

BEFORE THE STATE BOARD OF EDUCATION

JHONE EBERT, SUPERINTENDENT OF)
PUBLIC INSTRUCTION, DEPARTMENT)
OF EDUCATION, STATE OF NEVADA,)

CASE NO. 2023-09

Petitioner,

v.

ALFREDO CESAR CARACENA,

Respondent.

DECLARATION OF MARTHA WARACHOWSKI

I, MARTHA WARACHOWSKI, declare that the following is true.

1. I am over the age of twenty-one (21) and competent to testify to the facts in this Declaration.

2. I am employed by the State of Nevada, Department of Education as an Administrative Assistant IV, and I am assigned as the assistant to the State Board of Education. I have been employed by the Department of Education since October, 2019.

3. Attached hereto are true and correct copies of the following Board of Education documents as kept in the normal course of business: the Petition and Recommendation for Revocation of License and Notice of Right to Hearing ("Petition and Notice"), submitted as Exhibit "1A"; the certified mail receipt for service of the Petition and Notice, submitted as Exhibit "1B"; the Notice of Intent to Consider Character, Misconduct, Competence or Health of a Person ("Open Meeting Law Notice"), submitted as Exhibit "1C"; and the certified mail receipt for service of the Open Meeting Law Notice, submitted as Exhibit "1D".

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

Executed on this 13 day of September, 2023.

Martha Warachowski
MARTHA WARACHOWSKI
Declarant

EXHIBIT LIST

Exhibit No.	Title	Pages
1A	Petition and Notice	26
1B	Certified Mail Receipt for service of the Petition and Notice	1
1C	Open Meeting Law Notice	2
1D	Certified Mail Receipt for service of the Open Meeting Law Notice	1

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EXHIBIT “1A”

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EXHIBIT “1A”

1 BEFORE THE STATE BOARD OF EDUCATION

2 JHONE EBERT, SUPERINTENDENT OF)
3 PUBLIC INSTRUCTION, DEPARTMENT)
4 OF EDUCATION, STATE OF NEVADA,)

CASE NO. 2023-09

5 Petitioner,)

6 v.)

7 ALFREDO CESAR CARACENA,)

8 Respondent.)

9
10 **PETITION AND RECOMMENDATION FOR REVOCATION OF LICENSE AND**
11 **NOTICE OF RIGHT TO HEARING**

12 Jhone Ebert, Superintendent of Public Instruction, Department of Education, State of Nevada
13 ("Petitioner"), hereby petitions the State Board of Education for the revocation of the teacher license
14 held by ALFREDO CESAR CARACENA ("Respondent"), issued by the Nevada Department of
15 Education. This Petition and Recommendation for Revocation of License and Notice of Right to
16 Hearing ("Petition and Recommendation") is supported by NRS 391.320, NRS 391.330, and the
17 following allegations:

18 **I. Jurisdiction**

19 Respondent was, at the relevant times mentioned in this Petition and Recommendation, the
20 holder of License No. 202386 issued by the Superintendent of Public Instruction, Department of
21 Education, State of Nevada, pursuant to the provisions of Chapter 391 of the Nevada Revised Statutes
22 (the "License"). Such License is as follows: K-12 Standard – Special Education. The License expires on
23 May 11, 2026. (A true and correct copy of the License is attached as Exhibit A).

24 Petitioner hereby files this Petition and Recommendation in her official capacity as
25 Superintendent of Public Instruction, Department of Education, State of Nevada. See NRS 391.322.
26 The State Board of Education may revoke or suspend Respondent's license, if recommended by the
27 Superintendent of Public Instruction or the Board of Trustees of a School District, after notice and
28 opportunity for hearing, based upon the NRS 391.330 grounds for suspension and revocation. See also

1 NRS 391.320; NRS 391.322; NRS 391.330.

2 **II. Factual Allegations**

3 According to the Amended Indictment filed in the Eighth Judicial Court of the State of Nevada,
4 in and for Clark County (a true and correct copy of which is attached as Exhibit B), Respondent did
5 commit the crime of Attempt Lewdness With a Child Under the Age of 14 (Category B Felony – NRS
6 201.230(2) – NOC 60471). This crime was committed by Respondent as he willfully, lewdly,
7 unlawfully and feloniously, attempted to commit a lewd and lascivious act upon or with the body, or
8 any part or member thereof, a child.

9 On or about December 15, 2022, Respondent entered into a Guilty Plea Agreement (a true and
10 correct copy of which is attached as Exhibit C) pleading guilty to the crime of Attempt Lewdness With
11 a Child Under the Age of 14 (Category B Felony – NRS 201.230(2) – NOC 60471).

12 On or about March 21, 2023, the Eighth Judicial Court of the State of Nevada, in and for Clark
13 County, adjudged Respondent guilty, convicting Respondent of the crime of Attempt Lewdness With a
14 Child Under the Age of 14 (Category B Felony – NRS 201.230(2) – NOC 60471). (A true and correct
15 copy of the Order is attached hereto as Exhibit D).

16 According to the Order, the Court sentenced Respondent to imprisonment in the Nevada
17 Department of Corrections for a minimum of twenty-four (24) months and a maximum of ninety-six
18 (96) months for the crime of Attempt Lewdness With a Child Under the Age of 14 (Category B Felony
19 – NRS 201.230(2) – NOC 60471).

20 In addition, according to the Order, the Court credited Respondent with ten (10) days for time
21 served, and admitted Respondent to probation for a period not to exceed five (5) years and included the
22 following special conditions:

- 23 1. Respondent must submit to routine drug and alcohol testing.
- 24 2. Respondent must not have contact with children or vulnerable adults in his residence until he is
25 evaluated by a provider who has experience in treating patients who are sex offenders.
- 26 3. Respondent must pay restitution in the amount of \$1,050.00 to Clark County Social Services
27 during the term of probation making monthly payments as determined by Parole and Probation.
28

- 1 4. Respondent is subject to lifetime supervision upon release from any term of probation, parole or
2 imprisonment.
- 3 5. Respondent must report to Parole and Probation within 48 business hours.
- 4 6. Per NRS 179D.460, Respondent must register as a sex offender within 48 hours after any
5 release from custody.
- 6 7. Respondent must comply with NRS 176A.410 - Required terms and conditions for sex
7 offenders; powers and duties of court; exceptions.

8 **III. Legal Allegations**

9 By committing the acts that constituted the crime of Attempt Lewdness With a Child Under the
10 Age of 14 (Category B Felony – NRS 201.230(2) – NOC 60471) and being convicted of said offense,
11 Respondent has subjected his license to revocation or suspension by violation of the following:

- 12 (1) NRS 391.330(1)(a) Unprofessional conduct;
- 13 (2) NRS 391.330(1)(b) Immorality, as defined in NRS 391.650;
- 14 (3) NRS 391.330(1)(c) Evident unfitness for service; and
- 15 (4) NRS 391.330(1)(e) Conviction of a felony or crime involving moral turpitude.

16 **IV. Notice of Right to Hearing**

17 Respondent is hereby given notice of the recommendation by the Superintendent of Public
18 Instruction for the revocation of his license. The protocol and procedure for the suspension or
19 revocation of a license are set forth in NRS 391.320 to 391.361, inclusive. Respondent has the right to a
20 hearing on this Petition and Recommendation before a hearing officer, who will be selected pursuant to
21 NRS 391.322, to answer the allegations of the Petition and Recommendation and to present evidence
22 and argument on all issues involved, either personally or through an attorney.

23 If Respondent desires a hearing before a hearing officer, he must file a written request within
24 **fifteen (15) days** from the receipt of this Petition and Recommendation as provided in NRS 391.322.
25 Respondent's request should be addressed to the Superintendent of Public Instruction, Nevada
26 Department of Education, 700 East 5th Street, Carson City, Nevada, 89701-5096. If Respondent
27 requests a hearing, a hearing officer will be selected pursuant to NRS 391.322, and that hearing officer
28

1 will notify Respondent, in writing, of the time and location of the hearing not less than ten (10) days
2 before the hearing. If Respondent requests a hearing and a hearing officer is selected, the procedures for
3 the suspension or revocation of licenses found in NAC 391.500 to 391.555, inclusive, will be followed
4 as appropriate. Pursuant to NAC 391.507, "[n]ot later than ten (10) days after a hearing officer is
5 selected pursuant to NRS 391.322, the holder of the license shall submit to the hearing officer an
6 answer to the allegations set forth" in this Petition and Recommendation. If no request for a hearing is
7 filed within the time specified, the State Board of Education may suspend or revoke Respondent'
8 license or take no action on the recommendation.

9 WHEREFORE, Petitioner prays that the State Board of Education issue its decision to revoke
10 Respondent's license.

11 DATED: August 7, 2023

12 AARON D. FORD
13 Attorney General

14 By: /s/ David M. Gardner
15 DAVID M. GARDNER
16 Senior Deputy Attorney General
17 555 E. Washington Ave., Suite 3900
18 Las Vegas, Nevada 89101
19 (702) 486-5714
20 Attorneys for the State of Nevada,
21 Department of Education
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of
3 Nevada, and that on August 7, 2023, I filed the foregoing document via Certified U.S.
4 Mail, postage prepaid to the following:

5
6 Alfredo Cesar Caracena
811 E. Bridger Ave.
7 Las Vegas, NV 89101

8 Certified Mail No.: 7020 0640 0000 7651 9173

9 /s/ Debra Turman
10 Debra Turman, an employee of
11 the office of the Nevada Attorney General
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EXHIBIT LIST

Exhibit No.	Title	Pages
A	Respondent's License	1
B	Amended Indictment	2
C	Guilty Plea Agreement	7
D	Judgment of Conviction	6

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EXHIBIT “A”

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EXHIBIT “A”

State of Nevada
License for Educational Personnel

License No. 202386

This License Certifies That

Alfredo C Caracena

Has complied with the prescribed rules and regulations of the Commission on Professional Standards in Education and that the Superintendent of Public Instruction has granted this license which authorizes the holder to provide service in the schools of the State of Nevada in the following areas :

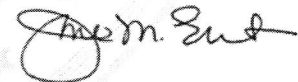
License	Grade Level	Original Endorsement Issue Date	Endorsements	License Issue Date	Expiration Date
Standard - Special Education	K-12	08/06/2018	Generalist	05/21/2021	05/11/2026

Provisions to be satisfied

Provisions	Required Due Date
All provisions have been satisfied.	

Renewal Requirements

Renewal Requirements	Required Due Date
Must submit proof of annual professional development activities pursuant to NAC 391.065.	05/11/2026

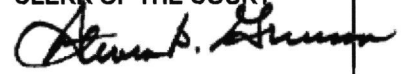


State Superintendent of Public Instruction

EXHIBIT “B”

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EXHIBIT “B”



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AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACOB J. VILLANI
Chief Deputy District Attorney
Nevada Bar #011732
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ALFREDO CESAR CARACENA,
#7114915

Defendant.

CASE NO. **C-22-367012-1**
DEPT NO. **I**

A M E N D E D
I N D I C T M E N T

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

AS Defendant above named, **ALFREDO CESAR CARACENA** is accused by the
Clark County Grand Jury of the crime of **ATTEMPT LEWDNESS WITH A CHILD**
UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471) committed
at and within the County of Clark, State of Nevada, on or about the 4th day of April, 2022, as
follows:

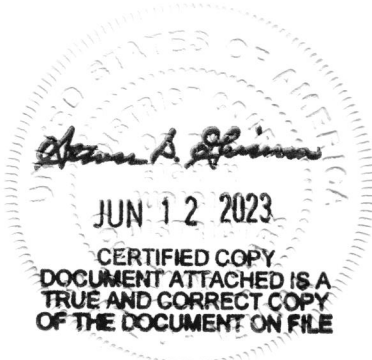
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1 Defendant did willfully, lewdly, unlawfully and feloniously attempt to commit a lewd
2 or lascivious act upon or with the body, or any part or member thereof, a child, to wit: A.A, a
3 child under the age of 14 years, by attempting to use his hand(s) and/or finger(s) to touch
4 and/or rub and/or fondle the chest and/or genital area of A.A., with the intent of arousing,
5 appealing to, or gratifying the lust, passions, or sexual desires of Defendant, or of A.A.

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

9 BY /s/ Jacob J. Villani
10 JACOB J. VILLANI
11 Chief Deputy District Attorney
12 Nevada Bar #011732

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22BGJ039X/22CR017078/hjc/SVU
CCSDPD#22039135


EXHIBIT “C”

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EXHIBIT “C”

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DEC 15 2022

BY, 
MICHELE L. TUCKER, DEPUTY

1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACOB J. VILLANI
6 Chief Deputy District Attorney
7 Nevada Bar #011732
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

C-22-367012-1
GPA
Guilty Plea Agreement
6016227



8 THE STATE OF NEVADA,
9 Plaintiff,

10 -vs-

CASE NO: C-22-367012-1

11 ALFREDO CESAR CARACENA,
12 #7114915

DEPT NO: I

13 Defendant.

14 **GUILTY PLEA AGREEMENT**

15 I hereby agree to plead guilty to: **ATTEMPT LEWDNESS WITH A CHILD**
16 **UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** as more
17 fully alleged in the charging document attached hereto as Exhibit "1".

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

20 Provided that I am not deemed a high risk to reoffend pursuant to the psychosexual
21 evaluation, the State will not oppose my being granted probation at the rendition of sentence.
22 Further, the State will not oppose my being released from house arrest after the entry of plea.
23 However, I will stipulate to serve a minimum term of four (4) years to a maximum term of ten
24 (10) years in the Nevada Department of Corrections if I get into any trouble prior to sentencing.
25 Should I receive and successfully complete probation with an honorable discharge, I may
26 withdraw the instant plea and enter a plea of guilty to CHILD ABUSE, NEGLECT, OR
27 ENDANGERMENT (Gross Misdemeanor - NRS 200.508.2 - NOC 55239) with credit for time
28 served.

1 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
2 related equipment and/or weapons or any interest in any electronic storage devices, computers
3 and/or related equipment and/or weapons seized and/or impounded in connection with the
4 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
5 agreement.

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

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

17 CONSEQUENCES OF THE PLEA

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

20 I understand that as a consequence of my plea of guilty the Court must sentence me to
21 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
22 two (2) years and a maximum term of not more than twenty (20) years. The minimum term of
23 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
24 understand that, if appropriate, I will be ordered to make restitution to the victim of the
25 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
26 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse
27 the State of Nevada for any expenses related to my extradition, if any. I understand that the
28 law requires me to pay an Administrative Assessment Fee.

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

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

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

16 I understand that, pursuant to NRS 176.0931, the Court must include as part of my
17 sentence, in addition to any other penalties provided by law, a special sentence of lifetime
18 supervision commencing after any period of probation or any term of imprisonment and period
19 of release upon parole.

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

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

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

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

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

3 I understand that if the State of Nevada has agreed to recommend or stipulate a
4 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
5 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
6 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
7 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
8 offense prior to sentencing the State of Nevada would regain the full right to argue for any
9 lawful sentence.

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

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

19 WAIVER OF RIGHTS

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

- 22 1. The constitutional privilege against self-incrimination, including the right
23 to refuse to testify at trial, in which event the prosecution would not be
24 allowed to comment to the jury about my refusal to testify.
25 2. The constitutional right to a speedy and public trial by an impartial jury,
26 free of excessive pretrial publicity prejudicial to the defense, at which
27 trial I would be entitled to the assistance of an attorney, either appointed
28 or retained. At trial the State would bear the burden of proving beyond
a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who
would testify against me.

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- 4. The constitutional right to subpoena witnesses to testify on my behalf. —
- 5. The constitutional right to testify in my own defense. —
- 6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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

3 DATED this 15 day of December, 2022.

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5
6 ALFREDO CESAR CARACENA
Defendant

7 AGREED TO BY:

8 
9 JACOB J. VILLANI
10 Chief Deputy District Attorney
Nevada Bar #011732

1 CERTIFICATE OF COUNSEL:

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

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

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

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

Dated: This 15th day of December, 2022

hjc/SVU

T. AGUSTUS CLAUS, ESQ.



JUN 12 2023

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

EXHIBIT “D”

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EXHIBIT “D”

Thomas J. Amis
CLERK OF THE COURT

1 **JOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,
10
11 Plaintiff,

12 -vs-

13 **ALFREDO CESAR CARACENA,**
14 **#7114915**

15 Defendant.

CASE NO: **C-22-367012-1**

DEPT NO: **I**

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

16 WHEREAS Defendant previously appeared before the Court with counsel and entered
17 a plea of guilty to the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE**
18 **AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)**; thereafter, on the 16th
19 day of MARCH, 2023, Defendant was present in court for sentencing with counsel, T.
20 AGUSTUS, CLAUS, ESQ., and with good cause appearing,

21 **DEFENDANT WAS HEREBY ADJUDGED GUILTY** of said offense, and in
22 addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including
23 testing to determine genetic markers, \$3.00 DNA Collection fee, \$1,676.70 Psychosexual
24 Evaluation Fee, \$1,050.00 Restitution to Clark County Social Services Defendant
25 SENTENCED to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of
26 NINETY SIX (96) MONTHS in the Nevada Department of Corrections (NDC), with TEN
27 (10) DAYS credit for time served. SUSPENDED; placed on PROBATION for an
28 indeterminate period not to exceed FIVE (5) YEARS.

//

//

1 CONDITIONS - DEFENDANT TO COMPLY WITH THE STANDARD CONDITIONS OF
2 PROBATION with the ADDED SPECIAL SEX OFFENDER CONDITIONS OF
3 PROBATION as follows:

4 1. Pursuant to NRS 179D.460, Defendant shall register as a sex offender within 48
5 hours of sentencing or release from custody.

6 2. NRS 176A.410 Required terms and conditions for sex offenders; powers and duties
7 of court; exceptions:

8 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a
9 sexual offense and the court grants probation or suspends the sentence, the court shall, in
10 addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of
11 probation or suspension of sentence that Defendant:

12 (a) Submit to a search and seizure of Defendant's person, residence or
13 vehicle or any property under Defendant's control, at any time of the day or night, without a
14 warrant, by any parole and probation officer or any peace officer, for the purpose of
15 determining whether Defendant has violated any condition of probation or suspension of
16 sentence or committed any crime.

17 (b) Reside at a location only if:

18 (1) The residence has been approved by the parole and probation
19 officer assigned to Defendant.

20 (2) If the residence is a facility that houses more than three persons
21 who have been released from prison, the facility is a facility for transitional living for released
22 offenders that is licensed pursuant to chapter 449 of NRS.

23 (3) Defendant keeps the parole and probation officer assigned to
24 Defendant informed of Defendant's current address.

25 (c) Accept a position of employment or a position as a volunteer only if
26 it has been approved by the parole and probation officer assigned to Defendant and keep the
27 parole and probation officer informed of the location of Defendant's position of employment
28 or position as a volunteer.

1 (d) Abide by any curfew imposed by the parole and probation officer
2 assigned to Defendant.

3 (e) Participate in and complete a program of professional counseling
4 approved by the Division.

5 (f) Submit to periodic tests, as requested by the parole and probation
6 officer assigned to Defendant, to determine whether Defendant is using a controlled substance.

7 (g) Submit to periodic polygraph examinations, as requested by the parole
8 and probation officer assigned to Defendant.

9 (h) Abstain from consuming, possessing or having under Defendant's
10 control any alcohol.

11 (i) Not have contact or communicate with a victim of the sexual offense
12 or a witness who testified against Defendant or solicit another person to engage in such contact
13 or communication on behalf of Defendant, unless approved by the Chief Parole and Probation
14 Officer or the Chief Parole and Probation Officer's designee and a written agreement is entered
15 into and signed in the manner set forth in subsection 5.

16 (j) Not use aliases or fictitious names.

17 (k) Not obtain a post office box unless Defendant receives permission
18 from the parole and probation officer assigned to Defendant.

19 (l) Not have contact with a person less than 18 years of age in a secluded
20 environment unless another adult who has never been convicted of a sexual offense is present
21 and permission has been obtained from the parole and probation officer assigned to Defendant
22 in advance of each such contact.

23 (m) Unless approved by the parole and probation officer assigned to
24 Defendant and by a psychiatrist, psychologist or counselor treating Defendant, if any, not
25 knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the
26 actual structure, that is designed primarily for use by or for children, including, without
27 limitation, a public or private school, a school bus stop, a center or facility that provides day
28 care services, a video arcade, an amusement park, a playground, a park, an athletic field or a

1 facility for youth sports, or a motion picture theater. The provisions of this paragraph apply
2 only to a defendant who is a Tier III offender.

3 (n) Comply with any protocol concerning the use of prescription
4 medication prescribed by a treating physician, including, without limitation, any protocol
5 concerning the use of psychotropic medication.

6 (o) Not possess any sexually explicit material that is deemed
7 inappropriate by the parole and probation officer assigned to Defendant.

8 (p) Not patronize a business which offers a sexually related form of
9 entertainment and which is deemed inappropriate by the parole and probation officer assigned
10 to Defendant.

11 (q) Not possess any electronic device capable of accessing the Internet
12 and not access the Internet through any such device or any other means, unless possession of
13 such a device or such access is approved by the parole and probation officer assigned to
14 Defendant.

15 (r) Inform the parole and probation officer assigned to Defendant if
16 Defendant expects to be or becomes enrolled as a student at an institution of higher education
17 or changes the date of commencement or termination of Defendant's enrollment at an
18 institution of higher education. As used in this paragraph, "institution of higher education" has
19 the meaning ascribed to it in NRS 179D.045.

20 2. Except as otherwise provided in subsection 6, if a defendant is convicted of
21 an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years,
22 Defendant is a Tier III offender and the court grants probation or suspends the sentence of
23 Defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1,
24 order as a condition of probation or suspension of sentence that Defendant:

25 (a) Reside at a location only if the residence is not located within 1,000
26 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is
27 designed primarily for use by or for children, including, without limitation, a public or private
28 school, a school bus stop, a center or facility that provides day care services, a video arcade,

1 an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a
2 motion picture theater.

3 (b) As deemed appropriate by the Chief Parole and Probation Officer, be
4 placed under a system of active electronic monitoring that is capable of identifying Defendant's
5 location and producing, upon request, reports or records of Defendant's presence near or within
6 a crime scene or prohibited area or Defendant's departure from a specified geographic location.

7 (c) Pay any costs associated with Defendant's participation under the
8 system of active electronic monitoring, to the extent of Defendant's ability to pay.

9 3. A defendant placed under the system of active electronic monitoring pursuant
10 to subsection 2 shall:

11 (a) Follow the instructions provided by the Division to maintain the
12 electronic monitoring device in working order.

13 (b) Report any incidental damage or defacement of the electronic
14 monitoring device to the Division within 2 hours after the occurrence of the damage or
15 defacement.

16 (c) Abide by any other conditions set forth by the Division with regard to
17 Defendant's participation under the system of active electronic monitoring.

18 4. Except as otherwise provided in this subsection, a person who intentionally
19 removes or disables or attempts to remove or disable an electronic monitoring device placed
20 on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this
21 subsection do not prohibit a person authorized by the Division from performing maintenance
22 or repairs to an electronic monitoring device.

23 5. A written agreement entered into pursuant to paragraph (i) of subsection 1
24 must state that the contact or communication is in the best interest of the victim or witness,
25 and specify the type of contact or communication authorized. The written agreement must be
26 signed and agreed to by:

27 (a) The victim or the witness;

28 (b) Defendant;

- 1 (c) The parole and probation officer assigned to Defendant;
- 2 (d) The psychiatrist, psychologist or counselor treating Defendant, victim
- 3 or witness, if any;
- 4 (e) If the victim or witness is a child under 18 years of age, each parent,
- 5 guardian or custodian of the child; and
- 6 (f) The Chief Parole and Probation Officer or the Chief Parole and
- 7 Probation Officer's designee.

8 6. The court is not required to impose a condition of probation or suspension of
9 sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are
10 present and the court enters those extraordinary circumstances in the record.

11 7. As used in this section, "sexual offense" has the meaning ascribed to it in NRS
12 179D.097.

13 ADDED SPECIAL CONDITIONS OF PROBATION as follows:

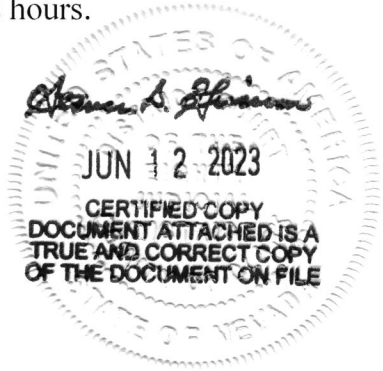
- 14 1. Defendant MUST submit to routine drug and alcohol testing.
- 15 2. No contact with children or vulnerable adults in his residence until he is evaluated
- 16 by a provider who has experience in treating patients who are sex offenders.
- 17 3. Pay restitution in the amount of \$1,050.00 to Clark County Social Services during
- 18 the term of probation making monthly payments are determined by Parole and Probation.

19 **COURT ORDERED**, a special SENTENCE OF LIFETIME SUPERVISION is
20 imposed to commence upon release from any term of probation, parole or imprisonment.

21 **COURT ORDERED**, Defendant to REPORT TO PAROLE & PROBATION within
22 48 business hours.

Dated this 21st day of March, 2023

Bitia Yeager



00A 310 099F BED5
Bitia Yeager
District Court Judge

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EXHIBIT “1B”

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EXHIBIT “1B”

PLACE STICKER AT TOP OF ENVELOPE
RIGHT SIDE

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alfredo Cesar Caracena
 811 E. Bridger Ave.
 Las Vegas, NV 89101



9590 9402 7573 2098 1956 97

2. Article Number (Transfer from service label)

7020 0640 0000 7651 9173

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

Gardner

1030
STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101-1068



Return Service Requested

OFFICE OF THE ATTORNEY GENERAL
LAS VEGAS, NEVADA
AUG 14 2023
ADMINISTRATION

-R-T-S- 891012003-1N

08/10/23

RETURN TO SENDER
UNABLE TO FORWARD
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RETURN TO SENDER



EXHIBIT “1C”

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EXHIBIT “1C”

**NOTICE OF INTENT TO CONSIDER CHARACTER, MISCONDUCT,
COMPETENCE OR HEALTH OF A PERSON. NRS 241.033**

STATE BOARD OF EDUCATION

700 E. Fifth Street
Carson City, NV 89701
Phone: (775) 687-9115

August 31, 2023

Via U.S. and Certified Mail

Alfredo Cesar Caracena
811 E. Bridger Ave.
Las Vegas, NV 89101

**Re: Notice of meeting of the State Board of Education to consider
your character, alleged misconduct, competence, or health.**

Dear Mr. Caracena:

In connection with your teacher license, a Petition and Recommendation for Revocation of License and Notice of Right to Hearing (“Petition and Notice”) was filed with the State Board of Education (“Board”) and mailed to you via certified mail. The Petition and Notice informed you of your right to request a hearing before a hearing officer by filing a written request within fifteen days from receipt of the Petition and Notice. Enclosed for your convenience is a copy of the Petition and Recommendation for Revocation of License.

As you have failed to request such a hearing, the Board will be requested to move forward with revocation of your license and may consider your character, alleged misconduct, competence, or health at its meeting on October 4, 2023. **The meeting will begin at 2:00 p.m. at 700 E. Fifth Street in Carson City, Nevada and 2080 E. Flamingo Rd, Las Vegas, Nevada.** The meeting is a public meeting, and you and/or your legal counsel are welcome to attend at either location. The Board may go into closed session or remain in an open meeting to consider the following general topics: your teacher license; the Petition and Notice; the Judgment of Conviction; and matters properly related thereto. You are welcome to attend the closed session and/or open meeting, have an attorney or other representative of your choosing present during the closed session and/or open meeting and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health.

Alfredo Cesar Caracena
August 31, 2023
Page 2

If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health, whether in a closed meeting or open meeting, it may also take administrative action against you at this meeting, which could include suspending or revoking your teacher license. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033 and NRS 241.034.

Sincerely,

/s/ Martha Warachowski
Martha Warachowski
Board Secretary

Enc.

EXHIBIT “1D”

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EXHIBIT “1D”

Tracking Number:

Remove X

70202450000119507443

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Moving Through Network In Transit to Next Facility

September 18, 2023

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER
September 14, 2023, 9:07 pm

Arrived at USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER
September 14, 2023, 2:05 pm

Arrived at USPS Regional Facility

PHOENIX AZ DISTRIBUTION CENTER ANNEX
September 12, 2023, 7:52 pm

Insufficient Address

LAS VEGAS, NV 89101
September 5, 2023, 5:29 pm

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER
September 3, 2023, 10:20 pm

Arrived at USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER
September 1, 2023, 11:06 pm

Hide Tracking History

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

1 BEFORE THE STATE BOARD OF EDUCATION

2
3 JHONE EBERT, SUPERINTENDENT OF)
4 PUBLIC INSTRUCTION, DEPARTMENT)
OF EDUCATION, STATE OF NEVADA,)

CASE NO. 2023-09

5 Petitioner,)

6 v.)

7 ALFREDO CESAR CARACENA,)

8 Respondent.)
9

10 **DECLARATION OF MICHAEL ARAKAWA**

11 I, MICHAEL ARAKAWA, declare that the following is true.

12 1. I am over the age of twenty-one (21) and competent to testify to the facts in this
13 Declaration.

14 2. I am employed by the State of Nevada, Department of Education, as a Teacher
15 Licensing Analyst. I have been employed by the Department of Education since
16 July, 2014.

17 3. Attached hereto as Exhibit "2A" is a true and correct copy of Respondent's
18 License.

19 4. Attached hereto as Exhibit "2B" is a true and correct copy of the Amended
20 Indictment.

21 5. Attached hereto as Exhibit "2C" is a true and correct copy of the Guilty
22 Plea Agreement.

23 6. Attached hereto as Exhibit "2D" is a true and correct copy of the Judgment
24 of Conviction.

25 7. These documents are kept by the Department of Education in the normal course
26 of business.

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

Executed on this 13 day of September, 2023.



MICHAEL ARAKAWA
Declarant

EXHIBIT LIST

Exhibit No.	Title	Pages
2A	Respondent's License	1
2B	Amended Indictment	2
2C	Guilty Plea Agreement	7
2D	Judgment of Conviction	6

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EXHIBIT “2A”

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EXHIBIT “2A”

State of Nevada
License for Educational Personnel

License No. 202386

This License Certifies That

Alfredo C Caracena

Has complied with the prescribed rules and regulations of the Commission on Professional Standards in Education and that the Superintendent of Public Instruction has granted this license which authorizes the holder to provide service in the schools of the State of Nevada in the following areas :

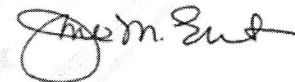
License	Grade Level	Original Endorsement Issue Date	Endorsements	License Issue Date	Expiration Date
Standard - Special Education	K-12	08/06/2018	Generalist	05/21/2021	05/11/2026

Provisions to be satisfied

Provisions	Required Due Date
All provisions have been satisfied.	

Renewal Requirements

Renewal Requirements	Required Due Date
Must submit proof of annual professional development activities pursuant to NAC 391.065.	05/11/2026

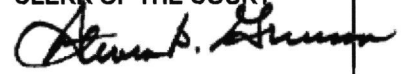


State Superintendent of Public Instruction

EXHIBIT “2B”

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EXHIBIT “2B”



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AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACOB J. VILLANI
Chief Deputy District Attorney
Nevada Bar #011732
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ALFREDO CESAR CARACENA,
#7114915

Defendant.

CASE NO. **C-22-367012-1**
DEPT NO. **I**

A M E N D E D
I N D I C T M E N T

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

AS Defendant above named, **ALFREDO CESAR CARACENA** is accused by the
Clark County Grand Jury of the crime of **ATTEMPT LEWDNESS WITH A CHILD**
UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471) committed
at and within the County of Clark, State of Nevada, on or about the 4th day of April, 2022, as
follows:

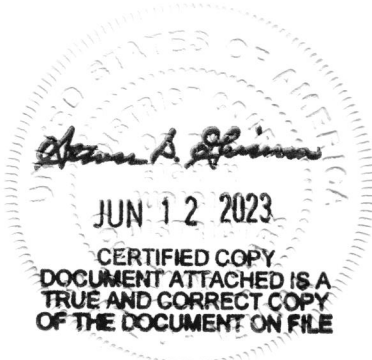
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1 Defendant did willfully, lewdly, unlawfully and feloniously attempt to commit a lewd
2 or lascivious act upon or with the body, or any part or member thereof, a child, to wit: A.A, a
3 child under the age of 14 years, by attempting to use his hand(s) and/or finger(s) to touch
4 and/or rub and/or fondle the chest and/or genital area of A.A., with the intent of arousing,
5 appealing to, or gratifying the lust, passions, or sexual desires of Defendant, or of A.A.

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

9 BY /s/ Jacob J. Villani
10 JACOB J. VILLANI
11 Chief Deputy District Attorney
12 Nevada Bar #011732

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22BGJ039X/22CR017078/hjc/SVU
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EXHIBIT “2C”

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EXHIBIT “2C”

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DEC 15 2022

BY, *[Signature]*
MICHELE L. TUCKER, DEPUTY

1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACOB J. VILLANI
6 Chief Deputy District Attorney
7 Nevada Bar #011732
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

C-22-367012-1
GPA
Guilty Plea Agreement
6016227



8 THE STATE OF NEVADA,
9 Plaintiff,

10 -vs-

CASE NO: C-22-367012-1

11 ALFREDO CESAR CARACENA,
12 #7114915

DEPT NO: I

13 Defendant.

14 **GUILTY PLEA AGREEMENT**

15 I hereby agree to plead guilty to: **ATTEMPT LEWDNESS WITH A CHILD**
16 **UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** as more
17 fully alleged in the charging document attached hereto as Exhibit "1".

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

20 Provided that I am not deemed a high risk to reoffend pursuant to the psychosexual
21 evaluation, the State will not oppose my being granted probation at the rendition of sentence.
22 Further, the State will not oppose my being released from house arrest after the entry of plea.
23 However, I will stipulate to serve a minimum term of four (4) years to a maximum term of ten
24 (10) years in the Nevada Department of Corrections if I get into any trouble prior to sentencing.
25 Should I receive and successfully complete probation with an honorable discharge, I may
26 withdraw the instant plea and enter a plea of guilty to CHILD ABUSE, NEGLECT, OR
27 ENDANGERMENT (Gross Misdemeanor - NRS 200.508.2 - NOC 55239) with credit for time
28 served.

1 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
2 related equipment and/or weapons or any interest in any electronic storage devices, computers
3 and/or related equipment and/or weapons seized and/or impounded in connection with the
4 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
5 agreement.

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

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

17 CONSEQUENCES OF THE PLEA

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

20 I understand that as a consequence of my plea of guilty the Court must sentence me to
21 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
22 two (2) years and a maximum term of not more than twenty (20) years. The minimum term of
23 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
24 understand that, if appropriate, I will be ordered to make restitution to the victim of the
25 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
26 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse
27 the State of Nevada for any expenses related to my extradition, if any. I understand that the
28 law requires me to pay an Administrative Assessment Fee.

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

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

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

16 I understand that, pursuant to NRS 176.0931, the Court must include as part of my
17 sentence, in addition to any other penalties provided by law, a special sentence of lifetime
18 supervision commencing after any period of probation or any term of imprisonment and period
19 of release upon parole.

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

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

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

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

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

3 I understand that if the State of Nevada has agreed to recommend or stipulate a
4 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
5 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
6 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
7 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
8 offense prior to sentencing the State of Nevada would regain the full right to argue for any
9 lawful sentence.

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

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

19 WAIVER OF RIGHTS

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

- 22 1. The constitutional privilege against self-incrimination, including the right
23 to refuse to testify at trial, in which event the prosecution would not be
24 allowed to comment to the jury about my refusal to testify.
25 2. The constitutional right to a speedy and public trial by an impartial jury,
26 free of excessive pretrial publicity prejudicial to the defense, at which
27 trial I would be entitled to the assistance of an attorney, either appointed
28 or retained. At trial the State would bear the burden of proving beyond
a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who
would testify against me. —

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- 4. The constitutional right to subpoena witnesses to testify on my behalf. —
- 5. The constitutional right to testify in my own defense. —
- 6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

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

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

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

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

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

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

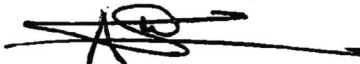
I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

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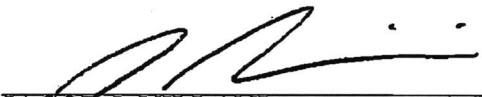
My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 15 day of December, 2022.



ALFREDO CESAR CARACENA
Defendant

AGREED TO BY:



JACOB J. VILLANI
Chief Deputy District Attorney
Nevada Bar #011732

1 CERTIFICATE OF COUNSEL:

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

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

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

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

Dated: This 15th day of December, 2022

hjc/SVU

T. AGUSTUS CLAUS, ESQ.



JUN 12 2023

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

EXHIBIT “2D”

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EXHIBIT “2D”

Thomas J. Amis
CLERK OF THE COURT

1 **JOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,
10
11 Plaintiff,

12 -vs-

13 **ALFREDO CESAR CARACENA,**
14 **#7114915**

15 Defendant.

CASE NO: **C-22-367012-1**

DEPT NO: **I**

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

16 WHEREAS Defendant previously appeared before the Court with counsel and entered
17 a plea of guilty to the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE**
18 **AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)**; thereafter, on the 16th
19 day of MARCH, 2023, Defendant was present in court for sentencing with counsel, T.
20 AGUSTUS, CLAUS, ESQ., and with good cause appearing,

21 **DEFENDANT WAS HEREBY ADJUDGED GUILTY** of said offense, and in
22 addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including
23 testing to determine genetic markers, \$3.00 DNA Collection fee, \$1,676.70 Psychosexual
24 Evaluation Fee, \$1,050.00 Restitution to Clark County Social Services Defendant
25 SENTENCED to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of
26 NINETY SIX (96) MONTHS in the Nevada Department of Corrections (NDC), with TEN
27 (10) DAYS credit for time served. SUSPENDED; placed on PROBATION for an
28 indeterminate period not to exceed FIVE (5) YEARS.

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1 CONDITIONS - DEFENDANT TO COMPLY WITH THE STANDARD CONDITIONS OF
2 PROBATION with the ADDED SPECIAL SEX OFFENDER CONDITIONS OF
3 PROBATION as follows:

4 1. Pursuant to NRS 179D.460, Defendant shall register as a sex offender within 48
5 hours of sentencing or release from custody.

6 2. NRS 176A.410 Required terms and conditions for sex offenders; powers and duties
7 of court; exceptions:

8 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a
9 sexual offense and the court grants probation or suspends the sentence, the court shall, in
10 addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of
11 probation or suspension of sentence that Defendant:

12 (a) Submit to a search and seizure of Defendant's person, residence or
13 vehicle or any property under Defendant's control, at any time of the day or night, without a
14 warrant, by any parole and probation officer or any peace officer, for the purpose of
15 determining whether Defendant has violated any condition of probation or suspension of
16 sentence or committed any crime.

17 (b) Reside at a location only if:

18 (1) The residence has been approved by the parole and probation
19 officer assigned to Defendant.

20 (2) If the residence is a facility that houses more than three persons
21 who have been released from prison, the facility is a facility for transitional living for released
22 offenders that is licensed pursuant to chapter 449 of NRS.

23 (3) Defendant keeps the parole and probation officer assigned to
24 Defendant informed of Defendant's current address.

25 (c) Accept a position of employment or a position as a volunteer only if
26 it has been approved by the parole and probation officer assigned to Defendant and keep the
27 parole and probation officer informed of the location of Defendant's position of employment
28 or position as a volunteer.

1 (d) Abide by any curfew imposed by the parole and probation officer
2 assigned to Defendant.

3 (e) Participate in and complete a program of professional counseling
4 approved by the Division.

5 (f) Submit to periodic tests, as requested by the parole and probation
6 officer assigned to Defendant, to determine whether Defendant is using a controlled substance.

7 (g) Submit to periodic polygraph examinations, as requested by the parole
8 and probation officer assigned to Defendant.

9 (h) Abstain from consuming, possessing or having under Defendant's
10 control any alcohol.

11 (i) Not have contact or communicate with a victim of the sexual offense
12 or a witness who testified against Defendant or solicit another person to engage in such contact
13 or communication on behalf of Defendant, unless approved by the Chief Parole and Probation
14 Officer or the Chief Parole and Probation Officer's designee and a written agreement is entered
15 into and signed in the manner set forth in subsection 5.

16 (j) Not use aliases or fictitious names.

17 (k) Not obtain a post office box unless Defendant receives permission
18 from the parole and probation officer assigned to Defendant.

19 (l) Not have contact with a person less than 18 years of age in a secluded
20 environment unless another adult who has never been convicted of a sexual offense is present
21 and permission has been obtained from the parole and probation officer assigned to Defendant
22 in advance of each such contact.

23 (m) Unless approved by the parole and probation officer assigned to
24 Defendant and by a psychiatrist, psychologist or counselor treating Defendant, if any, not
25 knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the
26 actual structure, that is designed primarily for use by or for children, including, without
27 limitation, a public or private school, a school bus stop, a center or facility that provides day
28 care services, a video arcade, an amusement park, a playground, a park, an athletic field or a

1 facility for youth sports, or a motion picture theater. The provisions of this paragraph apply
2 only to a defendant who is a Tier III offender.

3 (n) Comply with any protocol concerning the use of prescription
4 medication prescribed by a treating physician, including, without limitation, any protocol
5 concerning the use of psychotropic medication.

6 (o) Not possess any sexually explicit material that is deemed
7 inappropriate by the parole and probation officer assigned to Defendant.

8 (p) Not patronize a business which offers a sexually related form of
9 entertainment and which is deemed inappropriate by the parole and probation officer assigned
10 to Defendant.

11 (q) Not possess any electronic device capable of accessing the Internet
12 and not access the Internet through any such device or any other means, unless possession of
13 such a device or such access is approved by the parole and probation officer assigned to
14 Defendant.

15 (r) Inform the parole and probation officer assigned to Defendant if
16 Defendant expects to be or becomes enrolled as a student at an institution of higher education
17 or changes the date of commencement or termination of Defendant's enrollment at an
18 institution of higher education. As used in this paragraph, "institution of higher education" has
19 the meaning ascribed to it in NRS 179D.045.

20 2. Except as otherwise provided in subsection 6, if a defendant is convicted of
21 an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years,
22 Defendant is a Tier III offender and the court grants probation or suspends the sentence of
23 Defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1,
24 order as a condition of probation or suspension of sentence that Defendant:

25 (a) Reside at a location only if the residence is not located within 1,000
26 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is
27 designed primarily for use by or for children, including, without limitation, a public or private
28 school, a school bus stop, a center or facility that provides day care services, a video arcade,

1 an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a
2 motion picture theater.

3 (b) As deemed appropriate by the Chief Parole and Probation Officer, be
4 placed under a system of active electronic monitoring that is capable of identifying Defendant's
5 location and producing, upon request, reports or records of Defendant's presence near or within
6 a crime scene or prohibited area or Defendant's departure from a specified geographic location.

7 (c) Pay any costs associated with Defendant's participation under the
8 system of active electronic monitoring, to the extent of Defendant's ability to pay.

9 3. A defendant placed under the system of active electronic monitoring pursuant
10 to subsection 2 shall:

11 (a) Follow the instructions provided by the Division to maintain the
12 electronic monitoring device in working order.

13 (b) Report any incidental damage or defacement of the electronic
14 monitoring device to the Division within 2 hours after the occurrence of the damage or
15 defacement.

16 (c) Abide by any other conditions set forth by the Division with regard to
17 Defendant's participation under the system of active electronic monitoring.

18 4. Except as otherwise provided in this subsection, a person who intentionally
19 removes or disables or attempts to remove or disable an electronic monitoring device placed
20 on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this
21 subsection do not prohibit a person authorized by the Division from performing maintenance
22 or repairs to an electronic monitoring device.

23 5. A written agreement entered into pursuant to paragraph (i) of subsection 1
24 must state that the contact or communication is in the best interest of the victim or witness,
25 and specify the type of contact or communication authorized. The written agreement must be
26 signed and agreed to by:

27 (a) The victim or the witness;

28 (b) Defendant;

- 1 (c) The parole and probation officer assigned to Defendant;
- 2 (d) The psychiatrist, psychologist or counselor treating Defendant, victim
- 3 or witness, if any;
- 4 (e) If the victim or witness is a child under 18 years of age, each parent,
- 5 guardian or custodian of the child; and
- 6 (f) The Chief Parole and Probation Officer or the Chief Parole and
- 7 Probation Officer's designee.

8 6. The court is not required to impose a condition of probation or suspension of
9 sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are
10 present and the court enters those extraordinary circumstances in the record.

11 7. As used in this section, "sexual offense" has the meaning ascribed to it in NRS
12 179D.097.

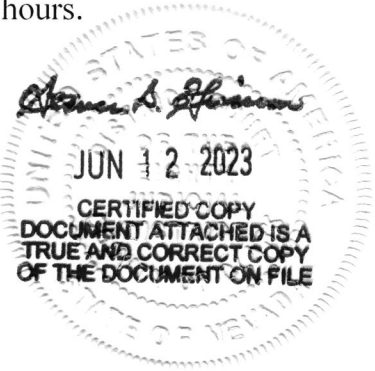
13 ADDED SPECIAL CONDITIONS OF PROBATION as follows:

- 14 1. Defendant MUST submit to routine drug and alcohol testing.
- 15 2. No contact with children or vulnerable adults in his residence until he is evaluated
- 16 by a provider who has experience in treating patients who are sex offenders.
- 17 3. Pay restitution in the amount of \$1,050.00 to Clark County Social Services during
- 18 the term of probation making monthly payments are determined by Parole and Probation.

19 **COURT ORDERED**, a special SENTENCE OF LIFETIME SUPERVISION is
20 imposed to commence upon release from any term of probation, parole or imprisonment.

21 **COURT ORDERED**, Defendant to REPORT TO PAROLE & PROBATION within
22 48 business hours.

Dated this 21st day of March, 2023



Bitia Yeager

00A 310 099F BED5
Bitia Yeager
District Court Judge

28 hjc/SVU