



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

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Elizabeth A. Brown
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Steven D. Grierson
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Court Division Administrator

December 30, 2020

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. RAMON MURIL DORADO

S.C. CASE: 79556

D.C. CASE: C-17-323098-1

Dear Ms. Brown:

Pursuant to your Order of Limited Remand, dated August 17, 2020, Order, dated December 2, 2020 and Order Granting Motion, dated December 8, 2020, enclosed is a certified copy of the Order Denying Motion to Dismiss for Pre-Indictment Delay and Lack of Jurisdiction After Limited Remand from Nevada Supreme Court filed December 29, 2020 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", written over a horizontal line.

Heather Ungermann, Deputy Clerk

Heather S. Linn

CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
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Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

**RAMON MURIL DORADO,
#1673321**

Defendant.

CASE NO: **C-17-323098-1**

DEPT NO: **XXIX**

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS FOR PRE-
INDICTMENT DELAY AND LACK OF JURISDICTION AFTER
LIMITED REMAND FROM NEVADA SUPREME COURT**

DATE OF HEARING: **DECEMBER 22, 2020**

TIME OF HEARING: **CHAMBERS**

THIS MATTER having presented before the above entitled Court on the 22nd day of
DECEMBER, 2020; Parties not present; the Court having reviewed and decided the matter in
Chambers based upon the pleadings, and with good cause appearing,

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1 THE COURT FINDS that the Nevada Supreme Court holding in Wyman v. State, 125
2 Nev. 592, 217 P.3d 572 (2009) is consistent with the principles set forth by the United States
3 Supreme Court in United States v. Lovasco, 431 U.S. 783, 97 S. Ct. 2044 (1977) and the
4 Ninth Circuit in United States v. DeGeorge, 380 F.3d 1204 (9th Cir. 2004). The Nevada
5 Supreme Court adopted an abuse of discretion standard of review on appeal because the test
6 for analyzing pre-indictment delay challenges is factually intense. Id. at 600, 271 P.3d at 578.
7 The Court held in Wyman that, in order to succeed on such a challenge, the accused must
8 show: “1) that he or she suffered actual, nonspeculative prejudice from the delay; and 2) that
9 the prosecution intentionally delayed bringing the charges in order to gain a tactical advantage
10 over the accused, or that the prosecution delayed in bad faith.” Id. at 601, 217 P.3d at 578
11 (citing United States v. Lovasco, 431 U.S. 783, 784, 97 S. Ct. 2044 (1977) and U.S. v.
12 DeGeorge, 380 F.3d 1203, 1210-11 (9th Cir. 2004)). This court finds that the test put forth in
13 Wyman is taken directly from the analysis by the United States Supreme Court in Lovasco,
14 and is not inconsistent with the test put forth by the Ninth Circuit in DeGeorge.

15 THE COURT FINDS that Defendant was unable to satisfy either prong under Wyman.
16 Pursuant to the limited remand from the Nevada Supreme Court, this Court conducted an
17 evidentiary hearing.

18 Defendant failed to show actual, nonspeculative prejudice. The Court found no evidence
19 that the delay prejudiced the Defendant. The instant case focused on the testimony of the victim
20 at the time of the alleged sexual assault, which was an act witnessed only by the parties.
21 Defendant was unable to present evidence that would have changed the outcome of the case
22 based on the testimony of the victim. Moreover, there was not any loss of material evidence the
23 Defendant can point to that would have led to his acquittal.

24 As far as the second prong in the Wyman decision, there was no valid proof of a violation
25 of any printed policy or procedures at the time of the investigation. Defendant fails to show
26 that the State or investigating agency acted in bad faith or to gain a tactical advantage.

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1 **THE COURT HEREBY ORDERS** that DEFENDANT'S MOTION FOR PRE-
2 INDICTMENT DELAY AND LACK OF JURISDICTION shall be and is Denied.

Dated this 29th day of December, 2020

3 DATED this _____ day of December, 2020



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5 _____
DISTRICT JUDGE

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

E89 FD9 916D 364F
David M Jones
District Court Judge

8
9 BY



10 GENEVIEVE CRAGGS
11 Chief Deputy District Attorney
Nevada Bar #13469

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22 December 30, 2020



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GCC/hjc/SVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 State of Nevada

CASE NO: C-17-323098-1

7 vs

DEPT. NO. Department 29

8 Ramon Dorado
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

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