yes.

24 Q. All right. At some point, did you ask Luigi how old
25 she told him she was?

1 A. I don't remember that.

2 Q. Would it refresh your recollection if you saw your
3 report --

4 A. Yeah.

5 Q. -- supplement 14, paragraph one, two, three, four,
6 five?

7 Would that refresh your recollection?

8 A. Yes.

9 MR. GRAHAM: May I approach?

10 THE COURT: You may.

11 BY MR. GRAHAM:

12 Q. Did that sufficiently refresh your recollection?

13 A. Yes.

14 Q. And do you know the answer?

15 A. Yes, she described -- she said she was 14.

16 Q. And Luigi told you that?

17 A. Yes, and that was prior to their last meeting.

18 Q. Did at any time he admit to you about taking Haley
19 to get tacos?

20 A. Yes.

21 Q. And where did he take her?

22 A. To Jack in the Box.

23 Q. All right. Did you ask Luigi directly if he had sex
24 with Haley?

25 A. Yes.

1 Q. And what was his response?

2 A. No.

3 Q. Did you ask him if he had kissed her?

4 A. Yes.

5 Q. And what was his response?

6 A. No.

7 Q. Did you ask him whether or not there were any
8 photographs that she had sent him?

9 A. Yes.

10 Q. And what was his response?

11 A. I think his response was possibly or probably.

12 Q. Okay. And if you wrote in your report that he
13 stated possibly --

14 A. Yes.

15 Q. -- would that be accurate?

16 A. Yes.

17 Q. Did you come -- at this point, you'd already seen
18 the Facebook Messenger messages back and forth between
19 the two?

20 A. Yes.

21 Q. All right. And did you confront him with that.

22 A. Yes.

23 Q. And what was his response?

24 A. He was -- he started talking about how this was his
25 whole life, and he started talking more about

1 consequences than denying any of the allegations.

2 Q. All right. If you had indicated in your report that
3 -- it indicates here, I also informed him I knew he
4 received a photograph of her vagina on November 18th,
5 2017, and he acknowledged it by stating, mmm. And
6 that's referring to the Messenger back and forth. And
7 Luigi stated, quote, I mean, fuck.

8 A. Yes.

9 Q. Is that what he said?

10 A. Yes.

11 Q. Okay. Are you aware of a postcard that the
12 Defendant sent?

13 A. Yes.

14 Q. What was that about?

15 A. It was sent -- or it was sent to Jeanine's address,
16 Haley's grandmother, and it was sent to -- it says HT or
17 HI accuser, who it was addressed. It talked about --
18 and was trying to encourage the accuser not to show up
19 to court, that he planned on going into the military.
20 It could ruin his life. He had a daughter. That
21 daughter needed services.

22 Q. Are you aware -- without telling us what Haley's
23 grandma said, are you aware whether that postcard was
24 delivered?

25 A. Yes, it was.

1 Q. All right. And did you have the opportunity to
2 review that postcard?

3 A. Yes.

4 MR. GRAHAM: May I approach?

5 THE COURT: You may.

6 BY MR. GRAHAM:

7 Q. Showing you what's been marked as State's proposed
8 Exhibit 13, do you recognize that?

9 A. Yes.

10 Q. And what do you recognize that to be?

11 A. The postcard that Luigi sent to Jeanine's address --

12 THE COURT: What exhibit?

13 MR. GRAHAM: 13.

14 THE WITNESS: 13.

15 THE COURT: Thank you.

16 THE WITNESS: -- where it's labeled HI HT
17 accuser.

18 BY MR. GRAHAM:

19 Q. How is it -- and then there's two pages to
20 Exhibit 13. What's on the second page?

21 A. The second page is the description talking about how
22 he is wrongfully accused --

23 Q. I'm going to stop you there. But do you recognize
24 that?

25 A. Yes.

1 Q. And how is it that you recognize it?

2 A. Because I collected it and booked it into evidence.

3 Q. And who did you collect it from?

4 A. I collected it from Jennifer Rich (phonetic),
5 Jeanine's daughter. They had collected it a couple
6 weeks prior from Jeanine.

7 Q. And provided it to you?

8 A. Yes.

9 Q. All right. And is that a true and accurate copy of
10 what Haley's aunt, I guess, gave to you?

11 A. Yes.

12 Q. Okay. And before I ask you the next question, did
13 you have an opportunity to ask Mr. Delgado about that?

14 A. Yes.

15 Q. And did he indicate that he did send that postcard?

16 A. Yes.

17 Q. All right.

18 MR. GRAHAM: Your Honor, at this time, I'd
19 move for admission and publication of State's proposed
20 Exhibit 13.

21 MR. SLOCUM: No objection for this hearing,
22 Your Honor.

23 THE COURT: Exhibit 13 is admitted.

24 (Whereupon, Plaintiff's Exhibit 13 admitted)

25 MR. GRAHAM: Thank you.

1 BY MR. GRAHAM:

2 Q. For the record -- actually, I'm going to have you
3 read it, if you could, and it's page 2 of Exhibit 13.
4 Can you read that into the record.

5 A. Hi, I am in jail being wrongfully accused. I don't
6 know who HT or HI is in the charges description -- and
7 above it it's in parentheses, and it says criminal
8 complaint. I'm asking for you guys to help me get these
9 charges dismissed. My whole life and future is on the
10 line. I have a daughter and was in the process of
11 enlisting in the military, but with these charges, I
12 won't be able to. This can ruin my life and future. I
13 am trying set for my daughter and I. I -- can you
14 please not show to court and not make up accusations
15 anymore. Anything to help get this dismissed. And it
16 looks like thank you in the very corner.

17 Q. All right, thank you. And so at that time, when you
18 asked him about that, you had indicated that he said,
19 yeah, he did send that?

20 A. Yes.

21 Q. Did you ask him why he sent that?

22 A. I don't remember.

23 Q. Did you ask him what it said?

24 A. Yeah, he gave a description where he talked about
25 that he was wrongfully accused, and I can't remember

1 everything of what his description was.

2 Q. Was it consistent with the postcard that you'd seen?

3 A. Yes.

4 Q. Okay. At some point, did you take a break of that
5 -- during that interview?

6 A. Yes.

7 Q. And when you came back, did you ask him about a text
8 message chain that you had seen regarding Haley being on
9 her period?

10 A. Yes.

11 Q. And what specifically did he say about that
12 regarding cleaning out?

13 A. He described he didn't know what that meant. I told
14 him what I believed I thought it meant because she had
15 described being -- where she was having cramps, and it
16 was painful, and it wasn't a period. I told him that I
17 believed it was him asking her if she had cleaned the
18 semen out from her vagina.

19 Q. All right. And he claimed he didn't know what that
20 meant?

21 A. Yes.

22 Q. Okay. Did you confront Mr. Delgado about
23 encouraging Haley to send naked photographs of herself
24 and meeting him after he knew she was 14?

25 A. Yes.

1 Q. And what was his response?

2 A. I don't remember exactly what it was --

3 Q. Would it --

4 A. -- but the theme of the denials was a lot of, you
5 know, this is my life we're talking about, no really
6 strong denial to the accusation.

7 Q. Okay. Based on -- soon after, did the interview
8 end?

9 A. Yes.

10 Q. Okay. And based on his statements to you, the
11 evidence in the case, did you add a charge for
12 dissuading a witness?

13 A. Yes.

14 Q. All right. And that was for the postcard that was
15 sent?

16 A. Yes.

17 Q. Okay. Now, the time frame that we're talking about
18 and -- from your investigation, to the best of
19 knowledge, the time frame that the conversations started
20 to when they end is approximately October 1st, 2017, to
21 December 13th, 2017?

22 A. Yes.

23 Q. All right. And based on the context of the
24 conversations, did it appear to you that Mr. Delgado was
25 encouraging Haley to send those photos to him?

1 A. Yes.

2 Q. All right. And based on the nature of the contact
3 being over electronic communication or the Internet, but
4 for that, would they have ever made contact?

5 A. I'm sorry, can you ask that again?

6 Q. I guess my question is, did it appear to you that
7 but for these electronic communications, Haley would
8 have ever made contact with the Defendant?

9 A. No.

10 Q. All right. And based on the covert messages that we
11 read about and your interview -- or at least watching
12 the interview with Haley and in your interviews with
13 Mr. Delgado, did it appear that -- or did the evidence
14 suggest that they were trying to get away from his --
15 her grandma in order to continue this sexual
16 relationship?

17 A. Yes.

18 Q. And all this occurred in Washoe County, Nevada?

19 A. Yes.

20 MR. GRAHAM: Pass the witness.

21 THE COURT: Cross.

22 CROSS-EXAMINATION

23 BY MR. SLOCUM:

24 Q. Good afternoon.

25 A. Good afternoon.

1 Q. How are you today?

2 A. Good.

3 Q. Good. Okay, so you mentioned that there were two
4 different interviews that you did with
5 Mr. Lopez-Delgado; is that correct?

6 A. Yes.

7 Q. Okay. And the first one that you did was because he
8 had been identified by Haley; is that right?

9 A. He had been identified through the probation officer
10 and the aunt and uncle. Haley, in her forensic
11 interview, would not say him by name, but she had given
12 that name to the probation officer.

13 Q. Okay. So your understanding was the name had
14 originally come from Haley, but then it was routed
15 through a probation officer, and then you said an uncle,
16 and that's how you came to know that perhaps
17 Mr. Lopez-Delgado would be a person of interest?

18 A. Yes.

19 Q. And, yeah, we listened to the forensic interview
20 this afternoon. So you're aware that at no point does
21 the name Luigi Lopez-Delgado get mentioned?

22 A. Correct.

23 Q. And you said that initially when you talked to
24 Mr. Lopez-Delgado, you were mentioning a Haley. He said
25 he only knew one Haley; is that right?

1 A. Yes.

2 Q. And that was not the Haley that you were interested
3 in -- in knowing about.

4 Is that fair to say?

5 A. Correct.

6 Q. All right. And then through the course of that
7 interview, at no point did Mr. Lopez-Delgado disclose to
8 you that he knew who you were talking about; is that
9 correct?

10 A. Yes.

11 Q. And you said there was some concern on your part
12 because you had asked him to turn his phone to airplane
13 mode.

14 Do you remember that?

15 A. Yes.

16 Q. Okay. Now that happens before we go into the
17 interview room; is that correct?

18 A. Yes.

19 Q. So that's not actually recorded?

20 A. I don't think I had my audio recorder on so I don't
21 think that was recorded.

22 Q. Okay. But you have a distinct recollection of
23 telling him why don't you put your phone in airplane
24 mode so that we won't get disturbed?

25 A. Yes.

1 Q. And it was your understanding that he had done that?

2 A. Yes.

3 Q. Did you ask him specifically, hey, did you do that,
4 or how was that understanding from you?

5 A. Yeah, when I asked him to do it, he started
6 manipulating the phone, and he said that he had done it.

7 Q. Okay. And you have a distinct memory that he told
8 you, yeah, I did that?

9 A. Yes.

10 Q. But as you go into the interview room throughout the
11 parts of your interview, he's denying that he knows --
12 he knows the Haley that you're interested in. And that
13 -- how is it that his phone comes into question?

14 A. I asked for consent to search his phone, to search
15 his vehicle that he had driven in the Sheriff's Office,
16 and the motorhome.

17 Q. And he denies all those consents; is that correct?

18 A. Initially, he gives me consent for the phone, and
19 then he denies -- I can't remember what it was at first,
20 if it was the car or the motorhome, but then he denies
21 for that, and then he changes his mind about the phone.

22 Q. Okay. So as far as the phone was concerned, even
23 though he said that he would grant you consent, he
24 didn't know how to get into the phone. Is that what I
25 understood? He didn't remember the pass code. Isn't

1 that what you said?

2 A. That was later when I had the search warrant for the
3 phone. I asked him for the pass code so we could search
4 it because it had been locked, and that's when he said
5 he didn't know what the pass code was.

6 Q. Okay. So --

7 A. He didn't say it at the time.

8 Q. Okay. So when you're having that first interview
9 and he gives you consent, were you able to get into the
10 phone?

11 A. Just to put it in airplane mode, and that was after
12 he had already -- he had taken back his consent so I put
13 it in airplane mode so it couldn't be tampered with and
14 I was going to apply for a search warrant.

15 Q. Okay. So you did or did not get into the phone at
16 that time? When I say "get in," I mean could you open
17 it up and see what was on the phone?

18 A. Opened it and just went to airplane mode, and I
19 think it was just already previously opened from his
20 contact to it, contact with it.

21 Q. And what do you mean by it was open with his contact
22 with it?

23 A. He started manipulating the phone when I asked to --
24 for the phone. So I think it was in an open screen. It
25 hadn't locked up yet.

1 Q. Okay. So then when you put it in airplane mode,
2 does that immediately lock the phone then?

3 A. No, I think it's just probably over a period of time
4 or if maybe the power goes out on it. It had locked up
5 at some point. I don't know exactly when.

6 Q. Or was it your testimony that you put it in airplane
7 mode, and he says, actually, I'm going to revoke my
8 consent?

9 A. I don't remember which one came first.

10 Q. Is it fair to say you didn't make any attempt to
11 look at the phone beyond putting it in airplane mode at
12 least at that time?

13 A. Yes.

14 Q. And then you advise Mr. Lopez-Delgado that that's
15 fine that you don't give consent, and then you went
16 ahead and applied for some search warrants?

17 A. Yes.

18 Q. But as that interview ended, at that point,
19 Mr. Lopez-Delgado was saying I don't know the Haley
20 you're talking about.

21 Is that how it ended?

22 A. Yeah, he said that throughout the interview.

23 Q. But I mean, as things ended, you went from him
24 saying I don't know who you're talking about, and at the
25 end, he was still saying I don't know who you're talking

1 about.

2 Is that fair to say?

3 A. Yes.

4 Q. Okay. And then you placed him under arrest,
5 correct?

6 A. Yes.

7 Q. And then you did your applications for the search
8 warrants and the seizure order?

9 A. Yes.

10 Q. Okay. And then if I understood your testimony, you
11 actually went to -- to him to do the seizure order and
12 advise him of the search warrants. Were you already in
13 the interview room at that time, or did the interview
14 room come to fruition because you then, when you go to
15 serve them, Mr. Lopez-Delgado tells you okay, now I want
16 to talk to you?

17 A. I had placed him in the interview room because it's
18 a convenient place where we could get a buccal swab.
19 It's out of the, you know, out of like the general
20 public area. He was brought up by jail staff. I told
21 him I got some paperwork I need to serve you. I had
22 gone into the secretary's office where all of the search
23 warrants were, activated my audio recorder, went in and
24 told him about the search warrants and the seizure
25 order, and I obtained it then.

1 Q. Okay. So there's an audio portion for that, and
2 then when he tells you that actually, I want to talk to
3 you, it was at that point that you activated the video
4 as well?

5 A. Yes, after taking a short break to go out and
6 actually start it. You can't just flip a switch or
7 anything on our systems. You have to go to an
8 observation room and type in the case number, who you're
9 interviewing.

10 Q. Okay. And then did you say you had to go get
11 somebody else also to monitor the interview?

12 A. Yes.

13 Q. And what was the reason for that?

14 A. It's policy and procedure where when we're
15 conducting an interview with a suspect, that we have
16 someone else observing it, not only to notice content,
17 but also for safety concerns.

18 Q. Okay. So there was no concern as far as issuing the
19 -- or advising him of the search warrant and then
20 executing the seizure order?

21 A. There was because the jail staff was still present
22 with me or just outside the door when I was doing that.
23 So they were still present in the area, the jail staff
24 was.

25 Q. In the area, is that what you said?

1 A. Yeah, if they were -- if they weren't outside right
2 at the door, they would have been in the observation
3 room while I was doing that.

4 Q. Okay. And so the person that you get to observe
5 that, does that end up being a jail person, or who is
6 that, if you recall?

7 A. I think I went and got a detective, but I don't
8 remember who I went and got. Normally, you know, we
9 can't always take jail staff for long periods of time,
10 and if it's going to be an interview, it can be very
11 long. So in this case, I don't remember if jail staff
12 stayed, but I think it's more likely that I got another
13 detective to observe the interview.

14 Q. Okay. And you mentioned as part of that second
15 interview, now -- now Mr. Lopez-Delgado informed you
16 that, oh, now that I've had a chance to think about it,
17 I know who you're talking about --

18 A. Yes.

19 Q. -- is that right?

20 Okay. But somebody that he never knew as Haley?

21 A. Yes.

22 Q. And you'd agree with me that throughout the first
23 interview, the only name that you talked about was
24 Haley. You didn't have any other names.

25 Is that fair to say?

1 A. Yes.

2 Q. And not only does he say, okay, I know who you're
3 talking about, but also knows about some other incident
4 that had occurred at Jan Evans.

5 Do you remember that?

6 A. Yes.

7 Q. Okay. Did you ever conduct any more investigation
8 about that particular disclosure?

9 A. Yes.

10 Q. Okay. So did you go and talk to folks at Jan Evans
11 about that?

12 A. Yes.

13 Q. Did that investigation go anywhere?

14 A. No.

15 Q. So after -- and what was the extent of the
16 investigation just so that we're --

17 A. I talked to the probation officer. Her last name
18 was Falconer (phonetic). I asked if there was any way
19 we could review video footage from, I guess, the closest
20 area to the showers as they could. At that point, they
21 had -- they didn't retain the video long enough. Too
22 much time had expired.

23 I also spoke to Sam and Jennifer Rich again. They
24 said that they had spoken to her about the allegations,
25 and she said it wasn't true. And then I talked to the

1 grandmother, and she told me that she spoke to her
2 granddaughter, Haley. She said it wasn't -- it wasn't
3 true. And grandma asked, well, why would you say
4 something like that, and Haley's response to her
5 grandmother was is he liked to hear things like that.

6 Q. Okay. So just so we're clear about this, your
7 understanding was that she had actually said that, but
8 it just wasn't true.

9 Is that fair to say?

10 A. Yes.

11 Q. And then additionally, you talked with him about
12 what his -- was it at that point you talked to him about
13 what his Facebook name was or his Facebook profile was,
14 or how was that that --

15 A. Yeah, I started from the very beginning to --
16 because at that point for the first interview, he said
17 he didn't know her so I wanted to establish how they had
18 met and walk through that, and sometime in the beginning
19 I do ask about his Facebook name or what he is called on
20 Facebook Messenger.

21 Q. Okay. And had you already done the subpoena to
22 Facebook, or did that come later?

23 A. That was already done on the 22nd, but I hadn't
24 received any of the information yet.

25 Q. Okay. So the subpoena had been issued, but you

1 didn't have a return on the subpoena, is that --

2 A. Yeah, correct. I just got a real brief electronic
3 response saying we've received the warrant, and we're
4 going to be processing it.

5 Q. And then throughout the course of the interview,
6 you're, of course, interested to know whether it's
7 Luigi Delgado or Louie Delgado that's on Facebook; is
8 that right?

9 A. Yes.

10 Q. And all you're doing at that point is determining
11 whether or not there's -- there is some sort of contact
12 between Haley and Mr. Lopez-Delgado; is that right?

13 A. Yes.

14 Q. And then we saw the packet that was created. And in
15 terms of messages that are exchanged, do you know what
16 mechanism is used to exchange the messages on this
17 phone?

18 A. It was using Facebook Messenger.

19 Q. And so I'm going to show you what's the third page
20 here.

21 MR. SLOCUM: If I may approach, Your Honor?

22 THE COURT: Certainly.

23 BY MR. SLOCUM:

24 Q. So this is the third page. So it's your testimony
25 today that that's a screenshot from an app?

1 A. Yeah, you turn on the phone, and there's a Messenger
2 app that you click on, and this is the very first screen
3 that shows up on the home screen after getting into that
4 on the Messenger app.

5 Q. Is the home screen for the app or the home screen
6 for the phone?

7 A. For the app.

8 Q. Okay. So you have to turn on or open up the phone,
9 as the case may be, and then you would click on a
10 Facebook Messenger app?

11 A. Yes.

12 Q. And then this is the screen that comes up?

13 A. Yes.

14 Q. And then from there, you said that you located a
15 picture -- because clearly, we're in agreement as far as
16 the Facebook Messenger app, all we see is a hand, right?

17 A. Yes.

18 Q. And it does say Luigi Delgado, but is it your
19 understanding that this name -- where does this name
20 come from?

21 A. It's the user name for Messenger, Facebook
22 Messenger.

23 Q. Okay. But is that something that you have to show
24 any verification of to have that name?

25 A. No, I think you just complete it yourself.

1 Q. So you could put John Smith or you could put
2 Joe Blow with that or what name you put in there.

3 Is that fair to say?

4 A. Yes.

5 Q. And then you showed us in Exhibit 15 what you had
6 done with respect to Facebook to get this picture?

7 A. Yes.

8 Q. Okay. And what is this picture, or where did this
9 picture come from?

10 A. It came from images that were on Louie Delgado's
11 Facebook.

12 Q. Okay. So when you say "Facebook," are we going back
13 to where the subpoena was, or did you just go to the
14 Facebook website?

15 A. No, going to the actual what was returned with the
16 warrant service.

17 Q. Okay. So you get a packet back from the search
18 warrant, and this is a picture that's among the still
19 shots on the page?

20 A. Yeah, it's grouped. You can go to a specific file
21 where it says images, and then all the images that were
22 associated to his Facebook account are there. And that
23 was one of the -- one of the images there.

24 Q. Okay. But you'd agree with me that there are a
25 variety of different images there, right?

1 A. Yes.

2 Q. And they're different people that are associated
3 with the different images.

4 Is that fair to say?

5 A. No, I'd say the one that was most consistent was
6 Luigi himself. There was plenty of other photographs in
7 there of him, and then there appeared to be a lot of
8 other photographs of other girls that he was in
9 relationships with. There was also -- like for some
10 reason, it pulls up like emojis and things like that are
11 all associated in all the files in the images.

12 Q. Okay. When you got the return on that -- on that
13 warrant from Facebook, what did you do with those
14 material?

15 A. I don't understand.

16 Q. Where are those materials right now?

17 A. I've had them, and I turned over to the District
18 Attorney's Office all the records with her Facebook,
19 Rah Blazin, and Louie Delgado.

20 Q. Okay. So when you did the return, this was among
21 the pictures for that?

22 A. Yeah, it was one of the images that was in that
23 electronic file. I think when I turned it over, it
24 would have been thousands and thousands -- probably over
25 a thousand pages of information. So I put it on a DVD

1 and gave it to the District Attorney's Office.

2 Q. Okay. And how many pictures are associated with
3 this particular account; do you recall?

4 A. I don't know, probably hundreds, maybe even getting
5 close to a thousand.

6 Q. Okay, and of various different people. You said
7 mostly the person you recognize as Mr. Lopez-Delgado is
8 the one depicted, but there are a variety of people
9 depicted --

10 A. Yes.

11 Q. -- is that fair to say?

12 A. Yes.

13 Q. And is it also fair to say there are no pictures of
14 Haley associated with this Facebook images?

15 A. No, not on that Facebook return.

16 Q. Now, you mentioned during the course of the, as I
17 understood it, the first interview, that
18 Mr. Lopez-Delgado had indicated his phone had been
19 stolen, is that right --

20 A. Yes.

21 Q. -- or he had lost it?

22 I think he actually said stolen, right?

23 A. Yeah, I think he said it got stolen.

24 Q. And that he had to get a new phone?

25 A. Yes.

1 Q. And do you recall when it was that he said it had
2 been stolen?

3 A. I'm sorry, what?

4 Q. Do you recall when it was that he said it was
5 stolen?

6 A. I --

7 Q. Would it be fair to say that he says that the phone
8 was stolen before any of the photographs that we've
9 talked about here today in that packet occurred?

10 A. Yeah, he said it got stolen in October.

11 Q. Okay. And is it fair to say that once somebody has
12 an account set up, unless they do something to change
13 it, the account is going to be what it is.

14 Is that fair to say?

15 A. I don't understand that question.

16 Q. Okay. So for example, if somebody's got images that
17 are associated with a particular name that are
18 associated, for example, with a particular app, unless
19 somebody were to change that, it's going to remain what
20 it is.

21 Is that fair to say? Do you not understand the
22 question? I can try to rephrase it.

23 A. I think I know, but maybe if you can make it a
24 little more --

25 Q. Certainly. So if I have a phone that has an app and

1 identifies me as being Luigi Delgado, let's say, as an
2 example, and I lose my phone and somebody else can get
3 into the phone, then unless I change something or the
4 new person changes something, it's going to remain with
5 the same image.

6 Is that not so?

7 A. Yeah, I'd say it would stay the same unless it was
8 either manipulated by the company or manipulated by the
9 person or an outside source.

10 Q. Right. So my point being is that the person that
11 Haley was communicating with has this name of
12 Luigi Delgado in the contact list, I guess, is that how
13 he described it on that home page?

14 A. I think it -- yeah, it could be described as that or
15 maybe like more -- like more recent messages. I don't
16 know exactly how --

17 Q. Are you that familiar with it? I am not so that's
18 why I'm asking the question.

19 A. I am not that either.

20 Q. Okay. So I'm trying to get a sense of whether or
21 not that is -- the person that she's communicating with
22 has this name associated with Luigi Delgado, but we
23 don't know, necessarily, at this particular moment
24 whether that's an exchange between Luigi Lopez-Delgado
25 or not, right, because he's already told you his phone

1 got stolen in October, right?

2 A. Yes, but that's where I would go to the context of
3 some of the conversations where it's still consistent
4 with Luigi. Like there was a time where he said that
5 it's still freezing, it's still cold, it's in the RV,
6 and that was in November of 2017, and that's exchanges
7 between --

8 Q. Was that in the exchanges that we just saw?

9 A. No, but it was in the original ones that I showed
10 him on the first interview. So I don't -- they're not
11 in that series, but I did photograph that and bring it
12 in and show him during that first interview, so. And
13 that was provided in -- to the District Attorney's
14 Office.

15 Q. And so is that a similar Facebook app?

16 A. It's the exact same. I jut didn't take another
17 picture of it for this series because I thought it was
18 -- already existed.

19 Q. Okay. And as I understand, what happened was you
20 got a list of all of these -- all of this data,
21 basically, but these photos are something different.
22 These are still shots that were taken from Haley's
23 phone?

24 A. Yes.

25 Q. So that's different than the data that we talked

1 about that came back as a result of the subpoena.

2 Is that fair to say?

3 A. Yes.

4 Q. So the only photograph or picture that we've seen
5 today that's connected to the subpoena that you did is
6 the -- is the -- Exhibit 15; is that right?

7 A. Yes.

8 Q. And is it fair to say you don't know what all of
9 this at the top is above the picture?

10 A. No.

11 Q. Or why this has a timestamp of 5:43 a.m. or
12 anything. Is that fair to say?

13 A. Yes, I don't know.

14 Q. And then you did talk to Mr. Lopez-Delgado about
15 whether or not he sent these messages?

16 A. Yes.

17 Q. And he denied that he had -- had these exchanges?

18 A. In the first interview but not in the second
19 interview.

20 Q. I meant specifically these that we've seen today
21 that you took the still shots of.

22 A. I did not show them -- show him those particular
23 ones. I talked about him knowing the age, which was
24 consistent with one of those in the second interview.
25 So he did provide some information that was consistent

1 with something from that first set.

2 Q. But as far as asking, hey, were you encouraging her
3 to send pictures and so on, did you ask that question?

4 A. I don't know if I used the word encourage or did you
5 ask her or did she send. I might have said that.

6 Q. Okay. So what we heard on direct that you asked
7 could he have -- could she have sent a picture, and his
8 response was possibly. Is that the extent of the
9 conversation about whether or not she had sent pictures?

10 A. Yes.

11 Q. And then as I understood it, there's a -- there's a
12 part in which it's deemed that someone was asking her to
13 send a picture to somebody else?

14 A. Yes.

15 Q. Okay. Were you able to identify who that other
16 person was?

17 A. I believe I did find that in her Facebook data --
18 actually, no. No, I wouldn't have because that was --
19 it wasn't there because the date range on the data I
20 received from Facebook was very limited starting from
21 like the beginning of December, like December 4th, and
22 only going to about December 9th or 10th for almost --
23 for all three accounts that I applied for search
24 warrants for.

25 Q. Okay. So even though it's in the -- it's in the

1 still shots that we saw today, it's not in the data that
2 you received?

3 A. Yeah, correct, and I believe that would be the case
4 because it took me a while to identify these Facebook
5 accounts for everyone, including the victim. So it took
6 me a while to be able to send something to Facebook to
7 preserve that information before it was deleted. And
8 there was text communication where Luigi was requesting
9 Haley to delete this -- delete this conversation, delete
10 it. That was referenced in the messages that were
11 exchanged between them. So I believe that's why the
12 Facebook information I did receive back from the company
13 was only limited to those dates.

14 Q. So you were not able to identify the other person
15 that the photograph was sent to; is that correct?

16 A. I can't remember if I did or not just through like
17 the little circle icon. She was communicating with
18 other people, but I have a strong suspicions who I think
19 it was sent to with one of the one person she was
20 communicating, but I can't say for certain right now.

21 Q. Okay. So when you say "one of the other people she
22 was communicating with," do you think that that's
23 somebody that Mr. Lopez-Delgado also knew?

24 A. No.

25 Q. Okay. So if I understand your testimony, you

1 believe that he was encouraging her to send a picture to
2 somebody that he didn't know?

3 A. Yes.

4 Q. Okay. And from there, he denies -- or would you not
5 say he -- he's not really directly asked were there
6 pictures of some questionable content, or were there
7 naked photos, for example, that were exchanged?

8 A. I don't know if I specified it as being naked photos
9 or anything. I asked if he had received or she had sent
10 photographs.

11 Q. And then you said you were never able to confirm
12 that he received the photographs.

13 Is that fair to say?

14 A. No, I think the content and his responses
15 acknowledge that he did receive them.

16 Q. Okay. Which responses do you mean?

17 A. Like the mmmm, and then he would receive one picture
18 and give direction to spread more, and the next
19 photograph would be that. So I think he was --

20 Q. Somebody had received them. You can agree with
21 that, right? I mean, we could say somebody received
22 them and somebody responded, but my point is, you were
23 not able to, for example, find where it was that
24 Mr. Lopez-Delgado had received any photos.

25 Is that fair to say?

1 A. Can you repeat the question?

2 Q. Certainly. My understanding was that you did a
3 request from Facebook for the account s. I don't know
4 whether you can do that with the Messenger or not, can
5 you?

6 A. Yes.

7 Q. Okay. So were you able to from that account
8 establish that the man who is sitting here at
9 Defendant's table is the man who received those images?

10 A. Based on the totality of the circumstances, yes.

11 Q. And when you say "totality of the circumstances,"
12 you mean what exactly?

13 A. Linking up the Facebook Messenger to his actual
14 Facebook account where there's several photographs of
15 him talking to someone that he knew that identified that
16 was the Facebook page that he was using, the content of
17 their conversations, to him consistently being --
18 responding with mmmm after getting receipt. And then
19 even to go with Haley's statements about he liked to
20 hear things like that where the content was asking her
21 if she'd be interested in having sex with multiple
22 partners or hearing about any other sexual escapades she
23 was having. And then also just to include the -- him
24 stating about the RV, the RV's cold, and that was
25 communication with Haley.

1 And then as a series of this -- between MeetMe with
2 Richeez, the Louie Delgado, and the Facebook Messenger
3 IP addresses that were being used, it matched up with
4 also another account he admitted to using was
5 Rah Blazin. The IP -- there was certain IP addresses
6 that were all the same between all three. And in the
7 very first one with MeetMe, it states, hey, this is
8 Louie, let's talk on Facebook Messenger. So that would
9 be another thing for content to show that was him.

10 Q. Okay. And when was that done?

11 A. What do you mean?

12 Q. Do you recall when -- because it started with
13 MeetMe, right?

14 A. Yes.

15 Q. Do you recall when that began?

16 A. That was -- the earliest information I think was the
17 beginning of November. I don't remember the exact date.

18 Q. And as I understood, everything that you're linking
19 it to is that Mr. Delgado acknowledged to you that he
20 was using Rah Blazin? Is that what it is?

21 A. Yes, that was one of the names he was using.

22 Q. And where was he using the Rah Blazin?

23 A. Also on Facebook, at a different separate account.

24 Q. Okay. And that the IP address was the same between
25 Rah Blazin and the Facebook --

1 A. Yeah, there was consistent IP addresses with
2 Rah Blazin, Louie Delgado on Facebook, which what he was
3 using Luigi Delgado in Facebook Messenger, and also
4 MeetMe. And then also going back to Rah Blazin, it only
5 had one listed friend, and that was the Catherine
6 Lorvan, the Facebook that Haley was using.

7 Q. Okay. And you said that when you clicked on Haley's
8 picture, then it comes up with identifying information
9 that says Catherine Lorvan?

10 A. Yes.

11 Q. And then did you go back and talk to Haley about
12 this or not really?

13 A. No.

14 Q. But you know that she was communicating with other
15 people as well?

16 A. Yes.

17 MR. SLOCUM: I don't have any further
18 questions at this time.

19 THE COURT: Redirect.

20 REDIRECT EXAMINATION

21 BY MR. GRAHAM:

22 Q. Do you recall in Defendant's very first interview he
23 stated to you that he had no Facebook accounts?

24 A. Yes.

25 Q. That he never even used Facebook?

1 A. Yes.

2 Q. Never even used Facebook Messenger?

3 A. Yes.

4 Q. Never even used dating applications --

5 A. Yes.

6 Q. -- like MeetMe?

7 And hadn't been in a relationship in over a year?

8 A. Yes.

9 Q. Physical or otherwise?

10 A. Yes.

11 Q. And that's because he was focusing on his work?

12 A. Yes.

13 Q. And his daughter. Do you remember how old she was?

14 A. I think she was seven.

15 Q. So seven at the time. And Haley's how old?

16 A. Fourteen.

17 Q. At the time?

18 A. Yes.

19 Q. Okay. And then later when you're able to go into

20 Haley's phone, you find that -- I mean, you already

21 suspected it, but you found that that's completely not

22 true?

23 A. Yes.

24 Q. And during the second interview, all of a sudden

25 now, Defendant says, okay, okay, I do have Facebook

1 accounts, not one, not two, possibly three, but two for
2 sure, Rah Blazin, Louie Delgado, with a Messenger of
3 Luigi Delgado?

4 A. Yes.

5 Q. Okay. So kind of where Defense was going is it
6 could have been somebody else if you believe him that
7 his phone was stolen?

8 A. Correct.

9 Q. So you'd have to trust him that he's telling the
10 truth?

11 A. Yes.

12 MR. GRAHAM: Nothing further.

13 THE COURT: Recross.

14 MR. SLOCUM: I don't have anything further,
15 Your Honor.

16 THE COURT: May this witness be excused?

17 MR. SLOCUM: Yes.

18 MR. GRAHAM: Yes, Your Honor.

19 THE COURT: All right. You may go about your
20 day. Thank you, sir.

21 MR. DICKSON: Thank you.

22 THE COURT: Your next witness.

23 MR. GRAHAM: I have no more witnesses, Your
24 Honor, with the admission of State's evidence.

25 THE COURT: I have Exhibits 1 through 15 that

1 have been admitted.

2 MR. GRAHAM: Thank you. That's all that I
3 have testimony, evidence. That's all I have.

4 THE COURT: Okay.

5 MR. SLOCUM: If I could just have a moment,
6 Your Honor.

7 THE COURT: Take your time.

8 (Whereupon, Mr. Slocum and the Defendant
9 confer)

10 MR. SLOCUM: And, Your Honor, thank you very
11 much for the indulgence. I've spoken with
12 Mr. Lopez-Delgado. It's my understanding that based
13 upon my advice, he's not going to be testifying at the
14 preliminary hearing.

15 THE COURT: Okay.

16 MR. SLOCUM: We are not going to be offering
17 any additional evidence today, and we --

18 THE COURT: So he was informed of his right
19 to call witnesses and there are none?

20 MR. SLOCUM: That is correct, Your Honor.

21 THE COURT: All right. He's not testifying,
22 all right. So Defense case?

23 MR. SLOCUM: That is correct, Your Honor.

24 THE COURT: Thank you. I just want to make
25 it clear, so.

1 MR. SLOCUM: Yes, thank you.

2 THE COURT: Argument, State.

3 MR. GRAHAM: I'll waive and reserve for
4 rebuttal.

5 THE COURT: Defense.

6 MR. SLOCUM: Your Honor, we will submit it,
7 however, before the Court makes a determination on the
8 bindover --

9 THE COURT: Uh-huh.

10 MR. SLOCUM: -- we would ask that
11 Mr. Lopez-Delgado have the opportunity to speak with
12 Court Services again for --

13 THE COURT: I can't do that. I have to make
14 a decision now. I can't take a break and then have him
15 talk to Court Services and come back tomorrow or the
16 next day to make a decision on whether I'm going to bind
17 it over.

18 MR. SLOCUM: No, no, no, no --

19 THE COURT: Oh, you want me to order another
20 -- yeah, I'm --

21 MR. SLOCUM: That's correct, Your Honor.

22 THE COURT: Okay.

23 MR. SLOCUM: I'm just asking that you order
24 that Court Services speak with Mr. Lopez-Delgado again,
25 and I just know that once you --

1 THE COURT: So you're requesting some sort of
2 a bail reduction in this case?

3 MR. SLOCUM: I'm sorry, Your Honor?

4 THE COURT: Are you requesting some sort of
5 bail reduction in this case?

6 MR. SLOCUM: Well, so the Court rightly --

7 THE COURT: It was reduced from 200,000 to
8 80,000 once.

9 MR. SLOCUM: That's correct. The Court
10 rightly concluded or rightly assessed that the bail had
11 already been reduced from 200 to 80 --

12 THE COURT: Yeah.

13 MR. SLOCUM: -- which I believe is what the
14 Court is inclined to set the bail at, which is why it
15 was set in the way that it was. I don't have additional
16 information today to offer to you. That's why we're
17 making the request that Court Services evaluate him.
18 They may be able to give the Court more information.
19 But I just know that if you make the decision to bind
20 over and he is bound over, then it's going to be too
21 late for you to order that Court Services speak with
22 him.

23 THE COURT: Well, I mean, when you look at
24 these -- right now -- I mean, I haven't made the
25 decision yet. I'm going to hear from the parties, and

1 then I'll consider the evidence, but two of these are
2 category A felonies; are they not?

3 MR. SLOCUM: One is a category A felony.

4 THE COURT: Yes. Yes, what's the penalty for
5 that if he's convicted?

6 MR. SLOCUM: Five to life, Your Honor.

7 THE COURT: Five to life so it's looking at a
8 life sentence on that, and then we have multiple
9 category B felonies.

10 MR. SLOCUM: That's correct.

11 THE COURT: So how many total years were he
12 to be convicted of these?

13 MR. SLOCUM: Well, so, Your Honor --

14 THE COURT: I'll hear from the State when
15 you're done, so go ahead.

16 MR. SLOCUM: Okay. As far as that goes, Your
17 Honor, it's six times four to ten, plus a five to life,
18 and a gross misdemeanor. So that's 30 years by my
19 calculation, one day short of 30 years.

20 THE COURT: That's where he'd parole, at the
21 40-year mark, yeah. That's 24, 29, okay. It's 29 on
22 the bottom and life on the top.

23 MR. SLOCUM: Plus the gross misdemeanor, Your
24 Honor.

25 THE COURT: I wasn't even looking at that.

1 MR. SLOCUM: Right, that's what I'm saying,
2 it's one day short of 30 years.

3 THE COURT: Yes, it's a lot. Okay, so go
4 ahead, State.

5 MR. GRAHAM: Your Honor, you know what's
6 funny about that gross misdemeanor, it's a little bit
7 indicative --

8 MR. SLOCUM: Your Honor, I'm going to object
9 at this time. I submitted the case for your
10 consideration. Mr. Graham doesn't have the opportunity
11 now to argue.

12 THE COURT: Yes, but you're arguing bail. So
13 I'm going to allow him to respond to bail.

14 MR. GRAHAM: I'm just going to argue bail.

15 MR. SLOCUM: Oh, bail. Okay, I misunderstood
16 what --

17 THE COURT: Yes, he can respond to bail.

18 MR. SLOCUM: Oh, absolutely, No, I
19 misunderstood.

20 THE COURT: Yes, he's not -- hopefully, he's
21 not getting into the facts --

22 MR. GRAHAM: No, no, no.

23 THE COURT: -- other than the bail.

24 MR. GRAHAM: That's what I was going to
25 argue, Your Honor.

1 THE COURT: Yes, so go ahead.

2 MR. GRAHAM: I was just going to say
3 nothing's really changed. I think the bail was reduced
4 because if you notice on the -- what he was booked in
5 on, the charging document doesn't list all those. They
6 kind of lump them into only eight counts, rather than
7 everything that he was booked in on.

8 So bail was reduced to \$80,000, but after
9 that, the Defendant made contact with the victim's
10 grandma asking them not to show up. So nothing's
11 changed except he reached out to the victims when
12 there's already a no-contact order in place. You know,
13 the Defendant was working at a temp job, living at his
14 mom's house, but having -- you know, the evidence
15 suggests that having --

16 THE COURT: And that occurred after the bail
17 was reduced?

18 MR. GRAHAM: I don't -- I wasn't on this
19 originally so I'm not sure when that --

20 THE COURT: It was reduced on the 5th.
21 What's the date of that card? I have it right here.

22 MR. GRAHAM: December 26th.

23 THE COURT: Okay. So it was before the bail
24 reduction, okay.

25 MR. GRAHAM: Oh, it was. Okay, well, then I

1 take that back. I will retract that. But I think
2 80,000 based on the severity of the charges is more than
3 reasonable.

4 THE COURT: Actually, it's awfully low, but
5 okay. All right, he's facing a life sentence. Thirty
6 years on the bottom, and then a life sentence on the
7 top. A letter was sent to the victims so we'll get to
8 that in a minute.

9 Regarding the charges, the reason we're here
10 today, the preliminary hearing, it appears to me from
11 the complaint on file herein and from the testimony
12 adduced at the preliminary examination, that the crimes
13 of Count 1, statutory sexual seduction by a person age
14 21 or older, a felony; Count 2, statutory sexual
15 seduction by a person age 21 or older, a felony;
16 Count 3, use or permit minor under the age of 18 to
17 produce pornography, a felony, that's Count 3; Count 4,
18 possess visual pornography of person under age 16, a
19 felony; Count 5, lewdness with a child older than 14, a
20 felony; Count 6, lewdness with a child under 14, a
21 felony, that's Count 6; Count 7, lure or attempt to lure
22 a child with the use of computer technology to engage in
23 sexual conduct, a felony, that's Count 7; Count 8,
24 attempting to prevent or dissuade a witness from
25 testifying, a gross misdemeanor, that's Count 8, have

1 been committed, and there's sufficient evidence to
2 believe that the Defendant, Luigi Richard Lopez-Delgado,
3 committed said crimes. I hereby order Defendant be
4 bound over to the Second Judicial District Court to
5 answer to the charges.

6 I'm denying the request for a re-interview.
7 I think he's a flight risk so that will be my decision
8 in this case.

9 MR. SLOCUM: Thank you very much, Your Honor.

10 THE COURT: You bet.

11 MR. GRAHAM: Thank you, Your Honor.

12 THE COURT: Oh, we're not done.

13 (Whereupon, the recording stopped)

14 THE COURT: Keep the recording going.

15 THE CLERK: Okay, it's going.

16 THE COURT: All right. All parties are
17 present. I need to seal the photographs of the young
18 lady in stages of undress. Those are sealed.

19 Any objection from --

20 MR. SLOCUM: No, Your Honor.

21 THE COURT: All right. Now, next, any
22 objection to returning the exhibits to the State?
23 They've all been scanned in, is that correct, Ms. Clerk?

24 THE CLERK: That's correct.

25 THE COURT: So we all have them scanned in

1 digitally. Any objection to returning these to the
2 State so I don't have physical copies of these?

3 MR. SLOCUM: No, Your Honor.

4 THE COURT: Thank you. And I'm giving these
5 to the Bailiff to deliver to the State.

6 MR. GRAHAM: Thank you.

7 THE COURT: And so evidence returned to the
8 State. Have we forgotten anything, counsel?

9 MR. GRAHAM: No.

10 MR. SLOCUM: I don't believe so, Your Honor.

11 THE COURT: That will be the order, thank
12 you.

13 MR. GRAHAM: Thank you.

14 (Whereupon, proceeding concluded)

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STATE OF NEVADA)
) ss.
COUNTY OF CARSON)

I, Julie Rowan, Transcriptionist for the Sparks Justice Court, in and for the County of Washoe, State of Nevada, have transcribed the proceedings held in Department 1 of the above-entitled Court on September 24, 2018.

The foregoing is a true and correct transcript, to the best of my ability, from the electronic sound recording of the proceedings held in the above-entitled matter.

DATED: This 8th day of October, 2018.



Julie Rowan

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SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

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AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____
All pertinent information being sent to Second Judicial District Court for bindover proceedings

(Title of Document)

filed in case number: CR18-1654



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For an application for a federal or state grant

-or-



Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 10.9.18

Keith Dwyer
(Signature)

Keith Dwyer
(Print Name)

(Attorney for)