



IN THE SUPREME COURT OF THE STATE OF NEVADA

JAIME OSEGUERA VEGA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89734

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of five counts of sexual abuse against a child under fourteen, two counts of sexual assault against a child under sixteen, two counts of sexual assault against an adult, and one count of incest. Second Judicial District Court, Washoe County; Lynne K. Jones, Judge.

Appellant Jaime Oseguera Vega was convicted by a jury of ten counts related to the sexual abuse of his daughter M.O. Oseguera Vega began sexually assaulting M.O. when she was 8 years old and eventually impregnated her at 18 years old. Oseguera Vega was sentenced to an aggregate prison term of 247 years to life. He argues on appeal that the district court improperly admitted evidence of uncharged sexual abuse, the lead detective was unqualified to testify about the investigation, the translation of his confession was inadequate, the statute of limitations barred all counts, and the State failed to present sufficient evidence of guilt at trial. We disagree with Oseguera Vega's contentions and affirm.

The district court properly admitted evidence of the uncharged sexual abuse of M.O., A.C., and L.C.

Oseguera Vega argues that the district court abused its discretion by admitting testimony about the uncharged sexual abuse of M.O. and her two aunts, A.C., and L.C., under NRS 48.045(3) because that

testimony was not necessary for M.O. to testify about the acts charged and it was more prejudicial than probative. We review the district court's decision to admit the evidence for an abuse of discretion, *Crowley v. State*, 120 Nev. 30, 34, 83 P.3d 282, 286 (2004), and discern none here.

As an exception to NRS 48.045(1)'s ban on propensity evidence, NRS 48.045(3) permits courts to admit "evidence in a criminal prosecution for a sexual offense [showing] a person committed another crime, wrong or act that constitutes a separate sexual offense." Before admitting such evidence, the district court must make a preliminary finding that the prior sexual offense is relevant for propensity purposes and that a jury could reasonably find by a preponderance of the evidence the sexual offense occurred. *Franks v. State*, 135 Nev. 1, 5, 432 P.3d 752, 756 (2019).

Oseguera Vega fails to identify any specific uncharged sexual abuse that should have been excluded and thus fails to cogently present this argument. *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court."). Regardless, the district court properly applied NRS 48.045(3) in admitting testimony about the prior abuse of M.O., A.C., and L.C.

Alfaro v. State sets forth a framework for determining whether evidence is admissible under NRS 48.045(3), including, as relevant here, consideration of the factors outlined in *United States v. LeMay*, 260 F.3d 1018, 1028 (9th Cir. 2001), to evaluate whether the probative value is substantially outweighed by the danger of unfair prejudice. 139 Nev. 216, 224, 534 P.3d 138, 148 (2023) (citing *Franks*, 135 Nev. at 4-6, 432 P.3d at 755-57). Oseguera Vega argues only that M.O.'s and A.C.'s testimonies about the uncharged acts by Oseguera Vega with them and with L.C. were

improper under the fifth factor listed in *LeMay*, concerning “the necessity of the evidence beyond the testimonies already offered at trial.” *Alfaro*, 139 Nev. at 225, 534 P.3d at 148. But *Alfaro* explicitly held that the *LeMay* factors are nonexhaustive, and instead require a “thoughtful, holistic analysis.” *Id.* at 225, 534 P.3d at 149; *see also LeMay*, 260 F.3d at 1029 (explaining that prior acts evidence need only be helpful or practically necessary, not *absolutely necessary*). Thus, even assuming that the evidence was not strictly necessary, its admission was not improper given that the uncharged offenses were similar to and occurred contemporaneously with the charged offenses. *See Alfaro*, 139 Nev. at 225, 534 P.3d at 148 (including similarity to the acts charged and closeness in time as other factors to consider).

In any case, the district court did not abuse its discretion by determining that the uncharged abuse as to M.O., A.C., and L.C. was relevant to the crimes charged and proven by a preponderance of the evidence or that its probative value was not substantially outweighed by the danger of unfair prejudice. Therefore, Oseguera Vega’s challenge under NRS 48.045(3) fails.¹

¹Oseguera Vega also challenges the district court’s admission of the testimony about the uncharged sexual abuse of M.O., A.C., and L.C. under NRS 48.035(2) and (3). We do not perceive the probative value of this testimony as being substantially outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence under NRS 48.035(2). And we need not address his argument regarding NRS 48.035(3) in light of our conclusion that the testimony was admissible as evidence of separate sexual offenses under NRS 48.045(3).

The district court did not abuse its discretion by allowing Detective Lear to testify

Oseguera Vega argues that Detective Joseph Lear impermissibly vouched for M.O.'s credibility to justify inconsistencies in her claims. Oseguera Vega also asserts that Detective Lear's testimony was not based on scientific principles and methods and that the State improperly used his testimony to establish the facts of the investigation. Applying an abuse of discretion standard, *Barlow v. State*, 138 Nev. 207, 218, 507 P.3d 1185, 1197 (2022), we conclude that the district court properly admitted Detective Lear's expert testimony.

Under NRS 50.275, an expert must meet three requirements: (1) they must be qualified, (2) the anticipated testimony must assist the trier of fact in understanding the evidence or determining a fact in issue, and (3) the testimony must be limited to matters within the scope of their specialized knowledge. *Hallmark v. Eldridge*, 124 Nev. 492, 498, 189 P.3d 646, 650 (2008). Oseguera Vega fails to point to any specific testimony that improperly vouched for M.O.'s credibility and thus fails to cogently argue this point. *Maresca*, 103 Nev. at 673, 748 P.2d at 6. Regardless, Detective Lear did not make any improper statements about M.O.'s credibility. Detective Lear testified that Oseguera Vega's course of conduct described by M.O. and other young female family members was consistent with grooming behavior and that M.O. stated during her interview that she still fears Oseguera Vega. We have previously held that experts may "testify on the issue of whether a victim's behavior is consistent with sexual abuse, if that testimony is relevant." *Perez v. State*, 129 Nev. 850, 862, 313 P.3d 862, 870 (2013). And here, Detective Lear's expert knowledge of grooming and his investigation, including interviews with M.O., were clearly relevant. Moreover, it is "appropriate for qualified experts to characterize their

findings, observations and conclusions within the framework of their field of expertise, irrespective of the corroborative or refutative effect it may have on the testimony of a complaining witness,” so long as the expert does not “directly characterize a putative victim’s testimony as being truthful or false.” *Townsend v. State*, 103 Nev. 113, 119, 734 P.2d 705, 709 (1987). Detective Lear’s testimony fell within these parameters.

Although Oseguera Vega challenges Detective Lear’s qualifications, the record supports the district court’s conclusion that Detective Lear qualified as an expert. Detective Lear had 18 years of law enforcement training, including specialized training and extensive work experience related to crimes against children. Detective Lear also previously testified as an expert about grooming and intrafamilial sexual abuse. And this court has recognized that practical experience and specialized training can qualify an expert witness. *Perez*, 129 Nev. at 857, 313 P.3d at 867 (explaining that “[a] person can, through his experience with child-sex-abuse cases gain superior knowledge regarding the grooming phenomenon.” (internal quotation marks omitted)). So this argument fails as well.

Oseguera Vega’s contention that the State improperly used Detective Lear to establish facts about the investigation likewise fails because he was the lead investigator on this case and could properly testify as a lay witness to that investigation based on his own perceptions. *Burnside v. State*, 131 Nev. 371, 382-83, 352 P.3d 627, 636 (2015) (describing lay testimony as “concern[ing] information within the common knowledge of or capable of perception by the average layperson”).

Oseguera Vega further contends that Detective Lear improperly referenced M.O. as “victim” and Oseguera Vega as “perpetrator,” likening

this case to *Townsend*, where we held that an expert improperly “identif[ied] the victim’s father as the specific source of the assault” and thus “entered the realm of fact-finding that was well within the capacity of a lay jury.” 103 Nev. at 118, 734 P.2d at 708. But Detective Lear did not identify or refer to Oseguera Vega as the perpetrator of the specific charged acts; rather, he concluded that Oseguera Vega groomed M.O. Lear referred to M.O. as the victim when asked whether Oseguera Vega’s interrogation responses tracked M.O.’s disclosures. However, Oseguera Vega does not point to any authority that prohibits use of that term, and he failed to object to the use of that term in the district court such that plain-error review applies. *Green v. State*, 119 Nev. 542, 545, 80 P.3d 93, 94-95 (2003). Detective Lear’s use of the term “victim” does not rise to plain error because he did not “directly characterize a putative victim’s testimony as being truthful or false.” *Townsend*, 103 Nev. at 119, 734 P.2d at 709. Therefore, the district court acted within its discretion in admitting Detective Lear’s testimony.

The district court did not abuse its discretion by denying Oseguera Vega’s motion to suppress his statements to the police

Oseguera Vega argues that Deputy Aceves mistranslated several of Detective Lear’s questions and Oseguera Vega’s answers about critical issues during the interrogation.

We review the district court’s decision to admit translated statements for an abuse of discretion. *Baltazar-Monterrosa v. State*, 122 Nev. 606, 614, 137 P.3d 1137, 1142 (2006). As an initial matter, Oseguera Vega failed to include in his appendix the transcripts of the interrogation containing the alleged inaccuracies. *McClendon v. Collins*, 132 Nev. 327, 333, 372 P.3d 492, 496 (2016) (explaining that appellant is responsible for making an adequate appellate record and when appellant fails to include necessary documents in the record, the court necessarily presumes the

missing portion supports the district court's decision). Nor did he address *Baltazar-Monterrosa*, which clearly controls here.

Notwithstanding these omissions, Oseguera Vega fails to meet his burden under step one of *Baltazar-Monterrosa* because he did not include any declaration or testimony from an interpreter identifying the alleged inaccuracies in Aceves's translation. 122 Nev. at 616, 137 P.3d at 1144 (holding that "[f]irst, each party should have its own interpreters review translated statements for discrepancies."). He fails to meaningfully explain how the alleged inaccuracies materially impacted the meaning of his statements and confession that he sexually abused M.O. since she was 8 years old and fathered her child. He also cross-examined Detective Lear about his decision to use Aceves instead of a certified interpreter and the court instructed the jury to "consider the knowledge, training, and experience of the interpreter in deciding what weight to give the interpreted statements." *See Baltazar-Monterrosa*, 122 Nev. at 612, 137 P.3d at 1141 (holding that police interviews of non-English-speaking defendants need not be conducted by an independent interpreter). Oseguera Vega corrected Aceves's interpretations in English as to minor discrepancies, and none of these alleged inaccuracies rendered Aceves's interpretation fundamentally inadequate. Therefore, as Oseguera Vega does not contend the substance of his confession was inaccurately translated, the district court did not abuse its discretion by admitting it.

The district court properly denied Oseguera Vega's motion to dismiss counts I – IX based on the statute of limitations

Oseguera Vega argues that the four-year statute of limitations under NRS 171.085(1) barred these offenses because the State did not file

its complaint until 2020.² We review the district court's application of the statute of limitations de novo. *Sena v. State*, 138 Nev. 310, 316, 510 P.3d 731, 741 (2022). The statutes in effect when an offense was committed govern the applicable limitation periods and tolling provisions. *Bailey v. State*, 120 Nev. 406, 407-08, 91 P.3d 596, 597 (2004). Although the version of NRS 171.085 in effect when counts I through VII were committed provided a four-year limitations period, 1997 Nev. Stat., ch. 248, § 2(1), at 890-91 (NRS 171.085(1)), the applicable version of NRS 171.095(1)(b) extended that period for child sexual abuse until the victim's 28th birthday when, as relevant here, the victim had not discovered and reasonably should not have discovered the abuse by age 21. 2001 Nev. Stat., ch. 589, § 3, at 3031-32 (NRS 171.095(1)(b)(1)-(2)).³ As *Sena* explains, a victim does not legally discover abuse while the failure to report is induced by the perpetrator's threats. 138 Nev. at 3117, 510 P.3d at 742.

The district court correctly determined that NRS 171.095(1)(b) applied because M.O. did not legally discover the abuse until she fled Nevada in 2019 when she was 22 years old. M.O. testified that she did not previously disclose the abuse because she feared her parents; the evidence showed that her mother had responded to the abuse with threats and physical abuse, and that Oseguera Vega and her mother threatened M.O. if

²Oseguera Vega does not address count IX other than to list it as barred. Regardless, count IX was not barred because Oseguera Vega committed the offense in October 2015 and the 2015 version of NRS 171.085 provides for a 20-year statute of limitations. 2015 Nev. Stat., ch. 150, §§ 3, 5, at 583-84.

³In 2013, subsection (1)(b) of this statute was amended to extend the statute of limitations to 36 and 43 years old. NRS 171.095(1)(b)(1)-(2); 2013 Nev. Stat., ch. 69, § 3, at 247.

she reported the abuse. Thus, the statute of limitations for counts I through VII extended to M.O.'s 28th birthday, and the State's June 2020 complaint was timely. Count VIII likewise was timely because, if committed before the 2013 amendment, the same 28th-birthday deadline applied and, if committed after the 2013 amendment, the limitations period was even longer. Therefore, the district court properly denied Oseguera Vega's motion to dismiss.

Substantial evidence supports the convictions

"We will not disturb a judgment of conviction in a criminal case on the basis of insufficiency of the evidence so long as the jury verdict is supported by substantial evidence." *Dickey v. State*, 140 Nev. 8, 18-19, 540 P.3d 442, 453 (2024) (internal quotation marks omitted). When reviewing the sufficiency of the evidence, we view the evidence in the light most favorable to the prosecution and ask whether "*any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Mejia v. State*, 122 Nev. 487, 492, 134 P.3d 722, 725 (2006) (internal quotation marks omitted). Oseguera Vega argues that the State's evidence was insufficient because it lacked physical corroboration. But a victim's testimony alone may support a sexual assault conviction. *Mariscal-Ochoa v. State*, 140 Nev. 386, 394, 550 P.3d 813, 822 (2024) ("Because sex crimes often rely solely on victim testimony, this court has concluded that so long as the victim testifies 'with *some* particularity regarding the incident,' the victim's testimony alone can support a sexual assault charge." (quoting *LaPierre v. State*, 108 Nev. 528, 531, 836 P.2d 56, 58 (1992))). Here, M.O. provided detailed testimony about Oseguera Vega's sexual assaults, including their timing and locations, which was corroborated by Detective Lear's and A.C.'s testimony regarding Oseguera Vega's grooming and abuse.

DNA evidence establishing that Oseguera Vega fathered M.O.'s child further corroborated M.O.'s account and supported the incest conviction. Oseguera Vega also admitted sexually abusing M.O. Therefore, the jury verdict was supported by substantial evidence. We therefore

ORDER the judgment of the district court AFFIRMED.



cc: Hon. Lynne K. Jones, Chief Judge
Law Office of Jeannie Hua
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk