IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
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HECTOR HUGO RAMIREZ-DE LA TORRE, Appellant, Vs. THE STATE OF NEVADA, Respondent.	)	No. 82891

JOINT APPENDIX – VOLUME I

APPEAL FROM A JUDGMENT OF CONVICTION

FOURTH DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

GARY D. WOODBURY
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FILED
ELKO TOWNSHIP
JUSTICE/MUNICIPAL COURT
2019 MAR 29 PM 3:53
CLERK

CASE NO. EL-JC-CR-F-19-2456
EL-JC-CR-F-19-2465
EL-JC-CR-F-19-2462

IN THE ELKO JUSTICE COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

HECTOR HUGO RAMIREZ-DE LA TORRE,
EDUARDO RUIZ,
JORGE LANDEROS RUIZ,

Defendants.

CRIMINAL COMPLAINT

COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and based upon the Declaration Of Probable Cause and/or the narrative report and the Officer Declaration executed by the submitting officer in connection with said narrative report, complains and alleges that the Defendants above-named, on or about the 27th day of February, 2019, the 4th day of March, 2019, the 7th day of March, 2019, and/or the 18th day of March, 2019, at or near the location of 5647 Kale Dr. within the community of Osino, and/or the community of Ryndon, within the County of Elko, and the State of Nevada, committed the following described criminal offense(s):

As to the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE only (Counts 1-5):

COUNT 1

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 27th day of February, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 2

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 4th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 3

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 7th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 4

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or

Furthermore, that the Defendant, at the time of the ownership, possession, custody or control, of said firearm(s) was an unlawful user of, or addicted to, any controlled substance.

As to the Defendant JORGE LANDEROS RUIZ only (Counts 8-10):

COUNT 8

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 9

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY B FELONY AS DEFINED BY NRS 453.3385.1(b). (NOC 51158)

That the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: cocaine, and that the controlled substance or mixture weighed fourteen (14) grams or more, but less than twenty-eight (28) grams.

COUNT 10

MAINTAINING A PLACE FOR UNLAWFUL USE OF A CONTROLLED SUBSTANCE, A CATEGORY B FELONY AS DEFINED BY NRS 453.316. (NOC 51088)

That the Defendant JORGE LANDEROS RUIZ did willfully, unlawfully and knowingly maintain a place, to-wit: 5647 Kale Dr., for the purpose of unlawfully selling, giving away or using any controlled substance, to-wit: methamphetamine, a schedule I controlled substance.

belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, and/or by causing the rooster to fight and thereby suffer injury.

COUNT 14

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, with the intent to use it to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 15

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, and/or by causing the rooster to fight and thereby suffer injury.

COUNT 16

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or

purchase an animal, to wit: a rooster, with the intent to use it to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 17

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, and/or by causing the rooster to fight and thereby suffer injury.

COUNT 18

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, with the intent to use it to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 19

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim,

mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, and/or by causing the rooster to fight and thereby suffer injury.

COUNT 20

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, with the intent to use it to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that the Defendants be dealt with according to law.

The undersigned hereby declares under penalty of perjury the foregoing Complaint is true to the best of his/her knowledge, information and belief.

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Dated: March 29, 2019.

TYLER J. INGRAM
ELKO COUNTY DISTRICT ATTORNEY

MARK S. MILLS
Deputy District Attorney
State Bar No.: 11660

Estimation Of Time Needed

The State estimates that six (6) hours will be needed to conduct the trial/preliminary hearing in this matter.

The Issue Of Obtaining The Discovery

Available In This Matter

To: The Defendant's Counsel or The Defendant Representing Himself/Herself .

The Elko County District Attorney's Office has an open file discovery policy. This means you will be provided with a complete copy of all reports, photos and compact discs received by the DA's Office from the submitting Officer and agency in connection with this case. Private Counsel and/or Defendants appearing without Counsel will be charged a reasonable copying and duplication fee. If this is a misdemeanor case the State believes and avers that by providing a copy of the discovery containing the names and addresses of the witnesses the State may call in its case-in-chief, the State is fulfilling its discovery obligations pursuant to NRS 174.234.(1)(b)(2) which provides that:

> (2) The prosecuting attorney shall file and serve upon the defendant a written notice containing the name and last known address or place of employment of any witness the prosecuting attorney intends to call during the case in chief of the State whose name and last known address or place of employment have not otherwise been provided to the defendant pursuant to NRS 171.1965 or 174.235.

Extradition Scope: All 50 States

DA #F-19-00698/ REPORT #: / OFFICER GAYLOR / AGENCY: NEVADA DIVISION OF INVESTIGATION

DECLARATION OF PROBABLE CAUSE

ARRESTEE'S NAME: Jorge Landeros Ruiz
DOB: 05/24/1976
DATE OF ARREST: 3/20/19
TIME OF ARREST: 1400
PLACE OF ARREST: 5647 Kale Drive, Osino

TYPE OF ARREST:
Without Arrest Warrant: ☒ **With Arrest Warrant:** ☐
Arrested for P & P Hold: ☐ **Citizen's Arrest:** ☐ (Citizen's Arrest Form must be attached)

(If Domestic Violence is charged, indicate date and time that the battery occurred:
Date: Time:)
(If DUI is charge, indicate the arrest and conviction dates for each prior DUI offense within 7 years:
Prior Arrest: Prior Conviction: Prior Arrest: Prior Conviction:)

NOC	NRS CITY COUNTY	CHARGE DESCRIPTION	# CT	M GM F	BAIL	COURT
	453.338	Trafficking in a C/S 28+ grams (meth)	1	F	250,000	EJC
	453.336	Possession of C/S (meth)	1	F	20,000	EJC
	453.337	Possession of C/S for sale (meth)	1	F	10,000	EJC
		ADDITIONAL CHARGES				
	453.338	Trafficking in a C/S 12-28 grams (cocaine)	1	F	75,000	EJC
	453.336	Possession of C/S (cocaine)	1	F	20,000	EJC
	453.337	Possession of C/S for sales (cocaine)	1	F	10,000	EJC

I, Scott Smith MADE THE ARREST OF THE ABOVE NAMED ARRESTEE AND HERBY DECLARE, UNDER PENALTY OF PERJURY, THAT I HAVE KNOWLEDGE OF OR HAVE BEEN INFORMED OF THE FOLLOWING FACTS AND CIRCUMSTANCES WHICH SUPPORT THAT A CRIME OR CRIMES HAS OR WERE COMMITTED:

AMENDED PROBABLE CAUSE and ADDITIONAL CHARGES:

On March 19, 2019, Detectives of the Elko Combined Narcotics Unit (ENCU) executed a search warrant at 5647 Kale Drive in Osino, Elko County. During the execution of this warrant, Jorge LANDEROS RUIZ was found at the above mentioned property and taken into custody without incident.

During the continued search of the property on March 20, 2019, Sergeant (Sgt.) Scott Smith of the ENCU located a cylindrical container between chicken coops located on the property. This container contained numerous individually wrapped baggies of what Sgt. Smith immediate recognized to be methamphetamine, and to be a quantity in excess of 28 grams.

Sgt. Smith transported the container to the ENCU office in Elko, Nevada. He then separated the contents of the container, and identified ten (10) individually bagged packages of controlled substances. Two packages contained a white powdery substance. Sgt. Smith tested this powdery substance with a NIK test G (cocaine), which provided a presumptive positive result for cocaine. The baggies had net weights of 5.72 grams and 14.69 grams, for a net weight (including packaging) of 18.41 grams.

The container also contained eight (8) individually packaged baggies of methamphetamine. Sgt. Smith tested the suspected methamphetamine with a NIK test U (methamphetamine), which provided a presumptive positive for methamphetamine. Sgt. Smith weighted all eight (8) packages simultaneously, yielding a combined (including packaging) of 99.15 grams.

DECLARATION OF PROBABLE CAUSE

ARRESTEE'S NAME: Hector HUGO RAMIREZ DE LA TORRE
DOB: 09/13/84
SSN:
DATE OF ARREST: 03/19/2019 TIME OF ARREST: 1130

LOCATION OF ARREST:

TYPE OF ARREST: ☑ Without Arrest Warrant ☐ With Arrest Warrant ☐ Citizen's Arrest
If Domestic Violence is charged, indicate date and time that the battery occurred: Date: Time:
If DUI is charged, indicate the ARREST and CONVICTION dates for each prior DUI offense within 7 years:
Prior Arrest Date: Prior Conviction Date:

	NOC/NRS/ CITY/COUNTY	CHARGE	COUNTS	M/GM/F	BAIL	COURT
1.	453.3385	Trafficking a C/S	4	F	$1,000,000	EJC
2.	453.337	Poss for Sale of C/S	4	F	$60,000	EJC
3.	453.321	Sale of C/S	3	F	$60,000	EJC
4.	453.336	Poss of C/S	4	F	$20,000	EJC
5.	574.070	Poss. of implements for fighting birds	1	GM	$2,500	EJC
6.	574.100	Animal Abuse	5	F	$5,000	EJC
7.	453.401	Conspiracy	1	F	$10,000	EJC

I, Detective John Gaylor, MADE THE ARREST OF THE ABOVE NAMED ARRESTEE AND HEREBY DECLARE, UNDER PENALTY OF PERJURY, THAT I HAVE KNOWLEDGE OF OR HAVE BEEN INFORMED OF THE FOLLOWING FACTS AND CIRCUMSTANCES WHICH SUPPORT THAT A CRIME OR CRIMES HAS OR WERE COMMITTED:

Through the month of March, 2019 Detectives of the Elko Combined Narcotics Unit purchased a total of six (6) ounces of methamphetamine from a Hector HUGO RAMIREZ DE LA TORRE in the Ryndon area of Elko County.

In total, three (3) controlled purchases were completed with Hector HUGO RAMIREZ DE LA TORRE for two (2) ounces of methamphetamine at a time.

Hector HUGO RAMIREZ DE LA TORRE is known to the Detectives of the Elko Combined Narcotics Unit through, surveillance, controlled purchases, and records checks. Hector HUGO RAMIREZ DE LA TORRE was positively identified by Detectives of the Elko Combined Narcotics Unit on all three (3) separate controlled purchases.

On March 19, 2019 Detectives of the Elko Combined Narcotics Unit executed a search warrant 5647 Kale Drive in Osino, Elko County. During the execution of this warrant Hector HUGO RAMIREZ DE LA TORRE was found at the above mention property and taken into custody without incident.

A search of the traveler trailer where Hector HUGO RAMIREZ DE LA TORRE resides on the property resulted in the following items being taken as evidence: a stolen firearm, approximately 1/2 lb of suspected methamphetamine (field tested positive for the presence of methamphetamine), and drug paraphernalia.

*FOR JUDGE'S USE ONLY

PROBABLE CAUSE FOR FURTHER DETENTION: ☐ FOUND ☐ NOT FOUND

DATED THIS _____ DAY OF _____ TIME:

_____
(MAGISTRATE)

DECLARATION OF PROBABLE CAUSE

ARRESTEE'S NAME: Eduardo Ruiz
DOB: 07/28/85
SSN:
DATE OF ARREST: 03/19/2019 **TIME OF ARREST:** 1130

LOCATION OF ARREST: 5647 Kale Drive

TYPE OF ARREST: ☒ Without Arrest Warrant ☐ With Arrest Warrant ☐ Citizen's Arrest
If Domestic Violence is charged, indicate date and time that the battery occurred: **Date:** **Time:**
If DUI is charged, indicate the ARREST and CONVICTION dates for each prior DUI offense within 7 years:
Prior Arrest Date: **Prior Conviction Date:**

	NOCINRS/ CITY/COUNTY	CHARGE	COUNTS	M/GM/F	BAIL	COURT
1.	453.3385	Trafficking a C/S	1	F	$250,000	EJC
2.	453.337	Poss for Sale of C/S	1	F	$5,000	EJC
3.	453.336	Poss of C/S	1	F	$5,000	EJC
4.	574.070	Poss. of implements for fighting birds	1	GM	$2,500	EJC
5.	574.100	Animal Abuse	5	F	$5,000	EJC
6.	453.401	Conspiracy	1	F	$10,000	EJC

I, Detective John Gaylor, MADE THE ARREST OF THE ABOVE NAMED ARRESTEE AND HEREBY DECLARE, UNDER PENALTY OF PERJURY, THAT I HAVE KNOWLEDGE OF OR HAVE BEEN INFORMED OF THE FOLLOWING FACTS AND CIRCUMSTANCES WHICH SUPPORT THAT A CRIME OR CRIMES HAS OR WERE COMMITTED:

On March 19, 2019 Detectives of the Elko Combined Narcotics Unit executed a search warrant 5647 Kale Drive in Osino, Elko County. During the execution of this warrant, Eduardo Ruiz was found at the above mention property and taken into custody without incident.

A search of the traveler trailer where Eduardo Ruiz resides on the property resulted in the following items being taken as evidence; firearms, approximately 4 lbs of suspected methamphetamine (field tested positive for the presence of methamphetamine), and drug paraphernalia.

During the search of the property the following items were discovered; several hundred living chickens, roosters, deceased chickens still in their cages, and several hundred items indicating cockfighting. Indicia with Eduardo Ruiz's information were located near spurs with blood on them commonly used in cockfighting.

Eduardo Ruiz also indicated to Detectives that he is one of the caretakers of the chickens.

DATE: 03/19/19 **DEPT:** ECSO **ID NO:** 11055

(PEACE OFFICER OR CITIZEN)

*FOR JUDGE'S USE ONLY

PROBABLE CAUSE FOR FURTHER DETENTION: ☐ FOUND ☐ NOT FOUND

DATED THIS _____ DAY OF _____ TIME:

_____
(MAGISTRATE)

DECLARATION OF PROBABLE CAUSE

ARRESTEE'S NAME: Jorge Landeros Ruiz
DOB: 05/24/76
SSN:
DATE OF ARREST: 03/19/2019 TIME OF ARREST: 1130

LOCATION OF ARREST: 5647 Kale Drive

TYPE OF ARREST: ☒ Without Arrest Warrant ☐ With Arrest Warrant ☐ Citizen's Arrest
If Domestic Violence is charged, indicate date and time that the battery occurred: Date: Time:
If DUI is charged, indicate the ARREST and CONVICTION dates for each prior DUI offense within 7 years:
Prior Arrest Date: Prior Conviction Date:

	NOC/NRS/ CITY/COUNTY	CHARGE	COUNTS	M/GM/F	BAIL	COURT
1.	453.316	Maintain place for unlawful sale of Controlled Substance	1	F	20,000	EJC
2.	574.060	Commission Certain Acts re: place kept/used for figlating birds	1	F	$5,000	EJC
3.	574.070	Poss of implements for figlating birds	1	GM	$2,500	EJC
4.	574.100	Animal Abuse	5	F	$ 5,000	EJC

I, Detective John Gaylor, MADE THE ARREST OF THE ABOVE NAMED ARRESTEE AND HEREBY DECLARE, UNDER PENALTY OF PERJURY, THAT I HAVE KNOWLEDGE OF OR HAVE BEEN INFORMED OF THE FOLLOWING FACTS AND CIRCUMSTANCES WHICH SUPPORT THAT A CRIME OR CRIMES HAS OR WERE COMMITTED:

On March 19, 2019 Detectives of the Elko Combined Narcotics Unit executed a search warrant 5647 Kale Drive in Osino, Elko County. During the execution of this warrant, Jorge Landeros Ruiz was found at the above mention property and taken into custody without incident.

Jorge Landeros Ruiz is the property owner of 5647 Kale Drive.

During the search of the property the following items were discovered; several hundred living chickens, roosters, deceased chickens still in their cages, and several hundred items indicating cockfighting, including spurs in packaging, within a USPS Priority Mail package addressed to Luis Ruiz, a known AKA for Jorge Landeros Ruiz. Also, within the property owned by Jorge Landeros Ruiz four pounds of methamphetamine was recovered.

DATE: 03/19/19 DEPT: ECSO ID NO: [illegible]

(PEACE OFFICER OR CITIZEN)

*FOR JUDGE'S USE ONLY

PROBABLE CAUSE FOR FURTHER DETENTION: ☐ FOUND ☐ NOT FOUND

DATED THIS _____ DAY OF _____ TIME:

_____
(MAGISTRATE)

FILED
ELKO TOWNSHIP
JUSTICE/MUNICIPAL COURT
2019 APR 15 PM 3:25
CLERK

CASE NO. EL-JC-CR-F-19-2456 (Hector Ramirez-De La Torre)
EL-JC-CR-F-19-2465 (Jorge Ruiz)
EL-JC-CR-F-19-2462 (Eduardo Ruiz)

IN THE ELKO JUSTICE COURT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

HECTOR HUGO RAMIREZ-DE LA TORRE,
EDUARDO RUIZ,
JORGE LANDEROS RUIZ,

Defendants.

AMENDED CRIMINAL COMPLAINT

COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and based upon the Declaration Of Probable Cause and/or the narrative report and the Officer Declaration executed by the submitting officer in connection with said narrative report, complains and alleges that the Defendants above-named, on or about the 27th day of February, 2019, the 4th day of March, 2019, the 7th day of March, 2019, and/or the 18th day of March, 2019, at or near the location of 5647 Kale Dr. within the community of Osino, and/or the community of Ryndon, within the County of Elko, and the State of Nevada, committed the following described criminal offense(s):

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As to the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE only (Counts 1-5):

COUNT 1

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 27th day of February, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 2

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 4th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 3

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 7th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 4

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 5

POSSESSION OF A FIREARM BY A PROHIBITED PERSON, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460)

That the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE willfully and unlawfully owned; and/or possessed, actually or constructively; and/or had custody and/or control of a firearm.
Furthermore, that the Defendant, at the time of the ownership, possession, custody or control, of said firearm(s) was an unlawful user of, or addicted to, any controlled substance.

As to the defendant EDUARDO RUIZ only (Counts 6-7):

COUNT 6

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That the Defendant EDUARDO RUIZ did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 7

POSSESSION OF A FIREARM BY A PROHIBITED PERSON, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460)

That the Defendant EDUARDO RUIZ willfully and unlawfully owned; and/or possessed, actually or constructively; and/or had custody and/or control of a firearm.
Furthermore, that the Defendant, at the time of the ownership, possession, custody or control, of said firearm(s) was an unlawful user of, or addicted to, any controlled substance.

As to the Defendant JORGE LANDEROS RUIZ only (Counts 8-10):

COUNT 8

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c) AND NRS 195.020. (NOC 51160)

That the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

Alternative theory of liability,

That the Defendant did willfully and unlawfully aid and abet and/or did directly or indirectly counsel, encourage, induce, or otherwise procure, another person in the commission of the above crime in the following manner: by allowing HECTOR HUGO RAMIREZ-DE LA TORRE or EDUARDO RUIZ to possess more than 28 grams of methamphetamine on his property.

COUNT 9

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY B FELONY AS DEFINED BY NRS 453.3385.1(b). (NOC 51158)

That the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: cocaine, and that the controlled substance or mixture weighed fourteen (14) grams or more, but less than twenty-eight (28) grams.

Alternative theory of liability,

That the Defendant did willfully and unlawfully aid and abet and/or did directly or indirectly counsel, encourage, induce, or otherwise procure, another person in the commission of the above crime in the following manner: by allowing HECTOR HUGO RAMIREZ-DE LA TORRE or EDUARDO RUIZ or some other person to possess on his property (14) grams or more but less than twenty-eight (28) grams of cocaine.

COUNT 10

MAINTAINING A PLACE FOR UNLAWFUL USE OF A CONTROLLED SUBSTANCE, A CATEGORY B FELONY AS DEFINED BY NRS 453.316. (NOC 51088)

That the Defendant JORGE LANDEROS RUIZ did willfully, unlawfully and knowingly maintain a place, to-wit: 5847 Kale Dr., for the purpose of unlawfully selling, giving away or using any controlled substance, to-wit: methamphetamine, a schedule I controlled substance.

As to the defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ (Counts 11-30):

COUNT 11

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a roosters, more particularly described as roosters numbered 1 through 25, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 12

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 1 through 25, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 13

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 26 through 50, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 14

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO

RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 26 through 50, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 15

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 51 through 75, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 16

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 51 through 75, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 17

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 76 through 100, and/or by causing the rooster to fight and thereby suffer injury.

COUNT 18

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 76 through 100, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 19

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 101 through 125, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 20

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 101 through 125, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 21

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 126 through 150, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 22

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 126 through 150, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 23

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 151 through 175, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 24

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 151 through 175, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight

another animal.

COUNT 25

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 176 through 200, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 26

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 176 through 200, with the intent to use it to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 27

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 201 through 225, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 28

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 201 through 225, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 29

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 226 through 248, and/or by causing the rooster(s) to fight and thereby suffer injury.

COUNT 30

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE, EDUARDO RUIZ, and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 226 through 248, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that the Defendants be dealt with according to law.

The undersigned hereby declares under penalty of perjury the foregoing Complaint is true to the best of his/her knowledge, information and belief.

Dated: April 15, 2019.

TYLER J. INGRAM
ELKO COUNTY DISTRICT ATTORNEY

MARK S. MILLS
Deputy District Attorney
State Bar No.: 11660

Estimation Of Time Needed

The State estimates that six (6) hours will be needed to conduct the trial/preliminary hearing in this matter.

The Issue Of Obtaining The Discovery

Available In This Matter

To: The Defendant's Counsel or The Defendant Reprosenting Himself/Herself

The Elko County District Attorney's Office has an open file discovery policy. This means you will be provided with a complete copy of all reports, photos and compact discs received by the DA's Office from the submitting Officer and agency in connection with this case. Private Counsel and/or Defendants appearing without Counsel will be charged a reasonable copying and duplication fee. If this is a misdemeanor case the State believes and avers that by providing a copy of the discovery containing the names and addresses of the witnesses the State may call in its case-in-chief, the State is fulfilling its discovery obligations pursuant to NRS 174.234.(1)(b)(2) which provides that:

> (2) The prosecuting attorney shall file and serve upon the defendant a written notice containing the name and last known address or place of employment of any witness the prosecuting attorney intends to call during the case in chief of the State whose name and last known address or place of employment have not otherwise been provided to the defendant pursuant to NRS 171.1965 or 174.235.

Extradition Scope: All 50 States

DA #F-19-00698/ REPORT #:18I00600 / OFFICER GAYLOR / AGENCY: NEVADA DIVISION OF INVESTIGATION

CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County District Attorney's Office, and that on the _____ day of April 2019, I served the foregoing AMENDED CRIMINAL COMPLAINT, on the Defendant above-named by mailing, faxing or delivering a copy of said document to the following:

By delivering to:

HONORABLE ELIAS D GOICOECHEA
ELKO JUSTICE COURT
ELKO COUNTY COURTHOUSE
ELKO, NV 89801

By mailing to:

Attorney for Eduardo Ruiz
Matthew Work
2995 Skyline Blvd. Suite 209
Reno, NV 89509

Attorney for Hector Ramirez-De La Torre
Kristori Hill
Public Defender's Office
590 Court Street
Elko, NV 89801

Attorney for Jorge Ruiz
Larry K. Dunn
P.O. Box 2911
Reno, NV 89505

Amanda Waugh
CASEWORKER

DA# F-19-00698

FILED

2019 AUG 20 PM 2:56

ELKO CO DISTRICT COURT

CLERK ____ DEPUTY ____

CASE NO. CR-[illegible]-19-2456 (Ramirez-De La Torre)

CASE NO. CR-____-19-2465 (Ruiz)

DEPT. NO. 2

IN THE FOURTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

THE STATE OF NEVADA,

Plaintiff,

vs.

HECTOR HUGO RAMIREZ-DE LA TORRE,
and
JORGE LANDEROS RUIZ

Defendants.

CRIMINAL

INFORMATION

COMES NOW THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and informs the above-entitled Court that Defendant above-named, on or about the 27th day of February, 2019, the 4th day of March, 2019, the 7th day of March, 2019, and/or the 18th day of March, 2019, at or near the location of 5647 Kale Dr. within the community of Osino, and/or the community of Ryndon, within the County of Elko, and the State of Nevada, committed a crime or crimes described as follows:

As to the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE only (Counts 1-5):

COUNT 1

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

Affirmation Pursuant to NRS 239B.030

SSN Does Not Appear

SSN Does Not Exist

That on or about the 27th day of February, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 2

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 4th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 3

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 7th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 4

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 5

POSSESSION OF A FIREARM BY A PROHIBITED PERSON, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460)

That the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE willfully and unlawfully owned; and/or possessed, actually or constructively; and/or had custody and/or control of a firearm.
Furthermore, that the Defendant, at the time of the ownership, possession, custody or control, of said firearm(s) was an unlawful user of, or addicted to, any controlled substance.

As to the Defendant JORGE LANDEROS RUIZ only (Counts 6-8):

COUNT 6

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c) AND NRS 195.020. (NOC 51160)

That the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

Alternative theory of liability,

That the Defendant did willfully and unlawfully aid and abet and/or did directly or indirectly counsel, encourage, induce, or otherwise procure, another person in the commission of the above crime in the following manner: by allowing HECTOR HUGO RAMIREZ-DE LA TORRE or EDUARDO RUIZ to possess more than 28 grams of methamphetamine on his property.

COUNT 7

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY B FELONY AS DEFINED BY NRS 453.3385.1(b). (NOC 51158)

That the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: cocaine, and that the controlled substance or mixture weighed fourteen (14) grams or more, but less than twenty-eight (28) grams.

Alternative theory of liability,

That the Defendant did willfully and unlawfully aid and abet and/or did directly or indirectly counsel, encourage, induce, or otherwise procure, another person in the commission of the above crime in the following manner: by allowing HECTOR HUGO RAMIREZ-DE LA TORRE or EDUARDO RUIZ or some other person to possess on his property (14) grams or more but less than twenty-eight (28) grams of cocaine.

COUNT 8

MAINTAINING A PLACE FOR UNLAWFUL USE OF A CONTROLLED SUBSTANCE, A CATEGORY B FELONY AS DEFINED BY NRS 453.316. (NOC 51088)

That the Defendant JORGE LANDEROS RUIZ did willfully, unlawfully and knowingly maintain a place, to-wit: 5647 Kale Dr., for the purpose of unlawfully selling, giving away or using any controlled substance, to-wit: methamphetamine, a schedule I controlled substance.

As to the defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ (Counts 9-28):

COUNT 9

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a roosters, more particularly described as roosters numbered 1 through 25, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 10

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 1 through 25, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 11

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 26 through 50, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 12

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 26 through 50, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 13

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 51 through 75, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 14

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 51 through 75, with the intent to use the rooster(s) to fight another animal, or did sell

an animal knowing that it is intended to be used to fight another animal.

COUNT 15

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 76 through 100, and/or by causing the rooster to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 16

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 76 through 100, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 17

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 101 through 125, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 18

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH

ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 101 through 125, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 19

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 126 through 150, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 20

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 126 through 150, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 21

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or

wattle(s) of a rooster(s), more particularly described as roosters numbered 151 through 175, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 22

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 151 through 175, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 23

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person; in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 176 through 200, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 24

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 176 through 200, with the intent to use it to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 25

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR

COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 201 through 225, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 26

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 201 through 225, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 27

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did willfully and unjustifiably torture, maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 226 through 248, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 28

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an

animal, to wit: a rooster, more particularly described as roosters numbered 226 through 248, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

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

Dated: August 19, 2019.

TYLER J. INGRAM
Elko County District Attorney

MARK S. MILLS
Deputy District Attorney
State Bar Number: 11660

Declaration By State's Counsel Estimating
The Number Of Days Needed For Trial

COMES NOW THE STATE OF NEVADA, by and through its Counsel of Record the Elko County District Attorney's Office and, specifically by the Deputy District Attorney assigned the above-entitled matter, who, by his signature hereunder, would declare to the above-entitled Court that it is State's Counsel's estimate that twelve (12) days, including jury selection, should be set aside for the trial of this matter.

MARK S. MILLS
Deputy District Attorney
State Bar Number: 11660

Witnesses' names and addresses known to the District Attorney at the time of filing the above Criminal Information, if known, are as follows.

C/S 19-ET-001: 3920 IDAHO ST Elko, NV 89801

JACOB W. EISINGER: 3920 EAST IDAHO STREET ELKO, NV 89801

DOUGLAS JAMES FISHER: 775 WEST SILVER STREET Elko, NV 89801

JOHN DEAN GAYLOR: 3920 EAST IDAHO STREET ELKO, NV 89801

JJ GOICOECHEA DVM: PO BOX 589 EUREKA, NV 89316

MATTHEW MILLER: 3920 EAST IDAHO STREET ELKO, NV 89801

TESSA JOSEPHINE MORGAN: Elko Veterinary Clinic 1052 Colt Drive ELKO, NV 89801

JOSHUA K MORRELL: 1448 SILVER STREET ELKO, NV 89801-3924

TASK FORCE NEVADA DIVISION OF INVESTIGATION: 3920 IDAHO STEET ELKO, NV 89801

LEANN SMITH: 775 WEST SILVER STREET Elko, NV 89801

SCOTT W. SMITH: 3920 EAST IDAHO STREET ELKO, NV 89801

Docket 82891 Document 2021-32930

CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County District Attorney's Office, and that on the 20th day of August, 2019, I hereby served a copy of the CRIMINAL INFORMATION, by delivering, mailing, faxing, or causing to be delivered, faxed, or mailed, a copy of said document to the following:

By delivering to:

HONORABLE ALVIN R. KACIN
FOURTH JUDICIAL DISTRICT COURT
ELKO COUNTY COURTHOUSE
ELKO, NV 89801

By mailing to:

Attorney for Hector Ramirez-De La Torre
Gary D. Woodbury
Attorney At Law
1053 Idaho Street
Elko, NV 89801

Attorney for Jorge Ruiz
Larry K. Dunn
Attorney at Law
P.O. Box 2911
Reno, NV 89505

Amanda Waugh
AMANDA WAUGH
CASEWORKER

DA # F-19-00695

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE
20 day of Aug, 2019
CLERK

DA

FILED

2021 JAN -7 AM 10:38

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY

CASE NO. CR-FP-19-2456 (Ramirez-De La Torre)

CASE NO. CR-FP-19-2465 (Ruiz)

DEPT. NO. 2

IN THE FOURTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

THE STATE OF NEVADA,

Plaintiff,

vs.

HECTOR HUGO RAMIREZ-DE LA TORRE,
and
JORGE LANDEROS RUIZ

Defendants.

AMENDED CRIMINAL INFORMATION

COMES NOW THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and informs the above-entitled Court that Defendant above-named, on or about the 25th day of February, 2019, the 4th day of March, 2019, the 7th day of March, 2019, and/or the 19th day of March, 2019, at or near the location of 5647 Kale Dr. within the community of Osino, and/or the community of Ryndon, within the County of Elko, and the State of Nevada, committed a crime or crimes described as follows:

As to the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE only (Counts 1-5):

COUNT 1

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 25th day of February, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 2

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 4th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 3

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about the 7th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 4

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c). (NOC 51160)

That on or about March 19, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 5

POSSESSION OF A FIREARM BY A PROHIBITED PERSON, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460)

That on or about March 19, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE wilfully and unlawfully owned; and/or possessed, actually or constructively; and/or had custody and/or control of a firearm.
Furthermore, that the Defendant, at the time of the ownership, possession, custody or control, of said firearm(s) was an unlawful user of, or addicted to, any controlled substance.

As to the Defendant JORGE LANDEROS RUIZ only (Counts 6-8):

COUNT 6

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385.1(c) AND NRS 195.020. (NOC 51160)

That on or about February 25, 2019, March 4, 2019, March 7, 2019, and/or March 19, 2019, the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

Alternative theory of liability,
That the Defendant did willfully and unlawfully aid and abet and/or did directly or indirectly counsel, encourage, induce, or otherwise procure, another person in the commission of the above crime in the following manner: by allowing HECTOR HUGO RAMIREZ-DE LA TORRE or EDUARDO RUIZ to use Defendant's property as a base from which to engage in the trafficking of 28 grams or more of methamphetamine, a schedule I controlled substance.

COUNT 7

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY B FELONY AS DEFINED BY NRS 453.3385.1(b). (NOC 51158)

That on or about February 25, 2019, March 4, 2019, March 7, 2019, and/or March 19, 2019, the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: cocaine, and that the controlled substance or mixture weighed fourteen (14) grams or more, but less than twenty-eight (28) grams.

Alternative theory of liability,
That the Defendant did willfully and unlawfully aid and abet and/or did directly or indirectly counsel, encourage, induce, or otherwise procure, another person in the commission of the above crime in the following manner: by allowing

HECTOR HUGO RAMIREZ-DE LA TORRE or EDUARDO RUIZ to use Defendant's property as a base from which to engage in the trafficking of (14) grams or more but less than twenty-eight (28) grams of cocaine, a schedule I controlled substance.

COUNT 8

MAINTAINING A PLACE FOR UNLAWFUL USE OF A CONTROLLED SUBSTANCE, A CATEGORY B FELONY AS DEFINED BY NRS 453.316. (NOC 51088)

That on or about February 25, 2019, March 4, 2019, March 7, 2019, and March 19, 2019, the Defendant JORGE LANDEROS RUIZ did willfully, unlawfully and knowingly maintain a place, to-wit: 5647 Kale Dr., for the purpose of unlawfully selling, giving away or using any controlled substance, to-wit: methamphetamine, a schedule I controlled substance.

As to the defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ (Counts 9-28):

COUNT 9

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 65577)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a roosters, more particularly described as roosters numbered 1 through 25, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 10

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53256)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train,

promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 1 through 25, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 11

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 26 through 50, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 12

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 26 through 50, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 13

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 51 through 75, and/or by causing

the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 14

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 51 through 75, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 15

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 76 through 100, and/or by causing the rooster to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 16

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 76 through 100, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 17

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 101 through 125, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 18

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 101 through 125, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 19

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 126 through 150, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 20

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 126 through 150, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 21

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 151 through 175, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 22

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53255)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 151 through 175, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 23

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 176 through 200, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 24

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a). (NOC 53256)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 176 through 200, with the intent to use it to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 25

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 201 through 225, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 26

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(6)(a). (NOC 53255)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 201 through 225, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 27

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100. (NOC 55977)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 226 through 248, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 28

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(6)(a). (NOC 53255)

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 226 through 248, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

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

Dated: January 6, 2021.

TYLER J. INGRAM
Elko County District Attorney

MARK S. MILLS
Deputy District Attorney
State Bar Number: 11660

Witnesses' names and addresses known to the District Attorney at the time of filing the above Amended Criminal Information, if known, are as follows.

CLINTON SANDSTROM (C/S 19-ET-001): NDI Elko, NV 89801

JASON CHECKETTS, 1448 Silver Street Elko, NV 89801-3924

JACOB W. EISINGER: 3920 East Idaho Street Elko, NV 89801

DOUGLAS JAMES FISHER: 775 West Silver Street Elko, NV 89801

JOHN DEAN GAYLOR: 343 Parkchester Circle Spring Creek, NV 89815

JJ GOICOECHEA DVM: 180 S. Main Street, Eureka, NV 89316

MATTHEW MILLER: 3920 East Idaho Street Elko, NV 89801

TESSA JOSEPHINE MORGAN: Elko Veterinary Clinic 1052 Colt Drive Elko, NV 89801

JOSHUA K MORRELL: 775 West Silver Street Elko, NV 89801

SHELDON JAMES OLSEN: Elko, NV 89801

MICHELLE RENEE RATHBUN: NHP Evidence, 3920 E Idaho St Elko, NV 89801

LEANN SMITH: 775 West Silver Street Elko, NV 89801

SCOTT W. SMITH: 3920 East Idaho Street Elko, NV 89801

BRAD L. TAYLOR: 911 Parr Blvd Reno, NV 89512

DAMON KUSKIE: 50 West 5th Street Winnemucca, NV 89445

CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County District Attorney's Office, and that on the 19th day of January, 2021, I hereby served a copy of the CRIMINAL INFORMATION, by delivering, mailing, faxing, or causing to be delivered, faxed, or mailed, a copy of said document to the following:

By delivering to:

HONORABLE ALVIN R. KACIN
FOURTH JUDICIAL DISTRICT COURT
ELKO COUNTY COURTHOUSE
ELKO, NV 89801

By mailing to:

Attorney for Hector Ramirez-De La Torre
Gary D. Woodbury
Attorney At Law
1053 Idaho Street
Elko, NV 89801

Attorney for Jorge Ruiz
Larry K. Dunn
Attorney at Law
P.O. Box 2911
Reno, NV 89505

AMANDA WAUGH
CASEWORKER

DA # F-19-00696

FILED

2021 APR 21 AM 9:04

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY

CASE NO. CR-FP-19-2456

DEPT. NO. 2

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

HECTOR HUGO RAMIREZ-DE LA TORRE,

Defendant.

JUDGMENT OF CONVICTION

On January 29, 2021, a jury found Defendant HECTOR HUGO RAMIREZ-DE LA TORRE (date of birth: September 13, 1984; place of birth: Mexico) guilty of **COUNT 1: TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385(1)(c) (NOC 51160); COUNT 2: TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385(1)(c) (NOC 51160); COUNT 3: TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385(1)(c) (NOC 51160); COUNT 4: TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY AS DEFINED BY NRS 453.3385(1)(c) (NOC 51160); COUNT 5: POSSESSION OF A FIREARM BY A PROHIBITED PERSON, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1 (NOC 51460); COUNT 9: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977);**

COUNT 10: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 11: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 12: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 13: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 14: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 15: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 16: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 17: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 18: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 19: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 20: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 21: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 22: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 23: UNLAWFUL KILLING OR MAIMING OF AN

ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 24: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 25: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 26: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); COUNT 27: UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY AS DEFINED BY NRS 574.100 (NOC 55977); COUNT 28: POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY AS DEFINED BY NRS 574.070(2) AND NRS 574.070(5)(a) (NOC 53255); which crimes occurred on or about February 27, 2019 (Count 1), March 4, 2019 (Count 2), March 7, 2019 (Count 3), and March 19, 2019 (Count 4 and Count 5; Count 9 through Count 28). The court held a sentencing hearing on April 14, 2021 and sentenced Defendant as follows:

> IT IS ORDERED that Defendant shall submit to a test to determine his genetic markers, and shall pay the genetic testing fee of $150.00. In addition, Defendant shall pay a genetic administrative assessment of $3.00.
>
> IT IS FURTHER ORDERED that Defendant shall pay an administrative assessment of $25.00.
>
> IT IS FURTHER ORDERED that Defendant shall pay the forensic fee of $60.00.
>
> For Count 1, Defendant shall serve a definite term of 25 years in prison, with eligibility for parole beginning when a minimum of 10 years has been served. Defendant shall have credit for 758 days served as of April 14, 2021.
>
> For Count 1, Defendant shall pay a fine in the amount of $100.00.

For Count 2, Defendant shall serve a definite term of 25 years in prison, with eligibility for parole beginning when a minimum of 10 years has been served.

For Count 2, Defendant shall pay a fine in the amount of $100.00.

For Count 3, Defendant shall serve a definite term of 25 years in prison, with eligibility for parole beginning when a minimum of 10 years has been served.

For Count 3, Defendant shall pay a fine in the amount of $100.00.

For Count 4, Defendant shall serve a definite term of 25 years in prison, with eligibility for parole beginning when a minimum of 10 years has been served.

For Count 4, Defendant shall pay a fine in the amount of $100.00.

For Count 5, Defendant shall serve a maximum term of 60 months and a minimum term of 24 months in prison.

For Count 9, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 10, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 11, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 12, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 13, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 14, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 15, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 16, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 17, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 18, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 19, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 20, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 21, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 22, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 23, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 24, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 25, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 26, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 27, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

For Count 28, Defendant shall serve a maximum term of 48 months and a minimum term of 18 months in prison.

IT IS FURTHER ORDERED that the sentence for Count 2 shall be concurrent to the sentence for Count 1.

IT IS FURTHER ORDERED that the sentence for Count 3 shall be concurrent to the sentences for Counts 1 and 2.

IT IS FURTHER ORDERED that the sentence for Count 4 shall be concurrent to the sentences for Counts 1, 2, and 3.

IT IS FURTHER ORDERED that the sentence for Count 5 shall be concurrent to the sentences for Counts 1, 2, 3, and 4.

IT IS FURTHER ORDERED that the sentences for Counts 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 shall be consecutive to the sentences for Counts 1, 2, 3, 4 and 5.

IT IS FURTHER ORDERED that the sentences for Counts 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 shall be concurrent to one another.

IT IS FURTHER ORDERED that the sentences for Counts 10, 12, 14, 16, 18, 20, 22, 24, 25, 26, and 28 are suspended and Defendant is placed on a term of probation of 12 months. While on probation, Defendant shall comply with the standard rules of probation.

IT IS FURTHER ORDERED that the maximum aggregate term of imprisonment shall be 348 months and the minimum aggregate term of imprisonment shall be 138 months.

Throughout these proceedings, Defendant was represented by Gary Woodbury, Esq.

THEREFORE, the Clerk is directed to enter this Judgment of Conviction as part of the record in this matter.

DATED this 20 day of April, 2021.

ALVIN R. (AL) KACIN
District Court Judge

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 2, and that on this 21 day of April 2021, I served by hand delivery by placing a copy of said document in the agency box located in the Elko County Clerk's Office, a true copy of the foregoing document to:

Elko County District Attorney
Gary Woodbury, Esq.
State of Nevada, Division of Parole & Probation
Elko County Sheriff
Director, Nevada Department of Corrections

Carlos Nunes

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 2, and that on this 21 day of April 2021, I served by regular U.S. Mail, a true copy of the foregoing document to:

Nevada Department of Corrections
Offender Management Division,
Sentence Management
PO Box 7011
Carson City, NV 89702

Carlos Nunes

FILED

2021 APR 28 PM 1:13

ELKO CO DISTRICT COURT

CLERK____ DEPUTY____

Case No.: CR-FP-19-2456

Dept. No.: 2

IN THE FOURTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

HECTOR HUGO RAMIREZ-DE LA TORRE,

Appellant,

THE STATE OF NEVADA,

Respondent.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: *Hector Hugo Ramirez-De La Torre*

2. Identify the judge issuing the decision, judgment or order appealed from: *Honorable Alvin R. Kacin*

3. Identify each appellant and the name and address of counsel for each appellant: Hector Hugo Ramirez-De La Torre *is the Appellant. Trial Counsel is Gary D. Woodbury. 1053 Idaho St. Elko, Nevada, 89801.*

4. Identify each respondent and the name and address of appellate counsel, if known for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel): *The State of Nevada is the respondent. Counsel is Elko County District Attorney, Mark Mills. 540 Court Street, 2nd Floor Elko, Nevada 89801.Elko, NV 89802*

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to

appear under SCR 42 (attach a copy of any district court order granting such permission): *All involved attorneys are licensed to practice law in Nevada.*

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: *Appellant was represented by appointed counsel.*

7. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: *No order to proceed in forma pauperis was requested or granted.*

8. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): *Information filed in the Fourth Judicial District Court on August 20th, 2019.*

9. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: *Defendant was charged with twenty-five felonies. He pled not guilty and went to trial before a jury. Defendant was convicted of twenty-five, and it is from his conviction by the jury that he appeals.*

10. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: *It has not been the subject of an appeal or of a writ proceeding.*

11. Indicate whether this appeal involves child custody or visitation: *Child custody is not involved.*

12. If this is a civil case, indicate whether this appeal involves the possibility of settlement: *This is a criminal case.*

Dated this 27 day of APRIL 2021.

GARY D. WOODBURY
Nevada State Bar # 1915
Attorney for Defendant
1053 Idaho St.
Elko, NV 89801
775-738-8006

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I, KIMBERLY DAWSON, on the 28 day of April 2021 served the foregoing CASE APPEAL STATEMENT by delivering, mailing or by facsimile transmission or causing to be delivered, mailed, or transmitted by facsimile transmission, a copy of said document to the following:

By Delivering to:

THE HONORABLE ALVIN R. KACIN
FOURTH JUDICIAL DISTRICT COURT
ELKO COUNTY COURTHOUSE
ELKO, NV 89801

AND

ELKO COUNTY DEPUTY DISTRICT ATTORNEY
540 COURT ST., 2ND FLOOR
ELKO, NV 89801

Kimberly Dawson
KIMBERLY DAWSON

FILED

2021 APR 28 PM 1:12

ELKO CO DISTRICT COURT

CLERK____ DEPUTY____

Case No.: CR-FP-19-2456

Dept. No.: 2

IN THE FOURTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

HECTOR HUGO RAMIREZ-DE LA TORRE,

Appellant,

NOTICE OF APPEAL

THE STATE OF NEVADA,

Respondent.

NOTICE is hereby given that HECTOR HUGO RAMIREZ-DE LA TORRE, Appellant above named, hereby appeals to the Supreme Court of Nevada from the final judgment entered in this action on the 21st day pf April, 2021

Dated this 28 day of APRIL 2021.

CARY D. WOODBURY
Attorney for Defendant
1053 Idaho St.
Elko, NV 89801

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I, KIMBERLY DAWSON, on the 28 day of April 2021 served the foregoing NOTICE OF APPEAL by delivering, mailing or by facsimile transmission or causing to be delivered, mailed, or transmitted by facsimile transmission, a copy of said document to the following:

By Delivering to:

THE HONORABLE ALVIN R. KACIN
FOURTH JUDICIAL DISTRICT COURT
ELKO COUNTY COURTHOUSE
ELKO, NV 89801

AND

ELKO COUNTY DEPUTY DISTRICT ATTORNEY
540 COURT ST, 2ND FLOOR
ELKO, NV 89801

Kimberly Dawson
KIMBERLY DAWSON

FILED

2020 APR 28 AM 11:28

ELKO CO DISTRICT COURT

CLERK DEPUTY

Case No. CR-FP-19-2456

Dept.: 2

IN THE FOURTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

MOTION TO DISMISS

HECTOR HUGO RAMIREZ-DE LA TORRE,

Defendant.

COMES NOW the Defendant above-named by and through his attorney Gary D. Woodbury, counsel for the above-named Defendant, and moves this court for its order dismissing the above entitled prosecution. This motion is made and based on the attached Points and Authorities.

POINTS AND AUTHORITIES

Defendant's trial preparation has involved a concerted effort to find a way for Defendant to testify about what he did and why he did it, and to rely on NRS 194.010 (8) as his defense against all of the pending charges. In the alternative, trial preparation has also included a search for a means to substitute other admissible evidence equivalent to Defendant's testimony to allow him to rely on the provisions of NRS 194.010(8).

Under that statute, persons who commit crimes "under threats or menaces sufficient to show that they had reasonable cause to believe, and did believe, their lives would be endangered if they refused, or that they would suffer great bodily harm.", are not guilty of committing the crimes.

Defendant is in a position where his testimony at trial supporting the NRS 194.010(8) claim is necessary, but because of existing threats and menaces he cannot testify without putting his life in jeopardy. Neither can Defendant put other admissible evidence before a jury that would support his claim to that statutory protection.

The Court is informed as follows:

Defendant is aware that the time for filing Motions in the above case has passed pursuant to the Pretrial Order. He requests the Court find that it is appropriate for the Court to consider the Motion to Dismiss for the reason's hereafter set out concerning delayed discovery.

On April 22, 2020 Counsel for Defendant Ramirez was provided with discovery from the prosecution in the above-entitled case that included a recorded interview of Sheldon Olsen on November 25, 2019. Two deputy district attorneys, Mark Mills and Justin Brianca, Detective Gaylor of the Nevada Division of Investigations, and Mr. Olsen's attorney, David Loreman, were present for the interview. A copy of the recording is attached as Exhibit A.

A copy of the report of Detective Gaylor written on April 21, 2020 and received by Defendant's counsel on April 27, 2020, in reference to the interview is attached hereto as Exhibit B.

In addition, the discovery provided on April 22 included reports written by Detective Gaylor concerning the specifics of approximately 6 purchases of methamphetamine by Mr. Sandstrom from Mr. Olsen in February 2019.

The discussion in the recorded conversation, among other things, was principally concerned with Mr. Sandstrom, a cooperating source for the Nevada Division of Investigations, having made the methamphetamine purchases from Mr. Olsen in February of 2019.

In his interview, Mr. Olsen informed law enforcement that the "Mexican mafia" was the source of the methamphetamine he received and sold to Mr. Sandstrom in February 2019.

In Discovery # 19 attached hereto as Exhibit C, Mr. Olsen identifies Hector (Defendant Ramirez) as a member of the Mexican mafia.

Mr. Olsen informed the participants in his recorded interview that he knew that the sellers were members of a cartel in part because unnamed people had informed him of various subjects. For example, he said that he had been informed that an employee of the Elko County Sheriff's Office was an informant to the cartel and that there were people who kept track of law enforcement activities in the Ryndon-Osino area of Elko County and informed Mr. Olsen when he should desist in his drug selling activities because of their presence.

Law enforcement was aware that a cartel was likely involved well before any arrests were made, (PHT Vol I, dated June 7, 2019, page 120 line 13, testimony of Detective Gaylor.) Law enforcement, according to the testimony of Detective Gaylor, was also aware that the cartel posed a physical threat to informants.

Mr. Olsen requested that he be protected by law enforcement from any retribution for his cooperation with law enforcement by the cartel. Law enforcement participants in the conversation agreed protection would likely be necessary. What form that protection involved, or if it was provided to Mr. Olsen, is unknown.

When Defendant received and reviewed the Olsen documents and other filings in the case, it became immediately clear that he would be physically injured or killed if he testified at trial or presented other evidence that he was acting under cartel orders in the instant case and that he did so based on cartel rules that if he didn't do as ordered, he would be physically harmed or killed.

There is no way to present Mr. Ramirez's testimony to a jury without it becoming public knowledge. As the Court is aware, this is the "chicken case" and there is wide local public interest.

If Mr. Ramirez testifies there is no way to avoid cross examination that will require him to name specific people and other circumstances that would implicate other people that are or may be part of a Mexican cartel. Even if Mr. Ramirez's testimony falls short of such identifying information, the Defense has no means to predict how the cartel will view it.

The Defense has considered hiring an expert witness to testify that practices of controlling low level employees in a drug cartel includes threats to the employees to physically harm them or

their families. That expert testimony would be ineffective because in order for it to establish the validity and pertinence in this case without Defendant's testimony, the expert would have to assert that those kinds of threats are always made by every cartel and against every cartel employee. No expert could so testify without being totally impeached.

In addition, that expert testimony could be seen by cartel managers as an attempt by defendant to undermine the cartel.

Defendant is not allowed to have the jury provided a jury instruction setting out his defense unless there is trial evidence that supports it. A defendant is entitled to have the jury instructed on his or her theory of defense, but the theory must have a legal basis and some foundation in the evidence, United States v. Perdomo-Espana, 522 F.3d 983, 986-87 (9th Cir.)

Mr. Ramirez has no way to defend himself in the upcoming trial without placing his life in jeopardy.

Counsel has researched the steps taken by the federal government in the trial of Joaquin Guzman, United States of America v. Joaquin Archivaldo Guzman Loera to protect witnesses that were somewhat in the circumstances of Defendant. Principally, those witnesses were provided new identities and were placed in witness protection programs. So far as counsel can discern, no protection for their families was considered or provided. More importantly, the conviction of Defendant essentially resulted in a complete change in management of the cartel Mr. Guzman controlled.

Defendant has no reason to believe the upper levels of the involved cartel in the instant case would in any way change based on the outcome of this case.

Defendant has no way to negotiate an acceptable outcome with the State because the specifics of the negotiations are required to be public and even if not public are likely to become known. Mr. Ramirez can provide no quid pro quo to the State without putting his life in significantly greater danger. Defendant has no way to ascertain how the upper levels of the cartel would view those negotiations regardless of their content.

The Court is informed that Defendant is presently subject to a hold by U.S. Immigration and Customs Enforcement.

The prosecution and judiciary are required to provide justice for Defendants. As of this filing it should be clear that Defendant has a theory of defense that he cannot place before the jury and that counsel has found no means to get the facts of his NRS 194.010(8) defense before the jury without endangering Defendant's life.

The testimony of Defendant is material, and cannot be replicated by any reasonable means, California v Trombetta, 467 U.S. 479 (1984). A defendant is entitled to a fair trial and to competent counsel, United States v Morrison, 449 U.S. 361 (1981).

The charges against Defendant should be dismissed because he cannot be given due process of law.

Respectfully submitted this 28 day of April 2020.

By: GARY D. WOODBURY

GARY D. WOODBURY
Attorney for Defendant

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I, KIMBERLYD DAWSON, on the 24 day of April 2020 served the foregoing MOTION TO DISMISS by delivering, mailing or by facsimile transmission or causing to be delivered, mailed, or transmitted by facsimile transmission, a copy of said document to the following:

By delivering to:

THE HONORABLE ALVIN R. KACIN
FOURTH JUDICIAL DISTRICT COURT
ELKO COUNTY COURTHOUSE
ELKO, NV 89801

And

ELKO COUNTY DISTRICT TORNEY
540 COURT ST., SECOND FLOOR
ELKO, NV 89801

KIMBERLY DAWSON

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I, KIMBERLY DAWSON, on the 28 day of OCTOBER 2019 served the foregoing MOTION TO SUPPRESS by delivering, mailing or by facsimile .transmission or causing to be delivered, mailed, or transmitted by facsimile transmission, a copy of said document to the following:

By Scanning to:

Karena D. Dunn
1201 Terminal Way #221B
Reno, NV 89502
LKDesq@aol.com

KIMBERLY DAWSON

EXHIBIT A

EXHIBIT B

NEVADA DEPARTMENT OF PUBLIC SAFETY
INVESTIGATION DIVISION
Supplemental Progress Report

CASE NUMBER: 18B000600

NATURE: Narcotics Investigation

OFFENSE(S): Cons Sales Traf/Mfg Methamphe

DATE REPORTED: 09/19/2018

DATE ASSIGNED: 09/18/2018

DATE ARRESTED: 09/19/2018

DATE THIS REPORT: 03/31/2020

ASSIGNED UNIT: Elko Narcotics Task Force

ASSIGNED INVESTIGATOR: Smith, J

CURRENT STATUS: Closed/Inactive

JUDICIAL STATUS: Filed, Pending Adjudication

REPORTING OFFICER'S SIGNATURE | PRINTED NAME | DATE

APPROVED BY SIGNATURE | PRINTED NAME | DATE

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DEPARTMENT OF PUBLIC SAFETY, INVESTIGATIONS DIVISION

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RELEASED TO: _____ RELEASED BY INITIALS: _____

Report RE: Supplemental Progress - Interview of Sheldon Olsen on November 25, 2019 (#8000808)

Report written by: Detective J. Gaylor #1055

Date report written: April 21, 2020

DETAILS:

On November 25, 2019 at approximately 1400 hrs, Detective (Det.) John Gaylor of the Elko Combined Narcotics Unit conducted an interview at the Elko County Sheriff's Office. Individuals present for the interview were Elko County Deputy District Attorneys Mark Mills and Justin Sarafina, David Loreman of the Elko Public Defenders Office representing Sheldon OLSEN, Sheldon OLSEN, and Det. Gaylor. Det. Gaylor recorded this interview with his issued digital voice recorder.

The purpose of the interview was to learn more about the controlled substances sales activities that allegedly transpired at 5647 Kale Drive in Osino. OLSEN referred to the property as "Georges." Detective Gaylor clarified that "George", is Jorge LANDEROS RUIZ, which OLSEN confirmed. OLSEN stated arrangements were made between "Hector" (Hector Hugo RAMIREZ DE LA TORRE) and himself to purchase methamphetamine at 5647 Kale Drive. Other times "Hector" would deliver methamphetamine to OLSEN's residence, sometimes multiple times in a day.

According to OLSEN, LANDEROS RUIZ and OLSEN dealt directly with each other when "Hector" wasn't available to deliver. OLSEN spoke about a time when he was at 5647 Kale Drive, and OLSEN observed LANDEROS RUIZ go into a shed/barn and bringing methamphetamine back to OLSEN.

Detective Gaylor asked OLSEN to describe the front exterior of LANDEROS RUIZ's residence. OLSEN stated it was a newer double wide trailer with a white fence in front.

OLSEN stated to the attorneys and detective that there is an informant that works at the Sheriff's Office. Allegedly this informant works for the Sheriff's Office and provides information to drug dealers.

OLSEN stated he did business (purchase methamphetamine) with "Hector" for at least a couple of years.

OLSEN stated that during purchases of methamphetamine that transpired at 5647 Kale Drive, he witnessed LANDEROS RUIZ retrieve methamphetamine from the chicken coops on several occasions, which he in turn, sold to OLSEN. It is noted that large quantities of methamphetamine were located in and around the chicken coops at 5647 Kale Drive during the execution of a search warrant in March of 2019.

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OLSEN expressed concerns for his safety after this case is processed, since "these guys" know him and where he lives.

OLSEN stated he sold LANDEROS RUIZ, a .44 magnum handgun. The handgun was described by OLSEN as a Colt Anaconda with a scope on it. It is noted that a .44 Magnum Gold Anaconda with a mounted scope was recovered during the execution of the search warrant at 6647 Kale Drive in March, 2019.

When OLSEN was asked who the boss of the operation is, he answered it was "George" (LANDEROS RUIZ).

Detective Gaylor retained a copy of this interview, to be submitted to the Elko County District Attorney's Office upon their request. On April 2, 2020, Det. Gaylor received a request from Deputy District Attorney Mark Mills for a report to be written regarding this interview. A copy of the interview recording will accompany this report to the Elko County District Attorney's Office.

Investigation concluded.

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EXHIBIT C

Report RE: Supplemental Progress (#18000061)

Report written by: John Gaylor, Detective, #1066

Date report written: February 11, 2018

DETAILS:

On February 11, 2018, CS 18-ST-001 contacted Detective John Gaylor and stated that the C/S would proceed to 6156 Arthur Ave in Ryndon, Nevada to make arrangements with a subject known to the C/S and ENCU detectives as Sheldon "Sid" OLSEN to purchase an ounce of methamphetamine for $400.00 total.

On February 11, 2018, at approximately 1515 hours, Detectives Gaylor and Michael Keema met with the C/S; during this meeting, Detectives Gaylor and Keema conducted a recorded briefing with the C/S about the impending controlled purchase with OLSEN. Detective Matt Miller searched the C/S's vehicle for contraband, none was found.

The C/S was searched by Detective Gaylor for any weapons and/or contraband. Neither were found. Next Detective Gaylor placed a body wire transmitter on the C/S's person. Detective Gaylor tested the body wire transmitter to confirm it was functioning properly. Finally, Detective Gaylor provided the C/S with $400.00 Official Advanced Funds (OAF) to give to OLSEN in exchange for an ounce of methamphetamine.

At approximately 1600 hours, Detectives Gaylor and Keema left the meeting location to get into a position for surveillance of the controlled purchase. Shortly after, the C/S got in their vehicle to drive to 6156 Arthur Av. Detective Miller of the Elko Combined Narcotics Unit followed the C/S and maintained visual contact of the C/S as he/she drove to 6156 Arthur Ave.

The C/S went into the males home at 6156 Arthur Avenue. The C/S met with OLSEN, and the two made small talk throughout the course of the controlled purchase.

During the course of the controlled purchase, the C/S and OLSEN discussed several items the detectives found important; OLSEN sold/it sell the ounce to the C/S for $400.00 because that's the price OLSEN pays. OLSEN stated he had 30 grams of meth and could sell the C/S a half ounce for $250.00, the C/S asked if he could get an ounce if he called ahead next time, the C/S refers to a "Hector" as his original supplier, OLSEN responds that every time he calls they answer and bring him what he needs. OLSEN states he had the "Mexican on tel" in his living room, OLSEN further states "Hector" is part of the "Nadson Mafia." It should be noted that "Hector is the subject of ENCU investigation 18000060.

The C/S broke contact with OLSEN and reentered his vehicle the C/S drove to 6156 Arthur Ave. The C/S was under constant surveillance on the drive back to the

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2020 MAY -7 PM 1:58

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY _____

CASE NO. CR-FP-19-2456

DEPT. NO. 2

Affirmation Pursuant to NRS 239B.030

SSN Does Appear ____

SSN Does Not Appear AWJ

IN THE FOURTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

HECTOR HUGO RAMIREZ-DE LA TORRE,

Defendant.

OPPOSITION TO DEFENDANT'S MOTION TO DISMISS FILED APRIL 28, 2020

COMES NOW, Plaintiff, State of Nevada, by and through its attorneys, TYLER J. INGRAM, District Attorney for the County of Elko, and Justin M. Barainca, Deputy District Attorney, and submits the following Points and Authorities in support of this Opposition together with all pleadings and papers on file herein.

Dated this 6th day of May, 2020.

TYLER J. INGRAM
Elko County District Attorney

By: _____
Justin M. Barainca
Deputy District Attorney
State Bar Number: 14163

POINTS AND AUTHORITIES

I. RELEVANT PROCEDURAL HISTORY AND FACTS

A trial in this matter is currently set to commence on June 2, 2020. However, during the hearing on motions on April 29, 2020, this Court indicated that it was inclined to continue the trial based upon concerns and considerations from the Nevada Supreme Court and the community regarding COVID-19. Additionally, this Court also opined that severance of the trial between the two codefendants may be necessary based upon either Defendant raising antagonistic defenses.

On April 28, 2020, Defendant filed a Motion to Dismiss ("motion"). As Defendant noted in his motion, this matter is often colloquially referred to as the "chicken case," whereby Defendant and Jorge Landeros Ruiz are essentially charged with distributing or possessing large amounts of controlled substances in addition to possessing a large number of roosters to be utilized in cockfighting. During the preliminary hearing, and through the testimony of Sheldon "Bob" Olsen during the hearing on motions on April 29, 2020, there has been evidence to suggest that the co-defendants are connected to a Mexican cartel. (PHT, June 7, 2019, 119-128). Also, in his motion, Defendant contends that there are current threats or other safety considerations that prevent Defendant from testifying. For the reasons discussed below, the State respectfully opposes Defendant's motion.

II. RELEVANT FACTS AND ARGUMENT

In his motion, Defendant contends that dismissal is required in this matter because of Defendant's inability to raise a "duress" defense under NRS 194.010(8). The duress defense is an ancient common law affirmative defense "which provides the defendant a legal excuse for the commission of the criminal act." *Cabrera v. State*, 454 P.3d 722, 724 (Nev. 2019) (citation omitted). Nevada codified the duress defense at NRS 194.010(8). *Id.*

However, Defendant cites no authority, nor is the undersigned attorney aware of any authority, that provides that dismissal is required because of extraneous circumstances outside of the prosecution that affect Defendant's ability to testify in his defense or provide

evidence to support his defense.[1] Frankly, the claim that the prosecution and the court have a duty to consider circumstances outside of their control in this context is meritless.

III. CONCLUSION.

For the foregoing reasons, this Court should deny Defendant's motion.

Dated this 6th day of May, 2020.

TYLER J. INGRAM
Elko County District Attorney

By: _____
Justin M. Barainca
Deputy District Attorney
State Bar Number: 14163

[1] There exists a plethora of cases regarding situations where a witness other than defendant is reluctant to testify out of fear of retribution, but the State cannot find any cases regarding the Defendant's reluctance.

Unsworn Declaration In Support Of Opposition

Pursuant to NRS 53.045

Comes now JUSTIN M. BARAINCA, who declares the following to the above-entitled Court:

1. That the Declarant is presently serving as a Deputy District Attorney of the Elko County District Attorney's Office.
2. That I have read the assertions of fact set forth in this pleading at Page 2, Line 2 to Page 3, Line 4, and incorporate them into this Declaration.
3. This Opposition is made in good faith, and not merely for the purposes of delay.
4. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 6th day of May, 2020

JUSTIN M. BARAINCA
Deputy District Attorney
State Bar Number:14163

CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County District Attorney's Office, and that on the 7th day of May, 2020, I served the foregoing Opposition, by delivering, mailing or by facsimile transmission or causing to be delivered, mailed or transmitted by facsimile transmission, a copy of said document to the following:

By delivering to:

THE HONORABLE ALVIN R. KACIN
FOURTH JUDICIAL DISTRICT COURT
ELKO COUNTY COURTHOUSE
ELKO, NV 89801

By mailing to:

GARY D. WOODBURY
ATTORNEY AT LAW
1053 IDAHO STREET
ELKO, NV 89801

LARRY K. DUNN
ATTORNEY AT LAW
P.O. BOX 2911
RENO, NV 89505

Amanda Waugh
CASEWORKER

DA# F-19-00698

FILED

2019 DEC 24 AM 9:27

ELKO CO DISTRICT COURT

CLERK ____ DEPUTY ____

Case No. CR-FP-19-2456

Dept. No. 2

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

STATE OF NEVADA,

Plaintiff,

vs.

HECTOR HUGO RAMIREZ-DE LA TORRE,

Defendant.

/

ORDER DENYING MOTION TO DISMISS

This is a criminal case in which Defendant Hector Hugo Ramirez de la Torre and Defendant Jorge Landeros Ruiz are charged with multiple felonies in a single criminal information. The case stems from a 2019 investigation of an alleged narcotics trafficking and cockfighting ring in Osino. The State of Nevada alleges the operation was run from a compound owned by Jorge and his wife, Maria Ulloa

Hector is charged with three counts of trafficking in a schedule I controlled substance for allegedly transporting two-ounce quantities of methamphetamine from the property and selling them to a government informant on three separate dates in early 2019. Hector is also charged with trafficking in a schedule I controlled substance and possession of a firearm by an unlawful user of a controlled substance for allegedly possessing another multiple-ounce quantity of methamphetamine and a handgun in a travel trailer on the compound on or about March 18, 2019.

Jorge is charged with separate counts of trafficking in a schedule I controlled substance for allegedly possessing or aiding and abetting the possession of large quantities of methamphetamine and cocaine by either Hector or Eduardo Ruiz on the compound on or about March 18, 2019. Jorge is also charged with maintaining a place for the unlawful sale, gift or use of a controlled substance for allegedly

providing the compound as a base from which to sell and deliver methamphetamine.

Finally, Hector and Jorge are both charged with 10 counts of "Unlawful Killing or Maiming of an Animal Kept for Companionship or Pleasure" and 10 counts "Possession of an Animal with the Intent to Have It Fight [ ] Another Animal" in connection with the cockfighting part of the operation.

On April 28, 2020, Hector filed a motion to dismiss the charges against him. Hector essentially argues that he is entitled to the dismissal because he fears suffering death or bodily harm if he presses a defense that he trafficked methamphetamine under threats or menaces from a drug cartel "sufficient to show that [he] had reasonable cause to believe, and did believe," his life would be endangered or he would suffer great bodily harm if he refused. *See* NRS 194.010(8). The State has opposed the motion. On April 29, 2020, the parties argued the motion and the court held evidentiary hearings on an offer of proof and each defendant's motion to suppress. Now, having carefully considered the law, the parties' arguments, and the evidence admitted at the hearing and the preliminary hearing for this case, the court is denying Hector's motion to dismiss.

A. Findings of Fact

In September 2018, informants told detectives assigned to the Elko Combined Narcotics Unit that Hector was selling drugs in Osino or Ryndon.

The detectives began to surveil Hector by December 2018 or January 2019. The detectives saw Hector go to a 2.7-acre compound at 5647 Kale Drive in Osino.

The compound is located in an open rural area. Therefore, the detectives had to surveil it from a long distance. Nevertheless, the detectives determined that a few travel trailers, a barn and one main residence were on the compound. Further surveillance revealed that Hector: (1) was likely residing somewhere on the compound; (2) predominantly drove a gray pickup registered to Maria to leave and return to the compound; (3) accessed the main residence on the compound 3 to 5 times; and (4) accessed a white Travel Supreme trailer and walked toward a brown travel trailer. On a few occasions, detectives also saw approximately 8 to 10 cars enter and leave the compound after short stays.

Although they saw adult males other than Hector on the compound, the detectives never positively identified Jorge or anyone else during their surveillance. The detectives were not otherwise able to determine whether Jorge was residing on the compound. However, they concluded through further

investigation that: (1) Jorge and Maria owned the compound; (2) Jorge and Maria were married; and (3) Maria was residing on the compound with 3 or 4 minor children.

During their surveillance, the detectives were able to see only the top of the brown travel trailer. The detectives were unable to determine whether anyone was residing in the travel trailers. The detectives were also unable to determine "who lived where on the property."

I

One of the informants was Clinton Sandstrom. In early 2019, Sandstrom bought methamphetamine from Hector during three separate ECNU-monitored controlled purchases in Ryndon. The controlled purchases occurred a short drive from the compound in a driveway at Sheldon "Bob" Olsen's residence. During each controlled purchase, Hector sold approximately two ounces of methamphetamine to Sandstrom for $1,000.

Several law enforcement officers were involved with the controlled purchases. Detective Jacob Eisinger was the supervising case agent for the first controlled purchase on February 27, 2019. Detective John Gaylor was the supervising case agent for the second and third controlled purchases on March 4, 2019 and March 7, 2019, respectively. Detective Matthew Miller was responsible for surveilling the compound during the three controlled purchases. During each controlled purchase, Miller saw the gray pickup depart and return to the property. During one of the controlled purchases, detectives heard Olsen discussing Mexican cartels and referring to a person named George as "the boss."

II

On March 18, 2019, an Elko Township justice of the peace issued a search warrant for the compound. Gaylor drafted and signed the affidavit upon which the magistrate relied in granting the warrant. In the affidavit, Gaylor maintained there was probable cause to believe that controlled substances and other contraband and evidence was on the property.

Gaylor described the property as a 2.7-acre compound "with multiple steel structures, a green single level home, an iron gated driveway, and a large fence surrounding the property." In the twelfth through the seventeenth paragraphs of the affidavit, Gaylor wrote that: (1) Hector was distributing controlled substances in Elko County with the use of a dark gray pickup registered to Maria; (2) surveillance revealed that Hector and Maria were residing on the compound; (3) a cooperating individual

purchased 6 total ounces of methamphetamine from Hector for $3,000 during multiple controlled purchases in Ryndon in February and March of 2019; (4) Hector left the compound in the dark gray pickup before and immediately returned to the property after the controlled purchases; (5) records at the Elko County Assessor's Office showed that the compound was owned by Jorge; and (6) another records check revealed that Jorge married Maria in May 2011. Gaylor did not mention the travel trailers in the affidavit.

The search warrant authorized officers to search the entire compound for most of the things identified in Gaylor's affidavit "by any means mechanized or yet unknown" including "outbuildings, storage areas above and below ground, any vehicles on the property . . . and to include all containers (locked or unlocked), bags, and other parts therein . . ."

III

On March 19, 2019 at approximately 11:00 AM, ECNU detectives executed the search warrant with the assistance of two SWAT teams. Between the detectives and the SWAT teams, 20 to 25 people participated in the execution of the warrant. When the law enforcement officers arrived, Jorge, Eduardo, Hector, Maria and one minor child were on the compound along with 248 roosters and other chickens and domestic animals.

The chickens were in coops in and around the barn. The roosters had no food and water. The roosters were aggressive. There were multiple injuries on every rooster, such as broken feathers, broken and missing limbs and infected feet. The combs and wattles on some of the roosters had been removed. Detectives also located dead chickens on the property.

Detectives further confirmed that: (1) there was a main residence (a double-wide trailer or mobile home), a white Travel Supreme trailer, a brown travel trailer, and two additional travel trailers on the compound; (2) the Travel Supreme trailer and the brown trailer were close to barn; and (3) the two other travel trailers were next to the main residence, which was approximately 20 or 30 yards from barn.

Eisinger was on one of the SWAT teams. Eisinger found Jorge in a bedroom in the main residence. Jorge was promptly detained in handcuffs and Eisinger escorted him onto a porch outside the residence.

Docket 82891 Document 2021-32930

Before the search warrant was executed, Gaylor suspected Jorge resided on the compound. Gaylor spoke to Jorge on the porch in an effort to determine whether and where he was residing on the property. Gaylor read Miranda wantings to Jorge. Jorge waived his rights and agreed to speak with Gaylor. Jorge confirmed that he owned the property and resided in the main residence. Jorge also admitted that he owned the chickens; however, he disclaimed knowledge of any methamphetamine on the property.

During Gaylor's discussion with Jorge, numerous other law enforcement officers were on the compound. Gaylor wore a badge, sidearm, and a hoodie that had "narcotics enforcement" printed on it during the interview. Gaylor did not threaten or coerce Jorge or make promises in exchange for the suspect's statements.

Gaylor spoke to Eduardo and Hector as well. Gaylor also read Miranda warnings to these men. Eduardo and Hector each waived their rights and agreed to speak with Gaylor. Because Eduardo spoke only Spanish, Gaylor used a Spanish-speaking translator to communicate with him. Eduardo admitted that he was living in the Travel Supreme trailer and caring for the chickens. Hector also admitted that he was caring for the chickens and living in the brown travel trailer. Hector further stated that he owned one rooster. Finally, Hector admitted that he was a drug user and claimed to be possessing small quantities of methamphetamine.

Hector was in a patrol car in handcuffs when he spoke to Gaylor. Gaylor wore jeans and a t-shirt and a badge during the conversation. A uniformed officer, Josh Taylor, was also present. Hector was subsequently arrested for offenses related to the sales of methamphetamine to Sandstrom.

Gaylor managed the subsequent search. Gaylor assigned Miller to search the Travel Supreme trailer and the brown travel trailer. Gaylor assigned Detective Sergeant Scott Smith to search the main home. Gaylor searched the chicken coops in and around the barn.

In the Travel Supreme trailer, Miller found $12,360 in cash, a scale and several quantities of methamphetamine, some of which were quite large. Miller also found cockfighting paraphernalia, including spurs, muzzles, hoods, and bird-care chemicals. Miller found some spurs in the exterior compartment of the trailer as well.

In the brown travel trailer, Miller found a firearm, small and large quantities of methamphetamine, and some United States currency. Miller also found papers with Hector's name on them and other contraband, including a suspected "pay-and-owe" sheet and drug paraphernalia (methamphetamine "rooters").

In the main home, Smith recovered papers with Jorge's name on them, handguns, a square plastic bucket, a statue of a rooster, a trophy topped with an effigy of a rooster and "2018 Ultimate 4 Cock Champion" engraved on it, egg incubators, cockfighting gaffs/spurs, wing bands, and literature pertaining to the training of fighting cocks.

Smith also recovered additional evidence in other locations on the property. In the gray pickup, Smith recovered papers with Hector's name on them. Further, Smith joined the search in the barn and dug up a plastic container holding a large quantity of methamphetamine and about one-half of an ounce of cocaine.

Under one of the coops, Gaylor dug up another square plastic bucket containing three separate 1-pound bags of methamphetamine. Using an excavator, Gaylor also unearthed a glass container holding 100.33 grams of additional methamphetamine.

IV

The first trafficking in a schedule I controlled substance count with which Jorge is charged is a commonly called a "Level 3" trafficking charge (methamphetamine). The second trafficking in a schedule I controlled substance count with which Jorge is charged is commonly known as a "Level 2" trafficking charge (cocaine). A person commits the crime of "Level 3" trafficking if he knowingly or intentionally sells, delivers or possesses more than 28 grams of a schedule I controlled substance or any mixture containing such a substance.[1] NRS 453.3385(1)(c). A person commits the crime of "Level 2" trafficking" if he knowingly or intentionally sells, delivers, or possesses 14 grams or more, but less than 28 grams of a schedule I controlled substance or any mixture containing such a substance. NRS 453.3385(1)(b). A person commits the crime of maintaining a place for the unlawful sale, gift or use of a controlled substance if he maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance. NRS 453.316(1). It appears Jorge intends to defend against the charges by arguing

[1] 28 grams equates to approximately one ounce.

that he did not know Hector was selling and delivering methamphetamine or that illegal narcotics were on the compound.

In his Motion to Dismiss, Hector maintains that he would like to rely on NRS 194.010(8) to raise an affirmative defense to the charges. NRS 194.010(8) applies to offenses that are not punishable by death. The provision allows a defendant to escape criminal liability if he "committed the act or made the omission charged under threats or menaces sufficient to show that [he] had reasonable cause to believe, and did believe, [his life] would be endangered if [he] refused, or that [he] would suffer great bodily harm."

In so many words, Hector contends he trafficked methamphetamine as charged because he reasonably believed narcotics cartel members would either kill or inflict great bodily harm upon him if he did not so act. Hector maintains he can neither testify nor present other evidence to support this theory of the case because cartel members would either physically harm or kill him if he did.

B. Brief Analysis

Hector maintains that he cannot be given due process of law under the circumstances. The court disagrees. Hector has been provided a Nevada-licensed attorney who is a former Elko County District Attorney and a longtime practitioner of the criminal law. The court has no doubt that this attorney will honor Hector's exclusive decision on whether to testify or remain silent. The court has no doubt that this attorney will then make sure Hector actually enjoys all of the rights provided to criminal defendants under federal and Nevada law, including: (1) a public jury trial that will be as speedy as possible given the COVID-19 pandemic; and (2) a defense under NRS 194.010(8) should the decision be made to present it.

The bottom line? Hector has been and will be provided all process he is due. This process does not include insuring his safety to the degree he feels is necessary for him to put on a particular defense. Hector has provided no cogent argument or authority for the proposition that he is entitled to the dismissal of the charges against him because he fears suffering death or bodily harm if he presses the defense permitted by NRS 194.010(8). That being the case, his motion to dismiss must be denied. *See* Vaile v. Vaile, 133 Nev. 213, 218 (2017) (courts need not consider claims unsupported by "cogent arguments or [ ] relevant authority"); Maresca v. State, 103 Nev. 669, 673 (1987).

C. Order

Accordingly,

Hector's Motion to Dismiss is DENIED.

DATED this 23 day of December, 2020.

The Honorable Alvin R. Kacin
District Judge/Department 2

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of Alvin R. Kacin, District Judge, Fourth Judicial District Court, Department 2, and that on this 29th day of December, 2020, served by the following method of service:

(X) Regular US Mail
( ) Certified US Mail
( ) Registered US Mail
( ) Overnight US Mail
( ) Personal Service
( ) Overnight UPS
( ) Email
( ) Fax to #
( ) Hand Delivery
(X) Box in Clerk's Office

a true copy of the foregoing document addressed to:

Elko County District Attorney's Office
[Box in Clerk's Office]

Karena Dunn, Esq.
PO Box 2911
Reno, Nevada 89505
[Regular US Mail]

Gary Woodbury, Esq.
[Box in Clerk's Office]

Elda's Ramirez
(Name)

(Signature)

FOURTH JUDICIAL DISTRICT COURT
FILED IN OPEN COURT
Date: 01/27/2021
Time: 11:39 A.M
Clerk:

CASE NO.: CR-FP-19-2456 (Ramirez-De La Torre)

CR-FP-19-2465 (Ruiz)

DEPT.NO.: 2

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

HECTOR HUGO RAMIREZ-DE LA TORRE

and

JORGE LANDEROS RUIZ,

Defendants.

INSTRUCTION NO. 1

LADIES AND GENTLEMEN:

This instruction is intended to serve as an introduction to the trial of this case. It is not a substitute for the detailed instructions on the law and the evidence which I will give you at the close of the case and before you retire to consider your verdicts.

This is a criminal case commenced by the State of Nevada, which I may sometimes refer to as "the State," against Hector Hugo Ramirez-De la Torre and Jorge Landeros Ruiz. The case is based on a Second Amended Criminal Information, which has been read to you.

You should distinctly understand that the Second Amended Criminal Information simply contains charges. It is not, in any sense, evidence of the allegations it contains. Nor is it a substitute for the instructions containing the elements of the crimes charged that I will give you at the close of this case.

The Defendants have pled "not guilty" to the crimes charged in the Second Amended Criminal Information. Therefore, the State has the burden of proving every element of the crimes charged beyond a reasonable doubt. The purpose of the trial is to determine whether the State can meet this burden.

The trial will proceed in the following order:

First: The parties have the opportunity to make opening statements. The State may make an opening statement at the beginning of the case. The Defendants may each make an opening statement following the opening statement for the State, or may defer the making of an opening statement until the close of the State's case. No party is obliged to make an opening statement. What is said in the opening statements is not evidence. The statement simply serves the purpose of discussing the evidence that the party making the statement expects to be admitted.

Second: The State will introduce evidence in support of the crimes charged in the Second Amended Criminal Information.

Third: After the State has presented its evidence, the Defendants may present evidence; however, neither is obliged to do so. The burden is always on the State to prove every element

of the crimes charged beyond a reasonable doubt. The law never imposes on the defendant in a criminal case the burden of calling any witnesses or introducing any evidence.

Fourth: I will instruct you on the applicable law. Your verdict must be unanimous.

Fifth: After the reading of the instructions, the parties have the opportunity to present oral argument in support of their respective cases. What is said in closing argument is not evidence, just as what is said in the opening statements is not evidence. The arguments are designed to present to you the contentions of the parties as to what the evidence has shown, and what inferences may be drawn from the evidence. The State has the right to open and close the argument.

Your purpose as jurors is to find and determine the facts. Under our system of criminal procedure you are the sole judge of the facts. If, at any time, I should make any comment regarding the facts, you are admonished to disregard it. It is especially important that you perform your duty of determining the facts diligently and conscientiously, for ordinarily there is no means of correcting an erroneous determination of the facts by a jury.

On the other hand, and with equal emphasis, I instruct you that the law as given by the Court constitutes the only law for your guidance. It is your duty to accept and follow it. It is your duty to follow the law as I give it to you even though you may disagree with the law.

You are to determine the facts in the case solely from the evidence produced at trial, which consists of the testimony of witnesses and exhibits admitted in evidence. Questions asked by the lawyers are not evidence, for the evidence consists of answers given by witnesses to questions posed by the lawyers. Again, statements and arguments of counsel are not evidence. Counsel, however, may enter into agreements or stipulations to facts that are not in dispute. When they do so, you are to accept the facts as stipulated by counsel. On occasion, I may tell

you that I am taking judicial notice of certain facts. You then may accept those facts as true, but are not required to. It is up to you to decide what inferences are to be drawn from the evidence, and what facts are established by the evidence.

The parties may sometimes present objections to some of the testimony or other evidence. It is the duty of a lawyer to object to evidence that he or she believes may not properly be offered, and you should not be prejudiced in any way against a lawyer who makes objections or against the party he or she represents. At times I may sustain objections, or direct that you disregard certain testimony or exhibits. You must not consider any evidence to which an objection has been sustained, or that I have instructed you to disregard.

In considering the weight and value of the testimony of any witness, you may take into consideration the appearance, attitude and behavior of the witness; the extent of his or her opportunity and ability to see or hear or otherwise became aware, and to remember and communicate; the interest of the witness in the outcome of the case, if any; the existence or non-existence of a bias or other motive; the inclination of the witness to speak truthfully or not; the probability or improbability of the statements of the witness; a statement previously made by him or her that is inconsistent with his or her testimony; evidence of the existence or non-existence of any fact testified to by him or her; and all other facts and circumstances in evidence.

No statement, ruling, remark or comment that I may make during the course of the trial is intended to indicate my opinion as to how you should decide the case, or to influence you in any way in your determination of the facts. At times I may ask questions of witnesses. If I do so, it is for the purpose of bringing out matters that I feel should be brought out, and not in any way to indicate my opinion about the facts or to indicate the weight I feel you should give the testimony of the witnesses. I may also find it necessary to admonish the lawyers. If I do, you should not

show prejudice toward a lawyer or his or her client because I have found it necessary to admonish him or her.

It is the duty of an attorney to present to you his or her client's case in the most favorable light consistent with the truth and the law. During the trial, I ask you not to communicate with the attorneys even on matters having no connection whatsoever with this case. The attorneys are officers of the court, and they are aware of their responsibilities as such. Even if you are acquainted with the attorney, you will observe that he or she will avoid any contact with you during the trial, and you should not be offended thereby. The lawyer will be attempting merely to comply with the rules of professional conduct in avoiding any appearance of impropriety.

Not only must your conduct as jurors be above reproach, but you must avoid the appearance of any improper conduct. Do not talk to the parties, attorneys or witnesses during the trial, even upon matters unconnected with the case. In the event that anyone should attempt to improperly influence you in any manner, you should promptly report the matter to me or to the bailiff. If you notice anything out of the ordinary, you should promptly report the matter to me or to the bailiff.

You must not consider anything you may have read or heard about the case outside the courtroom, whether before or during the trial.

Under our system of criminal procedure you are not to concern yourself in any way with the sentences that the Defendants might receive if you should find them guilty. Your function is solely to decide whether the Defendants are guilty or not guilty of the charges against them. If, and only if, you find either or both of them guilty of a charge or charges in this case, then it becomes the duty of the Court to pronounce sentence.

Until this case is submitted to you, you must not discuss it with anyone, even with your fellow jurors. After it is submitted to you, you must discuss it only in the jury room with your fellow jurors. It is important that you keep an open mind and not decide any issue in the case until the entire case has been submitted to you under instructions of the Court.

INSTRUCTION NO. 2

You will be given the opportunity to ask written questions of the witnesses called to testify in this case. However, I caution that you are not to consider yourselves advocates, and you are not encouraged to ask large numbers of questions because it is the primary responsibility of each lawyer to present his or her client's case and evidence. You may ask a question that you want to have answered in order to obtain all of the evidence necessary for your deliberations.

Questions may be asked only in the following manner:

After all lawyers have finished questioning a witness, I will ask the jury if it has any questions. Your questions must be written. In order to ask a question, simply raise your hand, and the bailiff will deliver your written question to the court. Questions must be directed to the witness instead of the lawyers or the judge. After consulting with the lawyers at a sidebar conference, the court will determine if your written question is legally proper. If it is, I will ask it. Only questions permissible under the rules of evidence will be asked. No adverse inference should be drawn if the court does not allow a particular question to be asked. After the question has been answered, the court may ask follow-up questions and will permit the lawyers to ask follow-up questions. The jury must not place undue weight on the responses to its questions.

It is not necessary that you spell each word in a given jury question correctly. Please try to be specific with your questions, and cover only one subject with each question. Phonetic spelling is acceptable. Do not concern yourselves with the form of the question because I will reword it so that it is presented to the witness in the proper manner.

INSTRUCTION NO. 1

This is a prosecution by the State of Nevada against Defendant HECTOR HUGO RAMIREZ-DE LA TORRE and Defendant JORGE LANDEROS RUIZ. The second amended criminal information, omitting formal parts, reads as follows.

As to Defendant HECTOR HUGO RAMIREZ-DE LA TORRE only (Counts 1-5):

COUNT 1

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY

That on or about the 27th day of February, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 2

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY

That on or about the 4th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 3

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY

That on or about the 7th day of March, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 4

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY

That on or about March 19, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

COUNT 5

POSSESSION OF A FIREARM BY A PROHIBITED PERSON, A CATEGORY B FELONY

That on or about March 19, 2019, the Defendant HECTOR HUGO RAMIREZ-DE LA TORRE willfully and unlawfully owned; and/or possessed, actually or constructively; and/or had custody and/or control of a firearm.

Furthermore, that the Defendant, at the time of the ownership, possession, custody or control, of said firearm(s) was an unlawful user of, or addicted to, any controlled substance.

As to the Defendant JORGE LANDEROS RUIZ only (Counts 6-8):

COUNT 6

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY A FELONY

That on or about February 27, 2019, March 4, 2019, March 7, 2019, and/or March 19, 2019, the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver, or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: methamphetamine, and that the controlled substance or mixture weighed twenty-eight (28) grams or more.

Alternative theory of liability,

That the Defendant did willfully and unlawfully aid and abet and/or did directly or indirectly counsel, encourage, induce, or otherwise procure, another person in the commission of the above crime in the following manner: by allowing HECTOR HUGO RAMIREZ-DE LA TORRE or EDUARDO RUIZ to use Defendant's property as a base from which to engage in the trafficking of 28 grams or more of methamphetamine, a schedule I controlled substance.

COUNT 7

TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE, A CATEGORY B FELONY

That on or about February 27, 2019, March 4, 2019, March 7, 2019, and/or March 19, 2019, the Defendant JORGE LANDEROS RUIZ did knowingly or intentionally sell, deliver or possess a schedule I controlled substance or a mixture containing a schedule I controlled substance, to wit: cocaine, and that the controlled substance or mixture weighed fourteen (14) grams or more, but less than twenty-eight (28) grams.

Alternative theory of liability,

That the Defendant did willfully and unlawfully aid and abet and/or did directly or indirectly counsel, encourage, induce, or otherwise procure, another person in the commission of the above crime in the following manner: by allowing HECTOR HUGO RAMIREZ-DE LA TORRE or EDUARDO RUIZ to use Defendant's property as a base from which to engage in the trafficking of (14) grams or more but less than twenty-eight (28) grams of cocaine, a schedule I controlled substance.

COUNT 8

MAINTAINING A PLACE FOR UNLAWFUL USE OF A CONTROLLED SUBSTANCE, A CATEGORY B FELONY

That on or about February 27, 2019, March 4, 2019, March 7, 2019, and March 19, 2019, the Defendant JORGE LANDEROS RUIZ did willfully, unlawfully and knowingly maintain a place, to-wit: 5647 Kale Dr., for the purpose of unlawfully selling, giving away or using any controlled substance, to-wit: methamphetamine, a schedule I controlled substance.

As to Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ (Counts 9-28):

COUNT 9

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a roosters, more particularly described as roosters numbered 1 through 25, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 10

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 1 through 25, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 11

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 26 through 50, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 12

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 26 through 50, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 13

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 51 through 75, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 14

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 51 through 75, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 15

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 76 through 100, and/or by causing the rooster to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 16

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 76 through 100, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 17

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 101 through 125, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 18

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 101 through 125, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 19

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 126 through 150, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 20

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 126 through 150, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 21

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster(s), more particularly described as roosters numbered 151 through 175, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 22

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 151 through 175, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 23

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 176 through 200, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 24

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster(s), more particularly described as roosters numbered 176 through 200, with the intent to use it to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 25

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 201 through 225, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 26

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 201 through 225, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

COUNT 27

UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, A CATEGORY D FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ willfully and maliciously did torture or unjustifiably maim, mutilate, or kill any animal kept for companionship or pleasure, whether belonging to the Defendants or to another person, in the following manner: by removing the comb and/or wattle(s) of a rooster, more particularly described as roosters numbered 226 through 248, and/or by causing the rooster(s) to fight and thereby suffer injury, and/or by failing to provide the roosters with safe and healthy living conditions.

COUNT 28

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, A CATEGORY E FELONY

That on or about March 19, 2019, the Defendants HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ did own, possess, keep, train, promote or purchase an animal, to wit: a rooster, more particularly described as roosters numbered 226 through 248, with the intent to use the rooster(s) to fight another animal, or did sell an animal knowing that it is intended to be used to fight another animal.

The Defendants have entered pleas of not guilty to the charges. Therefore, the burden is on the State of Nevada to prove them guilty of the crimes charged beyond a reasonable doubt.

INSTRUCTION NO. 4

To warrant a conviction of a crime, a defendant must be proven guilty beyond a reasonable doubt of every element of that crime. The failure to prove any element of a crime beyond a reasonable doubt must result in a verdict of not guilty of that crime.

INSTRUCTION NO. 5

A reasonable doubt is one based on reason. It is not mere possible doubt, but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

INSTRUCTION NO. 6

In order to find Defendant HECTOR HUGO RAMIREZ-DE LA TORRE guilty of Count 1, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine), the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant knowingly or intentionally;
2. either:
   a. sold or delivered; or
   b. was in actual or constructive possession of;
3. methamphetamine or any mixture containing methamphetamine;
4. and that the methamphetamine or mixture containing methamphetamine weighs 28 grams or more.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of this count.

INSTRUCTION NO. 7

In order to find Defendant HECTOR HUGO RAMIREZ-DE LA TORRE guilty of Count 2, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine), the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant knowingly or intentionally;
2. either:
    a. sold or delivered; or
    b. was in actual or constructive possession of;
3. methamphetamine or any mixture containing methamphetamine;
4. and that the methamphetamine or mixture containing methamphetamine weighs 28 grams or more.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of this count.

INSTRUCTION NO. 9

In order to find Defendant HECTOR HUGO RAMIREZ-DE LA TORRE guilty of Count 3, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine), the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant knowingly or intentionally;
2. either:
    a. sold or delivered; or
    b. was in actual or constructive possession of;
3. methamphetamine or any mixture containing methamphetamine;
4. and that the methamphetamine or mixture containing methamphetamine weighs 28 grams or more.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of this count.

INSTRUCTION NO. 9

In order to find Defendant HECTOR HUGO RAMIREZ-DE LA TORRE guilty of Count 1, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine), the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant knowingly or intentionally;
2. either:
   a. sold or delivered; or
   b. was in actual or constructive possession of;
3. methamphetamine or any mixture containing methamphetamine;
4. and that the methamphetamine or mixture containing methamphetamine weighs 28 grams or more.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of this count.

INSTRUCTION NO. 10

In order to find Defendant HECTOR HUGO RAMIREZ-DE LA TORRE guilty of Count 5, POSSESSION OF A FIREARM BY A PROHIBITED PERSON, the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant;
2. willfully and unlawfully;
3. owned, or had in his possession or under his custody or control;
4. a firearm; and
5. at the time of any such possession, custody or control, the Defendant was an unlawful user of or addicted to methamphetamine.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of this count.

INSTRUCTION NO. 11

In order to find Defendant JORGE LANDEROS RUIZ guilty of Count 6, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine), the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant knowingly or intentionally;
2. either:
   a. sold or delivered; or
   b. was in actual or constructive possession of;
3. methamphetamine or any mixture containing methamphetamine;
4. and that the methamphetamine or mixture containing methamphetamine weighs 28 grams or more.

OR, IN THE ALTERNATIVE,

In order to find Defendant JORGE LANDEROS RUIZ guilty of Count 6, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine), the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant;
2. willfully and unlawfully;
3. either:
   a. aided and abetted another person in the commission of the crime of Trafficking in a Schedule I Controlled Substance (Methamphetamine); or
   b. directly or indirectly counseled, encouraged, hired, commanded, induced or otherwise procured another person to commit the crime of Trafficking in a Schedule I Controlled Substance (Methamphetamine).

INSTRUCTION NO. 17

In order to find Defendant JORGE LANDEROS RUIZ guilty of Count 7, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Cocaine), the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant knowingly or intentionally;
2. was in actual or constructive possession of;
3. cocaine or any mixture containing cocaine;
4. and that the cocaine or mixture containing cocaine weighs 14 grams or more, but less than 28 grams.

OR, IN THE ALTERNATIVE,

In order to find Defendant JORGE LANDEROS RUIZ guilty of Count 7, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Cocaine), the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant;
2. willfully and unlawfully;
3. either:
   a. aided and abetted another person in the commission of the crime of Trafficking in a Schedule I Controlled Substance (Cocaine); or
   b. directly or indirectly counseled, encouraged, hired, commanded, induced or otherwise procured another person to commit the crime of Trafficking in a Schedule I Controlled Substance (Cocaine).

INSTRUCTION NO. 13

In order to reach a verdict of guilty as to Count 6, TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine), you must unanimously agree that Defendant JORGE LANDEROS RUIZ is guilty based upon one or more of the alternative theories alleged by the State. However, it is not necessary that you unanimously agree upon the specific theory by which the crime was committed.

For example, if six of you agree that Defendant JORGE LANDEROS RUIZ committed TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine) by directly committing an act constituting the crime, and six of you agree that he committed TRAFFICIKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine) by aiding and abetting another person in the commission of the crime, then you may properly find him guilty of TRAFFICIKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine).

The elements of the alternative theories of TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Methamphetamine) are listed in Instruction No. 11.

INSTRUCTION NO. 19

In order to reach a verdict of guilty as to Count 7, TRAFFICKNG IN A SCHEDULE I CONTROLLED SUBSTANCE (Cocaine), you must unanimously agree that Defendant JORGE LANDEROS RUIZ is guilty based upon one or more of the alternative theories alleged by the State. However, it is not necessary that you unanimously agree upon the specific theory by which the crime was committed.

For example, if six of you agree that Defendant JORGE LANDEROS RUIZ committed TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Cocaine) by directly committing an act constituting the crime, and six of you agree that he committed TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Cocaine) by aiding and abetting another person in the commission of the crime, then you may properly find him guilty of TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Cocaine).

The elements of the alternative theories of TRAFFICKING IN A SCHEDULE I CONTROLLED SUBSTANCE (Cocaine) are listed in Instruction No. 12.

INSTRUCTION NO. 15

In order to find Defendant JORGE LANDEROS RUIZ guilty of Count 8, MAINTAINING A PLACE FOR UNLAWFUL USE OF A CONTROLLED SUBSTANCE, the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant;
2. opened or maintained a place;
3. for the purpose of unlawfully selling, giving away, or using a schedule I controlled substance or substances.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of this count.

INSTRUCTION NO. 16

In order to find HECTOR RAMIREZ-DE LA TORRE guilty of Count 9, Count 11, Count 13, Count 15, Count 17, Count 19, Count 21, Count 23, Count 25, and Count 27, UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant;
2. willfully and maliciously;
3. tortured or unjustifiably maimed, mutilated, or killed;
4. any animal kept for companionship or pleasure.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 9 pertaining to roosters numbered 1 through 25.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 11 pertaining to roosters numbered 26 through 50.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 13 pertaining to roosters numbered 51 through 75.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 15 pertaining to roosters numbered 76 through 100.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 17 pertaining to roosters numbered 101 through 125.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 19 pertaining to roosters numbered 126 through 150.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 21 pertaining to roosters numbered 151 through 175.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 23 pertaining to roosters numbered 176 through 200.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 25 pertaining to roosters numbered 201 through 225.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 27 pertaining to roosters numbered 226 through 248.

INSTRUCTION NO. 17

In order to find JORGE LANDEROS RUIZ guilty of Count 9, Count 11, Count 13, Count 15, Count 17, Count 19, Count 21, Count 23, Count 25, and Count 27, UNLAWFUL KILLING OR MAIMING OF AN ANIMAL KEPT FOR COMPANIONSHIP OR PLEASURE, the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant;
2. willfully and maliciously;
3. tortured or unjustifiably maimed, mutilated, or killed;
4. any animal kept for companionship or pleasure.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 9 pertaining to roosters numbered 1 through 25.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 11 pertaining to roosters numbered 26 through 50.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 13 pertaining to roosters numbered 51 through 75.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 15 pertaining to roosters numbered 76 through 100.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 17 pertaining to roosters numbered 101 through 125.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 19 pertaining to roosters numbered 126 through 150.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 21 pertaining to roosters numbered 151 through 175.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 23 pertaining to roosters numbered 176 through 200.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 25 pertaining to roosters numbered 201 through 225.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 27 pertaining to roosters numbered 226 through 248.

INSTRUCTION NO. 18

In order to find HECTOR RAMIREZ-DE LA TORRE guilty of Count 10, Count 12, Count 14, Count 16, Count 18, Count 20, Count 22, Count 24, Count 26, and Count 28, POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant unlawfully;
2. owned, possessed, kept, trained, promoted, or purchased an animal;
3. with the intent to use it to fight another animal.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 10 pertaining to roosters numbered 1 through 25.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 12 pertaining to roosters numbered 26 through 50.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 14 pertaining to roosters numbered 51 through 75.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 16 pertaining to roosters numbered 76 through 100.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 18 pertaining to roosters numbered 101 through 125.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 20 pertaining to roosters numbered 126 through 150.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 22 pertaining to roosters numbered 151 through 175.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 24 pertaining to roosters numbered 176 through 200.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 26 pertaining to roosters numbered 201 through 225.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 28 pertaining to roosters numbered 226 through 248.

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INSTRUCTION NO. 19

In order to find JORGE LANDEROS RUIZ guilty of Count 10, Count 12, Count 14, Count 16, Count 18, Count 20, Count 22, Count 24, Count 26, and Count 28, POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL, the jury must conclude that every one of the following elements has been proven beyond a reasonable doubt:

1. That the Defendant unlawfully;
2. owned, possessed, kept, trained, promoted, or purchased an animal;
3. with the intent to use it to fight another animal.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 10 pertaining to roosters numbered 1 through 25.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 12 pertaining to roosters numbered 26 through 50.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 14 pertaining to roosters numbered 51 through 75.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 16 pertaining to roosters numbered 76 through 100.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 18 pertaining to roosters numbered 101 through 125.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 20 pertaining to roosters numbered 126 through 150.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 22 pertaining to roosters numbered 151 through 175.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 24 pertaining to roosters numbered 176 through 200.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 26 pertaining to roosters numbered 201 through 225.

The failure to prove all elements beyond a reasonable doubt must result in a verdict of not guilty of Count 28 pertaining to roosters numbered 226 through 248.

INSTRUCTION NO. 20

"Knowingly" imports a knowledge that the facts exist which constitute the act or omission of a crime, and does not require knowledge of its unlawfulness. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.

INSTRUCTION NO. 21

"Delivered" means the actual, constructive or attempted transfer from one person to another of a schedule I controlled substance, whether or not there is an agency relationship.

INSTRUCTION NO. 22

The law recognizes two kinds of possession: actual possession and constructive possession. A person who knowingly has direct physical control over an item is then in actual possession of it.

A person who, although not in actual possession of an item, knowingly has the right to exercise dominion and control over it, either directly or through another person or persons, is then in constructive possession of the item.

The law recognizes that one person may have possession of an item alone, or that two or more persons jointly may share actual or constructive possession.

Mere proof of opportunity of access to a place where an item is located cannot alone support a finding of possession of that item.

INSTRUCTION NO. 23

Without more, mere presence in the area where an item is discovered or mere association with a person who does control that item, or the property where it is located, is insufficient to support a finding of possession.

INSTRUCTION NO. 24

A defendant cannot be convicted of a charge of Trafficking in a Schedule I Controlled Substance unless the jury finds that the State has proven beyond a reasonable doubt that he knew the nature of the schedule I controlled substance allegedly trafficked.

The Defendant's knowledge of the nature of a schedule I controlled substance may be shown by circumstantial evidence and reasonably drawn inferences.

INSTRUCTION NO. 25

As to Count 1, Count 2, Count 3, Count 4 and Count 6, the words "grams or more" refers to the aggregate weight of an entire mixture rather than the weight of methamphetamine that may be contained in the mixture.

INSTRUCTION NO. 26

As to Count 7, the words "grams or more" refers to the aggregate weight of an entire mixture rather than the weight of cocaine that may be contained in the mixture.

INSTRUCTION NO. 27

As to Count 1, Count 2, Count 3, and Count 4, the State does not have to prove that Hector Hugo Ramirez-De La Torre knew the weight of methamphetamine or mixture containing methamphetamine in which he was allegedly trafficking.

INSTRUCTION NO. 28

As to Count 6, the State does not have to prove that Jorge Landeros Ruiz knew the weight of methamphetamine or mixture containing methamphetamine in which he was allegedly trafficking.

INSTRUCTION NO. 29

As to Count 7, the State does not have to prove that Jorge Landeros Ruiz knew the weight of cocaine or mixture containing cocaine in which he was allegedly trafficking.

INSTRUCTION NO. 30

Methamphetamine is a schedule I controlled substance.

INSTRUCTION NO. 31

Cocaine is a schedule I controlled substance.

INSTRUCTION NO. 32

The word "willfully," as used in these instructions with respect to proscribed conduct, relates to an act or omission which is done intentionally, deliberately or designedly, as distinguished from an act or omission done accidentally, inadvertently, or innocently.

A person cannot be convicted of committing a willful act unless the State proves beyond a reasonable doubt that he had a conscious awareness of the wrongfulness of the act.

INSTRUCTION NO. 33

A firearm is any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

"Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

INSTRUCTION NO. 34

MAINTAINING A PLACE FOR UNLAWFUL USE OF A CONTROLLED SUBSTANCE is a specific intent crime.

INSTRUCTION NO. 35

POSSESSION OF AN ANIMAL WITH THE INTENT TO HAVE IT FIGHT WITH ANOTHER ANIMAL is a specific intent crime.

INSTRUCTION NO. 36

Specific intent is the intent to accomplish the precise act the law prohibits.

INSTRUCTION NO. 37

The word "maliciously," as used in these instructions with respect to proscribed conduct, relates to a wrongful act done without just cause or excuse.

INSTRUCTION NO. 38

"Torture" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

INSTRUCTION NO. 39

A person is not liable for a criminal act if he committed it under threats or menaces sufficient to show that he had reasonable cause to believe, and did believe, his life would be endangered or he would suffer great bodily harm if he refused to commit the act.

A defendant raising this defense, also known as the defense of duress, has the burden of proving the defense by a preponderance of the evidence.

A "preponderance of the evidence" means such evidence as, when considered and compared with that opposed to it, has more convincing force and produces in your mind a belief that what is sought to be proved is probably more true than not true. In determining whether a defendant raising the defense of duress has met this burden, you will consider all the evidence.

If you find that a defendant raising the defense of duress has proven the defense by a preponderance of the evidence, you must find him not guilty of the charge or charges against which the defense has been raised.

INSTRUCTION NO. 40

In every crime or public offense there must exist a union, or joint operation of act and intention.

INSTRUCTION NO. 41

Intention is manifested by the circumstances connected with the perpetration of the offense, and the sound mind and discretion of the person accused.

INSTRUCTION NO. 42

Intent may be proven by circumstantial evidence. It rarely can be established by any other means. While witnesses may see and hear and thus be able to give direct evidence of what a defendant does or fails to do, there can be no eyewitness account of a state of mind with which acts are done or omitted, but what a defendant does or fails to do may indicate intent or lack of intent to commit a crime.

In determining the issue as to intent, the jury is entitled to consider any statements made and acts done or omitted by a defendant, and all facts and circumstances in evidence which may aid determination of state of mind.

INSTRUCTION NO. 43

Every person charged with the commission of a crime shall be presumed innocent until the contrary is proved by competent evidence beyond a reasonable doubt. This is a presumption of law with which each defendant is clothed, and it abides with them throughout the entire trial until it is overcome by competent evidence sufficient in your minds to establish a defendant is guilty of a crime beyond a reasonable doubt. In determining whether a defendant is guilty or not guilty of a crime, it is not necessary that he establish his innocence, but it is sufficient in order to warrant an acquittal if a reasonable doubt exists in your minds as to his guilt, and it makes no difference whether the reasonable doubt thus created exists or is established from the evidence produced on the part of the State or that produced on the part of a defendant, or from the lack of evidence, or its unreliability or weight.

INSTRUCTION NO. 44

There are two types of evidence which a jury may properly consider. One is direct evidence, such as the testimony of an eyewitness. The other is circumstantial evidence, proof of a chain of circumstances pointing to the commission of a crime.

As a general rule, the law makes no distinction between direct and circumstantial evidence. It simply requires that, before convicting a defendant of a crime, the jury be satisfied of his guilt of that crime beyond a reasonable doubt. Facts may be proven by direct evidence or circumstantial evidence. Both direct evidence and circumstantial evidence are acceptable as a means of proof. Neither is necessarily entitled to a greater weight than the other.

INSTRUCTION NO. 45

You may have heard evidence that a witness made statements on an earlier occasion that an attorney or attorneys argue are inconsistent with the witness's trial testimony.

If you find that a witness made earlier statements that conflict with his or her trial testimony, you may consider that fact in deciding how much of his or her trial testimony, if any, to believe.

In making this determination, you may consider whether the witness purposely made a false statement, or whether it was an innocent mistake; whether the inconsistency concerns an important fact, or whether it had to do with a small detail; whether the witness had an explanation for the inconsistency, and whether that explanation appealed to your common sense.

It is exclusively your duty, based upon all the evidence and your own good judgment, to determine whether the prior statements were inconsistent. If you find that a witness made prior inconsistent statements, it is your duty to determine how much, if any, weight to be given to the inconsistent statements.

Evidence that at some other time a witness made a statement or statements that is or are inconsistent with his or her trial testimony may be considered by you for not only the purpose of testing the credibility of the witness, but also as evidence of the truth of the facts as stated by the witness on that former occasion.

INSTRUCTION NO. 46

A witness willfully false in one material part of his or her testimony is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point, unless you shall believe the probability of truth favors his or her testimony in other particulars. However, discrepancies in the testimony of a witness or between his or her testimony and that of others, if there were any, do not necessarily mean that the witness should be discredited. Failure of recollection is not uncommon. It is a fact also that two persons witnessing an incident or a transaction often will see or hear it differently. Whether a discrepancy pertains to a fact of importance or only to a trivial detail should be considered in weighing its significance.

INSTRUCTION NO. 47

You have heard the testimony of law enforcement officers. The fact that a witness may be employed as a law enforcement officer does not mean that his testimony necessarily deserves more or less consideration or greater or lesser weight than that of an ordinary witness.

At the same time, it is quite legitimate for defense counsel to try to attack the credibility of a law enforcement witness on the grounds that his testimony may be colored by a personal or professional interest in the outcome of the case.

It is your decision, after reviewing all the evidence, whether to accept the testimony of a law enforcement witness and to give to that testimony whatever weight, if any, you find it deserves.

INSTRUCTION NO. 48

A person is qualified to testify as an expert if he or she has special knowledge, skill, experience, training, or education sufficient to qualify him or her as an expert on the subject to which his or her testimony relates.

Duly qualified experts may give their opinions on questions in controversy at a trial. To assist you in deciding such questions, you may consider the opinion with the reasons given for it, if any, by the expert who gives the opinion. You may also consider the qualifications and credibility of the expert.

You are not bound to accept an expert opinion as conclusive, but should give to it the weight to which you find it to be entitled. You may disregard any such opinion if you find it to be unreasonable.

INSTRUCTION NO. 49

A statement made by a defendant other than at this trial may be an admission or a confession.

An admission is a statement by a defendant which, by itself, is not sufficient to warrant an inference of guilt, but which tends to prove guilt when considered with the rest of the evidence.

A confession is a statement by a defendant that discloses his intentional participation in a criminal act for which he is on trial and that discloses his guilt of a crime.

You are the exclusive judges as to whether an admission or a confession was made by a defendant, and, if so, whether such statement is true, in whole or in part. If you should find that any such statement is entirely untrue, you must reject it. If you find it is true in part, you may give the weight you deem appropriate to the part that you find to be true.

INSTRUCTION NO. 50

Evidence may have been received tending to show that a defendant committed wrongs or acts other than that for which he is on trial.

Such evidence was not received and may not be considered by you to prove that he is a person of bad character or that he has a disposition to commit crimes.

Such evidence was received and may be considered by you only for the limited purpose of determining if it tends to prove motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, or a common scheme or plan.

For the limited purpose for which you may consider such evidence, you must weigh it in the same manner as you do all other evidence in the case.

You are not permitted to consider such evidence for any other purpose.

INSTRUCTION NO. 51

Motive is not an element of the crimes charged and need not be shown. However, you may consider motive or lack of motive as a circumstance in this case. Presence of motive may tend to establish guilt. Absence of motive may tend to establish a lack of guilt. You will therefore give the presence or absence of motive, as the case may be, the weight to which you find it to be entitled.

INSTRUCTION NO. 52

It is the constitutional right of a defendant to refrain from testifying in a criminal trial. Thus, the decision as to whether he should testify is left to the defendant, acting with the advice and assistance of his attorney. You must not draw any inferences or conclusions from the fact that a defendant does not testify, nor may this fact be discussed by you or enter into your deliberations in any way.

INSTRUCTION NO. 53

It is not necessary to call as witnesses all persons who may have been present at any of the events disclosed by the evidence or who may appear to have some knowledge of these events, or to produce all objects or documents mentioned or suggested by the evidence.

INSTRUCTION NO. 54

The court has already instructed you that you are made the sole judges of the testimony and other evidence, and of the weight to be given the same. In determining questions of fact presented in this case, you should be governed solely by the evidence introduced and admitted before you. You are to bring to the consideration of the evidence before you your everyday common sense and judgment as reasonable men and women.

INSTRUCTION NO. 55

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to the court where the information sought will be given to you in the presence of, and after notice to, the State and the defendants and their attorneys.

Read backs of testimony are time consuming and are not encouraged unless you deem it a necessity. Should you require a read back, you must carefully describe the testimony to be read back so that the court reporter can arrange her notes. Remember, the Court is not at liberty to supplement the evidence.

INSTRUCTION NO. 52

Every member of the jury has been permitted to take notes during the trial. However, you are cautioned not to rely upon your respective notes in the case of a conflict among those notes, because the court reporter's notes contain the complete authentic record of the trial.

INSTRUCTION NO. 57

Jurors shall not conduct any form of independent research, investigations, or experiments prior to or during jury deliberations. This prohibition includes, but is not limited to:

1. Communicating with anyone in any way regarding this case or its merits, by phone, email, text, the internet, or other means;
2. reading, watching, or listening to any news or media accounts or commentary about this case;
3. doing any research, such as consulting dictionaries, using the internet, or using reference materials; and
4. making any investigation, testing a theory of the case, re-creating any aspect of this case, or in any other way investigating or learning about this case on one's own.

Docket 82891 Document 2021-32930

INSTRUCTION NO. 58

It is your duty as jurors to consult with one another and to deliberate with a view of reaching an agreement, if you can do so without violence to your individual judgment. You each must decide the case for yourself, but should do so only after a consideration of the case with your fellow jurors, and you should not hesitate to change an opinion if you become convinced that it is erroneous. However, you should not be influenced to vote, in any way, on any question submitted to you by the single fact that a majority of the jurors, or any of them, favor such a decision. In other words, you should not surrender your honest convictions concerning the effect or weight of the evidence for the mere purpose of returning a verdict or solely because of the opinion of the other jurors.

INSTRUCTION NO. 57

You are further instructed that you should also keep in mind the importance to the parties of the results of your deliberations, and be just to the defendants as well as to the State. Both the defendants and the State have a right that you determine, and they do so demand and expect, that you will carefully and dispassionately weigh and consider the evidence and the law of the case, and give each your conscientious judgment; and, that you will reach verdicts that will be just to both sides, regardless of the consequences of those verdicts.

INSTRUCTION NO. 60

You are here to determine whether the defendants are guilty or not guilty of crimes after considering the evidence admitted at the trial. You are not called upon to return a verdict as to whether any other person is guilty or not guilty of a crime. If the evidence convinces you beyond a reasonable doubt that a defendant is guilty of a crime, you should find him guilty of that crime even though you may believe one or more other persons are also guilty of the crime.

INSTRUCTION NO. 61

A verdict of "not guilty" of a charge is not the equivalent of a finding of innocence. Such a verdict is merely a determination that the charge was not proven beyond a reasonable doubt in the proceeding in which the verdict was rendered.

Whether defendants are guilty or not guilty of charges is for you to decide in this proceeding.

INSTRUCTION NO. 62

In this case there are 96 possible verdicts. These possible verdicts are listed in the verdict forms that you will receive. If you all have agreed upon your verdicts, check the boxes corresponding to the verdicts that you have reached. Once he or she has checked the boxes, the foreperson shall sign and date the verdict forms.

INSTRUCTION NO. 63

LADIES AND GENTLEMEN, it takes all twelve of you to agree upon your verdicts in this matter. When you have agreed upon your verdicts and checked the boxes corresponding to the verdicts that you have reached, you will have the verdict forms signed by the foreperson and returned to the court. In determining whether the defendants are guilty or not guilty of the crimes with which they are charged, you will consider the evidence admitted at this trial, find the facts, and apply the law as instructed by the court.

Instructions 1 through 63, given by the court.

ALVIN R. (AL) KACIN
DISTRICT JUDGE

INSTRUCTION NO. 48

A person is qualified to testify about a subject if he or she has special knowledge, skill, experience, training, or education sufficient to qualify him or her to testify on that subject.

Such witnesses may give their opinions on questions relating to that subject. To decide issues pertaining to that subject, you may consider the opinions with the reasons given for them, if any, by the witness who gives the opinions. You may also consider the qualifications and credibility of the witness.

You are not bound to accept such opinions as conclusive, but should give to them the weight to which you find them to be entitled. You may disregard any such opinions if you find them to be unreasonable.

FOURTH JUDICIAL DISTRICT COURT
FILED IN OPEN COURT
Date: 01/27/2021
Time: 11:37 A.M.
Clerk: [illegible]

Initially read, but removed from instruction by court. Jury instructed to disregard this version of instruction 48 by court. Jury informed that new, replacement instruction has been given. NEW, replacement instruction read to jury by court. (Now in packet of instructions as filed.)

01/27/21

INSTRUCTION NO. 47A

Pursuant to a written plea agreement, Sheldon James Olsen (commonly known as Bob Olsen) has testified at this trial and a pretrial hearing. A copy of the written plea agreement has been admitted as Exhibit 197 at this trial and will be provided to you for inspection during your deliberations. The written plea agreement requires Olsen to plead guilty to a charge of Conspiracy to Violate the Uniform Controlled Substances Act, a category C felony, and testify against HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ at this trial "and/or any other hearing where his testimony is necessary in the Fourth Judicial District Court Case Numbers CR-FP-19-2456 and CR-FP-19-2465." In exchange for Olsen's testimony, the written plea agreement requires the State to: (1) dismiss other charges against him and file no new charges in certain cases; and (2) affirmatively recommend to the sentencing judge that he receive probation upon conviction of Conspiracy to Violate the Uniform Controlled Substances Act. At the time Olsen testified, he had not been sentenced on the charge.

The jury is instructed that you shall view and regard Olsen's testimony in the light of possible pressure that he was under when testifying at this trial, any desire he may have had to assist the State in obtaining guilty verdicts in this case, and any desire he may have had to receive probation and avoid incarceration.

It is exclusively your duty, after considering all the admitted evidence, to determine how much, if any, weight to give Olsen's testimony.

FOURTH JUDICIAL DISTRICT COURT
FILED IN OPEN COURT
Date: 01/28/2021
Time: 8:57 A.M.
Clerk: DM

Alvin R. (All) Kacin D. J.
01/28/21

FILED
2021 SEP 28 PM 3:39
4th JUDICIAL DISTRICT COURT
CLERK ___ DEPUTY ___

Case Nos. CR-FP-19-2456 and CR-FP-19-2465
Dept. II

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

ooOoo

THE STATE OF NEVADA,
Plaintiff,
v.
HECTOR HUGO RAMIREZ-DE LA TORRE
and JORGE LANDEROS RUIZ,
Defendants.

MOTIONS HEARING

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled matter came on for hearing on December 11, 2020, at the hour of 1:53 p.m. of said day, in Elko, Nevada, before the HONORABLE ALVIN R. KACIN, District Judge.

Stenographically Reported by Lisa M. Manley, CCR No. 271

COPY

APPEARANCES

For the Plaintiff:

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For the Defendant:
(Ramirez-De La Torre)

GARY D. WOODBURY, ESQ.
ATTORNEY AT LAW
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Elko, Nevada 89801

For the Defendant:
(Ruiz)

KARENA K. DUNN, ESQ
LARRY K. DUNN & ASSOCIATES
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PROCEEDINGS

THE COURT: All right. We have two cases we're on the record for now. Case CR-FP-2019-2456 is State of Nevada, plaintiff, versus Hector Hugo Ramirez-De La Torre.

He is here with counsel Gary Woodbury and he is assisted by the Court's previously sworn interpreter, Eloisa Mendoza, translating English into Spanish and Spanish into English for the Court and counsel.

Mark Mills, Elko County Deputy District Attorney, is here to represent the State.

In the other case it's Jorge Landeros Ruiz. The defendant is here with -- well, not here with counsel, but I think counsel is Karena Dunn and she is appearing by telephone presumably from her office in Reno.

Can you hear us okay?

MS. DUNN: I sure can, Judge.

THE COURT: And I can see and hear you. It's my understanding -- I think my judicial assistant told me perhaps you would not be able to see us. But as long as you can hear okay, I think we're good to go.

Are you comfortable with that, Ms. Dunn?

MS. DUNN: Yes, I can hear you guys just fine.

THE COURT: Okay. And your client is here with -- and he is assisted by the -- another previously sworn interpreter, Mariellena Bugarini translating English

into Spanish for him and Spanish into English for the Court and counsel.

So, Mr. Ramirez, you can understand the proceedings today with your interpreter's help?

DEFENDANT RAMIREZ-DE LA TORRE: Yes.

THE COURT: Okay. Mr. Ruiz, you can understand the proceedings today with your interpreter's help?

DEFENDANT RUIZ: Yes

THE COURT: Of course, Mr. Mills is also here to represent the State for Mr. -- in the case where Mr. Ruiz is the defendant.

So we do have trials coming up, I see, January 12 through January 29, excluding Mondays for law and motion calendar.

The Court has drawn a panel of 150 prospective jurors, so a lot of venire persons for this one.

I think we had indicated that the jury selection and trial would be conducted in this room, the -- in the commissioners' meeting room. I think we actually have space set aside at the Elko Convention Center to do this, so that we have plenty of space for you.

I have done one trial up there, and I am doing one next week, hopefully. The first trial we selected a jury in the -- the theater over there. It worked very well. We had 88 jurors show up. I think we can fit -- we had 88

venire persons show up and we easily accommodated them. I think they can get up to 120 in there with social distancing. So hopefully we'll be in good shape there. There is also a lot of space on the stage for two lawyers and their clients and interpreters.

But I think that's the plan, and then to try the case over there as well.

At any rate, we have a pretrial motions hearing set for today's date and time.

There was a lot of motions practice. I think I decided most of them, but maybe there are a couple more that have to get -- that have to be decided. So I'll leave it up to the lawyers to tell me what they want decided in writing, and then get that done.

In the meantime, is there any movement for settlement in this case?

MR. MILLS: Your Honor, the State had re-extended a plea offer. It was, in essence, the same plea offer that had been extended prior to the preliminary hearing.

And today's date is the actually the date -- at expiration date for the plea offer for both defendants. I have not heard back from either of the defense attorneys whether they have accepted that offer or not.

THE COURT: Okay.

MR. MILLS: But today is the expiration date for

the offer.

THE COURT: Well, I assume then five o'clock is when you will be going home and you want to hear by then, Mr. Mills.

MR. MILLS: That's typically by the end of the business day.

THE COURT: All right.

Well, do you think there will be any settlement in this case for Mr. Ramirez, Mr. Woodbury?

MR. WOODBURY: I do not.

THE COURT: Okay. Do you think there will be any settlement for Mr. Ruiz, Ms. Dunn?

MS. DUNN: I don't anticipate so, Your Honor.

THE COURT: Okay. Well, then we'll figure on the trial and we'll make sure -- I understand we have the convention center. We need the space and we're going to roll.

But I don't know if we'll try this one in the gold room across the way from the theater then.

But if we do, it's a really good room. You can keep social distancing. They mic everybody up and it's real easy to do hearings with the jury in-place. When you don't want the jury to hear, you can just go behind a curtain and have your hearing.

I had a really good experience there in

September, so hopefully we'll have the same thing with this trial, knock on wood.

Anyway, are we still good on estimating number of days for this trial, do you think, Mr. Mills?

MR. MILLS: I believe so, Your Honor. We have this trial set aside for three weeks. I expect that given the quantity of evidence and the fact that there are two co-defendants, it will take probably at least two weeks.

THE COURT: Okay. And does the defense have any reason to disagree?

MR. WOODBURY: We do not on behalf of Mr. Ramirez.

MS. DUNN: No, Your Honor.

THE COURT: Okay. Well, did the State have any further motions practice for this case?

MR. MILLS: I don't believe so, Your Honor.

I -- the attorneys have kind of been conferring in preparation for this hearing, and I think we've decided that as far as outstanding -- you know, the State doesn't anticipate filing any additional motions.

But as far as outstanding motions, there are just a couple of offers of proof that the State filed. I think the Court hasn't ruled on those yet.

THE COURT: Can you remind me then exactly what -- because there were a lot of filings in this case and

then --

MR. MILLS: Yes, Your Honor. So there was --

THE COURT: I think I decided some of the motions. And then, frankly, I had to go quarantine for COVID and was dealing with a whole bunch of other things brought on by this stupid pandemic.

So now I got to get back into this thing.

MR. MILLS: I understand, Your Honor.

So with regards to Mr. Ramirez-De La Torre, there was an offer of proof regarding bad acts.

That one was pretty simple. It just had to do with a couple items of paperwork that were found in Mr. Ramirez's trailer that had his name on it.

THE COURT: Okay.

MR. MILLS: But that paperwork was court paperwork, so the State had a concern that that might, you know, suggest to the jury other, you know, criminal conduct.

THE COURT: Can you give me a date for that one? Date of filing, please?

MR. WOODBURY: It was filed on April 1, Your Honor.

THE COURT: Thank you.

MR. MILLS: That's correct, Your Honor.

THE COURT: All right. Anything else for Hector,

Mr. Mills?

MR. MILLS: Hector. I believe there was a motion to dismiss filed by Mr. Ramirez that has not been decided in writing yet.

THE COURT: Okay. And what day was that filed? Oh, wait a minute. This one was right around the time of the last pretrial hearing before the -- during the -- when the pandemic blew up, I guess.

MR. WOODBURY: It was filed on April 28, Your Honor.

THE COURT: Okay. Thank you.

Anything else, Mr. Mills, for Hector Ramirez?

MR. MILLS: No, Your Honor.

THE COURT: Okay. For Mr. Ruiz?

MR. MILLS: For Mr. Ruiz there was an offer of proof/motion in limine regarding the testimony of Sheldon "Bob" Olsen who was a witness that the State wanted to call to testify that he had obtained --

THE COURT: Okay. I remember that one. Because he testified at the hearing.

MR. MILLS: He did testify at the hearing, that's correct.

THE COURT: Okay. And that one -- when did you actually file that? That was -- that would have been in April of 2020 as well?

MR. MILLS: I believe so, Your Honor. Let's see if I can find it here.

THE COURT: If you can't, I'm sure we can locate it.

MR. MILLS: It was right around that time.

THE COURT: That's right. And as I recall, I gave an opportunity for a response and more litigation on that.

Do we need any more evidentiary hearing on that, Ms. Dunn?

MS. DUNN: I don't think there is any evidentiary hearing left on that one, no, Your Honor.

THE COURT: Okay.

MR. MILLS: Your Honor --

MS. DUNN: I believe that Mr. Olsen testified, and that was ultimately the basis. And then I believe that the opposition -- I believe that there was a reply and an opposition. And so I think that there were quite a few different writings on that as well.

THE COURT: Okay. Yes, Mr. Mills?

Date? Did you have a date for that one?

MR. MILLS: I hadn't found that yet, but --

THE COURT: Okay. We can find it.

MR. MILLS: I was going to just kind of -- along the lines of what she was just explaining -- I am recalling

this now -- so in this jurisdiction, as you know, it's the State's practice to file what is called an offer of proof. That is what we call those pleadings regarding these bad acts or prior uncharged misconduct.

But I believe at the hearing Ms. Dunn wanted to further litigate it and characterize it as a motion in limine.

And so I think the filing where I -- where I raised this was -- so I think we had the testimony at the hearing.

So before the hearing, the State filed the offer of proof. At the hearing we went ahead and put on the testimony of Mr. Olsen.

THE COURT: Right.

MR. MILLS: And then after the hearing --

THE COURT: Right.

MR. MILLS: -- there was subsequent briefing. And the State on May 12 filed an opposition to motion in limine.

THE COURT: Right.

MR. MILLS: And I think that was addressing this issue of -- of Mr. Olsen's testimony. Then she filed a response to that.

THE COURT: Okay.

MR. MILLS: So that's kind of how the motion

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trial and all of that stuff, so I assume the trial is going forward, the motion will be denied.

But we wanted to give you one additional piece of information.

We were contacted by the D.A.'s office a couple days ago and informed that the cooperating individual, Mr. Sanistrom, had been arrested and was being prosecuted for some controlled substance crime and a possession of a firearm.

And just to show you or to perhaps somehow make it more palatable, the plea bargain offer that he received, and apparently it has been accepted and was demanded by his lawyer, this cooperating individual, is the firearm charge was dropped as part of the plea bargain agreement.

And that's because he needs a firearm. He happened to be an ex-felon, but he needs a firearm to protect himself from this Mexican mafioso.

And, in fact, he also needed a guarantee that he would not be sent to prison, he would go to probation, no matter -- and there would -- and the D.A.'s office agreed there would be a Crispo hearing to ensure that he would go on probation because, since he has been screwing around with the Mexican mafia, it's clear if he goes to prison he is going to die.

And I want you to know that. That that -- I

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practice played out on that.

THE COURT: Okay. I recall that that was the case.

Did you have anything else on that, Ms. Dunn?

MS. DUNN: No, Your Honor, I agree with him.

THE COURT: Okay. All right.

Anything else for Mr. Ruiz as far as you are aware there, Mr. Mills?

MR. MILLS: Not that I am aware of, Your Honor.

THE COURT: All right.

Anything else, as far as you are aware, for Mr. Ramirez, Mr. Woodbury?

MR. WOODBURY: Not at this time, Your Honor.

THE COURT: Okay. Anything else, as far as you are aware, for Mr. Ruiz then, Ms. Dunn?

MS. DUNN: No, Your Honor.

THE COURT: Okay. Well, then I will get on this and get an order out. I just do this all by written order and decide these issues.

All right. Anything else for the State today?

MR. MILLS: No, Your Honor.

THE COURT: Anything else for the defense, Mr. Woodbury?

MR. WOODBURY: With respect to the motion to dismiss, the Court of course has been talking about the

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realize the Court thinks I am talking through my hat mostly and making all this stuff up, but I am not.

I have done a singular amount of research on the Mexican mafia and how they control things. And I can tell you that from the point of view of me, and I realize that's only one point of view, this business of threatening and killing people for not doing what they are told to do by the Mexican mafia and this business about threatening to kill people and killing them in the event that you happen to make public any part of their knowledge about this is undermining the United States judicial system right down to its nub, right down to its core.

And it has put Mr. Ramirez in an impossible position.

And I realize that the Court has examined this, and the Court wrote in the order regarding the motion to suppress that -- that the Court had the impression that Mr. Ramirez would be testifying anyway.

I can tell you, I have been practicing law now for around, oh, gee, I don't know, 44 years. I am in a pickle with this case I ain't never even come close to before. And it is as a direct result of what I am telling you.

So I hope that the Court will re-examine that and look at it very closely. I realize the district court is

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not in a position -- I have absolutely no authority for this Court to dismiss the case based on this, except common sense and logic.

And I know that the Court knows that, and I know that Mr. Wills knows that because he wrote it in his opposition or -- at least the -- Well, but the fact is, this is a mess and somebody is going to have to fix it.

And I have to get in a position where the Nevada Supreme Court at least knows what I am talking about.

THE COURT: All right. Thank you, Mr. Woodbury.

I will take that under consideration. I have made some notes on it.

All right.

Any further argument on that?

MR. WILLS: No, Your Honor.

THE COURT: Okay. Anything else for your client today, Mr. Woodbury, beyond that?

MR. WOODBURY: No.

THE COURT: Okay. Thank you.

Ms. Dunn, did you have anything else for Mr. Ruiz today?

MS. DUNN: No, Your Honor.

THE COURT: All right. Well, then I will pull the remaining offers of proof and then these motions to dismiss.

I know with regard to Mr. Ruiz we also have the motion in limine that the defense filed. Those two are essentially one and the same litigation, subpart of the litigation.

So if we have any questions, we'll certainly call another status hearing on this.

But I think I understand what I am tasked with doing now.

So all right. Other than that, I'm sure you have gotten all the other dispositional orders or copies thereof that the Court has done here.

And for now, see you in January. If anything changes regarding our location, please -- I will let you know.

And then I am assuming the lawyers have copies of Administrative Order Number 3 regarding jury trials?

MR. WOODBURY: I do.

THE COURT: Okay. I had to do all that to make sure I could do jury trials and make sure I had -- well, in my view with -- as a member of the judiciary I did not need to have public health officer's consent, but in practice I felt like we really needed it so that we could make jurors comfortable that at least public health experts feel like what we're doing is ensuring their safety.

And so I do have the public health expert's,

Dr. Putnam's consent to go about handling trials this way, as laid out in that order.

And then Chief Justice Pickering signed off on it as well. We wanted her permission to go about this. She has agreed with what we are doing

Did you get a copy of that order ever, Ms. Dunn?

MS. DUNN: I did, thank you.

THE COURT: Okay. If either of you didn't, I was going to say we could scan and e-mail one to you right after the hearing.

The -- Well, we were supposed to conduct a trial -- supposed to do the trial this week, State versus Luna. Next week we are going to do that trial, assuming no further glitches.

That one, we are -- are now being told anyway that we can have no more than 50 people in the room regardless of how big it is. Hopefully, with this trial, the public health experts will come off that and we'll be able to get as many people in that theater as possible for the selection.

That is about all I got.

So thank you very much.

We'll be in touch through written orders here shortly. Thank you.

(WHEREUPON, the hearing was concluded at 2:13 p.m.)

STATE OF NEVADA)
) ss.
COUNTY OF ELKO)

I, LISA M. MANLEY, Official Court Reporter of the Fourth Judicial District Court, Dept. II, of the State of Nevada, in and for the County of Elko, do hereby certify that I was present in court during all the proceedings had in the matter of the State of Nevada, plaintiff, versus HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ, defendant, heard at Elko, Nevada, on December 11, 2020, and took verbatim stenotype notes thereof; and that the foregoing 17 pages contain a full, true and correct transcription of my stenotype notes so taken, and a full, true and correct copy of all proceedings had.

LISA M. MANLEY - CCR No. 271
OFFICIAL COURT REPORTER

FILED

2020 JUN -2 PM 3:37

ELKO CO DISTRICT COURT

CLERK DEPUTY

Case No. CR-FP-19-2465

Dept. No. 2

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

STATE OF NEVADA,

Plaintiff,

vs.

JORGE LANDEROS RUIZ,

Defendant.

ORDER DENYING MOTION TO SEVER TRIAL

This is a criminal case in which Defendant Hector Hugo Ramirez de la Torre and Defendant Jorge Landeros Ruiz are charged with multiple felonies in a single criminal information. The case stems from a 2019 investigation of an alleged narcotics trafficking and cockfighting ring in Osino. The State of Nevada alleges the operation was run from a compound owned by Jorge and his wife, Maria Ulloa.

Hector is charged with three counts of trafficking in a schedule I controlled substance for allegedly transporting two-ounce quantities of methamphetamine from the property and selling them to a government informant on three separate dates in early 2019. Hector is also charged with trafficking in a schedule I controlled substance and possession of a firearm by an unlawful user of a controlled substance for allegedly possessing another multiple-ounce quantity of methamphetamine and a handgun in a travel trailer on the compound on or about March 18, 2019.

Jorge is charged with separate counts of trafficking in a schedule I controlled substance for allegedly possessing or aiding and abetting the possession of large quantities of methamphetamine and cocaine by either Hector or Eduardo Ruiz on the compound on or about March 18, 2019. Jorge is also charged with maintaining a place for the unlawful sale, gift or use of a controlled substance for allegedly

providing the compound as a base from which to sell and deliver narcotics.

Finally, Hector and Jorge are both charged with 10 counts of "Unlawful Killing or Maiming of an Animal Kept for Companionship or Pleasure" and 10 counts "Possession of an Animal with the Intent to Have It Fight [ ] Another Animal" in connection with the cockfighting part of the operation.

On March 30, 2020, Jorge filed a Motion to Sever Trial. The object of the motion is to obtain an order providing separate trials for these defendants. Jorge does not want to be tried on narcotics-related charges with Hector. The State of Nevada has opposed the motion.

On April 29, 2020, the parties argued the motion and the court held evidentiary hearings on an offer of proof and each defendant's motion to suppress. Now, having carefully considered the law, the parties' arguments, and the evidence admitted at the hearing and the preliminary hearing for this case, the court is denying the Motion to Sever.[1]

C. *Findings of Fact*

In September 2018, informants told detectives assigned to the Elko Combined Narcotics Unit that Hector was selling drugs in Osino or Kyodou.

The detectives began to surveil Hector by December 2018 or January 2019. The detectives saw Hector go to a 2.7-acre compound at 5647 Kale Drive in Osino.

The compound is located in an open rural area. Therefore, the detectives had to surveil it from a long distance. Nevertheless, the detectives determined that a few travel trailers, a barn and one main residence were on the compound. Further surveillance revealed that Hector: (1) was likely residing somewhere on the compound; (2) predominantly drove a gray pickup registered to Maria to leave and return to the compound; (3) accessed the main residence on the compound 3 to 5 times; and (4) accessed a white Travel Supreme trailer and walked toward a brown travel trailer. On a few occasions, detectives also saw approximately 8 to 10 cars enter and leave the compound after short stays.

Although they saw adult males other than Hector on the compound, the detectives never positively identified Jorge or anyone else during their surveillance. The detectives were not otherwise able to determine whether Jorge was residing on the compound. However, they concluded through

[1] On May 14, 2020, the court entered an order continuing the joint trial originally set for June 2, 2020 under the court's latest administrative order in response to the COVID-19 pandemic. *See* Administrative Order No. 2 entered April 23, 2020.

further investigation that: (1) Jorge and Maria owned the compound; (2) Jorge and Maria were married; and (3) Maria was residing on the compound with 3 or 4 minor children.

During their surveillance, the detectives were able to see only the top of the brown travel trailer. The detectives were unable to determine whether anyone was residing in the travel trailers. The detectives were also unable to determine "who lived where on the property."

I

One of the informants was Clinton Sandstrom. In early 2019, Sandstrom bought methamphetamine from Hector during three separate ECNU-monitored controlled purchases in Ryndon. The controlled purchases occurred a short drive away from the compound in a driveway at Sheldon "Bob" Olsen's residence. During each controlled purchase, Hector sold approximately two ounces of methamphetamine to Sandstrom for $1,000.

Several law enforcement officers were involved with the controlled purchases. Detective Jacob Hisinger was the supervising case agent for the first controlled purchase on February 27, 2019. Detective John Gaylor was the supervising case agent for the second and third controlled purchases on March 4, 2019 and March 7, 2019, respectively. Detective Matthew Miller was responsible for surveilling the compound during the three controlled purchases. During each controlled purchase, Miller saw the gray pickup depart and return to the property. During one of the controlled purchases, detectives heard Olsen discussing Mexican cartels and referring to a person named George as "the boss."

II

On March 18, 2019, an Elko Township justice of the peace issued a search warrant for the compound. Gaylor drafted and signed the affidavit upon which the magistrate relied in granting the warrant. In the affidavit, Gaylor maintained there was probable cause to believe that controlled substances and other contraband and evidence was on the property.

Gaylor described the property as a 2.7-acre compound "with multiple steel structures, a green single level home, an iron gated driveway, and a large fence surrounding the property." In the twelfth through the seventeenth paragraphs of the affidavit, Gaylor wrote that: (1) Hector was distributing controlled substances in Elko County with the use of a dark gray pickup registered to Maria; (2) surveillance revealed that Hector and Maria were residing on the compound; (3) a cooperating individual

purchased 6 total ounces of methamphetamine from Hector for $3,000 during multiple controlled purchases in Ryndon in February and March of 2019; (4) Hector left the compound in the dark gray pickup before and immediately returned to the property after the controlled purchases; (5) records at the Elko County Assessor's Office showed that the compound was owned by Jorge; and (6) another records check revealed that Jorge married Maria in May 2011. Gaylor did not mention the travel trailers in the affidavit.

The search warrant authorized officers to search the entire compound for most of the things identified in Gaylor's affidavit "by any means mechanized or yet unknown" including "outbuildings, storage areas above and below ground, any vehicles on the property . . . and to include all containers (locked or unlocked), bags, and other parts therein . . ."

III

On March 19, 2019 at approximately 11:00 AM, ECNU detectives executed the search warrant with the assistance of two SWAT teams. Between the detectives and the SWAT teams, 20 to 25 people participated in the execution of the warrant. When the law enforcement officers arrived, Jorge, Eduardo, Hector, Maria and one minor child were on the compound along with 248 roosters and other chickens and domestic animals.

The chickens were in coops in and around the barn. The roosters had no food and water. The roosters were aggressive. There were multiple injuries on every rooster, such as broken feathers, broken and missing limbs and infected feet. The combs and wattles on some of the roosters had been removed. Detectives also located dead chickens on the property.

Detectives further confirmed that: (1) there was a main residence (a double-wide trailer or mobile home), a white Travel Supreme trailer, a brown travel trailer, and two additional travel trailers on the compound; (2) the Travel Supreme trailer and the brown trailer were close to barn; and (3) the two other travel trailers were next to the main residence, which was approximately 20 or 30 yards from barn.

Eisinger was on one of the SWAT teams. Eisinger found Jorge in a bedroom in the main residence. Jorge was promptly detained in handcuffs and Eisinger escorted him onto a porch outside the residence.

Before the search warrant was executed, Gaylor suspected Jorge resided on the compound.

Gaylor spoke to Jorge on the porch in an effort to determine whether and where he was residing on the property. Gaylor read Miranda warnings to Jorge. Jorge waived his rights and agreed to speak with Gaylor. Jorge confirmed that he owned the property and resided in the main residence. Jorge also admitted that he owned the chickens; however, he disclaimed knowledge of any methamphetamine on the property.

During Gaylor's discussion with Jorge, numerous other law enforcement officers were on the compound. Gaylor wore a badge, sidearm, and a hoodie that had "narcotics enforcement" printed on it during the interview. Gaylor did not threaten or coerce Jorge or make promises in exchange for the suspect's statements.

Gaylor spoke to Eduardo and Hector as well. Gaylor also read Miranda warnings to these men. Eduardo and Hector each waived their rights and agreed to speak with Gaylor. Because Eduardo spoke only Spanish, Gaylor used a Spanish speaking translator to communicate with him. Eduardo admitted that he was living in the Travel Supreme trailer and caring for the chickens. Hector also admitted that he was caring for the chickens and living in the brown travel trailer. Hector further stated that he owned one rooster. Finally, Hector admitted that he was a drug user and claimed to be possessing small quantities of methamphetamine.

Hector was in a patrol car in handcuffs when he spoke to Gaylor. Gaylor wore jeans and a t-shirt and a badge during the conversation. A uniformed officer, Josh Taylor, was also present. Hector was subsequently arrested for offenses related to the sales of methamphetamine to Sandstrom.

Gaylor managed the subsequent search. Gaylor assigned Miller to search the Travel Supreme trailer and the brown travel trailer. Gaylor assigned Detective Sergeant Scott Smith to search the main home. Gaylor searched the chicken coops in and around the barn.

In the Travel Supreme trailer, Miller found $12,360 in cash, a scale, and several quantities of methamphetamine, some of which were quite large. Miller also found cockfighting paraphernalia, including spurs, muzzles, hoods, and bird-care chemicals. Miller found some spurs in the exterior compartment of the trailer as well.

In the brown travel trailer, Miller found a handgun, small and large quantities of methamphetamine, and some United States currency. Miller also found papers with Hector's name on

them and other contraband, including a suspected "pay-and-owe" sheet and drug paraphernalia (methamphetamine "tooters").

In the main home, Smith recovered papers with Jorge's name on them, handguns, a square plastic bucket, a statue of a rooster, a trophy topped with an effigy of a rooster and "2018 Ultimate 4 Cock Champion" engraved on it, egg incubators, cockfighting gaffs/spurs, wing bands, and literature pertaining to the training of fighting cocks.

Smith also recovered additional evidence in other locations on the property. In the gray pickup, Smith recovered papers with Hector's name on them. Further, Smith joined the search in the barn and dug up a plastic container holding a large quantity of methamphetamine and about one-half of an ounce of cocaine.

Under one of the coops, Gaylor dug up another square plastic bucket containing three separate 1-pound bags of methamphetamine. Using an excavator, Gaylor also unearthed a glass container holding 100.33 grams of additional methamphetamine.

IV

The first trafficking in a schedule I controlled substance count with which Jorge is charged is a commonly called a "Level 3" trafficking charge (methamphetamine). The second trafficking in a schedule I controlled substance count with which Jorge is charged is commonly known as a "Level 2" trafficking charge (cocaine). A person commits the crime of "Level 3" trafficking if he knowingly or intentionally sells, delivers or possesses more than 28 grams of a schedule I controlled substance or any mixture containing such a substance.[2] NRS 453.3385(1)(c). A person commits the crime of "Level 2" trafficking" if he knowingly or intentionally sells, delivers, or possesses 14 grams or more, but less than 28 grams of a schedule I controlled substance or any mixture containing such a substance. NRS 453.3385(1)(b). A person commits the crime of maintaining a place for the unlawful sale, gift or use of a controlled substance if he maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance. NRS 453.316(1). It appears Jorge intends to defend against the charges by arguing that he did not know Hector was selling and delivering methamphetamine or that illegal narcotics were on the compound.

[2] 28 grams equates to approximately one ounce.

On April 28, 2020, Hector filed a motion to dismiss the charges against him. In the motion, Hector maintains that he would like to rely on NRS 194.010(8) to raise an affirmative defense to the charges. NRS 194.010(8) applies to offenses that are not punishable by death. The provision allows a defendant to escape criminal liability if he "committed the act or made the omission charged under threats or menaces sufficient to show that [he] had reasonable cause to believe, and did believe, [his life] would be endangered if [he] refused, or that [he] would suffer great bodily harm."

In so many words, Hector contends he committed the criminal acts with which he is charged in the narcotics-related counts because he reasonably believed drug cartel members would either kill or inflict great bodily harm upon him if he did not so act. Hector maintains he can neither testify nor present other evidence to support this theory of the case because cartel members would either physically harm or kill him if he did.

B. Conclusions of Law

1. Jorge has not demonstrated by a preponderance of the evidence that he would suffer prejudice if tried with Hector.

2. The Motion to Sever should be denied.

C. Analysis

The court suggested during oral argument that it would likely grant the Motion to Sever because: (1) it appears Hector and Jorge have antagonistic defenses; (2) it would be safer to conduct separate trials during the COVID-19 pandemic. Now that it has studied the cases regarding severance and more carefully considered Hector's motion to dismiss and the pandemic, the court has reconsidered that suggestion. In so doing, the court has assumed that Hector may still testify in support of his stated defense.

1. Jorge has not demonstrated by a preponderance of the evidence that he would suffer prejudice if tried with Hector.

"Joinder [of defendants] promotes judicial economy and efficiency as well as consistent verdicts and is *preferred* as long as it does not compromise a defendant's right to a fair trial." Marshall v. State, 118 Nev. 642, 646 (2002) (citations omitted) (emphasis added). But "[i]f it appears that a defendant . . . is prejudiced by a joinder . . . of defendants in an indictment or information, or by such joinder for trial

together, the court may . . . grant a severance of defendants or provide whatever other relief justice requires." NRS 174.165(1).

"[D]istrict courts must determine the risk of prejudice from a joint trial based on the facts of each case." Chartier v. State, 124 Nev. 760, 765 (2008) (quoting Marshall, 118 Nev. at 648). "A district court should grant a severance 'only if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence.' " Marshall, 118 Nev. at 647 (quoting Zafiro v. United States, 506 U.S. 534, 539 (1993)).

At oral argument, Jorge suggested that a joint trial would compromise his constitutional right to remain silent because he would effectively be compelled to testify if Hector testified in support of the defense permitted by NRS 194.010(8). The court disagrees. Jury trials present a bevy of choices for criminal defendants. One of their most important decisions is whether to testify or not. Based on testimony given by Hector, Jorge may reconsider a pretrial choice to remain silent. However, in no way, shape or form, would Jorge's subsequent testimony be illegally compelled. Reconsideration of a choice to remain silent based on a development in criminal litigation does not equate to compulsion in violation of the Fifth Amendment. The real question is whether the mutually exclusive defenses that appear to have materialized in this case will prevent the jury from making a reliable judgment about guilt.

Mutually exclusive defenses can pose a serious risk that a joint trial would prevent the jury from making a reliable judgment regarding guilt. Marshall, 118 Nev. at 646-48. Defenses become mutually exclusive if " 'the core of the codefendant's defense is so irreconcilable with the core of [the defendant's] own defense that the acceptance of the codefendant's theory by the jury precludes acquittal of the defendant.' " Id. at 646 (citing Rowland v. State, 118 Nev. 31, 45 (2002) (quoting United States v. Throckmorton, 87 F.3d 1069, 1072 (9th Cir. 1996))). As noted above, it appears Jorge intends to defend against the narcotics-related charges he faces by arguing that he did not know Hector was selling and delivering methamphetamine from the compound or that illegal drugs were stored on the property. As also noted above, Hector would like to defend the narcotics-related counts against him by presenting evidence that he committed the criminal acts with which he is charged because he reasonably believed cartel members would either kill or inflict great bodily harm upon him if he did not so act. One might

reasonably infer that the latter defense entails presenting evidence that Jorge is a cartel member who knew of and required Hector to distribute the illegal narcotics stored on the compound. Under these circumstances, acceptance of this defense by the jury would preclude Jorge's acquittal and render these defenses mutually exclusive.

Jorge must do more than show the existence of mutually exclusive defenses to secure a severance, however. Jorge must show "there is danger that the jury will unjustifiably infer that this conflict *alone* demonstrates that both [Hector and he] are guilty." Id. (citing Jones v. State, 111 Nev. 848, 854 (1995) (quoting United States v. Haldeman, 559 F.2d 31, 71 (D.C. Cir. 1976)) (internal quotation marks omitted) (emphasis added)). To decide whether Jorge can meet this burden, the court has concluded it must assess whether the State has enough evidence to avoid his advisory acquittal on narcotics-related charges at the close of the State's case-in-chief. *See* Ready v. United States, 445 A.2d 982, 987 (D.C. 1982); NRS 175.381.

The State's alternative theories of Jorge's liability for both "Level 3" and "Level 2" trafficking is that he either possessed the methamphetamine and cocaine found on the compound or aided and abetted the possession of the drugs by Hector or Eduardo. Possession of a controlled substance may be constructive. Palmer v. State, 112 Nev. 763, 768-69 (1996) ("[a] person, who, although not in actual possession, knowingly has both the power and the intention at a given time to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it") (citation omitted). Possession may also be joint. Maskaly v. State, 85 Nev. 111, 114 (1969) ("[t]wo or more persons may have joint possession of a narcotic if jointly and knowingly they have its dominion and control"). This case appears to implicate both rules of possession for Jorge, along with the rule that a person can aid and abet a possessory crime. *See* State v. Plunkett, 134 Nev. ___, ___ (2018) (noting that person can aid and abet a possessory crime). Thus, in order to find Jorge guilty of the trafficking charges he is defending, the jury will have to determine beyond a reasonable doubt that he either exercised dominion and control over the methamphetamine and cocaine found in the execution of the search warrant or aided and abetted another's possession of these drugs. To make these determinations, the jury will have to: (1) reject the argument that Jorge was merely associated with Hector and Eduardo and simply happened to be present on the compound when the drugs were

discovered; and (2) find that Jorge's presence and other circumstantial evidence demonstrate beyond a reasonable doubt that Jorge indeed exercised dominion and control over the drugs. Baker v. Sheriff, 93 Nev. 11, 13 (1977) ("although mere presence cannot support an inference that one *is* a party to an offense, presence together with other circumstances may do so"); Konold v. Sheriff, 94 Nev. 289, 290 (1978) ("mere presence in the area where the narcotic is discovered or mere association with the person who does control the drug . . . is insufficient to support a finding of possession") (citations omitted). In the court's opinion, there is plenty of evidence to defeat a mere association and simple presence argument in aid of a motion to advise the jury to acquit Jorge of narcotics-related charges. The court will summarize some of that evidence below.

First, there is evidence Jorge and his wife own the small compound on which detectives found trafficking quantities of methamphetamine and cocaine. Second, Hector used a pickup registered to Jorge's wife to take two-ounce quantities of methamphetamine from the compound and deliver the drugs to a nearby government informant on three occasions within just a few weeks of the discovery of the narcotics on the property. Third, Jorge was indeed on the compound with Maria, Hector, and Eduardo when officers found trafficking quantities of methamphetamine and cocaine on the property. Fourth, officers found Jorge in a compound dwelling containing a trophy topped with an effigy of a rooster, incubators, cockfighting literature, and cockfighting paraphernalia of the type found in the trailer in which Eduardo was living next to chicken coops where detectives found the largest quantities of narcotics. Fifth, Jorge admitted owning the chickens on the compound. Sixth, Eisinger found Jorge in a bedroom in which detectives found a bucket of the type holding the largest quantity of methamphetamine under a chicken coop just 20 or 30 yards away.

In summary, there is plenty of evidence to defeat a motion for an advisory acquittal on the trafficking charges *and* the maintaining a place for the unlawful sale, gift or use of a controlled substance charge. Thus, Jorge has not demonstrated by a preponderance of the evidence that he would suffer prejudice if tried with Hector.

2. The Motion to Sever should be denied.

Because Jorge has not demonstrated by a preponderance of the evidence that he would suffer prejudice if tried with Hector, the motion to sever should be denied. Marshall, 118 Nev. at 646 ("The

decisive factor in any severance analysis remains prejudice to the defendant."). In denying the motion, the court has considered health and safety concerns spawned by the COVID-19 pandemic. Given this natural disaster, one might argue that the court has inherent authority to grant separate trials for Hector and Jorge in order to reduce human-to-human contact in the courtroom. *See* Jones v. Eighth Jud. Dist. Ct., 130 Nev. 493, 498 (2014) (in absence of vexatious-litigant statute, district courts have inherent authority to issue orders restricting challenges to conviction and sentence if court finds litigant vexatious); In re MB, 2014 Ohio App. LEXIS 4703 (granting a continuance of trial based on public health and safety concern was well within court's inherent authority) (citing State ex rel. Buck v. McCabe, 45 N.E.2d 763 (Ohio 1942)). However, it appears that severance would do little to reduce these numbers for a trial that has generated significant interest in the community. No one knows what the future will hold for the pandemic. But the court has concluded it is premature to order separate trials for Hector and Jorge based on COVID-19 concerns.

D. Order

Accordingly,

The "Motion to Sever Trial" DENIED.

DATED this 2nd day of June, 2020.

The Honorable Alvin R. Kacin
District Judge/Department 2

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of Alvin R. Kacin, District Judge, Fourth Judicial District Court, Department 2, and that on this 3rd day of June, 2020, served by the following method of service:

( ) Regular US Mail
( ) Certified US Mail
( ) Registered US Mail
( ) Overnight US Mail
( ) Personal Service
( ) Overnight UPS
(X) Email
( ) Fax to # _____
( ) Hand Delivery
(X) Box in Clerk's Office

a true copy of the foregoing document addressed to:

Elko County District Attorney's Office
[Box in Clerk's Office]
[Email]

Karena Dunn, Esq.
PO Box 2911
Reno, Nevada 89505
[Regular US Mail]
[Email]

Gary Woodbury, Esq.
[Box in Clerk's Office]
[Email]

Philip J. Tacason

ORIGINAL

FILED ELKO TOWNSHIP
JUSTICE COURT
DATE: 3/18/19
TIME: 1:27 pm
M. Simons
JUDGE

IN THE ELKO TOWNSHIP JUSTICE COURT
STATE OF NEVADA

In the matter of an Application for a Search Warrant by JOHN GAYLOR,	AFFIDAVIT IN SUPPORT OF AND APPLICATION FOR A SEALED SEARCH WARRANT

Applicant

SEALED
BY ORDER OF THE COURT

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

COMES NOW, John Gaylor, being first duly sworn, deposes and says:

1. That your Affiant is a Detective with the Elko County Sheriff's Office, currently assigned to the Elko Combined Narcotics Unit. In addition, your Affiant has been a peace officer for the past 6 years. Your Affiant completed Nevada Basic Post Academy in Carson City from January-June 2012. Your Affiant has attended numerous trainings specifically designated to narcotics enforcement. Your Affiant currently holds a Nevada Peace Officer Standards and Training, Advanced Certificate. Your Affiant also attended a NIK certified course in the use of field presumptive narcotics testing. While being assigned to the Elko Combined Narcotics Unit, Your Affiant has participated in over a 100 narcotics related investigations and other felony crimes. During this same period, Your Affiant has also authored approximately 16 affidavits and search warrants which were reviewed by Judges and subsequently signed by said Judges.

Jg 3/14/2019

2. That your Affiant is assigned to investigate and assist in investigations regarding the crimes of: NRS: 453.326 Unlawful acts relating to recordkeeping, inspections and knowingly keeping or maintaining place where controlled substances are unlawfully used, kept or sold, NRS: 453.3385 Trafficking in controlled substances, and NRS 453.321: Offer attempt or commission of unauthorized act relating to controlled or counterfeit substance unlawful.

3. That there is probable cause to believe that certain property hereinafter described may be found at: 5647 Kale Drive in Osino, County of Elko, State of Nevada, further described as a 2.7 acre compound with multiple steel structures, a green single level home, an iron gated driveway, and a large fence surrounding the property. To include any outbuildings, vehicles located on the property, and vehicles registered to the property locked or unlocked.

4. That the evidence sought to be found and constituting evidence that demonstrates that a criminal offense was committed, and/or such evidence is designed or intended includes the following;

a. That the evidence designed or intended for the purpose of possession of a controlled substance, and/or trafficking of a controlled substance, sales of a controlled substance, any illicit controlled substance including prescription medication, drug paraphernalia, fruits of criminal enterprise, stolen property, contraband, firearms or instrumentalities which tend to identify suspects in the crime now being investigated.

b. Papers relating to the ownership or control of the property to be searched, including but not limited to deeds, rental agreements, addresses on envelopes, keys, and documents that identify suspects in the crime now being investigated.

c. Currency and or evidence of financial transactions relating to obtaining, transferring, secreting, or spending sums of money made or used in illegal controlled substance activities to include OAF (Organizational Advanced Funds) used in controlled purchases.

d. All digital and media storage devices to include; cellular phones, computers, SD cards, USB storage devices, cameras/camcorders and hard drives. Individuals involved in the importation and distribution of illegal controlled substances commonly use these devices to store information regarding the sales, transportation, off site storage, and distribution of illegal controlled substances.

e. Cellular telephones including records of telephone calls whether recorded in writing or electronically, and lists of telephone numbers or papers which reflect names and addresses and/or telephone numbers of individuals associated in illegal controlled substance activities and in control of said property.

f. Photographs of individuals and property, with illegal controlled substances or money and/or associates in the illegal controlled substances business or photographs of drug-related material, or property tending to support or reinforce the drug lifestyle.

g. Illegal controlled substances and materials used in the packaging, cutting, weighing, using or ingesting illegal controlled substances.

h. Records or documents showing the sales and/or purchases of controlled substances.

i. Substances used to manufacture or finish the manufacturing process of illicit controlled substances.

5. That it has been your Affiant's experience during the search of numerous residences, vehicles and persons using and selling controlled substances that Your Affiant and other officers have, on occasion, found firearms in violation of NRS 453.301. Often times, the effects of the controlled substance use causes paranoia and fear of intruders which necessitates in their minds the need to carry weapons for protection of themselves and any controlled substances or valuables they might have with them.

6. That your Affiant has received education and training in the course of his career in law enforcement in the recognition of documents commonly used for keeping record of, and intended for sales of controlled substances, and your Affiant has seen on several occasions through his career, evidentiary examples of records used for the documentation of drug transactions, and having interacted on a professional basis with numerous fellow narcotics investigators from various law enforcement agencies, that many people who sell or trade narcotics for profit, maintain records of the transactions including records of their suppliers and customers as well as owe and pay sheets. That these records on occasion are extremely sophisticated and elaborate involving cryptic codes, but nevertheless readily identifiable as records maintained as part of the illegal narcotics business. That at times, narcotics are "fronted" by the supplier to the seller, just as goods are consigned to a retailer. That for the

same reasons the retailer must maintain records, so must the narcotics dealer. That these records would provide proof of narcotics sales, as well as identify individuals from which the suspects obtained, sold or fronted their narcotics to. That in addition, narcotics dealers commonly keep substantial amounts of U.S. currency on hand in order to finance, maintain, and make change for their day to day business of selling narcotics, and maintain their day to day life style and it is commonly on a cash and carry basis to avoid detection by the authorities of unaccountable and illicit sources of income. That suspects often video themselves and their associates while using illicit controlled substances.

7. Your Affiant knows through his training, drugs are often traded for stolen property. For this reason Your Affiant requests that any suspected stolen property be checked against law enforcement data bases.

8. Your Affiant knows that cellular phones are commonly used in furtherance of illicit drug activities including sending written messages between drug suppliers and buyers. That suspects sometimes video record and photograph themselves and their associates while using illicit controlled substances using both cameras and cellular phones. That suspects commonly use cellular phones to send photographic messages, video recordings and voice messages related to the sales and use of controlled substances. That these cellular phones can maintain a record of numbers called and messages sent inside the memory of the cellular phone. These phones also maintain information as to the owners and users of said phones.

9. Your Affiant knows, through training and experience, illicit narcotic sales and activities

occur both day and night, and that controlled substances could be easily disposed of, hidden, or sold during the daytime and nighttime hours.

10. Your Affiant knows persons present where drugs are being used frequently conceal controlled substances and drug paraphernalia on their persons including purses, bags, backpacks, and clothing. And that these persons do so to avoid lost, theft, and discovery by others including law enforcement.

11. That in support of Your Affiant's assertions as to the existence of probable cause, the following facts are offered based upon personal knowledge or upon information and belief:

12. During the months of February and March 2019, the Elko Combined Narcotics Unit with the assistance of C/S 19-ET-001, Purchased methamphetamine from a "Hector" in the Ryndon area of Elko County. Through records checks, positive identification by C/S19-ET-001, and social media; Detectives of the Elko Combined Narcotics Unit identified "Hector" to be a one Hector Hugo RAMIREZ DE LA TORRE, DOB: 09/13/1984, height: 6'00," weight: 208.

13. Through surveillance and additional controlled purchases, Your Affiant knows Hector Hugo RAMERIZ DE LA TORRE resides at 5647 Kale Drive in Osino, County of Elko, State of Nevada, further described as a 2.7 acre compound with multiple steel structures, a green single level home, an iron gated driveway, and a large fence surrounding the property.

14. Your Affiant knows Hector Hugo RAMERIZ DE LA TORRE utilizes a 2008 Dark Grey Chevrolet pickup bearing Nevada Registration Plate: 95F-048 VIN# 1GCHK23K98F193747, to distribute illicit controlled substances in the Elko County area. Nevada Registration plate: 95F-048 is registered to a Maria Ulloa, with a registered address of 5647 Kale Drive. Through surveillance, Detectives of the Elko Combined Narcotics confirmed Maria Ulloa resides at 5647 Kale Drive.

15. Through a records check at the Elko County Assessor's Office, Your Affiant found 5647 Kale Drive to be owned by a Jorge LANDEROS. An Elko County records check revealed a Jorge LANDEROS married a Maria Guadalupe Ulloa in May, 2011.

16. Through multiple controlled purchases, Your Affiant with Detectives of the Elko Combined Narcotics Unit observed Hector Hugo RAMIREZ DE LA TORRE leave from 5647 Kale Drive utilizing the above mentioned Chevrolet pickup, proceed to a prearranged location for a controlled purchase, complete said purchase and immediately return to 5647 Kale Drive in Osino.

17. The total amount of methamphetamine purchased from Hector Hugo RAMERIZ DE LA TORRE through controlled purchases is six (6) ounces at a total price of $3,000.00 of Organizational Advanced Funds.

18. While conducting research of a one Hector Hugo RAMIREZ DE LA TORRE, Your Affiant discovered Hector Hugo RAMIREZ DE LA TORRE has numerous alias's and dates of

birth, Hector Hugo RAMIREZ DE LA TORRE has provided his aliases and identifying information law enforcement during multiple encounters. Due to the numerous aliases and identifying information criminal history and other law enforcement records were difficult to match for Hector Hugo RAMIREZ DE LA TORRE.

19. While conducting research of a one Jorge LANDEROS, Your Affiant discovered that in 2014 LANDEROS was involved in a fight where LANDEROS was a suspect, where he kicked a male individual in the head. LANDEROS is listed in this police report as; a suspect for the battery, and during his arrest resisting/obstructing a police officer. LANDEROS is listed in a law enforcement database to have animosity towards law enforcement.

20. During a controlled purchase in a separate and ongoing investigation, a reference to Hector Hugo RAMIREZ DE LA TORRE and Jorge LANDEROS compared them with the "Mexican Cartel," and comments about LANDEROS and his associates being members of the "Mexican Mafia." In this same conversation a reference is made to a pistol being sold to either LANDEROS or one of his associates.

21. Your Affiant knows through training and common knowledge, individuals involved with the "Mexican Mafia" and "Mexican Cartels" are typically armed with firearms, adverse to law enforcement, and are known to violently defend their illicit controlled substances.

22. Your Affiant humbly requests that the Court authorizes the service of the warrant be issued as a No Knock and Announce due to the possibly of firearms, being located within the property due to protection of their narcotics, the remote location of the residence, the iron gate to the driveway, the long distance which the law enforcement members may be forced to

approach the residence from and the demonstrated counter surveillance conducted from within the compound giving fair warning to any occupant of the home, therefore placing law enforcement officers in undue danger.

23. Furthermore, your Affiant expressly requests the Affidavit in support of this search warrant be sealed by Judicial Authorization until further order by the Court, in order to protect the identity of C/S 19-ET-001 for their safety since this amount of illicit controlled substances may elicit retribution towards C/S 19-ET-001, and to not compromise any ongoing investigations involving C/S 19-ET-001, until such time as ordered by the Court.

HEREFORE YOUR AFFIANT PRAYS that a search warrant be issued and executed upon the location listed in paragraph #3, directing a search for and a seizure of the aforementioned items at the location set forth herein, any hour of the day or night with no knock nor announce.

I DO HEREBY SWEAR UNDER PENALTY OF PERJURY THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE.

DATED this 18 day of March, 2019.

Detective John Gaylor

Subscribed and Sworn to before me
this 18 day of March, 2019.

ELKO TOWNSHIP JUSTICE OF THE PEACE
State of Nevada

Jg 3/18/2019

Vol Date
1) June 7
2) July 18
3) July 19
4) Aug 14

Case No. EL-JC-CR-F-19-2456
Case No. EL-JC-CR-F-18-2465

FILED
2019 SEP 27 PM 2:41
ELKO CO DISTRICT COURT
CLERK ____ DEPUTY

IN THE ELKO TOWNSHIP JUSTICE COURT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO,

THE HONORABLE ELIAS D. GOICOECHEA, JUSTICE OF THE PEACE

-oOo-

STATE OF NEVADA,

Plaintiff,

V.

PRELIMINARY HEARING - CONTINUED

HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ,

Defendants.

COPY

TRANSCRIPT OF PROCEEDINGS

June 7, 2019
Elko, Nevada

APPEARANCES:

For the Plaintiff: Mark Mills, Esq.
Justin Baranica
Elko County District Attorney's Office
540 Court Street, 2nd Floor
Elko, NV 89801

For the Defendant: Ramirez-De La Torre, Hector Hugo
Gary Woodbury, Esq.
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1053 Idaho Street
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For the Defendant: Ruiz, Jorge Landeros
Karena Dunn, Esq.
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1196 California Avenue
Reno, NV 89509

Docket 82891 Document 2021-32930

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WITNESSES ON BEHALF OF THE DEFENSE:

None

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JOHN GAYLOR

(Recalled and previously sworn as a witness, testified as follows:

DIRECT EXAMINATION

BY MR. MILLS:

Q. Detective Gaylor, you testified previously that the cooperating source in this case was a fellow by the name of Clinton Sandstrom; is that correct?

A. Yes.

Q. Are you made aware of any -- any threats or any danger that Mr. Sandstrom might be in by -- by virtue of his having corroborated with NDI or testifying today?

A. Yes, I've heard statements from not only the CS himself being concerned for his own safety on possibly receiving threats, I've also heard from other individuals who know the CS and have also been close to this case who have expressed that the individuals that are accused in this case would like to see our CS be killed.

Q. Okay. And could you get a little more specific as -- like what's the source of this information about someone wanting Mr. Sandstrom to be killed?

A. One instance would be when Paul Cowels was arrested, he had to return to custody on an unrelated case. I guess that got adjudicated. He got released. He still

had my phone number, and he contacted me to say that Mr. Landeros had green lit Mr. Sandstrom, and in our terminology green lit means that they had put a hit out on his life or, I guess, a contract to have him killed.

Q. Now, Detective Gaylor, do you have any other basis for having concerns for the safety of Mr. Sandstrom based on any of the information known to you in this case?

A. Just the totality of the circumstances. The quantity of narcotics that came from the residence, the firearms associated with the residence, and the allegations that people have made that these individuals could be tied to a Hispanic cartel or Mexican cartel raises concerns in my -- in my mind as a detective because the thing you hear constantly is the threat of violence against informants.

Q. And do you see any -- any rationale for when Mr. Sandstrom testifies for closing his testimony to the public?

MS. DUNN: Your Honor, I think that's a legal decision. That's asking the witness to -- to come to a legal decision. I think asking about potential threats and what's he heard and all of that, but asking him as to whether or not the courtroom should be closed, that's a decision for the Court to make.

THE COURT: Thank you, Mr. Mills.

MR. MILLS: That's fair enough, Your Honor. I'll withdraw the question.

THE COURT: Thank you.

BY MR. MILLS:

Q. Is there anything else you would like to tell the Court as far as facts that you would -- that you would rely upon for fearing for the safety for Mr. Sandstrom?

A. The information, I believe, was Mr. Sandstrom expressed his safety concerns several times over the returned aggression from these individuals, and then also there was a body wire where Mr. Olsen discusses the allegations of being involved with the Mexican cartels and these individuals having guns and being -- having a preponderance for violence. Those raise concerns for myself, as well, and Mr. Sandstrom's safety.

Q. Has Mr. Sandstrom specifically told you that he personally has been threatened either directly or indirectly by anyone in relation to this case?

A. No, he's never stated that he's been directly threatened. He said he's been present for conversations with other individuals who live in Reno, and he can probably give you the lady's name, I can't remember it, where she stated that, hey, these guys have green lit you. They would like to have you killed if they confirm

you're the informant.

Q. All right.

MR. MILLS: That's all the questions I have. I'll pass the witness.

THE COURT: Thank you, Ms. Mills. Ms. Dunn.

MS. DUNN: Yes. Can I -- oh, yes. You passed the witness, sorry. I was going to ask if I could cross-examine him. Yes.

CROSS-EXAMINATION

BY MS. DUNN:

Q. Detective, I think you made the comment about it's -- it's not an unusual thing for confidential informants to be threatened; is that correct?

A. Yes, ma'am. I hear it from a majority of my informants. The one complaint they have even before they're signed up or during the course of their work for us is they fear retaliation, being beaten up on the street or being hurt, but most of the time that's limited to just the informant voicing their opinion. In this instance, where it's different is I've had a couple of outside sources and then anybody who's -- I know like officers involved, as well, that are involved in this case, they're like, hey, that's a lot of drugs. Those guys are going to want retaliation. But in this instance, where it is different is there's been other

sources besides just the informant that's voiced these concerns.

Q. And so with the other cases that you've worked, it's only been the informants then? You've never had anyone be threatened before?

A. Typically it's just the informants for the most part. I think it's a lot of anxiety and fear that they have on themselves. I have had instances in the past where I've had an informant where we did actually listen on the body wire the person threatened them, like hey, if you're an informant, I'll F'ing kill you.

Q. Okay. So there have been other threats?

A. Yeah, there's been threats that have happened, but materializing on those threats, at the max, I think I've seen one person that alleged that they got beat up from their involvement as an informant, but that's -- as for action, that would be the only one.

Q. All right. So most of the time, despite the fear and potential threats, there's no action on them?

A. Correct.

Q. All right. And do you have any information that there's been any action or attempt to -- any attempts to harm Mr. Sanostrom in any way?

A. No, ma'am. Outside of just the threats, I -- we've -- I've even conducted surveillance of

Mr. Sandstrom just to make sure things weren't -- people weren't setting up to hurt him, and we haven't found anything that would concrete that evidence. So far it's mainly just been people voicing that they wanted to hurt him.

Q. All right. And people voicing they want to hurt him, so is there multiple -- are you being told that multiple people are threatening him?

A. I guess the specifics of it is that people refer to him as George, but Jorge Landeros is the individual that would green lit -- or green light Mr. Sandstrom. So specifically when those threats get discussed and brought back to us, it's always in reference to Jorge Landeros. It's never hey, Hector wants to have this guy killed or Eduardo wants to have this guy killed. It's always Jorge Landeros is going to be the individual to green light this person.

Q. How many -- how many --

MS. DUNN: Court's indulgence for just a moment.

(Whereupon, Ms. Dunn and Mr. Mills confer)

MS. DUNN: And, Your Honor, my only concern is, is we're having a hearing having to do with an evidentiary issue, and I want to make sure that this Court will consider the testimony of this individual for

any type of truth of the matter asserted having to do with anything with the actual decision regarding binding over for Mr. Ruiz. Obviously, the information that the detective -- my concern is that we're getting into information that is hearsay.

I mean, this is clearly hearsay information that we're allowing in because we're asking the Court to consider this particular evidentiary issue, but I want to make sure that this isn't being more prejudicial than probative where somehow this testimony will go into the Court's decision ultimately as to whether or not my client has committed some type of a crime and would be bound over. It won't be part of the evidentiary decision of the ultimate -- well, the ultimate findings when it comes to the preliminary hearing.

I mean, I know the Court can not consider things. I guess I'm -- I -- and I think that the State will agree that we would be asking the Court to not consider this for the ultimate finding of whether or not Mr. Ruiz should be bound over on the criminal complaint.

THE COURT: Okay. The Court -- no, this -- this hearing is specific to this, just to see if we're going to exclude the gallery at this time for his safety. So as far as that goes, the Court's fine with that. The Court has no issues with that.

MS. DUNN: Thank you, Your Honor. I just want to make sure the record's clear because this -- obviously, this is a little bit different than -- than a normal prelim.

BY MS. DUNN:

Q. Detective, do you know whether or not there's been any action or plan or anyone telling you that someone has -- is -- has been starting to plan for how to go forward on these potential threats?

A. No, there's been no specifics that state that this person's the person that's going to do this job or is going to commit these acts of violence. It's all, like you said, been hearsay.

Q. So it's just been people making the sort of grandiose, not that it's not important, but, you know, he's been green lit for a hit, right?

A. Yes. In this instance the reason, I guess, it becomes important is in past cases, I've had the informant that will voice this opinion.

Q. Right.

A. In this instance, we have other individuals voicing, which just creates more concern for people like myself.

Q. I understand, but there's been no specific threat?

A. No, nothing specific, nothing concrete.

Q. And no action in any way?

A. No, ma'am.

MS. DUNN: I have no further questions, Your Honor.

THE COURT: Thank you, Ms. Dunn.

Mr. Woodbury.

MR. WOODBURY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WOODBURY:

Q. I'm not asking you where Mr. Sandstrom lives. Has he left town?

A. No, sir.

Q. Is he incarcerated?

A. No, sir.

Q. And you know that his picture was in the newspaper?

A. No, sir.

Q. You don't?

A. Huh-huh.

Q. When he was arrested.

A. I'm unaware. I don't typically read the paper so it could have happened. I'm just not aware of it.

Q. Well, I'll inform you that his picture was in the paper.

A. Okay.

Q. Is he living at an address -- I don't know what the address is. Is he living someplace where he's been

living in the past?

A. No, sir. He had moved to a new location at the -- I guess after the process of this search warrant, but it's still in Elko County, and we're currently in the process of actually helping him relocate out-of-state.

Q. I'm sorry, I didn't hear that.

A. Currently he's at a new address but still in Elko County, and he's going through the process of working with the State to get him relocated permanently.

Q. All right.

MR. WOODBURY: Thank you.

THE COURT: Mr. Mills, do you have any other questions?

MR. MILLS: No, Your Honor.

THE COURT: You have -- are you going to summarize or --

MS. DUNN: I would like to argue.

MR. MILLS: Is it time for argument on the -- on the State's motion, Your Honor?

THE COURT: It is if you don't have any more questions.

MR. MILLS: I do not. That's the -- ends the evidentiary portion of this hearing.

THE COURT: Okay. You can have a seat outside, Mr. Gaylor.

MR. GAYLOR: Thank you, Your Honor.

MR. MILLS: Your Honor, the State is -- in requesting that the Court close the -- this proceeding to the public just for purposes of this -- this one witness, Clinton Sandstrom, the State is relying upon NRS 171.204, subsection 1, which reads: Except as otherwise provided in subsection 2, the magistrate may, if good cause is shown, and upon the request of any party, or on the magistrate's own motion, exclude from the examination every person except, and then the exceptions, you know, they're -- like the prosecuting attorney, defense attorneys, defendants, stuff like that.

So basically the Court can grant the State's request to exclude the public from hearing the testimony of Mr. Sandstrom if the Court finds that there's good cause, and the State would submit that the good cause that has been shown through the testimony of Detective Gaylor is that there are credible concerns about his safety.

As Detective Gaylor testified, in the past, it's not unusual for informants to understandably express some concern for their own safety like hey, I'm going to be labeled a snitch and somebody might come after me for this, but what's unusual about this

Case No. FL-JC-CR-F-19-2456
Case No. EL-JC-CR-F-19-2465

FILED

IN THE ELKO TOWNSHIP JUSTICE COURT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

THE HONORABLE ELIAS D. GOICOECHEA, JUSTICE OF THE PEACE

-oOo-

STATE OF NEVADA,

Plaintiff,

V.

CONTINUED PRELIMINARY HEARING - CONTINUED

HECTOR HUGO RAMIREZ-DE LA TORRE and JORGE LANDEROS RUIZ,

Defendants.

COPY

TRANSCRIPT OF PROCEEDINGS

July 18, 2019
Elko, Nevada

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None

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MS. DUNN: No, Your Honor.

MR. BARAINCA: Thank you.

MR. GAYLOR: Thank you, Your Honor.

THE COURT: You're welcome. Your next witness.

MR. MILLS: Matthew Miller.

THE COURT: Detective Miller, will you raise your right hand to be sworn. Do you swear the testimony you're going to provide to the Court today will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. MILLER: I do.

THE COURT: Have a seat. State your name and spell your name for the record, please.

THE WITNESS: My name is Detective Matthew Miller. That's M-A-T-T-H-E-W, M-I-L-L-E-R.

THE COURT: Mr. Barainca, are you going on this or Mr. Mills?

Mr. Mills, go ahead.

MATTHEW MILLER

(Recalled and sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MR. MILLS:

Q. What is your current occupation?

A. I'm a detective with the State of Nevada currently assigned to the Elko Combined Narcotics Unit.
Q. And how long have you had that job?
A. Approximately two years, nine months.
Q. And just to -- to draw your attention back to when you testified previously in this hearing, do you recall that?
A. Yes.
Q. Do you recall testifying about a series of controlled buys that were conducted with -- with Hector Ramirez-De La Torre?
A. Yes.
Q. So based on that information that was acquired in that part of the investigation, was a search warrant applied for and obtained?
A. Yes.
Q. Where was the search warrant -- or what was the search warrant for, what piece of property?
A. It was -- may I refer to my report for the numbers of the address?
Q. Sure. Would it refresh your recollection?
A. Yes.

MR. MILLS: Your Honor, may the witness be allowed to refresh his recollection?

THE COURT: He may.

MS. DUNN: Your Honor, may we see or at least --

THE COURT: Yes, Ms. Dunn, you may.

MS. DUNN: -- be told --

THE COURT: Go ahead, Mr. Mills, do you want to come and grab it.

MR. MILLS: Your Honor, that's -- are you looking at a copy of your report?

THE WITNESS: Yes, it is the evidence report.

MR. MILLS: We actually have one of those marked as an exhibit so we can use the formal exhibit.

MR. BARAINCA: It's right there on the corner of the desk.

MR. MILLS: Go ahead and turn that over.

THE WITNESS: Okay.

MR. MILLS: We'll use the copy that's marked as an exhibit.

MS. DUNN: Can you just tell me the discovery numbers.

MR. MILLS: Discovery page 38 through --

MR. BARAINCA: It's 27 through 38.

MS. DUNN: 27 through 38?

MR. MILLS: 27 through 38.

MS. DUNN: Thank you.

BY MR. MILLS:

Q. I'm showing you what's been marked as State's Exhibit 110.

Do you recognize that?

A. I do.

Q. What is that?

A. It's my report, the supplemental report, evidence report for this case.

Q. Is that the report detailing the execution of the search warrant?

A. It is detailing the evidence portion of that.

Q. The evidence portion of that?

A. Correct.

Q. Okay. And would it refresh your recollection as to the property that was searched to review your report?

A. Yes.

Q. Okay. Could you do so silently to yourself, just the portion that you reviewed to refresh your recollection.

A. (Witness complies)

Q. Does that refresh your recollection?

A. Yes.

Q. What was the property that was searched?

A. It was 3647 Kale Drive.

Q. Okay. And when was that property searched?

A. March 19th.

Q. What was your involvement in the execution of the search warrant?
A. My assignment was evidence collection for two sections of the property; a Travel Supreme trailer and a brown travel trailer.
Q. Now, before we get to the evidence collection that you conducted on those two trailers, I just want to ask a few questions about what was going on when the search warrant actually occurred. So who actually first entered the property to execute the search warrant?
A. That would have been the SWAT teams.
Q. And where were you when that happened?
A. I was at the weigh station, NHP weigh station.
Q. Okay. Who was there with you?
A. It would have been special agent J.T. Robinson.
Q. And who is he?
A. He's a special agent with the FBI.
Q. And where were John Gaylor and Scott Smith at that time while the SWAT team was executing the search warrant?
A. They were staged further down the road.
Q. Now, were you --
MS. MENDOZA: Your Honor, may I just ask if he can speak a little louder.
THE WITNESS: Yeah.

THE COURT: Mr. Mills. Mr. Mills, you're going to have to speak up --

MS. MENDOZA: Mr. Mills, if you could just speak up a little louder.

THE COURT: -- for Ms. Mendoza. Thank you.

BY MR. MILLS:

Q. So were you in the loop on -- on what, I guess, the game plan was for serving the search warrant?

A. Yes.

Q. Did you guys have like a pre-meeting --

A. Yes.

Q. -- with the SWAT team to decide who was going to do what and how it was going to work?

A. I was not at the briefing with the SWAT team.

Q. You were not at that briefing?

A. I was already out at the weigh station. I had had a pre-brief.

Q. Were you at your location within the line of sight of the property that was -- that was being searched?

A. Yes.

Q. So you saw the SWAT team go in?

A. Yes.

Q. So tell us a little bit about that. What did you observe and what was the manner in which the search was conducted from your vantage point?

A. From my vantage point, I could see the SWAT truck drive up to the residence, enter the residence property. And then after it stopped, I could see members of the SWAT team exit the vehicle, after which I couldn't see where they went after that. They went into the property -- the greater property.

Q. Was there just one SWAT truck that went -- entered the property?

A. There was a SWAT truck, and I believe a Hummer.

Q. And how many different SWAT teams were involved in the execution of that warrant?

A. There was the Elko SWAT team, along with the Winnemucca Humboldt Combined SWAT team.

Q. And did the two respective vehicles that you described, did they -- do they correspond to the different agencies, respectively, or were the agents all mixed together in the two vehicles?

A. I believe they were corresponding to each specific agency.

Q. Okay. And do you know which was which?

A. The one says Elko Police Department.

Q. For example, you mentioned the Hummer. Is that the Elko PD one or the Winnemucca one?

A. Excuse me, my -- there was the Elko Police Department MRAP, there was a Hummer that is assigned to

the Elko Police Department, and then Winnemucca Humboldt have an MRAP themselves.

Q. Okay. So there were two MRAPs?

A. Correct.

Q. And could you explain to the Judge what an MRAP -- MRAP is?

A. An MRAP is essentially an armored vehicle. It's large.

Q. So two MRAPs and a Hummer enter the property?

A. Yes.

Q. And TMSN agents from the different agencies got out of those vehicles and executed the search warrant?

A. Correct.

Q. Now, from your vantage point, could you see which structures they went into or where -- where those people went?

A. I could not. I could just see that they were dispersing into the property.

Q. From your vantage point, were the two trailers that we're going to shortly get around to having you testify about a -- the collection of evidence, the Travel Supreme trailer and the brown trailer, were those visible from your vantage point as you saw the search warrant being executed?

A. A portion of the Travel Supreme trailer was visible,

and the very top of the brown trailer was top -- was visible.

Q. Any portions of those trailers that would have allowed you to see whether any agents entered those trailers during the execution of the search warrant?

A. I could not see from my vantage.

Q. What did you do while the search warrant was being served?

A. I maintained my position until Detective Gaylor advised me to come to the property to assist in the execution of the search warrant.

Q. And when did he do that?

A. A short period later, after the property had been secured.

Q. Who was keeping in touch with the -- with the SWAT team to determine that the property had been secured? Was that Gaylor, or was that you?

A. That would have been Detective Gaylor.

Q. And did you -- were you on a radio where you heard those communications, or was it just communicated to you through Detective Gaylor?

A. It was communicated through Detective Gaylor.

Q. And then after he told you the property was secured, what did you do?

A. I came down -- I drove down to a staging area, which

was just around the corner from Xelo, and met with the rest of the units until Detective Gaylor advised us to move into the property.

Q. How far from the property was that -- that area you just mentioned?

A. Approximately -- probably about a hundred yards.

Q. Okay. And who was there when you arrived at that area?

A. There were numerous units there. There were command units for support. There was Detective Gaylor, myself, Sergeant Smith. There were marked patrol units there for security.

Q. And the MRAPs, where were they at that point?

A. I believe they were still on the property.

Q. Where were the suspects at that point?

A. Still on the property.

Q. At some point in time, did you ever observe either of the two Defendants?

A. Yes.

Q. When did you first observe them?

A. When we were advised to move into the property, I pulled my vehicle in and parked. At that time both -- both the suspects were being escorted to vehicles.

Q. Do you recall who was escorting them?

A. I do not.

Q. Do you recall where they were being escorted from?
A. They were all around the SWAT vehicle.
Q. So they were -- they, the two Defendants, were in the vicinity of the SWAT vehicles?
A. Correct.
Q. Do you recall if they were in handcuffs at that point?
A. I do not.
Q. The SWAT vehicles, were they -- I guess, where were they in relation to the main residence as opposed to, you know, Hector and Eduardo's trailers?
A. One of the SWAT vehicles was in the front -- pulled into the front yard. The other one was in the main driveway to the east of the main residence.
Q. All right. So what did you do at that point?
A. At that point I awaited for Detective Gaylor to secure the information he needed to secure and photograph the overall scene and direct us where he would like us to begin searching.
Q. So if you could just take a moment to tell the Court how you and Detective Gaylor and Sergeant Smith, like what the procedure is for organizing, you know, the search and collection of evidence of -- in a situation like this. How do you guys do that?
A. In a large case like this, you'll have a case agent

who is the primary agent, investigative agent. Once they arrive on scene and the scene is secured, they will photograph the overall scene for its integrity and then they will assign evidence -- specific evidence detectives to a certain area to supervise the search and collection of evidence.

Q. And who was that in this case?

A. That would have been -- Detective Gaylor was the case agent.

Q. So did Detective Gaylor give you specifically an assignment as far as collecting evidence?

A. He did.

Q. What was that assignment?

A. My assignment was the Travel Supreme trailer and the brown trailer.

Q. And which one of those did you process first?

A. The Travel Supreme trailer.

Q. And did you find anything of interest in the Travel Supreme trailer?

A. [redacted]

Q. And with the methamphetamine, do you recall approximately how much -- I guess at this point, it

would be suspected methamphetamine;
A. Correct.
Q. Did you end up NIK testing and weighing that methamphetamine?
A. I did.
Q. And approximately how much methamphetamine was located in Eduardo's trailer?
A. May I refer to my report?
Q. Yes. Is that the same exhibit, State's Exhibit --
A. 110.
Q. -- 110?
A. Yes, sir.
Q. Yes.
A. [redacted] three bags, the first bag 28.3 grams, second bag 28.36 grams, and the third bag was 28.1 grams, and that was the methamphetamine, which we recovered from that --
Q. That was in the Travel Supreme trailer?
A. The Travel Supreme trailer, correct.
MS. DUNN: And, Your Honor, just for the record, if we could indicate that he was, in fact, reading from his report.

THE COURT: Yes, Ms. Dunn.

MS. DUNN: Thank you.

MR. MILLS: And that's correct, Your Honor. I mean, they -- there was a couple -- I suppose that was kind of an evidentiary shortcut that -- if Ms. Dunn would like, I can re-ask the -- ask him if that refreshed his recollection, have him re-testify from memory, or we can have him -- have it read in. If that doesn't refresh his recollection, we could have it read in as a past recollection recorded.

MS. DUNN: And, Your Honor, I don't think that's necessary. I just wanted to make sure that it was put on the record since it's being recorded that he was, in fact, at that point reading -- reading it in.

THE COURT: Thank you, Ms. Dunn.

Okay, we'll go ahead.

BY MR. MILLS:

Q. [redacted]

correct?

A. Correct.

Q. What specifically was that that you located?

A. There were spurs, which are sharpened spurs that are attached to the rooster's foot. There was muzzles to cover their muzzle. There was hoods, which they use to

cover their hood -- or heads, and then there was numerous chemicals that are used in the -- for bird care.

Q. And was there any -- any cash located in the Travel Supreme trailer?

A. There was.

Q. And approximately how much cash was found?

A. May I, again, refer for the exact number, sir?

Q. Yes.

A. There was, in the Travel Supreme trailer, [redacted] recovered from a black jacket pocket, [redacted] from a dress [redacted] and I believe that's it, sir.

Q. Okay, thank you.

THE COURT: Ms. Dunn, we're going to go ahead and let the record reflect that he did read from his report on that again.

MS. DUNN: Thank you, Your Honor.

THE COURT: Mr. Woodbury, I'm sorry, I'm not meaning to exclude you.

BY MR. MILLS:

Q. Detective Miller, did you have occasion to collect the evidence in the brown trailer?

A. Yes.

Q. So let's talk about that. What did you find in the

brown trailer that was of evidentiary value?
A. In the brown trailer, there was a firearm that, after being run through dispatch, was discovered to be stolen. There was a -- there was two items of methamphetamine, one smaller amount and then one larger bag of methamphetamine, which was pink in color. There was U.S. currency. There was indicia in the name of Hector Ramirez-De La Torre, and there was some paraphernalia items.
Q. Okay.
MR. MILLS: Permission to approach, Your Honor.
THE COURT: You may.
BY MR. MILLS:
Q. I'm going to show you what's been marked as State's Exhibits 11 through 26.
MR. MILLS: I'm going to show these first to Defense counsel.
THE COURT: What numbers are these, Mr. Mills?
MR. MILLS: These are State's Exhibits 11 through 26, I believe.
THE COURT: 11 through?
MR. MILLS: 26.
BY MR. MILLS:

Q. Detective, I'm showing you what's been marked as State's Exhibits 11 and 12.

Do you recognize those?

A. I do.

Q. What do State's Exhibits 11 and 12 depict?

A. They're exterior photos of the brown travel trailer.

Q. And State's 13?

A. 13 is the entryway to the brown travel trailer.

Q. State's 14?

A. 14 is further on into the entryway. It's the -- it would be the north end, just opposite the doorway of the travel trailer.

Q. State's 15?

A. 15, as you enter the travel trailer, it's to the right. It's a couch. That's where we recovered the firearm.

Q. Okay. Could you hold that up and kind of show everyone in that photograph the location where the firearm was recovered?

A. The firearm was on the front cushion.

Q. State's 16?

A. It's the firearm that was recovered from the front cushion.

Q. And did you recover that firearm?

A. I did.

Q. Did you take custody of it and put it into evidence?
A. I did.
Q. State's Exhibit 17?
A. 17 is a photo from the front of the trailer going back towards the rear of the trailer showing the bedroom.
Q. State's 18?
A. 18 is a closer photo inside the bedroom.
Q. Is there anything depicted in State's 18 that was of evidentiary value that you ended up recovering?
A. In 18, in the upper cabinet area --
Q. Do you want to hold this up and show us all.
A. In the upper cabinet, that's where the pink methamphetamine was recovered.
Q. Could you point to that cabinet again. This one that's open?
A. Correct.
Q. Okay. Anything else that catches your attention about that particular picture?
A. There is a shelf right here where -- I would have to refer to my report, but I believe there was some U.S. currency recovered right around -- around the -- by the bed.
Q. I'll show you now what's been marked as State's Exhibit 19.

Do you recognize that?
A. I do.
Q. What is that?
A. 19 is -- it's kind of a makeshift shelf, and there's drawers. The bed is over here. In 19, there's the 5 -- a little over 5 grams of methamphetamine in this bag there. This dollar bill has methamphetamine residue. There's a tooter, a one dollar bill behind that, and then there's cash, U.S. currency inside this container.
Q. So let's maybe take a step back and talk about a few -- a few of those things that you just mentioned. So you mentioned there is a baggie of suspected methamphetamine or that -- on -- what is this? Is this a nightstand or a table or a shelf?
A. Yeah, it's kind of like a makeshift shelf.
Q. And what did you do to confirm your suspicion that that was, in fact, methamphetamine?
A. It was NIK tested using a NIK test kit 0.
Q. Did you do that?
A. I did.
Q. And what was the result?
A. It was a presumptive positive for methamphetamine.
Q. And did you weigh the suspected methamphetamine in this particular baggie?
A. I did.

Q. And approximately how much methamphetamine is that?
A. May I refer to my report for the exact --
Q. Would that refresh your recollection?
A. It would.
Q. Okay, go ahead.
A. 8.29 grams of methamphetamine, sir.
Q. Now, Detective Miller, you made reference also to -- I believe the word you used was a tooter?
A. Uh-huh.
Q. Could you explain -- excuse me, could you explain for the Court what that is.
A. A tooter is -- in this instance, what it was was a rolled up dollar bill. It's tightly rolled up. It can be used to ingest illicit controlled substances.
Q. Including methamphetamine?
A. Including methamphetamine.
Q. And how long have you been a narcotics detective?
A. I've been a narcotics detective for two -- approximately two years, nine months.
Q. And prior to that, did you work in law enforcement?
A. I did.
Q. In what capacity?
A. I worked for parole and probation, and I worked for the Sparks Police Department.
Q. And during the course of your career as a law

enforcement officer and, in particular, in the time you spent as a narcotics detective, did you receive training in different controlled substances including methamphetamine and including the typical ways that those controlled substances are ingested?

A. I have.

Q. So would this rolled up dollar bill or the tooter, as you've referred to it, would that be consistent with one of the ways that methamphetamine is consumed?

A. Yes.

Q. So that -- I'm showing you State's 20. Is that -- what is that?

A. That's a closer-up photo of the bag of methamphetamine and the tooter behind it.

Q. State's 21?

A. That is a closer-up photo of the open drawer just below the makeshift shelf with the container that contains U.S. currency.

Q. And State's 22?

A. 22 is the shelf that I referred to earlier that was right next to the bed by the pillow that contained currency.

Q. State's 23?

A. 23, that is the pink bag -- or the bag containing the pink in color suspected methamphetamine.

Q. And where was that particular bag of suspected methamphetamine located?
A. That was in the cabinets above the bed.
Q. That's the one you referenced before, earlier?
A. Correct.
Q. Did you weigh and NIK test that suspected methamphetamine?
A. I did.
Q. And what was the result of the NIK test?
A. It was presumptive positive.
Q. For methamphetamine?
A. Correct.
Q. And what was the weight?
A. May I refer to my report for the exact weight?
Q. Would that refresh your recollection?
A. Yes.
Q. You may.
A. 268.47 grams, sir.
Q. I'm showing you now State's Exhibit 24. Do you recognize that?
A. I do.
Q. What is that?
A. It is indicia that was discovered inside the residence with the name Hector Ramirez. It's from Elko County Sheriff's Office.

Q. And State's Exhibit Number 25?
A. Further indicia -- indicia discovered. It's from the Municipal Court from Sparks with the name Hector Ramirez on it.
Q. And State's 26?
A. This is what appears to be a pay/owe sheet.
Q. And what is a pay/owe sheet?
A. A pay/owe sheet is a sheet commonly used to document, just like you would with accounting or booking, amounts of illicit controlled substances, either provided, sold, or amounts that are owed in terms of currency.
Q. And have you seen pay/owe sheets before in the course of your employment in law enforcement and specifically as a narcotics detective?
A. I have.
Q. And based on that training and experience, does this appear to be a pay/owe sheet?
A. It is consistent, yes.
Q. Now, you took these photographs?
A. I did.
Q. The State's going to offer State's 11 to 26 into evidence.
THE COURT: Mr. Woodbury, any objection?
MR. WOODBURY: Thank you, Your Honor. I

would ask the Court to retain a ruling on the offer until after cross-examination is completed.

THE COURT: Okay. Ms. Dunn.

MS. DUNN: I have no objection to that, Your Honor. I would join in with Mr. Woodbury on that.

THE COURT: All right. We'll go ahead and hold off until after cross.

BY MR. MILLS:

Q. So all this -- all this evidence that you just described. Did you -- in addition to photographing it, did you collect it?

A. I did.

Q. And what did you do with it?

A. After the evidence was collected, it is -- it was secured in Sergeant Smith's van that he was driving where it was locked until the completion of the search warrant, at which time Sergeant Smith and myself went back to the NDI office for processing.

Q. And this all happened the same day that the SWAT team went in to execute the search warrant?

A. Correct.

Q. That you collected the evidence on the 19th?

A. The evidence was collected on the 19th, from those two trailers.

Q. So you mentioned that you and Scott Smith went back

to the NDI office to process the evidence; is that correct?

A. Correct.

Q. Could you elaborate on that? What do you mean by the word process?

A. It's the -- what we call the process. It's -- coming back, documenting every piece of evidence, photographing every piece of evidence, weighing, NIK testing every -- a suspected controlled substance. If there's any currency, it's counted, double-counted, and triple counted to ensure that it's the proper amount; any indicia is photocopied. It's a lengthy process of making sure everything is documented there. And then it's packaged, processed that way into the evidence digital system, and then eventually that's placed into evidence.

Q. Okay. You mentioned that it's packaged. How is it packaged?

A. Depending on the item, it's packaged either in plastic bags that are specific for evidence, paper bags that are specific for the evidence. They have specific evidence tags that are filled out with the -- what the item is, where it was located, chain of custody. Then once the bag, you know, is completely packaged, it's sealed with evidence tape and then processed through

evidence.

Q. Is there any packaging that takes place on-scene, like when you pick up and recover an actual item of evidence, do you throw it in some kind of bag at that point?

A. Yes. So we -- any evidence that's found is thrown into evidence bags on-scene. Typically, the -- what I do is when I recover an item, I write on the bag what the item is, where it was recovered so that when it gets back to the office for processing, it goes into a fresh bag because these bags may be damaged in transport, slightly ripped or, you know, banged around from moving them through the scene. So they're processed in a secure bag. That information is then transferred to the new bag.

Q. Okay. So all of this property would be where at this point in time?

A. It would be at the Department of Public Safety evidence vault.

Q. Okay. You mentioned that part of the processing of this evidence involved counting the currency; is that correct?

A. Correct.

Q. Did you count the currency that was located in the brown trailer?

A. I did.
Q. And how much currency was found?
A. May I refer to my report, please?
Q. Yes. Would that refresh your recollection?
A. Yes.
Q. You may.
A. Reading from my report, [redacted] located on the makeshift raised shelf in the bedroom, [redacted] of U.S. currency were located in the bedroom drawer under the white shelf. I believe that's it, sir.
Q. Now, when you were on-scene at the 5647 Kale Drive location collecting evidence from those two trailers, did you do anything else at that time in the course of your investigation, or was it just collecting evidence from those two trailers?
A. Oh, the immediate search -- on the immediate execution, that was my only responsibility was those two trailers.
Q. Now, later on, did you have additional involvement in this case?
A. I did.
Q. What other things did you do to assist in the investigation?
A. Aside from processing the evidence, we had to man the property 24 hours a day until a resolution of the

search warrant could be completed. So there's only three members of my unit, not including the sergeant. So we had to pretty much take shifts and turns manning the property.

Q. And for state of mind purposes, were you informed or were you aware or if you have personal knowledge, are you aware that any additional controlled substances were located on the property?

A. There were.

Q. And what were those?

A. There was methamphetamine also and cocaine located within the chicken coop area.

Q. And do you know who located those?

A. I believe -- may I refer to my report?

Q. If that would refresh your recollection.

A. It would. Both Detective Gaylor and Sergeant Smith located methamphetamine in the chicken coop area, and Sergeant Smith located cocaine.

Q. Okay. And you didn't have any involvement in that particular evidence at this time?

A. Not in the location of it, no.

Q. Okay.

A. Or the recovery.

Q. What involvement did you have at any later point?

A. With the exception of Sergeant Smith, the evidence

that Sergeant Smith found, the methamphetamine that Detective Gaylor recovered, once he discovered it and brought it back to the NDI office, he transferred custody of it to me so he could continue with the scene, at which point I processed that evidence.

Q. All right. At some point in time, did you become aware that a Nestle Cafe coffee glass container was located?

A. Yes.

Q. And did you have anything to do with locating that?

A. In locating that, I did not.

Q. What about recovering it?

A. It was -- I did not recover that.

Q. Okay. Did you have any involvement with that at some point?

A. I did.

Q. And what was that?

A. It was turned in -- over to my custody at the NDI office, and I NIK tested it, weighed it, and processed that evidence.

Q. And -- okay. Now, did you also become aware that there were -- well, did you personally observe chickens on the property?

A. I did.

Q. What's your recollection about the chickens, if

you'll just tell us about that?
A. There was a large amount of chickens and roosters in the back of the property in various states of health. The roosters appeared to be fairly aggressive, especially towards each other.
Q. Did you personally observe that?
A. I did.
Q. And what, I guess, course of action or course of investigation was taken with regards to the roosters?
A. As far as the roosters, Detective Gaylor, he was in charge of trying to find a resolution towards the -- to the roosters. My involvement was I manned the property until that resolution was met, at which point I photographed the roosters before their disposal.
Q. It sounds like the roosters were disposed of at some point?
A. They were.
Q. When did that happen? I guess, in relation to the 19th when the search warrant was executed, how long after did that --
A. It was several days later.
Q. And during that time, did law enforcement have officers on-scene at the property to -- to, I guess, secure the property?
A. Correct. Along with securing the property, we also

cared for the roosters. We fed and watered them every day, twice a day.

Q. Were you there continuously between the 10th and the point in time that the roosters were disposed of?

A. I myself was not there continuously every day.

Q. Did you take turns and shifts --

A. We did.

Q. -- and that sort of thing?

So when were you there, if you recall, like the times that you were there?

A. I was there -- all I can remember is I was there several days --

Q. Okay.

A. -- including a Saturday and a Sunday.

Q. And were you there when the roosters were, I guess, for lack of a better word, processed and disposed of?

A. I was.

Q. And when did that happen?

A. That was on the final day of the search warrant.

Q. Okay. And you mentioned that would have been several -- I think several is the word you used -- days later?

A. Yeah, several days. It was, I believe, ten, but I'm not sure on the specific date.

Q. And who was there present for the disposal of the

roosters?

A. For disposal of the roosters, it was myself, Detective Gaylor, Sergeant Smith, Detective Risinger, and then representatives from the Elko Vet Clinic.

Q. Okay. Did that include Dr. Tessa Morgan?

A. It did.

Q. Were there any animal control law enforcement agents there?

A. There was.

Q. Who was that?

A. From the Sheriff's Office, Leann, I believe.

Q. And was the State Veterinarian there for the processing of the chickens?

A. Not for the processing of the chickens.

Q. What was he there for? When was -- I guess this is Goicoechea, Dr. Goicoechea?

A. Yes.

Q. When was he there?

A. He was there at -- earlier in the process -- I should say earlier in the week, and he was evaluating the condition of the birds to see if they had any contagious diseases and so forth.

Q. Okay. Were you with him when he was doing that?

A. I was present on the property.

Q. You were on the property somewhere but were -- I

guess were you like right next to him observing what he was doing?

A. Not -- no, I was not.

Q. But you were just generally aware that he was there evaluating the chickens?

A. Correct.

Q. All right. So let's circle back around to the actual processing and disposing of the chickens. What was the procedure that -- that you and the other people you mentioned decided were used to process those chickens? How did you do it?

A. The way that I was informed that we were going to have -- take care of the animals was --

Q. And who informed you of that?

A. I was informed by Sergeant Smith and Detective Gaylor --

Q. Okay.

A. -- what the resolution was. After the birds had been determined by Loann to be aggressive or fighting roosters, they were -- there was a tag put on their cage. And then later, once the resolution came through, the animals were collected. They were placed in the barrels where they were -- there was gas put into the barrels so that they were knocked unconscious. My part of that was to photograph them while they were

unconscious, and then they were executed by having their heads removed.

Q. Okay. So if you could just tell us to the best of your recollection who did what in that process? In other words, who actually physically removed a chicken out of its cage, placed it in the barrel to be knocked unconscious. Who was doing that part of this?

A. There was several people doing that. Detective Gaylor was one of them, Detective Disinger, several of the veterinary staff were rounding up the birds and putting them in there with the tags. We had the tags with the bird. It would go on top of the container so we know which tag went to which bird, and then the tag was photographed with the bird.

Q. And so those photographs of the birds with the tags next to them, where was that, I guess, in relation to the -- this barrel? Was it like right next to it? They'd pull them out and put them on something to photograph them? How would that work?

A. So once the bird was removed from the barrel, they were placed on the ground near the barrel so that the bird -- so there wasn't much time for the bird to wake up. The tag was then placed next to it, photographs with the birds, and then Dr. Morgan directed me to any areas that appeared to be abuse or anything like that.

MR. MILLS: Permission to approach, Your Honor.

THE COURT: You may.

BY MR. MILLS:

Q. I'm going to show you what's been marked as State's Exhibits 1 through 10, and there are some sub-exhibits here. I'm going to show them first to Defense counsel.

THE COURT: Mr. Mills, how much longer on this particular part, on this do you believe?

MR. MILLS: It might be a little bit.

MR. WOODBURY: Your Honor, I wonder if you want to take a recess and that way, the counsel for Mr. Ruiz and I can look at them at the same time.

THE COURT: Okay. I was going -- I was just waiting for you guys to get through then. If you want to do that, we'll go ahead and take a recess until 1:00 o'clock, and then we'll come back after lunch.

And we'll be adjourned at this time.

(Thereupon, court recessed)

THE COURT: Good afternoon, court's in session. You can be seated. Mr. Miller, you're still under oath.

We'll be back on the record at 1:11 on the 18th of July, Case No. EL-JC-CR-F-13-2465, this is Jorge Landeros Ruiz, and EL-JC-CR-F-13-2466, which is

Hector Hugo Ramirez-De La Torre. And we took a lunch recess just prior to Exhibits 1 through 10.

Are we ready to pick up from there?

MR. MILLS: Yes, Your Honor.

THE COURT: Mr. Woodbury and Ms. Dunn, you got through the pictures?

MS. DUNN: Yes, Your Honor.

MR. WOODBURY: Yes, Your Honor.

THE COURT: Mr. Mills, go ahead.

BY MR. MILLS:

Q. So Detective Miller, where we left off was you testifying about participating in the processing of the -- of the chickens; is that correct?

A. Yes.

Q. Do you recall approximately how many of the roosters there were?

A. Approximately over 200.

Q. Okay. And just to recap again, your role in that process was to photograph them; is that correct?

A. Correct.

Q. I'm going to show you what's been marked as State's Exhibits 1 through 10. These are actually packets of photos with -- with sub-photos. I'm showing you first State's Exhibit Number 1. Could you just take a few minutes to briefly review those photographs, and I'll

ask you some questions about them.
A. Yes, sir.
Q. Okay. And what do those photographs depict?
A. The photographs depict individual roosters with the number in which the rooster is, as well as any documentation on modifications or injuries that were advised to us.
Q. And to the best of your knowledge, are those roosters, those photographs, were they taken on-scene under the circumstances that you previously testified to?
A. Yes.
Q. Okay.

MR. MILLS: We're going to offer State's 1 into evidence.

MS. DUNN: Your Honor, may I just briefly voir dire the detective on the photos?

THE COURT: Yes, go ahead.

MS. DUNN: Thank you.

VOIR DIRE EXAMINATION

BY MS. DUNN:

Q. Detective, you indicated that those -- those are photos that you took of the roosters, and I, certainly, don't have an issue with that. But you stated that there -- there's a card next to each of the roosters,

and I don't know if I'm misstating it, if they're chickens or roosters, but there is a card with a number and that you said that there were documentation having to do with injuries or modifications that had been told to you by someone else.

What does that mean?

A. It would be, for example -- let me find a specific -- a photo like this where the -- the vet who was examining the birds noted that it was of importance whether it was mistreatment or modifications to the bird.

Q. Okay. So they don't say mistreatment or modifications on them, correct? I mean, there's specific --

A. The cards do -- the cards -- some of the cards do say -- for example, this one, number 5, it says no comb, no wattle, spurs removed, and aggressive. So there are basic observation notes on the cards, and those were conveyed. I can't testify for Sergeant Smith, but that was conveyed to him at some point in time.

Q. Okay. So the information that are on the cards themselves were injuries, modifications, observations that were made by the veterinarian?

A. I'm not sure. You would have to ask Sergeant Smith.

Q. Okay.