

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

Electronically Filed
Feb 03 2022 02:41 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 3 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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Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-10-09 08:37:36.396.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-10-09 08:37:36.427.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-10-09 08:37:36.443.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-10-09 08:37:36.38.

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Judge:

HONORABLE JEROME M. POLAHA

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10-09-2018:08:19:24

Clerk Accepted:

10-09-2018:08:36:57

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ (D3)

Document(s) Submitted:

Supplemental ...

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Sparks Justice Court

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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

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

CASE NO. CR18-1654

STATE OF NEVADA VS. LUIGY RICHARD LOPEZ

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/11/18
HON. JEROME M.
POLAHA
DEPT. NO. 3
G. Bartlett
(Clerk)
J. Dotson
(Reporter)ARRAIGNMENT

Deputy D.A. George Smith represented the State.
Defendant present with counsel, Lynn Branzell, Deputy PD.
Probation Officer, Alexandra Ford, also present.
Counsel for Defendant addressed the Court and moved for a
continuance due to ongoing negotiations; no objection by counsel
for State; SO ORDERED.
COURT ORDERED: Matter continued for arraignment.
Defendant remanded to the custody of the Sheriff.

11/01/18
9:00 a.m.
Con't Arr

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-10-24 16:09:45.77.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-10-24 16:09:47.829.

**DIV. OF PAROLE &
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**NICKOLAS
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A filing has been submitted to the court RE: CR18-1654

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

10-24-2018:16:07:42

Clerk Accepted:

10-24-2018:16:08:43

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ (D3)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk GBartlett

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

LYNN A BRANZELL, 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.):

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.

_____ /

AMENDED 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. 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 16 at the time the photograph was taken, 228 East 8th Ave., Sun Valley, Washoe County, Nevada.

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///

COUNT III. 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.

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, WCSO SPECIAL OPS 911 PARR BLVD RENO, NV
89512
DENNIS CARRY, WCSO DETECTIVES 911 PARR BLVD Reno, NV 89512
ARICK DICKSON, WCSO SPECIAL OPS 911 PARR BLVD RENO, NV 89512
MICHAEL IVERS, *RETIRED 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

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-11-01 08:16:24.815.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-11-01 08:16:24.847.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-11-01 08:16:24.878.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-11-01 08:16:24.8.

***** 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:

11-01-2018:08:01:31

Clerk Accepted:

11-01-2018:08:15:53

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ (D3)

Document(s) Submitted:

Amended Information

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.

-

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

LYNN A BRANZELL, 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.):

CASE NO. CR18-1654

STATE OF NEVADA VS. LUIGY RICHARD LOPEZ

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/01/18

HON. JEROME M.

ARRAIGNMENT

POLAHA

DEPT. NO. 3

G. Bartlett
(Clerk)

J. Dotson

(Reporter)

Deputy D.A. Alexandra Ford represented the State.

Defendant present with counsel, Jay Slocum, Deputy P.D.

TRUE NAME: Luigy Richard Lopez. Defendant handed copy of the
Amended Information and waived formal reading.The Court and respective counsel discussed the reasoning behind
the plea negotiations.During the canvassing of the Defendant, the Defendant had
hesitation in entering his plea.

The Clerk placed the Defendant under oath.

The Court made further inquiries of the Defendant; Defendant
responded thereto.COURT ORDERED: The Court shall enter not guilty pleas on behalf
of the Defendant.Counsel for State informed the Court that the State reserves it right
to refile the original charges; SO ORDERED.The Defendant made a statement to the Court that he is not satisfied
with his counsel and requested a new attorney.

COURT ORDERED: Matter set for Young hearing.

Defendant remanded to the custody of the Sheriff.

11/15/18
2:00 p.m.
Young
Hearing*The Clerk noted that the 60 day rule was never addressed and the
matter has not been set for trial.*

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-11-08 14:17:25.139.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-11-08 14:17:25.155.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-11-08 14:17:25.186.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-11-08 14:17:25.108.

***** 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:

11-08-2018:14:16:11

Clerk Accepted:

11-08-2018:14:16:53

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk GBartlett

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

DIV. OF PAROLE & PROBATION

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

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

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

1 **CODE: 1250**

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

8 **STATE OF NEVADA,**

9 **Plaintiff,**

10 **vs.**

Case No. CR18-1654

Dept. No. 3

11 **LUIGY LOPEZ-DELGADO,**

12 **Defendant.**

13 _____ /
14 APPLICATION FOR SETTING

15 TYPE OF ACTION:

CRIMINAL

16 MATTER TO BE HEARD:

YOUNG HEARING

17 DATE OF APPLICATION:

NOVEMBER 13, 2018

18 COUNSEL FOR PLAINTIFF:

NICKOLAS GRAHAM, ESQ.

19 COUNSEL FOR DEFENDANT:

JAY SLOCUM, ESQ.

20
21
22 CUSTODY STATUS:
23
24
25
26

27 **This vacates hearing set November 15, 2018.**

28 **Setting at 2:00 P.M. on November 29, 2018.**

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-11-13 17:29:15.836.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-11-13 17:29:15.867.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-11-13 17:29:15.914.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-11-13 17:29:15.82.

***** 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:

11-13-2018:17:26:07

Clerk Accepted:

11-13-2018:17:28:47

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Application for Setting - eFile

Filed By:

Court Clerk GBartlett

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 (TN)

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

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
2
3
4
5
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 Plaintiff,

Case No. CR18-1654

11 vs.

Dept. No. 3

12 LUIGI RICHARD LOPEZ-DELGADO,
13 Defendant
14 _____/

15 **ORDER GRANTING DISCHARGE OF ATTORNEY**

16 On November 29, 2018, this Court held a hearing pursuant to *Young v. State*, 120 Nev. 963
17 (2004), to determine whether a true conflict existed between the Defendant, Luigi Lopez-Delgado,
18 and his counsel of record, Deputy Public Defenders Jay Slocum, Esq. and Lynn Branzell, Esq.

19 IT IS HEREBY ORDERED that the Washoe County Public Defender office Deputy
20 Public Defenders Jay Slocum, Esq. and Lynn Branzell, Esq. are hereby relieved of their
21 representation of the Defendant, Luigi Lopez-Delgado.

22 IT IS FURTHER ORDERED that the above entitled matter is referred to the Alternate
23 Public Defender's Office for the appointment of counsel for the Defendant.

24 Dated this 29th day of November, 2018.

25 By: 
26 DISTRICT JUDGE

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-11-30 08:16:39.318.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-11-30 08:16:39.349.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-11-30 08:16:39.38.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-11-30 08:16:39.302.

***** 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:

11-30-2018:08:13:38

Clerk Accepted:

11-30-2018:08:14:14

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Ord Granting

Filed By:

Court Clerk GBartlett

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:

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

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

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 2018-12-05 16:25:29.966.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-12-05 16:25:29.997.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-05 16:25:30.028.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-05 16:25:29.934.

***** 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:

12-05-2018:16:24:11

Clerk Accepted:

12-05-2018:16:24:56

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

**Sealed Minutes

Filed By:

Court Clerk GBartlett

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:

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

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

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
One South Sierra Street
Reno, NV 89501
(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.

_____ /

SECOND AMENDED 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.

///

///

///

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 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,
DENNIS CARRY, WASHOE COUNTY SHERIFFS OFFICE,
ARICK DICKSON, WASHOE COUNTY SHERIFFS OFFICE,
MICHAEL IVERS, WASHOE COUNTY SHERIFFS OFFICE,
EMMETT FLOREZ,

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

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-12-11 09:39:03.825.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-12-11 09:39:03.84.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-11 09:39:03.872.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-11 09:39:03.794.

***** 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:

12-11-2018:09:26:35

Clerk Accepted:

12-11-2018:09:38:29

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Amended Second Information

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.

-

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

The following people were served electronically:

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

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

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

ORIGINAL

1 CODE 1785
2 Christopher J. Hicks
3 #7747
4 P.O. Box 11130
5 Reno, NV 89520
6 (775) 328-3200

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

9 * * *

10 THE STATE OF NEVADA,

11 Plaintiff,

Case No. CR18-1654

12 v.

Dept. No. D03

13 LUIGI RICHARD LOPEZ-DELGADO,
14 also known as
15 LUIGY RICHARD LOPEZ,
16 also known as
17 LUIGI LOPEZ,

18 Defendant.

19 GUILTY PLEA MEMORANDUM

20 1. I, LUIGI RICHARD LOPEZ-DELGADO, also known as LUIGY
21 RICHARD LOPEZ, also known as LUIGI LOPEZ, understand that I am
22 charged with the offenses of: COUNT II. STATUTORY SEXUAL SEDUCTION
23 BY PERSON AGE 21 OR OLDER, a violation of NRS 200.368.1, a category B
24 felony, COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16,
25 FIRST OFFENSE, a violation of NRS 200.730.1, a category B felony and
26 COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14, a violation of NRS
201.230.3, a category B felony.

///

1 2. I desire to enter a plea of guilty to the offenses of,
2 COUNT II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR OLDER, a
3 violation of NRS 200.368.1, a category B felony, COUNT IV. POSSESS
4 VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16, FIRST OFFENSE, a violation
5 of NRS 200.730.1, a category B felony and COUNT VI. LEWDNESS WITH
6 CHILD OLDER THAN 14, a violation of NRS 201.230.3, a category B
7 felony, as more fully alleged in the charge filed against me.

8 3. By entering my plea of guilty I know and understand
9 that I am waiving the following constitutional rights:

10 A. I waive my privilege against self-incrimination.

11 B. I waive my right to trial by jury, at which trial the
12 State would have to prove my guilt of all elements of the offenses
13 beyond a reasonable doubt.

14 C. I waive my right to confront my accusers, that is, the
15 right to confront and cross examine all witnesses who would testify
16 at trial.

17 D. I waive my right to subpoena witnesses for trial on my
18 behalf.

19 4. I understand the charges against me and that the
20 elements of the offenses which the State would have to prove beyond a
21 reasonable doubt at trial are that on or between October 1, 2017 and
22 December 13, 2017, or thereabout, in the County of Washoe, State of
23 Nevada, I did as to Count II, willfully and unlawfully, being over 21
24 years of age, commit an act of statutory sexual seduction with the

25 ///

26 ///

1 person of H.T., who was then and there under the age of 16 years, in
2 that I engaged in an act of vaginal sexual intercourse with the said
3 H.T. at or near 228 East 8th Ave., Sun Valley, Washoe County, Nevada.

4 I further understand the charges against me and that the
5 elements of the offenses which the State would have to prove beyond a
6 reasonable doubt at trial are that on or between October 1, 2017 and
7 December 13, 2017, or thereabout, in the County of Washoe, State of
8 Nevada, I did as to Count IV, knowingly, willfully and unlawfully
9 have in my possession for any purpose film, photograph or other
10 visual presentation depicting a person under 16 year as the subject
11 of a sexual portrayal or engaging in or simulating, or assisting
12 others to engage in or simulate, sexual conduct, in that I possessed
13 nude photographs of H.T., who was under the age of 18 at the time the
14 photograph was taken, 228 East 8th Ave., Sun Valley, Washoe County,
15 Nevada.

16 I understand the charges against me and that the elements
17 of the offenses which the State would have to prove beyond a
18 reasonable doubt at trial are that on or between October 1, 2017 and
19 December 13, 2017, or thereabout, in the County of Washoe, State of
20 Nevada, I did as to Count VI, 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 I penetrated H.T.'s vagina
24 with my penis, with the intent of arousing, appealing to, or

25 ///

26 ///

1 gratifying the lust, passions, or sexual desires of myself or the
2 child, at or near 228 East 8th Ave., Sun Valley, Washoe County,
3 Nevada.

4 5. I understand that I admit the facts which support all
5 the elements of the offenses by pleading guilty. I admit that the
6 State possesses sufficient evidence which would result in my
7 conviction. I have considered and discussed all possible defenses
8 and defense strategies with my counsel. I understand that I have the
9 right to appeal from adverse rulings on pretrial motions only if the
10 State and the Court consent to my right to appeal in a separate
11 written agreement. I understand that any substantive or procedural
12 pretrial issue(s) which could have been raised at trial are waived by
13 my plea.

14 6. I understand that the consequences of my plea of guilty
15 as to Count II are that I may be imprisoned for a period of 1 to 10
16 years in the Nevada State Department of Corrections. I am not
17 eligible for probation unless a psychosexual evaluation is completed
18 pursuant to NRS 176.139 which certifies that I do not represent a
19 high risk to reoffend based upon a currently accepted standard of
20 assessment. I may also be fined up to \$10,000. I will be required
21 to register as a sex offender.

22 I understand that the consequences of my plea of guilty as
23 to Count IV are that I may be imprisoned for a period of 1 to 6 years
24 in the Nevada State Department of Corrections. I am not eligible for
25 probation unless a psychosexual evaluation is completed pursuant to
26 NRS 176.139 which certifies that I do not represent a high risk to

1 reoffend based upon a currently accepted standard of assessment. I
2 may also be fined up to \$5,000. I will be required to register as a
3 sex offender.

4 I understand that the consequences of my plea of guilty as
5 to Count VI are that I may be imprisoned for a period of 1 to 10
6 years in the Nevada State Department of Corrections. I am not
7 eligible for probation unless a psychosexual evaluation is completed
8 pursuant to NRS 176.139 which certifies that I do not represent a
9 high risk to reoffend based upon a currently accepted standard of
10 assessment. I may also be fined up to \$10,000. I further understand
11 that I will be required to be on lifetime supervision pursuant to NRS
12 176.0931. Additionally, I will be required to register as a sex
13 offender. The sentence on each count may be concurrent or
14 consecutive to each other.

15 7. In exchange for my plea of guilty, the State, my
16 counsel and I have agreed to recommend the following: Both the
17 State, my counsel and I stipulate to recommend at sentencing a term
18 of incarceration in the Nevada State Prison of 48-120 months on Count
19 II, 28-72 months on Count IV, and 48-120 months on Count VI and that
20 all counts run concurrent to one another. The State will dismiss all
21 remaining charges and the State will not file additional criminal
22 charges resulting from the arrest in this case.

23 8. I understand that, even though the State and I have
24 reached this plea agreement, the State is reserving the right to
25 present arguments, facts, and/or witnesses at sentencing in support
26 of the plea agreement.

1 9. I also agree that I will make full restitution in this
2 matter, as determined by the Court. Where applicable, I additionally
3 understand and agree that I will be responsible for the repayment of
4 any costs incurred by the State or County in securing my return to
5 this jurisdiction.

6 10. I understand that the State, at their discretion, is
7 entitled to either withdraw from this agreement and proceed with the
8 prosecution of the original charges or be free to argue for an
9 appropriate sentence at the time of sentencing if I fail to appear at
10 any scheduled proceeding in this matter OR if prior to the date of my
11 sentencing I am arrested in any jurisdiction for a violation of law
12 OR if I have misrepresented my prior criminal history. I understand
13 and agree that the occurrence of any of these acts constitutes a
14 material breach of my plea agreement with the State. I further
15 understand and agree that by the execution of this agreement, I am
16 waiving any right I may have to remand this matter to Justice Court
17 should I later withdraw my plea.

18 11. I understand and agree that pursuant to the terms of
19 the plea agreement stated herein, any counts which are to be
20 dismissed and any other cases charged or uncharged which are either
21 to be dismissed or not pursued by the State, may be considered by the
22 court at the time of my sentencing.

23 ///

24 ///

25 ///

26 ///

1 12. I understand that the Court is not bound by the
2 agreement of the parties and that the matter of sentencing is to be
3 determined solely by the Court. I have discussed the charges, the
4 facts and the possible defenses with my attorney. All of the
5 foregoing rights, waiver of rights, elements, possible penalties, and
6 consequences, have been carefully explained to me by my attorney. My
7 attorney has not promised me anything not mentioned in this plea
8 memorandum, and, in particular, my attorney has not promised that I
9 will get any specific sentence. I am satisfied with my counsel's
10 advice and representation leading to this resolution of my case. I
11 am aware that if I am not satisfied with my counsel I should advise
12 the Court at this time. I believe that entering my plea is in my
13 best interest and that going to trial is not in my best interest. My
14 attorney has advised me that if I wish to appeal, any appeal, if
15 applicable to my case, must be filed within thirty days of my
16 sentence and/or judgment.

17 13. I understand that this plea and resulting conviction
18 will likely have adverse effects upon my residency in this country if
19 I am not a U. S. Citizen. I have discussed the effects my plea will
20 have upon my residency with my counsel.

21 14. I offer my plea freely, voluntarily, knowingly and
22 with full understanding of all matters set forth in the Second
23 Amended Information and in this Plea Memorandum. I have read this
24 plea memorandum completely and I understand everything contained
25 within it.

26 ///

1 15. My plea of guilty is voluntary and is not the result
2 of any threats, coercion or promises of leniency.

3 16. I am signing this Plea Memorandum voluntarily with
4 advice of counsel, under no duress, coercion, or promises of
5 leniency.

6 17. I do hereby swear under penalty of perjury that all of
7 the assertions in this written plea agreement document are true.

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 DATED this 12th day of December, 2018.

12 _____
13 DEFENDANT

14 _____
15 TRANSLATOR/INTERPRETER

16 _____
17 Attorney Witnessing Defendant's Signature

18 _____
19 Prosecuting Attorney
20
21
22
23
24
25
26

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-12-13 16:00:39.345.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-12-13 16:00:39.516.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-13 16:00:40.125.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-13 16:00:39.189.

***** 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:

12-13-2018:15:56:57

Clerk Accepted:

12-13-2018:15:59:35

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Guilty Plea Memo/Agreement

Filed By:

Court Clerk GBartlett

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

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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:

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

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

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 2020
2 MARC PICKER, ESQ. (SBN 3566)
3 WASHOE COUNTY ALTERNATE PUBLIC DEFENDER
4 350 S. CENTER ST., 6TH FLOOR
5 RENO NV 89501
6 775-328-3955

7 ATTORNEY FOR DEFENDANT
8 LUIGI RICHARD LOPEZ-DELGADO

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 THE STATE OF NEVADA,

CASE NO. CR18-1654

12 Plaintiff,

DEPT. NO. 3

13 vs.

14 LUIGI RICHARD LOPEZ-DELGADO,

15 Defendant.
16 _____/

17 **MOTION FOR BAIL REDUCTION**

18 Defendant LUIGI RICHARD LOPEZ-DELGADO, by and through his attorney,
19 Alternate Public Defender MARC PICKER, hereby requests this Court reduce the bail
20 amount upon which he is currently being held. This motion is based upon the attached
21 Memorandum of Points and Authorities, as well as all documents and pleadings on file in this
22 matter.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 On December 14, 2017, Defendant LUIGI RICHARD LOPEZ-DELGADO was
25 arrested on charges of Statutory Sexual Seduction By Person Age 21 Or Older, a violation of
26 NRS 200.368.1, a category B felony; Use Or Permit Minor, Under Age 18, To Produce

1 Pornography, a violation of NRS 200.710.1, a category A felony; Possessing Visual
2 Pornography Of Person Under Age 16, First Offense, a violation of NRS 200.730.1, a
3 category B felony; Lewdness With Child Older Than 14, a violation of NRS 201.230.3, a
4 category B felony; and Luring Or Attempting To Lure A Child With The Use Of Computer
5 Technology To Engage In Sexual Conduct, a violation of NRS 201.560.4a, a category B
6 felony.

7 Mr. LOPEZ-DELGADO has been in custody since the date of his arrest.

8 On December 11, 2018, a Second Amended Information was filed in this Court
9 charging Mr. LOPEZ-DELGADO Count I, Statutory Sexual Seduction By Person Age 21 Or
10 Older, a violation of NRS 200.368.1, a category B felony; Count II, Statutory Sexual
11 Seduction By Person Age 21 Or Older, a violation of NRS 200.368.1, a category B felony;
12 Count III, Use Or Permit Minor, Under Age 18, To Produce Pornography, a violation of NRS
13 200.710.1, a category A felony; Count IV, Possess Visual Pornography Of Person Under Age
14 16, First Offense, a violation of NRS 200.730.1, a category B felony; Count V, Lewdness
15 With Child Older Than 14, a violation of NRS 201.230.3, a category B felony; Count VI,
16 Lewdness With Child Older Than 14, a violation of NRS 201.230.3, a category B felony;
17 Count VII, Lure Or Attempt To Lure A Child With The Use Of Computer Technology To
18 Engage In Sexual Conduct, a violation of NRS 201.560.4a, a category B felony; and Count
19 VIII, Attempting To Prevent Or Dissuade A Witness From Testifying, a violation of NRS
20 199.230, a gross misdemeanor.

23 On December 13, 2018, Mr. LOPEZ-DELGADO entered guilty pleas to Count II,
24 Statutory Sexual Seduction By Person Age 21 Or Older, a violation of NRS 200.368.1, a
25 category B felony; Count IV, Possess Visual Pornography Of Person Under Age 16, First
26

1 Offense, a violation of NRS 200.730.1, a category B felony; and Count VI, Lewdness With
2 Child Older Than 14, a violation of NRS 201.230.3, a category B felony, which all stem from
3 the same facts and circumstances. Counts II and VI relate to the same act, sexual intercourse
4 between Mr. LOPEZ-DELGADO and the victim as part of a “consensual” relationship,
5 although he understands and admits that the victim was not of a sufficient age wherein she
6 could legally consent to the relationship.

7 Currently, Mr. LOPEZ-DELGADO’s bail is set at \$80,000.

8 This Court must operate under the initial presumption that all offenses are bailable,
9 including capital offenses, as matter of right, and that right is absolute in noncapital case, but
10 limited if capital offense. See, *Application of Wheeler*, 81 Nev. 495, 406 P.2d 713 (1965),
11 citing Nevada Const. art. 1, sec.7 and N.R.S. 178.025.
12

13 In Nevada Revised Statute 178.4853, the Nevada Legislature provided minimum
14 factors to be consider “[I]n deciding whether there is good cause to release a person without
15 bail ...”:

- 16 1. The length of residence in the community;
- 17 2. The status and history of employment;
- 18 3. Relationships with the person’s spouse and children, parents or other
19 family members and with close friends;
- 20 4. Reputation, character and mental condition;
- 21 5. Prior criminal record, including, without limitation, any record of
22 appearing or failing to appear after release on bail or without bail;
- 23 6. The identity of responsible members of the community who would vouch
24 for the reliability of the person;
- 25 7. The nature of the offense with which the person is charged, the apparent
26 probability of conviction and the likely sentence, insofar as these factors
relate to the risk of not appearing;

- 1 8. The nature and seriousness of the danger to the alleged victim, any other
2 person or the community that would be posed by the person's release;
- 3 9. The likelihood of more criminal activity by the person after release; and
- 4 10. Any other factors concerning the person's ties to the community or bearing
5 on the risk that the person may willfully fail to appear.

6 Additionally, NRS 178.484 provides that the Court may fashion appropriate
7 conditions to ensure the appearance of a criminal defendant at future Court proceedings.
8 While release is preferred, appropriate conditions are allowed. The pertinent provisions of
9 NRS 178.484 state:

10 1. Except as otherwise provided in this section, a person arrested for an
11 offense other than murder of the first degree must be admitted to bail.

12 ...

13 11. Before releasing a person arrested for any crime, the court may impose
14 such reasonable conditions on the person as it deems necessary to protect the
15 health, safety and welfare of the community and to ensure that the person will
16 appear at all times and places ordered by the court, including, without
17 limitation:

- 18 (a) Requiring the person to remain in this State or a certain county within this
19 State;
- 20 (b) Prohibiting the person from contacting or attempting to contact a specific
21 person or from causing or attempting to cause another person to contact
22 that person on the person's behalf;
- 23 (c) Prohibiting the person from entering a certain geographic area; or
- 24 (d) Prohibiting the person from engaging in specific conduct that may be
25 harmful to the person's own health, safety or welfare, or the health, safety
26 or welfare of another person.

In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

...

14. Before a person may be admitted to bail, the person must sign a document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

NRS 178.484.

In *Turpin v. Eighth Judicial District Court*, 2014 WL 4674376 (Sept. 18, 2014, unpublished opinion cited pursuant to Nevada Rules of Appellate Procedure, Rule 36(c)), the Nevada Supreme Court held,

The district court's imposition of reasonable conditions on bail is a discretionary act, and petitioner has not demonstrated that the district court manifestly abused its discretion by refusing to modify the condition placed on his bail. *See* NRS 178.484(11) (the court may impose reasonable conditions before releasing a person on bail but must consider the factors listed in NRS 178.4853 when determining whether a condition is reasonable).

On November 27, 2018, Article 1, Section 8A of the Nevada Constitution became effective. In that provision, colloquially referred to as “Marsy’s Law,” this Court is required to consider the safety of the victim and the victim’s family as a factor in fixing the amount of bail and release conditions of a defendant. *See*, Art. 1, Sec. 8A(1)(d). This factor can be addressed by this Court in determining release conditions such as a no-contact provision, daily check-ins with Court Services, alcohol/drug monitoring (if such are deemed appropriate)

1 and other conditions that would limit Mr. LOPEZ-DELGADO's living and travel abilities,
2 including GPS monitoring or house arrest.

3 In this matter, Mr. LOPEZ-DELGADO 25 years of age with no significant criminal
4 history, other than some traffic violations. He has not had any failures to appear on any such
5 citations. He has admitted in culpability in this matter, recognizing that his actions were
6 legally unacceptable. He has stipulated in the Guilty Plea Memorandum to join with the State
7 to recommend that he receive a sentence of 48-120 months on County II, 28-72 months on
8 County IV and 48-120 months on County VI, and that all sentences run concurrent to one
9 another. Mr. LOPEZ-DELGADO has been in custody for almost one (1) year, and has just a
10 few personal matters he needs to resolve prior to likely spending a period of years in the
11 Nevada Department of Corrections. He is asking this Court to review all of the above listed
12 factors and grant a reduction in the bail previously ordered in this case, such an amount to
13 reflect that he has pleaded guilty to three (3) charges with the remaining five (5) charges due
14 to be dismissed at sentencing.
15

16 In examining the NRS 178.4583 factors, Mr. LOPEZ-DELGADO has significant
17 family support in Washoe County. His mother Enriqueta Delgado resides at 228 8th Avenue in
18 Sun Valley, and that is where he would reside upon meeting a reduced bail requirement. His
19 brother, Rotilio Lopez, and sister, Tracy Lopez, both reside in Sun Valley and he is in contact
20 with all three of these immediate family members. He has two young children, an 8 year old
21 daughter residing in Reno, and a 1 year old daughter in Carson City. All of his significant
22 family contacts are in Washoe County or Carson City. At the time of his arrest, Mr. LOPEZ-
23 DELGADO was employed with Matheson Flight Extenders, a US Postal Service contractor,
24 and so he is capable of employment.
25
26

1 Mr. LOPEZ-DELGADO is seeking a reduction in bail from \$80,000 to \$20,000
2 bondable. This amount will guarantee that he has a financial stake in continuing to appear
3 before this Court. He also believes that Court Services supervision in the interim would be
4 appropriate and he will fully cooperate with that supervision.

5 Mr. LOPEZ-DELGADO agrees that he has pleaded guilty to three (3) very serious
6 felony offenses, but the circumstances here do not involve allegations of violence or force.
7 The juvenile victim in this case was not an unwilling or forced participant in these acts,
8 although she was not of a legal age wherein she could consent.

9 This Court can set appropriate release conditions which would address concerns
10 regarding safety of the community or being a flight risk, including daily check-ins, no contact
11 with the victim, no use of alcohol or narcotics, and other conditions which it may deem
12 necessary.

13 Mr. LOPEZ-DELGADO commits to this Court that should he be released from
14 custody, he will attend all required appearances and appointments. He submits that this Court
15 can set sufficient conditions to guarantee his appearance at all future Court proceedings
16 including placing him under Court Services supervision to monitor his activities. In addition,
17 this Court can impose conditions which would protect the community from any question of
18 danger, including GPS monitoring or house arrest.

19 With Mr. LOPEZ-DELGADO's family support and background, and his willingness
20 to cooperate, this Court can be assured that he will appear for all scheduled court appearances.

21 Based upon all of the foregoing, Defendant LUIGI RICHARD LOPEZ-DELGADO
22 requests this Court issues its Order reducing his bail from \$80,000 to \$20,000 based upon all
23 of the above factors and information.
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AFFIRMATION PURSUANT TO NRS 239B.030

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

Respectfully submitted this 13th day of December, 2018.

Washoe County Alternate Public Defender

/s/ Marc Picker

MARC PICKER
Alternate Public Defender

CERTIFICATE OF SERVICE

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I hereby certify that I am an employee of the Washoe County Alternate Public Defender,
over the age of 21 years and not a party to nor interested in the within action. I certify that on
this date, I caused to be served a true and correct copy of foregoing document to the following:

Nicholas Graham
Deputy District Attorney
Via Electronic filing

DATED this 13th day of December, 2018.

/s/ Randi M. Jensen

RANDI M. JENSEN

Return Of NEF**Recipients**

JAY SLOCUM, ESQ. - Notification received on 2018-12-14 08:25:04.058.

**LYNN BRANZELL,
ESQ.** - Notification received on 2018-12-14 08:25:04.09.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-14 08:25:04.386.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-14 08:25:04.043.

***** 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:

12-13-2018:16:26:04

Clerk Accepted:

12-14-2018:08:24:33

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Mtn for Bail Reduction

Filed By:

Marc Picker

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:

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

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

DIV. OF PAROLE & PROBATION

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

CASE NO. CR18-1654

STATE OF NEVADA VS. LUIGY RICHARD LOPEZ-DELGADO

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/13/2018
HON. JEROME M.
POLAHA
DEPT. NO. 3
G. Bartlett
(Clerk)
J. Dotson
(Reporter)

MOTION TO SET TRIAL/ARRAIGNMENT ON SECOND
AMENDED INFORMATION

Deputy D.A. Nickolas Graham represented the State.
Defendant present with counsel, Marc Picker, Deputy Alternate P.D.
Probation Officer, Barbara Kelly, also present.
Counsel Picker addressed the Court and stated that negotiations had been reached and the matter will proceed with arraignment and the motion to set trial is moot; SO ORDERED.
TRUE NAME: LUIGY RICHARD LOPEZ-DELGADO. Defendant handed a copy of the Information; waived formal reading; waived time in which to enter a plea and plead Guilty to Statutory Sexual Seduction by Person Age 21 or Older, Possess Visual Pornography of Person Under Age 16, First Offense and Lewdness With Child Older Than 14, as charged in Counts II, IV and VI of the Second Amended Information.
Counsel for Defendant stated plea negotiations to the Court. The Clerk swore in the Defendant for the Court's canvass, Court interrogated the Defendant and informed him of his rights and stated the possible penalties thereto.
Counsel for State stated elements of the charge he was prepared to prove at the time of trial.
Court made finding that the Defendant is aware of his rights and knowingly waives them, that there is a factual basis for the entry of plea and the Court accepts the plea and enters a formal finding of guilt on the record.
Respective counsel requested P.S.I. report.
COURT ORDERED: Matter continued for entry of judgment and imposition of sentence.
Counsel for Defendant requested the matter be set for a bail hearing; SO ORDERED.
Defendant remanded to the custody of the Sheriff.

12/20/18
9:00 a.m.
Sentencing

3/14/19
9:00 a.m.
Sentencing

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2018-12-17 11:48:19.067.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-17 11:48:19.098.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-17 11:48:19.707.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
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-

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

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

12-17-2018:11:45:05

Clerk Accepted:

12-17-2018:11:47:20

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk GBartlett

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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:

MARC P. PICKER, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO (TN)

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

CODE 2650
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
(775) 328-3200
Attorney for State of Nevada

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

_____ /

OPPOSITION TO DEFENDANT'S MOTION FOR BAIL REDUCTION

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney of Washoe County, and NICKOLAS J. GRAHAM, Deputy District Attorney, and moves this Honorable Court for an Order denying the Defendant's Motion for Bail Reduction. This Opposition is based upon the following Points and Authorities, all papers and pleadings on file herein, and any oral arguments to be presented to this Court.

///

///

POINTS AND AUTHORITIES**STATEMENT OF THE CASE**

Luigi Richard Lopez-Delgado (hereinafter "the Defendant") stands before this court having pled guilty to Count II. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR OLDER, a violation of NRS 200.368(1), a category B felony, COUNT IV. POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16, FIRST OFFENSE, a violation of NRS 200.730(1), a category B felony, and COUNT IV. LEWDNESS WITH CHILD OLDER THAN 14, a violation of NRS 201.230(3) a category B felony, from a SECOND AMENDED INFORMATION filed on December 11, 2018. Count I. STATUTORY SEXUAL SEDUCTION BY PERSON AGE 21 OR OLDER, a violation of NRS 200.368(1) a category B felony, Count III. USE OR PERMIT MINOR, UNDER AGE 18, TO PRODUCE PORNOGRAPHY, a violation of NRS 200.710(1), a category A felony, Count V. LEWDNESS WITH CHILD OLDER THAN 14, a violation of NRS 201.230(3), a category B felony, 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(4)(a), a category B felony, and COUNT VIII., ATTEMPTING TO PREVENT OR DISSUADE A WITNESS FROM TESTIFYING, a violation of NRS 199.230, a gross misdemeanor, will be dismissed by the State at sentencing. Sentencing is scheduled for March 14, 2019.

STATEMENT OF THE FACTS

In early December of 2017, victim H.T. disclosed during a criminal investigation that she had a sexual relationship with a 23 to 24 year old man by the name of "Luigi Delgado." H.T. described meeting him on a dating application named "MeetMe" a couple months before.

H.T. and the Defendant then began communicating via Facebook Messenger. H.T. admitted to sending him naked photographs and leaving her residence to meet with him coordinated through Facebook Messenger. The Defendant drove H.T. to his residence of 228 East 8th Avenue, and they entered an RV parked near the front of the residence and engaged in sexual intercourse. H.T. estimated they had sex six or seven times but disclosed with particularity five individual events. H.T. stated she told the Defendant she was 14 before she engaged in sexual intercourse with him and she knew he was 23 or 24 years old.

H.T.'s grandmother and legal guardian took away H.T.'s cellular phone. H.T.'s grandmother gave the phone to her daughter and son-in-law to examine. Her daughter searched the phone and found evidence corroborating the fact that H.T. was communicating with a person identified as Luigi Delgado on Facebook Messenger. The messages described H.T. sneaking out of the residence to meet the Defendant, talking about sexual intercourse, and several nude photos of H.T.'s genitals H.T. had sent to the Defendant. The Defendant also had sent a pornographic image to H.T. of two people having intercourse.

Det. Dickson, from the Washoe County Sheriff's Office, received permission from H.T.'s grandmother to search H.T.'s cellular phone. He confirmed the descriptions of the communications to the Defendant from H.T. Det. Dickson discovered three different times where the Defendant encouraged and directed H.T. to send pornographic images of herself to him. During those three occasions, the Defendant made nine different requests for the pornography. The Defendant received and possessed a total of 18 pornographic images from H.T.

Also, there was an occasion where the Defendant lured H.T. out of her residence to engage in sexual intercourse. H.T. asked the Defendant if they were "dating" or just "fuck buddies". The Defendant responded by saying H.T. was too "young" to date, but that he still wanted her. The defendant told H.T. she would have to be 16 before they could date. H.T. responded by saying she would turn 15 in two months and then they would have to wait one more year.

On December 26, 2017, (13 days after being arrested) the Defendant mailed a post card from jail to H.T.'s grandmother. The Defendant stated in the post card that he was "wrongfully accused" and asked "for you guys to help me get these charges dismissed." The Defendant states his "whole life and future is on the line" and that he has "a daughter and was in the process of enlisting into the military but with these charges I won't be able to." The Defendant asks "can you please not show to court."

On January 23, 2018, while Det. Dickson served a seizure order for the Defendant's DNA the Defendant said he had additional information regarding the investigation. Det. Dickson recorded the conversation and read him his Miranda Rights before asking any questions. The Defendant stated he understood his rights and agreed to speak with Det. Dickson. The Defendant provided additional information regarding the investigation and, in the process, admitted to writing the aforementioned postcard and sending it to the victim.

On June 4, 2018, Criminalist Brittney Chilton completed a written report on evidence examined and the results from the examination. One of the items examined was a large cushion from the

Defendant's RV parked in front of his mother's house, where H.T. stated the majority of the sexual encounters occurred. On that large cushion was a small and large stain. The report relayed the following:

Comparison of DNA profiles showed the DNA profile obtained from the "H.T." reference sample to be the same as the female DNA profile obtained from the epithelial fraction of the smaller stain. The estimated frequency of this matching DNA profile is approximately 1 in 21.66 octillion (21.66×10^{27}) individuals. Based upon these results, it is reasonable to conclude that "H.T." is the source of this DNA profile.

Comparison of DNA profiles showed the DNA profile obtained from the Luigi Lopez-Delgado reference sample to be the same as the DNA profile obtained from each of the sperm fractions from the small stain and large stain. The estimated frequency of this matching DNA profile is approximately 1 in 1.218 octillion (1.218×10^{27}) individuals. Based upon these results, it is reasonable to conclude that Luigi Lopez-Delgado is the source of these DNA profiles. The profile obtained from the sperm fraction of the small stain was searched against the Combined DNA Index System (CODIS) with no unknown matching profile found.

ARGUMENT

Nevada Revised Statute 178.498 provides as follows regarding bail:

If the Defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:

///

///

///

1. The nature and circumstances of the offense charged;
2. The financial ability of the defendant to give bail;
3. The character of the defendant; and
4. The factors listed in NRS 178.4835.

Nevada Revised Statute 178.4853 provides as follows:

In deciding whether there is good cause to release a person without bail, the court as a minimum shall consider the following factors concerning the person:

1. The length of his residence in the community;
2. The status and history of his employment;
3. His relationships with his spouse and children, parents or other members of his family and with his close friends;
4. His reputation, character and mental conditions;
5. His prior criminal record, including any record of his appearing or failing to appear after release on bail or without bail;
6. The identity of responsible members of the community who would vouch for the defendant's responsibility;
7. The nature of the offense with which he is charged, the apparent probability of conviction and the likely sentence, insofar as these facts relate to the risk of his not appearing;
8. The nature and seriousness of the danger to any person or the community that would be posed by the person's release;
9. The likelihood of more criminal activity by the person after he is released; and
10. Any other factors concerning his ties to the community or bearing on the risk that he may willfully fail to appear.

On December 15, 2017, Justice of the Peace Jessica Longley set a reasonable bail after reviewing the probable cause declaration at \$201,000.00. The Court took into consideration that the Defendant was employed at Mathieson-Mail Sorting and at Labor Finders and made

approximately \$4,000.00 a month. On February 5, 2018, the State and previously appointed Defense Counsel filed with the Justice of the Peace Jessica Longley a Custody Change Request. Upon receipt, the Court lowered the Defendant's bail to \$80,000.00.

On September 24, 2018, the Defendant was bound over after a preliminary hearing, and bail was not reduced or increased.

The State understands that the Defendant has accepted responsibility by entering his guilty plea. However, the State cannot ignore that approximately two weeks after the Defendant's arrest; he contacted the victim's grandmother requesting her help in getting the charges dropped by not showing up to court.

The State is not persuaded by the Defendant's argument that he has stable employment or housing. The Defendant was working for his former employer, who he intends to return to, when he committed the instant offense. Similarly, the Defendant was living with his mother, the same person he intends to live with if able to make bail, when he committed the instant offense. Neither work, nor his living at his mother's residence curbed the Defendant's commission of the instant offences.

The State already agreed to a bail reduction before the preliminary hearing to \$80,000.00. Defendant is requesting the Court lower it again to \$20,000.00. A bail of \$20,000.00 amounts to approximately \$6,700.00 per count. Defendant has not pled guilty to simple drug charges or property crimes that might warrant such a bail. Rather, his crimes are severe. After the facts of the case were laid bare at the preliminary hearing, it seems that \$80,000.00 is still an

appropriate bail amount given that the crime is serious and the safety of an impressionable victim is paramount. The State respectfully requests this Court DENY the Defendant's motion for a bail reduction.

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 17th day of December, 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:

ALTERNATE PUBLIC DEFENDER
MARC PHILLIP PICKER ESQ.

Dated this 17th day of December, 2018

/s/CELINA GONZALEZ-VALENZUELA
CELINA GONZALEZ-VALENZUELA

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2018-12-17 16:07:44.441.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-17 16:07:44.738.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-17 16:07:45.034.

***** 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:

12-17-2018:14:49:56

Clerk Accepted:

12-17-2018:16:07:02

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Opposition to Mtn

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.

-

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

The following people were served electronically:

MARC P. PICKER, ESQ. for LUGY RICHARD
LOPEZ-DELGADO (TN)

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

Code: 3937

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

STATE OF NEVADA,

Plaintiff(s),

Case No. CR18-1654

vs

Dept. No. 3

LUIGY RICHARD LOPEZ-DELGADO

Defendant(s).

COURT NOTE – HEARING

This document does not contain the Social Security Number of any person.

Signature: _____



Print: Matt Scheiber

SJDC HEARING

☒ **IN CUSTODY**
(Check all that apply)

☐ **OUT OF CUSTODY**
(Check all that apply)

☐ **NSP INMATE**
(See Additional Case Notes below)

☒ **CURRENT CASE**

Charge(s): Statutory Seduction x2, Ledeness x2, see addition case notes

Bail \$ 80,000.00 ☐ Cash Only

☒ PS Supervision ☐ DAS Supervision ☐ No Supervision

☐ Conditions of Release: _____

☐ **TRAILING CASE**

Charge(s): _____

Court: _____ Case #: _____ Next Court Date/Time: _____

Bail \$ _____ ☐ Cash Only Charge Level: _____

☐ PS Supervision ☐ DAS Supervision ☐ No Supervision

☐ **ADDITIONAL/UNRELATED CASE(S)**

☐ Charge(s): _____ Top Charge: _____

☐ Local Court: _____ ☐ Outside Jurisdiction (Extraditable): _____

☐ Pre-adjudication ☐ Post-adjudication Must Release Date: _____

Bail \$ _____ ☐ Cash Only ☐ No Bail Hold

☐ Charge(s): _____ Top Charge: _____

☐ Local Court: _____ ☐ Outside Jurisdiction (Extraditable): _____

☐ Pre-adjudication ☐ Post-adjudication Must Release Date: _____

Bail \$ _____ ☐ Cash Only ☐ No Bail Hold

☐ Charge(s): _____ Top Charge: _____

☐ Local Court: _____ ☐ Outside Jurisdiction (Extraditable): _____

☐ Pre-adjudication ☐ Post-adjudication Must Release Date: _____

Bail \$ _____ ☐ Cash Only ☐ No Bail Hold

Additional Case Notes:

Possess visual Pornography of Person under the age of 16, first offense.

Lure or attempt to lure a child with use of computer Technology to engage in Sexual Conduct.

Attempt to Prevent or dissuade a Witness from Testifying.

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2018-12-18 12:38:34.891.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-18 12:38:34.922.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-18 12:38:34.938.

***** 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:

12-18-2018:12:37:26

Clerk Accepted:

12-18-2018:12:38:05

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

SJDC Hearing

Filed By:

Pretrial Off. MScheiber

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:

MARC P. PICKER, ESQ. for LUGY RICHARD
LOPEZ-DELGADO (TN)

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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 3860
2 MARC PICKER, BAR #3566
3 WASHOE COUNTY ALTERNATE PUBLIC DEFENDER
4 PO BOX 11130
5 RENO NV 89520
6 775-328-3955
7 ATTORNEY FOR DEFENDANT

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 THE STATE OF NEVADA,
11 Plaintiff,

Case No. CR18-1654

12 vs.

13 LUIGI RICHARD LOPEZ-DELGADO,
14 Defendant.

Dept. No. 3

15 REQUEST FOR SUBMISSION

16 COMES NOW, Defendant, LUIGI RICHARD LOPEZ-DELGADO, by and through the
17 Washoe County Alternate Public Defender's Office and his counsel, Marc Picker, Alternate Public
18 Defender, and hereby requests that **MOTION FOR BAIL REDUCTION** that was filed on
19 December 13, 2018, be submitted.

20 AFFIRMATION PURSUANT TO NRS 239B.030

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

23 Dated this 19th day of December, 2018.

24 MARC PICKER
25 Washoe County Alternate Public Defender

26 By: /s/ Marc Picker
MARC PICKER
Alternate Public Defender

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Washoe County Alternate Public Defender's Office, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, I will deposit for mailing in the U.S. Mails, with postage fully prepaid, or by interoffice mail, or by court-run delivery, or facsimile where indicated, or by electronic filing a true and correct copy of the foregoing document to the following:

Washoe County District Attorney's Office
Via E-filing

DATED this 19th day of December, 2018.

/s/ Randi Jensen
Randi Jensen

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2018-12-19 11:06:23.196.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-19 11:06:24.101.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-19 11:06:25.567.

***** 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:

12-19-2018:10:06:03

Clerk Accepted:

12-19-2018:11:05:18

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Request for Submission

Filed By:

Marc Picker

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:

MARC P. PICKER, ESQ. for LUGY RICHARD
LOPEZ-DELGADO (TN)

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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 No. 4185

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6

IN THE SECOND JUDICIAL DISTRICT COURT

7

OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

8

THE HONORABLE JEROME M. POLAHA, DISTRICT JUDGE

9

-oOo-

10

STATE OF NEVADA,)

11

Plaintiff,)

12

vs.)

Case No. CR18-1654

13

LUIGY RICHARD)

Dept. No. 3

14

LOPEZ-DELGADO,)

15

Defendant.)

16

17

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TRANSCRIPT OF PROCEEDINGS

19

ARRAIGNMENT

20

THURSDAY, NOVEMBER 1ST, 2018; 9:00 A.M.

21

RENO, NEVADA

22

23

Joan Dotson, NV CSR #102

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A P P E A R A N C E S

For the State: Washoe County District Attorney
BY: NICKOLAS GRAHAM
Deputy District Attorney
P.O. Box 30083
Reno, Nevada 89520

For the Defendant: Washoe County Public Defender
BY: JAY SLOCUM
Deputy Public Defender
350 South Center Street
5th Floor
Reno, Nevada 89502

1 THURSDAY, NOVEMBER 1ST, 2018; RENO, NEVADA

2 -oOo-

3 THE CLERK: The next case, your Honor, will be
4 Luigi Lopez, CR18-1654. Counsel, appearances, please.

5 MR. GRAHAM: Good morning, your Honor. Nick
6 Graham for the State.

7 MR. SLOCUM: Jay Slocum on behalf of Mr.
8 Lopez, who is present today in custody.

9 PAROLE & PROBATION: Miss Ford for the
10 Division.

11 THE COURT: We have two different names there.
12 What's his name?

13 MR. SLOCUM: Your Honor, there was an Amended
14 Information that was filed in this case. It was filed
15 this morning at 8:01 a.m. On that Amended Information
16 Mr. Lopez-Delgado indicates to me his true and correct
17 name is set forth at line 12. We are familiar with the
18 contents of the Amended Information and we'll waive a
19 formal reading.

20 My understanding is that today Mr. Lopez
21 Delgado desires to enter a guilty plea to the three
22 counts as alleged in the Amended Information that was
23 filed this morning.

24 In exchange for his plea of guilty, the State

1 and the defense are agreeing to stipulate to recommend at
2 sentencing a term of 48 to 120 months on Count I and
3 Count III and on Count II 28 to 72 months.

4 And the agreement is that all the counts will
5 run concurrent with one another. The State agrees not to
6 file any additional criminal charges resulting from the
7 arrest in the case and not pursue the other five counts
8 that were alleged in the original Information that was
9 filed in this case. If I may approach, your Honor, I do
10 have an executed Guilty Plea Memorandum.

11 MR. GRAHAM: That's a correct statement, your
12 Honor.

13 THE COURT: Thank you.

14 Mr. Lopez, you heard your lawyer, did you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Is that your signature? That's
17 how you sign your name?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. You did that today. Did
20 you read the document before you signed it?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Can you understand what you read?

23 THE DEFENDANT: Yes, sir. I believe it is all
24 correct. But there are hearsay laws so pretty much it's

1 over. So --

2 THE COURT: Well --

3 MR. SLOCUM: And I believe what Mr. Lopez
4 Delgado is referencing is that we had a preliminary
5 hearing in this case. The law allows for the State to
6 present only the interview from the victim in the case.
7 And so that was the evidence that was adduced at the
8 preliminary hearing.

9 THE COURT: But, if he is going to plead
10 guilty, he is accepting it, right?

11 MR. SLOCUM: He is accepting that. But I
12 believe that's -- when he is talking about the hearsay
13 laws, that's what he is referencing.

14 THE COURT: If you didn't do it, I don't want
15 you to plead. We'll give you a trial, as you heard. Let
16 the State try and prove all -- how many?

17 MR. SLOCUM: Eight.

18 THE COURT: Eight counts against you. That's
19 the way it works. If you are --

20 THE DEFENDANT: Under the hearsay law I
21 believe the trial will end up -- the worser punishment
22 than this.

23 THE COURT: All right.

24 Let me ask you this -- before I ask you, I'll

1 have you sworn in.

2 Mr. Clerk, if you swear him in please.

3 (At this time the defendant was sworn.)

4 THE COURT: In the guilty plea at the second
5 page there are set out your constitutional rights.

6 Like I indicated, you have a right to plead
7 not guilty. Make the State prove their case in front of
8 a jury. We call 12 people from the community. They
9 would have to convince each one of those 12 of your guilt
10 beyond a reasonable doubt before you would be convicted.

11 Okay. By pleading guilty, you are telling me
12 you want to give up your right to make the State prove
13 their case against you; and you would rather convict
14 yourself by your plea of guilty than have a jury convict
15 you. Is that accurate?

16 THE DEFENDANT: --

17 THE COURT: Now, consider this. It is your
18 life. Do you want to give up the jury trial right?

19 THE DEFENDANT: --

20 THE COURT: Do you want more time to talk to
21 your lawyer?

22 THE DEFENDANT: No.

23 THE COURT: No what?

24 THE DEFENDANT: --

1 THE COURT: I don't want to force you into
2 anything.

3 THE DEFENDANT: I'm going to take this. The
4 trial could end up worse because of the hearsay laws that
5 you guys have.

6 THE COURT: So do you want to give up the
7 trial right or no? I mean, hearsay is not admissible in
8 the trial.

9 MR. MacLELLAN: And, your Honor, if I may
10 just, to supplement the record, I didn't -- at the
11 preliminary hearing I didn't just press play on an
12 interview. I introduced his cellphone records as well as
13 DNA evidence in this case which was -- which
14 corroborated, you know, the testimony of the victim in
15 this case which was produced through the forensic
16 interview. So hearsay isn't what sunk Mr. Delgado. It
17 was his DNA evidence as well as the cellphone messages.

18 THE DEFENDANT: I was not in possession of any
19 count -- Count II.

20 THE COURT: It sounds to me like you want to
21 contest the charges.

22 THE DEFENDANT: Yes, sir.

23 MR. SLOCUM: Your Honor, we have spent a great
24 deal of time with this case. And we did have a

1 preliminary hearing. I have spent time with Mr. Lopez
2 Delgado. He has expressed to me he does not want to take
3 the risk of going to trial. He is facing a Category A
4 felony.

5 THE COURT: It sounds like it.

6 MR. GRAHAM: Right. And I took that off the
7 table for this negotiation.

8 MR. SLOCUM: There is a total of eight charges
9 that he is facing among which was a Category A that
10 carried a possible life sentence. My understanding is
11 that Mr. Lopez Delgado did not desire to contest the
12 charges because he could be convicted at trial of not
13 only more but more serious charges.

14 THE COURT: So, Mr. -- what do they call you,
15 Delgado or Lopez?

16 THE DEFENDANT: Lopez.

17 THE COURT: Mr. Lopez. What do you want to
18 do?

19 THE DEFENDANT: I mean, I already signed a --
20 I signed it. So --

21 THE COURT: Do you want to plead guilty or not
22 guilty?

23 THE DEFENDANT: --

24 THE COURT: You are facing an aggregate of

1 28 months to 120 months. From what I hear the charges
2 that will be revived carry, what, 20 to life?

3 MR. GRAHAM: It would be a five to life
4 because of the A felony.

5 MR. SLOCUM: But it is a total of I believe 30
6 to life with -- if we combine all of the charges that he
7 is --

8 THE COURT: You are talking years.

9 MR. SLOCUM: Correct.

10 MR. GRAHAM: Correct.

11 THE COURT: I was talking months. So what do
12 you want to do?

13 THE DEFENDANT: I'll plead guilty.

14 THE COURT: All right. Now, by pleading
15 guilty you are also giving up the right of confrontation.
16 And you saw that in the preliminary examination. Your
17 lawyer got to cross examine the witnesses that the State
18 brought against you.

19 And you are giving up your right to put on a
20 defense and use the subpoena power of the court to compel
21 the attendance of any defense witnesses that you might
22 have. And, once you give up these rights today, now,
23 they are gone. Do you understand that?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Let me ask you again: Is it your
2 intent to give up those constitutional rights?

3 THE DEFENDANT: -- yes, sir.

4 THE COURT: All right. Mr. Graham, the
5 elements please.

6 MR. GRAHAM: Thank you, your Honor.

7 As to Count I, statutory sexual seduction by
8 a person aged 21 or older, a violation of NRS 200.368.1,
9 a Category B felony, in that you, Luigi Richard Delgado,
10 on or between October 1st, 2017 and December 13th, 2017,
11 within the County of Washoe, State of Nevada, did
12 willfully and unlawfully, being over 21 years of age,
13 commit an act of statutory sexual seduction with the
14 person of H T, who was then and there under the age of
15 16 years, in that you engaged in an act of oral sexual
16 intercourse with said H T at or near 228 East 8th Avenue,
17 Sun Valley, Nevada.

18 Count II, possession of visual pornography of
19 a person under the age of 16, first offense, a violation
20 of NRS 200.730.1, a Category B felony, in that you, Luigi
21 Richard Lopez Delgado, on or between October 1st, 2017,
22 and December 13th, 2017 within the County of Washoe,
23 State of Nevada did knowingly, willfully and unlawfully
24 have in your possession for any purpose film, photograph

1 or other visual presentation depicting a person under
2 16 years as the subject of a sexual portrayal or engaging
3 in or stimulating or assisting others to engage in or
4 simulate sexual conduct in that you possessed nude
5 photographs of H T who was under the age of 16 at the
6 time the photograph was taken at 228 East 8th Avenue, Sun
7 Valley, Washoe County, Nevada.

8 As to Count III, lewdness with a child older
9 than 14, a violation of NRS 201.230.3, a Category B
10 felony, in that you, Luigi Richard Lopez Delgado, on or
11 between October 1st, 2017 and December 13th, 2017 within
12 the County of Washoe, State of Nevada did willfully,
13 unlawfully and lewdly commit any lewd or lascivious act
14 upon or with the body or any body part of H T, a female
15 child between the ages of 14 and 16 years at the time of
16 act was committed, in that you penetrated H T's mouth
17 with your penis with the intent of arousing, appealing to
18 or gratifying the lusts, passions or sexual desires of
19 yourself or the child at or near 228 East 8th Avenue, Sun
20 Valley, Washoe County, Nevada.

21 THE COURT: Thank you.

22 Mr. Lopez, were you listening to the District
23 Attorney recite those facts?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: And what he recited are the facts
2 that constitute the elements of the crimes that you are
3 charged with. He would have to prove that to the jury
4 that you gave up on. Do you admit those facts as
5 recited?

6 THE DEFENDANT: No, sir. I don't recall
7 any -- oral sexual contact with her. They had my
8 cellphone and there is no -- there is no pornography
9 found in my possession.

10 THE COURT: Well, you are telling me that you
11 have a defense to the charges. If you have a defense to
12 the charges, I'm not going to accept your plea.

13 So we'll enter a plea of not guilty and set
14 it for trial.

15 THE CLERK: We'll have to set this, your
16 Honor, for December 17th.

17 THE COURT: Did he invoke the 60-day rule?

18 MR. SLOCUM: He wants to stand silent. So he
19 is not going to waive it.

20 THE COURT: Then we'll do it December 17th.
21 All right.

22 THE CLERK: December 17th at 10:30 with a
23 Motion to Confirm December 4th at 9:00 a.m.

24 MR. GRAHAM: I'm sorry. December 17th at what

1 time?

2 THE CLERK: That will be 10:30 a.m.

3 THE COURT: I have Veteran's Court in the
4 morning. Is this your case?

5 MR. GRAHAM: It is, your Honor.

6 THE COURT: Are you both free December 17th.

7 MR. GRAHAM: I would have to check my
8 calendar, your Honor. I know that -- I am going to be
9 out of the jurisdiction and I don't recall exactly what
10 day I leave. So I'll have to check that.

11 MR. SLOCUM: And I'll make it happen, your
12 Honor.

13 THE CLERK: How many days for trial?

14 MR. SLOCUM: We can set it for four.

15 THE COURT: All right.

16 MR. GRAHAM: I'm sorry. The Motion to
17 Confirm?

18 THE CLERK: Motion to Confirm will be December
19 4th at 9:00 a.m.

20 MR. SLOCUM: Just so the record is clear about
21 this, we'll be going forward on the original Information?

22 THE COURT: That's up to the District
23 Attorney.

24 MR. GRAHAM: I'll refile.

1 MR. SLOCUM: I had talked to Mr. Graham
2 previously about that. That's -- we are all on the same
3 page that those would be the charges. I've advised
4 Mr. Lopez Delgado about that.

5 THE DEFENDANT: I just want to say I'm not
6 satisfied -- I am not satisfied with my counsel.

7 THE COURT: What's that?

8 THE DEFENDANT: I'm not satisfied with my
9 counsel, sir.

10 THE COURT: Then we'll have to have a Young
11 hearing. But he said you are standing silent and that
12 you -- I should consider that as you not giving up your
13 right to a speedy trial. That's why we set December 17th
14 as the trial date. You don't have to have it on
15 December 17th. You can have it within 60 days or you can
16 waive that. You can give up that right and we'll set it
17 at a different time. If I am going to get a new lawyer
18 for you and you are facing eight charges, some of which
19 carry life sentences, they are going to need more than a
20 couple weeks to prepare.

21 THE DEFENDANT: I'll waive it.

22 THE COURT: Then we'll have the hearing for
23 change of attorneys next week.

24 MR. SLOCUM: Okay.

1 MR. GRAHAM: Will we set trial after that?

2 THE COURT: Yes.

3 MR. GRAHAM: Okay.

4 THE CLERK: Let's see here, your Honor, can we
5 go out two weeks for the Young hearing? Is that
6 possible?

7 THE COURT: Sure.

8 THE CLERK: That will be November 15th and
9 we'll set this at the end of the calendar.

10 MR. SLOCUM: I have a hearing that morning
11 that's a sentencing that's set at 10:30 again at the end
12 of the calendar. So that's probably not going to work.

13 THE CLERK: Can we do a Friday, November 16th?

14 MR. SLOCUM: Unfortunately, not. I have a
15 prelim that day.

16 THE CLERK: How about November 15th in the
17 afternoon?

18 MR. SLOCUM: I can do November 15th in the
19 afternoon.

20 MR. GRAHAM: I can do that.

21 THE CLERK: That will be November 15th at two
22 o'clock.

23 MR. SLOCUM: Thank you.

24 THE COURT: If there is a change in the

1 interim, let me know.

2 MR. SLOCUM: Thank you, your Honor.

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5 (At this time the foregoing proceedings concluded.)

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1 STATE OF NEVADA)
2)
3 COUNTY OF WASHOE)
4

5 I, Joan Marie Dotson, Certified Shorthand
6 Reporter of the Second Judicial District Court of the
7 State of Nevada, in and for the County of Washoe, do
8 hereby certify:

9 That I was present in Department No. 3 of
10 the above-entitled Court and took stenotype notes of the
11 proceedings entitled herein, and thereafter transcribed
12 the same into typewriting as herein appears;

13 That the foregoing transcript is a full,
14 true and correct transcription of my stenotype notes of
15 said proceedings.

16 DATED: At Reno, Nevada, this 18th of
17 December, 2018.

18 /s/ Joan Marie Dotson

19 Joan Marie Dotson, CSR No. 102
20
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22
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24

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2018-12-23 05:20:46.379.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-23 05:20:46.41.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-23 05:20:46.426.

***** 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:

12-23-2018:05:19:41

Clerk Accepted:

12-23-2018:05:20:18

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Transcript

Filed By:

joan dotson

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

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-

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LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 Code No. 4185

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6

IN THE SECOND JUDICIAL DISTRICT COURT

7

OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

8

THE HONORABLE JEROME M. POLAHA, DISTRICT JUDGE

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-oOo-

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STATE OF NEVADA,)

11

Plaintiff,)

12

vs.)

Case No. CR18-1654

13

LUIGY RICHARD)

Dept. No. 3

14

LOPEZ-DELGADO,)

15

Defendant.)

16

17

18

TRANSCRIPT OF PROCEEDINGS

19

HEARING ON MOTION FOR NEW COUNSEL

20

THURSDAY, NOVEMBER 29TH, 2018; 2:00 P.M.

21

RENO, NEVADA

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Joan Dotson, NV CSR #102

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A P P E A R A N C E S

For the Plaintiff: Washoe County District Attorney
BY: NICKOLAS GRAHAM
Deputy District Attorney
P.O. Box 30083
Reno, Nevada 89520

For the Defendant: Washoe County Public Defender
BY: JAY SLOCUM
Deputy Public Defender
350 South Center Street
5th Floor
Reno, Nevada 89502

1 THURSDAY, NOVEMBER 29TH, 2018; RENO, NEVADA

2 -oOo-

3 THE COURT: Good afternoon. Be seated.

4 MR. SLOCUM: Good afternoon, your Honor.

5 THE COURT: Okay. This is CR18-1654, entitled
6 State versus Luigi Richard Lopez-Delgado.

7 And this is the time that was set for a Young
8 hearing; is that correct.

9 MR. SLOCUM: That's correct, your Honor. Jay
10 Slocum on behalf of Mr. Lopez-Delgado. He is present
11 today in custody.

12 MR. GRAHAM: That's correct, your Honor. Nick
13 Graham for the State.

14 THE COURT: Do we need an interpreter or no?

15 MR. SLOCUM: No.

16 THE COURT: Okay.

17 MR. SLOCUM: If the court is interested, I can
18 set up what my understanding is and then we can go from
19 there.

20 THE COURT: Okay.

21 MR. SLOCUM: Thank you.

22 THE COURT: Hang on a second. Go ahead.

23 MR. SLOCUM: Thank you, your Honor. So I've
24 spent a fair bit of time --

1 THE COURT: He can sit down.

2 MR. SLOCUM: I spent a fair bit of time, your
3 Honor, with Mr. Lopez-Delgado. The case has been pending
4 for quite a while.

5 During the course of --

6 THE COURT: Mr. Graham --

7 MR. SLOCUM: Yes, your Honor.

8 MR. GRAHAM: Thank you, your Honor. I'll be
9 outside.

10 THE COURT: Okay.

11 (Mr. Graham leaves the courtroom.)

12 MR. SLOCUM: And I would ask, your Honor, that
13 the Court would be cleared and that the record be sealed.
14 I was just going to set up what the situation is.

15 THE COURT: But these are his people I guess.

16 THE DEPUTY: Yes.

17 THE COURT: Wait a minute. They don't have to
18 leave.

19 THE DEPUTY: They are okay.

20 MR. SLOCUM: I was going to ask that the
21 record be sealed once I got to the point at which there
22 was a question about what our communication was.

23 THE COURT: Okay. I will give you that.

24 MR. SLOCUM: Thank you. So --

1 THE COURT: If you are going to talk about the
2 communications, then they can leave.

3 MR. SLOCUM: So initially what I was going to
4 do is set it up. But when you excused Mr. Graham I
5 thought, well, then let's just excuse everybody at this
6 point instead of waiting to ask.

7 So at this point I ask that everybody be
8 excused and that the record be sealed.

9 (The audience leaves.)

10 (The following proceedings are filed separately under
11 seal.)

12 (Mr. Graham enters the courtroom.)

13 MR. SLOCUM: I now have gotten Mr. Graham. I
14 would ask that that record be sealed.

15 THE COURT: It will be sealed.

16 MR. SLOCUM: Thank you.

17 THE COURT: Mr. Graham, we are going to have a
18 new lawyer come on to the case.

19 Who in your office is going to take it?

20 MR. GRAHAM: I'm going to keep it. I'm on it.

21 THE COURT: A little levity.

22 So get that. We'll do the order and then
23 we'll set it for a hearing and set the trial date and get
24 on with it.

1 MR. GRAHAM: Perfect.

2 MR. SLOCUM: Thank you, your Honor.

3 MR. GRAHAM: Thank you, your Honor.

4 THE CLERK: Your Honor, do you want to set a
5 hearing date right now for the motion to set trial?

6 THE COURT: We have to get the paperwork and
7 have it transferred over to the APD.

8 THE CLERK: I can set it three weeks out.

9 THE COURT: Three weeks out is a good one.

10 MR. GRAHAM: Court's indulgence.

11 THE CLERK: We can go out to December 18th at
12 9:00 a.m.

13 MR. GRAHAM: I'm going to be in Department
14 Eight on a murder case that morning. It shouldn't be --
15 I can probably hand it off.

16 THE CLERK: We can go December 13th?
17 December 20th?

18 THE COURT: Or the second week.

19 MR. GRAHAM: The 13th is perfect.

20 THE CLERK: December 13th at 9:00 a.m.

21 THE COURT: If you need to, tell them to put
22 you number one on the list and we can do it.

23 MR. SLOCUM: So December 13th.

24 THE CLERK: At 9:00 a.m.

1 MR. SLOCUM: At 9:00 a.m. Thank you.

2 THE COURT: So get that.

3 MR. SLOCUM: I'll take care of it, your Honor.

4 THE COURT: Okay.

5 MR. GRAHAM: Thank you.

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8 (At this time the foregoing proceedings concluded.)

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1 STATE OF NEVADA)
2)
3 COUNTY OF WASHOE)

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5 I, Joan Marie Dotson, Certified Shorthand
6 Reporter of the Second Judicial District Court of the
7 State of Nevada, in and for the County of Washoe, do
8 hereby certify:

9 That I was present in Department No. 3 of
10 the above-entitled Court and took stenotype notes of the
11 proceedings entitled herein, and thereafter transcribed
12 the same into typewriting as herein appears;

13 That the foregoing transcript is a full,
14 true and correct transcription of my stenotype notes of
15 said proceedings.

16 DATED: At Reno, Nevada, this 25th of
17 December, 2018.

18

19 /s/ Joan Marie Dotson

20 Joan Marie Dotson, CSR No. 102

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Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2018-12-25 12:57:57.771.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-25 12:57:57.786.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-25 12:57:57.817.

***** 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:

12-25-2018:12:56:56

Clerk Accepted:

12-25-2018:12:57:27

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Transcript - Partial

Filed By:

joan dotson

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LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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MARC PICKER, ESQ. - Notification received on 2018-12-26 08:23:27.205.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2018-12-26 08:23:27.236.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2018-12-26 08:23:27.252.

***** 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:

12-25-2018:12:57:39

Clerk Accepted:

12-26-2018:08:22:53

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Transcript - Sealed

Filed By:

joan dotson

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LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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IN THE SECOND JUDICIAL DISTRICT COURT

7

OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

8

THE HONORABLE JEROME M. POLAHA, DISTRICT JUDGE

9

-oOo-

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STATE OF NEVADA,)

11

Plaintiff,)

12

vs.)

Case No. CR18-1654

13

LUIGY RICHARD)

Dept. No. 3

14

LOPEZ-DELGADO,)

15

Defendant.)

16

17

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TRANSCRIPT OF PROCEEDINGS

19

MOTION TO SET TRIAL

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THURSDAY, DECEMBER 13TH, 2018; 9:00 A.M.

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RENO, NEVADA

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Joan Dotson, NV CSR #102

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A P P E A R A N C E S

For the Plaintiff: Washoe County District Attorney
BY: NICKOLAS GRAHAM
Deputy District Attorney
P.O. Box 30083
Reno, Nevada 89520

For the Defendant: ALTERNATE PUBLIC DEFENDER
BY: MARC PICKER
Deputy Alternate Public Defender
350 South Center Street
6th Floor
Reno, Nevada 89502

1 THURSDAY, DECEMBER 13TH, 2018; RENO, NEVADA

2 -oOo-

3 THE CLERK: The next case, your Honor, will be
4 State of Nevada versus Luigi Lopez-Delgado, CR18-1654.
5 Counsel, appearances, please.

6 MR. PICKER: Good morning, your Honor. Marc
7 Picker on behalf of Mr. Lopez-Delgado.

8 MR. GRAHAM: Good morning, your Honor. Nick
9 Graham for the State.

10 MR. PICKER: We are in receipt of the Second
11 Amended Information that was filed on December 11th,
12 2018.

13 Mr. Luigi Richard Lopez-Delgado's name is
14 celled correctly at line 12. That is his true and
15 correct name. We waive a formal reading and are familiar
16 with the contents.

17 Pursuant to negotiations this morning, Mr.
18 Delgado will be pleading guilty to Counts II, IV and VI
19 of that Second Amended Information, in exchange for which
20 the parties will stipulate to the following sentences to
21 be recommended to the Court.

22 On Count II it would be 48 to 120 months.

23 On IV it would be 28 to 72 months.

24 And on Count VI it would be 48 to 120 months

1 and that all counts would be run concurrent to one
2 another.

3 The State would be dismissing all the
4 remaining charges, would not file any additional criminal
5 charges resulting from the arrest in this case. And I
6 believe that's -- that's it for that.

7 THE COURT: Do you have an executed -- you may
8 approach. I did that in federal court once and Judge
9 Thompson said 'no' in front of a jury. So --

10 MR. PICKER: I think your Honor and I have had
11 that discussion before, probably before you took the
12 bench. We might have had different opinions.

13 THE COURT: Mr. Lopez, you heard your lawyer.
14 Is that your understanding of what you'll be doing this
15 morning?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And he just handed me the signed
18 Guilty Plea Memorandum. I think it that's your
19 signature?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Can you read and understand
22 English?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And having read this document, do

1 you have any questions about anything that's contained in
2 it?

3 THE DEFENDANT: No, sir.

4 THE COURT: Do you understand that, if you
5 plead guilty, there will be no trial?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You will not be able to confront
8 your accusers, which is one of your constitutional
9 rights.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you will not be able to put on
12 a defense and use the subpoena power of the court to
13 bring in any defense witnesses that you might have. Do
14 you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. And is that what you
17 want to do?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Mr. Graham, the elements please.

20 MR. GRAHAM: Thank you, your Honor. Because I
21 filed that Second Amended Information, the Court will
22 note that that is all the underlying charges from the
23 Criminal Complaint. But for today's hearing would you
24 just like me to read Counts II, Count IV and Count VI?

1 THE COURT: Yes. That's what he is pleading
2 guilty to. Yes. Just those.

3 MR. GRAHAM: As to Count II, statutory sexual
4 seduction by a person aged 21 or older, that you, Luigi
5 Richard Lopez-Delgado, on or between October 1st, 2017,
6 on December 13th, 2017, within the County of Washoe,
7 State of Nevada did willfully and unlawfully, being over
8 21 years of age, commit an act of statutory sexual
9 seduction with the person of H T, who was then and there
10 under the age of 16 years in that you engaged in an act
11 of vaginal sexual intercourse with H T at or near 228
12 East Eighth Avenue, Sun Valley, Washoe County Nevada.

13 As to Count IV, possession of visual
14 pornography of a person under 16, in that you, Luigi
15 Richard Lopez-Delgado, between October 1st, 2017, and
16 December 13th, 2017, within the County of Washoe, State
17 of Nevada, did knowingly, willfully and unlawfully have
18 in your possession for any purpose film, photograph or
19 other visual presentation depicting a person under
20 16 years as a subject of sexual portrayal or engaging in
21 a simulation or assisting others to engage or to simulate
22 sexual conduct in that you possessed nude photographs of
23 H T, who was under of age of 18 at the time the
24 photograph was taken, at 228 East Eighth Avenue, Sun

1 Valley, Washoe County, Nevada.

2 As to Count VI, lewdness with a child older
3 than 14, in that you, Luigi Richard Lopez-Delgado,
4 between October 1st, 2017, on December 13th, 2017, within
5 the County of Washoe, State of Nevada did willfully,
6 unlawfully and lewdly commit any lewd or lascivious act
7 on or with the body or any body part of H T, a female
8 child between the ages of 14 and 16 years at the time the
9 act was committed, penetrated H T's vagina with his penis
10 with the intent of rousing to or gratifying the lusts,
11 passions or sexual desires of yourself or the child at or
12 near 228 East Eighth Avenue, Sun Valley, Washoe County,
13 Nevada.

14 THE COURT: All right. Thank you. Mr. Clerk,
15 would you swear in the defendant please?

16 (Defendant sworn.)

17 THE COURT: Mr. Lopez-Delgado, the District
18 Attorney recited the facts that constitute the elements
19 of the crimes with which you were charged. Were you
20 listening to them?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And as recited by the District
23 Attorney, do you admit those facts?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Let me ask you
2 formally, to the charge that is set out in Count II of
3 the Second Amended Information, statutory sexual
4 seduction by a person aged 21 years or older, a Category
5 B felony, what is your plea?

6 THE DEFENDANT: Guilty.

7 THE COURT: To the charge set out in Count IV,
8 possession of visual pornography of a person under the
9 age of 16, first offense, Category B felony, what is your
10 plea?

11 THE DEFENDANT: Guilty.

12 THE COURT: Count VI, lewdness with a child
13 older than 14, a Category B felony, what is your plea?

14 THE DEFENDANT: Guilty.

15 THE COURT: All right. As you heard, the
16 statutory sexual seduction -- or as you read in the plea
17 memorandum -- is a crime for which the punishment is 1 to
18 10 years in the Nevada State Prison. You could also be
19 fined up to \$10,000.

20 The crime for possession of visual
21 pornography is punishable by a period of imprisonment of
22 1 to 6 years. And, if you are seeking probation on any
23 of these, you will need a psychosexual evaluation
24 certifying that you are not a high risk to re-offend.

1 And you could also be fined up to \$5,000. And if I
2 didn't say the \$10,000 fine for the statutory sexual
3 seduction, that is part of it. And you'll be required to
4 register as a sexual offender.

5 And for the lewdness with a child over the
6 age -- older than 14, the statutory punishment is a
7 period of imprisonment of 1 to 10 years. And you could
8 be fined up to \$10,000. You will need a psychosexual
9 evaluation for that. And you'll be on lifetime
10 supervision pursuant to NRS 176.093(1). And you'll also
11 have to register as a sex offender after you get out of
12 prison, if you go to prison.

13 Do you have any questions about any of that?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Now, you are entering
16 a plea of guilty. You are giving up your right to have a
17 trial and have the State convince 12 people of your guilt
18 beyond a reasonable doubt.

19 You are convicting yourself by your pleas of
20 guilty. And you indicated that that's what you want to
21 do. Is that accurate?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. At page two, paragraph
24 four, it says you understand the charges against you and

1 the elements of the offense which the State would have to
2 prove beyond a reasonable doubt. Is that an accurate
3 statement?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Now, as far as the
6 negotiated sentences that you heard your lawyer say for
7 each of those crimes, do you understand that I was not
8 party to those negotiations? I do not have to follow
9 them?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that? At page
12 six, paragraph 11 -- you don't have that in front of you.

13 But, in any event, it says, "You understand
14 and agree that pursuant to the terms of the plea
15 agreement any counts which are dismissed and any other
16 cases charged or uncharged which are either to be
17 dismissed or pursued may be considered by the Court at
18 the time of sentencing." Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: At page seven, paragraph 12 it
21 says, "I have discussed the charges, the facts and the
22 possible defenses with my attorney." Is that a true
23 statement?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: "All of the foregoing rights,
2 waiver of rights, elements, possible penalties and
3 consequences have been carefully explained to me by my
4 attorney."

5 Is that a true statement?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: "My attorney has not promised me
8 anything not mentioned in this plea memorandum. In
9 particular my attorney has not promised I will get any
10 specific sentence." Is that true?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: "I am satisfied with my counsel's
13 advice and representation leading to this resolution of
14 my case. I am aware that if I am not satisfied I should
15 advise the Court at this time."

16 Now, you were not satisfied with your prior
17 attorney. And you told the Court and you got a new
18 attorney. Are you satisfied with Mr. Picker or his
19 staff's representation?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: It says, "I believe entering my
22 plea is in my best interest and that going to trial is
23 not in my best interest."

24 Is that an accurate statement?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Your attorney advised you that, if
3 you wish to appeal, it has to be filed within 30 days of
4 judgment. Are you an American citizen?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. Paragraph 14 says, "I
7 offer my plea freely, voluntarily, knowingly and with
8 full understanding of all matters set forth in the Second
9 Amended Information and in this plea memorandum. I have
10 read the plea memorandum completely and I understand
11 everything contained within it." Is that a true
12 statement?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Then it says, "My plea of guilty
15 is voluntary and is not the result of any threats,
16 coercion or promises of leniency." Is that a true
17 statement?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: It says you signed the plea
20 memorandum voluntarily with the advice of counsel under
21 no duress, coercion or promises of leniency. Is that a
22 true statement?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. And nobody told you

1 how to answer these questions, right?

2 THE DEFENDANT: No, sir.

3 THE COURT: These are your answers?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Mr. Lopez, one of the
6 constitutional rights that you have is the right to be
7 represented by competent counsel. Mr. Picker is standing
8 there with you. Was he the attorney that saw you after
9 you got the new attorney?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Are you satisfied with
12 his advice and counsel?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Did he promise you anything to get
15 you to plead?

16 THE DEFENDANT: No, sir.

17 THE COURT: Are you pleading guilty because in
18 truth and in fact you are guilty of these crimes?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. Tell me, what did you
21 do as far as the statutory sexual seduction is concerned?
22 Are you over 21?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And what did you do?

1 THE DEFENDANT: I engaged in sex with her.

2 THE COURT: Engaged in sex with what?

3 THE DEFENDANT: With her.

4 THE COURT: How old is she?

5 THE DEFENDANT: She is 15.

6 THE COURT: All right. Possess visual
7 pornography of a person under the age of 16. What did
8 you do there?

9 THE DEFENDANT: I possessed -- visual --

10 THE COURT: What did they depict?

11 THE DEFENDANT: Pornography.

12 THE COURT: I can't --

13 THE DEFENDANT: Nudity.

14 MR. PICKER: He said nudity.

15 THE COURT: Nudity. And lewdness with a child
16 older than 14, what did you do?

17 THE DEFENDANT: I engaged in sex with her.

18 THE COURT: Are you under the influence of
19 anything this morning?

20 THE DEFENDANT: Antidepressants.

21 THE COURT: And how do they affect you?

22 THE DEFENDANT: --

23 THE COURT: Do you understand what we are
24 doing?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you fully comprehend the
3 gravity of what it is that we are doing here?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you understand the potential
6 consequences based on your entry of guilty pleas to these
7 three charges; is that correct?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. And this is what you
10 want to do?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. The Court finds Luigi
13 Richard Lopez-Delgado is competent to enter pleas of
14 guilty. The Court finds that there are factual bases for
15 the Court to accept his pleas.

16 He does understand the constitutional rights
17 that he has and which he has given up. And I find that
18 he gave them up fully, knowingly, voluntarily and with
19 the advice of his lawyer. He understands the true nature
20 of the charges that have been filed against him and to
21 which he has pled. He understands the potential
22 punishments involved for convictions of these types.

23 And the Court finds the pleas that were
24 entered were entered freely, knowingly, voluntarily and

1 intelligently with the advice of his lawyer and the Court
2 does accept those pleas.

3 THE CLERK: Sentencing will be January 29th
4 --

5 MR. PICKER: Actually, your Honor, can we do
6 a sentencing a little further out? We would ask for
7 90 days. There are some other things that obviously need
8 to happen in a case like this.

9 THE CLERK: March 14th at 9:00 a.m.

10 MR. PICKER: And, your Honor, in addition, we
11 have agreed with the State we are going to file a motion
12 for reduction in bail. We would ask for a hearing next
13 Thursday. And we'll get the motion on file. That should
14 give the State sufficient notice to notify the victim.

15 MR. GRAHAM: That's correct, your Honor. They
16 asked me this morning and next Thursday should give me
17 time to contact them.

18 THE COURT: All right.

19 THE CLERK: That will be December 20th at
20 9:00 a.m.

21 MR. PICKER: Thank you, your Honor.

22

23 (At this time the foregoing proceedings concluded.)

24

1 STATE OF NEVADA)
2)
3 COUNTY OF WASHOE)
4

5 I, Joan Marie Dotson, Certified Shorthand
6 Reporter of the Second Judicial District Court of the
7 State of Nevada, in and for the County of Washoe, do
8 hereby certify:

9 That I was present in Department No. 3 of
10 the above-entitled Court and took stenotype notes of the
11 proceedings entitled herein, and thereafter transcribed
12 the same into typewriting as herein appears;

13 That the foregoing transcript is a full,
14 true and correct transcription of my stenotype notes of
15 said proceedings.

16 DATED: At Reno, Nevada, this 25th of
17 December, 2018.

18 /s/ Joan Marie Dotson

19 Joan Marie Dotson, CSR No. 102
20
21
22
23
24

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-01-02 12:23:16.013.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-01-02 12:23:16.044.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-01-02 12:23:16.059.

***** 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:

01-02-2019:12:22:04

Clerk Accepted:

01-02-2019:12:22:49

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Transcript

Filed By:

joan dotson

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:

MARC P. PICKER, ESQ. for LUGY RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 Code No. 4185

2

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6

IN THE SECOND JUDICIAL DISTRICT COURT

7

OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

8

THE HONORABLE JEROME M. POLAHA, DISTRICT JUDGE

9

-oOo-

10

STATE OF NEVADA,)

11

Plaintiff,)

12

vs.)

Case No. CR18-1654

13

LUIGY RICHARD)

Dept. No. 3

14

LOPEZ-DELGADO,)

15

Defendant.)

16

17

18

TRANSCRIPT OF PROCEEDINGS

19

MOTION FOR BAIL REDUCTION

20

THURSDAY, DECEMBER 20TH, 2018; 9:00 A.M.

21

RENO, NEVADA

22

23

Joan Dotson, NV CSR #102

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A P P E A R A N C E S

For the Plaintiff: Washoe County District Attorney
BY: NICKOLAS GRAHAM
Deputy District Attorney
P.O. Box 30083
Reno, Nevada 89520

For the Defendant: Alternate Public Defender
BY: MARC PICKER
Deputy Alternate Public Defender
350 South Center Street
6th Floor
Reno, Nevada 89502

1 THURSDAY, DECEMBER 20TH, 2018; RENO, NEVADA

2 -oOo-

3 THE CLERK: The next case, your Honor, will be
4 State of Nevada versus Luigi Lopez-Delgado, CR18-1654.
5 Counsel, appearances, please.

6 MR. PICKER: Good morning, your Honor. Marc
7 Picker on behalf of Mr. Lopez-Delgado, who is present.

8 MR. GRAHAM: Good morning, your Honor. Nick
9 Graham for the State.

10 PAROLE & PROBATION: Steve Em for the
11 Division.

12 THE COURT: Good morning. This is the time
13 set for bail reduction in this matter. And, let's see,
14 presently there is how much? \$80,000?

15 MR. PICKER: Correct, your Honor.

16 THE COURT: And you want to go down to
17 \$20,000?

18 MR. PICKER: Correct, your Honor.

19 THE COURT: All right. Mr. Graham, do you
20 have any objection to that?

21 MR. GRAHAM: I do, your Honor. Has the Court
22 had the opportunity to read my opposition?

23 THE COURT: Yes, I did.

24 MR. GRAHAM: Okay. I think I spelled it out

1 due to the severity of the charges. One of them that has
2 been dismissed pursuant to the Guilty Plea Memorandum was
3 the dissuading of the witness.

4 THE COURT: Yes.

5 MR. GRAHAM: I think \$20,000, as I
6 articulated, is approximately \$6,700 per count. I think
7 that's low given that the defendant is going to be
8 serving -- or has stipulated to serve 4 to 10 years. He
9 has over a year now of time in county that -- but one of
10 the crimes occurred while he was in jail. Based on that
11 I think that \$80,000 is appropriate.

12 THE COURT: All right. Mr. Picker, one of the
13 sections of the statute you cited in your motion, section
14 7 of 178.453, says the nature of the offense with which
15 he is charged, the apparent probability of conviction.
16 Well he convicted himself, right?

17 MR. PICKER: That's correct, your Honor. But
18 what we are asking is -- we are asking for the bail now
19 to reflect the charges he pled to. First of all, the
20 charges that the State just referred to, the dissuading a
21 witness, as the State has admitted, that's going to be
22 dismissed. So it is as if it doesn't exist for --
23 because it is merely an allegation at this point, which
24 the State has already agreed to dismiss.

1 There are two things that I wanted to
2 just emphasize. One is -- I don't think I put in
3 there -- but Mr. Lopez-Delgado has lived in Washoe County
4 for 24 years. So his residency here is almost his entire
5 life. His entire life is here in Washoe County except
6 for the daughter that is in Carson City. In addition,
7 your Honor, what I wanted to point out was --

8 THE COURT: Is he a citizen?

9 MR. PICKER: I'm sorry?

10 THE COURT: Is he a citizen.

11 MR. PICKER: Yes. So, your Honor, that -- and
12 I don't know if I mentioned that, but that as well. The
13 final thing, your Honor, he has admitted to his
14 culpability. But, if he runs now, if he goes on bail and
15 then he runs, he is facing some extremely severe
16 punishment.

17 First of all, the State gets to withdrawn
18 from the guilty plea and he goes forward on charges that
19 include that dissuading a witness -- they can resurrect
20 that -- as well as one that carries a possible life term
21 that is in the amended -- Second Amended Information.

22 So, given that, your Honor, the ratchet that
23 this court has is tremendous even more so because then
24 not only does -- is there a F.T.A. warrant but --

1 THE COURT: Racket or ratchet?

2 MR. PICKER: Ratchet. Thank you, your Honor.

3 And, in addition, your Honor, there is the idea that he
4 can be charged with another felony for doing the FTA
5 after he pled. So, your Honor, there is a number of
6 guarantees. And that's why on top of that I offered not
7 only Court Services supervision daily check-in but, if
8 your Honor feels that it is appropriate, G P S
9 monitoring, home -- home detention. However, you feel
10 -- whatever conditions you feel are necessary to protect
11 the community, Mr. Lopez-Delgado is more than willing to
12 comply with. With that I'll submit it.

13 (Counsel and the defendant confer.)

14 MR. PICKER: I'm sorry. One other thing, your
15 Honor, which Mr. Lopez-Delgado provided. He has never
16 had a problem finding temporary work. He already can go
17 back to work. Can go to work with S K Foods temporarily.
18 If your Honor -- even though it will be a fairly short
19 period of time -- 2, 3 months -- he is willing to be --
20 make every effort to be employed during that time as
21 well.

22 THE COURT: He is facing a minimum of ten
23 years, if I run them all consecutively, before parole
24 eligibility.

1 MR. PICKER: That's correct, your Honor. If
2 you do not -- if you decide not to follow the plea
3 agreement, you are correct. That's what it would be.

4 THE COURT: Okay. I'll reduce it to \$25,000
5 bondable.

6 MR. PICKER: Thank you, your Honor.

7 MR. GRAHAM: Your Honor, if I could be heard
8 as to the conditions of release?

9 THE COURT: Yes.

10 MR. GRAHAM: One of the conditions, I would
11 ask for no contact with the victim or victim's family.
12 Also no Internet access. That's a big one in this case.

13 THE COURT: Evidently court supervision. Do
14 they check on that stuff?

15 MR. GRAHAM: If the court orders it, they can.

16 THE COURT: All right. That will be the
17 order.

18 MR. PICKER: That's fine.

19 MR. GRAHAM: And then -- okay. I think that's
20 sufficient, thank you.

21 THE COURT: All right.

22 MR. PICKER: Thank you, your Honor.

23 (At this time the foregoing proceedings concluded.)
24

1 STATE OF NEVADA)
2)
3 COUNTY OF WASHOE)
4

5 I, Joan Marie Dotson, Certified Shorthand
6 Reporter of the Second Judicial District Court of the
7 State of Nevada, in and for the County of Washoe, do
8 hereby certify:

9 That I was present in Department No. 3 of
10 the above-entitled Court and took stenotype notes of the
11 proceedings entitled herein, and thereafter transcribed
12 the same into typewriting as herein appears;

13 That the foregoing transcript is a full,
14 true and correct transcription of my stenotype notes of
15 said proceedings.

16 DATED: At Reno, Nevada, this 7th of
17 January, 2019.

18 /s/ Joan Marie Dotson

19 Joan Marie Dotson, CSR No. 102
20
21
22
23
24

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-01-07 12:14:17.754.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-01-07 12:14:18.285.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-01-07 12:14:18.316.

***** 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:

01-07-2019:12:13:01

Clerk Accepted:

01-07-2019:12:13:39

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUIGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Transcript

Filed By:

joan dotson

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

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MARC P. PICKER, ESQ. for LUIGY RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

CASE NO. CR18-1654

STATE OF NEVADA VS. LUIGY RICHARD LOPEZ-DELSADO

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/20/18
HON. JEROME M.
POLAHA
DEPT. NO. 3
G. Bartlett
(Clerk)
J. Dotson
(Reporter)MOTION - BAIL REDUCTION

Deputy D.A. Nickolas Graham represented the State.
Defendant present with counsel, Marc Picker, Deputy Alternate PD.
Probation Officer, Steve Em, also present.
Counsel for Defendant addressed the Court and moved to reduce
the Defendant's bail to \$10,000 and submitted the matter on the
pleadings.
Counsel for State discussed the amount of bail for each count and
requested the bail be set at \$80,000.00
Counsel for Defendant discussed the ties to the community and
stated that the Defendant has no objection to Pretrial Services
supervising him while on bail.
COURT ORDERED: Motion to reduce bail is hereby granted. Bail
is set at \$25,000.00 bondable with Pretrial Services supervision
with conditions of no contact with the victim(s) and no internet
access.
Defendant remanded to the custody of the Sheriff.

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-02-11 11:03:37.473.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-02-11 11:03:37.504.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-02-11 11:03:37.536.

***** 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:

02-11-2019:11:01:53

Clerk Accepted:

02-11-2019:11:02:38

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk GBartlett

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MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)
DIV. OF PAROLE & PROBATION
NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-02-28 16:54:34.453.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-02-28 16:54:34.484.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-02-28 16:54:34.499.

***** 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:

02-28-2019:16:50:54

Clerk Accepted:

02-28-2019:16:54:01

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

PSI - Confidential

Filed By:

Div. of Parole & Probation

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

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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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-03-04 11:51:18.481.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-03-04 11:51:18.512.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-03-04 11:51:18.544.

***** 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:

03-04-2019:11:32:54

Clerk Accepted:

03-04-2019:11:48:52

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Evaluations

Filed By:

Marc Picker

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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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1
2 Code: 3937
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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 STATE OF NEVADA,

10 Plaintiff(s),

Case No. CR18-1654

11 vs

Dept. No. 3

12 LUIGY RICHARD LOPEZ-DELGADO
13

14 Defendant(s).
15 _____ /
16

17 COURT NOTE – HEARING
18

19 This document does not contain the Social Security Number of any person.
20
21

22 Signature: _____
23 _____

24 Print: KARLYE HUTCHINSON
25
26
27
28

SJDC HEARING

☒ **IN CUSTODY**
(Check all that apply)

☐ **OUT OF CUSTODY**
(Check all that apply)

☐ **NSP INMATE**
(See Additional Case Notes below)

☒ **CURRENT CASE**

Charge(s): SEE DOCKET

Bail \$ 25,000.00 ☐ Cash Only

☒ PS Supervision ☐ DAS Supervision ☐ No Supervision

☐ Conditions of Release: _____

☐ **TRAILING CASE**

Charge(s): _____

Court: _____ Case #: _____ Next Court Date/Time: _____

Bail \$ _____ ☐ Cash Only Charge Level: _____

☐ PS Supervision ☐ DAS Supervision ☐ No Supervision

☐ **ADDITIONAL/UNRELATED CASE(S)**

☐ Charge(s): _____ Top Charge: _____

☐ Local Court: _____ ☐ Outside Jurisdiction (Extraditable): _____

☐ Pre-adjudication ☐ Post-adjudication Must Release Date: _____

Bail \$ _____ ☐ Cash Only ☐ No Bail Hold

☐ Charge(s): _____ Top Charge: _____

☐ Local Court: _____ ☐ Outside Jurisdiction (Extraditable): _____

☐ Pre-adjudication ☐ Post-adjudication Must Release Date: _____

Bail \$ _____ ☐ Cash Only ☐ No Bail Hold

☐ Charge(s): _____ Top Charge: _____

☐ Local Court: _____ ☐ Outside Jurisdiction (Extraditable): _____

☐ Pre-adjudication ☐ Post-adjudication Must Release Date: _____

Bail \$ _____ ☐ Cash Only ☐ No Bail Hold

Additional Case Notes:

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-03-12 10:50:58.285.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-03-12 10:50:58.316.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-03-12 10:50:58.347.

***** 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:

03-12-2019:10:49:43

Clerk Accepted:

03-12-2019:10:50:27

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

SJDC Hearing

Filed By:

Pretrial Off. KHutchinson

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The following people were served electronically:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)
DIV. OF PAROLE & PROBATION
NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE 1930
2 MARC PICKER, BAR #3566
3 WASHOE COUNTY ALTERNATE PUBLIC DEFENDER
350 S. CENTER ST., 6TH FLOOR
4 RENO, NV 89501
(775) 328-3955
ATTORNEY FOR DEFENDANT

5
6
7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF WASHOE

9 THE STATE OF NEVADA,
Plaintiff,

CASE NO. CR18-1654

10 vs.

11 LUIGI RICHARD LOPEZ-DELGADO,
Defendant.

DEPT NO. 3

12 _____ /
13 **DOCUMENTS TO BE CONSIDERED AT SENTENCING**

14 COMES NOW, LUIGI RICHARD LOPEZ-DELGADO, named, by and through
15 counsel, Washoe County Alternate Public Defender, Marc Picker, and hereby files his
16 Documents to be Considered at Sentencing:

- 17
18 1) Letter from Rutilio Lopez;
19 2) Letter from Griselda Esparza.

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

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

23 DATED this 13th day of March, 2019.

24 MARC PICKER
25 Washoe County Alternate Public Defender

26 By: /s/ Marc Picker
MARC PICKER
Alternate Public Defender

March 11, 2019

To Whom It May Concern:

My name is Rutilio Lopez, I am Luigi Lopez' older brother. I am writing to you to attest that my brother is a good brother, son and most of all a good father. He took on full responsibility of my niece, his daughter, Emma Lopez, when her mom wouldn't. His concern now is that Emma's mom's family is not taking her to her checkups and eye care appointments. Luigi has tried to get me to contact her guardian but they have not been responsive and will not let us contact Emma. Luigi has been very good about taking Emma to all her checkups, cooking for her and making sure she ate healthy. Luigi had plans to enlist in the Army and he was also looking forward to getting a job at the Post Office. He has always stayed out of trouble and would spend time working on his cars.

Thank you for taking the time to read this and I hope you will find that my brother is not a bad guy.

Sincerely,

Rutilio Lopez

March 12, 2019

Honorable Judge

My name is Griselda Esparza,

I was born and raised In Reno Nevada. I'm currently living in Omaha Nebraska. I've been living here for about 2 years now. I work for Home Access and I just started working for them for about a month now. I'm a single mother to a wonderful 9 year old daughter named Aliyah. I've known Luigi for about 4 years now. I met Luigi thru a mutual friend on social media and we became really good friends. Luigi is different from anybody I know. He's a very earthy spiritual person and very to himself and that's another reason why we got along very well. We both enjoy being out in the outdoors and just being around nature. I guess that's why we became close friends as well. When we would be in the outdoors away from everyone looking at the nature that surrounded us we would talk about our life struggles and our dreams and what we wanted to do with our lives. What I really like about him is that he really wanted to make a difference and be somebody in life. He hated the thought of working for someone. He wanted to become his own boss. I always encouraged him to pursue his dreams so he could be a great father for his daughter Emma. Yeah like any other person he would get discouraged but I would tell him to never give up.

Luigi always talked about wanting to enlist in the Army and just the way he would talk to me about it I could see that was something he was very passionate about. My daughter and I grew lots of love for his daughter Emma. She's the sweetest little girl. Luigi would come over to my home so the girls could play together. I know Luigi loves his daughter very much. Luigi really wanted to get Emma's full custody but it was challenging for him, that's one of the main reasons he wanted to enlist in the Army to be a better father and be able to provide and be there for his daughter since Emma's mom isn't in the picture. That in its self would get him discouraged but I being a single mom know the struggle of being a parent and I would tell him not to give up and prove to himself that he can make a change and be the provider and the father Emma needed him to be. Luigi has been there for me in many ways and I couldn't be more grateful. It's only right for me to do the same. Luigi is a good man, father and friend.

Sincerely,

Griselda Esparza

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Washoe County Alternate Public Defender's Office, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, I have deposited for mailing in the U.S. Mail, with postage fully prepaid, or by interoffice mail, or by court-run delivery, or facsimile, or e-filing where indicated, a true and correct copy of the foregoing document to the following:

Washoe County District Attorney's Office
Via E-filing

Division of Parole and Probation
Via E-filing

DATED this 13th day of March, 2019.

/s/Randi Jensen
RANDI JENSEN

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-03-13 13:33:43.507.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-03-13 13:33:43.539.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-03-13 13:33:43.554.

***** 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:

03-13-2019:11:58:23

Clerk Accepted:

03-13-2019:13:33:14

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Letters ...

Filed By:

Marc Picker

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE 1930
2
3
4
5

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

9 STATE OF NEVADA,

10 Plaintiff,

11 Vs.

Case No. CR18-1654

12 Luigy Lopez-Delgado
13

Dept. No. 3

14 Defendant.
15

ACKNOWLEDGMENT BY DEFENDANT OF NRS 179D.460 AND NRS 176.0926

16 (PLEASE SEE ATTACHED DOCUMENT)
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Pursuant to NRS 176.0927(c), I have read and understand NRS 179D.460
And NRS 176.0926, and the requirements of registration have been explained to me.
Copies of these statutes have been provided to me.



Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-03-14 13:24:17.252.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-03-14 13:24:17.283.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-03-14 13:24:17.314.

***** 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:

03-14-2019:12:39:27

Clerk Accepted:

03-14-2019:13:23:52

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Other ...

Filed By:

Court Clerk GBartlett

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE 1850
2
3
4
5

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

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR18-1654

12 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

13 Defendant.
14 _____/

15 JUDGMENT OF CONVICTION

16 The Defendant, having entered a plea of Guilty, and no sufficient cause being
17 shown by Defendant as to why judgment should not be pronounced against him, the
18 Court rendered judgment as follows:

19 That Luigy Richard Lopez-Delgado is guilty of the crimes of Statutory Sexual
20 Seduction by Person Age 21 or Older, a violation of NRS 200.368.1, a category B felony, as
21 charged in Count II of Second Amended Information, Possess Visual Pornography of
22 Person Under Age 16, First Offense, a violation of NRS 200.730.1, a category B felony, as
23 charged in Count IV of the Second Amended Information and Lewdness With Child Older
24 than 14, a violation of NRS 201.230.3, a category B felony and that he be punished by
25 imprisonment in the Nevada Department of Corrections for a minimum term of 48 months
26 to a maximum term of 120 months, with credit for 456 days time served, as to Count II. As
27 to Count VI, the Defendant is punished by imprisonment in the Nevada Department of
28 Corrections for a minimum term of 28 months to a maximum term of 72 months, to run

1 consecutively to the sentence imposed in Count II. As to Count VI, the Defendant is
2 punished by imprisonment in the Nevada Department of Corrections for a minimum term
3 of 48 months to a maximum term of 120 months, to run concurrently with the sentence
4 imposed in Count IV.

5 It is further ordered that the aggregate sentence imposed is a minimum of 76
6 months with a maximum of 192 months.

7 It is further ordered that the Defendant pay the statutory Twenty-Five Dollar
8 (\$25.00) administrative assessment, that he pay the Three Dollar (\$3.00) administrative
9 assessment fee for obtaining a biological specimen and conducting a genetic marker
10 analysis test, that he pay a One Hundred Fifty Dollar (\$150.00) DNA testing fee and that
11 he pay a psychosexual evaluation fee in the amount of Nine Hundred Twelve Dollars and
12 Seventy-One Cents (\$912.71) to the Clerk of the Second Judicial District Court.


13 A special sentence of Lifetime Supervision shall commence after any period
14 of probation, or after any term of imprisonment, or after any period of release on parole.

15 It is further ordered that the fees shall be subject for removal from the
16 Defendant's books at the Washoe County Detention Facility and/or Nevada Department
17 of Corrections.

18 Any fine, fee or administrative assessment imposed upon the Defendant
19 today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada
20 Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or
21 assessments, collection efforts may be undertaken against him.

22 Dated this 14th day of March, 2019.

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JEROME M. POLAHA
DISTRICT JUDGE

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-03-15 14:55:12.364.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-03-15 14:55:12.395.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-03-15 14:55:12.426.

***** 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:

03-15-2019:14:51:50

Clerk Accepted:

03-15-2019:14:52:21

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Judgment of Conviction

Filed By:

Court Clerk GBartlett

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE 1850
2
3
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5

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

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR18-1654

12 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

13 Defendant.
14 _____/

15 CORRECTED JUDGMENT OF CONVICTION

16 The Defendant, having entered a plea of Guilty, and no sufficient cause being
17 shown by Defendant as to why judgment should not be pronounced against him, the
18 Court rendered judgment as follows:

19 That Luigy Richard Lopez-Delgado is guilty of the crimes of Statutory Sexual
20 Seduction by Person Age 21 or Older, a violation of NRS 200.368.1, a category B felony, as
21 charged in Count II of Second Amended Information, Possess Visual Pornography of
22 Person Under Age 16, First Offense, a violation of NRS 200.730.1, a category B felony, as
23 charged in Count IV of the Second Amended Information and Lewdness With Child Older
24 than 14, a violation of NRS 201.230.3, a category B felony and that he be punished by
25 imprisonment in the Nevada Department of Corrections for a minimum term of 48 months
26 to a maximum term of 120 months, with credit for 456 days time served, as to Count II. As
27 to *Count IV*, the Defendant is punished by imprisonment in the Nevada Department of
28 Corrections for a minimum term of 28 months to a maximum term of 72 months, to run

1 consecutively to the sentence imposed in Count II. As to Count VI, the Defendant is
2 punished by imprisonment in the Nevada Department of Corrections for a minimum term
3 of 48 months to a maximum term of 120 months, to run concurrently with the sentence
4 imposed in Count IV.

5 It is further ordered that the aggregate sentence imposed is a minimum of 76
6 months with a maximum of 192 months.

7 It is further ordered that the Defendant pay the statutory Twenty-Five Dollar
8 (\$25.00) administrative assessment, that he pay the Three Dollar (\$3.00) administrative
9 assessment fee for obtaining a biological specimen and conducting a genetic marker
10 analysis test, that he pay a One Hundred Fifty Dollar (\$150.00) DNA testing fee and that
11 he pay a psychosexual evaluation fee in the amount of Nine Hundred Twelve Dollars and
12 Seventy-One Cents (\$912.71) to the Clerk of the Second Judicial District Court.


13 A special sentence of Lifetime Supervision shall commence after any period
14 of probation, or after any term of imprisonment, or after any period of release on parole.

15 It is further ordered that the fees shall be subject for removal from the
16 Defendant's books at the Washoe County Detention Facility and/or Nevada Department
17 of Corrections.

18 Any fine, fee or administrative assessment imposed upon the Defendant
19 today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada
20 Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or
21 assessments, collection efforts may be undertaken against him.

22 Dated this 18th day of March, 2019,
23 nunc pro tunc March 14, 2019.

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JEROME M. POLAHA
DISTRICT JUDGE

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-03-18 13:52:37.666.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-03-18 13:52:37.682.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-03-18 13:52:37.713.

***** 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:

03-18-2019:13:51:29

Clerk Accepted:

03-18-2019:13:52:08

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Judgment Conviction-Corrected

Filed By:

Court Clerk GBartlett

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE 2315
2 Christopher J. Hicks
3 #7747
4 One South Sierra Street
5 Reno, NV 89501
6
7 (775) 328-3200
8

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE
12

13 * * *

14 THE STATE OF NEVADA,

15 Plaintiff,

16 v.

Case No.: CR18-1654

Dept. No.: D03

17 LUIGI RICHARD LOPEZ-DELGADO,
18 also known as
19 LUIGY RICHARD LOPEZ,
20 also known as
21 LUIGI LOPEZ,

22 Defendant.
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MOTION TO DISMISS COUNTS I, III, V, VII, AND VIII

27 COMES NOW, the State of Nevada, by and through CHRISTOPHER
28 J. HICKS, District Attorney of Washoe County, and NICKOLAS J. GRAHAM,
29 Deputy District Attorney, and moves the above-entitled Court to
30 dismiss the charges of COUNT I. STATUTORY SEXUAL SEDUCTION BY PERSON
31 AGE 21 OR OLDER, COUNT III. USE OR PERMIT A MINOR, UNDER AGE 18 TO
32 PRODUCE PORNOGRAPHY, COUNT V. LEWDNESS WITH CHILD OLDER THAN 14,
33 COUNT VII. LURE OR ATTEMPT TO LURE A CHILD WITH THE USE OF COMPUTER
34 TECHNOLOGY TO ENGAGE IN SEXUAL CONDUCT, and COUNT VIII. ATTEMPTING TO
35 PREVENT OR DISSUADE A WITNESS FROM TESTIFYING, filed against the

1 above-named defendant on December 11th, 2018 on the Second Amended
2 Information in this case 17-14504.

3 Said Motion for dismissal is predicated upon the plea
4 negotiations reached in this case and the defendant's plea of guilty
5 and judgment being entered as to COUNT II. STATUTORY SEXUAL SEDUCTION
6 BY PERSON AGE 21 OR OLDER, COUNT IV. POSSESS VISUAL PORNOGRAPHY OF
7 PERSON UNDER AGE 16, and COUNT VI. LEWDNESS WITH CHILD OLDER THAN 14.

8 AFFIRMATION PURSUANT TO NRS 239B.030

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

11 Dated this 28th day of March, 2019.

12 CHRISTOPHER J. HICKS
13 District Attorney
14 Washoe County, Nevada

15
16 By /s/ Nickolas J. Graham
17 NICKOLAS J. GRAHAM
18 10885
19 DEPUTY District Attorney
20
21
22
23
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CERTIFICATE OF SERVICE BY E-FILING AND/OR MAILED DOCUMENT

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 by using the ECF system which will send a notice of electronic filing and/or document will be mailed to the following:

ALTERNATE PUBLIC DEFENDER
MARC PHILLIP PICKER ESQ.

Dated this 28th day of March, 2019

/s/CELINA GONZALEZ-VALENZUELA
CELINA GONZALEZ-VALENZUELA

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-03-28 10:45:30.74.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-03-28 10:45:31.052.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-03-28 10:45:31.067.

******* 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:

03-28-2019:10:22:49

Clerk Accepted:

03-28-2019:10:43:41

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Motion

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.

-

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

The following people were served electronically:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE 3370
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5

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 Plaintiff,

CASE No. CR18-1654

11 v.

DEPT No. D03

12 LUIGI RICHARD LOPEZ-DELGADO,

13
14 Defendant.
15 _____/

16 ORDER

17 Based upon the Motion of the District Attorney filed
18 herein, and good cause appearing therefor,

19 IT IS HEREBY ORDERED that Counts I, III, V, VII, and VIII
20 of the Second Amended Information in case number CR18-1654 filed
21 against the above-named defendant on December 11th, 2018, be, and the
22 same hereby is dismissed.

23 DATED this 28th day of March, 2016.

24
25 
26 DISTRICT JUDGE

Return Of NEF**Recipients**

MARC PICKER, ESQ. - Notification received on 2019-03-28 14:42:56.392.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2019-03-28 14:42:56.408.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2019-03-28 14:42:56.439.

***** 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:

03-28-2019:14:41:28

Clerk Accepted:

03-28-2019:14:42:14

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Ord for Dismissal of Counts

Filed By:

Judicial Asst. JUlleseit

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE: 2515
2 MARC PICKER, BAR #3566
3 ALTERNATE PUBLIC DEFENDER'S OFFICE
4 350 S. CENTER ST., 6TH FLROO
5 RENO, NV 89501-2103
6 (775) 328-3955
7 ATTORNEY FOR DEFENDANT

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

12 THE STATE OF NEVADA,

13 Plaintiff,

14 v.

Case No. CR18-1654

15 LUIGY RICHARD LOPEZ-DELGADO.,

Dept. No. 3

16 Defendant.
17 _____/

18 **NOTICE OF APPEAL**

19 NOTICE IS HEREBY GIVEN that Defendant, LUIGY RICHARD LOPEZ-
20 DELGADO, hereby appeals to the Supreme Court of Nevada from the Judgment entered in this
21 case on March 18, 2019. This is a fast track appeal. NRAP 3C.

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

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

25 DATED this 29th day of March, 2019.

26 MARC PICKER
Washoe County Alternate Public Defender

By: /s/ Marc Picker
MARC PICKER
Alternate Public Defender

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **NOTICE OF APPEAL** to the following:

LUIGY RICHARD LOPEZ-DELGADO #1213684
NNCC
PO BOX 7000
CARSON CITY, NV 89702
Via U.S. Mail

CHRISTOPHER HICKS
WASHOE COUNTY DISTRICT ATTORNEY
Attn: Appellate Department
Via Electronic Filing

DATED this 29th day of March, 2019.

/s/ Randi Jensen
RANDI JENSEN

1 CODE: 1310
2 MARC PICKER, BAR #3566
3 ALTERNATE PUBLIC DEFENDER'S OFFICE
4 350 S. CENTER ST., 6TH FLOOR
5 RENO, NV 89501-2013
6 (775) 328-3955
7 ATTORNEY FOR DEFENDANT

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE
12

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

CASE NO. CR18-1654

16 LUIGY RICHARD LOPEZ-DELGADO,

DEPT NO. 3

17 Defendant.
18 /

19 **CASE APPEAL STATEMENT**

20 1. Appellant, LUIGY RICHARD LOPEZ-DELGADO, hereby files this Case
21 Appeal Statement;

22 2. This appeal is from the Judgment entered on March 18, 2019, by the Honorable
23 Jerome Polaha, District Court Judge;

24 3. The parties below were: (a) LUIGY RICHARD LOPEZ-DELGADO,
25 Defendant; and (b) THE STATE OF NEVADA, Plaintiff;

26 4. The parties herein are: (a) LUIGY RICHARD LOPEZ-DELGADO, Appellant;
and (b) THE STATE OF NEVADA, Respondent;

///

///

///

1 5. Counsel on appeal are:

2 MARC PICKER
3 Washoe County Alternate
4 Public Defender
5 350 S. Center St., 6th Flr
6 Reno, NV 89501-2103

 CHRISTOPHER HICKS
 Washoe County District Attorney

 NICHOLAS GRAHAM
 Deputy District Attorney
 1 S. Sierra St.
 Reno, Nevada 89501

7 6. Appellant, LUIGY RICHARD LOPEZ-DELGADO, was represented by
8 appointed counsel in District Court;

9 7. Appellant, LUIGY RICHARD LOPEZ-DELGADO, is represented by appointed
10 counsel in this appeal;

11 8. Not applicable;

12 9. An Information was filed in District Court on September 26, 2018;

13 10. On March 14, 2019, LUIGY RICHARD LOPEZ-DELGADO was sentenced by
14 the District Court. He was convicted of the crime of Statutory Sexual Seduction by Person Age
15 21 or Older, a violation of NRS 200.368.1, a category B felony, as charged in Court II, Possess
16 Visual Pornography of Person Under Age 16, First Offense, a violation of NRS 200.730.1, a
17 category B felony, as charge in Count IV, and Lewdness With Child Older than 14, a violation
18 of NRS 201.230.3, a category B felony, and,

19 11. This case has not previously been the subject of an appeal;

20 12. Not applicable;

21 13. Not applicable.

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AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 29th day of March, 2019.

MARC PICKER
Washoe County Alternate Public Defender

By: /s/ Marc Picker
MARC PICKER
Alternate Public Defender

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **CASE APPEAL STATEMENT** to the following:

LUIGY RICHARD LOPEZ-DELGADO #1213684
NNCC
P.O. BOX 7000
CARSON CITY, NV 89702
Via U.S. Mail

CHRISTOPHER HICKS
WASHOE COUNTY DISTRICT ATTORNEY
Attn: Appellate Department
Via Electronic Filing

DATED this 29th day of March, 2019.

/s/Randi Jensen
RANDI JENSEN

1 CODE: 3868
2 MARC PICKER, BAR #3566
3 ALTERNATE PUBLIC DEFENDER'S OFFICE
4 350 S. CENTER ST., 6TH FLR
5 RENO, NV 89501-2103
6 (775) 328-3955
7 Attorney for Defendant

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

12 THE STATE OF NEVADA,

13 Plaintiff,

14 v.

Case No. CR18-1654

15 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

16 Defendant.
17 /

18 **REQUEST FOR ROUGH DRAFT TRANSCRIPTS**

19 TO: JOAN DOTSON

20 LUIGY RICHARD LOPEZ-DELGADO, the Defendant above, requests the following
21 Rough Draft Transcripts be prepared in regard to these certain portions of the proceedings before
22 the District Court, as follows:

23 **December 13, 2018: Rough Draft Transcript of Proceedings: Arraignment**

24 **March 14, 2019: Rough Draft Transcript of Proceedings: Sentencing**

25 This Notice requests a transcript of only those portions of the District Court proceedings
26 that counsel reasonably, and in good faith, believes are necessary to determine whether appellate
issues are present.

Counsel recognizes that counsel must personally serve a copy of this Notice on both the
above-named reporter(s) and opposing counsel, and counsel further recognizes that the above-

1 named court reporter(s) has twenty (20) days from receipt of this Notice to both prepare and
2 submit the transcripts requested to counsel and the District Court.

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

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

6 DATED this 29th day of March, 2019.

7 MARC PICKER
8 Washoe County Alternate Public Defender

9 By: /s/ Marc Picker
10 MARC PICKER
11 Alternate Public Defender
12 Nevada Bar No. 3566
13 Washoe County Alternate Public Defender
14 350 S. Center St., 6th Flr
15 Reno, Nevada 89501-2103
16 (775) 328-3955
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **REQUEST FOR ROUGH DRAFT TRANSCRIPTS** to the following:

LUIGY RICHARD LOPEZ-DELGADO #1213684
NNCC
PO BOX 7000
CARSON CITY, NV 89702
Via U.S. Mail

JOAN DOTSON
COURT REPORTER
lazytj@sbcglobal.net
Via Electronic Mail

CHRISTOPHER HICKS
WASHOE COUNTY DISTRICT ATTORNEY
Attn: Appellate Department
Via Electronic Filing

DATED this 29th day of March, 2019.

/s/ Randi Jensen
RANDI JENSEN

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-03-29 10:47:28.35.
MARC PICKER, ESQ. - Notification received on 2019-03-29 10:47:28.303.
DIV. OF PAROLE & PROBATION - Notification received on 2019-03-29 10:47:28.381.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-03-29 10:47:28.413.

***** 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:

03-29-2019:10:43:02

Clerk Accepted:

03-29-2019:10:46:53

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Notice/Appeal Supreme Court

Filed By:

Marc Picker

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-03-29 10:48:37.006.
MARC PICKER, ESQ. - Notification received on 2019-03-29 10:48:36.959.
DIV. OF PAROLE & PROBATION - Notification received on 2019-03-29 10:48:37.022.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-03-29 10:48:37.053.

***** 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:

03-29-2019:10:45:46

Clerk Accepted:

03-29-2019:10:48:09

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Case Appeal Statement

Filed By:

Marc Picker

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-03-29 10:50:15.49.
MARC PICKER, ESQ. - Notification received on 2019-03-29 10:50:15.443.
DIV. OF PAROLE & PROBATION - Notification received on 2019-03-29 10:50:15.505.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-03-29 10:50:15.536.

***** 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:

03-29-2019:10:46:52

Clerk Accepted:

03-29-2019:10:49:41

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Req to Crt Rptr - Rough Draft

Filed By:

Marc Picker

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

Code 1350

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. CR18-1654
LUIGY RICHARD LOPEZ-DELGADO, Dept. No. 3
Defendant.
_____ /

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 29th day of March, 2019, I electronically filed the Notice of Appeal in the above entitle matter to the Nevada Supreme Court.

The Notice of Appeal contains sealed documents. I certify that I deposited in the Washoe County mailing system for postage and mailing in the United States Postal Service in Reno, Nevada, a copy of the sealed minutes addressed to the Nevada Supreme Court, 201 S. Carson Street, Suite 201, Carson City, Nevada 89701.

I further certify that the transmitted documents are true and correct copies of the original pleadings on file with the Second Judicial District Court.

Dated this 29th day of March, 2019.

Jacqueline Bryant
Clerk of the Court

By /s/Yvonne Viloría
Yvonne Viloría
Deputy Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-03-29 11:04:13.121.
MARC PICKER, ESQ. - Notification received on 2019-03-29 11:04:13.075.
DIV. OF PAROLE & PROBATION - Notification received on 2019-03-29 11:04:13.168.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-03-29 11:04:13.199.

***** 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:

03-29-2019:11:02:58

Clerk Accepted:

03-29-2019:11:03:40

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Certificate of Clerk

Filed By:

Deputy Clerk YViloria

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE: 2528
2
3
4

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7

8 STATE OF NEVADA,

9 Plaintiff,

Case No. CR18-1654

10 vs.

Dept. No. 3

11 LUIGI LOPEZ-DELGADO,

12 Defendant.
13 _____/

14 NOTICE OF DOCUMENT RECEIVED BUT NOT CONSIDERED BY THE COURT

15 TO: District Attorney's Office and Defense counsel:
16

17 Take notice that the attached document has been received unsolicited by the
18 Court. The Court has not reviewed the document. Further, the Court will not review the
19 document absent an affirmative request to do so from a party.

20 ///

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26 This document was considered by the Court only if initialed and dated by the
27 Judge below.
28

Date

Judges Initials

From Washoe County Jail
PLEASE RETURN BACK TO
THE COURTS OFFICE
ONCE COMPLETED

CR18-1654 D3

Inquiry

For 1720508: LUIGI LOPEZ-DELGADO WC H15 26 CPAN on 3/18/2019 9:59:09 AM
Dates and Times are presented in Pacific Time (US & Canada)

Issue ID: 14586516

Last Assigned to: None on 3/26/2019 9:19:38 AM

Last Status: Responded & Closed by CIV KANNISTO on 3/26/2019 9:19:38 AM

Courts

To Second judicial Reno District Court Dept 3, Polaha; this is regarding my sentencing, The only reason i went along with the plea deal was to get out of this sleazy jail and because nobody has won a sex case in trial under the hearsy laws. i dont recall sexual contact or pictures. I did not plan to argure expecting the 4to10 i stipulated to. since you gave me more, heres my grounds and defense for appeal; this so called victim was on a website and her profile said she was older than she was so i didnt intend to converse with a 15 year old girl. i was never found in possession of the pictures in this case, those pictures were found in the so called victims phone, my phone was taken and searched, none of those pictures or messages were found in my possession, ive had my phone stolen and a 3rd party could have easily been involved with those messages i dont recall sending, And theres no solid proof of sexual contact, its all "She said", MY DNA found in my RV does not prove sexual contact. she had told me she was raped beaten and threatened in Jan Evans by a staff member and NO investigation was was started regarding this, the sart rape kit test says she had blunt force trauma pointing to the exact time she was in jan evans (3rd party Sexual assault). Detectives stated she said she had lied about things thinking thats what wnted to be heard (Red flag grounds for cross examination). AGAIN I DO NOT RECALL sexual contact let alone to consenting, I WAS NOT FOUND IN POSSESSION of any pornography. theres no proof of me behind those messages but You guys have proof of her producing and distributing which she can be held accountable for in a higher court.

6 to 16 years for this Jerome? ill be institutionalized by then, you could have gave me a chance at probation but you chose to cost the state money, i see no honor in your judgement to warehouse and institutionalize humans instead of giving opportunity Jerome. FUCK YOU

Submitted by 1720508: LUIGI LOPEZ-DELGADO WC H15 26 CPAN on 3/18/2019 9:59:09 AM

Forwarded to Second Judicial District Court CR18-1654

Responded & Closed by CIV KANNISTO on 3/26/2019 9:19:38 AM

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-04-01 14:25:09.799.
MARC PICKER, ESQ. - Notification received on 2019-04-01 14:25:09.487.
DIV. OF PAROLE & PROBATION - Notification received on 2019-04-01 14:25:09.83.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-04-01 14:25:09.846.

***** 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:

04-01-2019:14:23:38

Clerk Accepted:

04-01-2019:14:24:25

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Not/Doc/Rc'd/Not/Cons/by Crt

Filed By:

Court Clerk GBartlett

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

LUIGY RICHARD LOPEZ-DELGADO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 78472
District Court Case No. CR181654

DB

RECEIPT FOR DOCUMENTS

TO: Washoe County Alternate Public Defender \ Marc Picker
Washoe County District Attorney \ Jennifer P. Noble
Jacqueline Bryant, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

04/03/2019 Appeal Filing Fee waived. Criminal. (SC)

04/03/2019 Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement and Notice of Briefing Schedule mailed to counsel for appellant.) (SC)

DATE: April 03, 2019

Elizabeth A. Brown, Clerk of Court
lh

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-04-04 11:41:49.109.
MARC PICKER, ESQ. - Notification received on 2019-04-04 11:41:48.438.
DIV. OF PAROLE & PROBATION - Notification received on 2019-04-04 11:41:49.702.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-04-04 11:41:50.045.

***** 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:

04-04-2019:11:39:24

Clerk Accepted:

04-04-2019:11:41:09

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Supreme Court Receipt for Doc

Filed By:

Deputy Clerk YViloria

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

3370

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

THE STATE OF NEVADA,
Plaintiff,

v.

Case No. CR18-1654

LUIGY RICHARD LOPEZ-DELGADO
Defendant.

Dept. No. 3

ORDER FOR ROUGH DRAFT TRANSCRIPTS

The Court, having reviewed Defendant's Request for Rough Draft Transcripts, and good cause appearing,

IT IS HEREBY ORDERED that the transcript requested in the Request for Rough Draft Transcripts, which was filed March 29, 2019, be provided to the Defendant.

DATED this 29th day of March, 2019.


DISTRICT JUDGE

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-04-04 14:49:27.623.
MARC PICKER, ESQ. - Notification received on 2019-04-04 14:49:27.592.
DIV. OF PAROLE & PROBATION - Notification received on 2019-04-04 14:49:27.654.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-04-04 14:49:27.685.

***** 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:

04-04-2019:14:48:31

Clerk Accepted:

04-04-2019:14:48:56

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. JUlleseit

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE: 3868
2 MARC PICKER, BAR #3566
3 ALTERNATE PUBLIC DEFENDER'S OFFICE
4 350 S. CENTER ST., 6TH FLR
5 RENO, NV 89501-2103
6 (775) 328-3955
7 Attorney for Defendant

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE
12

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

Case No. CR18-1654

16 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

17 Defendant.
18 _____/

19 **REQUEST FOR TRANSCRIPT OF PROCEEDINGS**

20 TO: JOAN DOTSON

21 Appellant requests preparation of a transcript of the proceedings before the district
22 court, as follows:

23 Department 3, Judge Polaha:

24 **December 13, 2018: Rough Draft Transcript of Proceedings: Arraignment, 1 copy**

25 **March 14, 2019: Rough Draft Transcript of Proceedings: Sentencing, 1 copy**

26 I hereby certify that on the 5th day of April, 2019, I ordered the transcripts listed above
from the court reporter named above. No deposit was required.

///

///

///

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 5th day of April, 2019.

MARC PICKER
Washoe County Alternate Public Defender

By: /s/ Marc Picker
MARC PICKER
Alternate Public Defender
Nevada Bar No. 3566
Washoe County Alternate Public Defender
350 S. Center St., 6th Flr
Reno, Nevada 89501-2103
(775) 328-3955

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **REQUEST FOR TRANSCRIPT OF PROCEEDINGS** to the following:

LUIGY RICHARD LOPEZ-DELGADO #1213684
NNCC
PO BOX 7000
CARSON CITY, NV 89702
Via U.S. Mail

JOAN DOTSON
COURT REPORTER
Dba4joan@gmail.com
Via Electronic Mail

CHRISTOPHER HICKS
WASHOE COUNTY DISTRICT ATTORNEY
Attn: Appellate Department
Via Electronic Filing

DATED this 5th day of April, 2019.

/s/ Randi Jensen
RANDI JENSEN

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-04-05 11:09:20.721.
MARC PICKER, ESQ. - Notification received on 2019-04-05 11:09:20.674.
DIV. OF PAROLE & PROBATION - Notification received on 2019-04-05 11:09:20.752.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-04-05 11:09:20.768.

***** 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:

04-05-2019:10:17:20

Clerk Accepted:

04-05-2019:11:08:51

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Req to Crt Rptr - Rough Draft

Filed By:

Marc Picker

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:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

1 CODE 1850
2
3
4
5

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

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR18-1654

12 LUIGY RICHARD LOPEZ-DELGADO,

Dept. No. 3

13 Defendant.
14 _____/

15 SECOND CORRECTED JUDGMENT OF CONVICTION

16 The Defendant, having entered a plea of Guilty, and no sufficient cause being
17 shown by Defendant as to why judgment should not be pronounced against him, the
18 Court rendered judgment as follows:

19 That Luigy Richard Lopez-Delgado is guilty of the crimes of Statutory Sexual
20 Seduction by Person Age 21 or Older, a violation of NRS 200.368.1, a category B felony, as
21 charged in Count II of Second Amended Information, Possess Visual Pornography of
22 Person Under Age 16, First Offense, a violation of NRS 200.730.1, a category B felony, as
23 charged in Count IV of the Second Amended Information and Lewdness With Child Older
24 than 14, a violation of NRS 201.230.3, a category B felony, *as charged in Count VI of the*
25 *Second Amended Information* and that he be punished by imprisonment in the Nevada
26 Department of Corrections for a minimum term of 48 months to a maximum term of 120
27 months, with credit for 456 days time served, as to Count II. As to *Count IV*, the Defendant
28 is punished by imprisonment in the Nevada Department of Corrections for a minimum

1 term of 28 months to a maximum term of 72 months, to run consecutively to the sentence
2 imposed in Count II. As to Count VI, the Defendant is punished by imprisonment in the
3 Nevada Department of Corrections for a minimum term of 48 months to a maximum term
4 of 120 months, to run concurrently with the sentence imposed in Count IV.

5 It is further ordered that the aggregate sentence imposed is a minimum of 76
6 months with a maximum of 192 months.


7 It is further ordered that the Defendant pay the statutory Twenty-Five Dollar
8 (\$25.00) administrative assessment, that he pay the Three Dollar (\$3.00) administrative
9 assessment fee for obtaining a biological specimen and conducting a genetic marker
10 analysis test, that he pay a One Hundred Fifty Dollar (\$150.00) DNA testing fee and that
11 he pay a psychosexual evaluation fee in the amount of Nine Hundred Twelve Dollars and
12 Seventy-One Cents (\$912.71) to the Clerk of the Second Judicial District Court.

13 A special sentence of Lifetime Supervision shall commence after any period
14 of probation, or after any term of imprisonment, or after any period of release on parole.

15 It is further ordered that the fees shall be subject for removal from the
16 Defendant's books at the Washoe County Detention Facility and/or Nevada Department
17 of Corrections.

18 Any fine, fee or administrative assessment imposed upon the Defendant
19 today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada
20 Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or
21 assessments, collection efforts may be undertaken against him.

22 Dated this 8th day of April, 2019,
23 nunc pro tunc March 14, 2019.

24
25
26 
27 JEROME M. POLAHA
28 DISTRICT JUDGE

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-04-08 15:57:27.571.
MARC PICKER, ESQ. - Notification received on 2019-04-08 15:57:27.524.
DIV. OF PAROLE & PROBATION - Notification received on 2019-04-08 15:57:27.602.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-04-08 15:57:27.617.

***** 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:

04-08-2019:15:55:20

Clerk Accepted:

04-08-2019:15:56:35

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Judgment Conviction-Corrected

Filed By:

Court Clerk GBartlett

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

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-

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The following people were served electronically:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

3370

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

THE STATE OF NEVADA,
Plaintiff,

v.

Case No. CR18-1654

LUIGY RICHARD LOPEZ-DELGADO
Defendant.

Dept. No. 3

ORDER FOR ROUGH DRAFT TRANSCRIPTS

The Court, having reviewed Defendant's Request for Rough Draft Transcripts, and good cause appearing,

IT IS HEREBY ORDERED that the transcript requested in the Request for Rough Draft Transcripts, which was filed March 29, 2019, be provided to the Defendant.

DATED this 29th day of March, 2019.


DISTRICT JUDGE

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-04-11 11:04:40.722.
MARC PICKER, ESQ. - Notification received on 2019-04-11 11:04:40.66.
DIV. OF PAROLE & PROBATION - Notification received on 2019-04-11 11:04:41.58.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-04-11 11:04:41.892.

***** 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:

04-11-2019:11:01:29

Clerk Accepted:

04-11-2019:11:02:59

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. JUlleseit

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The following people were served electronically:

MARC P. PICKER, ESQ. for LUIGI RICHARD
LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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

3370

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

THE STATE OF NEVADA,
Plaintiff,

v.

Case No. CR18-1654

LUIGY RICHARD LOPEZ-DELGADO
Defendant.

Dept. No. 3

ORDER FOR TRANSCRIPT OF PROCEEDINGS

The Court, having reviewed Defendant's Request for Transcript of Proceedings requesting the following:

- 1) Transcripts dated December 13, 2018: Rough Draft Transcript of Proceedings: Arraignment, and March 14, 2019: Rough Draft Transcript of Proceedings: Sentencing;
- 2) That the Defendant is Indigent;
- 3) That the transcripts be paid for by the Court.

Good cause appearing,

IT IS HEREBY ORDERED that the transcripts requested in the REQUEST FOR TRANSCRIPT OF PROCEEDINGS, which was filed April 5, 2019, be provided to the Defendant.

DATED this 18 day of April, 2019.


DISTRICT JUDGE

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-04-18 16:06:22.398.
MARC PICKER, ESQ. - Notification received on 2019-04-18 16:06:22.336.
DIV. OF PAROLE & PROBATION - Notification received on 2019-04-18 16:06:22.429.
NICKOLAS GRAHAM, ESQ. - Notification received on 2019-04-18 16:06:22.461.

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-

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

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

04-18-2019:16:05:09

Clerk Accepted:

04-18-2019:16:05:48

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS LUGY RICHARD LOPEZ-DELGADO
(TN)(D3)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. JUlleseit

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LOPEZ-DELGADO (TN)

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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1 4185

2

3

4

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

6 IN AND FOR THE COUNTY OF WASHOE

7 THE HONORABLE JEROME M. POLAHA, DISTRICT JUDGE

8 --o0o--

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR18-1654

11 vs.

Dept. No. 3

12 LUIGY RICHARD LOPEZ-DELGADO,

13 Defendant.

14 _____/

15

16 TRANSCRIPT OF PROCEEDINGS

17 SENTENCING

18 THURSDAY, MARCH 14, 2019

19

20

21

22

23

24 Reported by:

EVELYN J. STUBBS, CCR #356

A P P E A R A N C E S

For the State:

NICKOLAS J. GRAHAM, ESQ.
Deputy District Attorney
One South Sierra Street
Reno, Nevada

For the Defendant:

MARC PHILLIP PICKER, ESQ.
Deputy Alt. Public Defender
350 S. Center Street
Reno, Nevada

For the Division:

MORGAN BARNREITER

The Defendant:

LUIGY RICHARD LOPEZ-DELGADO

1 RENO, NEVADA; THURSDAY, MARCH 14, 2019; 9:44 A.M.

2 --o0o--

3
4 THE CLERK: The next case, Your Honor, is State versus
5 Luigi Lopez-Delgado, CR18-1654.

6 Counsel, appearances, please.

7 MR. GRAHAM: Good morning, Your Honor. Nick Graham for
8 the State.

9 MR. PICKER: Good morning, Your Honor. Marc Picker on
10 behalf of Mr. Lopez-Delgado, who's present.

11 THE COURT: All right. Good morning. This is the time
12 set for the entry of judgment and the imposition of sentence in
13 this matter. I have a presentence report, I've have a
14 psychological evaluation, and you may proceed.

15 MR. PICKER: Thank you, Your Honor. We are in receipt
16 of the Presentence Investigation Report, it was file stamped on
17 February 28th, 2018, with the attached psychosexual evaluation.
18 In addition, I believe that Your Honor has the letters of support
19 that we filed yesterday on behalf Mr. Lopez-Delgado. If you do
20 not, I have a copy.

21 THE COURT: I don't have it.

22 MR. PICKER: You don't have them?

23 THE COURT: No.

24 (Letters lodged with the Court)

1 THE COURT: Thank you.

2 All right. You want to leave them here or file them?

3 MR. PICKER: I assumed they were in the record, because
4 we filed them.

5 THE COURT: All right.

6 MR. PICKER: Your Honor, we have no additions or
7 corrections to offer to the Presentence Investigation Report. As
8 Your Honor can probably tell from the plea agreement and the
9 recommendations in the PSI we're kind of, on this side, we're
10 kind of in a strange situation. The PSI is very complete and
11 thorough. Obviously its recommendation is in an aggregate both
12 for less on the front end and more on the back end than is
13 stipulated within the plea agreement.

14 Obviously, we stand by our stipulation in the plea
15 agreement despite the, I guess, more favorable recommendation by
16 Parole and Probation.

17 The one thing I would note is in the psychosexual
18 evaluation, as Your Honor I'm sure is aware, Mr. Lopez-Delgado is
19 not found to be a high risk to reoffend, and thus he would be
20 probation eligible under the law, although we stand by the
21 recommendation or the stipulation that we entered into with the
22 State.

23 So my argument is kind of all over the place simply
24 because of that.

1 Your Honor, Mr. Lopez-Delgado's criminal history is, as
2 you can see, nonexistent up to this crime. This is certainly a
3 very serious matter. It is certainly something that he admitted
4 to, Your Honor. In the plea canvass he admitted to his acts and
5 he has taken responsibility for them.

6 Your Honor, he's a young man. There are a lot of
7 factors that we believe you should take into account in
8 determining what the appropriate and just sentence is. Certainly
9 there's, as one of those factors, the agreement by the parties.

10 So given all of that, Your Honor, we're simply
11 asking -- we will simply submit it now.

12 THE COURT: Mr. Graham.

13 MR. GRAHAM: Thank you, Your Honor. The psychosexual
14 evaluation in this case came back and stated something kind of
15 interesting. And I'm not disputing that he is not a high risk to
16 reoffend. But the psychosexual evaluation came back saying we
17 see Lopez- Delgado as a moderate risk to reoffend, quote,
18 assuming the substance abuse problems are controlled.

19 To give an overview of this case, what had happened in
20 this case is the defendant and the victim had met each other
21 online through a dating application called MeetMe.

22 THE COURT: Counsel, let me ask, you're going to stick
23 with the agreement that you had.

24 MR. GRAHAM: I am, yes, Your Honor.

1 THE COURT: All right.

2 MR. GRAHAM: Absolutely, I think 4 to 10 years on this
3 case is an absolutely appropriate sentence. The reason I was
4 going to argue is because Parole and Probation recommended less
5 than that. And I wanted to provide the Court with information to
6 show why a 4- to 10-year sentence would be appropriate.

7 THE COURT: Okay. Because I'm inclined to go higher
8 than that. So go ahead.

9 MR. GRAHAM: Okay. Thank you. So the record is
10 crystal clear, I'm not arguing for anything other than the
11 stipulated sentence in this case. But what I would like to let
12 the Court know is that this is not two teenagers having sex.
13 This is a case where the defendant was 23.

14 THE COURT: Excuse me. Nobody is here from the victim?

15 MR. GRAHAM: She informed us she was not going to be
16 here because it would be too traumatic for the victim in this
17 case. She's in the care of her grandmother, and they gave a
18 statement to P&P. And they indicated that they did not desire to
19 be present for today. Her statements were reflected in what she
20 had told the PSI writer, but she has been at every other court
21 proceeding, the grandmother has.

22 THE COURT: Okay.

23 MR. GRAHAM: It's my understanding that Mr. Luigi
24 Delgado -- Lopez-Delgado was between the ages of 23 or 24 at the

1 time that he ended up meeting the victim in this case online. As
2 I'm learning, as is often the case, what happens is they'll meet
3 somebody on a dating application and then they transition to
4 Facebook Messenger where they then chat between themselves.

5 During the course of their interaction, the defendant
6 in this case ended up requesting several photos of the victims.

7 THE COURT: Let me ask you this, because I'm not
8 familiar with that stuff, are these permanently etched in the
9 Internet?

10 MR. GRAHAM: Correct. And we've got copies of those.
11 And I was actually going to admit as an exhibit some of the
12 messages.

13 MR. PICKER: They're not widespread on the Internet.
14 And when there's a chat, like on Facebook Messenger chat, it is
15 only between the recipient and the sender. That is the only
16 place. And it is on a server at Facebook, but it's not accessed
17 by anybody else. Nobody else can get those messages. Basically
18 it's a private messaging.

19 THE COURT: But we read about what Facebook does with
20 their information.

21 MR. PICKER: I guess the National Security
22 Administration or National Security Agency has some access to
23 that as we seem to be finding out more and more, but the Facebook
24 Messenger application is secure and private between the two

1 parties that are communicating. It is not accessible by any
2 outside party. It is only accessible by Facebook and the two
3 participants.

4 MR. GRAHAM: So what you have to do to get a copy of
5 those messages, is you have to do what's called a Preservation
6 Request. And Facebook limits the amount of time you can go back.
7 So what the deputies did in this case as soon as they kind of
8 found out what was going on -- because what had happened, the
9 victim in this case was sneaking out with Mr. Delgado. And in
10 one of those instances she wrecked her grandmother's vehicle.
11 And so her grandmother was getting her in trouble and was going
12 to take her phone. Her grandmother did not know how to operate
13 phones very well, and had her son-in-law come over and take a
14 look at Haley's -- excuse me, the victim's phone to see what was
15 on it.

16 THE COURT: She was 14 years old?

17 MR. GRAHAM: That's correct. And when the uncle came
18 in to view the phone to see what she was up to, he discovered
19 that she had been taking nude photographs of herself and sending
20 them to the defendant. Based on that, a police report was
21 generated and the victim in this case came down to the child
22 advocacy center to provide an interview, a friendly interview,
23 and disclosed a sexual relationship that she had engaged in with
24 the defendant in his RV outside his house in Sun Valley. She

1 described several sex acts that they had engaged in and detailed
2 it out.

3 There was no force. This is not sexual assault. It's
4 statutory sexual seduction, but the laws in the State of Nevada
5 recognize that while factually a teenager might consent to a
6 sexual act, legally they do not have the maturity in their brain,
7 they're not developed enough to understand what that entails.
8 And that became extremely clear during this forensic interview.

9 When the forensic interviewer was asking to get some
10 details about who Mr. Delgado was, she indicated "Well, you know,
11 he bought me tacos. I love him." And the nexus between the sex
12 acts and the maturity was very clear that she did not understand.
13 They were not taking precautions regarding using condoms or
14 anything like that, and she did not even realize the diseases she
15 could have gotten or becoming pregnant. And it wasn't until the
16 forensic nurse kind of explained that to her that she said, "Wow,
17 I just didn't realize." And it was as if she was stating, "Yeah,
18 now I realize when he said 'oops' one time," because he had
19 ejaculated inside her. And she was a little concerned about
20 that.

21 If I may approach, Your Honor. One of the -- I have
22 one exhibit I'd like to mark. And it's a packet. This was the
23 actual packet. To be clear, I have used the Adobe Photoshop to
24 edit out the genitals of the victim in this case. But these are

1 the actual messages that were sent on the communications between
2 the defendant and the victim in this case over Facebook
3 Messenger.

4 If I may approach.

5 THE COURT: All right.

6 MR. GRAHAM: I've provided a copy to the defense.

7 THE CLERK: Will be Exhibit 1, Your Honor.

8 (Exhibit 1 was marked for identification.)

9 THE COURT: This is all included in the PSI, the
10 offense --

11 MR. GRAHAM: So I am not sure that this was. I don't
12 know if the PSI writer included -- I know that they read the
13 reports regarding this.

14 THE COURT: I'm talking about the actions and the
15 activities.

16 MR. GRAHAM: Oh, absolutely.

17 THE COURT: How she responded and that type of thing.
18 So this is nothing new?

19 MR. GRAHAM: No, no, no. This was actually provided
20 during the preliminary hearing.

21 THE COURT: Do you agree with that?

22 MR. PICKER: I agree it's something that's been in the
23 record.

24 MR. GRAHAM: I'm not entirely certain that the

1 psychosexual evaluation looked at it, or the evaluator for the
2 psychosexual evaluation did. In Ms. Sherrie J. Hickson
3 Brendenthal's (phonetic) report it indicates she read the
4 reports, but it doesn't indicate whether or not she looked at the
5 actual photos. And the thing that I'd like to show is that the
6 defendant's words, not so much the pictures, but the actual words
7 indicate that he knew what was going on.

8 And if you flip, 1, 2, 3, 4, 5 -- so the 21st page,
9 it's a conversation that's on November 16th, 2017.

10 THE COURT: Where is the date on these?

11 MR. GRAHAM: It would be under where it says "airplane
12 mode on." And then right under that it's November 16th, 2017, at
13 1:59 p.m.

14 THE COURT: Oh, okay.

15 MR. GRAHAM: And so the conversation -- and this is
16 after the victim in this case had sent numerous pictures to the
17 defendant of her genitals. They had discussed sex acts the
18 defendant had requested that she send a picture of her vagina to
19 another person and wanted to know what that other person said.
20 And to actually send a screenshot as proof that she sent a
21 picture of her vagina to somebody else.

22 After that you'll see up here it says -- well, her
23 conversation is on the right. Mr. Delgado's conversation is on
24 the left. And she says, "Okay, I will." And excuse my language

1 but, "Are we just fuck buddies or are we dating?"

2 Mr. Delgado responds, "Both, kind of. IDK," which
3 means I don't know, "about dating, because you're really young.
4 But we can wait until you're older to date, but I still want
5 you."

6 Victim responds, "I still want you too. Okay? How
7 long do we have to" -- and then go to the next page, "How long do
8 we have to wait until we date?"

9 Mr. Delgado responds, "16." She responds, "Okay. Not
10 that long. I'll be 15 in two months. Just a year."

11 And then they go into him asking whether or not she's
12 had sex with anybody else.

13 What's interesting about that conversation is it shows
14 what's commonly referred to as consciousness of guilt. He knows
15 not only that what he is doing is wrong, not only that what he
16 desires is wrong, but despite that, he still wants to do it and
17 he's still engaged in those acts.

18 The law for statutory sexual seduction is set up to
19 protect juveniles, who factually may consent, but legally cannot
20 for the very reasons that I stated before. Their minds are not
21 developed enough, they're maturity level is not developed enough
22 to engage in these practices. And that's exactly what was
23 happening here.

24 The defendant, having her send pictures to other

1 people, receiving these pictures --

2 MR. PICKER: I'm going to object. There's no evidence
3 that the defendant had her send pictures to other people. She
4 didn't send pictures to other people.

5 MR. GRAHAM: Okay. My understanding it was -- Court's
6 indulgence. I'm not sure what page it is, but on the top it says
7 3:11 p.m. And it starts with, "IDK, laugh out loud."

8 I should have numbered the pages, and I apologize for
9 that.

10 THE COURT: I can't see the dates on these.

11 MR. PICKER: This one doesn't have a date, Your Honor.

12 MR. GRAHAM: That one doesn't have a date, because they
13 were scrolling through.

14 THE COURT: Close to the front or close to the back?

15 MR. PICKER: It's about in the middle, Your Honor. And
16 if you look at the very top, it's the only page, I believe, that
17 says 3:11 p.m.

18 THE COURT: Okay. I got it.

19 MR. GRAHAM: 16th page. It says, victim states, "IDK,
20 laugh out loud." Or no, excuse me. The defendant states that.
21 "It's hot if you just send him a pic of your pussy spread. He
22 probably wants you."

23 Victim responds, "No, I don't want to." Defendant
24 states, "Don't ask. Just spread it and send him one. Laugh out

1 loud." Smiley face. Laugh out loud is LOL. Victim states,
2 "Laugh out loud." Defendant states, "Do it."

3 Next page, "Show me screenshots of it. Did you? Laugh
4 out loud." Victim states, "Yeah." "Let me see what he say."
5 Victim responds, quote, "Oh, shit. Is that really yours?" The
6 defendant states, "Show me the screenshot, baby," question mark.

7 Next page is a continuation of that message showing the
8 screenshot. And then it has a screenshot of the victim sending
9 some other person a picture. And I blocked it out, but it's of
10 her vagina.

11 In a situation such as this, where the defendant is an
12 adult, he's 23, 24 years old at the time, and the victim is 14,
13 it's incumbent on the adult in the situation not to engage in
14 this type of sexual relationship, not to request these type of
15 photos and not to take advantage of a child in the way that
16 Mr. Delgado did.

17 As can be seen from the PSI in this case, the effects
18 of this relationship, the effects of what Mr. Delgado did are far
19 ranging. The victim has reported that she started cutting. The
20 grandma has had to actually move. They sold their house in Red
21 Hawk and moved. She is going through it, as we say.

22 Based on the facts and circumstances in this case, I
23 think the evidence is clear that the defendant's actions were
24 predatory in nature and manipulative, to say the least. And

1 based on that, I think that the defendant's -- the proper and
2 just sentence in this case would be the 4 to 10 years that the
3 parties have stipulated to.

4 THE COURT: All right. Thank you.

5 Mr. Picker.

6 MR. PICKER: Just briefly, Your Honor, because I didn't
7 mention anything to do with the alleged victim or the victim in
8 this case and his actions.

9 Actually, by the way, Mr. Delgado pled in this case.
10 Not to diminish the fact that she's 14 years old and
11 Mr. Lopez-Delgado should have had nothing to do with her mentally
12 or physically in that way.

13 We have two things. One is that the Victim Information
14 Statement about the victim, again, was in the PSI and is taken
15 into account by Parole and Probation when they made their
16 recommendation. But the other part is that, as the State
17 provided to you in their Exhibit 1, it is unfortunate that this
18 is a 14-year-old who certainly expressed and exhibited a lot more
19 sophistication, quite frankly, than I had at the age of 14. And
20 that is the unfortunate circumstance in our society, is that
21 people at that age do seem to have a lot more awareness of those
22 kinds of things.

23 THE COURT: Aren't we talking about -- I was wondering
24 about that. I didn't inquire, but doesn't, especially when you

1 have a child versus an adult, the license that the adult is
2 giving to the child in a circumstance sort of opening the gates
3 to say, hey, let's do and say and -- do anything. And don't we
4 see that here?

5 MR. PICKER: We do, Your Honor. And that is why
6 Mr. Lopez-Delgado pled to what he pled to in this case, and
7 that's why he admitted his actions to Your Honor. I mean that's
8 really the situation, is that he does recognize that no matter
9 how much the sophistication, how much the activity, how much the
10 involvement by the victim in this case, he is the one who's
11 legally responsible here. And he has taken that responsibility
12 to heart, because --

13 THE COURT: Does he have an understanding of the
14 long-range effect of this type of activity on a child?

15 MR. PICKER: Certainly he does.

16 THE COURT: Does he?

17 MR. PICKER: I mean, we had these discussions. One of
18 the reasons or one of the discussions about not -- about him
19 pleading guilty, and if Your Honor will recall, he had
20 difficulties with his prior attorney. Our office was appointed.
21 But within a week after talking to me and discussing the case and
22 everything else, he entered the plea of guilty.

23 THE COURT: Well, he wouldn't want to go to jury.

24 MR. PICKER: But the other part is, he didn't want to

1 the victim to be in front of a jury either. He didn't want her
2 to have that stress or pressure or exposure as well. So, Your
3 Honor, that was a factor, and that was something that we
4 discussed.

5 So Mr. Lopez-Delgado does have a statement that he'd
6 like to read to Your Honor. But we -- you know our position.

7 THE COURT: All right. Go ahead.

8 THE DEFENDANT: So first I --

9 THE COURT: Read it slowly and loudly so the reporter
10 can hear.

11 THE DEFENDANT: First I wanted to apologize to the
12 victim and her family for the effect of this.

13 THE COURT: Do you have a daughter?

14 THE DEFENDANT: Yes, sir. I have two daughters.

15 THE COURT: Okay. Go ahead.

16 THE DEFENDANT: I'm filled with shame and
17 embarrassment, regret and remorse for this by chasing trouble
18 that I've let myself fall into. I take full responsibility for
19 this, and I'm willing and able to enter into any treatment,
20 counseling classes to help me further -- for myself, for my
21 family and for society.

22 During the last 15 months in the Washoe County Jail
23 I've not had any access to programs, counseling or treatment
24 other than psychiatric treatment, but I have read self-help books

1 and I am determined to apply knowledge into plans of action on
2 the foundation of self-discipline, deference and consistency to
3 build a better future and to always improve myself for family and
4 society.

5 I believe I have transmuted my punishment in jail to
6 stepping stones of growth and character development, and I will
7 continue to enlist or be drafted to help get back into society,
8 to dedicate myself and resources to constructive purposes toward
9 society and this country.

10 That's it, sir.

11 THE COURT: All right. Does anyone have any just or
12 legal cause why judgment should not be entered?

13 MR. PICKER: No, Your Honor.

14 MR. GRAHAM: No, Your Honor.

15 THE COURT: There being none, the Court does adjudge
16 Luigi Richard Lopez-Delgado guilty of a category B felony,
17 statutory sexual seduction by a person of the age 21 or older, a
18 violation of NRS 200.368(1). The Court enters judgment against
19 Mr. Lopez-Delgado for a category B felony, possession of visual
20 pornography of a person under the age of 16, first offense, a
21 violation of NRS 200.730(1).

22 And finally the Court enters judgment against
23 Mr. Lopez-Delgado on a category B felony, lewdness with a child
24 older than 14, a violation of NRS 201.230(3) by virtue of his

1 plea of guilty taken December 13th, 2018.

2 This is a very upsetting and disgusting set of facts in
3 this case. Mr. Lopez-Delgado, was there nothing that stopped you
4 or suggested to you that you shouldn't be doing this as you're
5 doing this? I mean you've got a young girl --

6 THE DEFENDANT: When I first met her, sir, she -- as
7 far as I knew, she said she was 17 and then turned 18. So we
8 started talking --

9 THE COURT: She says here that she said she was 14.
10 And when you were talking on the phone, she said, we can't date
11 -- or you said you can't date until you're 17.

12 THE DEFENDANT: Later on I found out she was under
13 legal age.

14 THE COURT: But you kept going.

15 Almost every person that comes to court has been
16 sexually molested in their lifetime. And look how that turned
17 out. Here we are in criminal court. Like I said, I have four
18 sons, I don't have any daughters.

19 Does she have a father, this girl?

20 MR. GRAHAM: Her father is not in the picture, Your
21 Honor.

22 THE COURT: Oh, all right.

23 It is the judgment of the Court that you be sentenced
24 on Count II, which is the statutory sexual seduction, to a

1 maximum term of 120 months, with a minimum parole eligibility of
2 48 months. You are sentenced to a term of 72 months, with a
3 minimum parole eligibility of 28 for Count IV, which is
4 possession of visual pornography of a person under the age of 16.
5 That will run consecutive to Count I. And in Count VI, which is
6 lewdness with a child older than 14, I'm sentencing you to a term
7 of 120 months with a minimum parole eligibility of 48 months.
8 And that count can run concurrent to the other two counts.

9 So the aggregate is 76 minimum, 120 -- excuse me, 192
10 maximum. Is that correct?

11 THE CLERK: That's correct. That's what I have, Your
12 Honor.

13 THE COURT: All right. You'll be given credit for
14 456 days. You've already got a year done. And you'll undergo
15 genetic marker testing. There's a \$150 fee for that. The
16 psychosexual fee is \$912.71, with a DNA administrative assessment
17 fee of \$3 and a general administrative fee of \$25. And the
18 attorney fee will be \$500.

19 MR. PICKER: Your Honor, I'm going to ask the attorney
20 fees be waived, given the amount of time and given the other fees
21 involved.

22 THE COURT: All right. I'll waive the attorney fees.
23 Anything else?

24 MR. GRAHAM: Yes, Your Honor, as far as Count II, the

1 defendant will be required to register as a sex offender. Excuse
2 me. Yeah.

3 THE COURT: Oh, right.

4 MR. GRAHAM: Sex offender. Additionally on count --

5 THE COURT: Six.

6 MR. GRAHAM: Count IV, register as a sex offender, and
7 then Count VI, sex offender, as well as lifetime supervision.

8 THE COURT: Thank you. Thank you for that. All right.
9 That will be part of the order. So you will register as a sex
10 offender when you're released, and you will be on lifetime
11 supervision once you are released on parole.

12 MR. GRAHAM: Thank you, Your Honor.

13 THE COURT: Thank you. Courts in recess.

14 (Proceedings Concluded)

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1 STATE OF NEVADA)
2 COUNTY OF WASHOE) ss.
3)

4 I, EVELYN J. STUBBS, official reporter of the
5 Second Judicial District Court of the State of Nevada, in and for
6 the County of Washoe, do hereby certify:

7 That as such reporter I was present in Department No. 3
8 of the above court on, THURSDAY, MARCH 14, 2019, at the hour of
9 9:44 a.m. of said day, and I then and there took stenotype notes
10 of the proceedings had and testimony given therein upon the
11 SENTENCING of the case of THE STATE OF NEVADA, Plaintiff, vs.
12 LUIGY RICHARD LOPEZ-DELGADO, Defendant, Case No. CR18-1654.

13 That the foregoing transcript, consisting of pages
14 numbered 1 to 21, inclusive, is a full, true and correct
15 transcript of my said stenotype notes, so taken as aforesaid, and
16 is a full, true and correct statement of the proceedings had and
17 testimony given therein upon the above-entitled action to the
18 best of my knowledge, skill and ability.

19 DATED: At Reno, Nevada, this 25th day of April, 2019.
20
21

22 /s/ Evelyn Stubbs
23 EVELYN J. STUBBS, CCR #356
24