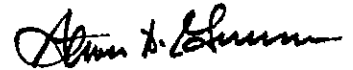


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CLERK OF THE COURT

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Tran
CASE NO. C-13-291374-1
DEPT. NO. XII

3

4

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

5

-000-

6

STATE OF NEVADA,

7

Plaintiff,

8

vs.

9

Case No. 13F02924X

10

FREDERICK HAROLD HARRIS, JR.,

11

Defendant.

12

13

REPORTER'S TRANSCRIPT

14

OF

15

BINDOVER

16

17

BEFORE THE HON. JANIECE MARSHALL
JUSTICE OF THE PEACE

18

FRIDAY, JULY 19, 2013
11:05 a.m.

19

APPEARANCES:

20

For the State: ELYSSA LUZAICH, ESQ.
Chief Deputy District
Attorney

21

22

KRISTINA A. RHOADES, ESQ.
Deputy District Attorney

23

24

For the Defendant: BETSY ALLEN, ESQ.

25

Reported by: CHERYL GARDNER, RMR-RPR
CCR No. 230

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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1 LAS VEGAS, CLARK COUNTY, NV, FRIDAY, JULY 19, 2013
2 11:05 a.m.
-ooo-

3 P R O C E E D I N G S

4 THE COURT: Good morning.

5 MS. LUZAICH: Good morning.

6 THE COURT: Everyone ready to go?

7 MS. LUZAICH: Yes.

8 MS. ALLEN: Yes.

9 THE COURT: All right. So I have the
10 second amended criminal Complaint.

11 MS. LUZAICH: I apologize. Ms. Allen
12 pointed out that on Count 1 I made a mistake. I
13 typed this myself. I'm a terrible secretary. The
14 page that the conduct for Count 1 is on page 24 of
15 Volume I, not page 31.

16 THE COURT: Okay. And so, Ms. Allen,
17 did you want to go through with your argument
18 then? Is that the best way to do it?

19 MS. ALLEN: Actually with regard
20 to the purpose of the preliminary hearing, Your
21 Honor, I begrudgingly have to say I think the State
22 has met slight or marginal evidence. I went
23 through each count. I don't think my issues are
24 properly before this Court. They should be before

25 the district court.

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1 THE COURT: I don't know why defense
2 attorneys always throw away that argument but go
3 ahead.

4 MS. ALLEN: With regard to witness
5 credibility if that were the case, I would ask the
6 entire case be thrown out because I don't think one
7 of those witnesses were. We don't have that.

8 THE COURT: If you want -- but to the
9 extent you're making the argument, then what is
10 your argument?

11 MS. ALLEN: Well, my only argument in
12 this case is witnesses' credibility and I think
13 that not one of these witnesses was credible. They
14 clearly back went and forth and made all these
15 statements. I think the case should absolutely be
16 dismissed.

17 with regard to the cite that she put
18 in the evidence, that's slight or marginal
19 evidence. I do concede that for purposes of

Page 3

20 prelim.

21 THE COURT: From your argument
22 previously I understood that -- I understand some
23 of your issues with some of the witnesses and I
24 guess the one question I would have is with respect
25 to between the mother and Victoria, the issue about

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1 what happened in the apartment seemed to directly
2 conflict with respect to what the mother testified
3 to as to Victoria's demanding to come in and
4 participate.

5 MS. ALLEN: Okay.

6 THE COURT: You have two witnesses who
7 assuming I accept one or both's testimony there was
8 a direct conflict between what occurred at that
9 apartment.

10 MS. ALLEN: You're talking about in
11 the Henderson and I believe you would be talking
12 about the allegations that would be most recent.

13 THE COURT: Right.

14 MS. ALLEN: They happened I think
 15 maybe sometime summer. Is that correct?
 16 THE COURT: Yes.
 17 MS. ALLEN: Yeah. They were in direct
 18 conflict. The mother said Victoria wanted to
 19 participate and I think Victoria alleged she was
 20 sexually assaulted so they were clearly in direct
 21 conflict.
 22 THE COURT: What about the testimony
 23 about what happened in the car with Victoria
 24 between what the mother said and what Victoria
 25 said. Was there a conflict?

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1 MS. ALLEN: In all candor to the Court
 2 as I recall no. I think the mother, I believe the
 3 mother said that her testimony was similar to
 4 Victoria's in that my client said he was just going
 5 to take it. I don't believe that there was -- if
 6 there was conflict in that, I don't believe it was
 7 directly related to the alleged sexual assault.

8 THE COURT: The one I have the real
 Page 5

9 problem with is what occurred in the last apartment
 10 where Victoria is saying that she was required to
 11 engage in intercourse and sexual gain with the
 12 mother and Mr. Harris and then the mother would
 13 seem to have reason, who could be subject to
 14 criminal prosecution and is testifying to all the
 15 other acts that occurred and her involvement but
 16 then saying no, that Victoria charged in and
 17 demanded to --

18 MS. ALLEN: Participate.

19 THE COURT: -- engage in sexual
 20 intercourse. So that I have a real problem with.
 21 Assuming I -- credibility of a witness I certainly
 22 don't disagree there are two witnesses that I
 23 believe. That's legally marginal evidence,
 24 sufficient evidence to establish enough for a
 25 preliminary hearing but if I simply don't believe a

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1 witness, that is the justice of peace's
 2 determination at a preliminary hearing.

3 There's plenty of case law that the
4 Nevada supreme court says we absolutely do make
5 that determination. I guess, Ms. Luzaich, if you
6 want to address the issue between what Victoria
7 said happened at the last apartment and what -- I'm
8 sorry. The mom's name is --

9 MS. LUZAICH: Tina.

10 THE COURT: What's the last name?

11 MS. LUZAICH: Duke. Okay. So as far
12 as what occurred in the apartment on that one
13 occasion where there was a direct conflict in the
14 evidence the mom is clearly you could tell from her
15 entire testimony downplaying everything that
16 happened because she doesn't want herself to look
17 like a bad mother.

18 We all know she's a bad mother. She's
19 a bad person so she's downplaying everything that
20 happened so when there's a conflict in the
21 testimony like that, I think that you need to let
22 the jury make the decision. Clearly there was
23 sexual conduct that happened in the apartment on
24 that day so I submit to the Court that --

25 THE COURT: Just the fundamental issue

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1 that do I accept what Victoria said as being
2 truthful. Can I accept what the mother said as
3 being truthful or can I throw out any or some or
4 all of the testimony of either one if I believe
5 that one person is motivated to lie and I'm just
6 not accepting their testimony so I'm just asking
7 for that specific.

8 MS. LUZAICH: Right. That's where I'm
9 going. In that particular situation as far as that
10 count goes I think that you should accept
11 Victoria's testimony. Her testimony overall was
12 very credible about everything.

13 The testimony of Tina is clearly
14 biased in that she knows that she could be
15 charged. She doesn't want to. She's giving us
16 enough evidence to say, look, I'm doing the right
17 thing but she's trying not to make herself look
18 like a bad person.

19 THE COURT: You think that's where the
20 line was drawn that last incident or that incident
21 at the one apartment that that's where she thinks
22 that portrays her in the worse light that's why
23 she's contradicting what Victoria is saying.

24 It just doesn't make sense to me. I'm
25 just trying to figure out how we get suddenly a

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1 direct conflict between these two witnesses which
2 otherwise seemed to kind of track each other in
3 pretty much most of the instances where they are
4 testifying but then you get to this one place and
5 you have a direct contradiction between others, I
6 mean their testimony seemed pretty consistent up to
7 that point.

8 MS. LUZAICH: Right. But when you
9 looked at that particular case Tina had told you
10 she was always -- she was faded were her words.
11 She was always faded when this stuff happens. On
12 that particular occasion Victoria was wanting to go
13 to the welfare office or whatever it was and Fred
14 was supposed to take her so is she coming into the
15 room and demanding let's go, let's go. In Tina's
16 mind it's not really conflicting. She was coming
17 in and demanding just Tina is telling you she was
18 demanding sex so I mean you can --

19 THE COURT: Okay. That's what I
20 didn't understand.

21 MS. LUZAICH: -- make it work in your
22 mind as to why it's a direct conflict about that
23 one little thing. Where is the demanding? Tina's

Page 9

24 telling you she's demanding sex. Victoria is
25 telling you she wanted to leave. It makes sense.

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1 It came out that way. She doesn't want you to
2 think she is the worse mother that we know she is.

3 THE COURT: Moms have a hard job no
4 matter what.

5 MS. LUZAICH: Absolutely. I've got a
6 bunch of kids. I know that.

7 THE COURT: What count is the one that
8 would apply to that instance? I mean 'cuz Victoria
9 testified that there was multiple incidents in that
10 apartment where she was forced to engage in sexual
11 intercourse.

12 MS. LUZAICH: That is Count 38, he
13 grabbed her hand and he wanted her to perform,
14 well, suck his dick her words, my words perform
15 fellatio in the Complaint but there wasn't ultimate
16 contact in that case. It was battery with intent
17 because he wanted her to.

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18 THE COURT: So that was 38, battery
19 with intent to commit sexual assault.
20 MS. ALLEN: Are you sure? 40, Count
21 40.
22 MS. LUZAICH: Is it?
23 MS. ALLEN: Yeah.
24 MS. LUZAICH: Oh, what is it? Okay.
25 I'm sorry. I'm sorry.

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1 MS. ALLEN: I don't think that makes
2 sense.
3 MS. LUZAICH: I'm pulling -- I was
4 talking without the transcript in front of me.
5 (Off the record discussion
6 between both counsel.)
7 THE COURT: So the allegations are
8 with respect to what occurred in --
9 MS. LUZAICH: Count 38.
10 THE COURT: -- the Henderson
11 apartment.
12 MS. LUZAICH: Nowhere does it say
Page 11

13 Henderson for sure.
14 MS. ALLEN: It was in Henderson.
15 THE COURT: It's in that time period
16 the August 2010.
17 MS. ALLEN: Yeah, that was in
18 Henderson. Civic Street or something.
19 MS. LUZAICH: I don't think so.
20 Nowhere in the transcript does it talk about where
21 it was but when I was charging it, I charged that
22 incident for Count 38, the battery with intent.
23 THE COURT: So the one time where
24 there's a contradiction between Victoria and her
25 mother is you're saying it's only Count 38 and

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1 you're saying --
2 MS. ALLEN: Well, it seems to me that
3 38, 39, and 40 all relate to her mother.
4 THE COURT: Are those the same day
5 though?
6 MS. LUZAICH: No.

7 MS. ALLEN: There's no date.
8 THE COURT: It was over a year.
9 MS. ALLEN: Yeah. There's no date.
10 MS. LUZAICH: Battery with intent,
11 Count 38. That's the one that I charged that she
12 wanted to go to the welfare office. He and Tina
13 were in the room having oral sex. He wanted her to
14 give him oral sex. He grabbed her wrist and that's
15 where even Tina's talking about she came in the
16 room demanding, Count 39 and 40 I mean things
17 happened multiple times. Technically I could have
18 charged 150 counts and I was trying to be
19 conservative in the counts that I charged.
20 MS. ALLEN: There was no -- so --
21 but -- I'm sorry. Okay. I agree with
22 Ms. Luzaich. She's correct. I think it's just
23 Count 38. That's the incident that I think we're
24 all talking is that mom testified in my
25 understanding I remember Lisa asking her didn't she

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1 bust in and want to join you and Fred having sex
Page 13

2 and I think she said yes. I mean I think she said
3 yes, and then on this one Victoria says no, that --
4 well, that's not how she testified. She said she
5 wanted to see what's going on and they wanted her
6 to and she said no and got herself out of the
7 situation.

8 THE COURT: Okay. So he just --
9 that's on page 136. Volume II, 136, line 17, 18.
10 Okay. Subject to trying to figure out what that
11 contradiction between the mom and Victoria meant
12 with respect to whether that meant we do believe
13 all or part of either one's testimony based on now
14 an explanation of how the two could be, both could
15 be truthful, did you have any other argument you
16 wanted to make -- you don't have any grounds of any
17 of the count duplications they're all --

18 MS. ALLEN: No. I went through. They
19 were all based on specific incidents testified to.
20 Again for purposes of slight or marginal evidence I
21 believe the State's met its burden.

22 With regard to credible evidence,
23 these are people who told doctors, teachers,
24 reporters, clearly there's going to be problems
25 with that.

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1 THE COURT: But for the purposes of
2 this hearing the only people that are heard from
3 were the children and the mom and based on that
4 standard I do find that there's slight or marginal
5 evidence excepting some, at least some of the
6 testimony and of course I don't have the rest of
7 the picture of other people contradicting it or
8 independent evidence that they weren't there at
9 that time or that type of thing so based on that I
10 do find that there is sufficient evidence.

11 Now, the one I have is annotated but
12 that's not the one you filed.

13 MS. LUZAICH: I filed an original this
14 morning without the annotations. The annotations I
15 did for --

16 THE COURT: We received -- Ms. Allen,
17 you received a copy of the second amended Complaint
18 without the annotations.

19 MS. ALLEN: Right.

20 THE COURT: You're waiving reading of
21 the second amended Complaint and you of course can
22 waive any right to make any objections to it at
23 district court level. But for purposes of
24 preliminary hearing proceeding and based on the
25 fact that I'm accepting some or all of the

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1 testimony of the witness without any contradictory
2 evidence and it's certainly defendant's right not
3 to testify or put on witnesses and you've spoken to
4 Mr. Harris about his right.

5 MS. ALLEN: Yes.

6 THE COURT: He can remain silent. He
7 has no obligation to testify, correct?

8 MS. ALLEN: Correct.

9 THE COURT: Sir, you understand that
10 you have a right to testify or not testify at a
11 preliminary hearing and it's completely your choice
12 whether you do or not, correct?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: You're choosing not to
15 testify, correct?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: So based on review of all
18 of the testimony of the witnesses, the volumes of
19 testimony that we've had transcribed, and arguments
20 of counsel, I do find that there is sufficient
21 evidence to bind the defendant up on the counts as

22 alleged in the second amended Complaint.

23 MS. ALLEN: May I please be heard with
24 regard to bail.

25 THE COURT: Sure.

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1 MS. ALLEN: Just very briefly. I
2 understand my client is being bound up on a
3 considerable number of charges and they're all very
4 serious and I don't belittle the idea that most of
5 these are life sentences. I understand all that,
6 but in looking at the bail statute and how the
7 Court should grant bail with the factors that
8 should be considered, the two things I'd like the
9 Court to consider when I ask for the number that
10 I'm going to ask for is the probability that, Your
11 Honor, my client would run or flee jurisdiction and
12 family that he has here.

13 Clearly he's got family here. They've
14 been at every single court appearance. He has
15 nowhere to go. His son is here. This is where he
16 lives. As the Court knows by looking at his

17 intake, he doesn't have a significant criminal
18 history. He's not going anywhere.

19 The other thing I would ask the Court
20 to do and this is in line with the argument that I
21 made with regard to or what I was talking about in
22 the Complaint in binding this case up, the other
23 factor the Court can look at is the probability of
24 conviction in this case and this is, unlike a lot
25 of cases that I have, but the credibility, I

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1 believe the Court can take into consideration the
2 credibility of these witnesses in determining his
3 bail so with that in mind I would ask the Court to
4 set the bail at \$75,000.

5 I know that number may not seem
6 enormously large considering the charges in this
7 case but you also heard the testimony of the people
8 in this case and how incredible it really was. If
9 the Court's concerned, I'd ask the Court to impose
10 intensive supervision. He was installing phone

11 lines at Nellis Air Force base. This is someone
12 who is clearly a productive --

13 THE COURT: Does he still have his
14 job?

15 MS. ALLEN: His boss said he'd work
16 with him.

17 MS. LUZAICH: No way the base is going
18 to let him on base with this pending.

19 MS. ALLEN: I know that he installs
20 phone lines. He may not be able to go back to
21 Nellis, but his boss has told him he will work with
22 him and get him back into the work force.

23 THE COURT: Who is his employer?

24 THE DEFENDANT: P-O-I-S-S-O-N
25 Communication. They're an Air Force contractor.

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1 THE COURT: What I set the bail at
2 before was \$500,000 plus house arrest and stay away
3 from all the named victims. So you're arguing my
4 conditions would still hold. You're arguing for
5 reduction of the \$500,000 to \$75,000.

Page 19

6 MS. ALLEN: Correct.

7 THE COURT: And your argument is that
8 the Court should consider the, that the probability
9 of conviction based on credibility of the witnesses
10 who testified that therefore the Court should
11 consider a reduction based on that and the fact
12 that Mr. Harris has five misdemeanor convictions
13 and one 1993 felony gross misdemeanor conviction
14 that was aiming a firearm at a human.

15 when I previously heard arguments on
16 bail in setting bail it was the misdemeanor
17 convictions were possession of dangerous drugs,
18 disorderly conduct, contempt of court. And that
19 the defendant, that the charges were initially
20 considered a year ago and he --

21 MS. ALLEN: Exactly. He was accused
22 of this quite some time ago even though no one said
23 anything happened. Everybody else said Victoria
24 was wrong. He never left.

25 THE COURT: And the family court

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1 perceived --

2 MS. ALLEN: Correct.

3 THE COURT: How long -- they're closed
4 now.

5 THE DEFENDANT: Yeah. They went on
6 for a while.

7 THE COURT: What was the conclusion of
8 the family court?

9 MS. ALLEN: I think the guardianship
10 was terminated essentially which, you know, I don't
11 think anybody had a problem with and then the
12 children were taken into CPS custody. They were
13 taken away from mom too so

14 THE COURT: Ms. Luzaich.

15 MS. LUZAICH: First of all the family
16 court technically has nothing to do with him
17 because they're not his kids. The family court
18 proceeding doesn't have anything to do with him.

19 MS. ALLEN: No, but it was Ann Cooks
20 who is, by the way, also in jail. He's got
21 convictions for disorderly conduct.

22 THE COURT: He has one failure to
23 appear.

24 MS. LUZAICH: I don't know. I'm
25 looking at a SCOPE that shows more. He's got a

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1 prior gross misdemeanor conviction for aiming a
2 firearm. He's got a domestic battery conviction.
3 The aiming firearm began as a battery with deadly
4 weapon, battery with substantial bodily harm.

5 Your Honor, they're saying that these
6 witnesses are incredible. No, they're not. They
7 make perfect sense. Kids, these kids had no
8 chance. Their mother is absolutely crazy. I get
9 that, but it doesn't mean that the kids are lying.
10 The kids corroborate each other.

11 He is a violent dangerous man. Do you
12 want him out on the streets going into other
13 people's homes and installing their phones?
14 Absolutely not.

15 \$500,000 that the Court originally set
16 is appropriate bail. These are life sentences. If
17 he is convicted of one sexual assault involving
18 Tahara to which, by the way, there was a witness,
19 if he's convicted of one sexual assault, it's 35 to
20 life. The Court has no choice whatsoever but to
21 sentence him to 35 to life. How many sexual
22 assaults are there, more than ten that are 35 to
23 life. The others are ten to life or 20 to life.
24 There are five victims in this case.

25 THE COURT: How many causes of action

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1 were originally alleged in the very first
2 Complaint?

3 MS. LUZAICH: The very first Complaint
4 only pertained to Victoria then Tahara. I added
5 the Count pertaining to the other kids. But also
6 rewind for a minute. In December 2011 when
7 Victoria reports to the Henderson Police Department
8 he is talked to. He is not arrest. That case
9 never closed. The detective in that case Chris
10 Aguilar they talked to him in December of 2011 and
11 in January, the end of January 2012 Chris Aguilar
12 left that unit in the Henderson Police Department
13 and went to property crimes.

14 It is unfortunate nobody picked up the
15 case and ran with it. What's unfortunate about it
16 after it was closed in December 2011 he didn't get
17 arrested. He felt more empowered. That's when he
18 started sexually assaulting Tahara. It's not as if
19 the D.A.'s office reviewed these charges, chose not
20 to file them. It just kind of sat there

Page 23

21 unfortunately until September eight months later
 22 when Taquanda finally got fed up and called CPS or
 23 the police or whatever it was and Metro gets
 24 involved and they brought forward or finished
 25 Henderson's case along with their own. So it's not

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1 like, you know, he knew something was coming and
 2 didn't leave.

3 THE COURT: So the Complaint was made
 4 to Henderson police and that was one of the
 5 statements was a statement made to Henderson police
 6 and what happened there at the Henderson Police
 7 Department? They simply --

8 MS. LUZAICH: Dropped the ball.

9 THE COURT: -- dropped the ball and it
 10 was never brought to -- all right. Well, based on
 11 allegations of the second amended Complaint, the
 12 credibility of witnesses and at least some of their
 13 testimony of the witnesses, I don't find any reason
 14 to change the bail at this time. There are more

15 counts and more alleged victims.

16 The Court's prior order still stands.
17 It's a \$500,000 bail. If defendant posts the bail,
18 he'll be subject to house arrest. He has an order
19 to stay away from all the named victims and also to
20 stay away from any minor children. Actually I
21 guess that was the prior order. There was an order
22 to stay away from all minor children, but I'll also
23 add all the named victims in this case which means
24 don't write, don't e-mail, don't text, don't call,
25 don't have any third party communicate with any of

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1 the named victims in this case. That would be all
2 the witnesses who testified, and that order will
3 continue to stand with this modification.

4 So the first appearance in district
5 court lower level will be on July 30th at 1:30.

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AFFIRMATION

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30719HAR
4 Pursuant to NRS 239B.030:
5
6 The undersigned does hereby affirm that the
7 preceding transcript of bindover in district court
8 case No. C-13-291374-1 does not contain the social
9 security number of any person.

10
11 Dated this 5th day of August, 2013.

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17 /s/ Cheryl Gardner, CCR 230, RPR, RMR

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1 REPORTER'S CERTIFICATE

2

3

4 STATE OF NEVADA }
5 COUNTY OF CLARK } ss

6 I, Cheryl Gardner, RMR-RPR, CCR 230,
7 do hereby certify that I took down in Stenotype all
8 of the proceedings had in the before-entitled
9 matter at the time and place indicated and that
10 thereafter said shorthand notes were transcribed
11 into typewriting by me and that the foregoing
12 transcript constitutes a full, true, and accurate
13 record of the proceedings had.

14 IN WITNESS WHEREOF, I have hereunto
15 set my hand and affixed my signature in the County
16 of Clark, State of Nevada, this 5th day of August,
17 2015.

18

19

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21

22 /s/ Cheryl Gardner

23 CHERYL GARDNER, RMR-RPR, CCR 230

24

25

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

30719HAR


CLERK OF THE COURT

MOT
BETSY Allen, ESQ
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betsyallenesq@yahoo.com
Attorney for Defendant
FREDRICK HARRIS

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	Case No.: C-13-291374-1
)	Dept. No. XII
Plaintiff,)	
)	
vs.)	
)	
FREDRICK HARRIS,)	
)	
Defendant.)	
)	

DEFENDANT'S MOTION FOR A NEW TRIAL

COMES NOW the Defendant, FREDRICK HARRIS, by and through his attorney,
BETSY ALLEN, ESQ., and hereby moves this Honorable Court to Grant a New Trial.

This Motion is based upon the pleading and papers on files herein, the following
Points and Authorities all as incorporated herein.

DATED this _28th_ day of April, 2014

/s/ Betsy Allen
Betsy Allen, Esq.
Nevada Bar No. 6878

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY

YOU WILL PLEASE TAKE NOTICE that counsel for the Defendant FREDRICK HARRIS has set this matter for hearing in Department XII on the 29 day of MAY, 2014 at the hour of 8:30A.

DATED THIS 28th day of April, 2014

BY: /s/ Betsy Allen
BETSY ALLEN, ESQ
Nevada Bar No. 6878
P.O. Box 46991
Las Vegas, Nevada, 89114

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POINTS AND AUTHORITIES

Factual Background

In the instant case, the Defendant, FREDRICK HARRIS, was convicted of 36 out of 45 counts of various charges, including: Sexual Assault on a Minor under Fourteen, Sexual Assault of a Minor under 16, and Lewdness with a Minor.

Legal Argument

NRS 176.515 provides in relevant part that:

1. The Court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.
2. If trial was by the Court without a jury, the Court may vacate the judgment if entered, take additional testimony on direct the entry of a new judgment.
3. Except as otherwise provided in NRS 176.0918, a motion for new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.
4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the Court may fix during the 7-day period.¹

A. The Court allowed portions of the statement of co-defendant

Lealer Ann Cooks without a finding of reliability

NRS 51.035 states, in pertinent part, that hearsay is not admissible unless it falls within an exception. One of these exceptions is a statement against interest. A statement against interest, in order to be admissible, must, at the time it is made:

- (a) Was so far contrary to the pecuniary or proprietary interests of the declarant;
- (b) So far tended to subject the declarant to civil or criminal liability;

¹ Chief Deputy District Attorney Lisa Luzaich graciously granted the Defense until April 28, 2014 to file the aforementioned Motion.

(

(

1 (c) So far tended to render invalid a claim by the declarant
against another; or

2 (d) So far tended to make the declarant an object of hatred,
3 ridicule or social disapproval, that a reasonable person in the
4 position of the declarant would not have made the statement
unless the declarant believed it to be true. NRS 51.345(1)

5
6 During the course of Harris' trial, the State opted to elicit particular statements from
7 Detective Madsen, made by co-defendant Lealer Cooks.² These statements were clearly
8 hearsay, as the State asserted that they were a statement against penal interest(an
9 exception to the hearsay rule).

10
11 However, contrary to defense's objections, the Court opted to allow these
12 statements to be elicited. There was no subsequent finding by this Court with regard to
13 whether the statement elicited was trustworthy under *Walker v. State*, 116 Nev. 670,
14 76(2000).

15 In the instant case, the statement was made to law enforcement after a lengthy
16 discussion, all of which was recorded. Ms. Cooks stated repeatedly throughout the
17 statement that she did not believe the Duke girls and their claims. Further, part of the
18 statute requires that the report of the abuse have some indicia of reliability and the person
19 must have some belief that the abuse is true.³

20
21 Lealer was very clear in her statement that she did not believe the victims in this
22 case. To simply characterize that one particular portion as a "statement against interest"

23
24 _____
25 ² Lealer Ann Cooks was charged in case number C290726. She is a co-defendant as she is charged with a failure to
26 report the abuse(Child Abuse & Neglect) arising out of the same allegations levied against Mr. Harris.

27 ³ The Defense was not permitted to bring in information that Cooks was concerned about the Tahara Duke being
28 sexually active with some boy at her school, thus the reason for taking her to the doctor.

1 was patently incorrect. It was primarily taken out of context, in light of the entire statement,
2 and it was never subjected to a finding of reliability.

3 For this reason, Harris should received a new trial.

4 **B. Harris should receive a new trial because his statement was altered incorrectly**
5 **and the jury was precluded from hearing material facts.**

6 During the course of the trial, the State opted to play Harris' statement to the jury.
7 However, there were parts of the statement that were which should have been played and
8 were material to the defense.

10 During the course of Harris' statement to Henderson PD, he told the Detective that
11 Victoria had disclosed to him that she had had sex while she lived in Utah.⁴ The State
12 opted to take this portion out, claiming it was subject to rape shield.

13 NRS 50.090 provides, in pertinent part:

14
15 In any prosecution for sexual assault....., the accused may not
16 present evidence of any previous sexual conduct of the victim of
17 the crime to challenge the victim's credibility as a witness unless
18 the prosecutor has presented evidence or the victim has
19 testified concerning such conduct, or the absence of such
conduct, in which case the scope of the accused's cross-
examination of the victim or rebuttal must be limited to the
evidence presented by the prosecutor or the victim.

20 In the instant case, Victoria Duke was **VERY** clear that she was subjected to a
21 sexual assault almost immediately upon her return from Utah. And furthermore, this sexual
22 assault was her first time having sex.

23 In *Summit v. State*, 101 Nev. 159, 697 P.2d 1374(1985), the Nevada Supreme Court
24 addressed this issue. In *Summit*, like here, the defense sought to introduce evidence that
25 the victim had prior sexual experience, which would account for her knowledge of sex. The
26

27
28 ⁴ Victoria claimed that upon her return from Utah, Harris had taken her virginity.

1 District Court denied the request. In analyzing the facts and NRS 50.090, the Court
2 decidedly agreed with the analysis of the Supreme Court of Washington, which held that
3 the trial court must undertake to balance the probative value of the evidence against its
4 prejudicial effect and that the inquiry should particularly focus upon "potential prejudice to
5 the truthfinding process itself," i.e., "whether the introduction of the victim's past sexual
6 conduct may confuse the issues, mislead the jury, or cause the jury to decide the case on
7 an improper or emotional basis." *Summit* at 1377, citing *State v. Hudlow*, 99 Wash.2d 1, 59
8 P.2d 514(1983)
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10 In the instant case, there was no balancing at all. The Court simply precluded this
11 portion of the defendant's statement. Her claims of Harris taking her virginity were clearly
12 rebuttable through his own statement to police. The purpose of bringing in the statements
13 was not to attack her credibility but simply to show prior sexual knowledge, which would
14 account for her rendition of the acts itself.
15

16 The state further argued that it was self serving. However, if the court were to
17 accept this reasoning, then every statement a defendant makes would be subject to the
18 State's "eraser" with regard to anything they feel is "self serving." The defendant's
19 statement was put into evidence by the State. Portions were redacted regarding a
20 polygraph(which are inadmissible in this state). However, his statement to the police
21 regarding what Victoria had previously told him was certainly relevant. It did not violate
22 rape shield and should not have been subject to the state's "eraser" for reasons which do
23 not comport with his right to confront witnesses pursuant to the 6th Amendment.
24

25 **C. Victoria Duke made material misrepresentations of what she was doing in**
26 **California.**
27

28 During Victoria Duke's testimony, she testified that she was living in California and

1 going to school. However, after Harris' conviction, counsel for the defense became aware
2 of the fact that Ms. Duke was arrested on two occasions for prostitution. Counsel for Harris
3 confirmed this with the two court entities that are listed on the register of actions.

4 Certainly, information about Victoria Duke being a prostitute was exceptionally
5 important in this case. She alleged multiple instances of sexual abuse and then lied about
6 what she was doing in California. Certainly her criminal record would have been relevant to
7 this case.
8

9 **Conclusion**

10 Wherefore, The accused, FREDRICK HARRIS, respectfully requests this Honorable
11 Court to grant his Motion for a new trial. Alternatively, he requests the Court to hold a
12 hearing concerning the matters set forth herein.

13 DATED _28th_ day of April, 2014

14
15 BY: /s/ Betsy Allen, Esq.
16 BETSY ALLEN, ESQ
17 Nevada Bar No. 6878
18 P.O. Box 46991
19 Las Vegas, Nevada 89114
20 (702) 386-9700

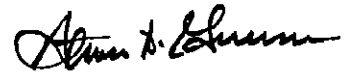
21 **Certificate of Service**

22 I hereby certify that I provided the Clark County District Attorney, specifically Lisa
23 Luzaich, a true and correct copy of the foregoing motion on the 28th day of April, 2014 via
24 email to:

25 lisa.luzaich@clarkcountyda.com

26 DATED this 28th day of April, 2014

27 /s/Betsy Allen
28 Betsy Allen, Esq.



CLERK OF THE COURT

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2 **BETSY Allen, ESQ**
3 Nevada Bar No. 6878
4 P.O. Box 46991
5 Las Vegas, Nevada 89114
6 (702) 386-9700
7 Fax (702) 386-4723
8 betsyallenesq@yahoo.com
9 Attorney for Defendant
10 FREDRICK HARRIS

DISTRICT COURT
CLARK COUNTY, NEVADA

11	THE STATE OF NEVADA,)	Case No.: C-13-291374-1
12)	Dept. No. XII
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14)	
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18 State's "eraser" with regard to anything they feel is "self serving." The defendant's
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23 not comport with his right to confront witnesses pursuant to the 6th Amendment.
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26 **California.**
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2 of the fact that Ms. Duke was arrested on two occasions for prostitution. Counsel for Harris
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5 important in this case. She alleged multiple instances of sexual abuse and then lied about
6 what she was doing in California. Certainly her criminal record would have been relevant to
7 this case.
8

9 **Conclusion**

10 Wherefore, The accused, FREDRICK HARRIS, respectfully requests this Honorable
11 Court to grant his Motion for a new trial. Alternatively, he requests the Court to hold a
12 hearing concerning the matters set forth herein.
13

14 DATED _28th_ day of April, 2014

15 BY: /s/ Betsy Allen, Esq.
16 BETSY ALLEN, ESQ
17 Nevada Bar No. 6878
18 P.O. Box 46991
19 Las Vegas, Nevada 89114
20 (702) 386-9700

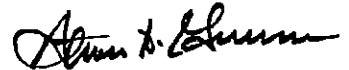
21 **Certificate of Service**

22 I hereby certify that I provided the Clark County District Attorney, specifically Lisa
23 Luzaich, a true and correct copy of the foregoing motion on the 28th day of April, 2014 via
24 email to:

25 lisa.luzach@clarkcountydac.com

26 DATED this 28th day of April, 2014

27 /s/Betsy Allen
28 Betsy Allen, Esq.


CLERK OF THE COURT

1 **RPLY**
2 **BETSY Allen, ESQ**
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8 betsyallenesq@yahoo.com
9 Attorney for Defendant
10 FREDRICK HARRIS

DISTRICT COURT
CLARK COUNTY, NEVADA

11 THE STATE OF NEVADA,) Case No.: C-13-291374-1
12) Dept. No. XII
13 Plaintiff,)
14 vs.)
15 FREDRICK HARRIS,)
16 Defendant.)
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DEFENDANT'S REPLY TO STATE'S RESPONSE TO MOTION FOR A NEW TRIAL AND

SUPPLEMENT TO DEFENDANT'S MOTION FOR A NEW TRIAL

COMES NOW the Defendant, FREDRICK HARRIS, by and through his attorney,
BETSY ALLEN, ESQ., and hereby files this Reply to State's Response to Motion for New
Trial and Supplements Defendant's Motion for a New Trial.

This Reply and Supplement is based upon the pleading and papers on files herein,
the following Points and Authorities all as incorporated herein.

DATED this _9th_ day of July, 2014

/s/ Betsy Allen
Betsy Allen, Esq.
Nevada Bar No. 6878

POINTS AND AUTHORITIES

Factual Background

In the instant case, the Defendant, FREDRICK HARRIS, was convicted of 36 out of 45 counts of various charges, including: Sexual Assault on a Minor under Fourteen, Sexual Assault of a Minor under 16, and Lewdness with a Minor.

I. REPLY TO STATE'S RESPONSE TO DEFENDANT'S MOTION FOR A NEW TRIAL

NRS 176.515 provides in relevant part that:

1. The Court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.
2. If trial was by the Court without a jury, the Court may vacate the judgment if entered, take additional testimony on direct the entry of a new judgment.
3. Except as otherwise provided in NRS 176.0918, a motion for new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.
4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the Court may fix during the 7-day period.¹

A. The Court allowed portions of the statement of co-defendant

Lealer Ann Cooks without a finding of reliability

During the trial, the State elicited statements from Lealer Cooks, ultimately choosing to admit them through a detective, not through Ms. Cooks.

Part of the State's argument that there is an indicia of reliability is that Lealer pled guilty to a count of Child Abuse and Neglect, pursuant to **the Alford decision**. The State glosses over the idea and thought process behind the Alford decision. This United State Supreme Court decision allows a defendant to plead guilty without admitting guilt, in order

¹ Chief Deputy District Attorney Lisa Luzaich graciously granted the Defense until April 28, 2014 to file the aforementioned Motion.

1 to avoid a harsher penalty.² This is not an admission of guilt, merely a way to avoid going
2 to trial. In fact, as this Court is well aware, during a plea canvas, the Defendant is NOT
3 asked to allocute but rather to agree that the State COULD prove the charges against
4 him/her.

5 Therefore, Cooks "indicia" of reliability relied on by the State simply does not exist.
6 **B. Harris should receive a new trial because his statement was altered incorrectly**
7 **and the jury was precluded from hearing material facts.**
8

9 During the course of the trial, the State opted to play Harris' statement to the jury.
10 However, there were parts of the statement that were which should have been played and
11 were material to the defense.

12 Victoria made clear claims that Fred was the first person she had ever had sexual
13 intercourse with. The State claims his statements that she had sex was somehow self-
14 serving, without really explaining how it helped him somehow.
15

16 While making this statement, Fred was not under arrest, was in his own home and
17 had just admitted to having sex with her. There was nothing self-serving about saying she
18 had had sex previous to him.

19 The State claims that Defendant is trying to somehow circumvent rape shield, NRS
20 50.090. This could not be farther from the truth. Rape shield was meant to protect victims
21 from a Defendant attacking based upon promiscuous conduct. However, when the alleged
22 victim claims that she never had sexual intercourse before, the Defendant is permitted to
23 rebuke that for very obvious reasons. Being able to relay specific actions related to sex
24 requires some indicia of knowledge.
25
26

27
28 ²² See North Carolina v. Alford, 400 U.S. 25 (1970)

1 *Summit v. State*, 101 Nev. 159, 697 P.2d 1374(1985) addressed this issue. In
2 *Summit* the defense sought to introduce evidence that the victim had prior sexual
3 experience, which would account for her knowledge of sex. The District Court denied the
4 request. In analyzing the facts and NRS 50.090, the Court decidedly agreed with the
5 analysis of the Supreme Court of Washington, which held that the trial court must
6 undertake to balance the probative value of the evidence against its prejudicial effect and
7 that the inquiry should particularly focus upon "potential prejudice to the truthfinding
8 process itself," i.e., "whether the introduction of the victim's past sexual conduct may
9 confuse the issues, mislead the jury, or cause the jury to decide the case on an improper or
10 emotional basis." *Summit* at 1377, citing *State v. Hudlow*, 99 Wash.2d 1, 59 P.2d
11 514(1983)
12

13 This Court did no such balancing. This was not an open and shut case, with
14 confessions and undeniable evidence. There were hugely conflicting statements, a TON of
15 prior inconsistent statements and witnesses presented by the Defense which CLEARLY
16 contradicted the victims. The Court simply precluded this portion of the defendant's
17 statement. Her claims of Harris taking her virginity were clearly rebuttable through his own
18 statement to police. The purpose of bringing in the statements was not to attack her
19 credibility but simply to show prior sexual knowledge, which would account for her rendition
20 of the acts itself.
21

22
23 **C. Victoria Duke made material misrepresentations of what she was doing in**
24 **California.**

25 The Defense became aware that Victoria was arrested shortly before the trial, two
26 times, for soliciting prostitution. While she may have testified that she was in school and
27 living with her "godmother" there was no corroboration for this information.
28

1 In the State's Response, they supplement the record by stating their investigator
2 obtained information that she was in school and living with someone. However, this was
3 not testified to during the trial and should not be considered by this Court.

4 In interviews with juror #8, Kathleen Smith, she indicated that information regarding
5 arrests for prostitution would have made a difference in the verdict. (see attached affidavit,
6 Exhibit A) Victoria Duke materially misrepresented her activities in California. Her mother
7 testified that she was a prostitute during this trial and it was clear from Victoria's testimony
8 that she was disgusted by this behavior. To find out that she was **DOING THE SAME**
9 **THING**, and NOT because Fred was supposedly forcing to her do so, is a material issue
10 that should have been presented to the jury.
11

12 **II. SUPPLEMENT TO DEFENDANT'S MOTION FOR A NEW TRIAL.**

13 NRS 176.515 provides in relevant part that:
14

- 15 1. The Court may grant a new trial to a defendant if required as a matter
16 of law or on the ground of newly discovered evidence.

17 In the instant matter, it has been discovered that there was an extreme instance of
18 juror misconduct. In an interview with Juror #8, Kathleen Smith, it was discovered that
19 during deliberations, Juror # 7, Yvonne Lewis, was not truthful during voir dire.
20

21 This was a forty-six(46) count sexual abuse/assault case. And jurors were asked if
22 they were ever the victims of physical or sexual abuse during questioning during voir dire.
23 Juror #7 did NOT disclose sexual abuse, only disclosing during deliberations, while crying,
24 and calling for the conviction of the defendant. (see attached exhibit A).

25 This is on point with the facts in Canada v. State, 944 P.2d 781, 113 Nev.
26 938(1997). In Canada, the jury in this murder trial was tainted by a juror who failed to
27 disclose during voir dire that his own father was murdered. Other jurors stated that he
28

1 would have voted to convict no matter what and kept referring to his own father's murder.

2 Fred Harris' case was a contentious sexual abuse case. The jurors were picked
3 over meticulously and asked about abuse of all kinds. This particular juror talked about
4 physical abuse from her mother, but failed to disclose sexual abuse of ANY KIND.

5 However, during jury deliberation, she broke down crying and referred to sexual
6 abuse and knowing how it felt to be sexually abused. She also was pushing for Harris'
7 conviction and need to be punished. (See attached affidavit of Harrison Mayo Jr., and
8 notes from Kathleen Smith, including changes she asked for in original affidavit, attached
9 as Exhibit A, B and C).

11 In Lopez v. State, 105 Nev. 68, 769 P.2d 1276(1989) the Supreme Court held that
12 where a juror failed to reveal potentially prejudicial information during voir dire, the relevant
13 inquiry is whether the juror is guilty of intentional concealment. Id at 89, 1290. Lopez
14 states that is the trial court's discretion to determine this information.³ "A new trial must be
15 granted unless it appears, beyond a reasonable doubt, that no prejudice has resulted."
16 Lane v. State, 110 Nev. 1156, 1164, 881 P.2d 1358, 1364 (1994). This Court must
17 consider "whether the issue of guilt is close, the quantity and character of the error, and the
18 gravity of the crime charged." Rowbottom v. State, 105 Nev. 472, 486, 779 P.2d 934,
19 943(1989)

22 In the instant case, Harris was charged with 46 felony counts, most of which were
23 life sentence counts. There were days of jury deliberation, indicating people who were
24 holding out on guilt and finally, a juror who, after lying about sexual abuse, was calling for

26 ³ This court must remember the painstaking process both sides undertook to delve into this information. There was even
27 a juror who reveal sexual abuse for the very first time EVER at the bench. Counsel has done numerous sexual
28 abuse/trials and ALWAYS looks for people who previously have been victims for this exact reason.

1 the punishment of Harris during deliberation. Harris is entitled to an evidentiary hearing to
2 determine the facts and circumstances of this jurors misconduct.

3 **Conclusion**

4 Wherefore, The accused, FREDRICK HARRIS, is entitled to a hearing wherein Juror
5 # 7 and #8 must be called to testify regarding the information recently provided to Harris.

6 DATED _9th_ day of July, 2014

7
8 BY: /s/ Betsy Allen, Esq.
9 BETSY ALLEN, ESQ
10 Nevada Bar No. 6878
11 P.O. Box 46991
12 Las Vegas, Nevada 89114
13 (702) 386-9700

14 **Certificate of Service**

15 I hereby certify that I provided the Clark County District Attorney, specifically Lisa
16 Luzaich, a true and correct copy of the foregoing motion on the 1st day of July, 2014 via
17 email to:

18 lisa.luzach@clarkcountyda.com

19 DATED this 9th day of July, 2014

20 /s/Betsy Allen
21 Betsy Allen, Esq.
22
23
24
25
26
27
28

AFFIDAVIT OF HARRISON MAYO, JR.

COUNTY OF CLARK }
STATE OF NEVADA } ss:

I, HARRISON MAYO, JR., being first duly sworn on oath, deposes and states as follows:

1. That I was appointed to work with Betsy Allen, Esq., on the case of Fredrick Harris, C291374-1 and the information contained herein is the truth to the best of my knowledge.

2. That I was asked by the attorney, Betsy Allen, to talk to a particular juror with regard to deliberations.

3. That I was asked to talk to this juror due to the fact that Dorothy Harris, Fredrick Harris' mother, was approached at Wal-Mart by this particular juror and discussed the case with her. Further, she apologized for the convictions.

4. That I came to find out that the this juror was named Kathleen Smith and she works in the Regional Justice Center at the Information booth on the first floor.

5. That Ms. Allen and I interviewed this juror, Ms. Smith, and she disclosed that during deliberations, another juror started talking about being sexually abused as a child. She described this juror as being juror number seven(7), Yvonne Lewis. Ms. Smith further said that Ms. Lewis became emotional during deliberations and began crying while she talked about her own experiences of sexual abuse.

///

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///


///

6. That after she said she had been sexually abused, she began talking about the defendant, Fred Harris, needing to be punished for what he did.

7. That after Ms. Allen made changes to the affidavit as requested by Ms. Smith, she now does not want to get involved.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 9TH day of July, 2014.


HARRISON MAYO, JR.

I went with the
Consensus but I
was not wholeheartedly
in agreement with
the guilty verdicts

- Some of the ~~jurors~~ ^{jurors}
were to me in a rush to
judgement - Some had
vacation plans. ^{Some} Wanted
to get back to lives
it was pretty much
cut & dry to them &
they did not believe
the testimony of the
School officials, CPS &
Harris-

Henderson P.D.
Investigation -

One of the jurors
I recall put emphasis
on a personal experience
of being sexually abused
& physically abused as
a child so she sympathized
with the victims
wholeheartedly - She even
came to tears ^{when she} ~~believe~~ she did not
speak of this - She did not
separate her personal
experience from judging
the case - making a
~~sound~~ sound decision
on the case.

C

AFFIDAVIT OF KATHLEEN SMITH

COUNTY OF CLARK }
STATE OF NEVADA } ss:

I, KATHLEEN SMITH, being first duly sworn on oath, deposes and states as follows:

1. That I was a sworn juror in the State of Nevada v. Fredrick Harris and the information contained herein is the truth to the best of my knowledge.
2. That I participated in deliberations which resulted in the conviction of Harris on multiple counts of sexual assault.
3. That I was pressured into voting to convict Fredrick Harris by other jurors. I, along with another juror, held out for two days.
4. That I finally gave up because I did not want to be in deliberations forever.
5. That during deliberation, one juror became emotional and began crying. She then talked about her own experience with sexual abuse. This was juror #7, Yvonne Lewis. I recall she put strong emphasis on being sexually abused and physically abused as a child. She sympathized with the victims wholeheartedly and began crying when she spoke of this. I do not believe she separated her personal experience from this case. She was unable to make sound judgments on this case based upon the things she said about her own sexual abuse.

~~#3 - I was~~
#4 - That I ^{gave} ~~gave~~ in to the consensus

* Take out did not want 2 be in deliberations forever.

#5 - last line
I believe she was unable 2 make sound judgments on this case.

6. That after she said she had been sexually abused, she began talking about the defendant, Fred Harris, needing to be punished for what he did.

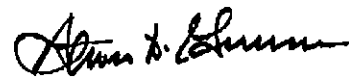
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this _____ day of July, 2014.

KATHLEEN SMITH

SUBSCRIBED and SWORN to me
this _____ day of July, 2014.

NOTARY PUBLIC in and for said
County and State.


CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

FREDERICK HAROLD HARRIS JR.
aka Fredrick Harold Harris, Jr.
#0972945

Defendant.

CASE NO. C291374-1

DEPT. NO. XII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of
COUNTS 1, 15, 16, 17 & 18 – CHILD ABUSE, NEGLECT OR ENDANGERMENT
(Category B Felony) in violation of NRS 200.508; COUNTS 2, 3, 6, 8, 9, 10, 11, 13, 14,
21 & 22 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
(Category A Felony) in violation of NRS 200.364, 200.366; COUNTS 4, 5, 7, 12 & 20 –
LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony) in violation
of NRS 201.230; COUNTS 19, 25, 28 & 37 – FIRST DEGREE KIDNAPPING

//

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OCT. 28 2015
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(Category A Felony) in violation of NRS 200.310, 200.320; COUNT 23 – COERCION
(SEXUALLY MOTIVATED) (Category B Felony) in violation of NRS 207.190; COUNTS
24 & 27 – ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A
CRIME (Category B Felony) in violation of NRS 200.405; COUNTS 26, 29, 30, 31, 32,
33, 34 & 35 – SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
(Category A Felony) in violation of NRS 200.364, 200.366; COUNTS 36, 39, 40, 41 &
43 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366;
COUNT 38 – BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A
Felony) in violation of NRS 200.400; COUNT 42 – PANDERING (Category C Felony) in
violation of NRS 201.300; COUNT 44 – LIVING FROM THE EARNINGS OF A
PROSTITUTE (Category D Felony) in violation of NRS 201.320; COUNT 45 –
BATTERY BY STRANGULATION (Category C Felony) in violation of NRS 200.481, and
the matter having been tried before a jury and the Defendant having been found guilty
of the crimes of COUNTS 2, 3, 6, 8, 9, 10, 11, 13, 14, 21 & 22 – SEXUAL ASSAULT
WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony) in
violation of NRS 200.364, 200.366; COUNTS 4, 5, 7, 12 & 20 – LEWDNESS WITH A
CHILD UNDER THE AGE OF 14 (Category A Felony) in violation of NRS 201.230;
COUNT 16 – CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony) in
violation of NRS 200.508; COUNTS 19, 25, 28 & 37 – FIRST DEGREE KIDNAPPING
(Category A Felony) in violation of NRS 200.310, 200.320; COUNT 23 – COERCION
(SEXUALLY MOTIVATED) (Category B Felony) in violation of NRS 207.190; COUNT
24 – ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME
//

(Category B Felony) in violation of NRS 200.405; COUNTS 26, 29, 31, 33, 34 & 35 – SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony) in violation of NRS 200.364, 200.366; COUNTS 36, 39, 40 & 41 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 38 – BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.400; COUNT 42 – PANDERING (Category C Felony) in violation of NRS 201.300, and COUNT 44 – LIVING FROM THE EARNINGS OF A PROSTITUTE (Category D Felony) in violation of NRS 201.320; thereafter, on the 27th day of October, 2015, the Defendant was present in court for sentencing with his counsel, BETSY ALLEN, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, and a \$150.00 DNA Analysis Fee including testing to determine genetic markers, plus a \$3.00 DNA Collection Fee, the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:

AS TO **COUNT 2** - TO LIFE with a MINIMUM Parole Eligibility of THIRTY-FIVE (35) YEARS; AS TO **COUNT 3** - TO LIFE with a MINIMUM Parole Eligibility of THIRTY-FIVE (35) YEARS; AS TO **COUNT 4** - TO LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS; AS TO **COUNT 5** – TO LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS; AS TO **COUNT 6** - TO LIFE with a MINIMUM Parole Eligibility of THIRTY-FIVE (35) YEARS; AS TO **COUNT 7** - TO LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS; AS TO **COUNT 8** - TO LIFE with a MINIMUM Parole Eligibility of THIRTY-FIVE (35) YEARS; AS TO **COUNT 9** - TO LIFE with a MINIMUM

//

Parole Eligibility of THIRTY-FIVE (35) YEARS; AS TO **COUNT 10** – TO LIFE with a
MINIMUM Parole Eligibility of THIRTY-FIVE (35) YEARS; AS TO **COUNT 11** - TO LIFE
with a MINIMUM Parole Eligibility of THIRTY-FIVE (35) YEARS; AS TO **COUNT 12** –
TO LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS; AS TO **COUNT 13** –
TO LIFE with a MINIMUM Parole Eligibility of THIRTY-FIVE (35) YEARS; AS TO
COUNT 14 – TO LIFE with a MINIMUM Parole Eligibility of THIRTY-FIVE (35) YEARS;
AS TO **COUNT 16** – TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a
MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS, Count 16 to run
CONCURRENT with all other counts; AS TO **COUNT 19** – TO LIFE with a MINIMUM
Parole Eligibility of FIVE (5) YEARS; AS TO **COUNT 20** – TO LIFE with a MINIMUM
Parole Eligibility of TEN (10) YEARS; AS TO **COUNT 21** – TO LIFE with a MINIMUM
Parole Eligibility of TWENTY (20) YEARS; AS TO **COUNT 22** – TO LIFE with a
MINIMUM Parole Eligibility of TWENTY (20) YEARS, Count 22 to run CONSECUTIVE
to Count 21; AS TO **COUNT 23** – TO A MAXIMUM of SEVENTY-TWO (72) MONTHS
with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS, Count 23 to run
CONCURRENT with all other counts; AS TO **COUNT 24** – TO A MAXIMUM of SIXTY
(60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS,
Count 24 to run CONCURRENT with all other counts; AS TO **COUNT 25** – TO LIFE
with a MINIMUM Parole Eligibility of FIVE (5) YEARS; AS TO **COUNT 26** – TO LIFE
with a MINIMUM Parole Eligibility of TWENTY (20) YEARS; AS TO **COUNT 28** – TO
LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS; AS TO **COUNT 29** – TO
LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS; AS TO **COUNT 31**
– TO LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS; AS TO **COUNT**

1 **33 – TO LIFE** with a MINIMUM Parole Eligibility of TWENTY (20) YEARS; AS TO
2 **COUNT 34 – TO LIFE** with a MINIMUM Parole Eligibility of TWENTY (20) YEARS; AS
3 **TO COUNT 35 – TO LIFE** with a MINIMUM Parole Eligibility of TWENTY (20) YEARS;
4 **AS TO COUNT 36 – TO LIFE** with a MINIMUM Parole Eligibility of TEN (10) YEARS;
5 **AS TO COUNT 37 – TO LIFE** with a MINIMUM Parole Eligibility of FIVE (5) YEARS;
6 **AS TO COUNT 38 – TO LIFE** with a MINIMUM Parole Eligibility of TWO (2) YEARS;
7 **AS TO COUNT 39 – TO LIFE** with a MINIMUM Parole Eligibility of TEN (10) YEARS;
8 **AS TO COUNT 40 – TO LIFE** with a MINIMUM Parole Eligibility of TEN (10) YEARS;
9 **AS TO COUNT 41 – TO LIFE** with a MINIMUM Parole Eligibility of TEN (10) YEARS;
10 **AS TO COUNT 42 – TO A MAXIMUM** of SIXTY (60) MONTHS with a MINIMUM Parole
11 Eligibility of TWENTY-FOUR (24) MONTHS, Count 42 to run CONCURRENT with all
12 other counts; and **AS TO COUNT 44 – TO A MAXIMUM** of FORTY-EIGHT (48)
13 MONTHS with a MINIMUM Parole Eligibility of EIGHTEEN (18) MONTHS, Count 44 to
14 run CONSECUTIVE to Count 42; with NINE HUNDRED SEVENTY-NINE (979) DAYS
15 credit for time served. ALL LIFE SENTENCES to run CONCURRENT with each other.
16 Defendant was found **NOT GUILTY** on **COUNTS - 1, 15, 17, 18, 27, 30, 32, 43 and 45.**
17 COURT ORDERED, NOT GUILTY COUNTS are DISMISSED. Defendant's
18 AGGREGATE TOTAL SENTENCE is LIFE with a MINIMUM sentence of NINE
19 HUNDRED EIGHTEEN (918) MONTHS.

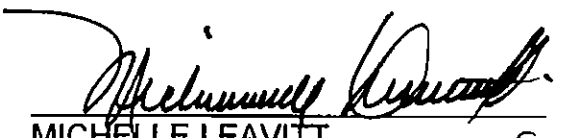
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24 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
25 is imposed to commence upon release from any term of imprisonment, probation or
26 parole. In addition, before the Defendant is eligible for parole, a panel consisting of the
27 Administrator of the Mental Health and Development Services of the Department of
28

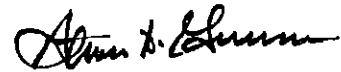
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1 Human Resources or his designee; the Director of the Department of Corrections or his
2 designee; and a psychologist licensed to practice in this state; or a psychiatrist licensed
3 to practice medicine in Nevada must certify that the Defendant does not represent a
4 high risk to re-offend based on current accepted standards of assessment.
5

6 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
7 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release
8 from custody.
9

10
11
12 DATED this 29 day of October, 2015.

13
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15 
16 MICHELLE LEAVITT
17 DISTRICT JUDGE
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CLERK OF THE COURT

1 **NOTC**

2 CHRISTOPHER R. ORAM, ESQ.

3 Nevada Bar No. 4349

4 520 South 4th Street, # 370

5 Las Vegas, Nevada 89101

6 (702) 384-5563

7 Attorney for Defendant

8 FREDERICK HARRIS

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 * * * * *

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 FREDERICK HARRIS,

16 Defendant.

CASE NO. C-13-291374-1

DEPT. NO. 12

17 **NOTICE OF APPEAL**

18 NOTICE is hereby given that Defendant, FREDERICK HARRIS, hereby appeals to the
19 Supreme Court of the State of Nevada from his sentence announced on October 27, 2015. The
20 Judgment of Conviction has not yet been filed.

21 DATED this 27th day of October, 2015.

22 By

23 CHRISTOPHER R. ORAM

24 Nevada Bar #004349

25 520 South Fourth Street.,

26 Las Vegas, Nevada 89101

27 Attorney for Defendant

28 FREDERICK HARRIS

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX 702.974-0623

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623

CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of October, 2015, I served a true and correct copy of the foregoing document entitled **NOTICE OF APPEAL** to the Clark County District Attorney's Office by sending a copy via electronic mail to:


CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

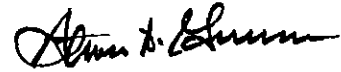
I further certify that on the 27 day of October, 2015, I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing **NOTICE OF APPEAL**, addressed to:

Supreme Court Clerk
Supreme Court Building
201 S. Carson Street
Carson City, Nevada 89701

Adam Paul Laxalt
Attorney General
100 North Carson Street
Carson City, Nevada 89701

BY:


An employee of Christopher R. Oram, Esq.



CLERK OF THE COURT

1 **CASA**
2 CHRISTOPHER R. ORAM, ESQ.
3 Nevada State Bar #004349
4 520 S. Fourth Street, 2nd Floor
5 Las Vegas, Nevada 89101
6 (702) 384-5563

7 Attorney for Defendant
8 FREDERICK HARRIS

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 * * * * *

12 THE STATE OF NEVADA,
13 Plaintiff,

14 vs.

15 FREDERICK HARRIS,
16 Defendant.

CASE NO. C-13-291374-1
DEPT. NO. 12

17 **CASE APPEAL STATEMENT**

- 18 1. Appellant : FREDERICK HARRIS
19 2. Judge : Hon. Michelle Leavitt
20 3. Parties in District Court : State of Nevada v. Frederick Harris
21 4. Parties in Appeal : Frederick Harris v. State of Nevada
22 5. Counsel on Appeal : Christopher R. Oram, Esq.
23 520 S. Fourth Street, 2nd Floor
24 Las Vegas, Nevada 89101
25 (702) 384-5563

26 Steve Wolfson
27 District Attorney
28 200 Lewis Avenue
Las Vegas, NV 89155
(702) 671-2500

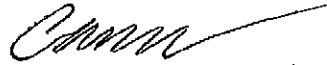
Adam Paul Laxalt
Attorney General
100 North Carson Street
Carson City, Nevada 89701

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX 702.974-0623

- 1 6. Appellant was represented by court retained counsel in the district court.
- 2 7. Appellant is currently represented by retained counsel on appeal.
- 3 8. Appellant has not been granted leave to proceed in form pauperis as of this date.
- 4 9. Mr. Harris was sentenced on October 27, 2015. Mr. Harris' Judgment of Conviction has
5 not been filed. Mr. Harris appeals to the Nevada Supreme Court from this judgment and
6 sentence.

6 DATED this 27 day of October, 2015.

8 Respectfully submitted by:

9 

10 CHRISTOPHER R. ORAM, ESQ.
11 Nevada Bar No. 004349
12 520 S. Fourth Street, 2nd Floor
13 Las Vegas, Nevada 89101
14 (702) 384-5563

15 Attorney for Defendant
16 FREDERICK HARRIS
17
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CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of October, 2015, I served a true and correct copy of the foregoing document entitled **CASE APPEAL STATEMENT** to the Clark County District Attorney's Office by sending a copy via electronic mail to:

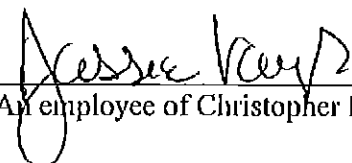
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

I further certify that on the 21 day of October, 2015, I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing **CASE APPEAL STATEMENT** addressed to:

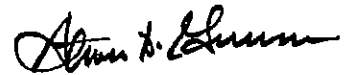
Supreme Court Clerk
Supreme Court Building
201 S. Carson Street
Carson City, Nevada 89701

Adam Paul Laxalt
Attorney General
100 North Carson Street
Carson City, Nevada 89701

BY:


An employee of Christopher R. Oram, Esq.

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623



CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #5056
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

I.A. 7/30/13
1:30 PM
B. ALLEN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

FREDERICK HAROLD HARRIS JR.,
aka, Fredrick Harold Harris Jr., #0972945
Defendant.

Case No: C-13-291374-1
Dept No: XII

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That FREDERICK HAROLD HARRIS JR., aka, Fredrick Harold Harris Jr., the Defendant(s) above named, having committed the crimes of **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320), COERCION (SEXUALLY MOTIVATED) (Category B Felony - NRS 200.190), ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME (Category B Felony - NRS 200.405), SEXUAL ASSAULT WITH A**

1 MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364,
2 200.366), SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366),
3 BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony -
4 NRS 200.400), PANDERING (Category C Felony - NRS 201.300), LIVING FROM
5 THE EARNINGS OF A PROSTITUTE (Category D Felony - NRS 201.320) and
6 BATTERY BY STRANGULATION (Category C Felony - NRS 200.481), on or between
7 December, 2004 and September 26, 2012, within the County of Clark, State of Nevada,
8 contrary to the form, force and effect of statutes in such cases made and provided, and
9 against the peace and dignity of the State of Nevada,

10 COUNT 1 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

11 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
12 feloniously cause a child under the age of 18 years, to-wit: TAHARAH DUKE, being
13 approximately 8 to 12 years of age, to suffer unjustifiable physical pain or mental suffering
14 as a result of abuse or neglect, and/or cause the said TAHARAH DUKE to be placed in a
15 situation where she might have suffered unjustifiable physical pain or mental suffering as a
16 result of abuse or neglect, by repeatedly beating the said TAHARAH DUKE with a belt.

17 COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

19 did on or between October 1, 2010 and September 26, 2012 then and there willfully,
20 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
21 under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting
22 his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or
23 under conditions in which Defendant knew, or should have known, that the said TAHARAH
24 DUKE was mentally or physically incapable of resisting or understanding the nature of
25 Defendant's conduct.

26 ///

27 ///

28 ///

1 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did on or between October 1, 2010 and September 26, 2012 then and there willfully,
4 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
5 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
6 penis into the genital opening of the said TAHARAH DUKE, against her will, or under
7 conditions in which Defendant knew, or should have known, that the said TAHARAH
8 DUKE was mentally or physically incapable of resisting or understanding the nature of
9 Defendant's conduct.

10 COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

11 did, on or between October 1, 2010 and September 26, 2012 then and there willfully,
12 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
13 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
14 the age of fourteen years, by the said Defendant touching and/or rubbing the breast(s) of the
15 said TAHARAH DUKE, with the intent of arousing, appealing to, or gratifying the lust,
16 passions, or sexual desires of said Defendant, or said child.

17 COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

18 did, on or between October 1, 2010 and September 26, 2012 then and there willfully,
19 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
20 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
21 the age of fourteen years, by the said Defendant directing and/or causing and/or encouraging
22 the said TAHARAH DUKE to place her hand on his penis and cause her hand to rub up and
23 down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
24 desires of said Defendant, or said child.

25 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
26 AGE

27 did on or between October 1, 2010 and September 26, 2012 then and there willfully,
28 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child

under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did, on or between October 1, 2010 and September 26, 2012 then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by the said Defendant touching and/or rubbing the breast(s) of the said TAHARAH DUKE, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between October 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between October 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or

1 physically incapable of resisting or understanding the nature of Defendant's conduct.

2 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
3 AGE

4 did on or between October 1, 2010 and September 26, 2012 then and there willfully,
5 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
6 under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting
7 his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or
8 under conditions in which Defendant knew, or should have known, that the said TAHARAH
9 DUKE was mentally or physically incapable of resisting or understanding the nature of
10 Defendant's conduct.

11 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
12 AGE

13 did on or between October 1, 2010 and September 26, 2012 then and there willfully,
14 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
15 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
16 penis into the genital opening of the said TAHARAH DUKE, against her will, or under
17 conditions in which Defendant knew, or should have known, that the said TAHARAH
18 DUKE was mentally or physically incapable of resisting or understanding the nature of
19 Defendant's conduct.

20 COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

21 did, on or between October 1, 2010 and September 26, 2012 then and there willfully,
22 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
23 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
24 the age of fourteen years, by the said Defendant directing and/or causing and/or encouraging
25 the said TAHARAH DUKE to place her hand on his penis and cause her hand to rub up and
26 down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
27 desires of said Defendant, or said child.

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1 COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did on or between October 1, 2010 and September 26, 2012 then and there willfully,
4 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
5 under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting
6 his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or
7 under conditions in which Defendant knew, or should have known, that the said TAHARAH
8 DUKE was mentally or physically incapable of resisting or understanding the nature of
9 Defendant's conduct.

10 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

12 did on or between October 1, 2010 and September 26, 2012 then and there willfully,
13 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
14 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
15 penis into the genital opening of the said TAHARAH DUKE, against her will, or under
16 conditions in which Defendant knew, or should have known, that the said TAHARAH
17 DUKE was mentally or physically incapable of resisting or understanding the nature of
18 Defendant's conduct.

19 COUNT 15 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

20 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
21 feloniously cause a child under the age of 18 years, to-wit: TAQUANDA DUKE, being
22 approximately 7 to 11 years of age, to suffer unjustifiable physical pain or mental suffering
23 as a result of abuse or neglect, and/or cause the said TAQUANDA DUKE to be placed in a
24 situation where she might have suffered unjustifiable physical pain or mental suffering as a
25 result of abuse or neglect, by beating the said TAQUANDA DUKE with a belt and/or
26 threatening her with a knife.

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1 COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

2 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
3 feloniously cause a child under the age of 18 years, to-wit: SHABAZZ DUKE, being
4 approximately 12 to 17 years of age, to suffer unjustifiable physical pain or mental suffering
5 as a result of abuse or neglect, and/or cause the said SHABAZZ DUKE to be placed in a
6 situation where she might have suffered unjustifiable physical pain or mental suffering as a
7 result of abuse or neglect, by repeatedly beating the said SHABAZZ DUKE with a belt
8 and/or repeatedly punching the said SHABAZZ DUKE.

9 COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

10 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
11 feloniously cause a child under the age of 18 years, to-wit: MAHLICA DUKE, being
12 approximately 9 to 15 years of age, to suffer unjustifiable physical pain or mental suffering
13 as a result of abuse or neglect, and/or cause the said MAHLICA DUKE to be placed in a
14 situation where she might have suffered unjustifiable physical pain or mental suffering as a
15 result of abuse or neglect, by repeatedly beating the said MAHLICA DUKE with a belt
16 and/or choking her.

17 COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

18 did, on or between January, 2005 and September 26, 2012 willfully, unlawfully, and
19 feloniously cause a child under the age of 18 years, to-wit: VICTORIA DUKE, being
20 approximately 15-18 years of age, to suffer unjustifiable physical pain or mental suffering as
21 a result of abuse or neglect, and/or cause the said VICTORIA DUKE to be placed in a
22 situation where she might have suffered unjustifiable physical pain or mental suffering as a
23 result of abuse or neglect, by repeatedly beating the said VICTORIA DUKE with a belt.

24 COUNT 19 - FIRST DEGREE KIDNAPPING

25 did, on or between December, 2004 and May, 2005, willfully, unlawfully,
26 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,
27 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or
28 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose

1 of committing sexual assault and/or lead, take, entice, or carry away or detain VICTORIA
2 DUKE, a minor, with the intent to keep, imprison, or confine said minor from her parent,
3 guardian, or any other person having lawful custody of the said minor and/or perpetrate upon
4 the person of said minor any unlawful act, to wit: sexual assault.

5 COUNT 20 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

6 did on or between December, 2004 and May, 2005 then and there willfully, lewdly,
7 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any
8 part or member thereof, a child, to-wit: VICTORIA DUKE, said child being under the age
9 of fourteen years, by Defendant putting the hand of the said VICTORIA DUKE on his
10 genital area, with the intent of arousing, appealing to, or gratifying the lust, passions, or
11 sexual desires of said Defendant, or said child.

12 COUNT 21 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
13 AGE

14 did on or between December, 2004 and May, 2005 then and there willfully,
15 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
16 under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting
17 his finger(s) into the genital opening of the said VICTORIA DUKE, against her will, or
18 under conditions in which Defendant knew, or should have known, that the said VICTORIA
19 DUKE was mentally or physically incapable of resisting or understanding the nature of
20 Defendant's conduct.

21 COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
22 AGE

23 did on or between December, 2004 and May, 2005 then and there willfully,
24 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
25 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
26 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
27 conditions in which Defendant knew, or should have known, that the said VICTORIA
28 DUKE was mentally or physically incapable of resisting or understanding the nature of

Defendant's conduct.

COUNT 23 - COERCION (SEXUALLY MOTIVATED)

did December, 2004 and May, 2005 then and there, wilfully, unlawfully and feloniously use physical force, or the immediate threat of such force, against VICTORIA DUKE, with intent to compel her to do, or abstain from doing, an act which she had a right to do, or abstain from doing, by Defendant grabbing the arm of the said VICTORIA DUKE and telling her not to tell anyone or he would beat her, one of the purposes for which the Defendant committed the offense was Defendant's sexual gratification.

COUNT 24 - ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME

did on or between August 1, 2007 and August 31, 2007 then and there wilfully, unlawfully, feloniously, and knowingly administer to VICTORIA DUKE, a controlled substance, anesthetic, or intoxicating agent, with the intent thereby to enable or assist himself to commit a felony, to-wit: Sexual Assault with a Minor Under the Age of 16.

COUNT 25 - FIRST DEGREE KIDNAPPING

did, on or between August 1, 2007 and August 31, 2007, willfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault and/or lead, take, entice, or carry away or detain VICTORIA DUKE, a minor, with the intent to keep, imprison, or confine said minor from her parent, guardian, or any other person having lawful custody of the said minor and/or perpetrate upon the person of said minor any unlawful act, to wit: sexual assault.

COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between August 1, 2007 and August 31, 2007 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under

1 conditions in which Defendant knew, or should have known, that the said VICTORIA
2 DUKE was mentally or physically incapable of resisting or understanding the nature of
3 Defendant's conduct.

4 COUNT 27 - ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A
5 CRIME

6 did on or between September 1, 2007 and July 30, 2008 then and there wilfully,
7 unlawfully, feloniously, and knowingly administer to VICTORIA DUKE, a controlled
8 substance, anesthetic, or intoxicating agent, with the intent thereby to enable or assist himself
9 to commit a felony, to-wit: Sexual Assault with a Minor Under the Age of 16.

10 COUNT 28 - FIRST DEGREE KIDNAPPING

11 did, on or between September 1, 2007 and July 30, 2008, willfully, unlawfully,
12 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,
13 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or
14 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose
15 of committing sexual assault and/or lead, take, entice, or carry away or detain VICTORIA
16 DUKE, a minor, with the intent to keep, imprison, or confine said minor from her parent,
17 guardian, or any other person having lawful custody of the said minor and/or perpetrate upon
18 the person of said minor any unlawful act, to wit: sexual assault.

19 COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

20 did on or between September 1, 2007 and July 30, 2008 then and there willfully,
21 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
22 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
23 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
24 conditions in which Defendant knew, or should have known, that the said VICTORIA
25 DUKE was mentally or physically incapable of resisting or understanding the nature of
26 Defendant's conduct.

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1 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did on or between September 1, 2007 and July 30, 2008 then and there willfully,
3 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
4 under sixteen years of age, to sexual penetration, to-wit: anal intercourse, by placing his
5 penis into the anal opening of the said VICTORIA DUKE, against her will, or under
6 conditions in which Defendant knew, or should have known, that the said VICTORIA
7 DUKE was mentally or physically incapable of resisting or understanding the nature of
8 Defendant's conduct.

9 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

10 did on or between September 1, 2007 and July 30, 2008 then and there willfully,
11 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
12 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
13 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
14 conditions in which Defendant knew, or should have known, that the said VICTORIA
15 DUKE was mentally or physically incapable of resisting or understanding the nature of
16 Defendant's conduct.

17 COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

18 did on or between September 1, 2007 and July 30, 2008 then and there willfully,
19 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
20 under sixteen years of age, to sexual penetration, to-wit: anal intercourse, by placing his
21 penis into the anal opening of the said VICTORIA DUKE, against her will, or under
22 conditions in which Defendant knew, or should have known, that the said VICTORIA
23 DUKE was mentally or physically incapable of resisting or understanding the nature of
24 Defendant's conduct.

25 COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did on or between September 1, 2007 and July 30, 2008 then and there willfully,
27 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
28 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing a

dildo and/or vibrator into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between September 1, 2007 and July 30, 2008 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by causing TINA DUKE TO place a dildo into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between September 1, 2007 and July 30, 2008 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by causing TINA DUKE TO place a dildo into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 36 - SEXUAL ASSAULT

did on in May, 2009 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

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1 COUNT 37 - FIRST DEGREE KIDNAPPING

2 did, on or between August 2010 and August 2011 willfully, unlawfully, feloniously,
3 and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap,
4 or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said
5 VICTORIA DUKE against her will, and without her consent, for the purpose of committing
6 sexual assault.

7 COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

8 did, on or between August 2010 and August 2011, willfully, unlawfully and
9 feloniously use force or violence upon the person of another, to-wit: VICTORIA DUKE,
10 with the intent to commit sexual assault, by grabbing the wrist of the said VICTORIA
11 DUKE and holding it tight while attempting to cause her to perform fellatio on him.

12 COUNT 39 - SEXUAL ASSAULT

13 did on or between August 2010 and August 2011 then and there willfully,
14 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female
15 person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital
16 opening of the said VICTORIA DUKE, against her will, or under conditions in which
17 Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or
18 physically incapable of resisting or understanding the nature of Defendant's conduct.

19 COUNT 40 - SEXUAL ASSAULT

20 did on or between August 2010 and August 2011 then and there willfully,
21 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female
22 person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital
23 opening of the said VICTORIA DUKE, against her will, or under conditions in which
24 Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or
25 physically incapable of resisting or understanding the nature of Defendant's conduct.

26 COUNT 41 - SEXUAL ASSAULT

27 did on or between August 2011 and December 2011 then and there willfully,
28 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female

1 person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital
2 opening of the said VICTORIA DUKE, against her will, or under conditions in which
3 Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or
4 physically incapable of resisting or understanding the nature of Defendant's conduct.

5 COUNT 42 - PANDERING

6 did on or between August, 2007 and December 17, 2011 then and there willfully,
7 unlawfully, and feloniously induce, persuade, encourage, inveigle, entice, or compel TINA
8 DUKE to become a prostitute, and/or to engage or continue to engage in prostitution,
9 Defendant using physical force or the threat of physical force.

10 COUNT 43 - SEXUAL ASSAULT

11 did on or between August 2007 and August 2008 then and there willfully,
12 unlawfully, and feloniously sexually assault and subject TINA DUKE, a female person, to
13 sexual penetration, to-wit: anal intercourse, by placing his penis into the anal opening of the
14 said VICTORIA DUKE, against her will.

15 COUNT 44 - LIVING FROM THE EARNINGS OF A PROSTITUTE

16 did on or between August, 2007 and December 17, 2011 then and there willfully,
17 unlawfully, feloniously, and knowingly accept, receive, levy, or appropriate money, without
18 consideration, from TINA DUKE, the proceeds of prostitution activity.

19 COUNT 45 - BATTERY BY STRANGULATION

20 did on or between August, 2007 and December, 2011 then and there willfully, unlawfully,
21 and feloniously use force or violence upon the person of another, to-wit: TINA DUKE, by
22 strangulation.

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

24
25 BY /s/ LISA LUZAICH
26 LISA LUZAICH
Chief Deputy District Attorney
27 Nevada Bar #5056

28 ///

Names of witnesses known to the District Attorney's Office at the time of filing this
Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
AGUIAR, CHRISTOPHER	HPD #1395
COOKS, LEALER	966 Blankenship Ave LVN 89106
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD RECORDS
DELACANAL, C	Henderson PD
DUKE, MAHLICA	C/O DISTRICT ATTORNEY'S OFFICE
DUKE, SHABAZZ	C/O DISTRICT ATTORNEY'S OFFICE
DUKE, TAHARAH	C/O DISTRICT ATTORNEY'S OFFICE
DUKE, TAQUANDA	C/O DISTRICT ATTORNEY'S OFFICE
DUKE, TINA	C/O DISTRICT ATTORNEY'S OFFICE
DUKE, VICTORIA	C/O DISTRICT ATTORNEY'S OFFICE
FABERT, CRAIG	DISTRICT ATTORNEY INVESTIGATOR
FISHER, MICHELE	SNCAC
KUFUOR, NANA	653 N Town Center Dr LVN 89144
MADSEN, NICHOLAS	LVMPD #7315
MEHTA, NEHA	SNCAC
MELCHERT, JEFF	HPD #1396
NOURBAKSH, SHOLEN	CPS
PARENT/GUARDIAN	Duke Children
STOKES, DEVON	CPS
TIBBS, TERESA	CPS

DA#13F02924X/jm/SVU
LVMPD EV#1209271444
(TK3)

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED IN OPEN COURT
APR 29 2013

THE STATE OF NEVADA,

Plaintiff,

-vs-

FREDERICK HAROLD HARRIS JR.,
#0972945,

Defendant.

CLARK

CASE NO: 13F02924X

DEPT NO: 3

AMENDED

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1)), FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210), PROMOTION OF SEXUAL PERFORMANCE ON A MINOR (Category A Felony - NRS 200.720), BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400), PANDERING (Category C Felony - NRS 201.300) and LIVING FROM THE EARNINGS OF PROSTITUTE (Category D Felony - NRS 201.320) in the manner following, to-wit: That the said Defendant, on or between July 1, 2003 and September 26, 2012, at and within the County of Clark, State of Nevada,**

COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully and unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting

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1 his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or
2 under conditions in which Defendant knew, or should have known, that the said TAHARAH
3 DUKE was mentally or physically incapable of resisting or understanding the nature of
4 Defendant's conduct.

5 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

6 did, on or between January 1, 2010 and September 26, 2012 then and there willfully,
7 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
8 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
9 the age of fourteen years, by the said Defendant touching and/or rubbing the breast(s) of the
10 said TAHARAH DUKE, with the intent of arousing, appealing to, or gratifying the lust,
11 passions, or sexual desires of said Defendant, or said child.

12 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
13 AGE

14 did on or between January 1, 2010 and September 26, 2012 then and there willfully,
15 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
16 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
17 penis into the genital opening of the said TAHARAH DUKE, against her will, or under
18 conditions in which Defendant knew, or should have known, that the said TAHARAH
19 DUKE was mentally or physically incapable of resisting or understanding the nature of
20 Defendant's conduct.

21 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
22 AGE

23 did on or between January 1, 2010 and September 26, 2012 then and there willfully,
24 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
25 under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or
26 in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which
27 Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or
28 physically incapable of resisting or understanding the nature of Defendant's conduct.

1 COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did, on or between January 1, 2010 and September 26, 2012 then and there willfully,
3 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
4 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
5 the age of fourteen years, by the said Defendant directing and/or causing and/or encouraging
6 the said TAHARAH DUKE to place her hand on his penis and cause her hand to rub up and
7 down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
8 desires of said Defendant, or said child.

9 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

11 did on or between January 1, 2010 and September 26, 2012 then and there willfully,
12 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
13 under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting
14 his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or
15 under conditions in which Defendant knew, or should have known, that the said TAHARAH
16 DUKE was mentally or physically incapable of resisting or understanding the nature of
17 Defendant's conduct.

18 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

19 did, on or between January 1, 2010 and September 26, 2012 then and there willfully,
20 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
21 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
22 the age of fourteen years, by the said Defendant touching and/or rubbing the breast(s) of the
23 said TAHARAH DUKE, with the intent of arousing, appealing to, or gratifying the lust,
24 passions, or sexual desires of said Defendant, or said child.

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1 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did on or between January 1, 2010 and September 26, 2012 then and there willfully,
4 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
5 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
6 penis into the genital opening of the said TAHARAH DUKE, against her will, or under
7 conditions in which Defendant knew, or should have known, that the said TAHARAH
8 DUKE was mentally or physically incapable of resisting or understanding the nature of
9 Defendant's conduct.

10 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

12 did on or between January 1, 2010 and September 26, 2012 then and there willfully,
13 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
14 under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or
15 in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which
16 Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or
17 physically incapable of resisting or understanding the nature of Defendant's conduct.

18 COUNT 10 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

19 did, on or between January 1, 2010 and September 26, 2012 then and there willfully,
20 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
21 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
22 the age of fourteen years, by the said Defendant directing and/or causing and/or encouraging
23 the said TAHARAH DUKE to place her hand on his penis and cause her hand to rub up and
24 down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
25 desires of said Defendant, or said child.

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1 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did on or between January 1, 2010 and September 26, 2012 then and there willfully,
4 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
5 under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting
6 his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or
7 under conditions in which Defendant knew, or should have known, that the said TAHARAH
8 DUKE was mentally or physically incapable of resisting or understanding the nature of
9 Defendant's conduct.

10 COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

11 did, on or between January 1, 2010 and September 26, 2012 then and there willfully,
12 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
13 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
14 the age of fourteen years, by the said Defendant touching and/or rubbing the breast(s) of the
15 said TAHARAH DUKE, with the intent of arousing, appealing to, or gratifying the lust,
16 passions, or sexual desires of said Defendant, or said child.

17 COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

19 did on or between January 1, 2010 and September 26, 2012 then and there willfully,
20 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
21 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
22 penis into the genital opening of the said TAHARAH DUKE, against her will, or under
23 conditions in which Defendant knew, or should have known, that the said TAHARAH
24 DUKE was mentally or physically incapable of resisting or understanding the nature of
25 Defendant's conduct.

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1 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did on or between January 1, 2010 and September 26, 2012 then and there willfully,
4 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child
5 under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or
6 in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which
7 Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

9 COUNT 15 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, on or between January 1, 2010 and September 26, 2012 then and there willfully,
11 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
12 or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under
13 the age of fourteen years, by the said Defendant directing and/or causing and/or encouraging
14 the said TAHARAH DUKE to place her hand on his penis and cause her hand to rub up and
15 down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
16 desires of said Defendant, or said child.

17 COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

18 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
19 feloniously cause a child under the age of 18 years, to-wit: TAHARAH DUKE, being
20 approximately 8 to 12 years of age, to suffer unjustifiable physical pain or mental suffering
21 as a result of abuse or neglect, and/or cause the said TAHARAH DUKE to be placed in a
22 situation where she might have suffered unjustifiable physical pain or mental suffering as a
23 result of abuse or neglect, by repeatedly beating the said TAHARAH DUKE with a belt.

24 COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

25 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
26 feloniously cause a child under the age of 18 years, to-wit: TAQUANDA DUKE, being
27 approximately 7 to 11 years of age, to suffer unjustifiable physical pain or mental suffering
28 as a result of abuse or neglect, and/or cause the said TAQUANDA DUKE to be placed in a

1 situation where she might have suffered unjustifiable physical pain or mental suffering as a
2 result of abuse or neglect, by beating the said TAQUANDA DUKE with a belt and/or
3 threatening her with a knife.

4 COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

5 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
6 feloniously cause a child under the age of 18 years, to-wit: SHABAZZ DUKE, being
7 approximately 12 to 17 years of age, to suffer unjustifiable physical pain or mental suffering
8 as a result of abuse or neglect, and/or cause the said SHABAZZ DUKE to be placed in a
9 situation where she might have suffered unjustifiable physical pain or mental suffering as a
10 result of abuse or neglect, by repeatedly beating the said SHABAZZ DUKE with a belt.

11 COUNT 19 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

12 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
13 feloniously cause a child under the age of 18 years, to-wit: MAHLICA DUKE, being
14 approximately 9 to 15 years of age, to suffer unjustifiable physical pain or mental suffering
15 as a result of abuse or neglect, and/or cause the said MAHLICA DUKE to be placed in a
16 situation where she might have suffered unjustifiable physical pain or mental suffering as a
17 result of abuse or neglect, by repeatedly beating the said MAHLICA DUKE with a belt
18 and/or choking her.

19 COUNT 20 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

20 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and
21 feloniously cause a child under the age of 18 years, to-wit: VICTORIA DUKE, being
22 approximately 15-18 years of age, to suffer unjustifiable physical pain or mental suffering as
23 a result of abuse or neglect, and/or cause the said VICTORIA DUKE to be placed in a
24 situation where she might have suffered unjustifiable physical pain or mental suffering as a
25 result of abuse or neglect, by repeatedly beating the said VICTORIA DUKE with a belt.

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1 COUNT 21 - FIRST DEGREE KIDNAPPING

2 did, on or between August, 2007 and July 30, 2010, willfully, unlawfully,
3 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,
4 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or
5 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose
6 of committing sexual assault and/or lead, take, entice, or carry away or detain VICTORIA
7 DUKE, a minor, with the intent to keep, imprison, or confine said minor from her parent,
8 guardian, or any other person having lawful custody of the said minor and/or perpetrate upon
9 the person of said minor any unlawful act, to wit: sexual assault.

10 COUNT 22 - FIRST DEGREE KIDNAPPING

11 did on or between January 1, 2010 and December 17, 2011 wilfully, unlawfully,
12 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,
13 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or
14 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose
15 of committing sexual assault.

16 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE

18 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
19 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
20 under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting
21 his finger(s) into the genital opening of the said VICTORIA DUKE, against her will, or
22 under conditions in which Defendant knew, or should have known, that the said VICTORIA
23 DUKE was mentally or physically incapable of resisting or understanding the nature of
24 Defendant's conduct.

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1 COUNT 24 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
4 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
5 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
6 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
7 conditions in which Defendant knew, or should have known, that the said VICTORIA
8 DUKE was mentally or physically incapable of resisting or understanding the nature of
9 Defendant's conduct.

10 COUNT 25 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

11 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
12 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
13 under sixteen years of age, to sexual penetration, to-wit: cunnilingus, by placing his mouth
14 and/or tongue on or in the genital opening of the said VICTORIA DUKE, against her will, or
15 under conditions in which Defendant knew, or should have known, that the said VICTORIA
16 DUKE was mentally or physically incapable of resisting or understanding the nature of
17 Defendant's conduct.

18 COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

19 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
20 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
21 under sixteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his
22 finger(s) into the genital opening of the said VICTORIA DUKE, against her will, or under
23 conditions in which Defendant knew, or should have known, that the said VICTORIA
24 DUKE was mentally or physically incapable of resisting or understanding the nature of
25 Defendant's conduct.

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1 COUNT 27 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

2 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
3 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
4 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
5 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
6 conditions in which Defendant knew, or should have known, that the said VICTORIA
7 DUKE was mentally or physically incapable of resisting or understanding the nature of
8 Defendant's conduct.

9 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

10 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
11 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
12 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
13 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
14 conditions in which Defendant knew, or should have known, that the said VICTORIA
15 DUKE was mentally or physically incapable of resisting or understanding the nature of
16 Defendant's conduct.

17 COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

18 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
19 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
20 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
21 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
22 conditions in which Defendant knew, or should have known, that the said VICTORIA
23 DUKE was mentally or physically incapable of resisting or understanding the nature of
24 Defendant's conduct.

25 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
27 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
28 under sixteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his

1 finger(s) into the anal opening of the said VICTORIA DUKE, against her will, or under
2 conditions in which Defendant knew, or should have known, that the said VICTORIA
3 DUKE was mentally or physically incapable of resisting or understanding the nature of
4 Defendant's conduct.

5 COUNT 31 - SEXUAL ASSAULT

6 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
7 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female
8 person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital
9 opening of the said VICTORIA DUKE, against her will, or under conditions in which
10 Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or
11 physically incapable of resisting or understanding the nature of Defendant's conduct.

12 COUNT 32 - SEXUAL ASSAULT

13 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
14 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female
15 person, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the
16 said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or
17 should have known, that the said VICTORIA DUKE was mentally or physically incapable of
18 resisting or understanding the nature of Defendant's conduct.

19 COUNT 33 - OPEN OR GROSS LEWDNESS

20 did on or between July 31, 2003 and September 26, 2012 then and there willfully and
21 unlawfully commit an act of open or gross lewdness by touching, rubbing and/or fondling
22 the breasts of the said VICTORIA DUKE.

23 COUNT 34 - OPEN OR GROSS LEWDNESS

24 did on or between July 31, 2003 and September 26, 2012 then and there willfully and
25 unlawfully commit an act of open or gross lewdness by having the said VICTORIA DUKE
26 touch, rub and/or fondle the penis of the Defendant with her hand.

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1 COUNT 35 - FIRST DEGREE KIDNAPPING

2 did, on or between July 31, 2003 and September 26, 2012, willfully, unlawfully,
3 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,
4 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or
5 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose
6 of committing sexual assault.

7 COUNT 36 - FIRST DEGREE KIDNAPPING

8 did, on or between July 31, 2003 and September 26, 2012, willfully, unlawfully,
9 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,
10 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or
11 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose
12 of committing sexual assault.

13 COUNT 37 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

14 did, on or between July 31, 2003 and September 26, 2012, then and there willfully,
15 unlawfully, and feloniously encourage an adult woman to perform cunnilingus on
16 VICTORIA DUKE while the Defendant watched.

17 COUNT 38 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

18 did, on or between July 31, 2003 and September 26, 2012, then and there willfully,
19 unlawfully, and feloniously encourage an adult woman to insert a dildo in the genital area of
20 VICTORIA DUKE, while the Defendant watched and masturbated himself.

21 COUNT 39 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

22 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
23 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
24 or any part or member thereof, a child, to-wit: VICTORIA DUKE, said child being under
25 the age of fourteen years, by touching and/or fondling the breasts and/or genital area of the
26 said VICTORIA DUKE with his hand, with the intent of arousing, appealing to, or gratifying
27 the lust, passions, or sexual desires of said Defendant, or said child.

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1 COUNT 40 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

2 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
3 unlawfully and feloniously use force or violence upon the person of another, to-wit:
4 VICTORIA DUKE, with the intent to commit sexual assault, by slapping the said
5 VICTORIA DUKE and/or grabbing her legs and/or pulling down her pants before trying to
6 insert his finger into her genital area.

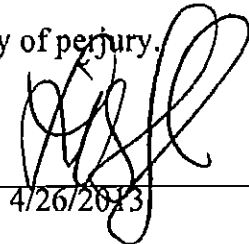
7 COUNT 41 - PANDERING

8 did on or between August, 2007 and December 17, 2011 then and there willfully,
9 unlawfully, and feloniously induce, persuade, encourage, inveigle, entice, or compel TINA
10 DUKE to become a prostitute, and/or to engage or continue to engage in prostitution,
11 Defendant using physical force or the threat of physical force.

12 COUNT 42 - LIVING FROM THE EARNINGS OF A PROSTITUTE

13 did on or between August, 2007 and December 17, 2011 then and there willfully,
14 unlawfully, feloniously, and knowingly accept, receive, levy, or appropriate money, without
15 consideration, from TINA DUKE, the proceeds of prostitution activity.

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

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21 4/26/2013

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27 DA#13F02924X/jm/SVU
28 LVMPD EV#1209271444
(TK3)

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

FREDERICK HARRIS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 69093

Electronically Filed
Jun 16 2016 04:50 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPEAL FROM JUDGMENT OF CONVICTION
(JURY TRIAL)
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE MICHELLE LEAVITT , PRESIDING

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APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME VII  
~~~~~

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IN THE SUPREME COURT OF NEVADA

FREDERICK HARRIS,

CASE NO. 69093

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

OPENING BRIEF APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 17th day of June, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

STEVE OWENS
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

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