

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 13 2014 11:41 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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ERNESTO MANUEL GONZALEZ,

CASE NO. 64249

Appellant.

v.

THE STATE OF NEVADA,

Respondent.

APPELLANT'S APPENDIX, VOLUME I

**APPEAL FROM JUDGMENT AFTER
JURY TRIAL AND SENTENCING**

Second Judicial District
State of Nevada

THE HONORABLE CONNIE J. STEINHEIMER, PRESIDING

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No. 64249

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CR11-1718 DC-99003407-010
STATE VS CESAR VILLAGRANA 10 Pages
District Court 11/09/2011 10:00 AM
Washoe County 1795
SNC

DA # 434444

SPD 11-8996

CODE 1795
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Reno, NV 89520-3083
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Attorney for Plaintiff

FILED

NOV 09 2011

CRAIG FRANDEN ACTING CLERK

By: *M. Stone*
DEPUTY CLERK

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. CR11-1718

v.

Dept. No. 4

STUART GARY RUDNICK,
also known as
"JABBERS",
CESAR VILLAGRANA,
and
ERNESTO MANUEL GONZALEZ,

Defendants.

INDICTMENT

The defendants, STUART GARY RUDNICK, also known as
"JABBERS", CESAR VILLAGRANA, and ERNESTO MANUEL GONZALEZ, are accused
by the Grand Jury of Washoe County, State of Nevada, of the
following:

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1 COUNT I. CONSPIRACY TO ENGAGE IN AN AFFRAY, a violation of
2 NRS 199.480 and NRS 203.050, a gross misdemeanor, in the manner
3 following, to wit:

4 That the said defendants, STUART GARY RUDNICK, also known
5 as "JABBERS" and ERNESTO MANUEL GONZALEZ, both Vagos gang members and
6 CESAR VILLAGRANA and JEFFREY PETTIGREW, both Hell's Angels gang
7 members did, at Sparks township, within the County of Washoe, State
8 of Nevada, on or about the 23rd day of September A.D., 2011, conspire
9 with their respective gang members and/or each other to engage in an
10 affray, and in furtherance of the conspiracy, defendant CESAR
11 VILLAGRANA and ERNESTO MANUEL GONZALEZ shot rival gang members.

12 COUNT II. CHALLENGE TO FIGHT RESULTING IN DEATH WITH THE
13 USE OF A DEADLY WEAPON, a violation of NRS 200.450, NRS 200.010. NRS
14 200.030, NRS 193.165, NRS 199.480, 195.020 and NRS 193.168, a felony,
15 in the manner following, to wit:

16 That the said defendants, STUART GARY RUDNICK, also known
17 as "JABBERS", CESAR VILLAGRANA, and ERNESTO MANUEL GONZALEZ, did on
18 or about the 23rd day of September A.D., 2011, while within John
19 Ascuaga's Nugget, at Sparks Township, Washoe County, Nevada, cause,
20 give or send a challenge to fight and/or have agency in causing the
21 death of another after a challenge to fight resulting in the death of
22 a human being.

23 The Defendants above named are responsible under one or
24 more of the following principles of criminal liability, to wit:
25 1) by the Defendants directly committing the acts constituting the
26 offense; and/or 2) by the Defendants, having the intent to commit

1 challenge to fight or to accept a challenge to fight, conspiring with
2 each other to commit the offense of challenge to fight or to accept
3 such a challenge to fight whereby each co-conspirator is vicariously
4 liable for the acts of the other co-conspirators when the acts are
5 done in furtherance of the conspiracy; and/or 3) by the Defendants
6 having the intent to commit the crime of challenge to fight, and
7 aiding and abetting each either directly or indirectly whether
8 present or not.

9 Specifically, that the said defendant, STUART GARY RUDNICK,
10 also known as "JABBERS", a Vagos gang member, did upon previous
11 concert and agreement, give or send a challenge to fight to Hell's
12 Angel gang member JEFFREY PETTIGREW and JEFFREY PETTIGREW's co-
13 conspirator and fellow Hell's Angel gang member and agent, defendant
14 CESAR VILLAGRANA. That JEFFREY PETTIGREW and his fellow gang
15 member(s) and co-conspirator accepted the challenge to fight and did
16 fight with defendant STUART GARY RUDNICK, also known as "JABBERS" and
17 his co-conspirators, other Vagos gang members, which fight involved
18 the use of deadly weapons. That said fight ended with the shooting
19 death of JEFFREY PETTIGREW, a human being who died on or about the
20 24th day of September A.D., 2011, by Vagos gang member and co-
21 conspirator, defendant ERNESTO MANUEL GONZALEZ, and/or

22 That the said defendant, Vagos gang member, GARY STUART
23 RUDNICK, also known as "JABBERS" and Hell's Angel gang member JEFFREY
24 PETTIGREW did verbally challenge each other to fight and did directly
25 or indirectly, counsel, encourage, hire, command, induce or otherwise
26 procure other Vagos gang members and Hell's Angel gang members, and

1 ERNESTO MANUEL GONZALEZ and CESAR VILLAGRANA to fight and did either
2 by fighting or by giving or sending for himself or herself or for any
3 other person, the challenge to fight or by receiving for themselves
4 or for any other person, the challenge to fight, did cause a fight
5 where deadly weapons were used during said fight by STUART GARY
6 RUDNICK'S, also known as "JABBERS" and JEFFREY PETTIGREW'S respective
7 agents, defendants CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ
8 resulting in the death of JEFFREY PETTIGREW who died from a gunshot
9 wound on the 24th of September, 2011.

10 And that CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ,
11 being responsible as principles to the fight did aid and abet GARY
12 STUART RUDNICK, also known as "JABBERS" and JEFFREY PETTIGREW in the
13 fight by said defendants counseling each other in furtherance of
14 issuing or accepting a challenge to fight, and/or by providing backup
15 to each other, and/or congregating in a group in order to fight
16 together, and/or encouraging each other to engage in or accept the
17 challenge to fight, and/or each group encircling members of the
18 opposing group, and/or participating in a stand-off situation and/or
19 intimidating members of the rival gang, and/or harassing members of
20 the rival gang, and/or otherwise acting in concert.

21 That said challenge to fight and the subsequent fight was
22 committed knowingly for the benefit of, at the direction of, or in
23 affiliation with, a criminal gang, with the specific intent to
24 promote, further or assist the activities of the criminal gang.

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1 COUNT III. BATTERY WITH A DEADLY WEAPON, a violation of
2 NRS 200.481(2)(e) and NRS 193.168, a felony, in the manner following,
3 to wit:

4 That the said defendant, CESAR VILLAGRANA, on or about the
5 23rd day of September A.D., 2011, at Sparks Township, within the
6 County of Washoe, State of Nevada, did willfully and unlawfully use
7 force and violence upon the person of DIEGO GARCIA at John Ascuaga's
8 Nugget, 1100 Nugget Avenue, in the City of Sparks, Washoe County,
9 Nevada, with a deadly weapon, to wit: a firearm, by shooting DIEGO
10 GARCIA in the leg.

11 That said battery with the use of a deadly weapon was
12 committed knowingly for the benefit of, at the direction of, or in
13 affiliation with, a criminal gang, with the specific intent to
14 promote, further or assist the activities of the criminal gang.

15 COUNT IV. BATTERY WITH A DEADLY WEAPON, a violation of NRS
16 200.481(2)(e) and NRS 193.168 , a felony, in the manner following, to
17 wit:

18 That the said defendant, CESAR VILLAGRANA, on or about the
19 23rd day of September A.D., 2011, at Sparks Township, within the
20 County of Washoe, State of Nevada, did willfully and unlawfully use
21 force and violence upon the person of LEONARD RAMIREZ at John
22 Ascuaga's Nugget, 1100 Nugget Avenue, in the City of Sparks, Washoe
23 County, Nevada, with a deadly weapon, to wit: a firearm, by shooting
24 LEONARD RAMIREZ in the stomach.

25 That said battery with the use of a deadly weapon was
26 committed knowingly for the benefit of, at the direction of, or in

1 affiliation with, a criminal gang, with the specific intent to
2 promote, further or assist the activities of the criminal gang.

3 COUNT V. DISCHARGING A FIREARM IN A STRUCTURE a violation
4 of NRS 202.287, a felony, in the manner following, to wit:

5 That the said defendant, CESAR VILLAGRANA, on or about the
6 23rd day of September A.D., 2011, at Sparks Township, within the
7 County of Washoe, State of Nevada, did maliciously and wantonly
8 discharge a 9mm handgun while inside of John Ascuaga's Nugget
9 Hotel/Casino, located at 1100 Nugget Avenue in the City of Sparks,
10 Washoe County, Nevada, an area designated as a populated area in
11 Washoe County, Nevada.

12 COUNT VI. CARRYING A CONCEALED WEAPON, a violation of NRS
13 202.350, a felony, (F200) in the manner following, to wit:

14 That the said defendant, CESAR VILLAGRANA, on or about the
15 23rd day of September A.D., 2011, at Sparks Township, within the
16 County of Washoe, State of Nevada, did willfully and unlawfully,
17 carry and have concealed upon his person a certain handgun at John
18 Ascuaga's Nugget located at 1100 Nugget Avenue in Sparks, Washoe
19 County, Nevada.

20 COUNT VII. CARRYING A CONCEALED WEAPON, a violation of NRS
21 202.350, a felony, (F200) in the manner following, to wit:

22 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
23 about the 23rd day of September A.D., 2011, at Sparks Township,
24 within the County of Washoe, State of Nevada, did willfully and
25 unlawfully, carry and have concealed upon his person a certain

26 ///

1 handgun at John Ascuaga's Nugget located at 1100 Nugget Avenue in
2 Sparks, Washoe County, Nevada.

3 COUNT VIII. DISCHARGING A FIREARM IN A STRUCTURE a
4 violation of NRS 202.287, a felony, in the manner following, to wit:

5 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
6 about the 23rd day of September A.D., 2011, at Sparks Township,
7 within the County of Washoe, State of Nevada, did maliciously and
8 wantonly discharge a .40 caliber handgun while inside of John
9 Ascuaga's Nugget Hotel/Casino, located at 1100 Nugget Avenue in the
10 City of Sparks, Washoe County, Nevada, an area designated as a
11 populated area in Washoe County, Nevada.

12 COUNT IX. OPEN MURDER WITH THE USE OF A DEADLY WEAPON, a
13 violation of NRS 200.010, NRS 200.030, NRS 193.165 and NRS 193.168, a
14 felony, (F720) in the manner following, to wit:

15 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
16 about the 23rd day of September A.D., 2011, at Sparks Township,
17 within the County of Washoe, State of Nevada, did willfully,
18 unlawfully, and with malice aforethought, deliberation, and
19 premeditation, kill and murder JEFFREY PETTIGREW, a human being, by
20 means of shooting JEFFREY PETTIGREW with a handgun, thereby
21 inflicting mortal injuries upon the said JEFFREY PETTIGREW from which
22 he died on September 24th, 2011.

23 That said murder with the use of a deadly weapon was
24 committed knowingly for the benefit of, at the direction of, or in
25 affiliation with, a criminal gang, with the specific intent to
26 promote, further or assist the activities of the criminal gang.

1 COUNT X. MURDER OF THE SECOND DEGREE WITH THE USE OF A
2 DEADLY WEAPON, a violation of NRS 202.287, NRS NRS 200.010, NRS
3 200.030, NRS 193.165 and NRS 195.168, a felony, committed in the
4 manner following to wit:

5 That the said Defendants ERNESTO MANUEL GONZALEZ a Vagos
6 gang member and, CESAR VILLAGRANA a Hell's Angel gang member, on or
7 about the 23rd day of September, 2011, did aid and abet GARY STUART
8 RUDNICK, also known as "JABBERS" a Vagos gang member and JEFFERY
9 PETTIGREW a Hell's Angel gang member in the commission of an affray
10 with the use of a deadly weapon, that during the course of the affray
11 the said defendants did maliciously fire deadly weapons inside of
12 John Ascuaga's casino, located in a congested area in Sparks, Washoe
13 County, Nevada. That the said discharging of handguns during the
14 affray was in general malignant recklessness of others' lives and
15 safety of other people or in disregard of social duty and as a
16 foreseeable consequence of the shooting, JEFFREY PETTIGREW, a human
17 being, was killed and murdered suffering multiple gunshot wounds from
18 which he died on September 24th, 2011.

19 That said affray and discharge of a handgun inside of a
20 structure with the use of a deadly weapon was committed knowingly for
21 the benefit of, at the direction of, or in affiliation with, a
22 criminal gang, with the specific intent to promote, further or assist
23 the activities of the criminal gang.

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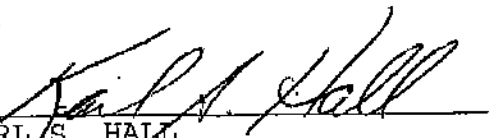
26 ///

1 AFFIRMATION PURSUANT TO NRS 239B.030

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

4 Dated this 9th day of November, 2011.

5 RICHARD A. GAMMICK
6 District Attorney

7
8 By 
9 KARL S. HALL
10 #23
11 Chief Deputy District Attorney

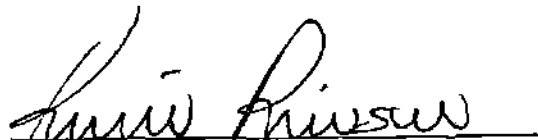
12
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20
21 PCN SPPD0022354C-GONZALEZ
22 PCN SPPD0022352C-VILLAGRANA
23 Custody: VILLAGRANA
24 Warrant: RUDNICK

25 1107KSH1
26

1 The following are the names of witnesses examined before
2 the Grand Jury:

3 ELLEN CLARK
4 CS11-21
5 MIKE IVERS
6 HEATHER KOHLES
7 KERRI HEWARD
8 JORGE GIL-BLANCO
9 JOHN PATTON
10 YEADON STURTEVANT
11 MATT MUTERT
12 CS11-42
13 CS11-31
14 CS11-67 *KP*
15 JEAN MARIE WALSH
16 PAUL OCHS

17 "A TRUE BILL"

18 
19 FOREMAN

20 "NO TRUE BILL"

21
22
23
24
25 FOREMAN
26

2

DA # 434444

SPD 11-8996

1 CODE 1795
2 Richard A. Gammick
3 #001510
4 P.O. Box 30083
5 Reno, NV 89520-3083
6 (775) 328-3200
7 Attorney for Plaintiff

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR11-1718

15 v.

Dept. No. 4

16 CESAR VILLAGRANA (A),
17 and
18 ERNESTO MANUEL GONZALEZ (B),

19 Defendants.
20
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26

INFORMATION SUPPLEMENTING INDICTMENT

27 RICHARD A. GAMMICK, District Attorney within and for the County
28 of Washoe, State of Nevada, in the name and by the authority of the
29 State of Nevada, informs the above entitled Court that CESAR
30 VILLAGRANA and ERNESTO MANUEL GONZALEZ, the defendants above named,
31 have committed the crimes of:

32 ///

33 ///

34 ///

35 ///

1 COUNT I. CONSPIRACY TO ENGAGE IN AN AFFRAY, a violation of
2 NRS 199.480 and NRS 203.050, a gross misdemeanor, in the manner
3 following, to wit:

4 That the said defendants, STUART GARY RUDNICK, also known
5 as "JABBERS" and ERNESTO MANUEL GONZALEZ, both Vagos gang members and
6 CESAR VILLAGRANA and JEFFREY PETTIGREW, both Hell's Angels gang
7 members did, at Sparks township, within the County of Washoe, State
8 of Nevada, on or about the 23rd day of September A.D., 2011, conspire
9 with their respective gang members and/or each other to engage in an
10 affray, and in furtherance of the conspiracy, defendant CESAR
11 VILLAGRANA and ERNESTO MANUEL GONZALEZ shot rival gang members.

12 COUNT II. CHALLENGE TO FIGHT RESULTING IN DEATH WITH THE
13 USE OF A DEADLY WEAPON, a violation of NRS 200.450, NRS 200.010. NRS
14 200.030, NRS 193.165, NRS 199.480, 195.020 and NRS 193.168, a felony,
15 in the manner following, to wit:

16 That the said defendants, STUART GARY RUDNICK, also known
17 as "JABBERS", CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ, did on or
18 about the 23rd day of September A.D., 2011, while within John
19 Ascuaga's Nugget, at Sparks Township, Washoe County, Nevada, cause,
20 give or send a challenge to fight and/or have agency in causing the
21 death of another after a challenge to fight resulting in the death of
22 a human being.

23 The Defendants above named are responsible under one or
24 more of the following principles of criminal liability, to wit:

25 1) by the Defendants directly committing the acts constituting the
26 offense; and/or 2) by the Defendants, having the intent to commit

1 challenge to fight or to accept a challenge to fight, conspiring with
2 each other to commit the offense of challenge to fight or to accept
3 such a challenge to fight whereby each co-conspirator is vicariously
4 liable for the acts of the other co-conspirators when the acts are
5 done in furtherance of the conspiracy; and/or 3) by the Defendants
6 having the intent to commit the crime of challenge to fight, and
7 aiding and abetting each either directly or indirectly whether
8 present or not.

9 Specifically, that the said defendant, STUART GARY RUDNICK,
10 also known as "JABBERS", a Vagos gang member, did upon previous
11 concert and agreement, give or send a challenge to fight to Hell's
12 Angel gang member JEFFREY PETTIGREW and JEFFREY PETTIGREW's co-
13 conspirator and fellow Hell's Angel gang member and agent, defendant
14 CESAR VILLAGRANA. That JEFFREY PETTIGREW and his fellow gang
15 member(s) and co-conspirator accepted the challenge to fight and did
16 fight with defendant STUART GARY RUDNICK, also known as "JABBERS" and
17 his co-conspirators, other Vagos gang members, which fight involved
18 the use of deadly weapons. That said fight ended with the shooting
19 death of JEFFREY PETTIGREW, a human being who died on or about the
20 24th day of September A.D., 2011, by Vagos gang member and co-
21 conspirator, defendant ERNESTO MANUEL GONZALEZ, and/or

22 That the said defendant, Vagos gang member, GARY STUART
23 RUDNICK, also known as "JABBERS" and Hell's Angel gang member JEFFREY
24 PETTIGREW did verbally challenge each other to fight and did directly
25 or indirectly, counsel, encourage, hire, command, induce or otherwise
26 procure other Vagos gang members and Hell's Angel gang members, and

1 ERNESTO MANUEL GONZALEZ and CESAR VILLAGRANA to fight and did either
2 by fighting or by giving or sending for himself or herself or for any
3 other person, the challenge to fight or by receiving for themselves
4 or for any other person, the challenge to fight, did cause a fight
5 where deadly weapons were used during said fight by STUART GARY
6 RUDNICK'S, also known as "JABBERS" and JEFFREY PETTIGREW'S respective
7 agents, defendants CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ
8 resulting in the death of JEFFREY PETTIGREW who died from a gunshot
9 wound on the 24th of September, 2011.

10 And that CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ,
11 being responsible as principles to the fight did aid and abet GARY
12 STUART RUDNICK, also known as "JABBERS" and JEFFREY PETTIGREW in the
13 fight by said defendants counseling each other in furtherance of
14 issuing or accepting a challenge to fight, and/or by providing backup
15 to each other, and/or congregating in a group in order to fight
16 together, and/or encouraging each other to engage in or accept the
17 challenge to fight, and/or each group encircling members of the
18 opposing group, and/or participating in a stand-off situation and/or
19 intimidating members of the rival gang, and/or harassing members of
20 the rival gang, and/or otherwise acting in concert.

21 That said challenge to fight and the subsequent fight was
22 committed knowingly for the benefit of, at the direction of, or in
23 affiliation with, a criminal gang, with the specific intent to
24 promote, further or assist the activities of the criminal gang.

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1 COUNT III. BATTERY WITH A DEADLY WEAPON, a violation of
2 NRS 200.481(2)(e) and NRS 193.168, a felony, in the manner following,
3 to wit:

4 That the said defendant, CESAR VILLAGRANA, on or about the
5 23rd day of September A.D., 2011, at Sparks Township, within the
6 County of Washoe, State of Nevada, did willfully and unlawfully use
7 force and violence upon the person of DIEGO GARCIA at John Ascuaga's
8 Nugget, 1100 Nugget Avenue, in the City of Sparks, Washoe County,
9 Nevada, with a deadly weapon, to wit: a firearm, by shooting DIEGO
10 GARCIA in the leg.

11 That said battery with the use of a deadly weapon was
12 committed knowingly for the benefit of, at the direction of, or in
13 affiliation with, a criminal gang, with the specific intent to
14 promote, further or assist the activities of the criminal gang.

15 COUNT IV. BATTERY WITH A DEADLY WEAPON, a violation of NRS
16 200.481(2)(e) and NRS 193.168 , a felony, in the manner following, to
17 wit:

18 That the said defendant, CESAR VILLAGRANA, on or about the
19 23rd day of September A.D., 2011, at Sparks Township, within the
20 County of Washoe, State of Nevada, did willfully and unlawfully use
21 force and violence upon the person of LEONARD RAMIREZ at John
22 Ascuaga's Nugget, 1100 Nugget Avenue, in the City of Sparks, Washoe
23 County, Nevada, with a deadly weapon, to wit: a firearm, by shooting
24 LEONARD RAMIREZ in the stomach.

25 That said battery with the use of a deadly weapon was
26 committed knowingly for the benefit of, at the direction of, or in

1 affiliation with, a criminal gang, with the specific intent to
2 promote, further or assist the activities of the criminal gang.

3 COUNT V. DISCHARGING A FIREARM IN A STRUCTURE a violation
4 of NRS 202.287, a felony, in the manner following, to wit:

5 That the said defendant, CESAR VILLAGRANA, on or about the
6 23rd day of September A.D., 2011, at Sparks Township, within the
7 County of Washoe, State of Nevada, did maliciously and wantonly
8 discharge a 9mm handgun while inside of John Ascuaga's Nugget
9 Hotel/Casino, located at 1100 Nugget Avenue in the City of Sparks,
10 Washoe County, Nevada, an area designated as a populated area in
11 Washoe County, Nevada.

12 COUNT VI. CARRYING A CONCEALED WEAPON, a violation of NRS
13 202.350, a felony, (F200) in the manner following, to wit:

14 That the said defendant, CESAR VILLAGRANA, on or about the
15 23rd day of September A.D., 2011, at Sparks Township, within the
16 County of Washoe, State of Nevada, did willfully and unlawfully,
17 carry and have concealed upon his person a certain handgun at John
18 Ascuaga's Nugget located at 1100 Nugget Avenue in Sparks, Washoe
19 County, Nevada.

20 COUNT VII. CARRYING A CONCEALED WEAPON, a violation of NRS
21 202.350, a felony, (F200) in the manner following, to wit:

22 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
23 about the 23rd day of September A.D., 2011, at Sparks Township,
24 within the County of Washoe, State of Nevada, did willfully and
25 unlawfully, carry and have concealed upon his person a certain

26 ///

1 handgun at John Ascuaga's Nugget located at 1100 Nugget Avenue in
2 Sparks, Washoe County, Nevada.

3 COUNT VIII. DISCHARGING A FIREARM IN A STRUCTURE a
4 violation of NRS 202.287, a felony, in the manner following, to wit:

5 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
6 about the 23rd day of September A.D., 2011, at Sparks Township,
7 within the County of Washoe, State of Nevada, did maliciously and
8 wantonly discharge a .40 caliber handgun while inside of John
9 Ascuaga's Nugget Hotel/Casino, located at 1100 Nugget Avenue in the
10 City of Sparks, Washoe County, Nevada, an area designated as a
11 populated area in Washoe County, Nevada.

12 COUNT IX. OPEN MURDER WITH THE USE OF A DEADLY WEAPON, a
13 violation of NRS 200.010, NRS 200.030, NRS 193.165 and NRS 193.168, a
14 felony, (F720) in the manner following, to wit:

15 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
16 about the 23rd day of September A.D., 2011, at Sparks Township,
17 within the County of Washoe, State of Nevada, did willfully,
18 unlawfully, and with malice aforethought, deliberation, and
19 premeditation, kill and murder JEFFREY PETTIGREW, a human being, by
20 means of shooting JEFFREY PETTIGREW with a handgun, thereby
21 inflicting mortal injuries upon the said JEFFREY PETTIGREW from which
22 he died on September 24th, 2011.

23 That said murder with the use of a deadly weapon was
24 committed knowingly for the benefit of, at the direction of, or in
25 affiliation with, a criminal gang, with the specific intent to
26 promote, further or assist the activities of the criminal gang.

1 COUNT X. MURDER OF THE SECOND DEGREE WITH THE USE OF A
2 DEADLY WEAPON, a violation of NRS 200.010, NRS 200.030, NRS 193.165
3 and NRS 193.168, a felony, committed in the manner following to wit:

4 That the said Defendants ERNESTO MANUEL GONZALEZ a Vagos
5 gang member and, CESAR VILLAGRANA a Hell's Angel gang member, on or
6 about the 23rd day of September, 2011, did aid and abet GARY STUART
7 RUDNICK, also known as "JABBERS" a Vagos gang member and JEFFERY
8 PETTIGREW a Hell's Angel gang member in the commission of an affray
9 with the use of a deadly weapon, that during the course of the affray
10 the said defendants did maliciously fire deadly weapons inside of
11 John Ascuaga's casino, located in a congested area in Sparks, Washoe
12 County, Nevada. That the said discharging of handguns during the
13 affray was in general malignant recklessness of others' lives and
14 safety of other people or in disregard of social duty and as a
15 foreseeable consequence of the shooting, JEFFREY PETTIGREW, a human
16 being, was killed and murdered suffering multiple gunshot wounds from
17 which he died on September 24th, 2011.

18 That said affray and discharge of a handgun inside of a
19 structure with the use of a deadly weapon was committed knowingly for
20 the benefit of, at the direction of, or in affiliation with, a
21 criminal gang, with the specific intent to promote, further or assist
22 the activities of the criminal gang.

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1 COUNT XI. MURDER WITH A DEADLY WEAPON, a violation of NRS
2 200.010 and NRS 200.030, NRS 193.165, NRS 193.168 a felony, (F720) in
3 the manner following:

4 That the said defendant ERNESTO MANUEL GONZALEZ on the 23rd
5 day of September A.D., 2011, or thereabout, and before the filing of
6 this Information, at and within the County of Washoe, State of
7 Nevada, did willfully, unlawfully, and with malice aforethought, kill
8 and murder JEFFREY PETTIGREW, a human being, by means of shooting
9 into the body of JEFFREY PETTIGREW with a deadly weapon, to wit: a
10 pistol , thereby inflicting mortal injuries upon the said JEFFREY
11 PETTIGREW from which he died on September 24, 2011, said killing
12 being (1) willful, deliberate, and premeditated; and/or (2) committed
13 by Defendant lying in wait to commit the killing, said Defendant
14 being responsible under one or more of the following principles of
15 criminal liability, to wit: (1) by directly committing the act;
16 and/or (2) by Defendant conspiring with GARY RUDNICK and other Vagos
17 members or associates, with the specific intent that a killing occur,
18 whereby each conspirator is vicariously liable for the foreseeable
19 acts made in furtherance of the conspiracy.

20 Further, that the murder was committed knowingly for the
21 benefit of, at the direction of, or in affiliation with, a criminal
22 gang, and with the specific intent to promote, further or assist the
23 activities of the criminal gang, to wit: the Vagos.

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COUNT XII. CONSPIRACY TO COMMIT MURDER, a violation of NRS 199.480, NRS 200.010, NRS 200.030, a felony, in the manner following:

That the said defendant ERNESTO MANUEL GONZALEZ on the 23rd day of September A.D., 2011, or thereabout, and before the filing of this Information, at and within the County of Washoe, State of Nevada, did willfully, unlawfully, did conspire with GARY RUDNICK and other Vagos members or associates to kill and murder JEFFEREY PETTIGREW, a human being, and in furtherance of the conspiracy did commit the acts in Count XI, said acts being incorporated by this reference as though fully set forth here.

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

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 30th day of January, 2013.

RICHARD A. GAMMICK
District Attorney

By /s/ Amos Stege

AMOS STEGE
9200
Deputy District Attorney

PCN SPPD0022354C-GONZALEZ
PCN SPPD0022064C-GONZALEZ
PCN SPPD0022352C-VILLAGRANA

01244344446SUPPIND

1 CERTIFICATE OF SERVICE BY E-FILING

2 I certify that I am an employee of the Washoe County
3 District Attorney's Office and that, on this date, I electronically
4 filed the foregoing with the Clerk of the Court by using the ECF
5 system which will send a notice of electronic filing to the
6 following:

7
8 RICHARD A. SCHONFELD
9 CHESNOFF & SCHONFELD
10 520 FOURTH STREET
11 LAS VEGAS, NEVADA 89101
12 and
13 WASHOE COUNTY PUBLIC DEFENDER
14 MAIZIE PUSICH

15 DATED this 30th day of January, 2013.

16 /s/DANIELLE RASMUSSEN
17 DANIELLE RAMSUSSEN

3

CR11-17189
DC-9500033188-003
VILLAGRANA 11 Pages
STATE VS CESAR VILLAGRANA
District Court 03/02/2012 10:00 AM
Washoe County
1905
SHAWBRIG

ORIGINAL

DA # 434444

SPD 11-8996

CODE 1800

Richard A. Gammick

#001510

P.O. Box 30083

Reno, NV 89520-3083

(775) 328-3200

Attorney for Plaintiff

FILED

MAR 02 2012 10:00 am.

JOE WASTINGS, CLERK
By: *[Signature]*
DEPUTY CLERK

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. CR11-1718

v.

Dept. No. D04

GARY STUART RUDNICK,
also known as
"JABBERS",
CESAR VILLAGRANA, (A)
and
ERNESTO MANUEL GONZALEZ, (B)

Defendants.

3/2/12
ep *Corrected*

INFORMATION SUPPLEMENTING INDICTMENT

RICHARD A. GAMMICK, District Attorney within and for the
County of Washoe, State of Nevada, in the name and by the authority
of the State of Nevada, informs the above entitled Court that GARY
STUART RUDNICK, also known as "JABBERS", CESAR VILLAGRANA, and
ERNESTO MANUEL GONZALEZ, the defendants above named, have committed
the crimes of:

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1 COUNT I. CONSPIRACY TO ENGAGE IN AN AFFRAY, a violation of
2 NRS 199.480 and NRS 203.050, a gross misdemeanor, in the manner
3 following:

4 That the said defendants, GARY STUART RUDNICK, also known
5 as "JABBERS" and ERNESTO MANUEL GONZALEZ, both Vagos gang members and
6 CESAR VILLAGRANA and JEFFREY PETTIGREW, both Hell's Angels gang
7 members on the 23rd day of September A.D., 2011, or thereabout, and
8 before the filing of this Information Supplementing Indictment, at
9 and within the County of Washoe, State of Nevada, did conspire with
10 their respective gang members and/or each other to engage in an
11 affray, and in furtherance of the conspiracy, defendant CESAR
12 VILLAGRANA and ERNESTO MANUEL GONZALEZ shot rival gang members.

13 COUNT II. CHALLENGE TO FIGHT RESULTING IN DEATH WITH THE
14 USE OF A DEADLY WEAPON, a violation of NRS 200.450, NRS 200.010. NRS
15 200.030, NRS 193.165, NRS 199.480, 195.020 and NRS 193.168, a felony,
16 in the manner following:

17 That the said defendants, GARY STUART RUDNICK, also known
18 as "JABBERS", CESAR VILLAGRANA, and ERNESTO MANUEL GONZALEZ, on the
19 23rd day of September A.D., 2011, or thereabout, and before the
20 filing of this Information Supplementing Indictment, at and within
21 the County of Washoe, State of Nevada, while within John Ascuaga's
22 Nugget, did cause, give or send a challenge to fight and/or have
23 agency in causing the death of another after a challenge to fight
24 resulting in the death of a human being.

25 The Defendants above named are responsible under one or
26 more of the following principles of criminal liability:

1) by the Defendants directly committing the acts constituting the offense; and/or 2) by the Defendants, having the intent to commit challenge to fight or to accept a challenge to fight, conspiring with each other to commit the offense of challenge to fight or to accept such a challenge to fight whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy; and/or 3) by the Defendants having the intent to commit the crime of challenge to fight, and aiding and abetting each either directly or indirectly whether present or not.

Specifically, that the said defendant, GARY STUART RUDNICK, also known as "JABBERS", a Vagos gang member, did upon previous concert and agreement, give or send a challenge to fight to Hell's Angel gang member JEFFREY PETTIGREW and JEFFREY PETTIGREW's co-conspirator and fellow Hell's Angel gang member and agent, defendant CESAR VILLAGRANA. That JEFFREY PETTIGREW and his fellow gang member(s) and co-conspirator accepted the challenge to fight and did fight with defendant STUART GARY RUDNICK, also known as "JABBERS" and his co-conspirators, other Vagos gang members, which fight involved the use of deadly weapons. That said fight ended with the shooting death of JEFFREY PETTIGREW, a human being who died on the 24th day of September A.D., 2011, by Vagos gang member and co-conspirator, defendant ERNESTO MANUEL GONZALEZ, and/or

That the said defendant, Vagos gang member, GARY STUART RUDNICK, also known as "JABBERS" and Hell's Angel gang member JEFFREY PETTIGREW did verbally challenge each other to fight and did directly

1 or indirectly, counsel, encourage, hire, command, induce or otherwise
2 procure other Vagos gang members and Hell's Angel gang members, and
3 ERNESTO MANUEL GONZALEZ and CESAR VILLAGRANA to fight and did either
4 by fighting or by giving or sending for himself or herself or for any
5 other person, the challenge to fight or by receiving for themselves
6 or for any other person, the challenge to fight, did cause a fight
7 where deadly weapons were used during said fight by GARY STUART
8 RUDNICK, also known as "JABBERS" and JEFFREY PETTIGREW'S respective
9 agents, defendants CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ
10 resulting in the death of JEFFREY PETTIGREW who died from a gunshot
11 wound on the 24th of September, 2011.

12 And that CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ,
13 being responsible as principles to the fight did aid and abet GARY
14 STUART RUDNICK, also known as "JABBERS" and JEFFREY PETTIGREW in the
15 fight by said defendants counseling each other in furtherance of
16 issuing or accepting a challenge to fight, and/or by providing backup
17 to each other, and/or congregating in a group in order to fight
18 together, and/or encouraging each other to engage in or accept the
19 challenge to fight, and/or each group encircling members of the
20 opposing group, and/or participating in a stand-off situation and/or
21 intimidating members of the rival gang, and/or harassing members of
22 the rival gang, and/or otherwise acting in concert.

23 That said challenge to fight and the subsequent fight was
24 committed knowingly for the benefit of, at the direction of, or in
25 affiliation with, a criminal gang, with the specific intent to
26 promote, further or assist the activities of the criminal gang.

1 COUNT III. BATTERY WITH A DEADLY WEAPON, a violation of
2 NRS 200.481(2)(e) and NRS 193.168, a felony, in the manner following:

3 That the said defendant, CESAR VILLAGRANA, on the 23rd day
4 of September A.D., 2011, or thereabout, and before the filing of this
5 Information Supplementing Indictment, at and within the County of
6 Washoe, State of Nevada, did willfully and unlawfully use force and
7 violence upon the person of DIEGO GARCIA at John Ascuaga's Nugget,
8 1100 Nugget Avenue, in the City of Sparks, Washoe County, Nevada,
9 with a deadly weapon: a firearm, by shooting DIEGO GARCIA in the
10 leg.

11 That said battery with the use of a deadly weapon was
12 committed knowingly for the benefit of, at the direction of, or in
13 affiliation with, a criminal gang, with the specific intent to
14 promote, further or assist the activities of the criminal gang.

15 COUNT IV. BATTERY WITH A DEADLY WEAPON, a violation of NRS
16 200.481(2)(e) and NRS 193.168 , a felony, in the manner following:

17 That the said defendant, CESAR VILLAGRANA, on the 23rd day
18 of September A.D., 2011, or thereabout, and before the filing of this
19 Information Supplementing Indictment, at and within the County of
20 Washoe, State of Nevada, did willfully and unlawfully use force and
21 violence upon the person of LEONARD RAMIREZ at John Ascuaga's Nugget,
22 1100 Nugget Avenue, in the City of Sparks, Washoe County, Nevada,
23 with a deadly weapon: a firearm, by shooting LEONARD RAMIREZ in the
24 stomach.

25 That said battery with the use of a deadly weapon was
26 committed knowingly for the benefit of, at the direction of, or in

1 affiliation with, a criminal gang, with the specific intent to
2 promote, further or assist the activities of the criminal gang.

3 COUNT V. DISCHARGING A FIREARM IN A STRUCTURE a violation
4 of NRS 202.287, a felony, in the manner following:

5 That the said defendant, CESAR VILLAGRANA, on the 23rd day
6 of September A.D., 2011, or thereabout, and before the filing of this
7 Information Supplementing Indictment, at and within the County of
8 Washoe, State of Nevada, did maliciously and wantonly discharge a 9mm
9 handgun while inside of John Ascuaga's Nugget Hotel/Casino, located
10 at 1100 Nugget Avenue in the City of Sparks, Washoe County, Nevada,
11 an area designated as a populated area in Washoe County, Nevada.

12 COUNT VI. CARRYING A CONCEALED WEAPON, a violation of NRS
13 202.350, a felony, (F200) in the manner following:

14 That the said defendant, CESAR VILLAGRANA, on the 23rd day
15 of September A.D., 2011, or thereabout, and before the filing of this
16 Information Supplementing Indictment, at and within the County of
17 Washoe, State of Nevada, did willfully and unlawfully, carry and have
18 concealed upon his person a certain handgun at John Ascuaga's Nugget
19 located at 1100 Nugget Avenue in Sparks, Washoe County, Nevada.

20 COUNT VII. CARRYING A CONCEALED WEAPON, a violation of NRS
21 202.350, a felony, (F200) in the manner following:

22 That the said defendant, ERNESTO MANUEL GONZALEZ, on the
23 23rd day of September A.D., 2011, or thereabout, and before the
24 filing of this Information Supplementing Indictment, at and within
25 the County of Washoe, State of Nevada, did willfully and unlawfully,
26 carry and have concealed upon his person a certain handgun at John

1 Ascuaga's Nugget located at 1100 Nugget Avenue in Sparks, Washoe
2 County, Nevada.

3 COUNT VIII. DISCHARGING A FIREARM IN A STRUCTURE a
4 violation of NRS 202.287, a felony, in the manner following:

5 That the said defendant, ERNESTO MANUEL GONZALEZ, on the
6 23rd day of September A.D., 2011, or thereabout, and before the
7 filing of this Information Supplementing Indictment, at and within
8 the County of Washoe, State of Nevada, did maliciously and wantonly
9 discharge a .40 caliber handgun while inside of John Ascuaga's Nugget
10 Hotel/Casino, located at 1100 Nugget Avenue in the City of Sparks,
11 Washoe County, Nevada, an area designated as a populated area in
12 Washoe County, Nevada.

13 COUNT IX. OPEN MURDER WITH THE USE OF A DEADLY WEAPON, a
14 violation of NRS 200.010, NRS 200.030, NRS 193.165 and NRS 193.168, a
15 felony, (F720) in the manner following:

16 That the said defendant, ERNESTO MANUEL GONZALEZ, on the
17 23rd day of September A.D., 2011, or thereabout, and before the
18 filing of this Information Supplementing Indictment, at and within
19 the County of Washoe, State of Nevada, did willfully, unlawfully, and
20 with malice aforethought, deliberation, and premeditation, kill and
21 murder JEFFREY PETTIGREW, a human being, by means of shooting
22 JEFFREY PETTIGREW with a handgun, thereby inflicting mortal injuries
23 upon the said JEFFREY PETTIGREW from which he died on September 24th,
24 2011.

25 That said murder with the use of a deadly weapon was
26 committed knowingly for the benefit of, at the direction of, or in

1 affiliation with, a criminal gang, with the specific intent to
2 promote, further or assist the activities of the criminal gang.

3 COUNT X. MURDER OF THE SECOND DEGREE WITH THE USE OF A
4 DEADLY WEAPON, a violation of NRS 202.287, NRS NRS 200.010, NRS
5 200.030, NRS 193.165 and NRS 195.168, a felony, committed in the
6 manner following to wit:

7 That the said Defendants, ERNESTO MANUEL GONZALEZ a Vagos
8 gang member and, CESAR VILLAGRANA a Hell's Angel gang member, on the
9 23rd day of September, 2011, or thereabout, and before the filing of
10 this Information Supplementing Indictment, at and within the County
11 of Washoe, State of Nevada, did aid and abet GARY STUART RUDNICK,
12 also known as "JABBERS" a Vagos gang member and JEFFERY PETTIGREW a
13 Hell's Angel gang member in the commission of an affray with the use
14 of a deadly weapon, that during the course of the affray the said
15 defendants did maliciously fire deadly weapons inside of John
16 Ascuaga's casino, located in a congested area in Sparks, Washoe
17 County, Nevada. That the said discharging of handguns during the
18 affray was in general malignant recklessness of others' lives and
19 safety of other people or in disregard of social duty and as a
20 foreseeable consequence of the shooting, JEFFREY PETTIGREW, a human
21 being, was killed and murdered suffering multiple gunshot wounds from
22 which he died on September 24th, 2011.

23 That said affray and discharge of a handgun inside of a
24 structure with the use of a deadly weapon was committed knowingly for
25 the benefit of, at the direction of, or in affiliation with, a

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1 criminal gang, with the specific intent to promote, further or assist
2 the activities of the criminal gang.

3 COUNT XI. CONSPIRACY TO COMMIT MURDER, a violation of NRS
4 199.480, NRS 200.010 and NRS 200.030, a felony, (F720) in the manner
5 following:

6 That the said defendant, GARY STUART RUDNICK, also known as
7 "JABBERS", on the 23rd day of September A.D., 2011, or thereabout,
8 and before the filing of this Information Supplementing Indictment,
9 at and within the County of Washoe, State of Nevada, did willfully,
10 unlawfully, and knowingly for the benefit of, at the direction of, or
11 in affiliation with a criminal gang and with the specific intent to
12 promote, further or assist the activities of the Vagos criminal gang,
13 conspire with ERNESTO MANUEL GONZALEZ and other Vagos motorcycle gang
14 members to fight with JEFFREY PETTIGREW, president of the San Jose
15 Chapter of the Hells Angels, and other Hells Angels motorcycle gang
16 members; that in furtherance of said conspiracy, GARY STUART RUDNICK
17 did issue and/or accept a challenge to fight JEFFREY PETTIGREW and
18 other Hells Angels gang members and did provoke a physical
19 altercation with the intent that members of the Hells Angels
20 motorcycle gang suffer death or substantial bodily harm during the
21 course of said fight.

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1 All of which is contrary to the form of the Statute in such
2 case made and provided, and against the peace and dignity of the
3 State of Nevada.
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8 RICHARD A. GAMMICK
9 District Attorney
Washoe County, Nevada

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11
12 By: Karl S. Hall
13 KARL S. HALL
14 23
15 Chief Deputy District Attorney
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1 The following are the names and addresses of such witnesses
2 as are known to me at the time of the filing of the within
3 Information Supplementing Indictment:

4 SPARKS POLICE DEPARTMENT

5 OFFICER JOHN PATTON
6 OFFICER YEADON STURTEVANT
7 OFFICER MATT MUTERT
8 OFFICER JEAN MARIE WALSH
9 OFFICER PAUL OCHS
10 OFFICER HEATHER KOHLES

11 WASHOE COUNTY SHERIFF'S OFFICE

12 OFFICER MIKE IVERS WCSO
13 DR. ELLEN CLARK, WASHOE COUNTY MEDICAL EXAMINER

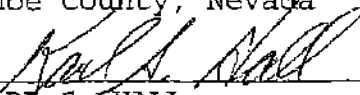
14 WASHOE COUNTY CRIME LAB

15 KERRI HEWARD
16 JORGE GIL-BLANCO

17 CS11-21
18 CS11-42
19 CS11-31
20 CS11-67

21 The party executing this document hereby affirms that this
22 document submitted for recording does not contain the social security
23 number of any person or persons pursuant to NRS 239B.230.

24 RICHARD A. GAMMICK
25 District Attorney
26 Washoe County, Nevada

By 
KARL S. HALL
23
Chief Deputy District Attorney

PCN WASO0040108C

02024344441SUPP

4

1 CODE
2 Richard A. Gammick
3 #001510
4 P.O. Box 30083
5 Reno, NV 89520-3083
6 (775) 328-3200
7 Attorney for Plaintiff

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR11-1718

15 v.

Dept. No. 4

16 ERNESTO MANUEL GONZALEZ, (B)
17 and
18 CESAR VILLAGRANA, (A)

19 Defendant.
20
21 _____/

22 **WITHDRAWAL OF INFORMATION SUPPLEMENTING INDICTMENT**

23 COMES NOW, the State of Nevada, by and through AMOS STEGE,
24 Deputy District Attorney, and hereby withdraws its Information
25 Supplementing Indictment filed on January 30, 2013.

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1 AFFIRMATION PURSUANT TO NRS 239B.030

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

4 DATED this 1st day of February , 2013.

5 RICHARD A. GAMMICK
6 District Attorney
7 Washoe County, Nevada

8 By /s/ Amos Stege
9 AMOS STEGE
10 9200
11 Deputy District Attorney

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CERTIFICATE OF SERVICE BY E-FILING

I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

DAVID R. HOUSTON
432 COURT STREET
RENO, NV 89501

MAIZIE W. PUSICH, C.D.P.D.
WASHOE COUNTY PUBLIC DEFENDER'S OFFICE
350 S. CENTER STREET, 5TH FLOOR
P.O. BOX 30083
RENO, NV 89520

CHRISTOPHER FREY, D.P.D.
WASHOE COUNTY PUBLIC DEFENDER'S OFFICE
350 S. CENTER STREET, 5TH FLOOR
P.O. BOX 30083
RENO, NV 89520

BIRAY DOGAN, D.P.D.
WASHOE COUNTY PUBLIC DEFENDER'S OFFICE
350 S. CENTER STREET, 5TH FLOOR
P.O. BOX 30083
RENO, NV 89520

DAVID Z. CHESNOFF, ESQ.
RICHARD A. SHCONFELD, ESQ.
CHESNOFF & SCHONFELD
520 S. FOURTH STREET, 2ND FLOOR
LAS VEGAS, NV 89101

DATED this 1st day of February, 2013.

/s/DANIELLE RASMUSSEN
DANIELLE RASMUSSEN

~~34~~ 34

5

DA # 434444

SPD 11-8996

1 CODE 1795
2 Richard A. Gammick
3 #001510
4 P.O. Box 30083
5 Reno, NV 89520-3083
6 (775) 328-3200
7 Attorney for Plaintiff

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR11-1718

15 v.

Dept. No. 4

16 CESAR VILLAGRANA (A),
17 and
18 ERNESTO MANUEL GONZALEZ (B),

19 Defendants.
20
21
22
23
24
25
26

SECOND INFORMATION SUPPLEMENTING INDICTMENT

27 RICHARD A. GAMMICK, District Attorney within and for the
28 County of Washoe, State of Nevada, in the name and by the authority
29 of the State of Nevada, informs the above entitled Court that CESAR
30 VILLAGRANA and ERNESTO MANUEL GONZALEZ, the defendants above named,
31 have committed the crimes of:

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1 COUNT I. CONSPIRACY TO ENGAGE IN AN AFFRAY, a violation of
2 NRS 199.480 and NRS 203.050, a gross misdemeanor, in the manner
3 following, to wit:

4 That the said defendants, STUART GARY RUDNICK, also known
5 as "JABBERS" and ERNESTO MANUEL GONZALEZ, both Vagos gang members and
6 CESAR VILLAGRANA and JEFFREY PETTIGREW, both Hell's Angels gang
7 members did, at Sparks township, within the County of Washoe, State
8 of Nevada, on or about the 23rd day of September A.D., 2011, conspire
9 with their respective gang members and/or each other to engage in an
10 affray, and in furtherance of the conspiracy, defendant CESAR
11 VILLAGRANA and ERNESTO MANUEL GONZALEZ shot rival gang members.

12 COUNT II. CHALLENGE TO FIGHT RESULTING IN DEATH WITH THE
13 USE OF A DEADLY WEAPON, a violation of NRS 200.450, NRS 200.010. NRS
14 200.030, NRS 193.165, NRS 199.480, 195.020 and NRS 193.168, a felony,
15 in the manner following, to wit:

16 That the said defendants, STUART GARY RUDNICK, also known
17 as "JABBERS", CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ, did on or
18 about the 23rd day of September A.D., 2011, while within John
19 Ascuaga's Nugget, at Sparks Township, Washoe County, Nevada, cause,
20 give or send a challenge to fight and/or have agency in causing the
21 death of another after a challenge to fight resulting in the death of
22 a human being.

23 The Defendants above named are responsible under one or
24 more of the following principles of criminal liability, to wit:

25 1) by the Defendants directly committing the acts constituting the
26 offense; and/or 2) by the Defendants, having the intent to commit

1 challenge to fight or to accept a challenge to fight, conspiring with
2 each other to commit the offense of challenge to fight or to accept
3 such a challenge to fight whereby each co-conspirator is vicariously
4 liable for the acts of the other co-conspirators when the acts are
5 done in furtherance of the conspiracy; and/or 3) by the Defendants
6 having the intent to commit the crime of challenge to fight, and
7 aiding and abetting each either directly or indirectly whether
8 present or not.

9 Specifically, that the said defendant, STUART GARY RUDNICK,
10 also known as "JABBERS", a Vagos gang member, did upon previous
11 concert and agreement, give or send a challenge to fight to Hell's
12 Angel gang member JEFFREY PETTIGREW and JEFFREY PETTIGREW's co-
13 conspirator and fellow Hell's Angel gang member and agent, defendant
14 CESAR VILLAGRANA. That JEFFREY PETTIGREW and his fellow gang
15 member(s) and co-conspirator accepted the challenge to fight and did
16 fight with defendant STUART GARY RUDNICK, also known as "JABBERS" and
17 his co-conspirators, other Vagos gang members, which fight involved
18 the use of deadly weapons. That said fight ended with the shooting
19 death of JEFFREY PETTIGREW, a human being who died on or about the
20 24th day of September A.D., 2011, by Vagos gang member and co-
21 conspirator, defendant ERNESTO MANUEL GONZALEZ, and/or

22 That the said defendant, Vagos gang member, GARY STUART
23 RUDNICK, also known as "JABBERS" and Hell's Angel gang member JEFFREY
24 PETTIGREW did verbally challenge each other to fight and did directly
25 or indirectly, counsel, encourage, hire, command, induce or otherwise
26 procure other Vagos gang members and Hell's Angel gang members, and

1 ERNESTO MANUEL GONZALEZ and CESAR VILLAGRANA to fight and did either
2 by fighting or by giving or sending for himself or herself or for any
3 other person, the challenge to fight or by receiving for themselves
4 or for any other person, the challenge to fight, did cause a fight
5 where deadly weapons were used during said fight by STUART GARY
6 RUDNICK'S, also known as "JABBERS" and JEFFREY PETTIGREW'S respective
7 agents, defendants CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ
8 resulting in the death of JEFFREY PETTIGREW who died from a gunshot
9 wound on the 24th of September, 2011.

10 And that CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ,
11 being responsible as principles to the fight did aid and abet GARY
12 STUART RUDNICK, also known as "JABBERS" and JEFFREY PETTIGREW in the
13 fight by said defendants counseling each other in furtherance of
14 issuing or accepting a challenge to fight, and/or by providing backup
15 to each other, and/or congregating in a group in order to fight
16 together, and/or encouraging each other to engage in or accept the
17 challenge to fight, and/or each group encircling members of the
18 opposing group, and/or participating in a stand-off situation and/or
19 intimidating members of the rival gang, and/or harassing members of
20 the rival gang, and/or otherwise acting in concert.

21 That said challenge to fight and the subsequent fight was
22 committed knowingly for the benefit of, at the direction of, or in
23 affiliation with, a criminal gang, with the specific intent to
24 promote, further or assist the activities of the criminal gang.

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1 COUNT III. BATTERY WITH A DEADLY WEAPON, a violation of
2 NRS 200.481(2)(e) and NRS 193.168, a felony, in the manner following,
3 to wit:

4 That the said defendant, CESAR VILLAGRANA, on or about the
5 23rd day of September A.D., 2011, at Sparks Township, within the
6 County of Washoe, State of Nevada, did willfully and unlawfully use
7 force and violence upon the person of DIEGO GARCIA at John Ascuaga's
8 Nugget, 1100 Nugget Avenue, in the City of Sparks, Washoe County,
9 Nevada, with a deadly weapon, to wit: a firearm, by shooting DIEGO
10 GARCIA in the leg.

11 That said battery with the use of a deadly weapon was
12 committed knowingly for the benefit of, at the direction of, or in
13 affiliation with, a criminal gang, with the specific intent to
14 promote, further or assist the activities of the criminal gang.

15 COUNT IV. BATTERY WITH A DEADLY WEAPON, a violation of NRS
16 200.481(2)(e) and NRS 193.168 , a felony, in the manner following, to
17 wit:

18 That the said defendant, CESAR VILLAGRANA, on or about the
19 23rd day of September A.D., 2011, at Sparks Township, within the
20 County of Washoe, State of Nevada, did willfully and unlawfully use
21 force and violence upon the person of LEONARD RAMIREZ at John
22 Ascuaga's Nugget, 1100 Nugget Avenue, in the City of Sparks, Washoe
23 County, Nevada, with a deadly weapon, to wit: a firearm, by shooting
24 LEONARD RAMIREZ in the stomach.

25 That said battery with the use of a deadly weapon was
26 committed knowingly for the benefit of, at the direction of, or in

1 affiliation with, a criminal gang, with the specific intent to
2 promote, further or assist the activities of the criminal gang.

3 COUNT V. DISCHARGING A FIREARM IN A STRUCTURE a violation
4 of NRS 202.287, a felony, in the manner following, to wit:

5 That the said defendant, CESAR VILLAGRANA, on or about the
6 23rd day of September A.D., 2011, at Sparks Township, within the
7 County of Washoe, State of Nevada, did maliciously and wantonly
8 discharge a 9mm handgun while inside of John Ascuaga's Nugget
9 Hotel/Casino, located at 1100 Nugget Avenue in the City of Sparks,
10 Washoe County, Nevada, an area designated as a populated area in
11 Washoe County, Nevada.

12 COUNT VI. CARRYING A CONCEALED WEAPON, a violation of NRS
13 202.350, a felony, (F200) in the manner following, to wit:

14 That the said defendant, CESAR VILLAGRANA, on or about the
15 23rd day of September A.D., 2011, at Sparks Township, within the
16 County of Washoe, State of Nevada, did willfully and unlawfully,
17 carry and have concealed upon his person a certain handgun at John
18 Ascuaga's Nugget located at 1100 Nugget Avenue in Sparks, Washoe
19 County, Nevada.

20 COUNT VII. CARRYING A CONCEALED WEAPON, a violation of NRS
21 202.350, a felony, (F200) in the manner following, to wit:

22 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
23 about the 23rd day of September A.D., 2011, at Sparks Township,
24 within the County of Washoe, State of Nevada, did willfully and
25 unlawfully, carry and have concealed upon his person a certain

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1 handgun at John Ascuaga's Nugget located at 1100 Nugget Avenue in
2 Sparks, Washoe County, Nevada.

3 COUNT VIII. DISCHARGING A FIREARM IN A STRUCTURE a
4 violation of NRS 202.287, a felony, in the manner following, to wit:

5 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
6 about the 23rd day of September A.D., 2011, at Sparks Township,
7 within the County of Washoe, State of Nevada, did maliciously and
8 wantonly discharge a .40 caliber handgun while inside of John
9 Ascuaga's Nugget Hotel/Casino, located at 1100 Nugget Avenue in the
10 City of Sparks, Washoe County, Nevada, an area designated as a
11 populated area in Washoe County, Nevada.

12 COUNT IX. OPEN MURDER WITH THE USE OF A DEADLY WEAPON, a
13 violation of NRS 200.010, NRS 200.030, NRS 193.165 and NRS 193.168, a
14 felony, (F720) in the manner following, to wit:

15 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
16 about the 23rd day of September A.D., 2011, at Sparks Township,
17 within the County of Washoe, State of Nevada, did willfully,
18 unlawfully, and with malice aforethought, deliberation, and
19 premeditation, kill and murder JEFFREY PETTIGREW, a human being, by
20 means of shooting JEFFREY PETTIGREW with a handgun, thereby
21 inflicting mortal injuries upon the said JEFFREY PETTIGREW from which
22 he died on September 24th, 2011.

23 That said murder with the use of a deadly weapon was
24 committed knowingly for the benefit of, at the direction of, or in
25 affiliation with, a criminal gang, with the specific intent to
26 promote, further or assist the activities of the criminal gang.

1 COUNT X. MURDER OF THE SECOND DEGREE WITH THE USE OF A
2 DEADLY WEAPON, a violation of NRS 200.010, NRS 200.030, NRS 193.165
3 and NRS 193.168, a felony, committed in the manner following to wit:

4 That the said Defendants ERNESTO MANUEL GONZALEZ a Vagos
5 gang member and, CESAR VILLAGRANA a Hell's Angel gang member, on or
6 about the 23rd day of September, 2011, did aid and abet GARY STUART
7 RUDNICK, also known as "JABBERS" a Vagos gang member and JEFFERY
8 PETTIGREW a Hell's Angel gang member in the commission of an affray
9 with the use of a deadly weapon, that during the course of the affray
10 the said defendants did maliciously fire deadly weapons inside of
11 John Ascuaga's casino, located in a congested area in Sparks, Washoe
12 County, Nevada. That the said discharging of handguns during the
13 affray was in general malignant recklessness of others' lives and
14 safety of other people or in disregard of social duty and as a
15 foreseeable consequence of the shooting, JEFFREY PETTIGREW, a human
16 being, was killed and murdered suffering multiple gunshot wounds from
17 which he died on September 24th, 2011.

18 That said affray and discharge of a handgun inside of a
19 structure with the use of a deadly weapon was committed knowingly for
20 the benefit of, at the direction of, or in affiliation with, a
21 criminal gang, with the specific intent to promote, further or assist
22 the activities of the criminal gang.

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1 COUNT XI. MURDER WITH A DEADLY WEAPON, a violation of NRS
2 200.010 and NRS 200.030, NRS 193.165, NRS 193.168 a felony, (F720) in
3 the manner following:

4 That the said defendant ERNESTO MANUEL GONZALEZ on the 23rd
5 day of September A.D., 2011, or thereabout, and before the filing of
6 this Information, at and within the County of Washoe, State of
7 Nevada, did willfully, unlawfully, and with malice aforethought, kill
8 and murder JEFFREY PETTIGREW, a human being, by means of shooting
9 into the body of JEFFREY PETTIGREW with a deadly weapon, to wit: a
10 pistol , thereby inflicting mortal injuries upon the said JEFFREY
11 PETTIGREW from which he died on September 24, 2011, said killing
12 being (1) willful, deliberate, and premeditated; and/or (2) committed
13 by Defendant lying in wait to commit the killing, said Defendant
14 being responsible under one or more of the following principles of
15 criminal liability, to wit: (1) by directly committing the act;
16 and/or (2) by Defendant conspiring with GARY RUDNICK and other Vagos
17 members or associates, with the specific intent that a killing occur,
18 whereby each conspirator is vicariously liable for the foreseeable
19 acts made in furtherance of the conspiracy.

20 Further, that the murder was committed knowingly for the
21 benefit of, at the direction of, or in affiliation with, a criminal
22 gang, and with the specific intent to promote, further or assist the
23 activities of the criminal gang, to wit: the Vagos.

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1 COUNT XII. CONSPIRACY TO COMMIT MURDER, a violation of NRS
2 199.480, NRS 200.010, NRS 200.030, a felony, in the manner following:

3 That the said defendant ERNESTO MANUEL GONZALEZ on the 23rd
4 day of September A.D., 2011, or thereabout, and before the filing of
5 this Information, at and within the County of Washoe, State of
6 Nevada, did willfully, unlawfully, did conspire with GARY RUDNICK and
7 other Vagos members or associates to kill and murder JEFFEREY
8 PETTIGREW, a human being, and in furtherance of the conspiracy did
9 commit the acts in Count XI, said acts being incorporated by this
10 reference as though fully set forth here.

11
12 All of which is contrary to the form of the Statute in such
13 case made and provided, and against the peace and dignity of the
14 State of Nevada

15 AFFIRMATION PURSUANT TO NRS 239B.030

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

18 Dated this 20th day of February, 2013.

19
20 RICHARD A. GAMMICK
 District Attorney

21
22 By /s/ Amos Stege
23 AMOS STEGE
 9200
 Deputy District Attorney

24 PCN SPPD0022354C-GONZALEZ
25 PCN SPPD0022064C-GONZALEZ
26 PCN SPPD0022352C-VILLAGRANA

02204344446SUPPIND

1 CERTIFICATE OF SERVICE BY E-FILING

2 I certify that I am an employee of the Washoe County
3 District Attorney's Office and that, on this date, I electronically
4 filed the foregoing with the Clerk of the Court by using the ECF
5 system which will send a notice of electronic filing to the
6 following:

7
8 DAVID R. HOUSTON
9 432 COURT STREET
 RENO, NV 89501

10 DAVID Z. CHESNOFF, ESQ.
11 RICHARD A. SHCONFELD, ESQ.
12 CHESNOFF & SCHONFELD
 520 S. FOURTH STREET, 2ND FLOOR
 LAS VEGAS, NV 89101

13 DATED this 20th day of February , 2013.

14
15 /s/DANIELLE RASMUSSEN
16 DANIELLE RASMUSSEN
17
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24
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DA # 434444

SPD 11-8996

CODE 1795
Richard A. Gammick
#001510
P.O. Box 30083
Reno, NV 89520-3083
(775) 328-3200
Attorney for Plaintiff

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. CR11-1718

v.

Dept. No. 4

CESAR VILLAGRANA (A),
and
ERNESTO MANUEL GONZALEZ (B),

Defendants.

THIRD INFORMATION SUPPLEMENTING INDICTMENT

RICHARD A. GAMMICK, District Attorney within and for the
County of Washoe, State of Nevada, in the name and by the authority
of the State of Nevada, informs the above entitled Court that CESAR
VILLAGRANA and ERNESTO MANUEL GONZALEZ, the defendants above named,
have committed the crimes of:

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1 COUNT I. CONSPIRACY TO ENGAGE IN AN AFFRAY, a violation of
2 NRS 199.480 and NRS 203.050, a gross misdemeanor, in the manner
3 following, to wit:

4 That the said defendants, STUART GARY RUDNICK, also known
5 as "JABBERS" and ERNESTO MANUEL GONZALEZ, both Vagos gang members and
6 CESAR VILLAGRANA and JEFFREY PETTIGREW, both Hell's Angels gang
7 members did, at Sparks township, within the County of Washoe, State
8 of Nevada, on or about the 23rd day of September A.D., 2011, conspire
9 with their respective gang members and/or each other to engage in an
10 affray, and in furtherance of the conspiracy, defendant CESAR
11 VILLAGRANA and ERNESTO MANUEL GONZALEZ shot rival gang members.

12 COUNT II. CHALLENGE TO FIGHT RESULTING IN DEATH WITH THE
13 USE OF A DEADLY WEAPON, a violation of NRS 200.450, NRS 200.010. NRS
14 200.030, NRS 193.165, NRS 199.480, 195.020 and NRS 193.168, a felony,
15 in the manner following, to wit:

16 That the said defendants, STUART GARY RUDNICK, also known
17 as "JABBERS", CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ, did on or
18 about the 23rd day of September A.D., 2011, while within John
19 Ascuaga's Nugget, at Sparks Township, Washoe County, Nevada, cause,
20 give or send a challenge to fight and/or have agency in causing the
21 death of another after a challenge to fight resulting in the death of
22 a human being.

23 The Defendants above named are responsible under one or
24 more of the following principles of criminal liability, to wit:

25 1) by the Defendants directly committing the acts constituting the
26 offense; and/or 2) by the Defendants, having the intent to commit

1 challenge to fight or to accept a challenge to fight, conspiring with
2 each other to commit the offense of challenge to fight or to accept
3 such a challenge to fight whereby each co-conspirator is vicariously
4 liable for the acts of the other co-conspirators when the acts are
5 done in furtherance of the conspiracy; and/or 3) by the Defendants
6 having the intent to commit the crime of challenge to fight, and
7 aiding and abetting each either directly or indirectly whether
8 present or not.

9 Specifically, that the said defendant, STUART GARY RUDNICK,
10 also known as "JABBERS", a Vagos gang member, did upon previous
11 concert and agreement, give or send a challenge to fight to Hell's
12 Angel gang member JEFFREY PETTIGREW and JEFFREY PETTIGREW's co-
13 conspirator and fellow Hell's Angel gang member and agent, defendant
14 CESAR VILLAGRANA. That JEFFREY PETTIGREW and his fellow gang
15 member(s) and co-conspirator accepted the challenge to fight and did
16 fight with defendant STUART GARY RUDNICK, also known as "JABBERS" and
17 his co-conspirators, other Vagos gang members, which fight involved
18 the use of deadly weapons. That said fight ended with the shooting
19 death of JEFFREY PETTIGREW, a human being who died on or about the
20 24th day of September A.D., 2011, by Vagos gang member and co-
21 conspirator, defendant ERNESTO MANUEL GONZALEZ, and/or

22 That the said defendant, Vagos gang member, GARY STUART
23 RUDNICK, also known as "JABBERS" and Hell's Angel gang member JEFFREY
24 PETTIGREW did verbally challenge each other to fight and did directly
25 or indirectly, counsel, encourage, hire, command, induce or otherwise
26 procure other Vagos gang members and Hell's Angel gang members, and

1 ERNESTO MANUEL GONZALEZ and CESAR VILLAGRANA to fight and did either
2 by fighting or by giving or sending for himself or herself or for any
3 other person, the challenge to fight or by receiving for themselves
4 or for any other person, the challenge to fight, did cause a fight
5 where deadly weapons were used during said fight by STUART GARY
6 RUDNICK'S, also known as "JABBERS" and JEFFREY PETTIGREW'S respective
7 agents, defendants CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ
8 resulting in the death of JEFFREY PETTIGREW who died from a gunshot
9 wound on the 24th of September, 2011.

10 And that CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ,
11 being responsible as principles to the fight did aid and abet GARY
12 STUART RUDNICK, also known as "JABBERS" and JEFFREY PETTIGREW in the
13 fight by said defendants counseling each other in furtherance of
14 issuing or accepting a challenge to fight, and/or by providing backup
15 to each other, and/or congregating in a group in order to fight
16 together, and/or encouraging each other to engage in or accept the
17 challenge to fight, and/or each group encircling members of the
18 opposing group, and/or participating in a stand-off situation and/or
19 intimidating members of the rival gang, and/or harassing members of
20 the rival gang, and/or otherwise acting in concert.

21 That said challenge to fight and the subsequent fight was
22 committed knowingly for the benefit of, at the direction of, or in
23 affiliation with, a criminal gang, with the specific intent to
24 promote, further or assist the activities of the criminal gang.

25 ///

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1 COUNT III. BATTERY WITH A DEADLY WEAPON, a violation of
2 NRS 200.481(2) (e) and NRS 193.168, a felony, in the manner following,
3 to wit:

4 That the said defendant, CESAR VILLAGRANA, on or about the
5 23rd day of September A.D., 2011, at Sparks Township, within the
6 County of Washoe, State of Nevada, did willfully and unlawfully use
7 force and violence upon the person of DIEGO GARCIA at John Ascuaga's
8 Nugget, 1100 Nugget Avenue, in the City of Sparks, Washoe County,
9 Nevada, with a deadly weapon, to wit: a firearm, by shooting DIEGO
10 GARCIA in the leg.

11 That said battery with the use of a deadly weapon was
12 committed knowingly for the benefit of, at the direction of, or in
13 affiliation with, a criminal gang, with the specific intent to
14 promote, further or assist the activities of the criminal gang.

15 COUNT IV. DISCHARGING A FIREARM IN A STRUCTURE a violation
16 of NRS 202.287, a felony, in the manner following, to wit:

17 That the said defendant, CESAR VILLAGRANA, on or about the
18 23rd day of September A.D., 2011, at Sparks Township, within the
19 County of Washoe, State of Nevada, did maliciously and wantonly
20 discharge a 9mm handgun while inside of John Ascuaga's Nugget
21 Hotel/Casino, located at 1100 Nugget Avenue in the City of Sparks,
22 Washoe County, Nevada, an area designated as a populated area in
23 Washoe County, Nevada.

24 ///

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1 COUNT V. CARRYING A CONCEALED WEAPON, a violation of NRS
2 202.350, a felony, (F200) in the manner following, to wit:

3 That the said defendant, CESAR VILLAGRANA, on or about the
4 23rd day of September A.D., 2011, at Sparks Township, within the
5 County of Washoe, State of Nevada, did willfully and unlawfully,
6 carry and have concealed upon his person a certain handgun at John
7 Ascuaga's Nugget located at 1100 Nugget Avenue in Sparks, Washoe
8 County, Nevada.

9 COUNT VI. CARRYING A CONCEALED WEAPON, a violation of NRS
10 202.350, a felony, (F200) in the manner following, to wit:

11 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
12 about the 23rd day of September A.D., 2011, at Sparks Township,
13 within the County of Washoe, State of Nevada, did willfully and
14 unlawfully, carry and have concealed upon his person a certain
15 handgun at John Ascuaga's Nugget located at 1100 Nugget Avenue in
16 Sparks, Washoe County, Nevada.

17 COUNT VII. DISCHARGING A FIREARM IN A STRUCTURE a
18 violation of NRS 202.287, a felony, in the manner following, to wit:

19 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
20 about the 23rd day of September A.D., 2011, at Sparks Township,
21 within the County of Washoe, State of Nevada, did maliciously and
22 wantonly discharge a .40 caliber handgun while inside of John
23 Ascuaga's Nugget Hotel/Casino, located at 1100 Nugget Avenue in the
24 City of Sparks, Washoe County, Nevada, an area designated as a
25 populated area in Washoe County, Nevada.

26 ///

1 COUNT VIII. MURDER OF THE SECOND DEGREE WITH THE USE OF A
2 DEADLY WEAPON, a violation of NRS 200.010, NRS 200.030, NRS 193.165
3 and NRS 193.168, a felony, committed in the manner following to wit:

4 That the said Defendants ERNESTO MANUEL GONZALEZ a Vagos
5 gang member and, CESAR VILLAGRANA a Hell's Angel gang member, on or
6 about the 23rd day of September, 2011, did aid and abet GARY STUART
7 RUDNICK, also known as "JABBERS" a Vagos gang member and JEFFERY
8 PETTIGREW a Hell's Angel gang member in the commission of an affray
9 with the use of a deadly weapon, that during the course of the affray
10 the said defendants did maliciously fire deadly weapons inside of
11 John Ascuaga's casino, located in a congested area in Sparks, Washoe
12 County, Nevada. That the said discharging of handguns during the
13 affray was in general malignant recklessness of others' lives and
14 safety of other people or in disregard of social duty and as a
15 foreseeable consequence of the shooting, JEFFREY PETTIGREW, a human
16 being, was killed and murdered suffering multiple gunshot wounds from
17 which he died on September 24th, 2011.

18 That said affray and discharge of a handgun inside of a
19 structure with the use of a deadly weapon was committed knowingly for
20 the benefit of, at the direction of, or in affiliation with, a
21 criminal gang, with the specific intent to promote, further or assist
22 the activities of the criminal gang.

23 ///

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~~52~~ 52

1 COUNT IX. MURDER WITH A DEADLY WEAPON, a violation of NRS
2 200.010 and NRS 200.030, NRS 193.165, NRS 193.168 a felony, (F720) in
3 the manner following:

4 That the said defendant ERNESTO MANUEL GONZALEZ on the 23rd
5 day of September A.D., 2011, or thereabout, and before the filing of
6 this Information, at and within the County of Washoe, State of
7 Nevada, did willfully, unlawfully, and with malice aforethought, kill
8 and murder JEFFREY PETTIGREW, a human being, by means of shooting
9 into the body of JEFFREY PETTIGREW with a deadly weapon, to wit: a
10 pistol, thereby inflicting mortal injuries upon the said JEFFREY
11 PETTIGREW from which he died on September 24, 2011, said killing
12 being (1) willful, deliberate, and premeditated; and/or (2) committed
13 by Defendant lying in wait to commit the killing, said Defendant
14 being responsible under one or more of the following principles of
15 criminal liability, to wit: (1) by directly committing the act;
16 and/or (2) by Defendant conspiring with GARY RUDNICK and other Vagos
17 members or associates, with the specific intent that a killing occur,
18 whereby each conspirator is vicariously liable for the foreseeable
19 acts made in furtherance of the conspiracy.

20 Further, that the murder was committed knowingly for the
21 benefit of, at the direction of, or in affiliation with, a criminal
22 gang, and with the specific intent to promote, further or assist the
23 activities of the criminal gang, to wit: the Vagos.

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1 COUNT X. CONSPIRACY TO COMMIT MURDER, a violation of NRS
2 199.480, NRS 200.010, NRS 200.030, a felony, in the manner following:

3 That the said defendant ERNESTO MANUEL GONZALEZ on the 23rd
4 day of September A.D., 2011, or thereabout, and before the filing of
5 this Information, at and within the County of Washoe, State of
6 Nevada, did willfully, unlawfully, did conspire with GARY RUDNICK and
7 other Vagos members or associates to kill and murder JEFFEREY
8 PETTIGREW, a human being, and in furtherance of the conspiracy did
9 commit the acts in Count IX, said acts being incorporated by this
10 reference as though fully set forth here.

11
12 All of which is contrary to the form of the Statute in such
13 case made and provided, and against the peace and dignity of the
14 State of Nevada

15 AFFIRMATION PURSUANT TO NRS 239B.030

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

18 Dated this 10th day of July, 2013.

19
20 RICHARD A. GAMMICK
 District Attorney

21
22 By /s/ Amos Stege
 AMOS STEGE
23 9200
 Deputy District Attorney

24 PCN SPPD0022354C-GONZALEZ
25 PCN SPPD0022064C-GONZALEZ
26 PCN SPPD0022352C-VILLAGRANA

0701CR111718LDTHIRDSUPPIND

1 CERTIFICATE OF SERVICE BY E-FILING

2 I certify that I am an employee of the Washoe County
3 District Attorney's Office and that, on this date, I electronically
4 filed the foregoing with the Clerk of the Court by using the ECF
5 system which will send a notice of electronic filing to the
6 following:

7 DAVID Z. CHESNOFF, ESQ.
8 RICHARD A. SHCONFELD, ESQ.
9 CHESNOFF & SCHONFELD
 520 S. FOURTH STREET, 2ND FLOOR
 LAS VEGAS, NV 89101

10 DAVID R. HOUSTON
11 432 COURT STREET
 RENO, NV 89501

12 KENNETH E. LYON, III
13 10389 DOUBLE R BLVD.
 RENO, NV 89521

14
15 DATED this 10th day of July, 2013.

16
17 /s/ALICIA AGRELLA
18 ALICIA AGRELLA
19
20
21
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7

DA # 434444

SPD 11-8996

CODE 1795

Richard A. Gammick

#001510

P.O. Box 30083

Reno, NV 89520-3083

(775) 328-3200

Attorney for Plaintiff

FILED

JUL 22 2013 @ 11:00 a.m.

JOE HASTINGS, CLERK

By: [Signature]
DEPUTY CLERK

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. CR11-1718 **B**

v.

Dept. No. 4

~~CESAR VILLAGRANA (A),~~
~~and~~

ERNESTO MANUEL GONZALEZ (B),

Defendants.

Fourth

THIRD INFORMATION SUPPLEMENTING INDICTMENT

RICHARD A. GAMMICK, District Attorney within and for the
County of Washoe, State of Nevada, in the name and by the authority
of the State of Nevada, informs the above entitled Court that ~~CESAR~~
~~VILLAGRANA~~ and ERNESTO MANUEL GONZALEZ, the defendants above named,
have committed the crimes of:

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1 COUNT I. CONSPIRACY TO ENGAGE IN AN AFFRAY, a violation of
2 NRS 199.480 and NRS 203.050, a gross misdemeanor, in the manner
3 following, to wit:

4 That the said defendants, STUART GARY RUDNICK, also known
5 as "JABBERS" and ERNESTO MANUEL GONZALEZ, both Vagos gang members and
6 CESAR VILLAGRANA and JEFFREY PETTIGREW, both Hell's Angels gang
7 members did, at Sparks township, within the County of Washoe, State
8 of Nevada, on or about the 23rd day of September A.D., 2011, conspire
9 with their respective gang members and/or each other to engage in an
10 affray, and in furtherance of the conspiracy, defendant CESAR
11 VILLAGRANA and ERNESTO MANUEL GONZALEZ shot rival gang members.

12 COUNT II. CHALLENGE TO FIGHT RESULTING IN DEATH WITH THE
13 USE OF A DEADLY WEAPON, a violation of NRS 200.450, NRS 200.010. NRS
14 200.030, NRS 193.165, NRS 199.480, 195.020 and NRS 193.168, a felony,
15 in the manner following, to wit:

16 That the said defendants, STUART GARY RUDNICK, also known
17 as "JABBERS", CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ, did on or
18 about the 23rd day of September A.D., 2011, while within John
19 Ascuaga's Nugget, at Sparks Township, Washoe County, Nevada, cause,
20 give or send a challenge to fight and/or have agency in causing the
21 death of another after a challenge to fight resulting in the death of
22 a human being.

23 The Defendants above named are responsible under one or
24 more of the following principles of criminal liability, to wit:

25 1) by the Defendants directly committing the acts constituting the
26 offense; and/or 2) by the Defendants, having the intent to commit

1 challenge to fight or to accept a challenge to fight, conspiring with
2 each other to commit the offense of challenge to fight or to accept
3 such a challenge to fight whereby each co-conspirator is vicariously
4 liable for the acts of the other co-conspirators when the acts are
5 done in furtherance of the conspiracy; and/or 3) by the Defendants
6 having the intent to commit the crime of challenge to fight, and
7 aiding and abetting each either directly or indirectly whether
8 present or not.

9 Specifically, that the said defendant, STUART GARY RUDNICK,
10 also known as "JABBERS", a Vagos gang member, did upon previous
11 concert and agreement, give or send a challenge to fight to Hell's
12 Angel gang member JEFFREY PETTIGREW and JEFFREY PETTIGREW's co-
13 conspirator and fellow Hell's Angel gang member and agent, defendant
14 CESAR VILLAGRANA. That JEFFREY PETTIGREW and his fellow gang
15 member(s) and co-conspirator accepted the challenge to fight and did
16 fight with defendant STUART GARY RUDNICK, also known as "JABBERS" and
17 his co-conspirators, other Vagos gang members, which fight involved
18 the use of deadly weapons. That said fight ended with the shooting
19 death of JEFFREY PETTIGREW, a human being who died on or about the
20 24th day of September A.D., 2011, by Vagos gang member and co-
21 conspirator, defendant ERNESTO MANUEL GONZALEZ, and/or

22 That the said defendant, Vagos gang member, GARY STUART
23 RUDNICK, also known as "JABBERS" and Hell's Angel gang member JEFFREY
24 PETTIGREW did verbally challenge each other to fight and did directly
25 or indirectly, counsel, encourage, hire, command, induce or otherwise
26 procure other Vagos gang members and Hell's Angel gang members, and

1 ERNESTO MANUEL GONZALEZ and CESAR VILLAGRANA to fight and did either
2 by fighting or by giving or sending for himself or herself or for any
3 other person, the challenge to fight or by receiving for themselves
4 or for any other person, the challenge to fight, did cause a fight
5 where deadly weapons were used during said fight by STUART GARY
6 RUDNICK'S, also known as "JABBERS" and JEFFREY PETTIGREW'S respective
7 agents, defendants CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ
8 resulting in the death of JEFFREY PETTIGREW who died from a gunshot
9 wound on the 24th of September, 2011.

10 And that CESAR VILLAGRANA and ERNESTO MANUEL GONZALEZ,
11 being responsible as principles to the fight did aid and abet GARY
12 STUART RUDNICK, also known as "JABBERS" and JEFFREY PETTIGREW in the
13 fight by said defendants counseling each other in furtherance of
14 issuing or accepting a challenge to fight, and/or by providing backup
15 to each other, and/or congregating in a group in order to fight
16 together, and/or encouraging each other to engage in or accept the
17 challenge to fight, and/or each group encircling members of the
18 opposing group, and/or participating in a stand-off situation and/or
19 intimidating members of the rival gang, and/or harassing members of
20 the rival gang, and/or otherwise acting in concert.

21 That said challenge to fight and the subsequent fight was
22 committed knowingly for the benefit of, at the direction of, or in
23 affiliation with, a criminal gang, with the specific intent to
24 promote, further or assist the activities of the criminal gang.

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26 ///

1 COUNT III. BATTERY WITH A DEADLY WEAPON, a violation of
2 NRS 200.481(2)(e) and NRS 193.168, a felony, in the manner following,
3 to wit:

4 That the said defendant, CESAR VILLAGRANA, on or about the
5 23rd day of September A.D., 2011, at Sparks Township, within the
6 County of Washoe, State of Nevada, did willfully and unlawfully use
7 force and violence upon the person of DIEGO GARCIA at John Ascuaga's
8 Nugget, 1100 Nugget Avenue, in the City of Sparks, Washoe County,
9 Nevada, with a deadly weapon, to wit: a firearm, by shooting DIEGO
10 GARCIA in the leg.

11 That said battery with the use of a deadly weapon was
12 committed knowingly for the benefit of, at the direction of, or in
13 affiliation with, a criminal gang, with the specific intent to
14 promote, further or assist the activities of the criminal gang.

15 COUNT IV. DISCHARGING A FIREARM IN A STRUCTURE a violation
16 of NRS 202.287, a felony, in the manner following, to wit:

17 That the said defendant, CESAR VILLAGRANA, on or about the
18 23rd day of September A.D., 2011, at Sparks Township, within the
19 County of Washoe, State of Nevada, did maliciously and wantonly
20 discharge a 9mm handgun while inside of John Ascuaga's Nugget
21 Hotel/Casino, located at 1100 Nugget Avenue in the City of Sparks,
22 Washoe County, Nevada, an area designated as a populated area in
23 Washoe County, Nevada.

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26 ///

1 COUNT V. CARRYING A CONCEALED WEAPON, a violation of NRS
2 202.350, a felony, (F200) in the manner following, to wit:

3 That the said defendant, CESAR VILLAGRANA, on or about the
4 23rd day of September A.D., 2011, at Sparks Township, within the
5 County of Washoe, State of Nevada, did willfully and unlawfully,
6 carry and have concealed upon his person a certain handgun at John
7 Ascuaga's Nugget located at 1100 Nugget Avenue in Sparks, Washoe
8 County, Nevada.

9 ~~III~~ COUNT VI. CARRYING A CONCEALED WEAPON, a violation of NRS
10 202.350, a felony, (F200) in the manner following, to wit:

11 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
12 about the 23rd day of September A.D., 2011, at Sparks Township,
13 within the County of Washoe, State of Nevada, did willfully and
14 unlawfully, carry and have concealed upon his person a certain
15 handgun at John Ascuaga's Nugget located at 1100 Nugget Avenue in
16 Sparks, Washoe County, Nevada.

17 ~~IV~~ COUNT VII. DISCHARGING A FIREARM IN A STRUCTURE a
18 violation of NRS 202.287, a felony, in the manner following, to wit:

19 That the said defendant, ERNESTO MANUEL GONZALEZ, on or
20 about the 23rd day of September A.D., 2011, at Sparks Township,
21 within the County of Washoe, State of Nevada, did maliciously and
22 wantonly discharge a .40 caliber handgun while inside of John
23 Ascuaga's Nugget Hotel/Casino, located at 1100 Nugget Avenue in the
24 City of Sparks, Washoe County, Nevada, an area designated as a
25 populated area in Washoe County, Nevada.

26 ///

~~V~~
COUNT VIII. MURDER OF THE SECOND DEGREE WITH THE USE OF A

DEADLY WEAPON, a violation of NRS 200.010, NRS 200.030, NRS 193.165
and NRS 193.168, a felony, committed in the manner following to wit:

That the said Defendants ERNESTO MANUEL GONZALEZ a Vagos gang member and, CESAR VILLAGRANA a Hell's Angel gang member, on or about the 23rd day of September, 2011, did aid and abet GARY STUART RUDNICK, also known as "JABBERS" a Vagos gang member and JEFFERY PETTIGREW a Hell's Angel gang member in the commission of an affray with the use of a deadly weapon, that during the course of the affray the said defendants did maliciously fire deadly weapons inside of John Ascuaga's casino, located in a congested area in Sparks, Washoe County, Nevada. That the said discharging of handguns during the affray was in general malignant recklessness of others' lives and safety of other people or in disregard of social duty and as a foreseeable consequence of the shooting, JEFFREY PETTIGREW, a human being, was killed and murdered suffering multiple gunshot wounds from which he died on September 24th, 2011.

That said affray and discharge of a handgun inside of a structure with the use of a deadly weapon was committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang.

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1 VI.
2 COUNT IX. MURDER WITH A DEADLY WEAPON, a violation of NRS
3 200.010 and NRS 200.030, NRS 193.165, NRS 193.168 a felony, (F720) in
4 the manner following:

5 That the said defendant ERNESTO MANUEL GONZALEZ on the 23rd
6 day of September A.D., 2011, or thereabout, and before the filing of
7 this Information, at and within the County of Washoe, State of
8 Nevada, did willfully, unlawfully, and with malice aforethought, kill
9 and murder JEFFREY PETTIGREW, a human being, by means of shooting
10 into the body of JEFFREY PETTIGREW with a deadly weapon, to wit: a
11 pistol, thereby inflicting mortal injuries upon the said JEFFREY
12 PETTIGREW from which he died on September 24, 2011, said killing
13 being (1) willful, deliberate, and premeditated; and/or (2) committed
14 by Defendant lying in wait to commit the killing, said Defendant
15 being responsible under one or more of the following principles of
16 criminal liability, to wit: (1) by directly committing the act;
17 and/or (2) by Defendant conspiring with GARY RUDNICK and other Vagos
18 members or associates, with the specific intent that a killing occur,
19 whereby each conspirator is vicariously liable for the foreseeable
20 acts made in furtherance of the conspiracy.

21 Further, that the murder was committed knowingly for the
22 benefit of, at the direction of, or in affiliation with, a criminal
23 gang, and with the specific intent to promote, further or assist the
24 activities of the criminal gang, to wit: the Vagos.

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~~VII~~
COUNT ~~X~~. CONSPIRACY TO COMMIT MURDER, a violation of NRS

199.480, NRS 200.010, NRS 200.030, a felony, in the manner following:

That the said defendant ERNESTO MANUEL GONZALEZ on the 23rd day of September A.D., 2011, or thereabout, and before the filing of this Information, at and within the County of Washoe, State of Nevada, did willfully, unlawfully, did conspire with GARY RUDNICK and other Vagos members or associates to kill and murder JEFFEREY PETTIGREW, a human being, and in furtherance of the conspiracy did commit the acts in Count ~~VI~~, said acts being incorporated by this reference as though fully set forth here.

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

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this ~~10th~~ day of July, 2013.

22nd July 2013

RICHARD A. GAMMICK
District Attorney

By /s/ Amos Stege

AMOS STEGE
9200

Deputy District Attorney

PCN SPPD0022354C-GONZALEZ
PCN SPPD0022064C-GONZALEZ
PCN SPPD0022352C-VILLAGRANA

0701CR111718LDTHIRDSUPPIND

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

2 IN AND FOR THE COUNTY OF WASHOE

3 BEFORE THE WASHOE COUNTY GRAND JURY

4 -o0o-

5 4189

6 IN THE MATTER OF:

CASE NO. CR11-1718A

7 STUART GARY RUDNICK, also known

CASE NO. CR11-1718B

8 As "JABBERS", CESAR VILLAGRANA, and

CASE NO CR 11-1718C

9 ERNESTO MANUEL GONZALEZ

DEPT. NO. 4

10 _____/

11
12
13 P R O C E E D I N G S

14 TUESDAY, OCTOBER 25, 2011

15 2:30 P.M.

16
17
18 APPEARANCE:

19 For the State:

KARL HALL, ESQ.
Deputy District Attorney
Washoe County Courthouse
Reno, Nevada

20
21 Reported by:

JUDITH ANN SCHONLAU, CSR #18
NEVADA-CALIFORNIA CERTIFIED;
REGISTERED PROFESSIONAL REPORTER

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24 Computer-Aided Transcription

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I N D E X

<u>WITNESSES:</u>	<u>PAGE</u>
JOHN PATTON	5
PETER GRIMM	20

1 RENO, NEVADA; TUESDAY, OCTOBER 25, 2011; 2:30 P.M.

2 -oOo-

3 THE COURT: This is the time set for a hearing on an
4 ex-parte application in CR11-1718A, and Mr. Hall is present on
5 behalf of the District Attorney's Office.

6 MR. HALL: Good afternoon, Your Honor.

7 THE COURT: Good afternoon.

8 MR. HALL: Today I have come before you to request
9 permission to withhold a Target Letter to basically three
10 targets. I haven't decided if I am going to have two targets
11 or three targets. The reason I am requesting this hearing is
12 because I believe that, pursuant to statute, there are
13 concerns regarding endangerment of life or property of other
14 persons. Also, I believe there may be risk of flight, and for
15 those reasons, I would like to make a record regarding why I
16 think the Court should allow us to withhold notice.

17 I have two witnesses here today in court,
18 Peter Grimm from the Washoe County District Attorney's Office.
19 He's an investigator. And I also have detective John Patton
20 from the Sparks Police Department. And I would like to call
21 John Patton. I would like to have him sworn and would like to
22 give the Court a factual basis for the Indictment, initially,
23 and tell you some facts and circumstances of the case. And
24 then I would like to call Peter Grimm who is very much

1 involved with monitoring gangs and investigating gangs and has
2 met with a lot of law enforcement personnel and other people
3 involved with monitoring outlaw motorcycle gangs, and he can
4 give the Court some factual basis for our Motion and support
5 for our Motion.

6 In addition, I do have some information that was
7 gathered during the course of our investigation, and I would
8 like to have these two exhibits marked. One exhibit is a list
9 of incidents that have occurred between the Hells Angels
10 outlaw motorcycle gang and the Vagos outlaw motorcycle gang
11 that dates from May 2010. There is a history of conflict
12 between the two gangs.

13 The other document I would like to have marked and
14 admitted for your consideration would be the Northern Nevada
15 Counter Terrorism Center, the Washoe County Street Vibrations
16 Motorcycle Bulletin issued that does document also some
17 problems between the Hells Angeles and the Vagos.

18 THE COURT: You may hand those to the clerk.

19 MR. HALL: So first of all, if I may, I would like to
20 have John Patton step forward and be sworn.

21 THE CLERK: Exhibit A and B marked.

22 (Exhibits A and B marked for identification.)

23 THE COURT: I will admit them for purposes of
24 today's hearing.

1 (Exhibits A and B admitted in evidence.)

2 MR. HALL: Thank you, Your Honor.

3 THE COURT: Go ahead, step forward, face the clerk,
4 sir

5

6 JOHN PATTON

7 called as a witness, having been first duly sworn,

8 took the witness stand and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MR. HALL:

12 Q Sir, would you state your name and spell your last
13 name?

14 A John Patton, P-A-T-T-O-N.

15 Q Are you currently employed as a detective for the
16 Sparks Police Department?

17 A I am.

18 Q Are you the case agent for the case submitted to our
19 office involving the murder of Jeffrey Pettigrew and the
20 shooting of an individuals by the name of Diego Garcia and
21 Leonard Ramirez?

22 A I am.

23 Q Can you tell us how you became involved in this
24 case?

1 A Well, I responded to the Nugget casino along with
2 several other patrol officers after I had done some training
3 at the training facility. I heard the call. I heard several
4 officers who had arrived on scene after dispatch had
5 dispatched a fight call initially inside the Nugget, and then
6 that turned into there were shots fired inside.

7 There was also some information that there was some
8 possible victims who had been shot, and eventually, it was
9 learned that the Hells Angeles motorcycle gang and the Vagos
10 motorcycle gang were the two main individuals or parties
11 involved with the fight.

12 The fight occurred near Trader Dicks, and it was
13 very crowded, obviously, because it was the Street Vibrations
14 weekend or beginning of the weekend. And this had occurred, I
15 forgot to mention, September 23, 2011, at approximately 11:26
16 was when we first got the call. So when I responded, I heard
17 several officers, you know, they were almost panicked because
18 they were -- there was a lot of mostly Vagos members coming
19 out of the casino.

20 Q Excuse me, detective. I would like to back up just
21 a little bit if I may?

22 A Okay.

23 Q Now before the call for service at 11:30 on the 23rd
24 of September, was there a concern there may be some issues

1 between the Vagos and the Hells Angels?

2 A There was. I mean I learned this after the fact,
3 that there was -- patrol had also received some other calls
4 earlier in the evening.

5 Q Just to interrupt one more time, you are the case
6 agent; is that right?

7 A Yes.

8 Q That means you have been privy to all of the reports
9 and other information that has been gathered by other
10 detectives and police officers in your office; is that right?

11 A Correct.

12 Q If I could just lay a little bit of a foundation.
13 Chad Hawkins was one of the contact people from your office
14 working undercover that night; is that correct?

15 A Yes.

16 Q There were other people that were in plain clothes
17 working undercover at the Nugget just to kind of keep an eye
18 on things; is that accurate?

19 A Well, I would have to say, to my knowledge, there
20 was no undercover officers with Sparks police that were
21 working that event. We had several uniformed officers working
22 the event, and Chad Hawkins was in charge of that event. He
23 was the coordinator of that event as far as the police
24 officers were concerned. And he had received a call around

1 10:30. And this is right after the event had wrapped up, and
2 he got a call from one of the representatives from the
3 coordinator of the event.

4 MR. HALL: Your Honor before we go any further, we
5 may mention some names I am requesting that this transcript be
6 sealed until further order of the court?

7 THE COURT: Well the hearing is sealed and the
8 transcript is sealed. I know your original request was sort
9 of to have it permanently sealed. However, I don't think at
10 this time the Court has jurisdiction to permanently seal it,
11 so you may want to be careful about the names you use that are
12 not part of the target, because once, if there is an
13 Indictment issued, then the transcript would no longer be
14 sealed.

15 MR. HALL: The transcript of this hearing?

16 THE COURT: Right.

17 MR. HALL: I filed a motion to seal this hearing.

18 THE COURT: That may be, but they would get notice.
19 It has to be in the record that the Court waived the need for
20 the Target Letters, and that will have to be told to the
21 Foreperson of the Grand Jury who has the responsibility to
22 make sure the Target Letters were actually issued before they
23 return an Indictment. We have to have an Order allowing you
24 not to have done that, to notify the Grand Jury, and that

1 Order can't be sealed. It has to be open and part of the
2 record. So at that point, this record may be subject to being
3 unsealed.

4 MR. HALL: I just want to make sure if the
5 transcript of this proceeding was going to be unsealed, I knew
6 when it was going to be so I can conduct my examination
7 accordingly. So if I may, thank you, Your Honor.

8 THE COURT: Yes.

9 BY MR. HALL:

10 Q There were other undercover officers working there.
11 As a matter of fact, Mr. Grimm from our office was working
12 undercover. There were some other police officers from other
13 states working undercover. Weren't there another group of
14 officers from the Fusion Center also monitoring the situation?

15 A Yes.

16 Q There was undercover presence of police officers not
17 necessarily from Sparks; is that right?

18 A Correct.

19 Q Is it your understanding that Lieutenant Hawkins
20 received some information that there was a number of Vagos
21 which is the outlaw motorcycle gang that wears green, right?

22 A Yes.

23 Q There were near a number of Hells Angeles in the
24 Oyster Bar; is that right?

1 A Yes.

2 Q And the ZHells Angels had a booth that was for
3 Street Vibrations purposes. They sold T-shirts and other
4 goods right outside of the doors nearest to the Oyster Bar on
5 Victorian Avenue or Nugget Avenue; is that correct?

6 A Yes.

7 Q All right. So was it your understanding Lieutenant
8 Hawkins heard there may be a disturbance, there were a number
9 of Vagos apparently ready to confront ZHells Angeles, and
10 police presence should be made at the Nugget to ensure there
11 wasn't any further confrontation between the two outlaw
12 motorcycle gangs?

13 A Yes.

14 Q That was approximately 10:12, 10:15, right around in
15 that time frame on the 23rd?

16 A Yeah.

17 Q And then is it your understanding that the Oyster
18 Bar closed down and that was being -- those customers were
19 mostly ZHells Angels there at the Oyster Bar; is that your
20 understanding?

21 A Yes.

22 Q So there was a confrontation apparently. The two
23 groups decided they weren't going to escalate the situation.
24 They were trying to diffuse the situation. Apparently the

1 situation was somewhat diffused at that time, that being
2 between 10:12 and 10:30 p.m. that evening; is that your
3 understanding?

4 A Yes.

5 Q And then the Oyster Bar closed down, so the Hells
6 Angels go over to the west tower, had to walk from the Oyster
7 Bar over to the elevators which caused them to pass by Trader
8 Dicks?

9 A Yes.

10 Q And in front of Trader Dicks there was probably
11 anywhere from twenty to fifty Vagos in, if not the immediate
12 area, in areas adjacent thereto?

13 A Yes.

14 Q And as Pettygrew, the President of the San Jose
15 chapter of the Hells Angeles walked by another individual,
16 nickname of "Jabbers", that individual apparently said
17 something to Pettygrew that caused Pettygrew to come over, and
18 an argument ensued from there. Is that your understanding?

19 A It is.

20 Q Pettigrew and the "Jabbers" fellow also were
21 involved in the altercation earlier in the evening at the
22 Oyster Bar; is that your understanding?

23 A Yes.

24 Q There was also, you said, fifty Vagos at Trader

1 Dicks?

2 A There was probably upwards of maybe double that as
3 far as what we have heard from individual witnesses. There
4 was a lot more at the Oyster Bar as well, and I would say
5 there was only fifteen to twenty of the Hells Angels in the
6 bar.

7 Q During the course of your investigation, did you
8 have information there was a meeting of Vagos at the Nugget
9 which included approximately five hundred Vagos?

10 A Yes.

11 Q And so there was a large presence of Vagos, and they
12 wore distinctive clothing, motorcycle vests with an insignia
13 on the back of the vest which is called the top rocker, bottom
14 rocker and full patch; is that accurate?

15 A Yes.

16 Q So getting back to the altercation, so "Jabbers"
17 calls over Mr. Pettygrew, and there is an argument that you
18 can see on video tape that was video taped by surveillance at
19 the Nugget; is that accurate?

20 A Yes.

21 Q You see Pettigrew throw a punch at "Jabbers", and
22 then a brawl breaks out?

23 A Correct.

24 Q Several Vagos attack Hells Angels. The Hells Angels

1 then withdraw weapons, and both Pettygrew and another target
2 Villagrana, withdraw weapons, brandish weapons and
3 Mr. Villagrana discharges the weapon on a couple of them you
4 can actually see; is that fair to say or accurate?

5 A Yes.

6 Q In the meantime, you can see a number of Hells
7 Angels get injured, attacked from the rear, struck from him,
8 faces are bleeding. You can also see another altercation at
9 other portions of the restaurant; is that correct?

10 A Yes.

11 Q Approximately two or three minutes later you see
12 Pettygrew go down, and in watching the video from different
13 angles, you were able to identify another individual by the
14 name of Ernest Manuel Gonzalez as the person who shot
15 Mr. Pettigrew and killed him?

16 A Yes.

17 Q You had an opportunity to meet with Diego Garcia who
18 had been shot; is that accurate?

19 A Yes.

20 Q Did you see Leonard Ramirez?

21 A I did not.

22 Q You were aware the bullet taken out of Garcia's leg,
23 that was matched up to Mr. Villagrana's gun?

24 A That's correct.

1 Q Mr. Ramirez was shot in the stomach. That bullet
2 was left in. However, you can see Mr. Villagrana shoot
3 Mr. Ramirez as he's on the ground and right outside of Trader
4 Dicks; is that correct?

5 A Yes.

6 Q So when the police were called, a number of police
7 from both Reno, Sparks and the Nevada Highway Patrol all
8 responded to that location; is that fair to say?

9 A And Washoe County.

10 Q And Washoe County. And there were a number of
11 people detained that were both associated with the Hells
12 Angels either casually or as members of the gang hanging
13 around, and then there were also a number of Vagos; is that
14 correct?

15 A Yes.

16 Q Were you able to get any meaningful statements from
17 either motorcycle gang?

18 A No.

19 Q So you interviewed Mr. Ramirez, asked him who shot
20 him. Did he give you information that would assist you in
21 solving the crime of battery with a deadly weapon?

22 A None.

23 Q Did you get any information or hear of any
24 information from Mr. Garcia that would aid in your

1 investigation?

2 A None. No. Not at all.

3 Q Did both of them say they didn't know what happened,
4 basically refuse to give you a statement?

5 A Yes.

6 Q Was that the same with Mr. Villagrana, the Hells
7 Angel member?

8 A Yeah, same thing with him.

9 Q And there were a number of other people that were
10 associated with both motorcycle gangs. Did they give you any
11 meaningful information regarding what they saw or heard or
12 knew about the incident?

13 A None at all.

14 Q Okay. Were they basically uncooperative?

15 A A few, you know, gave a statement, wrote statements,
16 but nothing that would assist in our investigation. And others
17 were just, I would say, uncooperative.

18 Q Basically said I was there, there was a fight broke
19 out but I didn't see anything?

20 A Yeah. And others would say, you know, go to hell,
21 I don't want to talk to you. Talk to my lawyer. Stuff like
22 that.

23 Q Did you have an opportunity to walk through the
24 crime scene outside of Trader Dicks inside the Nugget?

1 A Yes.

2 Q Were there a number of weapons found inside the
3 Nugget in close proximity to where this fight took place?

4 A There was.

5 Q And so I know there was a revolver that looks like
6 it came from Mr. Pettigrew, semi-automatic pistol, the same
7 from Villagrana and a number of knives, probably somewhere in
8 the neighborhood of ten knives, folding knives that were
9 located in close proximity to the fighting?

10 A At least ten.

11 Q Number of beer bottles broken over people's heads
12 you can actually see on the video?

13 A Yes, and glasses, drinking glasses as well.

14 Q Okay. Now did you also have an opportunity to try
15 and interview some witnesses or are you privy to some of the
16 interviews conducted by members of your office and other law
17 enforcement personnel?

18 A Yes.

19 Q And was there a common theme through the witnesses
20 that were interviewed in that they were reluctant to come
21 forward, reluctant to have their identities disclosed because
22 of fear of retaliation and/or intimidation?

23 A There has been. Most of the witnesses also talked
24 about fear for their families as well. Just an overall fear

1 of what their involvement would mean to their safety, their
2 children's safety, other family members.

3 Q Do you know detective Dorothy Peterson?

4 A Yes.

5 Q Did detective Dorothy Peterson have an opportunity
6 to interview a witness who had been confronted by two or three
7 Vago members that had his phone taken and the video he had
8 taken of the incident by these individuals, did they take his
9 driver's license and take photographs of his driver's license?

10 A They did.

11 Q And based upon your assessment of that report, was
12 it evident to you that was an effort to intimidate this
13 witness?

14 A No doubt they did that for a reason.

15 Q To dissuade him from testifying and coming forward?

16 A Yes.

17 Q Or presenting evidence that may be of value to the
18 investigation?

19 A Yes. If I could add, I actually talked to this
20 person first, and, you know, I could just tell he was looking
21 around. He was white as a ghost. He just was very afraid
22 from the get-go.

23 Q So based upon your investigation, would it be fair
24 to say that there are charges of murder, battery with a deadly

1 weapon, carrying a concealed weapon, discharging a firearm in
2 a structure, all felony violations of Nevada law?

3 A Yes.

4 Q And now we have Mr. Gonzales who has a Bench Warrant
5 issued for murder for the killing of Mr. Pettigrew; is that
6 right?

7 A Yes.

8 Q And there are other theories where murder charges
9 may lie against other individuals; is that your understanding?

10 A Yes.

11 Q We know Villagrana is out on bail?

12 A Yes.

13 Q There may be other targets of the Grand Jury
14 investigation who have not been taken into custody; is that
15 right?

16 A That's right.

17 Q Do you think flight is a possibility if in fact a
18 word were to go out to these individuals there may be, that
19 the District Attorney's Office may be seeking an Indictment
20 for murder or a number of other charges related to this
21 incident?

22 A Yes.

23 MR. HALL: Thank you. I have no further questions?

24 THE COURT: Mr. Villagrana, he's out on bail?

1 THE WITNESS: Yes.

2 THE COURT: What was he charged with?

3 THE WITNESS: He was charged with -- I charged him
4 with --

5 MR. HALL: I can answer that, Your Honor. He was
6 charged with assault with a deadly weapon, discharging a
7 firearm into a structure, battery with a deadly weapon. We
8 are waiting for results on some ballistics. So at this time
9 he --

10 THE COURT: That is what he bailed on?

11 MR. HALL: \$150,000 bail. That is what he bailed
12 on. I think initially it was \$500,000 cash only, and it was
13 reduced pursuant to stipulation.

14 THE COURT: To \$150,00 bondable?

15 MR. HALL: \$150,000 bondable.

16 THE COURT: When is his court date?

17 MR. HALL: His court date is scheduled for I want to
18 say December 3rd.

19 THE COURT: In Sparks Justice Court?

20 MR. HALL: Yes.

21 THE COURT: Thank you. Thank you. I have no other
22 questions.

23 (Witness excused.)

24 THE COURT: Go ahead and be sworn.

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PETER GRIMM

called as a witness, having been first duly sworn,
took the witness stand and testified as follows:

DIRECT EXAMINATION

BY MR. HALL:

Q Sir, would you state your name and spell your last
name?

A Peter Grimm, G-R-I-M-M.

Q What is your occupation, sir?

A Criminal investigator with the Washoe County
District Attorney's office.

Q Can you tell us a little bit about your background,
training and experience?

A Sure. I have been in law enforcement since 1992,
the majority of the time with Carson City Sheriff's
Department. While with the Carson City Sheriff's Department,
I started off as patrol deputy. Then in 1997, I helped
establish the first gang unit in Carson City. In 1998 I began
an emphasis in outlaw motorcycle gang investigations. I became
a detective in 2001 in Carson City still working criminal gang
investigations, outlaw motorcycle gangs. I was promoted to
sergeant in 2003. And, as well, at that time I was
co-sergeant of the gang unit, again with emphasis in outlaw

1 motorcycle gangs.

2 And then I was hired in 2005 by the -- I am sorry,
3 2006 by the Washoe County District Attorney's Office as a
4 criminal investigator again still being allowed to work outlaw
5 gangs.

6 Q With respect to outlaw motorcycle gangs, what
7 training and experience have you had with respect to the Hells
8 Angels and the Vagos and other motorcycle gangs?

9 A The reason I actually began working outlaw biker
10 gangs is we got our first chapter of the Hells Angels in
11 northern Nevada in 2008, therefore, it came a need to do so.
12 From doing that, I began going to training. I have been
13 through several conferences and week-long classes on who they
14 are, how they were established, where they are established. I
15 mean both clubs, the Hells Angeles the Vagos as well as the
16 Mongols. Those are our top three big clubs in our West Coast
17 area, primarily our area. And I have actually, in the time
18 from the time I started working outlaw bikers gangs until now,
19 I have been involved in several investigations, and I have
20 been the handler of several informants within the clubs to
21 include the Hells Angels, Mongols and Vagos.

22 Q Does the U.S. Department of Justice include Vagos as
23 an outlaw motorcycle gang?

24 A Yes.

1 Q Also include the Hells Angels as an outlaw
2 motorcycle gang?

3 A Yes, they have.

4 Q Can you tell us what your understanding is of the
5 definition of an outlaw motorcycle gang?

6 A It is the same definition as any gang. It is three
7 or more individuals involved in organization with a name in
8 common to include monikers, clothing in common and involved in
9 criminal activity in order, in furtherance of the group or
10 gang. Along with that there is other criteria, graffiti and
11 there could be other such.

12 The outlaw motorcycle gangs really don't do
13 graffiti, but fall, in most part, under all the other
14 categories of what classifies a gang. That is pretty much
15 standard throughout the United States how they classify
16 organizations as a criminal gang.

17 Q You mentioned that the Hells Angeles has a chapter
18 in Reno?

19 A Yes.

20 Q Or at least in this area, northern Nevada area?

21 A Yes.

22 Q And you said they were established in 2008 as a
23 chapter?

24 A 1998.

1 Q 1998. I thought you said 2008?

2 A I am sorry, 1998. The Nevada Nomad chapter.
3 Originally, the Nevada Reno chapter, then after the chapter
4 was established in Las Vegas, they switched over to being the
5 Nomad chapter. That is also due to membership in order to
6 allow members to live not only in the Reno area but on the
7 outskirts as well.

8 Q Do the Hells Angels have distinctive garb they wear
9 to show association to the Hells Angeles?

10 A Yes, they do.

11 Q What?

12 A Primary colors are red and white. They wear on the
13 back what is their center emblem called the death head, and
14 their top rocker is the name of the club which is the Hells
15 Angels. The bottom rocker on the back indicates the State
16 where they are from. Actually, now they are putting on the
17 United States or country where they are from as well.

18 The front there is a side rocker which usually
19 indicates what charter they are from, however, they will
20 actually put different side rockers on the front in order to
21 try to confuse law enforcement where they are from.

22 Q Do they have rank within the group?

23 A Yes, they do. In their own charters they have -- go
24 from, President, Vice President, Treasurer, Secretary and a

1 Sergeant at Arms. And then in that, you actually have a
2 representative of the area, the East Coast-West Coast
3 representatives. And in those representatives, it will be the
4 same structure. And then you actually have a national
5 representative as well of a club.

6 Q Now with respect to the Vagos, do they have the same
7 organizational structure?

8 A Yes, they do.

9 Q Do they have their own distinctive garb they would
10 wear?

11 A They do as well.

12 Q Can you describe that?

13 A Their main color is green, kind of a lime green or a
14 bright green, not lime green. The patches they wear, they
15 call them patches, their center patch is, his name is Loki, a
16 red figure of a Norse God of Mischief. The rocker says Vagos.
17 The bottom, just like the Hells Angels, gives the name of the
18 State where they are from or area.

19 Q Now are you aware of some conflict or growing angst
20 between the two motorcycle gangs that has developed over the
21 past few years?

22 A Yes, I am.

23 Q How are you familiar with that situation?

24 A I am familiar, one, being involved in working outlaw

1 bikers. I belong to BIANCA, Bikers Investigators Association
2 of Northern California. We are in communication with each
3 other all the time throughout the United States, always in
4 communication, letting everybody know, talk to each other, let
5 them know the trends going on in your area to compare them
6 with each other.

7 Q Do law enforcement personnel who get involved with
8 investigating outlaw motorcycle gangs share information and
9 current dealings whether legal or illegal?

10 A Absolutely.

11 Q Instances between outlaw motorcycle gangs, the Vagos
12 and Hells Angeles, are documented so they can be aware as to
13 whether or not there is the potential for conflict and people
14 being injured as a result of those conflicts?

15 A Absolutely, especially when the members know that a
16 specific event is coming in your area, then you really start
17 receiving the information as to what is going on within the
18 different gangs.

19 Q With respect to that, I had a couple of documents
20 marked for identification. I am going to lay a little
21 foundation for those documents. Showing you Exhibit A, do you
22 recognize that document, sir?

23 A Yes, I do.

24 Q What is that document? This is the incidents that

1 occurred between the Vagos and Hells Angels since May of 2010.

2 Q Where did you obtain that?

3 A From San Bernardino Police Department.

4 Q Do they have a unit down there that deals primarily
5 with outlaw motorcycle gangs?

6 A Yes, they do, however this came from a drug unit.

7 Q Do they also assist in investigating outlaw
8 motorcycle gangs and document conflicts and other valuable
9 information?

10 A Absolutely.

11 Q In outlaw motorcycle gang investigations?

12 A Yes, they do.

13 Q And so Exhibit A documents several instances of
14 violent conflicts between the Vagos outlaw motorcycle gang and
15 Hells Angels?

16 A Yes.

17 Q So we have got essentially nine separate incidents
18 of fights or gunshots or murder. I think there is at least
19 one murder here between May of 2010 and September 23rd which
20 would be our incident here at the Nugget of 2011; is that
21 right?

22 A Absolutely. I can actually go into that in more
23 detail as to the incidents, themselves, as well.

24 Q We will maybe get into that in a moment. I just

1 want to investigate this other document, and we will move on.
2 Exhibit B, do you recognize that document?

3 A Yes, I do.

4 Q What is that?

5 A This is from the Northern Nevada Counter Terrorism
6 Center out of Washoe County located at the Sheriff's
7 Department, and it was just a synopsis and briefing as to what
8 is going on prior to Street Vibrations in this area. It
9 actually listed a couple of events that occurred between the
10 Vagos and Hells Angeles in Lake County, California.

11 Q The Fusion Center, do they have the capability of
12 gathering information from a number of law enforcement areas
13 in the western United States?

14 A Yes.

15 Q Were there a number of law enforcement agencies
16 present here in Reno and Sparks during Street Vibrations to
17 further their investigation and information gathering?

18 A Yes.

19 Q So this document, Exhibit B, would be the product of
20 some of the information that was shared between law
21 enforcement personnel regarding the Hells Angels and the
22 Vagos?

23 A Yes.

24 MR. HALL: May I have this marked, please, C.

1 THE CLERK: Exhibit C marked.

2 (Exhibit C marked for identification.)

3 BY MR. HALL:

4 Q Let me show you what has been marked as State's
5 Exhibit C. Do you recognize that document, sir?

6 A Yes.

7 Q What is that document?

8 A These are predicates received from San Bernardino
9 Police Department. They are predicates as to cases that the
10 Vagos have been convicted of as being a gang, the Vagos
11 motorcycle gang.

12 Q Now with respect to the 23rd, did you have an
13 opportunity to be at the Nugget on the 23rd?

14 A Yes, I did.

15 Q And can you describe the presence of the Vagos as
16 well as the Hells Angels and what the situation was that
17 evening?

18 A Absolutely. We had walked -- I was working with
19 myself and two other undercover officers. We had gone into
20 the Nugget, and we actually decided to work two hours longer.
21 We were supposed to get off at 10:00 o'clock. We walked
22 through the Nugget earlier, had seen a huge number of Vagos in
23 the Nugget, literally hundreds of Vagos members in the Nugget.

24 Q How could you tell they were Vagos members?

1 A All of them were wearing the green, their colors and
2 their cuts, the ones that we saw. There were as well
3 associates, women who were wearing green and their own cuts,
4 "property of," in the green on the back. There was -- There
5 were literally hundreds of those members in there.

6 Q How about Hells Angels?

7 A Hells Angels, all throughout the day only a handful
8 of them. I mean between ten and twenty. I guess a couple of
9 handsful. They had their own booth set up outside the Nugget,
10 San Jose charter in that booth. Those were the only ones we
11 had seen there all day long.

12 Q Did it ever come to your attention there was a
13 potential for conflict there at the Oyster Bar?

14 A Only after the fact, after the shooting had
15 occurred.

16 Q All right. And then after the shooting had occurred,
17 were you still present at the Nugget? Were you there to see
18 part of the goings on with respect to that conflict?

19 A Yes.

20 Q What did you see?

21 A Well, we had gone back to the Nugget about 10:45,
22 10:50 that night, and we were doing a final walk through the
23 Nugget. As I said, there was just I say a sea of green
24 members wearing green everywhere. As we walked through, we

1 actually sat down to watch them. It was brought to our
2 attention that members of the Vagos were actually going into
3 the restaurant and literally kicking people out so they could
4 sit down in locations which was, you know, one indicator of
5 some aggression going on. As well, when we walked down to
6 where the Hells Angels were which was in the Oyster Bar which
7 is at the extreme west end of the Nugget, the northwest end,
8 and you actually saw Vagos out there, and you were able to see
9 the tension between them. They were looking at each other, but
10 nothing was going on. So we decided to stay in the Nugget for
11 probably a good, you know, twenty, thirty minutes until we
12 realized nothing is going on. At that time, we actually
13 decided we would leave. We walked out the Nugget, went across
14 the street to where our car was parked. At that time, we were
15 outside just discussing what we were going to be doing the
16 next day, what we had seen throughout the day that day. What
17 caught our attention was a Sparks police car turned on the
18 lights and siren. And the vehicle was literally right in
19 front of the theater right across the street from the Nugget,
20 two blocks away from the Nugget, but you can see each other.
21 We were just, you know, offhand, you know, let's go into the
22 Nugget. We walked over there, and she pulled in front of the
23 Nugget. Knowing what was inside, knowing the two groups were
24 inside, knowing there was hostilities between them, we decided

1 to follow, at that time, sergeant Walsh. We followed her into
2 the Nugget. We saw she had deployed what is called a long
3 gun, a rifle. As we were going in, we saw copious amounts of
4 people running out, people yelling there is shooting going on.
5 When we walked in, we walked in from the northeast door.
6 Actually, as we walked in, we heard what appeared to be two
7 shots fired. At that time we heard on a security guard's
8 radio shots were fired.

9 So, again, knowing how many Vagos members were in
10 there, and the H.A., we went in at that time just to be
11 witnesses, knowing she was going to be completely outnumbered.
12 By the time we got in there, we were walking around. She
13 was -- I actually heard -- I heard screaming, and then by the
14 time I came around, I saw that there were members of the Hells
15 Angels, this is in front of the restaurant, Trader Dicks, some
16 associate Hells Angels, and some Vagos prone on the ground.
17 Then I observed sergeant Walsh and another Sparks officer
18 getting ready to go hands on with a member. I don't remember
19 whether it was Hells Angels or Vagos. I know they were
20 wearing a biker cut on.

21 At that time, I also looked over and I saw the
22 members of the Vagos and Hells Angels starting to get up.
23 Because they were so outnumbered, the police were so
24 outnumbered, I mean usually we don't do it, we actually had to

1 identify ourselves to help out because of the fact we were
2 local law enforcement as well. We identified ourselves, and
3 we watched the people behind them. So we were able to put the
4 members back down on the ground that were down, and I had the
5 other two guys with me watch them. At that time, I heard a
6 lady screaming that there was a patron of the Nugget that was
7 being accosted by three Vagos members.

8 Q Did you go and investigate that?

9 A I looked around for any other uniformed officers,
10 but they were all busy. They were dealing -- there was so
11 much going on. I then came around. There was a row, I mean a
12 circle bank of slots that I came around. When I came around,
13 I saw there was a patron that had his back up against the
14 slots, and he was encircled by three Vagos, and it was in a
15 very threatening manner. They were right in his face. They
16 were yelling at him. I identified myself as police. At that
17 time, two of the members just looked at me, just turned and
18 ran. The third member started to run. I was able to get him
19 back, sit him in the chair. I detained him at that time. At
20 this time, the patron told me that he had videoed some of
21 shooting, however, the Vagos members had erased his -- erased
22 the video on his phone and taken pictures of his I.D. I
23 didn't see them taking pictures of the I.D., but I did see,
24 because they handed the phone back real quick, when they took

1 off. So I had the patron sit behind me just to stand guard.
2 And from that point on, we were still being accosted by the
3 Vagos still coming up trying to get this guy away from me. As
4 soon as they would see I am a cop, they would turn. I mean
5 they were aggressive doing it. They started encircling us.
6 That went on for probably it seems like ten minute, maybe
7 longer until the police officer came in with a long gun,
8 grabbed him, had him come over to me. They were very
9 aggressive towards all law enforcement.

10 Q Did you, during the course of your training and
11 experience and contact with other law enforcement agencies
12 regarding the prosecution of outlaw motorcycle gang members
13 aside from the incidents you just mentioned, are there other
14 ways outlaw motorcycle gangs attempt to dissuade witnesses or
15 intimidate them?

16 A Absolutely.

17 Q So has that information been conveyed to you that is
18 a typical thing that outlaw motorcycle gangs, specifically
19 Vagos and Hells Angels do?

20 A Yes.

21 Q Based upon that, do you think it would be
22 appropriate not to notify the Hells Angels and the Vagos of
23 the pending hearing at Washoe District Court, Second Judicial
24 District Court?

1 A Absolutely.

2 Q Do you think that would present a risk to the
3 health, safety and welfare of the people participating in that
4 Grand Jury proceeding?

5 A Absolutely.

6 Q Do you think it would present a risk or threat to
7 court personnel and the Court, itself?

8 A Absolutely.

9 Q Also a threat to witnesses who will be called to
10 testify?

11 A Yes.

12 Q You have assisted in or assisted the D.A.'s office
13 in contacting a number of witnesses; is that accurate?

14 A Yes.

15 Q And can you tell Her Honor basically what the
16 witnesses have expressed to you in terms of their concern for
17 their health, safety and welfare?

18 A We actually had issues contacting the witnesses
19 first off. Secondly, when we contacted them, one witness was
20 angry, just mad at us law enforcement in general for seeking
21 him out in order to come to testify against this group, these
22 groups. It was because he was afraid of retaliation. He was
23 specific about that.

24 Another subject who we had been trying to locate

1 which was the individual with the phone, he wouldn't return
2 phone calls. Sparks PD was looking for him a long time,
3 finally able to track him down where he works, and he went as
4 far as to say he has an attorney, doesn't want to talk to us
5 at all because he's so afraid. He wants to cooperate, but
6 he's afraid.

7 As well, there has been other resistance from people
8 we haven't been able to contact at all. We know where they
9 are. They don't want to come forward due to them being afraid
10 of what can happen.

11 THE COURT: You indicated you were familiar with
12 what kind of things might happen?

13 THE WITNESS: Yes.

14 THE COURT: How did you get that familiarity?

15 THE WITNESS: It is from working with them. I have
16 actually seen it firsthand and from other members. Just in a
17 local case here, there was a member of the Hells Angels who
18 was involved in a hit and run. What they do, they will
19 actually inundate the courtroom with their own members wearing
20 their insignias, that alone, people that don't know them,
21 looking at them, it is an intimidating factor they do. They
22 will sit there and stare at not only who is up here, but, I am
23 sorry, but they will stare at the entire jury. They also
24 follow jury members out. They actually have people

1 strategically placed throughout the parking lot, parking
2 garage or whatever it may be to follow those people. They
3 won't say anything. They may not say anything. There is
4 times they do. It is specifically to let them know they know
5 who they are and let them know they are there watching them.

6 THE COURT: This is a case you actually observed?

7 THE WITNESS: The one with the Hells Angels I did.
8 The other actually occurred in San Joaquin County. In that
9 same case, this was a Hells Angels case, the Hells Angels
10 actually followed the prosecutor home and also found out where
11 the judge lived, went in front of her house and started doing
12 donuts and stuff. I mean it was more of intimidation stuff.
13 They never physically told her, it was a female judge, they
14 never told her they were going to do anything to her. It was
15 basically all intimidation, you know, acts.

16 THE COURT: What about with regard to witnesses?

17 That is what we are really talking about here. Did you have
18 experience with witnesses?

19 THE WITNESS: Well, the personal experience in
20 Washoe County, no, but through San Joaquin, again, they have
21 had their witnesses actually threatened not to go to court and
22 told not to.

23 There is actually a case that just occurred on the
24 East Coast with the Hells Angels where the victim of a battery

1 by Hells Angels, I am sorry, the Hells Angel was bailed out.
2 Within a week, he went to the victim's house. The victim was
3 inside with two of his friends. He kidnapped them, took them
4 out and they were all executed.

5 THE COURT: Allegedly. Hasn't been convicted?

6 THE WITNESS: He's in jail now.

7 THE COURT: That is what you are afraid of?

8 THE WITNESS: Yeah. It is a common, common. That
9 is just common within the club. Club first. It is all about
10 the club, even before your family. That is the way it is in
11 the outlaw world. It is your club period. You do what you
12 can do to take care of your brother.

13 THE COURT: Are these witnesses that you have been
14 trying to contact, local witnesses or witnesses from
15 California?

16 THE WITNESS: No, all were local. California has
17 actually been pretty good to get a hold of.

18 THE COURT: Those were my questions. Go ahead.

19 BY MR. HALL:

20 Q One witness you actually had contact with from the
21 Nugget, he was accosted by Vagos, intimidated, his I.D. taken.
22 You have personal knowledge of the Vagos doing that?

23 A Absolutely.

24 Q In addition to the Hells Angels trying to intimidate

1 other witnesses and court personnel in other jurisdictions?

2 A Absolutely. There is one more case pending right
3 now, actually active investigation with the Carson City deputy
4 who arrested a Vagos, and since he's made that arrest, they
5 are getting ready to go to court, just an obstructing,
6 resisting misdemeanor charge, he actually received phone calls
7 and the phone came back to a Vagos. But the Vagos is stating
8 he's a private investigator. The phone was proven to be a
9 Vagos member. Like I say, that is an active case, too, again
10 an allegation, but I mean they go as far it is not just, you
11 know, your general witnesses, they go as far as to try to do
12 law enforcement, prosecutors. It is not just the lay person.

13 MR. HALL: No further questions.

14 THE COURT: Okay. You may step down.

15 (Witness Excused.)

16 MR. HALL: Based upon that presentation, Your
17 Honor, I would like you to to make a finding that there is
18 adequate cause to withhold notice to the Vagos and Hells
19 Angels members to ensure that the live witnesses and other
20 people involved in the prosecution process, their lives are
21 not in danger, property not in danger and also to prevent
22 against flight of the defendants should they be released on
23 bail or yet to be arrested.

24 THE COURT: Okay. Currently, we are talking about

1 the two targets that are in your ex-parte application?

2 MR. HALL: Correct. There is one other potential
3 target that I am considering. I have not reached a decision
4 on that. However, he's a Vagos member who was involved in the
5 original altercation with Mr. Pettigrew, a prominent Vagos
6 motorcycle gang member, the person named "Jabbers".

7 THE COURT: Nicknamed "Jabbers".

8 MR. HALL: Nicknamed "Jabbers".

9 THE COURT: Are there any charges pending against
10 him now?

11 MR. HALL: No.

12 THE COURT: The Court has had a opportunity to
13 review your ex-parte application as well as the testimony
14 today. I have also reviewed the statute, NRS 172.241 which
15 does allow for, pursuant to certain circumstances, the Target
16 Letter to be waived and notification prior to investigation by
17 the Grand Jury into alleged criminal activity.

18 The basis that you have applied for this waiver is
19 under a belief that notice may endanger the life or property
20 of other persons and also that there is a possibility of
21 flight.

22 MR. HALL: In addition, Your Honor, I would like to
23 also inform the Court that any other objective factor is a
24 basis. And so the information I provided to the Court I think

1 is an objective factor which is one that we can look to
2 without any kind of bias and say this type of activity that we
3 suspect may happen would have a chilling effect on the whole
4 legal process. I think there are objective factors the Court
5 can look at in addition to endangerment of life and risk of
6 flight and say, yes, in light of the chilling effect that the
7 presence of Vagos and Hells Angels observing the process and
8 perhaps following witnesses or D.A.'s or judges or Grand Jury
9 members, all of that would be counter productive and have a
10 chilling effect on the legal process. I think that is an
11 objective factor that the Court can also find based upon the
12 testimony that you have heard today.

13 THE COURT: The Court finds that there is reasonable
14 and adequate cause existing to withhold notice of the intent
15 to seek an Indictment against these two individuals. I find
16 it under the parameters there is some indication there could
17 be some endangerment of life and property of the witnesses.
18 We already have seen one witness has been somewhat
19 intimidated, and that was certainly under threat of
20 endangering his life and family.

21 In addition, I find there is a strong probability of
22 a fugitive from justice based upon the circumstances of the
23 original leaving the area after this offense took place, and
24 the necessity to arrest on the warrants.

1 So at this time, I find there is good cause. The
2 question of what other good cause or other objective factors
3 exist is very difficult to determine at this time. There does
4 seem to be some indication that organized motorcycle gangs
5 present a certain amount of difficulty to the criminal-justice
6 system to operate in the normal course of its activity,
7 however, our statutes are very clear that at some point, no
8 matter whether you are dealing with organized crime or
9 individual alleged activity, the process is open. So that is
10 why I was concerned about your concerns earlier about how long
11 this transcript would remain sealed. The sealing of
12 transcript prior to Indictment is going to exist, and it will
13 remain sealed until a determination is made as to its
14 unsealing. But the existence of the hearing will have to be
15 part of the record and an Order will have to be entered by
16 this Court directed to the Grand Jury saying I waived your
17 requirement to notify Cesar Villagrana and Ernesto Manuel
18 Gonzales or "Jabbers" of their potential target of the Grand
19 Jury investigation. That will be presented to the Grand Jury.
20 That Order will be prepared. It will be filed under seal as
21 well as your ex-parte application will remain sealed as well
22 as the exhibits as part of this hearing until further order of
23 the Court. The order, itself, that I enter will be unsealed at
24 the time the Indictment is returned, the Order directed

1 towards the Foreperson of the Grand Jury.

2 Counsel, I would ask that you work with the clerk in
3 preparing that Order and the sealing Order. Make sure it is
4 clear. And she will work with you in making sure we get those
5 Orders entered.

6 MR. HALL: All right.

7 THE COURT: Is there anything further for today?

8 MR. HALL: No.

9 THE COURT: Okay. Thank you.

10 THE COURT: There is one other thing. All the
11 witnesses are admonished this is part of the Grand Jury
12 proceedings. You may not discuss your testimony with anyone
13 other than the prosecutor in this matter.

14 The officers of the Court have also been admonished
15 this is a Grand Jury proceeding. It has the same secrecy and
16 concerns of all Grand Jury proceedings.

17 MR. HALL: Just for the record, I do have Amos Sege
18 here, a member of our office. I invited him to assist me in
19 my presentation today. I just wanted to make a record he was
20 here with me and is from our office.

21 THE COURT: Everyone is admonished.

22 (Whereupon, the proceedings were concluded.)
23
24

1 STATE OF NEVADA,)
) ss.
2 COUNTY OF WASHOE.)

3
4 I, Judith Ann Schonlau, one of the Court Reporters
5 of the Second Judicial District Court of the State of Nevada,
6 in and for the County of Washoe, do hereby certify:

7 That I reported in stenotype the hearing before The Honorable
8 Connie Steinheimer in the matter of STUART GARY RUDNICK, also
9 known as "JABBERS", CESAR VILLAGRANA and ERNESTO MANUEL
10 GONZALEZ at Reno, Nevada on Tuesday, October 25, 2011;

11 That the foregoing transcript, consisting of pages
12 numbered 1 through 43, inclusive, is a full, true and correct
13 transcription of the stenotype notes taken in the
14 above-entitled matter, to the best of my knowledge, skill and
15 ability.

16 I further certify that I am in no way interested in
17 the outcome of said action.

18 Dated at Reno, Nevada, this 18th day of November, 2011.

19
20
21 /s/ Judith Ann Schonlau
22 JUDITH ANN SCHONLAU CSR #18
23
24

9

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

2 IN AND FOR THE COUNTY OF WASHOE

3 BEFORE THE HONORABLE CONNIE STEINHEIMER

4 -o0o-

5 4189

6 IN THE MATTER OF: CASE NO. CR11-1718A

7 STUART GARY RUDNICK, also known as CASE NO. CR11-1718B

8 "JABBERS", CESAR VILLAGRANA, and CASE NO. CR11-1718C

9 ERNESTO MANUEL GONZALEZ DEPT. NO. 4

10 _____/

11
12
13 P R O C E E D I N G S

14 THURSDAY, NOVEMBER 3, 2011

15 2:00 P.M.

16
17
18 APPEARANCE:

19 For the State: KARL HALL, ESQ.
20 Deputy District Attorney
21 Washoe County Courthouse
22 Reno, Nevada

23 Reported by: JUDITH ANN SCHONLAU, CSR #18
24 NEVADA-CALIFORNIA CERTIFIED;
REGISTERED PROFESSIONAL REPORTER

Computer-Aided Transcription

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I N D E X

WITNESSES:

PAGE

PETER GRIMM

6

1 RENO, NEVADA; THURSDAY, NOVEMBER 3, 2011; 2:00 P.M.

2 -oOo-

3
4 THE COURT: This is the time set for the ex-parte
5 application regarding a notice of intent to present to the
6 Grand Jury and request for waiver of the Target Letters.

7 MR. HALL: Yes, thank you. Karl Hall on behalf of
8 of the State. I have a presentation. I would like to
9 incorporate by reference all of the Affidavits, testimony and
10 evidence that was presented initially during our request to
11 withhold Target Letters for Mr. Villagrana and Mr. Cesar
12 Gonzales.

13 As you recall, Mr. Villagrana was a friend with
14 Mr. Pettigrew. Mr. Pettigrew was murdered by
15 Ernesto Gonzales. At least that is what we believe the
16 evidence will show during the Grand Jury presentation.

17 I should stop there and ask you if you would
18 incorporate by reference that information?

19 THE COURT: Yes.

20 MR. HALL: We also had mentioned during our last
21 presentation, "Jabbers," who was a Vagos member, and I believe
22 he is also a Vagos President in the hierarchy of the Vagos
23 motorcycle gang or club. It is our belief, based upon the
24 evidence that has been provided to me, that he provoked an

1 affray during the course of the evening. And, specifically, I
2 think the evidence would show that there was a group of Hells
3 Angels at the Oyster Bar, as I mentioned in my pleading.
4 Mr. Jabbers, who has now been identified as a Gary Stuart
5 Rudnick, R-U-D-N-I-C-K, Mr. Rudnick had confronted
6 Mr. Pettigrew. There was, as I understand it, a heated
7 discussion. You could tell from the video at the Nugget that
8 the tensions were high as there were people from the Vagos
9 motorcycle gang posting up or approaching the Hells Angels in
10 the Oyster Bar. Those tensions slackened a little bit through
11 negotiation, through Pettigrew and other Vagos members, and
12 everybody thought the tension had subsided. However, when the
13 Hells Angels were leaving the Oyster Bar,, they walked past
14 the Vagos gang. Mr. Rudnick, "Jabbers", confronted
15 Mr. Pettigrew and there provoked an affray, started a fight,
16 issued a challenge to fight. Of course, as we know, a fight
17 ensued at the time and this resulted as a result of that
18 challenge to fight.

19 After things had subsided, the police responded to
20 that area, and when they responded, they found specifically
21 the witness I have called here today, Peter Grimm responded,
22 and he was alerted to an incident or confrontation that was
23 occurring in front of this woman who said Vagos members were
24 basically confronting, harassing this individual. The

1 individual was video taping, at least he was recording the
2 incident at the Nugget, recorded part of the incident on his
3 telephone. And he was confronted by Vagos, three Vagos
4 members, and they grabbed his telephone, deleted the video off
5 the incident from his telephone. They grabbed his wallet out
6 of his back pocket, took out his driver's license and took
7 photographs of his driver's license, and his phone was taken
8 against his will. Those messages were deleted against his
9 will. And Mr. Grimm was able to arrive while this
10 confrontation was going on and was able to detain this
11 individual.

12 Well, during the course of this incident -- Well, I
13 think I will call Mr. Grimm so we have a witness testimony.

14 To make a long story short, the individual by the
15 name of Campos, Bradley Campos was identified. We'll go
16 through the method of identification. So he's also a target
17 of the Grand Jury for conspiracy to commit the crime of
18 identity theft. Also, I think there was a coercion crime I am
19 also going to investigate and perhaps charge. So it seems
20 he's a target of the ongoing investigation and a target of the
21 Grand Jury.

22 I would like to withhold notice from him in support
23 of that. I would indicate Bradley Campos is a Vagos out of
24 California. All of that testimony regarding tension between

1 the Hells Angels and the Vagos, and I think the threat to the
2 health, safety and welfare of both Hells Angels, Vagos,
3 witnesses, court personnel and other people in the area, I
4 think the Court may make a prudent finding that an adequate
5 case exists to withhold notice to Mr. Campos and again
6 Mr. Gary Rudnick.

7 If I may, I would like to supplement the testimony
8 briefly regarding the identity through Mr. Grimm.

9 THE COURT: Okay. Sir, you can come forward. We
10 will go ahead and swear you one more time. It has been a while
11 since your last testimony.

12 THE WITNESS: It is good to see you again.

13 THE COURT: Nice to see you.

14
15 PETER GRIMM

16 called as a witness, having been first duly sworn,
17 took the witness stand and testified as follows:

18
19 DIRECT EXAMINATION

20 BY MR. HALL:

21 A Sir, would you state your name and spell your last
22 name for the record?

23 A Sure. It is Peter Grimm, G-R-I-M-M.

24 Q As I indicated, you are an investigator for the

1 Washoe County District Attorney's Office; is that correct?

2 A Yes, sir.

3 Q On the night in question, were you working plain
4 clothes and providing additional security in the collection of
5 information and intelligence regarding the Street Vibrations
6 motorcycle event here in Washoe County?

7 A Yes, sir.

8 Q Did you have an opportunity to be at the Nugget on
9 the 23rd of September, 2011?

10 A I did.

11 Q I believe you testified last week that you had an
12 opportunity to go back into the Nugget. And if you could
13 briefly in a narrative form, tell us what happened when you
14 were alerted by a woman that there was an altercation in
15 process?

16 A Myself and two other plain clothes officers were
17 standing by the few Sparks police officers on scene handling
18 the situation, and we were actually guarding members that were
19 already prone out on the ground. At that time, I was
20 approached by an unknown female, I never got her name, who was
21 hysterical, mentioning that there was Vagos members that had
22 an individual up against some slot machines because he had
23 been taking video of the shooting or incident that happened.

24 Q Did you respond to a location?

1 A I did.

2 Q Where was that?

3 A It was probably 15, 20 feet away from where I was,
4 but we had walked, and there was a circle of slots in the main
5 casino, and I actually had to walk to the other side of the
6 circle of slots. At that time, I saw there was an individual
7 who was up against the slots. There was three Vagos members
8 around him. They looked like, in my opinion, looked like it
9 was in a very threatening manner toward him. They were in his
10 face. There were some -- all of them were speaking at him
11 very loud.

12 Q So they were basically yelling at this individual.
13 They had him surrounded, cornered up against the bank of slot
14 machines?

15 A They did.

16 Q Inside of the Nugget?

17 A Yes, sir.

18 Q Shortly after the shooting incident?

19 A Immediately after.

20 Q So you could hear. Now did you identify the three
21 individuals as Vagos gang members by distinctive garb they
22 were wearing?

23 A Yes, I did.

24 Q That would be the green patches?

1 A Yes.

2 Q On their jackets?

3 A Yes.

4 Q All right. And so it was your impression he was
5 basically accosted, and they were, for some reason, being
6 hostile to this individual?

7 A Absolutely.

8 Q So what did you do?

9 A At that time, I identified myself as a police
10 officer, and all three members -- and all three members
11 immediately turned to start running. Two members took off
12 very quick. The third member I was able to grab his shoulder.
13 I told him to have a seat, to sit back down, he wasn't going
14 anywhere.

15 Q So you detained that individual?

16 A Yes, I did.

17 Q Did you have an opportunity to interview the
18 witness?

19 A Very briefly. I asked him what is going on, and he
20 explained to me the situation that had occurred.

21 Q We had discussed on a prior occasion, I think our
22 last hearing, this individual was extremely frightened,
23 reluctant to come forward. As a matter of fact, we had a
24 difficult time contacting this individual; is that correct?

1 A Very much so. Even that night he did not want -- We
2 told him to sit down, help me, and he did sit down behind me.
3 And he did not want-- he wanted to leave. But, unfortunately,
4 due to the fact there were Vagos all around us who were
5 actually looking at us and actually pointing at him, I made
6 him stay with me just for protection, which worked out for the
7 best.

8 Q They were Vagos doing it, other Vagos that were
9 present at the Nugget with respect to the person that you had
10 detained?

11 A As I was standing there keeping this guy detained,
12 this individual, we were approached and actually accosted by
13 several Vagos members coming up and trying to get him away
14 from me. Every time I would have to identify myself and order
15 them back. There were times when some were reluctant to get
16 back until I had to verbally, use verbal force to get them
17 back to prevent them from taking the individual from me. It
18 was more so than what bikers do. To me, they were really
19 interested in getting him away from me which made me think he
20 was a member with status in the club.

21 Q Now did you have to use any force to maintain your
22 control over this individual?

23 A No, just when I sat him down; I did put my hand on
24 on him, on his back, making him sit down in the chair. That

1 was the only force. He, for the most part, was listening to
2 what I said, what I had to say. Anytime anybody would come
3 up, he told them he wasn't able to go, as I directed the other
4 people to leave.

5 Q Did you request the assistance of another police
6 officer to assist you in maintaining custody of this
7 individual?

8 A I did, especially due to the fact we were actually
9 getting surrounded by no less than fifty Vagos. They were
10 coming around us, actually pointing at myself and at the
11 victim. And I had-- And so another officer came in who had a
12 long gun with him. He was with the school Police Department,
13 also part of the Washoe County Sheriff's department SWAT team.

14 Q Eventually, this individual who was subsequently
15 identified as Bradley Campos, he was escorted away from your
16 location?

17 A Yes, he was.

18 Q All right. Then the victim in this case, he also
19 left the area?

20 A He was escorted out a separate direction away from
21 the Vagos to keep him protected.

22 Q That was by police officers?

23 A By Reno Police Department.

24 Q All right. Subsequently, an effort was made to

1 contact the victim in this case, correct?

2 A Yes.

3 Q Ultimately, contact was made?

4 A Finally, yes.

5 Q Did he provide a copy of the information that had
6 been recovered from his telephone that had been deleted?

7 A Yes, he did.

8 Q That was video from the Nugget; is that right?

9 A Yes, it was.

10 Q Does that depict Mr. Campos approaching him and
11 demanding he turn off the cell phone and stop recording?

12 A Yes, he did. Yes, it was.

13 Q Subsequently, can you tell the Court how you
14 identified Mr. Campos?

15 A After we were done, myself and the two officers I
16 was with at the Nugget, we eventually ended up going to the
17 Sparks Police Department probably about 3:30 in the morning.
18 While we were there, they were, while I was discussing with
19 some of the members of -- While I was talking with some of the
20 members of the detectives of the Sparks Police Department, I
21 explained to them what occurred, and they said that the
22 individual that had been sitting in the police car which was
23 the one that was escorted out by Reno Police Department was
24 the President of the Los Angeles charter of the Vagos. And the

1 way they determined that was he had a side rocker of a Los
2 Angeles what is called cookie or little patch on the front
3 that said President, side rocker on the front that said
4 President.

5 What I did, I made contact with individuals in San
6 Bernardino. I made contact with individuals in San Bernardino
7 County who are familiar with the Vagos. In turn, I received
8 information as to the identity of the Los Angeles President of
9 the Vagos along with the photo. When I looked at the photo, I
10 was able to positively identify him along with the photo.
11 When I looked at the photo, I was able to positively identify
12 the individual I detained and that accosted our victim.

13 Q Did you have an opportunity to meet with the victim
14 and further provide him information regarding the identity of
15 Mr. Campos, inquire as to whether or not he could identify
16 Mr. Campos as one the individuals who accosted him?

17 A Yes, I was.

18 Q Was he able to identify Mr. Campos as one of the
19 individuals that demanded his cell phone and took his driver's
20 license?

21 A Yes, he was. And further information was given to
22 us Campos was actually one of the ones that physically took
23 the picture of his identification as well.

24 Q Now do you believe -- Well, are you aware, I think

1 you already testified, Mr. Campos is a Vagos member with
2 status, that being the President of the Los Angeles branch of
3 the Vagos motorcycle club?

4 A Yes, I am.

5 Q All right. Do you believe if notice were to go to
6 him regarding our intent to go to the Grand Jury and indict
7 him, that may present a danger to the personal welfare and
8 safety of individuals including witnesses, court personnel, or
9 individuals who may be in the area?

10 A Absolutely.

11 Q Is that because you believe witness intimidation and
12 other tactics are used to avoid prosecution by Vagos gang
13 members?

14 A Commonly.

15 MR. HALL: Thank you. I have no further questions.

16 THE COURT: You may step down.

17 THE WITNESS: Thank you.

18 (Witness excused.)

19 MR. HALL: Your Honor, pursuant to NRS 172.241, I
20 would request that you grant our Motion withholding the Grand
21 Jury Target letter, and I would ask you to find that there is
22 sufficient information for you to provide good cause to
23 withhold notice based upon the fact that the discourse of the
24 intent to proceed to the Grand Jury presents a risk of life

1 and risk to the lives of court personnel, potential gang
2 members and other people who may be subjected to violence
3 between gang members or other witnesses to crime which we have
4 alleged in the proposed Indictment.

5 THE COURT: Okay. The court has had an opportunity
6 to hear this evidence and review your Petition as well as the
7 previously submitted information.

8 I do find that there are objective factors, security
9 and safety for the witnesses as well as the Grand Jury, itself
10 and the possibility that notice may endanger the lives or
11 property of persons who will be witnesses and presenting
12 evidence in some manner before the Grand Jury. Therefore, I
13 think there is good cause, adequate cause for sure to withhold
14 notice pursuant to NRS 172.241. Therefore, I will allow the
15 Target Letter notice to be withheld and allow this matter to
16 go before the Grand Jury without the Target Letters.

17 MR. HALL: Thank you, Your Honor. I would also ask
18 that the transcript of these proceedings and the transcript of
19 prior proceedings be sealed until further order of the Court.
20 I know we discussed that order, itself, granting our motion to
21 withhold notice would be made part of the record. I am not
22 quite sure how we are going to manage that part of the order,
23 if that was going to be known to the Grand Jury or if it was
24 going to be lodged with the file.

1 However, all of the evidence in support, including
2 the motion and testimony, I request that be sealed until
3 further order of the Court.

4 THE COURT: Okay. I think that the Court has to
5 enter an order that can be presented to the Foreman of the
6 Grand Jury that indicates to them they can proceed without
7 proof from you of a Target Letter. Anything beyond that would
8 and could potentially at the time of Grand Jury's
9 determination, which we want to keep that very neutral, not
10 notify them any reasons why, just an Order saying that they
11 can proceed without the Target Letter. So that Order will be
12 provided to you. You can present that to the Foreperson of the
13 Grand Jury. It is in lieu of proof of service of the Target
14 Letter, and they can proceed to have that in their record,
15 that order, and proceed to hear the case.

16 With regard to all the other Orders and the
17 transcript from this hearing and the previous hearing, all
18 those will have to be sealed until an Indictment is returned.
19 If the Indictment is a secret Indictment, until the arrest, it
20 will remain sealed until the arrest. When the Indictment is
21 unsealed, at that point all of this becomes public record.

22 MR. HALL: At this point I would make a motion for
23 the Indictment to remain secret and sealed until the arrests
24 are made.

1 THE COURT: You can make that. If there is an
2 Indictment, I will be the Judge returning it as the Grand Jury
3 Judge and you can certainly make it at that time.

4 MR. HALL: Right.

5 THE COURT: If the Indictment is returned, it is a
6 normal course to make that request in this type of case and
7 the Indictment remaining sealed until the arrest is made.

8 MR. HALL: Okay.

9 THE COURT: Anything further?

10 MR. HALL: No. Have I provided the Court with the
11 appropriate Order?

12 THE COURT: I think so. We saw those before the
13 hearing today. I want to read them over one more time after
14 this testimony to make sure it completely comports with what I
15 wanted to order. But I think you have satisfied the
16 requirements of the Court.

17 MR. HALL: Okay. Thank you.

18 THE COURT: Thank you. Court is in recess.

19 (Whereupon, the proceedings were concluded.)
20
21
22
23
24

1 STATE OF NEVADA,)
2) ss.
3 COUNTY OF WASHOE.)

4 I, Judith Ann Schonlau, one of the Court Reporters
5 of the Second Judicial District Court of the State of Nevada,
6 in and for the County of Washoe, do hereby certify:

7 That I reported in stenotype the hearing before The Honorable
8 Connie Steinheimer in the matter of STUART GARY RUDNICK, also
9 known as "JABBERS", CESAR VILLAGRANA, and ERNESTO MANUEL
10 GONZALEZ at Reno, Nevada on Thursday, November 3, 2011;

11 That the foregoing transcript, consisting of pages
12 numbered 1 through 18, inclusive, is a full, true and correct
13 transcription of the stenotype notes taken in the
14 above-entitled matter, to the best of my knowledge, skill and
15 ability.

16 I further certify that I am in no way interested in
17 the outcome of said action.

18 Dated at Reno, Nevada, this 18th day of November, 2011.
19
20

21 /s/ Judith Ann Schonlau
22 JUDITH ANN SCHONLAU CSR #18
23
24

10

1
2 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
3 IN AND FOR THE COUNTY OF WASHOE
4 BEFORE THE WASHOE COUNTY GRAND JURY

5 -o0o-

6 4189

7 IN THE MATTER OF: CASE NO. CR11-1718A
8 STUART GARY RUDNICK, also known as CASE NO. CR11-1718B
9 "JABBERS" also known as CASE NO. CR11-1718C
10 GARY STUART RUDNICK, CESAR VILLAGRANA, DEPT. NO 4
11 And ERNEST MANUEL GONZALEZ

12 _____/
13
14 P R O C E E D I N G S

15 WEDNESDAY, NOVEMBER 9, 2011

16 8:30 A.M.

17
18 APPEARANCE:

19 For the State: KARL HALL, ESQ.
20 AMOS STEGE, ESQ.
21 Deputy District Attorneys
Washoe County Courthouse
Reno, Nevada

22 Reported by: JUDITH ANN SCHONLAU, CSR #18
23 NEVADA-CALIFORNIA CERTIFIED;
24 REGISTERED PROFESSIONAL REPORTER

Computer-Aided Transcription

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1 RENO, NEVADA; WEDNESDAY, NOVEMBER 9, 2011; 8:30 A.M.

2 -oOo-

3
4 MR. HALL: Good morning, ladies and gentlemen. My
5 name is Karl Hall. I am a Chief Deputy District Attorney for
6 the Washoe County District Attorney's Office. I will be
7 presenting a proposed Indictment for your consideration this
8 morning. With me today is Deputy District Amos Stege. He
9 will be assisting me in the presentation.

10 The proposed Indictment contains a number of
11 allegations and charges. The first charge is conspiracy to
12 engage in an affray, a violation of NRS 199.480 and NRS
13 203.050, a gross misdemeanor. We have alleged that the
14 targets, Gary Stewart Rudnick also known as "Jabber" and
15 Ernesto Manuel Gonzales, both Vagos gang members, and Cesar
16 Villagrana and Jeffrey Pettigrew, both Hells Angels gang
17 members, did, while in the County of Washoe, on or about the
18 23rd day of September, 2011, conspire with their respective
19 gang members and/or each other to engage in an affray, and in
20 furtherance of the conspiracy, defendant Ernesto Gonzalez shot
21 at rival gang members.

22 Challenge to fight resulting in death, Count II.
23 That is a violation of NRS 200.450.201, NRS 200.010,
24 NRS 200.030, NRS 193.165, NRS 199.480, NRS 195.020, NRS

1 193.168, a felony. We have alleged that Mr. Rudnick,
2 Mr. Villagrana and Ernesto Manuel Gonzalez, did, on or about
3 the 23rd day of September, 2011, while at John Ascuaga's
4 Nugget here in Washoe County did cause, give or send a
5 challenge to fight and/or have agency in causing the death of
6 another after a challenge to fight resulting in the death of a
7 human being.

8 The Defendants are responsible under one or more of
9 the following principals of criminal liability: Either by the
10 Defendants directly committing the acts constituting the
11 offense or by the Defendants having the intent to commit the
12 challenge to fight or accept the challenge to fight,
13 conspiring with one another to commit the offense of challenge
14 to fight, or to accept such a challenge to fight whereby each
15 co-conspirator is vicariously liable for the acts of the other
16 co-conspirators when the acts are done in furtherance of the
17 conspiracy; and/or by the Defendants having the intent to
18 commit the crime of challenge to fight, and aiding and
19 abetting each other directly or indirectly, whether present or
20 not.

21 Specifically, we have alleged that the Defendant,
22 Mr. Rudnick, also known as "Jabbers", a Vagos gang member, did
23 upon previous concert and agreement, give or send a challenge
24 to fight to Hells Angels gang member, Jeffrey Pettigrew and

1 Jeffrey Pettigrew's co-conspirator and fellow Hells Angels
2 gang member and agent, Defendant, Cesar Villagrana. That
3 Jeffrey Pettigrew and his fellow gang member or members
4 accepted the challenge to fight and did fight with the
5 Defendant, Mr. Rudnick, also known as "Jabbers" and his
6 co-conspirators, other Vagos gang members, which fight
7 involved the use of deadly weapons. That said fight ended
8 with the shooting death of Jeffrey Pettigrew, a human being,
9 who died on or about the 24th day of September, 2011, by Vagos
10 gang member and co-conspirator, Defendant Ernesto Manuel
11 Gonzales; and/or, the next theory, the Defendant, Vagos gang
12 member, Gary Stewart Rudnick, also known as "Jabbers" and
13 Hells Angels gang member Jeffrey Pettigrew did verbally
14 challenge each other to fight and did directly or indirectly
15 counsel, encourage, hire, command, that should be "induce," or
16 otherwise procure Vagos gang members and Hells Angels gang
17 members, and Ernesto Manuel Gonzalez and Cesar Villagrana to
18 fight, and did, either by fighting or by giving or sending for
19 himself or herself or for any other person the challenge to
20 fight or by receiving for themselves or for any other person
21 the challenge to fight, did cause a fight whereby deadly
22 weapons were used during said fight by Stuart Gary Rudnick
23 also known as "Jabbers" and Jeffrey Pettigrew' respective
24 agents, Defendants Cesar Villagrana and Ernesto Manuel

1 Gonzalez resulting in the death of Jeffrey Pettigrew who died
2 from a gunshot wound on the 24th of September, 2011.

3 And that Cesar Villagrana and Ernesto Manuel
4 Gonzalez being responsible as principals to the fight did aid
5 and abet Gary Stuart Rudnick also known as "Jabbers" and
6 Jeffrey Pettigrew in the fight by the Defendants counseling
7 each other in furtherance of issuing or accepting the
8 challenge to fight; and/or by providing backup to each other;
9 and/or congregating in a group in order to fight together;
10 and/or encouraging each other to engage in or accept the
11 challenge to fight; and/or each group encircling members of
12 the opposing group; and/or participating in a stand-off
13 situation; and/or intimidating members of the rival gang;
14 and/or harassing members of the rival gang; and/or otherwise
15 acting in concert.

16 That the challenge to fight and the subsequent fight
17 was committed knowingly for the benefit of, at the direction
18 of or in affiliation with a criminal gang, with the specific
19 intent to promote, further or assist the activities of a
20 criminal gang.

21 Count III, battery with a deadly weapon, a violation
22 of 200.481(2)(e), a felony. We have alleged Cesar Villagrana,
23 on or about the 23rd day of September, 2011, while in the
24 Nugget in Sparks, Washoe County, Nevada, did use force and

1 violence upon the person of Diego Garcia here in Washoe
2 County, in that he used a firearm to shoot Diego Garcia in the
3 leg.

4 That said battery with the use of a deadly weapon
5 was committed knowingly for the use or benefit of the criminal
6 gang with the specific intent to promote, further or assist
7 the activities of the criminal gang. We should also include
8 the gang enhancement which is NRS 193.168.

9 Count IV, battery with a deadly weapon. We have
10 alleged in that count the same elements. Cesar Villagrana shot
11 another individual by the name of Leonard Ramirez at the
12 Nugget on the 23rd of September, 2011. That should also have
13 a gang enhancement which is under NRS 193.168.

14 Count V, is discharging a firearm in a structure, a
15 violation of NRS 202.287, a felony. We have alleged
16 Cesar Villagrana did discharge a firearm inside the Nugget
17 here in Sparks, Washoe County, Nevada, in violation of
18 NRS 202.287.

19 Count VI, carrying a concealed weapon. We have
20 alleged in Count VI Cesar Villagrana carried a pistol
21 concealed upon his person here in Washoe County, Nevada on or
22 about the 23rd day of September 2011.

23 Count VII is carrying a concealed weapon, a
24 violation of NRS 202.350. We have alleged in that count that

1 Mr. Gonzales, on the 23rd of September, while at the Nugget
2 here in Washoe County, did carry a handgun concealed on his
3 person.

4 Count VIII charges Ernesto Manuel Gonzales with
5 discharging a firearm in a structure, a violation of
6 NRS 200.287, a felony.

7 Count IX is open murder with the use of a deadly
8 weapon, a violation of NRS 200.010, NRS 200.030 and
9 NRS 193.165, a felony. We have alleged open murder in that
10 case specifically that the Defendant, Ernesto Manuel Gonzalez,
11 on or about the 23rd day of September, 2011, within Washoe
12 County, Nevada, did willfully and unlawfully, with malice
13 aforethought, deliberation and premeditation, kill and murder
14 Jeffrey Pettigrew, a human being, by means of shooting
15 Jeffrey Pettigrew with a handgun thereby inflicting mortal
16 injuries upon Mr. Pettigrew from which he died on or about
17 September 24, 2011.

18 That the said murder with the use of a deadly weapon
19 was committed knowingly for the benefit of, at the direction
20 of, or in affiliation with a criminal gang, with the specific
21 intent to promote, further or assist the activities of the
22 criminal gang. Again, we want to, for purposes of notice
23 include 193.168, the statute regarding the gang enhancement.

24 Count X is murder of the second degree, a violation

1 of NRS 202.287, NRS 200.010, NRS 200.030, NRS 193.165 and
2 NRS 195.168, a different theory of liability. What we have
3 alleged in this count is Mr. Gonzales, a Vagos gang member and
4 Mr. Villagrana, a Hells Angels gang member, on or about the
5 23rd day of September, 2011, did aid and abet Gary Stewart
6 Rudnick also known as "Jabbers", a Vagos gang member, and
7 Jeffrey Pettigrew, a Hells Angels gang member in the
8 commission of an affray with the use of a deadly weapon, and
9 that during the course of the affray, the said Defendants did
10 maliciously fire deadly weapons inside John Ascuaga's casino
11 located in a congested area in Sparks, Washoe County, Nevada.
12 That the said discharging of handguns during the affray was in
13 general malignant recklessness of others' lives and the safety
14 of other people, or in disregard to social duty; as a
15 foreseeable consequence of the shooting, Mr. Pettigrew, a
16 human being, was killed and murdered after suffering multiple
17 gunshot wounds from which he died on the 24th of September,
18 2011.

19 That the affray and discharging of a handgun was
20 inside a structure and was committed knowingly for the benefit
21 of, at the direction of or in affiliation with a criminal
22 gang. That would be the gang enhancement.

23 I would indicate for the record that I have also
24 provide you with Jury Instructions. I will lodge those with

1 the clerk. And I have given you some instructions on
2 conspiracy, principal liability as an aider and abettor; a
3 definition of an affray, the elements of battery with a deadly
4 weapon, the elements of discharge of a firearm in a
5 structure, the elements of carrying a concealed weapon, the
6 elements of the crime of murder, the elements of the crime of
7 challenge to fight. So, essentially, there needs to be
8 sufficient evidence to show that a person, upon previous
9 concert and agreement fights with another person or gives,
10 sends or authorizes any other person to give or send a
11 challenge verbally or in writing to fight another person. The
12 person giving, sending or accepting the challenge to fight,
13 any other person or a person who acts for another in giving,
14 sending or accepting either verbally or in writing a challenge
15 to fight to any other person and death ensues to a person in
16 such a fight, or should a person die from any injuries
17 received in such a fight, the person causing or having any
18 agency in causing the death either by fighting or by giving or
19 sending himself or herself or for any other person or in
20 receiving for himself or herself or for any other person the
21 challenge to fight, is guilty of murder.

22 Now we have listed a number of witnesses that we
23 intend to call during the course of our presentation, and I
24 understand that there is a potential conflict, at least one of

1 the Grand Jurors knows one of our witnesses, so we need to
2 address that issue to determine whether or not there is a
3 conflict of interest and determine whether or not that
4 individual should participate in considering the allegations
5 contained in the proposed Indictment. So what I was waiting
6 for was Judge Steinheimer, however, may I inquire as to which
7 individual?

8 Ma'am, you are familiar with one of the witnesses.
9 Which witness is that?

10 A GRAND JUROR: Paul Ochs.

11 MR. HALL: How do you know Mr. Ochs?

12 A GRAND JUROR: He was a patient for the
13 ophthalmologist I worked for.

14 MR. HALL: When was he a patient?

15 A GRAND JUROR: The doctor retired in 2005.

16 MR. HALL: Have you seen Mr. Ochs since 2005?

17 A GRAND JUROR: Just at basketball games.

18 MR. HALL: What was your relationship with Mr. Ochs?

19 THE WITNESS: Just hello. My relationship?

20 MR. HALL: Yes.

21 A GRAND JUROR: Just a patient-doctor relationship.

22 MR. HALL: Basically a casual relationship?

23 A GRAND JUROR: Yes.

24 MR. HALL: Did you ever discuss his employment or

1 his work?

2 A GRAND JUROR: No.

3 MR. HALL: Did you ever discuss this case?

4 A GRAND JUROR: No.

5 MR. HALL: Do you have any reason to provide him
6 with more credibility than any other witness that would
7 present testimony before you?

8 A GRAND JUROR: No.

9 MR. HALL: Would you treat his testimony any
10 differently than any other witness that comes before you to
11 testify in this matter?

12 A GRAND JUROR: No.

13 MR. HALL: Do you think you can treat his testimony
14 fairly and without bias?

15 A GRAND JUROR: Yes.

16 MR. HALL: You can consider his testimony in light
17 of all the other facts and circumstances presented during the
18 course of this case?

19 A GRAND JUROR: Yes.

20 MR. HALL: All right. With that -- So you don't feel
21 there is any bias?

22 A GRAND JUROR: No.

23 MR. HALL: Well, with that, I would like to proceed
24 in calling my first witness.

1 I did lodge-- I would also indicate for the record
2 that the targets of this investigation, specifically
3 Mr. Rudnick, Mr. Villagrana and Mr. Gonzales have not been
4 provided a Markham letter. That was pursuant to Judge
5 Steinheimer's order. And we can, we have been allowed to
6 proceed without providing the targets of the Grand Jury with a
7 Markham letter or notice we are proceeding to the Grand Jury.
8 I just want to make that part of the record.

9 Other than that, I would remind you of all the
10 admonitions Judge Steinheimer provided to you when you were
11 formed as a Grand Jury. With that, I would like permission to
12 call my first witness.

13 THE FOREMAN: Yes, proceed.

14 MR. HALL: Before I do that, I wanted to provide
15 just a brief overview of the case. As you can surmise from
16 the allegations contained in the proposed Indictment, we have
17 basically alleged there was a challenge to fight at the Nugget
18 between Vagos gang members or Vagos motorcycle club members
19 and the Hells Angels, their motorcycle club members. After
20 the challenge to fight was issued, there was a fight that
21 involved deadly weapons. During the course of that fight, a
22 man was killed. Two individuals, Mr. Villagrana and
23 Mr. Gonzalez have been charged with discharging their weapons
24 inside the Nugget and shooting two people. We have alleged

1 Mr. Villagrana shot Diego Garcia and Leonard Ramirez, and
2 Ernesto Gonzalez shot Mr. Pettigrew.

3 Then we have different theories of liability.
4 Basically, conspiracy, they acted together in concert in
5 engaging in the challenge to fight and fighting, as a result
6 of that agreement to engage in criminal activity, a life was
7 lost, that being Mr. Pettigrew.

8 The second theory being, of course, aiding and
9 abetting. That they counseled, encouraged or otherwise aided
10 each other during the commission of this fight. In light of
11 that aiding and abetting in concert and concerted effort, a
12 life was lost. There is criminal liability on that theory.

13 Count X, alleges basically that Mr. Gonzalez and
14 Mr. Villagrana out of malicious and reckless disregard for
15 human life engaged in an affray, mutual fight and discharged a
16 firearm in a structure. And because of their malicious
17 activity, a life was lost. By virtue of that reckless
18 indifference to human life, Mr. Pettigrew was shot and killed.

19 The third theory is they aided and abetted each
20 other and engaged in that affray, therefore, liability lies
21 for their actions with respect to the fight and death of
22 Mr. Pettigrew.

23 So with that, I will proceed with presenting my
24 first witness.

1 (Whereupon Judge Steinheimer entered the Grand Jury room.)
2 THE COURT: Have you presented any witnesses yet?
3 MR. HALL: Just about ready to.
4 THE COURT: Good morning, ladies and gentlemen. It
5 is my understanding that the District Attorney has a matter to
6 present to you this morning. As the Foreperson knows, I have
7 provided you with information with regard to the lack of a
8 Target Letter, and you are not to consider that for any
9 purpose other than that you may proceed to consider the
10 presentation, and the Grand Jury's not to consider that in
11 their deliberation.
12 I also understand that you have a person who knows
13 one of the witnesses.
14 A GRAND JUROR: Uh-huh.
15 THE COURT: It is you, ma'am?
16 A GRAND JUROR: Yes.
17 THE COURT: Which witness do you know?
18 A GRAND JUROR: Paul Ochs.
19 THE COURT: How to you know him?
20 A GRAND JUROR: He was a patient of a doctor I worked
21 for.
22 THE COURT: How long ago?
23 A GRAND JUROR: 2005.
24 THE COURT: Is there anything about what you learned

1 during your relationship with him as a patient that would
2 cause you to have personal knowledge of him or have an opinion
3 about his truthfulness or veracity?

4 A GRAND JUROR: No, ma'am.

5 THE COURT: Would you feel you have a preconceived
6 idea of how you would determine his testimony, either
7 favorably or negatively?

8 A GRAND JUROR: No, ma'am.

9 THE COURT: You feel you have no ongoing
10 relationship with him? You said it has been five years?

11 A GRAND JUROR: Correct.

12 THE COURT: You have no ongoing issues with regard
13 to a relationship with him?

14 A GRAND JUROR: No.

15 THE COURT: Would you be able to weigh his testimony
16 the same as any other witness that you hear today during these
17 proceedings and determine his credibility based on his
18 presentation?

19 A GRAND JUROR: Yes, ma'am.

20 THE COURT: Not on any other issues?

21 A GRAND JUROR: Correct.

22 THE COURT: If, during the course of today,
23 something jogs your memory that you know about him or that
24 sort of reminds you of something that comes up in the

1 testimony, you are admonished not to tell the other Grand
2 Jurors, not to speak of it and you can tell the District
3 Attorney what you know, but you should come tell me and I will
4 probably remove you from deliberation.

5 A GRAND JUROR: Okay.

6 THE COURT: If something jogs your memory, sometimes
7 that happens, just remember you can't talk about that with
8 anyone else but me or the D.A. when nobody else is around.

9 A GRAND JUROR: Okay.

10 THE COURT: It is secret, okay?

11 A GRAND JUROR: Okay.

12 THE COURT: Is there anything I have told you that
13 causes any concerns, or do you have any issues, questions?

14 A GRAND JUROR: No.

15 THE COURT: You have got a long day. I will let you
16 get started.

17 Mr. Hall, I don't find that the Grand Juror has a
18 conflict. I will allow her to remain and deliberate today.

19 MR. HALL: Thank you, Your Honor.

20 THE COURT: Thank you.

21 (Whereupon Judge Steinheimer left the Grand Jury room.)

22 (Whereupon the witness entered the Grand Jury room.)

23 MR. HALL: I am going to have you raise your right
24 hand.

1 THE FOREMAN: Please have a seat.

2 MR. HALL: For the record I would like to indicate
3 that I am going to refer to this witness as Confidential
4 Source 11-21.

5 (Whereupon the witness was sworn by the Foreman.)
6

7 CONFIDENTIAL SOURCE 11-21

8 called as a witness having been first duly
9 sworn by the Foreman testified as follows:
10

11 EXAMINATION

12 BY MR. HALL:

13 Q Sir, are you aware that the Grand Jury has convened
14 today to consider a proposed Indictment concerning allegations
15 of battery with a deadly weapon, murder, discharging a firearm
16 in a structure and other related charges?

17 A Yes, I am.

18 Q Do you have information that would aid the Grand
19 Jury in their investigation?

20 A I believe so.

21 THE FOREMAN: Sir, are you aware the Grand Jury is
22 inquiring into the evidence you may have relating to charges
23 of conspiracy to engage in an affray, challenge to fight
24 resulting in death, use of a deadly weapon, battery with a

1 deadly weapon two counts, discharging a firearm in a structure
2 two counts, carrying a concealed weapon two counts, open
3 murder with the use of a deadly weapon, and this is in the
4 matter of Ernesto Manuel Gonzalez, Stuart Gary Rudnick and
5 Cesar Villagrana?

6 THE WITNESS: Yes.

7 BY MR. HALL:

8 Q Sir, are you currently employed at John Ascuaga's
9 Nugget, Sparks, Washoe County, Nevada?

10 A Yes, I am.

11 Q How long have you been employed there?

12 A Since July 1, 2004.

13 Q What are your duties?

14 A I was originally Surveillance Director. I am still
15 Surveillance Supervisor. I basically run the surveillance
16 room at the Nugget.

17 Q What type of equipment does the Nugget have?

18 A Analog video system currently recorded on still
19 VCR's and some digital recording and some multiplexors and
20 that type of thing. It is a basic system using matrix and
21 recorders.

22 Q Let me show you, I think it would be easier, let me
23 show you an example that has not been marked first. If we
24 could have this marked next in order. It would be 9. Can you

1 tell us what Exhibit 9 is?

2 A This is a layout of the the basic Nugget casino here
3 and some other blowups of those same ones representing the
4 slot departments, pit and layout. Pretty close to what it
5 still is today.

6 Q Now directing your attention to Exhibit 9, in the
7 lower right-hand corner, that is essentially another CAD
8 drawing of the layout of the the Nugget; is that correct?

9 A That's correct.

10 Q Does that piece of paper and drawing indicate where
11 the video cameras are located?

12 A Yes. I put the video cameras for this section on
13 there which was a section of our interest, so I put those on
14 there.

15 Q So was there video recordings taken of the incident
16 that occurred at the Nugget both at the Oyster Bar, Trader
17 Dicks and other areas inside the Nugget?

18 A That's correct.

19 Q Is that a true and accurate copy of the video
20 collected during the course of the investigation?

21 A That's correct.

22 Q All right. Now there are a couple of cameras,
23 several cameras that capture some of the fighting and
24 altercation; is that fair?

1 A That's correct.

2 Q Some of those cameras would be cameras 3, 5, 7, 45,
3 211, 212, 213, 214, 215?

4 A Scroll down.

5 Q If I scroll down, we would have cameras monitor one,
6 room 1604. Shooter into room, shooter out of room. Vagos at
7 Oyster Bar. Oyster Bar one and two. I should read it
8 Vagos-H.A. Oyster Bar one and two

9 A Looks like completely what we provided.

10 Q Did you have an opportunity to review that video?

11 A Yes.

12 Q Is it a true and accurate video at the Nugget on or
13 about the 23rd, perhaps into the 24th of September, 2011?

14 A Yes.

15 Q Are there various times on the different recordings
16 or are they the same?

17 A No, there are different times. The recordings are
18 based on what source of recording. There are multiplexors
19 that each unit collects a certain amount of cameras. It has
20 its own time and date. So there is multiplexors, DVR's and
21 VCR's. They all have their own time and date. It is not tied
22 into a central system or anything. Each one of those
23 generates its own.

24 Q What I would like to do is provide the jury a short

1 clip of each video, then I would like you to indicate on
2 Exhibit 9 the camera angle so we can put the camera angles in
3 perspective and have an idea where everybody is in
4 relationship to the Nugget and diagram.

5 A Did you want me to write them on there or just point
6 them out?

7 Q I understand they are written on there. As a matter
8 of fact, I have another exhibit, that would be Exhibit 2.
9 Exhibit 2 contains casino floor information, so it is
10 basically identical to Exhibit 9. We have the main casino
11 floor, the large layout, page one. Page 2 is a color-coded
12 diagram similar to Exhibit 9 which we can put on the overhead
13 projector, and then you can indicate where the cameras are.
14 Perhaps I will put that on right now. You can just kind of
15 indicate where you were videoing and the camera angle?

16 A Yes.

17 Q I don't know why they always put north on the
18 bottom. Let's run it this way. Well, there is north on the
19 top. Let's just go that way. North is on the top.

20 A Go up a little bit more. The other way.

21 Q The other up.

22 A Down just a little bit. I would say that's it.

23 Q Bear with me for one second. If we put it this way,
24 would this be the same way the Nugget is right now? No, it

1 would be this way?

2 A Yeah.

3 Q Let's work with that. All right. So with respect
4 to page 2 of Exhibit 2, can you explain to the ladies and
5 gentlemen of the jury where everything is? Here is a laser
6 pointer. You have to push this button.

7 A Victorian Avenue is this way. So this is Victorian
8 Street. This is the -- This is the Trader Dicks area right
9 here. The restrooms here, and this is the area that I
10 outlined, the area which is where the primary events took
11 place or that were recorded that we are talking about. This
12 yellow area here is where the event we presented the videos
13 with. These blue dots that I put in there, those are the
14 cameras and the numbers and the orientation of where we
15 captured views from. So if it is pointed this way, it means
16 the video was facing that way. That is where we captured the
17 video views.

18 Q All right.

19 A So you can indicate 3. Camera 3 is right here. Its
20 primary view that we seeing are this area right here which is
21 the front of what is called Rosie's restaurant. Camera 3 you
22 will see zoomed in covers this basic area right here. Rosie's
23 restaurant looking this way.

24 Q Where is camera 5?

1 A Camera 5 is --

2 Q I didn't recall camera 5 being on there however we

3 can show a short clip?

4 A Camera 5 is right here. It is facing out this way

5 towards this area here covering this slot section.

6 Q You can orient us on our diagram. I could go ahead

7 and write in a 5 so we have that camera located. You

8 indicated camera 5 is about here?

9 A Right about there.

10 Q All right. Camera 7?

11 A Camera 7 is right here, and it has been oriented and

12 zooming into this area, what we call the front of Rosie's

13 restaurant. It covers right in here. It is a camera oriented

14 towards across here and into this area just to the north of

15 the restrooms.

16 Q So where is Trader Dicks?

17 A Trader Dicks is right here.

18 Q All right. All right. You have indicated there is

19 cameras 3, 5 and 7. In this area here, what are these?

20 A This is pit two, games, pit two table games.

21 Q What is this area?

22 A This is part of slot section four and six.

23 Q So do these rectangles indicate a slot machine bank?

24 A Correct. Those are slot machine banks, and those

1 are the numbers of banks, numbers as they existed at that
2 time.

3 Q So cameras 3, 5, 7 generally look in the direction
4 of either the bathrooms and towards Trader Dicks?

5 A Yes. Three, 5 and 7 are what is called PTZ, pan,
6 tilt, zoom cameras. The ones we can move around, zoom in,
7 zoom out. When they are not in use, we leave them oriented in
8 a primary point position when we don't want to use them for
9 anything. Like when this is open, we may use them for
10 whatever activity we want to see they are capable of seeing.
11 When we are done with it, we'll point it back in a prescribed
12 direction, whatever we decided on.

13 Q Now camera 45?

14 A 45 is right over at the end of the high limit. This
15 is the high limit slot section. It is right here. It is
16 oriented towards, in this particular time frame, oriented
17 towards Trader Dicks right here. It is oriented up towards
18 this. This is a cocktail station and the entrance into Trader
19 Dicks. If I may, this is the dance floor area. I put this
20 in. This is the partition which partitions off the dance
21 floor area. It wasn't on the original CAD program, because
22 they do the slot machines and that. They aren't interested in
23 the physical features. Back here is the entrance to the
24 restaurant. If you go around here, you are around the bar.

1 This is where, if anybody is familiar with it, this is where
2 the fish tank is. Everybody that goes there likes the Fish
3 Tank Bar in Trader Dicks. Over here would be where the actual
4 Trader Dicks restaurant is. You go through, usually enter
5 there. You enter the dance floor from here or all the way
6 around. This is all the way seating for Trader Dicks bar.

7 Q With respect to the Fish Tank Bar, we have another
8 number of cameras located in this area specifically 211, 212,
9 213, 214, 215?

10 A Correct. Those cameras there are placed there
11 primarily for coverage of the activity at the bar. We have
12 some slots at the bars, of course, serving drinks and cash
13 registers we have these positioned on. The corollary view we
14 get from this, the corollary view is not fixed there for that,
15 but things we see in the video because of its capability to
16 see beyond what I am just looking for. They are all fixed
17 cameras, not moveable. They hold that position all the time.

18 Q All right. So are there views of, alongside the Fish
19 Tank Bar, looking towards the Trader Dicks dance floor and
20 also views looking towards the Noodle Hut which I think would
21 be on the east side?

22 A Correct.

23 Q Of the Fish Bar?

24 A Notated by the arrows. These are the direction they

1 are looking. If you notice, we have cameras looking basically
2 left and right, so this camera here, 212, is looking up this
3 way. 211 is actually for this end of the coverage of the bar
4 looking west there. This is looking towards the dance floor,
5 and this is looking towards the rest of the area here. This
6 camera is what is called the Noodle Hut, cashier camera,
7 primarily there the restaurant register, but it is looking out
8 into that same direction out over here. You can see this
9 walkway. This is the walkway here. This is tiled. That is
10 why it is highlighted. It is the primary walkway.

11 Q All right. And monitor one, where is monitor one?

12 A Monitor one is our monitor in our video room on
13 which we can call up any one of our four hundred forty-eight
14 cameras. We have sixteen monitors we can set up and look at
15 video and record it at the same time. So monitor one doesn't
16 have any one particular camera except what we call up on it at
17 the time we are watching it or want something recorded
18 specifically in our room views. Monitor one I believe
19 actually has a collection of cameras that we are going to show
20 here, and it had camera 46, primarily. If I may, they
21 followed them up on that, so it has a lot of -- a couple of
22 cameras here, and I think we got camera 46 and 45 off of there
23 as I recall. But it is a specific -- not specific to any one
24 camera except what we put on there at that time.

1 Q Oyster Bar one, Oyster Bar two have been labeled as
2 some video clips. Those are located in the Oyster Bar area?

3 A Correct. If you look at this down here, this is
4 where we were just looking and discussing. If you go down
5 here, this is the Oyster Bar which is on the west end of the
6 building. So this area right in here, actually the bar area
7 is right in here. This is the Oyster Bar exit. This is the
8 Oyster Bar exit out here. This is the Oyster Bar where the
9 two cameras we have labeled come from.

10 Q Now was there another employee on duty during the
11 evening of the 23rd?

12 A Yes.

13 Q Approximately 10:15?

14 A Yes.

15 Q Who was that?

16 A That was Margaret Lundquist.

17 Q Does she have training and experience in capturing
18 video at the Nugget?

19 A Yes, she does.

20 Q Do you have any specific training on what to monitor
21 and what to try and record during work hours?

22 A Outside of specific requested activities, all of our
23 people are trained to look for any type of activity which may
24 involve potential threats to the company or events that could

1 happen that could be detrimental to us. And in fact, if I
2 could just state it this way: We train them to do several
3 things. The number one priority we have them look at is
4 uncounted money which is anything in drop boxes and not
5 counted. Our priority is to watch for uncounted money.
6 Counted money is anything at the cage where there is a balance
7 count cashiers have been running. It is a known amount.
8 After that, we try to watch for things that will cost us
9 money. In other words, detrimental events or things that
10 could be a threat to us. Some of that includes looking for
11 groups hanging around, if I may use that term, that may look
12 like they are going to cause a disturbance or cause a ruckus
13 or get into a fight or anything like that. And these could be
14 any number of groups that seem to be getting together that may
15 or may not be compatible, if you will. So all my people are
16 basically trained in those uses of our time.

17 Q Now would you and other employees in the
18 surveillance room have contact with your security people or
19 other people inside the casino?

20 A Correct.

21 Q Can they notify you if they believe there is an
22 issue in the casino that needs to be video taped?

23 A Yes. We get information from several sources, calls
24 from management of any areas that concern them or may concern

1 them, or groups they have in that may concern them. We may
2 get calls directly from law enforcement agencies they think
3 somebody is in there that they would be people of interest to
4 them. And we get briefed, as does security, on certain events
5 that take place that are either pre-scheduled and that they
6 may have concerns about what groups are here, or what could
7 happen. Some of those are not limited, but for example, not
8 limited say to certain street personnel or that it could be we
9 are getting a very important person in, the governor, somebody
10 like that, some very important people. We are briefed what
11 security measures, what their concerns are, and that it is not
12 just direct threats, it could be indirect threats.

13 Q Now while I am talking about the cameras, do you
14 have cameras in the hallways where the rooms are located?

15 A In one tower. In the east tower we have cameras.

16 Q Is room 1604 located in the east tower?

17 A Yes.

18 Q We have the one labeled in and out. Would that be
19 video that was recorded in the east tower?

20 A That's correct, 16th floor, yes.

21 Q 1604 in the east tower. When we were looking at the
22 list of cameras on the video, were there a number of other
23 angles and shots from different cameras that were not
24 discussed in Exhibit 2 page 2? To put it another way, we

1 talked about 3, 5, 7, 211,212, 213, 214, monitor one, Oyster
2 Bar one and two. But are there a number of other pieces of
3 video on that?

4 A We have the list of cameras that were supplied.
5 Some of those are back of the house hallways and areas that we
6 supplied for looking. Example, these two cameras, there is a
7 back hallway which provides an exit between, this is the Steak
8 House and the Oyster Bar. There are exits this way that
9 allows you to go back to the kitchen. We were looking for any
10 kind of information we could gather from the back of the house
11 hallways, people running away or anything like that.

12 Q Would it be fair to say you were checking the exits
13 and hallways to see people coming and going?

14 A Correct.

15 Q So if there were any people of interest involved in
16 the altercation and shooting --

17 A Which way everybody disbursed. We were trying to
18 find patterns of exits and stuff.

19 Q Okay. Now what I would like to do now, sir, is to
20 review some video cameras so we can orient the ladies and
21 gentlemen as to some different angles. So we will start at
22 the top with camera 3. You indicated camera 3, correct me if
23 I am wrong -- But before I get to my next question, what does
24 MUX 4 mean?

1 A Multiplexor 4. That contains the recorded video
2 made of this camera and fifteen other cameras.

3 Q Camera 3, too, would indicate the date and
4 approximate time?

5 A That's correct.

6 Q There may be a slight difference between times?

7 A Yes. When you say between the time --

8 Q The time on the different cameras, excuse me?

9 A Yeah. If I could explain right here, we used
10 monitor one as my time base to figure out this is what time we
11 recorded that event. It is within 15 to 20 seconds of the
12 actual time from what you call up on the phone. It is the
13 base time, about 15 to 30 seconds off perhaps. Each one of
14 these multiplexors has its own time and date set. And I
15 believe you got the workup I did on the individual time
16 differences. I believe, if you didn't already get it, I don't
17 remember each one but these have a little bit of time drift.
18 Like if you set ten clocks in row trying to set the time, you
19 have to get on each one and set it, so they are not exactly
20 on. Most of those were within 15 seconds, 15 to 30 seconds of
21 my base time which is the monitor time, monitor one.

22 Q Now with respect to the date and time on monitor
23 three, we have 23:23, and approximately 46 seconds. 11:23
24 p.m.?

1 A P.M.

2 Q On the 23rd of September, correct?

3 A This would be the bathrooms and slot banks we
4 discussed on Exhibit 9 and Exhibit 2 pages one and two. The
5 dance floor is over this way. Trader Dicks and the dance
6 floor is over this way. Rosie's restaurant is right over
7 here.

8 Q All right. And then you can move forward and back,
9 so this clip is several minutes long; is that correct?

10 A It is, that's correct.

11 Q Who decided how much video to collect?

12 A After the event took place and we were on camera
13 review, we tried to collect all the video segments relevant
14 to, initially relevant to the actual fight that took place.
15 And after that, it was a question of identifying certain
16 people or looking around. I had quite a few people in the
17 office asking for this or looking for that, so we cut those
18 video clips to information that answered their questions,
19 whatever it may be at that time.

20 Q I would like to quickly run through the different
21 cameras that we discussed. This is camera 5?

22 A Uh-huh.

23 Q Can you orient us with respect to camera 5?

24 A Okay. Camera 5, once again, was the one he wrote

1 on, added to the sheet. It is looking over from the pit area,
2 this pit area looking over towards into the slot section
3 there. You see kind of an angle. It is not straight in.
4 This is Trader Dicks here. Here is the menu on the wall that
5 separates the walkway from the dance floor. That is the
6 Trader Dicks menu. The bar is over here, the actual bar. So
7 we are looking from the pit this way. We are looking kind of
8 northbound on here at a cross angle into this slot section,
9 slot section six, basically.

10 This is the walkway, the paved walkway. We call it,
11 affectionally call it the Yellow Brick Road. That traverses
12 the entire building.

13 Q You can also pause this so you can look at what is
14 depicted in any particular screen at any particular time?

15 A Yeah. You can pause this, go backwards, forward,
16 whatever you need to do. I mean it depends what you want to
17 look at there.

18 Q We are going to take a look at camera 7?

19 A Camera 7 came off the multiplexor, and there is a
20 multiplexor time. It is looking, once again, from the pit,
21 from the pit right here. It is looking at an angle this way,
22 kind of a cross angle of what 5 is looking at. 5 is looking
23 this way. 7 is kind of at a cross angle. Its primary point
24 of view we use it for, this is the entrance to Rosie's and

1 right to the right is the men's restroom and the women's
2 restroom. So it is right off, camera 3 covered right up to
3 right about here. And this is camera 7 looking right into
4 that. So it is kind of a cross view from 5 and 7 if you are
5 thinking which way we are covering the floor. This is still
6 section six right there, the slot section. All right. Camera
7 61 did you want?

8 Q 45?

9 A 45 is, once again while these two are crossing this
10 way, 45 is looking straight west. It is looking from over
11 here straight into the primary entrance into Trader Dicks.
12 Here is that scene on the board that I identified on camera 5
13 or whatever. And Trader Dicks restaurant is back here. This
14 is Trader Dicks bar. This is where a lot of people congregate
15 on any particular night when there is dance events going on
16 and stuff. We are basically looking straight in from the
17 cross views. This is looking straight in through this area
18 here where there is a lot of congregating people. This is
19 crossed over between slot section four and six. As we go up
20 into here, we are into six.

21 Q I would like to go to monitor, well, let's go to
22 211. What is 61?

23 A 61 is the black and white looking, if I may, over
24 here.

1 Q Let me hold that over here to get a better look?

2 A 61 is right -- is a black and white pan and tilt
3 camera we normally keep pointed in the slot section right over
4 here. It is right in the ceiling, right at the end of it. Is
5 not in the Yellow Brick Road right here, but it is right next
6 to a pole right here. It is generally looking this way
7 towards the -- across to the pit, so it covers a very narrow
8 bank of slot machines and stuff right here. All the other
9 cameras we reviewed so far all looking this way, cross view.
10 This one is right here looking this way, completely opposite
11 direction.

12 Q On the diagram the way we have it oriented, it is
13 looking to the left towards the gaming tables?

14 A That's correct.

15 Q Away from Trader Dicks bar?

16 A That's correct, 180 degrees. That Yellow Brick Road
17 is right here.

18 Q Camera 211 is the next camera angle?

19 A 211 is looking, this is the north end of the bar.
20 Here is the bar right here, so it is looking at that register
21 station right here. This is the dance floor right here. So
22 it is looking at the activity of this register station right
23 here. We were looking at things that are looking this way.
24 This is right at the bar, fixed camera covering the register

1 station at the end. This is camera 45 looking at all the
2 people congregating right here. This is right at the same
3 area you are seeing right here. This is the section between
4 the bar and the dance floor. Here is the restaurant. It is
5 all of this area right here in front of the bar.

6 Q It is looking --

7 A 45 is looking into this area here from across.

8 Q Camera 212?

9 A 212 is another fixed shot on the bar, and it is
10 looking north. It is looking, all the cameras we were looking
11 at way up here look towards here. This is down at the bar
12 looking back toward the area we have been discussing. This
13 will clear up. This is called a point of sale. It is set to
14 stay on the screen. It is generated by the registers as they
15 ring up something. They stay up. After they register, it
16 will clear up. Sometimes you will get to see activity behind
17 that. It is designed for that register. It just cleared up
18 and you get a little bit more view there.

19 Q I am a little confused on this one. Wouldn't this
20 be the east side of the bar looking south? Rosie's would be
21 here?

22 A Yeah. South. We have Victorian Way. Yeah, you are
23 right unless you stand on your head, then you are looking
24 north.

1 Q Right?

2 A There is the walkway right there, the Yellow Brick
3 Road as we call it. All the people are here out on the
4 walkway. There is seating right here. The dance floor up
5 here.

6 Q If you orient it to the fish tank, you would be
7 looking toward the top of the diagram?

8 A Correct. The dance floor is up here.

9 Q 213.

10 A This is reverse to the camera we just saw. This is
11 looking north for sure. And it has this part of the bar. That
12 Yellow Brick Road as we talked about is off here just past
13 here. This back here is the Noodle Hut. Other than that, we
14 are just looking at the activity on this slot bar here.

15 Q Now you are familiar with the layout of the Nugget?

16 A Yes.

17 Q All the entries and exits?

18 A Yes.

19 Q Are there a number of ways to get out of that area
20 at the top of this video? Are there exits up there?

21 A Yes. The exit for -- Well, besides going out the
22 Yellow Brick Road or any way that way, there is an exit down
23 at this end. In fact, I think it is 214 or one of those will
24 actually show it, it is the access for the kitchen personnel

1 to come in and out. It also gives you back room access into
2 the Steak House. From there you go back into the kitchen,
3 follow any number of hallways or exits from the kitchen.
4 There is also an exit on the other side of the fish tank on
5 the other side of this bar which would be right about, if we
6 are looking here, the one exit we are looking at here coming
7 out of the fish tank would be into this hallway here which we
8 have the cameras posted on. That is on the pages I supplied
9 here. And it is also, you could go into the restaurant. If
10 you work your way back through the restaurant into the
11 kitchen, you would be back in the hallways again. Those are
12 the two primary nonpublic ways of getting out of this area.
13 It would be behind this restaurant here.

14 Q Bear with me for one second. Okay. Let's go to the
15 next view, camera 214?

16 A This is the end of the bar we were just looking
17 towards there. And we were just looking down this way, and
18 this is the end of that bar which is right here.

19 Q That is the end of the fish tank. You can see the
20 fish tank in the upper right-hand corner?

21 A This is a little kitchen prep area. You saw a lot
22 of people going back through which leads them into Trader
23 Dicks, then back out into another kitchen area. The other
24 door is about right here. There is no door. It is a doorway

1 since there is no door posted. Over here is where the Noodle
2 Hut is, and there is a door, then there is this section here
3 which is a salad prep area for the restaurant.

4 Q 215?

5 A This is the back side of Trader Dicks bar. We have
6 been looking at this side which is where the Yellow Brick Road
7 is. We were just looking at all the cameras on this side.
8 This camera here is on the restaurant side of the bar inside
9 here. So this is the entrance to the Trader Dicks restaurant
10 right here, the podium where you go into Trader Dicks. The
11 dance floor is right here. The exit is right here. You walk
12 through here, particularly right in this section, you go right
13 in here through the dance floor. There is seating along here.
14 There is booth seating along here for the restaurant or bar.
15 You can get restaurant food there too. This is the west end
16 over here looking at this side of the bar, looking toward the
17 dance floor.

18 Q All right. That takes us down to monitor one?

19 A This is camera 46, and all of this, if you look on
20 the pattern right here, coming up from here is where camera 46
21 is approximately here. You have already walked up from
22 section two and three and you are just coming around the nook
23 into the Trader Dicks area along this dance floor pointed
24 right up the Yellow Brick Road here in front, the area of our

1 concern we are all concerned about. So it is looking, this is
2 Trader Dicks over here, Rosie's, the keno all go this way.

3 Q We have got room 1604. This is a video of the
4 hallway?

5 A Video of the 16th floor. The room they go in was
6 identified to me as 1604. I can't tell you from this except
7 that is what the information I got.

8 Q The time is 2:04, earlier in the day?

9 A Yeah. That is on 2:00, so that is 2:00 o'clock in
10 the morning on the 24th.

11 Q Okay. Thank you. Then there is a second one?

12 A That is a reverse view. You have got two views in
13 the hallway covered.

14 Q The 24th at 1:57, a.m.?

15 A Yes. Just started.

16 Q Then we have shooter into room?

17 A Shooter is the person that was identified to me as
18 that. And this is that hallway into that room, and who was
19 entering is what they wanted to know. This is 19:17 hours on
20 the 23rd.

21 Q Around 7:20 on the 23rd?

22 A Correct.

23 Q Then you have --

24 A He came out at that time.

1 Q -- what is entitled shooter out of the room?

2 A Went in and came out. The direction they are
3 traveling now for your information is toward the elevator
4 lobby, the primary entrance and exit. There is only one
5 elevator lobby for all the floors.

6 Q Who labeled these?

7 A I did as I made them.

8 Q All right. So there wasn't any particular reason
9 for the labels. You just needed to identify them somehow.

10 MR. HALL: Ladies and gentlemen I ask you not -- The
11 labels are not evidence. We are just identifying the
12 different clips. It is not any evidence of culpability. I
13 ask you to disregard the labels.

14 BY MR. HALL:

15 Q All right. Vagos-H.A. Oyster Bar number one?

16 A H.A. by the way, I labeled it as Vagos-Hells Angels.
17 I just didn't want to spell it all out there. This is
18 collected, this started around 10:00 o'clock. If you look
19 here, 22:12, that is 10:00 o'clock on the 23rd. This is over
20 in front of Oyster Bar section two, beginning of the building
21 down here. This is the Oyster Bar bar. There is two primary
22 cameras, camera 29 and camera 30. Those are in that area. As
23 you can tell it, just pans, tilts, zooms. It is being used as
24 pan, tilt, zoom.

1 Q And then?

2 A That is a continuation of it. The video was so long
3 from 10:00 to 11:00, whatever it was, I just broke it into two
4 parts.

5 Q This is a different camera?

6 A This is camera 30, yeah. 22:13. The other camera
7 was looking up here looking towards the bar, the slot section
8 two.

9 Q All right. Thank you. You can go ahead and have a
10 seat if you would, please.

11 MR. HALL: Can I have your indulgence for just a
12 moment so I can check my notes?

13 Thank you. I have no further questions.

14 THE FOREMAN: Does anyone have any questions for the
15 witness?

16 Sir, the proceedings before the Grand Jury are
17 secret. You may not disclose evidence presented to the Grand
18 Jury, any event occurring or statement made in the presence of
19 the Grand Jury, any information obtained by the Grand Jury or
20 the result of the investigation being made by the Grand Jury.

21 However, you may disclose the above information to
22 the District Attorney for use in the performance of his
23 duties.

24 You may also disclose your knowledge concerning the

1 proceeding when directed by a court in connection with
2 judicial proceeding or when otherwise permitted by the court
3 or to your own attorney.

4 The obligation of secrecy applies until the Court
5 allows the matter to become public record.

6 A gross misdemeanor and contempt of court may be
7 pursued if your obligation of secrecy is not followed. Do you
8 understand?

9 THE WITNESS: Yes, I do.

10 THE FOREMAN: Thank you. You are excused.

11 (Witness excused.)

12 THE FOREMAN: Can we take a 5 minute break?

13 (Short recess taken.)

14 (Whereupon another witness entered the Grand Jury room.)

15 MR. HALL: Sir, would you please raise your right
16 hand and be sworn?

17 THE FOREMAN: Thank you.

18 (Whereupon the witness was sworn by the Foreman.)

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

1 CONFIDENTIAL SOURCE 11-54

2 called as a witness having been first duly
3 sworn by the Foreman testified as follows:
4

5 EXAMINATION

6 BY MR. HALL:

7 Q Sir, I am going to refer to you as Confidential
8 Source 11-54. Sir, are you aware that the Grand Jury is
9 considering a proposed Indictment concerning allegations of
10 discharging a firearm in a structure, battery with a deadly
11 weapon, murder as a result of challenge to fight, open murder
12 and so forth?

13 A Yes.

14 Q Do you have information that would aid the Grand
15 Jury in their investigation?

16 A Yes.

17 THE FOREMAN: Sir, are you aware that the Grand Jury
18 is inquiring into the evidence that you may have relating to
19 the charges of conspiracy to engage in an affray, challenge to
20 fight resulting in death with the use of a deadly weapon,
21 battery with a deadly weapon two counts, discharging a firearm
22 in a structure two counts, carrying a concealed weapon two
23 counts, open murder with the use of a deadly weapon in the
24 matter of Ernest Manuel Gonzalez, Stuart Gary Rudnick and

1 Cesar Villagrana?

2 THE WITNESS: Yes.

3 THE FOREMAN: Thank you.

4 BY MR. HALL:

5 Q Sir, where are you employed?

6 A John Ascuaga's Nugget.

7 Q What is your occupation?

8 A I am the Director of Security.

9 Q What are your duties?

10 A My duties is to maintain the safety of the guests
11 and employees of the Nugget and secure and protect the
12 property of the Nugget.

13 Q Are their records kept at the Nugget regarding
14 guests checking in and out of the hotel?

15 A Yes, sir.

16 Q And they are regularly kept during the course of
17 business there at the Nugget?

18 A Yes, sir.

19 Q Do you have access to those records as a general
20 practice with respect to your duties and employment at the
21 Nugget?

22 A Yes, sir.

23 Q Why would you have access to those records?

24 A In the event that we needed to locate one of our

1 hotel guest. We often have room damage. We need to know who
2 resided in the room, and other incidents that would require us
3 to find out who is registered in the room.

4 Q During the course of the investigation regarding the
5 allegations contained in the Indictment, did you have an
6 opportunity to review hotel guest records that are regularly
7 maintained at the Nugget?

8 A Yes, sir.

9 Q And let me show you what has been marked for
10 identification as Exhibit 1 for identification. Why don't you
11 just take a minute and thumb through this document. It
12 consists of 7 pages. Go ahead and take a look at that and
13 tell me if you recognize that document or exhibit?

14 A Yes.

15 Q How do you recognize that document or exhibit?

16 A The majority of these are copies of the room
17 registration comments made by the hotel staff. Some of
18 these -- I would have access to all of these records on my
19 computer with the exception of the Locklink report here.

20 Q How would you get the Locklink report?

21 A A locksmith would be requested to go to the room and
22 do a computer read of the electronic lock on the door. They
23 would bring it down to the locksmith, then they would issue us
24 a written report.

1 Q Is that documentation that you would regularly
2 request during the course of an investigation to determine
3 when people went in and out of a room?

4 A Yes, sir.

5 Q You would have access to that information as a
6 regular course of your business?

7 A Yes, sir.

8 Q Do these appear to be true and accurate copies of
9 the original documents that are on file at the Nugget?

10 A Yes, sir.

11 Q The lock transfer, lock event, that would also be
12 recorded and regularly kept at the Nugget; is that true?

13 A Yes, sir.

14 Q Why don't we go ahead and take a look at the first
15 page which is the Locklink transfer lock event. Are you
16 familiar with this --

17 A Yes, sir.

18 Q -- document, sir?

19 A Yes, sir.

20 Q All right. Why don't we start at the top right here
21 where it says readout for lock 1604. What does that mean or
22 refer to?

23 A That would be the room number 1604.

24 Q The room is 1604?

1 A Yes, sir.

2 Q And do you know what relevant time you were looking
3 at in this particular case, the date and time?

4 A The date and time would indicate -- The date and
5 time would be when the key card would be used to enter the
6 room, the hotel room.

7 Q All right. So this document was requested or
8 generated on or about the 27th of September 2011?

9 A Yes, sir.

10 Q All right. And then we have the event date and
11 time. So we have got, starting with the date of 9-24-2011,
12 5:40 p.m. Do you know what this information to the right
13 under event description indicates?

14 A That would indicate a housekeeper entered the room.

15 Q So that is indicated by HSKP?

16 A Yes, sir.

17 Q The time?

18 A Yes, sir.

19 Q 5:40 p.m.?

20 A Yes, sir.

21 Q Directing your attention down to number 5, entry 5
22 on this page with the date of 9-24-2011, 2:02, what does that
23 indicate?

24 A That would indicate someone using card number 6519

1 registered to Ernest Gonzales opened the door to enter that
2 hotel room.

3 Q There are different cards that are issued to
4 allow -- It is a key card?

5 A Yes. There were two issued to that room that day.

6 Q All right. So going down to number 7 which has a
7 date of 9-23-2011, 7:21 p.m. what do we have at that entry?

8 A That would be the other card that was used. There
9 are two card numbers 6519 and 1032. That would also indicate
10 someone opened the door, entered the room at that time.

11 Q All right. What we can tell from this document is
12 on 9-23-2011 at 7:31 p.m., Ernesto Gonzales, at least a person
13 registered under the name of Ernesto Gonzalez entered room
14 1604?

15 A Yes, sir.

16 Q Would there be other documents consistent with that
17 you gathered during the course of the investigation of the
18 hotel room registration?

19 Q We are looking at page 2. What is page 2, Exhibit
20 1?

21 A That is the reservation information for room 1604.

22 Q Who would generate that information?

23 A I could generate a copy of that. The information
24 entered into it would be entered by the registration clerks or

1 the hotel clerks.

2 Q All right. So what information is contained on page
3 2?

4 A It would indicate the arrival time of guests or the
5 arrival date of the guest was 9-23-11.

6 Q Here is a pointer. If you push this button, you can
7 walk us through this document and explain the information?

8 A This is the arrival date of the guest. This would
9 be the scheduled departure date of the guest. It appears the
10 guest reserved the room for two nights.

11 Q Arrival 9-23-11, departure on 9-25-11, Friday to
12 Sunday?

13 A Yes, sir.

14 Q What room?

15 A 1604. It would be in our east tower.

16 Q All right. Is there video in that tower?

17 A Yes, sir.

18 Q Who rented the room?

19 A It would be Ernesto Gonzales.

20 Q Then what company?

21 A He was registered under the Green Nation.

22 Q Do you know what the Green Nation is?

23 A The Green Nation is commonly known as the Vagos
24 motorcycle group, motorcycle club.

1 Q Were there a number of rooms, do you know, that were
2 rented to the Vagos motorcycle club?

3 A Yes, there were.

4 Q Would they get a special rate?

5 A It depends on the convention sales staff. They
6 could get a special discounted rate. They could. I do not
7 know if they had a special rate at this time.

8 Q All right. So the other information would be his
9 address and telephone number?

10 A Green Nation, his address on Folsom Street, 4118
11 Folsom Street in San Francisco. This is his telephone number,
12 the telephone number he gave.

13 Q All right. If I go to page 3, what is page 3 of
14 Exhibit 1?

15 A This would be a comment section of the hotel
16 registration. Any time a clerk has a guest or they speak to a
17 guest, they enter information with their telephone
18 conversation that might affect the room rates and what the
19 guest is requiring or requesting.

20 Q So the messages would be at the bottom?

21 A Yes, sir. It would be in this area here.

22 Q What does rate override mean, do you know?

23 A I do not know that.

24 Q This would just be a document you gathered during

1 the course of your investigation regarding room 1604 in the
2 east tower?

3 A Yes, sir.

4 Q This is another document regularly maintained by the
5 Nugget regarding guest information and contact?

6 A Yes.

7 Q Page 4?

8 A This is a printout of what would be an additional
9 guest in the room. An additional guest would be Richard
10 Nickerson.

11 Q 1604?

12 A Room 1604.

13 Q And then page 5?

14 A This is just an additional copy of the first sheet,
15 I believe.

16 Q All right. Consistent information we have with
17 respect to Mr. Gonzales checking into the Nugget and renting
18 room 1604?

19 A Yes, sir.

20 Q Then I believe page 6 and 7 are essentially
21 duplicate information?

22 A Yes, sir. This form here is maintained by the hotel
23 guest. I don't have that particular form. But all the
24 information on here is on the first form that I described.

1 This has some check-in and check-out times and dates I would
2 not have.

3 Q But it still has information with respect to
4 Gonzalez with the Green Nation, his address, check-in, check-
5 out information. Is that consistent with the other
6 documentation you gathered?

7 A 1604 Ernesto Gonzales of the Green Nation.

8 Q Now did you have an opportunity -- You can go ahead
9 and scoot back up if you would, please. Were you working on
10 the night of the 23rd of September, 2011?

11 A Yes, sir, I was.

12 Q Did you have an opportunity to respond to the Oyster
13 Bar at approximately 10:10, 10:12?

14 A Yes, sir, I did.

15 Q What did you observe when you went over there?
16 First of all, why did you go to that location?

17 A Security received a report there was an altercation
18 between Hells Angels and Vagos in the Oyster Bar. I responded
19 with several security officers. We arrived on the area.
20 There was nothing transpiring at that time except there were
21 numerous Vagos and numerous Hells Angels in the bar area of
22 the Oyster Bar.

23 Q How did you know they were Vagos and Hells Angels?

24 A They were all wearing the identifying vests, Hells

1 Angels or Vagos.

2 Q How would you identify each group?

3 A The Hells Angels would say Hells Angels with an
4 insignia of some wings, red and white in color. The Vagos
5 would say Vagos and that is a lime green, sort of a lime green
6 in color.

7 Q So the club colors for the Vagos is green. The club
8 colors for the Hells Angels are red and white?

9 A Yes, sir.

10 Q So were there Hells Angels wearing their colors?

11 A Yes, sir.

12 Q Were the Vagos wearing their colors?

13 A Yes, sir.

14 Q You would be able to differentiate between the two
15 groups at the Oyster Bar?

16 A Yes.

17 Q Can you give us an idea of the number of Hells
18 Angels and the number of Vagos present in the Oyster Bar when
19 you arrived?

20 A I believe there were ten to twelve Hells Angels, and
21 there were maybe twenty Vagos at that point. As we were
22 standing there watching the groups, we had numerous other
23 Vagos walk up to the Oyster Bar which raised a concern to all
24 of us.

1 Q Did you speak with any Vagos or any Hells Angels?

2 A I did not.

3 Q Did you have any contact with anybody from either
4 one of those groups at the Oyster Bar?

5 A I did not.

6 Q All right. Did any of your staff, any of the
7 security staff have any contact with them to inquire into the
8 nature of the potential issue?

9 A No, we did not.

10 Q When you went there, you didn't see anything that
11 caused you concern with respect to having to take action or
12 call the police or anything like that?

13 A I was very concerned. I stepped outside of the
14 Nugget so that I could use my cell phone. I instructed the
15 security staff to stay on the outskirts of all of those groups
16 and to protect the guests if anything transpired. I called the
17 Sparks Police Department. I advised them that I felt
18 something was about to transpire in the Oyster Bar. The
19 dispatcher advised they would put a call in for service. And
20 as I was on the phone, a short time later, the Washoe County
21 helicopter flew over the Nugget and spotlight or spotlighted the
22 front entrances of the Nugget.

23 Q Why were you concerned? Why did you call the
24 police?

1 A I felt there was tension between the two groups, and
2 with the number of Vagos that were coming to the Oyster Bar, I
3 felt that something was about to transpire there.

4 Q Now what happened after that? What did you do after
5 you called the police?

6 A I waited outside for the Police Department to
7 arrive. A sergeant from the Police Department arrived. At
8 that point, it appeared that the Vagos were leaving that area,
9 or the majority of the Vagos were leaving that area, as they
10 were walking away towards the showroom which would be east
11 through the Nugget. The sergeant spoke with me. It appeared
12 at that point things had quieted down. The tension had
13 reduced a little bit.

14 Q All right. So then what happened?

15 A Then I walked over to the Trader Dicks area, and I
16 stood over there as everybody was mingling and walking toward
17 the Trader Dicks area.

18 Q All right. Did anything occur in the Trader Dicks
19 area while you were at that location?

20 A Yes, sir.

21 Q Where were you at approximately 11:23 p.m.?

22 A I was approximately thirty feet or so in between the
23 pit or the gaming tables and the slot machines watching the
24 crowd at Trader Dicks.

1 Q Now if I can direct your attention to Exhibit 2 page
2 2, do you recognize this exhibit, sir?

3 A Yes, sir.

4 Q Exhibit 2 is a diagram of the Nugget, Trader Dicks
5 area up at the top of the diagram, the Fish Tank Bar, some
6 slot banks, games tables. Is that consistent with your
7 recollection of the Nugget ?

8 A Yes, sir, the way out of the Nugget.

9 Q Is this a true and accurate diagram?

10 A Yes, sir.

11 Q Would you tell the ladies and gentlemen of the Grand
12 Jury where you were at approximately 11:20?

13 A I was in this area right here.

14 Q So that would be approximately under camera 45 just
15 to the right of the slot bank? This is the high roller area?

16 A Yes, sir, it is.

17 Q For high roller gamblers?

18 A Slot machines, yes, sir.

19 Q You were near that area?

20 A Yes, sir.

21 Q And what, if anything, did you see?

22 A I saw a large group of Vagos standing all in this
23 area here. I then observed several Hells Angels walk down the
24 tile walkway here. They stopped and spoke to a group of Vagos

1 which were standing right here. And then a short time
2 later --

3 Q Can you describe that conversation or what, if
4 anything, you saw?

5 A It appeared at first that they were just conversing.
6 Then all of a sudden I saw a fight break out there.

7 Q Were you close enough to hear anything that was
8 said?

9 A I could not hear what was said.

10 Q Did the discussion become animated at all?

11 A At the time that one of the Hells Angels struck a
12 Vagos in the face, that is when everything became animated.

13 Q All right. So let's see. Let's walk through what
14 you saw, then take a look at the video. What happened after
15 you saw that first punch thrown?

16 A They were approximately in this area here when the
17 first punch was thrown. Then I saw several people starting to
18 fight, and then at that point I saw two of the Hells Angels
19 bring weapons out and began shooting at that point.

20 Q You are talking about firearms?

21 A Firearms, I am sorry, yes.

22 Q Can you describe them, the firearms?

23 A I do not know what caliber or make they were, just
24 handguns. They began shooting the handguns.

1 Q All right. Did you see anybody else with any
2 weapons?

3 A At that point, I did not, no.

4 Q All right. What did you do?

5 A I moved from this area here, and I was attempting to
6 watch the shooters. I walked over to this post here, and I
7 continued to watch the shooters as they moved through the
8 area.

9 Q What direction were they shooting?

10 A They were shooting towards Rosie's restaurant which
11 would be down this direction here.

12 Q Could you describe the shooters?

13 A The only thing I could say is they were Hells Angels
14 wearing red and white colors. I could not identify them, no.

15 Q Could you tell who they were shooting at?

16 A I could not.

17 Q Did you see anybody get shot?

18 A I did not.

19 Q All right. So then what happened?

20 A Then I, as the shooters began walking down here, I
21 moved along these, the pillars over here. And then --

22 Q For the record, you moved underneath the cameras we
23 have identified as 3, 5 and 7?

24 A Yes, sir.

1 Q Okay?

2 A We notified our dispatcher that shots had been fired
3 and to call 9-1-1. I moved over to the area over by Rosie's.
4 At that point, the Sparks Police Department arrived a short
5 time later.

6 Q Did you see or hear any other shooting?

7 A I heard several shots, but from that point over
8 here, I did not see any additional shooting.

9 Q Did you see anybody else or see anybody get shot?

10 A I did not. I saw someone on the ground in one of
11 these machines, in the area between one of these machines
12 here, and some the Hells Angels were kicking or beating an
13 individual that was on the ground.

14 Q Were you armed?

15 A I am not.

16 Q Did you see what was happening with the Hells Angels
17 and the person on the ground?

18 A The slot machines were obscuring my vision.

19 Q You don't know if it was a Hells Angel or Vagos?

20 A I do not.

21 Q You were aware Mr. Pettigrew was shot and killed?

22 A Yes, sir, I was.

23 Q Did you see him get shot?

24 A I did not.

1 Q Did you hear him get shot?
2 A I did not.
3 Q Okay. Have you had an opportunity to look at the
4 video?
5 A Yes, sir, I have.
6 Q Does the video appear to be a true and accurate
7 video of the event you saw that night?
8 A Yes, sir.
9 Q All right. You also collected those records
10 regarding 1604. Did you happen to look at the video regarding
11 Ernesto Gonzalez, the person registered to the room coming in
12 and out of the room?
13 A I did not, no.
14 Q Typically they could capture that video?
15 A Yes, sir.
16 Q That would be part of the video that would normally
17 be gathered during the course of an investigation of this
18 sort?
19 A Yes, sir.
20 Q If you are trying to identify somebody?
21 A Yes, sir.
22 MR. HALL: Thank you. I have no further questions.
23 THE FOREMAN: Does anybody have any questions for
24 the witness?

1 A GRAND JUROR: On the registration, it says it is a
2 single room. How many beds were in that room?

3 THE WITNESS: I believe the room registration
4 indicates there are two, it is not up there, but two queen
5 beds I think. But there were two guests registered in the
6 room.

7 A GRAND JUROR: And they were in the room roughly
8 eight hours from check-in which the witness said is very
9 difficult to tell because there is no indication of when they
10 leave the room because there is nothing that requires them to
11 put the lock in. They could be in the room.

12 THE FOREMAN: Any other questions?

13 A GRAND JUROR: When the sergeant from the Sparks PD
14 came toward the Oyster Bar area earlier, did he leave after
15 you figured the tension had subsided?

16 THE WITNESS: Yes. It was a female, sergeant Walsh.
17 Her and I walked through that area, and she advised me she
18 would keep an eye on the area in the event anything else
19 transpired. And she was one of the first to arrive when they
20 were summoned after the shots.

21 THE FOREMAN: Any other questions?

22 Sir, the proceedings before the Grand Jury are
23 correct. You may not disclose evidence presented to the Grand
24 Jury, any event occurring or statement made in the presence of

1 the Grand Jury, any information obtained by the Grand Jury or
2 the result of the investigation being made by the Grand Jury.

3 However, you may disclose the above information to
4 the District Attorney for use the performance of his duties.
5 You may also disclose your knowledge concerning the proceeding
6 when directed by a court in connection with judicial
7 proceedings or when otherwise permitted by the Court or to
8 your own attorney.

9 The obligation of secrecy applies until the Court
10 allows the matter to become public record.

11 A gross misdemeanor and contempt of court may be
12 pursued if your obligation of secrecy is not followed. Do you
13 understand?

14 THE WITNESS: Yes, sir.

15 THE FOREMAN: Thank you. You are excused.

16 (Witness excused.)

17 (Whereupon another witness entered the Grand Jury room.)

18 THE FOREMAN: Raise your right hand, please. Thank
19 you. Have a seat.

20 (Whereupon the witness was sworn by the Foreman.)

21 ///

22 ///

23 ///

24 ///

1 HEATHER KOHLES

2 called as a witness having been first duly
3 sworn by the Foreman testified as follows:
4

5 EXAMINATION

6 BY MR. HALL:

7 Q Your name is Heather Kohles?

8 A Yes.

9 Q Spell your last name?

10 A K-O-H-L-E-S.

11 Q Are you aware the Grand Jury has convened today to
12 consider a proposed Indictment concerning allegations of
13 murder, discharging a weapon in a structure, battery with a
14 deadly weapon, conspiracy and related charges?

15 A Yes.

16 Q Do you have information that would aid the Grand
17 Jury in their investigation?

18 A Yes.

19 THE FOREMAN: Ms. Kohles, are you aware the Grand
20 Jury is inquiring into the evidence you may have relating to
21 charges of conspiracy to engage in an affray, challenge to
22 fight resulting in death with the use of a deadly weapon,
23 battery with a deadly weapon two counts, discharging a firearm
24 into a structure two counts, carrying a concealed weapon two

1 counts, open murder with the use of a deadly weapon and second
2 degree murder with a deadly weapon?

3 THE WITNESS: Yes.

4 THE FOREMAN: In the matter of Ernesto Manuel
5 Gonzalez, Stuart Gary Rudnick and Cesar Villagrana?

6 THE WITNESS: Yes.

7 THE FOREMAN: Thank you.

8 MR. HALL: Villagrana. That is the way I have been
9 pronouncing it.

10 THE FOREMAN: We'll go with that.

11 BY MR. HALL:

12 Q Where are you employed?

13 A I am employed at the Washoe County Crime Lab.

14 Q What is your occupation?

15 A I am one of the forensic investigators there.

16 Q Can you tell us a little bit about your background,
17 training and experience?

18 A I received a Bachelor degree from the University of
19 Nevada Reno in criminal justice with a minor in photography. I
20 have worked for the County in the capacity for Court Services
21 in the jail before working at the Crime Lab. And I have been
22 at the Crime Lab now for approximately four and a half years.

23 Q What do you do at the Crime Lab? Can you describe
24 what you do on a regular basis?

1 A As investigators, we are responsible for responding
2 to crime scenes, documenting the crime scene and then
3 collecting evidence and preserving that evidence for later use
4 in court.

5 Q How do you document crime scenes and evidence?

6 A We document our evidence mostly with photographs,
7 also with notes that we take and sometimes, if necessary, we
8 will also take video of the crime scene.

9 Q All right. Did you have an opportunity to respond
10 to John Ascuaga's Nugget on the 24th of September 2011?

11 A I did.

12 Q All right. What was your purpose of responding to
13 that area?

14 A My purpose was to document and collect evidence
15 involved in what I was told was a homicide investigation at
16 the time.

17 Q All right. Can you tell us what you did when you
18 got to the Nugget?

19 A Yes. When I got to the Nugget, I was taken through
20 by, actually it was a sergeant from the Reno Police
21 Department, and he gave me a rundown of what, at that time,
22 they had known to have happened. And then I got my camera and
23 started photographing the casino area and then went and
24 brought in placards in order to identify, visually, items of

1 evidence that we found on the casino floor.

2 Q All right. If I can direct your attention to the
3 projector behind you, there is a number of photographs
4 depicted in thumbnail fashion. Can you take a moment to look
5 at those photographs and tell me if you recognize those
6 photographs?

7 A Yes, I do.

8 Q What do those photographs depict?

9 A They depict a portion of the casino area around
10 Trader Dicks restaurant, and also there are some photographs
11 that depict placards, yellow placards that I have put out.
12 However, I believe two of those photos I don't believe I took.
13 But the rest I did take.

14 Q All right. Which photos did you not take?

15 A The two at the end, Image 9 and Image 79.

16 Q Let's talk about the other images then. If I can
17 direct your attention over to your right, do you recognize
18 Exhibit 9?

19 A Yes, I do.

20 Q All right. Are you oriented to the Nugget used in
21 the diagram with relationship to the photographs that you
22 took?

23 A Yes.

24 Q Can you walk us through the photos? Start at the

1 top with Image 4917?

2 A Okay. 4917 is depicting what we call -- what I
3 called in my report the lounge area of Trader Dicks. And it
4 is in this approximate area of the restaurant nearest to the
5 bathroom.

6 Q Is there a dance floor there?

7 A Yes, there appears to be.

8 Q Can you point to where the dance floor is on the
9 photograph?

10 A Here, toward the back.

11 Q Did you find some evidence in that location?

12 A I did.

13 Q What did you find?

14 A Let me make sure. We located on the floor area here
15 and over in here casings fired or that had been ejected from a
16 gun.

17 Q Shell casings?

18 A Yes, shell casings.

19 Q It looks like somebody had fired a gun in close
20 proximity to that area. You found some shell casings there?

21 A Yes.

22 Q Would that be consistent with your training and
23 experience?

24 A Yes.

1 Q Okay. So what does photo number 4922 depict?

2 A This is depicting the same area of Trader Dicks.
3 However, it is showing a different view. This is the dance
4 floor that you had asked to locate. This is the casino area
5 out here.

6 Q The walkway in front of Trader Dicks, would that be
7 toward that bank of slot machines on the left-hand side of the
8 photo?

9 A Yes, it would.

10 Q Basically, we would be looking east I think away
11 from the fish tank?

12 A Yes.

13 Q And then the next photograph is 4923?

14 A It is a similar photograph. I just moved slightly
15 over to the left. And so what this pillar was obscuring, you
16 can now see most of the casino floor and the tile walkway in
17 front of Trader Dicks.

18 Q All right. Using this photograph 4923, can you
19 orient us to where the shell casings were located?

20 A They would have been over in this area.

21 Q On the other side of the big green pillar right in
22 the middle of the photograph?

23 A Yes. Yes. 4923.

24 Q All right. Next photograph 4927?

1 A This is closer to the front of the restaurant here.
2 You can see again banks of slot machines, and this is a tile
3 walkway that runs across the front of Trader Dicks.
4 Approximately, there is an officer standing here, and he's
5 located approximately right here in front of the women's
6 restroom entrance.

7 Q Okay. Directing your attention to about the middle
8 of the photograph, what are these two items right there?

9 A This a piece of evidence. Right there is a
10 revolver, and this is a pistol or semi-automatic handgun.

11 Q All right. Where is this area depicted in photograph
12 5032?

13 A This area is depicting the Horseshoe Bar. I believe
14 it is this location. I am, sorry may I took a closer look?

15 Q Yes. Let me direct your attention to this location
16 here. Right here would be the Horseshoe Bar?

17 A Yeah.

18 Q Let me show you another diagram that was collected
19 or prepared by Mike Ivers. Would this assist you in orienting
20 yourself?

21 A Yes. Thank you. So this area here is the Horseshoe
22 Bar. What this is depicting is placard 46 which is a
23 projectile located just to the right of the placard.

24 Q Now let me show you what has been marked for

1 identification, before we go to more photographs, Exhibit 2.
2 Exhibit 2 on page 5, 6, and 7 have some numbers, placard
3 numbers?

4 A Yes.

5 Q Did you prepare this document?

6 A I did not.

7 Q All right. Did Mr. Ivers?

8 A Yes, he did.

9 Q Did you put the placards down?

10 A I did, yes.

11 Q You were working with Ivers?

12 A Yes.

13 Q Is he a forensic investigator with the Washoe County
14 Sheriff's Office?

15 A Yes, he is.

16 Q All right. So you were processing the scene
17 together?

18 A Yes.

19 Q So you were putting the placards down and taking the
20 photographs; is that fair?

21 A Yes.

22 Q He was documenting what was at the placards?

23 A Yes. He was working on creating the diagram of the
24 scene.

1 Q Did you take photographs of the placard?

2 A Of placard 46?

3 Q The placards in general there at the Nugget?

4 A Yes, I did.

5 Q Let me make sure, did you put the placards down near
6 evidence you were going to collect?

7 A Yes, or evidence we might not be able to collect
8 because it could not be moved. But if we saw say what we
9 thought was a strike mark, we might put a placard down if
10 there was a place to put the placard.

11 Q Let's just talk about evidence you collected. Did
12 you collect evidence?

13 A Yes, I did.

14 Q How do you go about doing that?

15 A First, obviously, we document where the evidence is,
16 and then we will put it in the appropriate package. For
17 example, with the projectile collected from placard 46, it was
18 placed in a small little like jewelry-type box, and we labeled
19 it. Then that went into a manila envelope with more labeling,
20 our control number for that item of evidence, and then it was
21 evidence tape sealed with initials over the evidence tape.

22 Q That would be your standard procedure?

23 A Yes.

24 Q With respect to the evidence that you could pick up,

1 did you collect some shell casings?

2 A Yes, I did.

3 Q Did you collect some guns?

4 A Yes, I did.

5 Q Did you collect some knives?

6 A Yes, I did.

7 Q If we go through the photographs, you took

8 photographs of those things you collected and the placards

9 where they were collected?

10 A Yes.

11 Q Okay. So placard 46 was?

12 A Projectile.

13 Q A projectile from over at the Horseshoe Bar. Then

14 we have got a photograph that looks like the restrooms?

15 A Yes. This is the restroom here just alongside

16 Trader Dicks here. And then this is actually the lounge area

17 of Trader Dicks right here.

18 Q All right. This photograph is basically the same?

19 A Uh-huh.

20 Q And this photograph, I am sorry, 5049?

21 A Is showing where I placed placard 4 indicating

22 staining. There is some here on the tile.

23 Q You are trying to document blood evidence as well?

24 A Yes.

1 Q Would you take some samples of the red staining for
2 diagnostic purposes later?

3 A Yes.

4 Q Comparison purposes. Showing you photograph 5068?

5 A This is the tile walkway in front of Trader Dicks
6 here. This is depicting various placards along that walkway
7 of items of evidence that we identified on the walkway.

8 Q What was found at placard 10?

9 A Placard 10 was the revolver I mentioned earlier.

10 Q What was found at placard 11?

11 A Semi-automatic handgun.

12 Q Were there some shell casings collected in this area
13 and documented by placards?

14 A Yes.

15 Q Or other bullet-type evidence? Let me assist you.
16 If I showed you page three?

17 A Yes.

18 Q Which appears to be a diagram, color coded diagram;
19 is that right?

20 A Yes.

21 Q So this is the diagram Mike Ivers prepared, right?

22 A Yes.

23 Q You are familiar with that?

24 A Uh-huh.

1 Q Let's just put this up on the board. That might be
2 a better way to do it. All right. Page 3 of Exhibit 2, so
3 that depicts the area around Trader Dicks; is that right?

4 A Yes. This is Trader Dicks, the lounge area here,
5 the tile walkway and then the casino, carpeted casino area
6 here.

7 Q All right. Down at the bottom is an indication of
8 the color codes and what they mean, right? Red placards
9 represent staining?

10 A Yes.

11 Q Blue placards represent knives or guns?

12 A Yes.

13 Q Yellow represent ammunition casings, cartridges or
14 projectiles?

15 A Yes.

16 Q You would have put all those placards down and
17 photographed them, right?

18 A Yes.

19 Q Okay. If we walk through this and you recall what
20 you picked up, so could you walk us through the projectiles
21 that you collected and the basic location? If you kind of
22 stand over here maybe to the right and indicate what you
23 picked up?

24 A Okay. Let me just make sure. 46 is a projectile.

1 It is not depicted here since that was closer to the Horseshoe
2 Bar. We collected a projectile from this slot machine here,
3 placard 53. It actually had been lodged in the slot machine,
4 itself. And we also collected a projectile from placard 53
5 here. And then a projectile was collected from the carpet
6 area at placard 18 here and placard 19 here.

7 Q Those were two projectiles?

8 A Yes.

9 Q What was collected at 44?

10 A A casing which was located there on the carpet area
11 was collected at 44.

12 Q 52?

13 A 52, again it was on the carpet area actually an
14 unfired cartridge, so a bullet that had not been fired.

15 Q All right. Placards 45, 42 and 45, the blue
16 placards?

17 A They were knives that were collected here on the
18 carpet area, and then I believe two knives that were left on
19 top of the slot machine here.

20 Q All right. Then if we go to the other side of the
21 walkway. So if we can start on the left-hand side of the
22 diagram. Let's start over here with 10 and 11 we have already
23 discussed, right, the semi-automatic and the revolver?

24 A Yes.

1 Q Two handguns. Then 14, 50 and 22?

2 A 14 I believe was clothing. It was, 14 was a red
3 bandana that appeared to have some staining on it. 55 was a
4 knife kind of somewhat between the bathroom and Trader Dicks.
5 And then 23, 24, 25, 26, 27 were all shell casings. And 29 and
6 51 were also shell casings.

7 Q All right. So all the yellow circles and arrows
8 indicate either shell casings or a projectile?

9 A Yes.

10 Q And the location they were collected?

11 A Yes.

12 Q And then was there a bullet strike inside of Trader
13 Dicks?

14 A Yes. You are unable to see the back of Trader Dicks
15 in the diagram here, but toward the back wall, I'd say
16 approximately here, there was a bullet strike to one of the
17 walls.

18 Q Okay. Why don't we just flip back over to those
19 photographs and we can zip through those.

20 A You want me to sit?

21 Q Yes, please. All right now 21 was -- 20 and 21 were
22 blood evidence?

23 A Yes.

24 Q Same with 28 and 29?

1 A 28 is blood evidence, staining evidence. 29 looks
2 like a shell casing.

3 Q Can you orient us to photographs 5155?

4 A This is, again, the tile walkway in front of Trader
5 Dicks. So this is Trader Dicks, the bar area here. This is
6 the casino floor area, and then the tile walkway in between
7 the two.

8 Q All right 43, photograph 5167.

9 A If you look here on the base of this chair, there
10 was a metal fragment that was collected.

11 Q Okay. So this is just a photograph to the right with
12 placard 44. This is photograph 5168, placards 29 and 44 is
13 panning back towards Rosie's toward the right?

14 A Yes. This is actually, this area right in here
15 depicting placards 41, 44, 28 and 27.

16 Q Did you start at one end and work to the other end,
17 or was it a haphazard placement of the placards? What was the
18 deal on that?

19 A We try to stay as chronological as possible working
20 from one direction to another. However, sometimes during the
21 course of our time on scene, other items can be discovered
22 that they want or we want to collect. And so that can overlap
23 creating a higher number of placards and lower number of
24 placard areas.

1 Q So can you tell us what view we are looking at in
2 5169?

3 A Again, we are looking at the casino depicting
4 placards 44, 28, 27, 20, 15, I believe, 13 and 9. That is 51,
5 no, 7.

6 Q 5193?

7 A This is the casino area facing toward the bathroom
8 here. I believe this is the entrance to the women's bathroom
9 right here. It is depicting placard 17, 12, 13 and 50.

10 Q Photograph 5208?

11 A This is the casino area actually facing towards the
12 tables here depicting placards 18 and 19.

13 Q Photograph 5220?

14 A This is facing towards Rosie's Cafe which is in this
15 area here depicting placards 49, 4, and 6.

16 Q Photograph 5235?

17 A This is in the slot machine area, actually, excuse
18 me, I think approximately in this area.

19 Q Which area was that? I am sorry, I missed that?

20 A I believe it is in this area here and it is showing
21 damage to a slot machine screen. You can see the damage here.

22 Q All right. Is that the Noodle Hut in the upper
23 right-hand corner of photograph 5235?

24 A Yes, upper left-hand corner.

1 Q Basically, we would be looking north. The Fish Bar
2 would be over on the left?

3 A Yes.

4 Q There is a bullet, it looks like an apparent bullet
5 strike. Did you find any projectiles in that area?

6 A No, we did not.

7 Q Then the next photograph, 5237 is a close-up of that
8 damage?

9 A Yes.

10 Q 5288, placard 47?

11 A 47 is depicting there was a fragment found on this
12 side of the casino floor.

13 Q You are indicating that would be past the gaming
14 tables over towards the showroom?

15 A Yes. It was near the main cashier cage.

16 Q Over on the east side, eastern side of the Nugget?

17 A Yes.

18 Q All right. So based upon your training and
19 experience, would that indicate a person was standing over by
20 the Fish Bar shooting towards the cashier's cage or towards
21 the showroom?

22 A It is possible, yes.

23 Q Photograph 5330?

24 A We are back over in front of the bar area of Trader

1 Dicks, and this photograph depicts placard 30 and placard 52.

2 Q All right. Photograph 5373?

3 A Again, we are in this area of the casino, and it is
4 depicting placard 55.

5 Q 5408.

6 A This is a photograph looking into the main dining
7 area and the bar area of Trader Dicks.

8 Q The fish tank is to the right. The dance floor is
9 to the left?

10 A Yes.

11 Q Then you indicated there was a bullet strike
12 somewhere in Trader Dicks. Where is that? Can you tell us
13 using this photograph 5408?

14 A It is approximately in this area.

15 Q You are pointing straight back to the wall, I guess
16 the west side of Trader Dicks, back side?

17 A Yes.

18 Q Were you able to recover a projectile from that
19 area?

20 A No, we were not.

21 Q Why not?

22 A It appeared to have gone into the wall and fallen
23 down. We would have had to cause quite a bit of damage to the
24 wall in order to retrieve that projectile.

1 Q All right. Did you examine the damage and take
2 photographs of it?

3 A Yes, I did.

4 Q So you didn't take that photograph?

5 A No, I did not.

6 Q Or that photograph?

7 A No, I did not.

8 Q Photograph number 9 and photograph 79, you didn't
9 take?

10 A No.

11 Q Okay. Did you see those things?

12 A No, I did not.

13 Q You don't know if those were recovered?

14 A I don't know.

15 Q You guys recovered the evidence, right?

16 A Yes.

17 Q Did you pick up some knives?

18 A Yes, we did.

19 Q You didn't pick up those knives?

20 A No.

21 Q Somebody else picked those up?

22 A It is possible. I couldn't tell. I don't know what
23 happened before I got there, if an officer had picked these
24 up. I can't testify to what happened before I got there.

1 Q Okay. All right. Now this folder has been labeled
2 projectiles, so can we take a look at these photographs?

3 A Uh-huh. Okay. This is placard 46 in this area by
4 the Horseshoe Bar. This is the projectile that was recovered
5 from placard 46.

6 Q The close-up of that in photograph 5035?

7 A Yes.

8 Q Another close-up in 5037 placard 43. In this area
9 here of the casino it is depicting the white metal fragment
10 that was collected from, this is 5174?

11 A From placard 40.

12 Q Based our training and experience, did that appear
13 to be a fragment from a bullet?

14 A It appeared, yes.

15 Q All right. What does photograph 5190 depict?

16 A Placard 45 in the casino area here. There is a
17 knife here, and just behind the placard is another knife.

18 Q Is that a knife and a sheath on the left --

19 A Yes.

20 Q -- of the placard?

21 A Yes.

22 Q Is the other knife in a sheath as well?

23 A From this angle, I can't tell.

24 Q Did you take the photograph?

1 A I did.

2 Q Did you collect those items?

3 A I did.

4 Q 18, photograph 5211.

5 A This is placard 18 in this area of the casino. And
6 it is depicting the projectile collected from placard 18 right
7 there.

8 Q Okay. That was over in the area of the slot bank?

9 A Yes, in this area.

10 Q Number 19, photograph 5217?

11 A Similar area of the same aisle way. It is depicting
12 the projectile that was collected at placard 19.

13 Q Placard 47?

14 A 47 was the fragment that was located near the
15 cashier's cage across the casino floor, and this depicts the
16 metal fragment that was collected at 47.

17 Q Photograph, 5357?

18 A This is in the area of the Horseshoe Bar here.
19 Placard 54 is depicting what appeared to be a strike mark to
20 the chair cushion.

21 Q Is a strike mark the same as a bullet hole?

22 A I wouldn't feel comfortable testifying to the
23 difference, but a strike mark is made when it looks like a
24 projectile has come in contact with that surface.

1 Q Is a bullet a projectile?

2 A Yes.

3 Q Okay. So I mean you documented that area, because

4 you thought perhaps that was a strike from a bullet?

5 A Yes.

6 Q You thought it was a bullet hole?

7 A Possibly, yeah.

8 Q It could be?

9 A Yeah.

10 Q That is why you took a photograph of it?

11 A Yes.

12 Q Did you find any projectiles or bullets in that

13 area?

14 A In and around down here is where placard 46 is. I

15 believe that is slightly off the frame. You just can't see it

16 in this image.

17 Q That is the Horseshoe Bar, that area in photograph

18 5357?

19 A Yes. It is this area here of the Horseshoe Bar.

20 Q Okay. You did find a bullet in close proximity to

21 the chair depicted in 5357?

22 A Yes.

23 Q Did you happen to examine the chair, dig into it to

24 see if there was a projectile inside the chair?

1 A No, I did not.

2 Q Did anybody else, do you know?

3 A Not to my knowledge.

4 Q You don't know if there is a bullet in there or not?

5 A No, I don't.

6 Q That is just a close-up, 5359 is a close-up of the
7 chair?

8 A Yes. This was the mark that we were looking at
9 here.

10 Q What does photograph 5375 depict?

11 A It is depicting placard 55.

12 Q What is near 55?

13 A It was the projectile right here that was collected
14 at placard 55.

15 Q Okay. Where was placard 55 in relationship to the
16 rest of the casino?

17 A It was here in the slot machine area of the casino
18 floor.

19 Q Okay. Photograph 5390?

20 A This is depicting the card table area just beyond
21 the slot machines. It is depicting placard 56 which was
22 another strike mark actually to the table, itself.

23 Q Photograph 5400 is a close-up of that strike mark?

24 A Yes. You can see damage to the metal chip holder

1 and then damage to the felt area of the table.

2 Q Did you find any projectiles in that general
3 vicinity?

4 A No.

5 Q Photograph 5404.

6 A This was collected from inside the slot machine at
7 placard 53, and what was collected was this projectile here.

8 Q That wasn't the slot machine that had the damage to
9 the front of it that we looked towards the Noodle bar?

10 A No. It was a different slot machine.

11 Q Kind of in front of the bathroom?

12 A Yes, in this area here.

13 Q Then 5405?

14 A Close-up of that projectile.

15 Q 5419?

16 A This is a photograph of the back wall area of Trader
17 Dicks, and this is depicting the strike mark after we have
18 moved some of the fabric. The wall was like a fabric
19 wallpaper. We moved that back to see if we might locate
20 anything inside the strike mark.

21 Q All right. We are back to the beginning?

22 A Uh-huh.

23 Q Okay. So you did place placards by the shell casings
24 that were collected near the tables?

1 A Yes.

2 Q All right. Just to recap, the yellow placards
3 represent casings and bullets?

4 A Yes, except for 52 which is a complete and total
5 cartridge. It was unfired.

6 Q It is a bullet, unexpended?

7 A Yes.

8 Q The other ones are shell casings and/or projectiles?

9 A Yes.

10 Q So you remember, if you look at 27, 25, 24, 23, 26
11 you put placards at that location?

12 A Yes.

13 Q What did you collect there?

14 A I collected casings, multiple casings from all the
15 placards there.

16 Q Just generally speaking, you have got a bullet and
17 three shell casings in this area from 29, 51 and 44; is that
18 right?

19 A I believe so. Let me -- Yes, those three placards
20 were casings.

21 Q Okay. Then you have got projectiles over in this
22 area; is that right?

23 A Yes.

24 Q Do you know, did you have a lot of bloodstaining in

1 one particular area, like a big puddle?

2 A That was located at placard 16.

3 Q Okay. Could you tell which way the bullets were
4 going based upon your investigation and your training and
5 experience?

6 A I would --

7 Q I am talking about these projectiles in relationship
8 to these casings. I am talking about the casings found at 27,
9 25, 24, 23, 26 with respect to the projectiles at 55, 53, 19,
10 18?

11 A Assuming that the casings match the projectiles
12 here, I would imagine somebody was shooting out into the
13 casino area from Trader Dicks.

14 A Okay.

15 MR. HALL: Thank you. I have no further questions.

16 THE FOREMAN: Do we have any questions for the
17 witness?

18 A GRAND JUROR: Based on what you found there, the
19 casings and the projectiles, how many types of guns were
20 actually used?

21 MR. HALL: Excuse me for interrupting. I have an
22 expert coming in to talk about all the evidence in detail.
23 She is a trained examiner of guns and ammo.

24 A GRAND JUROR: Where were the knives, which slot

1 machines were the knives on? Were they just in that position
2 where you photographed them?

3 THE WITNESS: Yes, 45 which is here, they were
4 located, there was a little lip like where you would rest your
5 elbows while you were playing the slot machine, they were just
6 laid there.

7 Number placard 50 was actually located on the ground
8 very near to the wall. And 42 was located in amongst the
9 other personal property that had been left behind by someone.

10 THE FOREMAN: Any other questions?

11 A GRAND JUROR: Based on the blood evidence and
12 those red arrows, how many different people were shot or
13 wounded? We know one was killed.

14 THE WITNESS: That I don't know. I don't know the
15 results if any has been tested on the blood. My job, when I
16 get there, is to locate the blood evidence then collect it.
17 It would be up to one of the DNA analysts to identify if there
18 was more than one person within the sample they took was
19 injured and bleeding at the time.

20 THE FOREMAN: Any other questions?

21 Ms. Kohles, the proceedings before the Grand Jury
22 are secret. You may not disclose evidence presented to the
23 Grand Jury, any event occurring or statement made in the
24 presence of the Grand Jury, any information obtained by the

1 Grand Jury or the results of the investigation being made by
2 the Grand Jury.

3 However, you may disclose the above information to
4 the District Attorney for use in the performance of his
5 duties.

6 You may also disclose your knowledge concerning the
7 proceedings when directed by a court in connection with
8 judicial proceedings or when otherwise permitted by the Court
9 or to your own attorney.

10 The obligation of secrecy applies until the Court
11 allows the matter to become public record.

12 A gross misdemeanor and contempt of court may be
13 pursued if your obligation of secrecy is not followed. Do you
14 understand?

15 THE WITNESS: I do.

16 THE FOREMAN: Thank you. You are excused.

17 (Witness Excused.)

18 (Whereupon another witness entered the Grand Jury room.)

19 THE FOREMAN: Could I have you raise your right
20 hand, please? Thank you. Have a seat.

21 (Whereupon the witness was sworn by the Foreman.)

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MICHAEL IVERS

called as a witness having been first duly
sworn by the Foreman testified as follows:

EXAMINATION

BY MR. HALL:

Q Sir, state your name and spell your last name?

A Michael Ivers, I-V-E-R-S.

Q Mr. Ivers, are you aware the Grand Jury has convened today to consider a proposed Indictment concerning allegations of murder, battery with a deadly weapon, discharging of a firearm in a structure, carrying a concealed weapon and other charges?

A Yes.

Q Do you have information that would aid the Grand Jury in their investigation?

A I believe I do.

THE FOREMAN: Are you aware the Grand Jury is inquiring into evidence you may have relating to charges of conspiracy to engage in an affray, challenge to fight resulting in death with the use of a deadly weapon, battery with a deadly weapon two counts, discharging a firearm in a structure two counts, carrying a concealed weapon two counts, open murder with the use of a deadly weapon and second degree

1 murder with a deadly weapon, and this is in the matter of
2 Ernest Manuel Gonzalez, Stuart Gary Rudnick and Cesar
3 Villagrana?

4 THE WITNESS: Yes.

5 THE FOREMAN: Thank you.

6 BY MR. HALL:

7 Q Sir, where are you currently employed?

8 A Employed by the Washoe County Crime Lab.

9 Q What is your occupation?

10 A I am a forensic investigator.

11 Q Can you tell us a bit about your background,
12 training and experience with respect to your current
13 occupation?

14 A I was hired with the Sheriff's Office in 1996. I am
15 a commissioned deputy sheriff. In 1999, I began my career in
16 crime scene investigations. I had a basic class. Then in
17 2002 and 2005 I received ongoing training in crime scene
18 investigations. In 2009 I attended a class from the
19 California State University Long Beach. It was a forensic
20 investigator class. And upon completing that, I began my
21 career in the Washoe County Crime Lab. From there, there was
22 a nine-month training program where I worked alongside a
23 senior forensic investigator. At the completion of that
24 training program, I tested for competency in crime scene

1 investigations. I also have several specialized classes
2 related to crime scene investigations.

3 Q Are there standardized procedures you would follow
4 in documenting a crime scene and collecting evidence?

5 A Yes.

6 Q Did you follow those standardized procedures when
7 collecting evidence at the Nugget on or about the 24th of
8 September, 2011?

9 A Yes, I did.

10 Q Did you have an opportunity to respond to that
11 location with Heather Kohles?

12 A Yes.

13 Q She's another forensic investigator with your
14 office?

15 A Yes, she is.

16 Q What did you do with respect to investigating the
17 crime scene?

18 A Heather was the primary investigator. I was tasked
19 with completing a crime scene diagram of the Trader Dicks area
20 of the bar and lounge area. And I also was able to receive a
21 file from the Nugget employees that had an overall view of the
22 casino floor.

23 Q So directing your attention to your right, do you
24 see the diagram there on the board?

1 A Yes.

2 Q Do those look familiar?

3 A Yes.

4 Q What are those?

5 A The one here?

6 Q The one on Exhibit 9. That would be this exhibit.

7 A This I recognize as a printout of the file that I

8 received from John Puppo who is one of the Nugget employees.

9 Q Were you at the Nugget?

10 A Yes, I was.

11 Q All right. So looking at the diagram, having been

12 at the Nugget, does it appear to be consistent with the layout

13 at the Nugget on that date?

14 A Yes.

15 Q So with respect to the slot machine banks, the

16 gaming tables, the bars, the restaurants, restrooms and so on?

17 A Yes, it is accurate.

18 Q Did you incorporate this into your diagram?

19 A I did.

20 Q Directing your attention over to Exhibit 2 page 3,

21 do you recognize that diagram?

22 A Yes, I do.

23 Q How do you recognize that diagram?

24 A This is a diagram that I generated for measurements

1 I collected at the scene.

2 Q Can you tell us how you went about preparing this
3 diagram?

4 A Initially, I took measurements of the general layout
5 at the casino there. I included the lounge area at Trader
6 Dicks bar area, the casino floor and the floor area. After
7 measurements of that area was collected, I began documenting
8 measurements for evidence that was marked by investigator
9 Kohles.

10 Q Can you explain that in a little more detail?
11 Investigator Kohles would put a placard down by the evidence
12 she intended to collect?

13 A Yes. Essentially, she was the primary investigator.
14 She marked evidence she was either going to document or
15 collect or both, and from there, I took measurements to place
16 that into a diagram such as this.

17 Q You made notes where the evidence was located?

18 A Right.

19 Q You took measurements so you could pinpoint where
20 the evidence was located?

21 A Exactly.

22 Q Did you also make notes of the evidence collected at
23 the specific locations?

24 A Yes.

1 Q If we were to look at Exhibit 3, you have got this
2 diagram which would be the Trader Dicks, we call that the
3 Trader Dicks diagram with color codes with respect to blood
4 evidence or staining, blue placards for guns and knives?

5 A Yes.

6 Q Yellow placards ammunition, casings, projectiles.
7 Black placards for all other evidence?

8 A Yes.

9 Q Then you have another diagram page 4 which would be
10 the overall view, video view of the Nugget consistent with
11 Exhibit 9 which would also incorporate the Horseshoe Bar into
12 your diagram and evidence collected at that location?

13 A Correct.

14 Q Okay. So you made this diagram at page 4 as well?

15 A Yes, sir.

16 Q It is color coded?

17 A Yes.

18 Q Then pages 5, 6 and 7, what are those pages?

19 A 5, 6 and 7, they are numbered 1 through 56, that
20 identifies the placards that were listed there. There is a
21 description of every one.

22 Q So if we wanted to know for example what evidence
23 was found at 45, we would go to 45, one folding and one fixed
24 blade knife?

1 A Exactly.

2 Q 45. Okay. There is a couple knives located there?

3 A Exactly.

4 Q This is your work?

5 A Yes, it is.

6 Q Did you assist in the collection of any of the

7 evidence or just documenting where it was located?

8 A I collected one CD disc which had the file for these

9 diagrams. That was the only item of evidence I collected.

10 Q Did you see all the evidence in place?

11 A Yes, sir.

12 Q How long did you spend at that location at the

13 Nugget?

14 A From, I arrived 1:20 and was done just after 9:00 in

15 the morning, so about eight hours.

16 MR. HALL: Thank you. I have no further questions.

17 THE FOREMAN: Do we have any questions for the

18 witness?

19 A GRAND JUROR: You said you made measurements. Is

20 that drawing on the screen, is that pretty much to scale or

21 not?

22 THE WITNESS: It is to approximate scale. It is not

23 a blueprint diagram, so measurements were collected to the

24 nearest inch.

1 A GRAND JUROR: Okay.

2 A GRAND JUROR: First off, what are the little tiny
3 round things?

4 THE WITNESS: The color coded --

5 A GRAND JUROR: No, the little round things. Are
6 they pillars?

7 THE WITNESS: Poles in the casino.

8 A GRAND JUROR: Okay. Thank you. Is it your
9 interpretation of the evidence that one of the shooters was in
10 the lounge area shooting towards the east bank to the casino?
11 Is that where the majority of the evidence, projectiles was?

12 MR. HALL: Excuse me for interrupting. I do have a
13 firearms expert coming in to testify. Perhaps she would be
14 the more appropriate person. You can ask him the question.

15 A GRAND JUROR: I am sorry.

16 MR. HALL: That is fine.

17 BY MR. HALL:

18 Q Let's ask you, have you investigated crime scenes
19 involving shell casings and bullets on other occasions?

20 A Yes.

21 Q So having had an opportunity to view this crime
22 scene, do you have an opinion with respect to where a person
23 may have been standing when shooting based upon the location
24 of shell casings 27, 25, 24, 23, 26?

1 A I can testify that that was the location where it
2 was located when I arrived there. I would assume it was all
3 in that same general area.

4 Q You would assume what?

5 A That the shots were fired-- There is a lot of
6 circumstances that are not known to me, the type of weapon
7 that it was. I wouldn't be able to tell from looking at this
8 diagram where the evidence was located, where the shots were
9 fired.

10 MR. HALL: For the sake of time, there is a lot of
11 other evidence to be presented. I think we will answer your
12 question during the course of the presentation. If we can
13 hold off on that for a little while.

14 THE FOREMAN: Any other questions?

15 Mr. Ivers, the proceedings before the Grand Jury are
16 secret. You may not disclose evidence presented to the Grand
17 Jury, any event occurring or statement made in the presence of
18 the Grand Jury, any information obtained by the Grand Jury or
19 the results of the investigation being made by the Grand Jury.

20 However, you may disclose the above information to
21 the District Attorney for use in the performance of his
22 duties.

23 You may also disclose your knowledge concerning the
24 proceeding when directed by a court in connection with

1 judicial proceedings or when otherwise permitted by the court
2 or to your own attorney.

3 The obligation of secrecy applies until the Court
4 allows the matter to become public record.

5 A gross misdemeanor and contempt of court may be
6 pursued if your obligation of secrecy is not followed. Do you
7 understand?

8 THE WITNESS: I understand.

9 THE FOREMAN: Thanks. You are excused.

10 (Witness excused.)

11 (Whereupon another witness entered the Grand Jury room.)

12 MR. HALL: Sir, I will ask you to face the
13 Foreperson, raise your right hand and be sworn.

14 THE FOREMAN: Thank you. Have a seat.

15 (Whereupon the witness was sworn by the Foreman.)
16

17 CONFIDENTIAL SOURCE 11-31

18 called as a witness having been first duly
19 sworn by the Foreman testified as follows:
20

21 EXAMINATION

22 BY MR. HALL:

23 Q Sir, I am going to refer to you as Confidential
24 Source 11-31. Sir, are you aware the Grand Jury has convened

1 to consider a proposed Indictment concerning allegations of
2 murder, battery with a deadly weapon, discharging a firearm
3 into a structure and other related charges?

4 A Yes, I am.

5 Q Do you have information that would aid the Grand
6 Jury in their investigation?

7 A Yes, I do.

8 THE FOREMAN: Are you aware the Grand Jury is
9 inquiring into evidence you may have relating to charges of
10 conspiracy to engage in an affray, challenge to fight
11 resulting in death with the use of a deadly weapon, battery
12 with a deadly weapon two counts, discharging a firearm in a
13 structure, two counts, carrying a concealed weapon two counts,
14 open murder with the use of a deadly weapon and second degree
15 murder with a deadly weapon in the matter of Ernesto Manuel
16 Gonzales, Stuart Gary Rudnick and Cesar Villagrana?

17 THE WITNESS: Yes I am.

18 BY MR. HALL:

19 Q Sir, did you have an opportunity to be inside of the
20 Nugget on the 23rd of September 2011?

21 A Yes, I was.

22 Q And was your attention drawn to anything at
23 approximately 11:20 to 11:30 p.m.?

24 A Yes, sir, it was.

1 Q What attracted your attention?

2 A I was getting off my shift. I was walking to
3 deposit my keys. I was walking with another co-employee, and
4 I heard a loud, extremely loud noise that sounded either like
5 a gun or a explosion of some type. And I looked to my left
6 and I saw a bunch of people running towards us. Then I heard
7 some more of a noise, and I determined at that point it was a
8 gunfire. I put my co-employee on the ground, and I covered
9 myself up with her over her as there were more gunfights in
10 what is behind a room called the service bar. There is no
11 windows. It is just a door for service employees to go in and
12 get drinks for the customers. I put her in there, and I ran
13 back towards where the gunfight was going on. I made my way
14 to the pit area which was about twenty or thirty feet away
15 from where the gentlemen were fighting.

16 Q What did you see when you were at that location?

17 A When I originally arrived there, I saw a man in a
18 Hells Angels vest described, I will pronounce his name as best
19 as possible, later identified as Mr. Villagarosa. He was
20 engaged in a gunfight with another man who was wearing a Vagos
21 vest. I could not identify who he was. They were just feet
22 apart from each other shooting at each other. That is what I
23 saw when I first got there.

24 Q So behind you is a diagram of the Nugget. And so

1 can you just take a second and orient yourself to this
2 diagram?

3 A Yes, sir. I can tell you where I was.

4 Q All right. I have a pointer, if you push the
5 button?

6 A Sure. When I first heard the shots, we were right
7 here walking. This was our destination. We were right here
8 when I heard the shots.

9 THE FOREMAN: Mr. Hall, would it be possible for him
10 to slide? Some of us are being blocked.

11 THE WITNESS: I can stand out of the way. Of
12 course, when we saw the people running from here, I put my
13 co-worker into this room here, and I went back towards where
14 the fight was occurring. I made my way in here. This is
15 called the pit area. And this is a craps table, and that is
16 where I first got. And I saw -- The craps table was here. I
17 was somewhere in between this table or this table. I saw the
18 Hells Angels and the Vagos having their gunfight approximately
19 right here.

20 Q Now is there an ATM located at that location?

21 A Yes, sir, I believe so. I couldn't tell you exactly
22 where it is.

23 Q If I showed you a little video, would that orient
24 you?

1 A Sure.

2 Q Why don't you go ahead and sit down right here. You
3 know, I am actually going to look at a different view. Go to
4 monitor one. This is monitor one. It looks like the time is
5 23:25:46 on the 23rd.

6 A That is your machine right there.

7 Q That is the ATM machine?

8 A It is either an ATM or a cash out machine. If you
9 get a token from playing the slots or whatever you are
10 playing, you can put it in and it will dispense cash. It is
11 either one of the two.

12 Q Where would you have been in relationship to this
13 view?

14 A Actually, I would have been over here looking this
15 way.

16 Q So you would have been back to the right near the
17 showroom looking toward the Fish Tank Bar?

18 A Yes, sir.

19 Q All right. You were able to see some shooting?

20 A Yes, sir. That is the gentleman. That is the
21 gentleman right there. I saw that gunfight right there.

22 Q That fellow right there?

23 A Yes, sir. I would have been in this area here,
24 right in here.

1 Q So did you see -- So you saw the one individual
2 right there in the middle of the photograph?

3 A Yes, sir.

4 Q You saw him shooting?

5 A Yes, I did.

6 Q Okay. Did you see somebody shooting at him?

7 A Yes, sir, I did. I could not identify him, because
8 they shot and he turned. I am going to say he ran, but he
9 disappeared from my view, but I definitely saw that man.

10 Q What color of clothing was the fellow who was
11 shooting wearing?

12 A I remember the green Vagos patch.

13 Q All right. You can tell from the video that fellow
14 is wearing a red vest?

15 A Yes, sir.

16 Q Would that be consistent with -- Well, did you see
17 what that -- who he was associated with?

18 A Yes, sir, I did.

19 Q Who was he associated with?

20 A He was associated with -- He comes back into view.

21 Q Was he associated with any specific motorcycle club.

22 A Yes, sir, it was a Hells Angels patch.

23 Q Who was the fellow shooting at him, what club?

24 A It was a Vagos.

1 Q Then what happened?

2 A They got into where I saw right in here where they
3 got into the slots area. I would have moved over here,
4 because I was staying abreast with that gentleman, because
5 there were a lot of people who were down under here. They
6 were pretty hysterical. He seemed to have been the most
7 aggressive of those people out there, so I was staying with
8 him. So when he would move, I would tell the people at the
9 table what was going on, just trying to calm them down. When
10 they got into the slots, I saw at one point he came around,
11 got into the slots. He came out through here and he raised
12 his gun and he fired, but the gun went click, and he turned,
13 and it was to my belief he was out of bullets. And he turned
14 and reloaded. He may have had a jammed gun, but it was my
15 belief he was out of bullets. He did whatever he did. He
16 turned back and he started shooting this way, which I did not
17 see who he was shooting at. Then after that, he would be
18 walking. I watched him walk amongst the slots, and he was
19 pointing. There were people on the ground who were covered
20 up. He was pointing his gun at them, and he would just walk,
21 pick his gun back up and point it back down towards this
22 direction. That went on for a short of period of time until
23 law enforcement showed up. And they came, and I remember they
24 had a dog with them, and they ordered everyone on the ground.

1 They ordered him to the ground. He started to go down to the
2 ground, then he started getting back up. I recall seeing a
3 rifle, the butt, not the muzzle of a rifle, placed in his
4 face. I remember someone telling him to get down, then he
5 did. At that point, I stopped watching that, because there
6 were so many people in the pit area that were very hysterical,
7 I was trying to help them get up and get them out of there.
8 That is what I saw.

9 Q Did you see anybody get shot?

10 A Sir, I can't say for sure. I saw the guy go down,
11 but then did I see him get shot? I don't know. It could have
12 been someone ducked for cover.

13 Q What area did you see a guy go down?

14 A Right in here, because he was staying with --

15 Q Let me rewind this a little bit, see if we can
16 identify the time when that occurs. I will back up a little
17 here, see if the video is consistent with your recollection.

18 A Right there.

19 Q Let me back up again. The person you saw shooting
20 was in that area?

21 A Yes.

22 Q You saw a guy go down right there?

23 A Yes. And these are, I believe, I am sorry if I
24 mispronounce it, Villagarosa is the best I can come up with,

1 that is him there who came up that way.

2 Q The individual we saw with the gun you said was
3 shooting him with, we refer to him as Villagrana?

4 A Villagrana. I am sorry.

5 Q That's all right. Was he with another individual?

6 A Yeah. They were staying with each other right in
7 this area of the slots.

8 Q That other individual, was he wearing distinctive
9 clothing?

10 A Yes, sir. He was wearing the Hells Angels patch and
11 I remember he had a long shirt on.

12 Q A long-sleeve shirt?

13 A Excuse me, a long-sleeve shirt, yes, sir.

14 Q All right. Did you see any altercation where you saw
15 that man go down? Do you recall seeing any altercation at
16 the, I guess the south end of the walkway there over in front
17 of the bathroom?

18 A No, sir, I did not.

19 Q Okay. Thank you. You did indicate that you saw a
20 Vagos shooting. Where was the Vagos you saw shooting?

21 A This was right in, I believe in this area right
22 here. When I first came, I was here, and I could see those
23 two shooting right there. I mean they were just feet apart
24 from each other.

1 Q Scoot your chair back a little bit?

2 A Oh, sorry.

3 Q That's all right?

4 A This is, right there is what I saw.

5 Q At that point is when you saw a Vagos shooting back

6 at Villagrana and the guy in the red?

7 A Yes, sir. I will say I saw a gun. I saw a Vagos

8 with a gun. I definitely saw that gentleman there shooting,

9 though.

10 Q Okay. Did you see the Vagos get hit? Could you

11 tell?

12 A I couldn't tell.

13 Q Okay. Let me just go to camera 45. Can I ask you to

14 back up just a little bit so I can see what I am doing here?

15 All right. Camera 45, 23, 25, 50, it appears the fight just

16 breaks out. This is the view looking in towards Trader Dicks.

17 You would be back behind where the camera is in this angle, is

18 that fair, back to the right a little bit?

19 A Yes, sir. Yes, sir. I would have been back in this

20 area somewhere.

21 Q Is that the fellow with the long sleeves you were

22 talking about?

23 A Yes, sir.

24 Q Villagrana was next to?

1 A Yeah. That would be him there, Villagrana. I
2 believe from that angle, that is what I saw.

3 Q That is where you saw him shooting, and you saw a
4 Vagos with a gun at that point?

5 A Yes, sir.

6 Q All right. Thank you sir.

7 THE FOREMAN: Do we have any other questions?

8 A GRAND JUROR: When you saw the gentleman pointing
9 his gun at people, did he appear to be looking for someone or
10 just intimidating?

11 THE WITNESS: It appeared to me he was looking for
12 someone, because when he was pointing the gun, he had it on,
13 the gun, he was pointing it at people. Those people on the
14 ground were covered up.

15 A GRAND JUROR: They weren't looking at him?

16 THE WITNESS: No. They were face down on the
17 ground, so it would appear to me he was looking for the people
18 he was after.

19 THE FOREMAN: Any other questions?

20 BY MR. HALL:

21 Q Was he pointing the gun at a Vagos or just ordinary
22 people?

23 A Well, when I saw him pointing the gun on the ground,
24 for lack of a better term, civilians, just patrons there, it

1 was my belief that he was looking for the patch, the Vagos
2 patches.

3 Q You thought he was looking. Was it apparent to you
4 it was Vagos versus Hells Angels?

5 A Oh, yeah, absolutely.

6 Q Or Hells Angels versus somebody?

7 A No. It was Vagos versus Hells Angels. It was very
8 clear.

9 A GRAND JUROR: Did you notice any security guards
10 or personnel of that nature coming into the area very quickly?

11 THE WITNESS: No. No one from security appeared on
12 the scene until after the police had come and secured it. I
13 did not see a security officer. The only employee of the
14 Nugget that I saw during that period -- Actually, I was the
15 only Nugget employee I know was in that area at the time.

16 THE FOREMAN: Any other questions?

17 Sir, the proceedings before the Grand Jury are
18 secret. You may not disclose evidence presented to the Grand
19 Jury, any event occurring or statement made in the presence of
20 the Grand Jury, any information obtained by the Grand Jury or
21 the results of the investigation being made by the Grand Jury.

22 However, you may disclose the above information to
23 the District Attorney for the use in the performance of his
24 duties.

1 You may also disclose your knowledge concerning the
2 proceeding when directed by a court in connection with
3 judicial proceeding or when otherwise permitted by the Court
4 or to your own attorney.

5 The obligation of secrecy applies until the Court
6 allows the matter to become public record.

7 A gross misdemeanor and contempt of court may be
8 pursued if your obligation of secrecy is not followed. Do you
9 understand?

10 THE WITNESS: Yes, sir.

11 THE FOREMAN: Thank you. You are excused.

12 THE WITNESS: Thank you very much.

13 (Witness excused.)

14 (Whereupon another witness entered the Grand Jury room.)

15 MR. STEGE: Stand there and be sworn in.

16 THE FOREMAN: Sir, could I have you raise your right
17 hand, please?

18 THE FOREMAN: Thank you have a seat.

19 (Whereupon the witness was sworn by the Foreman.)

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YEADON STURTEVANT

called as a witness having been first duly
sworn by the Foreman testified as follows:

EXAMINATION

BY MR. STEGE:

Q Sir, are you aware the Grand Jury's convening to
consider charges of second degree murder with the use of a
deadly weapon, challenge to fight resulting in death, carrying
a concealed weapon and various other charges related to a
shooting that happened at the Nugget?

A I do.

Q Do you believe that you have evidence to give in the
case?

A Yes, I do.

THE FOREMAN: Sir, are you aware the Grand Jury is
inquiring into evidence you may have relating to the charges
of conspiracy to engage in an affray, challenge to fight
resulting in death with the use of a deadly weapon, battery
with a deadly weapon two counts, discharging a firearm in a
structure two counts, carrying a concealed weapon two counts,
open murder with the use of a deadly weapon and second degree
murder with a deadly weapon in the matter of Ernesto Manuel
Gonzalez, Stuart Gary Rudnick and Cesar Villagrana?

1 THE WITNESS: I do, sir.

2 BY MR. STEGE:

3 Q Sir, how are you employed?

4 A With the City of Sparks as a police officer.

5 Q How long have you been a police officer?

6 A Since June 23, 2008.

7 Q Were you called or were you aware of the call on the
8 shooting that occurred on September 23, 2011 approximately
9 11:30 p.m. at the Nugget?

10 A Yes, I was.

11 Q Where were you when you first learned of that?

12 A I had just logged in with Sparks dispatch. I was
13 dispatched immediately to the Nugget.

14 Q What does that mean log in and be dispatched?

15 A It was at the beginning my shift.

16 THE FOREMAN: We didn't get your name.

17 THE WITNESS: Officer Yeadon Sturtervant.

18 THE FOREMAN: Thank you.

19 BY MR. STEGE:

20 Q So you began your shift, and you were dispatched to
21 the area; is that right?

22 A Correct.

23 Q Now did you learn -- Did you actually go to the
24 Nugget or go somewhere else?

1 A I arrived at the Nugget.

2 Q Once you were at the Nugget, did you end up going
3 somewhere else?

4 A Yes.

5 Q Tell us what it was that took you somewhere else?

6 A Right upon my arrival at the Nugget, Sparks dispatch
7 put out information that there was another victim with an
8 abdominal wound at Northern Nevada Medical Center. Once I
9 heard this from dispatch, I informed dispatch I would respond
10 to Northern Nevada Medical Center to meet with that victim.

11 Q Did you have information how the victim got to the
12 hospital?

13 A That the victim was dropped off by a taxi service.

14 Q Which specific hospital did you go to?

15 A Northern Nevada Medical Center.

16 Q What happened when you got there?

17 A When I arrived at Northern Nevada Medical Center, I
18 made contact with the lead nurse. The lead nurse escorted me
19 to where the subject was. She identified the subject as
20 Leonard Ramirez, and she provided me with his California I.D.
21 card. She informed me he did not have life-threatening
22 injuries at that time, that he had a bullet wound to his right
23 abdominal area.

24 Q Before we get into much, let's talk about, you spoke

1 with the nurse. Did you then go and look at the person with
2 the gunshot wound?

3 A Yes, I did.

4 Q Did you notice what appeared to be any gunshot
5 wounds on the man?

6 A Yes, I did.

7 Q Tell us where you saw the apparent gunshot wound?

8 A What appeared to be a gunshot wound in his lower
9 right abdominal area.

10 Q Did you do anything to document that particular
11 injury?

12 A I did take photos of the injury.

13 Q Did you take any other photos of the man or the
14 injury?

15 A Yes, I did. I took several photos of his injury,
16 abdominal area, attempted to take notice of his face. I also
17 took a photo of his driver's license provided to me.

18 Q When you tried to take a picture of the man's face,
19 what was his reaction?

20 A He was uncooperative with the photos of his face and
21 tried to guard his face from the photos.

22 Q Before you had the camera out looking at his face,
23 were his arms covering his face or not?

24 A No, they were not.

1 Q Once you brought the camera out, he covered his
2 face, is that what you are saying?

3 A Correct.

4 Q You said the nurse identified him as
5 Leonard Ramirez?

6 A Correct.

7 Q You were given a driver's license?

8 A Correct.

9 Q What was the name on the driver's license?

10 A Leonard Michael Ramirez.

11 Q Was there a picture on the driver's license?

12 A Yes, there was.

13 Q Did the picture on the driver's license appear to
14 match the man with the apparent gunshot wound?

15 A Yes, it did.

16 Q What happened next?

17 A After that, the nurses continued to provide medical
18 attention to him, and he also had a friend there that assisted
19 him into the taxi and went to the hospital with him. I began
20 to interview him while REMSA personal arrived to transport
21 him.

22 Q Let me ask you, was the man with the apparent
23 gunshot wound, was he cooperative in describing what had
24 happened?

1 A No, he was not. He was not cooperative.

2 Q Did you notice any distinguishing clothing on either

3 the man or the person who accompanied him to the hospital?

4 A His friend that accompanied him did have a Vagos

5 bike gang vest on. And there was a bag of clothing that was

6 handed to me by the nurse that Ramirez had on when he came

7 into the hospital.

8 Q Did you have -- What did you end up doing with that

9 clothing the nurse handed you?

10 A I collected it. It was in a white bag. I collected

11 that, then I provided that clothing to detective Gallop with

12 the Sparks P.D.

13 Q It was subsequently impounded into evidence; is that

14 right?

15 A Correct.

16 Q Did you have occasion to look at that clothing to

17 notice if it was distinctive in any way?

18 A Yes. I was able to see the bag. There was a pair

19 of boots and Vagos bike gang vest inside the bag.

20 Q How could you tell it was a Vagos vest?

21 A It is very distinctive with the color, very bright

22 green, the patch marks on it. I know, from my experience,

23 what a Vagos patch looks like.

24 Q What happened next?

1 A REMSA personnel arrived on scene. They transported
2 him from Northern Nevada Medical Center to Renown Regional
3 where he went into operation and the operation was performed
4 on him.

5 Q Were you there when the man was operated on?

6 A Yes, I was.

7 Q Was the surgeon -- Did you ever see if the surgeon
8 removed a bullet from the man?

9 A No, nothing was removed from him during surgery.

10 Q But you were there in case something was removed?

11 A Correct.

12 Q But you witnessed the surgery?

13 A Correct.

14 Q Let me direct your attention here to some
15 photographs. The first one is labeled Image 0188. Do you
16 recognize what is depicted in that photograph?

17 A Yes. This is Leonard Ramirez.

18 Q Do you see any obvious -- Do you see the apparent
19 bullet wound you were talking about in the photograph?

20 A In the lower right abdomen, yes, I do.

21 Q And this is him covering his face after you brought
22 up the camera?

23 A Correct.

24 Q Let's direct your attention here to photograph

1 labeled 186. Tell us what we are seeing here?

2 A This is a closer image of his right abdomen area
3 where the apparent bullet wound is.

4 Q You, yourself, took this photograph?

5 A Yes, I did.

6 Q In all the pictures we are about to see, is it a
7 fair and accurate depiction of what the man looked like that
8 night?

9 A Yes.

10 Q Now look at photograph 192 and tell us what we are
11 seeing here.

12 A This is going to be a picture of his right side at
13 Northern Nevada Medical Center, again just taking a picture of
14 his right side, him covering his face again, and the bullet
15 wound to the right abdominal area.

16 Q What are we seeing here in photograph number 201,
17 please?

18 A This is during the operation up at Renown Regional.
19 He is, of course, knocked out for the surgery so his face was
20 exposed at this time, so I took a photo of his face at this
21 time.

22 Q Let's go back here. These photographs are not
23 relevant; is that correct?

24 A No.

1 Q What about the photograph that is titled
2 Leonard Ramirez?

3 A Yes, a photo taken of Leonard Michael Ramirez'
4 California driver's license.

5 Q The one you previously testified matched the man
6 laying there in the bed?

7 A Correct.

8 MR. STEGE: I would now introduce Exhibit Number 5
9 which is the medical records of Leonard Ramirez. Pursuant to
10 the rules of evidence, this is accompanied by a Certificate of
11 the Custodian of Records containing the medical records of
12 Mr. Ramirez.

13 MR. HALL: I would just indicate for the record I
14 made a copy of the certificate and pulled out the relevant
15 synopsis of the treatment at the hospital, but the full packet
16 of medical records are also here for your reading if you would
17 like to review those.

18 MR. STEGE: That concludes my questions.

19 THE FOREMAN: Are there any questions for the
20 witness?

21 A GRAND JUROR: You mentioned, if I remember
22 correctly, the doctors did not extract a bullet?

23 THE WITNESS: Correct, they did not.

24 A GRAND JUROR: Was there an exit wound?

1 THE WITNESS: No, there wasn't. I shortly talked to
2 the surgeon after the operation, and it was a very brief
3 conversation. She explained that the bullet was embedded into
4 a hip bone. That is as much information I was able to get
5 from her.

6 THE FOREMAN: Any other questions?

7 Sir, the proceedings before the Grand Jury are
8 secret. You may not disclose evidence presented to the Grand
9 Jury, any event occurring or statement made in the presence of
10 the Grand Jury, any information obtained by the Grand Jury or
11 the result of the investigation being made by the Grand Jury.

12 However, you may disclose the above information to
13 the District Attorney for use in the performance of his
14 duties.

15 You may also disclose your knowledge concerning the
16 proceedings when directed by a court in connection with
17 judicial proceeding or when otherwise permitted by the court
18 or to your own attorney.

19 The obligation of secrecy applies until the Court
20 allows the matter to become public record.

21 A gross misdemeanor and contempt of court may be
22 pursued if your obligation of secrecy is not followed. Do you
23 understand?

24 THE WITNESS: Yes, I do, sir.

1 THE FOREMAN: Thank you. You are excused.

2 (Witness excused.)

3 (Whereupon another witness entered the Grand Jury room.

4 THE FOREMAN: Sir, could I have you raise your right
5 hand?

6 (Whereupon the witness was sworn by the Foreman.)

7

8 MATTHEW MUTERT

9 called as a witness having been first duly
10 sworn by the Foreman testified as follows:

11

12 EXAMINATION

13 BY MR. STEGE:

14 Q Sir, are you aware the Grand Jury is convening to
15 consider charges of second degree murder with the use of a
16 deadly weapon, challenge to fight resulting in death, carrying
17 a concealed weapon, various charges related to a shooting
18 event that happened at the Nugget earlier this year?

19 A I am.

20 Q Do you believe you have evidence to present in the
21 case?

22 A I do.

23 THE FOREMAN: Sir, are you aware the Grand Jury is
24 inquiring into the evidence that you may have relating to