

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD ABDIEL SILVA,

No. 81627

Electronically Filed
Oct 22 2021 04:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

_____ /

RESPONDENT'S APPENDIX

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1. Motion in Limine Seeking Admission of Translated Statement of the Defendant, Richard Abdiel Silva, and Request for Hearing, filed 2-4-2020.....RA0001-0009

2490
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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: CR18-1135(B)

v.

Dept: 15

RICHARD ABDIEL SILVA,

Defendant.

/

MOTION IN LIMINE SEEKING ADMISSION OF TRANSLATED STATEMENT
OF THE DEFENDANT, RICHARD ABDIEL SILVA, AND REQUEST FOR HEARING

The State of Nevada, by and through Christopher J. Hicks, Washoe
County District Attorney, and Matthew Lee, Chief Deputy District
Attorney, hereby files this Motion in Limine Seeking Admission of
Translated Statement of the Defendant and requests a pretrial
hearing. This Motion is based upon the attached Memorandum of Points
and Authorities, any papers and pleadings on file, and any oral
argument this Court may hear on this matter.

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POINTS AND AUTHORITIES

In the early morning of November 2, 2017, officers from the Reno Police Department were dispatched to the area of Parkview and Neil on reports of multiple shots fired. Preliminary Hearing Transcript ("PHT") 39:15-18 (June 29, 2018). In the dark, responding officers located a red Dodge Charger sedan with its lights on and engine running stopped nose-in against the building of 1192 Parkview Street. Id. at 40:3-41:5. Luz Linarez-Castillo was found unresponsive inside the vehicle with multiple gunshot wounds to her face, back and shoulder. Id. at 41:10-42:20. She was later pronounced dead at the scene. Id. at 43:12-22.

Following the defendant's arrest for the above-described shooting, on November 16, 2017, the defendant spoke with his brother, Bernard Silva-Guzman ("Bernard"), inside the Reno Police Department. The defendant made statements to Bernard in Spanish, which were video and audio recorded.

The State utilized the services of Zulema "Suli" Schehr, a certified court interpreter under the Administrative Office of the Courts, Certification No. NVSZ406.¹ Ms. Schehr interpreted approximately two minutes of conversation between the defendant and Bernard. Relevant interpretations include the following statements of the defendant:

- "Me and Lucy were also having an affair, dude."
- "*unintelligible* ...that is why I did it."
- ...

¹ For a current roster maintained online, see <file:///C:/Users/mlee/Downloads/Court%20Interpreter%20Roster%20January%202020.pdf.pdf>

- 1 • "I didn't want to kill her dude, I wanted to kill the dude."

2 A copy of this interpretation was provided to the defense in the
3 regular course of discovery on December 17, 2019, and it is attached
4 hereto as Exhibit "1." Furthermore, the State placed relevant
5 portions of this interpretation within captions on the video/audio
6 recording of this interaction. This too was provided to the defense
7 in the regular course of discovery on January 24, 2020. And finally,
8 a Notice of Additional Expert Witness was filed involving Ms. Schehr
9 on Feb. 4, 2020.

10 NRS 50.054 permits interpreters for persons with limited English
11 proficiency. And in Nevada, there is precedent for admitting the
12 interpretation of police interviews of Spanish-speaking defendants.
13 See Baltazar-Monterrosa v. State, 122 Nev. 606, 137 P.3d 1137 (2006).

14 Moreover, an abbreviated interpretation of this same
15 conversation, though not the entire two-minute segment, was already
16 admitted in this case at a pretrial hearing on September 4, 2019. At
17 that hearing, Ms. Schehr appeared and testified as to the accuracy of
18 the interpretation and testified as to the contents of the
19 interpretation.

20 Accordingly, the State seeks an order in limine permitting use
21 of the interpretation so as to more efficiently use the jury's time
22 to keep the trial moving forward.

23 The State seeks a pretrial hearing to determine the
24 admissibility of this translation, on Monday, February 24, 2020.²

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26


² Ms. Schehr will be out of State the week prior to trial.

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 4th day of February, 2020

5 CHRISTOPHER J. HICKS
6 District Attorney
7 Washoe County, Nevada

8 By 
9 MATTHEW LEE
10 10654
11 CHIEF DEPUTY DISTRICT ATTORNEY
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1 CERTIFICATE OF SERVICE BY E-FILING

2 Pursuant to NRCP 5(b), I certify that I am an employee of
3 the Washoe County District Attorney's Office and that, on this date,
4 I electronically filed the foregoing with the Clerk of the Court. A
5 notice will be sent electronically to the following:

6
7 THERESA RISTENPART, ESQ.

8 Dated this 4th day of February, 2020

9 /s/DANIELLE RASMUSSEN
10 DANIELLE RASMUSSEN

INDEX OF EXHIBITS

EXHIBIT 1 TRANSCRIPT
NUMBER OF PAGES: 2

Exhibit 1

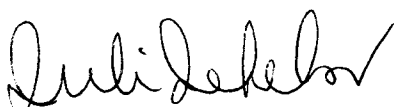
Exhibit 1

DA# 17-13507. Silva, Richard Abdiel

	Transcription	Translation
5:17:13	M2 enters room, walks over and hugs M1. Crying. Says something unintelligible	M2 enters room, walks over and hugs M1. Crying. Says something unintelligible
5:17:55		
M1	What's up? <i>Says something unintelligible into M2's neck</i> ...va a saber todo...	What's up? <i>Says something unintelligible into M2's neck</i> ...you'll know everything...
M2	Both Ms crying loudly. I don't know...	Both Ms crying loudly. I don't know...
M1	Hay una cosa que vos no sabes	There's something that you don't know
M2	<i>Crying. Mumbles something unintelligible</i>	<i>Crying. Mumbles something unintelligible</i>
5:18:09		
M1	Yo, yo y Lucy	Me, me and Lucy
M2	What?	What?
M1	Yo y Lucy también teníamos un affair guey	Me and Lucy were also having an affair, dude
M2	Ok	Ok
M1	<i>Unintelligible</i> ...por eso está que lo hice	<i>Unintelligible</i> ...that is why I did it
M2	Ok. <i>Says something unintelligible. Cries louder</i>	Ok. <i>Says something unintelligible. Cries louder</i>
M1	...perdón...	... I'm sorry...
M2	<i>Says something unintelligible</i>	<i>Says something unintelligible</i>
M1	<i>Says something unintelligible</i>	<i>Says something unintelligible</i>
5:18:32		
M2	Promise me, promise me, promise?	Promise me, promise me, promise?
M1	Promise me what?	Promise me what?
M2	I want to see you out, ok?	I want to see you out, ok?
M1	<i>Unintelligible</i> ...promise me... <i>unintelligible</i>	<i>Unintelligible</i> ...promise me... <i>unintelligible</i>
M2	I promise I'm going to see you out, ok? <i>Pause</i> . Promise me	I promise I'm going to see you out, ok? <i>Pause</i> . Promise me
M1	<i>Says something unintelligible...</i> me voy a matar guey	<i>Says something unintelligible...</i> I'm going to kill myself dude
M2	No, no	No, no
M1	<i>Unintelligible...</i> estoy decidido man <i>unintelligible</i>	<i>Unintelligible</i> ... I made up my mind man <i>unintelligible</i>

M2	<i>Unintelligible. Lowers his voice and mumbles something unintelligible...</i> te voy a encontrar un abogado, ok? <i>mumbles something unintelligible...</i> un abogado, ok?	<i>Unintelligible. Lowers his voice and mumbles something unintelligible...</i> I'm going to find a lawyer, ok? <i>Mumbles something unintelligible...</i> a lawyer, ok?
5:19:03		
M1	No le dije a nadie, ah, nadie más que a ti lo de yo y Lucy	I didn't tell anyone, ah, anyone but you about me and Lucy
M2	Nadie sabe y nadie nunca va a saber	No one knows and no one will ever know
M1	A nadie nada más te quiero decir a tí guez	No one, I just want to tell you, dude
M2	Nadie va a saber. Don't worry. <i>unintelligible</i> ...ya sabía, don't worry	No one will know. Don't worry. <i>Unintelligible</i> ...I knew, don't worry
5:19:17		
M1	Yo no la quería matar guez, quería matar al guez	I didn't want to kill her dude, I wanted to kill the dude
M2	Yo se mi carnal, but it's ok. It's ok carnal, it's ok	I know bro, but it's ok. It's ok bro, it's ok

I, Suli Schehr, Certified Court Interpreter through the State of Nevada, with Certification Number NVSZ406, hereby swear under penalty of perjury that the transcription and translation was done to the best of my knowledge and ability.


Suli Schehr

November 8, 2019
Washoe County, Nevada

RA0009

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on October 22, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Victoria T. Oldenburg

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA