

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESUS NAJERA,
Petitioner,
vs
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE CRYSTAL
ELLER, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party In Interest.

Electronically Filed
Mar 29 2022 08:16 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83923

RESPONDENT'S APPENDIX

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Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on March 29, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

MICHAEL D. PARIENTE, ESQ.
JOHN GLENN WATKINS, ESQ.
Counsels for Petitioner

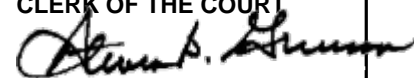
TALEEN PANDUKHT
Chief Deputy District Attorney

I, further certify that on March 29, 2022, a copy was sent via email to District Court, Department 19's JEA for Judge Eller:

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HowardM@ClarkCountyCourts.us

BY /s/ E.Davis
Employee, District Attorney's Office

TP/Megan Thompson/ed



IND
STEVEN B. WOLFSON
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Las Vegas, Nevada 89155-2212
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JESUS NAJERA, #5339086
EDUARDO FABIAN GARCIA #1489589,
NORBERTO LEON MADRIGAL
#1950096

Defendant(s).

CASE NO: C-21-356361-1

DEPT NO: XVII

INDICTMENT

STATE OF NEVADA }
COUNTY OF CLARK } ss.

The Defendant(s) above named, JESUS NAJERA, EDUARDO FABIAN GARCIA, NORBERTO LEON MADRIGAL, accused by the Clark County Grand Jury of the crime(s) of SALE OF CONTROLLED SUBSTANCE (Category B Felony - NRS 453.321 - NOC 51090), TRAFFICKING IN CONTROLLED SUBSTANCE (Category C Felony - NRS 453.339.1a - NOC 60433), CONSPIRACY TO VIOLATE UNIFORM CONTROLLED SUBSTANCES ACT (Category C Felony - NRS 453.401 - NOC 51306), UNLAWFUL PRODUCTION OR PROCESSING OF MARIJUANA (Category E Felony - NRS 453.3393 - NOC 58403) and POSSESSION OF CONTROLLED SUBSTANCE (Category E Felony - NRS 453.336 - NOC 51127), committed at and within the County of Clark, State of Nevada, on or between April 8, 2020 and April 30, 2020, as follows:

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1 COUNT 1 - SALE OF CONTROLLED SUBSTANCE

2 Defendant EDUARDO FABIAN GARCIA did on or about April 8, 2020, willfully,
3 unlawfully, and feloniously sell to LVMPD C.I., a controlled substance, to wit: Marijuana.

4 COUNT 2 - SALE OF CONTROLLED SUBSTANCE

5 Defendant EDUARDO FABIAN GARCIA did on or about April 13, 2020, willfully,
6 unlawfully, and feloniously sell to LVMPD C.I., a controlled substance, to wit: Marijuana.

7 COUNT 3 - SALE OF CONTROLLED SUBSTANCE

8 Defendant EDUARDO FABIAN GARCIA did on or about April 22, 2020, willfully,
9 unlawfully, and feloniously sell to LVMPD C.I., a controlled substance, to wit: Marijuana.

10 COUNT 4 - TRAFFICKING IN CONTROLLED SUBSTANCE

11 Defendants JESUS NAJERA, EDUARDO FABIAN GARCIA and NORBERTO
12 LEON MADRIGAL did on or about April 30, 2020 willfully, unlawfully, feloniously, and
13 knowingly or intentionally possess, either actually or constructively, 50 pounds or more but
14 less than 1,000 pounds, to wit: approximately 81.23 pounds of Marijuana, or any mixture of
15 substance consisting of approximately 81.23 pounds containing the controlled substance
16 Marijuana, the Defendant(s) being criminally liable under one or more of the following
17 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by
18 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
19 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the
20 other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the
21 intent that this crime be committed, Defendants, JESUS NAJERA and/or EDUARDO
22 FABIAN GARCIA and/or NORBERTO LEON MADRIGAL aiding or abetting and/or
23 conspiring by Defendants, JESUS NAJERA and/or EDUARDO FABIAN GARCIA and/or
24 acting in concert throughout.

25 COUNT 5 - TRAFFICKING IN CONTROLLED SUBSTANCE

26 Defendants JESUS NAJERA, EDUARDO FABIAN GARCIA and NORBERTO
27 LEON MADRIGAL did on or about April 30, 2020, willfully, unlawfully, feloniously and
28 knowingly or intentionally possess, either actually or constructively, 1 pound or more, but less

1 than 20 pounds, to wit: 2.25 pound(s) of Tetrahydrocannabinol, or any mixture of substance
2 consisting of approximately 2.25 pound(s) containing the controlled substance
3 Tetrahydrocannabinol, the Defendant(s) being criminally liable under one or more of the
4 following principles of criminal liability, to wit: (1) by directly committing this crime; and/or
5 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
6 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise
7 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
8 crime, with the intent that this crime be committed, Defendants, JESUS NAJERA and/or
9 EDUARDO FABIAN GARCIA and/or NORBERTO LEON MADRIGAL aiding or abetting
10 and/or conspiring by Defendants, JESUS NAJERA and/or EDUARDO FABIAN GARCIA
11 and/or NORBERTO LEON MADRIGAL acting in concert throughout.

12 COUNT 6 - CONSPIRACY TO VIOLATE UNIFORM CONTROLLED SUBSTANCES
13 ACT

14 Defendants JESUS NAJERA, EDUARDO FABIAN GARCIA and NORBERTO
15 LEON MADRIGAL did on or about April 30, 2020 willfully, unlawfully, and feloniously
16 conspire with each other to violate Uniform Controlled Substances Act, and in furtherance of
17 said conspiracy, the defendants did commit the acts as set forth in Count 4 and 5, said acts
18 being incorporated by this reference as though fully set forth herein.

19 COUNT 7 - UNLAWFUL PRODUCTION OR PROCESSING OF MARIJUANA

20 Defendant EDUARDO FABIAN GARCIA did on or about April 30, 2020, willfully,
21 unlawfully, feloniously, and knowingly or intentionally manufacture, grow, plant, cultivate,
22 harvest, dry, propagate and/or process Marijuana, involving more than 12 plants.

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1 COUNT 8 - POSSESSION OF CONTROLLED SUBSTANCE

2 Defendant JESUS NAJERA did on or about April 30, 2020, willfully, unlawfully,
3 feloniously, and knowingly or intentionally possess a controlled substance, to wit: Cocaine.


4
5 DATED this 26th day of May, 2021.

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

9 BY

10 
11 TINA TALIM
12 Chief Deputy District Attorney
13 Nevada Bar #09286

14 ENDORSEMENT: A True Bill

15
16 
17 Foreperson, Clark County Grand Jury

1 Names of Witnesses and testifying before the Grand Jury:

2
3 Additional Witnesses known to the District Attorney at time of filing the Indictment:

4 CUSTODIAN OF RECORDS - CCDC

5 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

6 CUSTODIAN OF RECORDS - LVMPD RECORDS
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27 19BGJ223A-C/20F08565A-B; 20CR002883/mcb-GJ
28 LVMPD EV# 200200027347
(TK7)

Names of Witnesses and testifying before the Grand Jury:

HEFNER, AARON – LVMPD

MORRIS, ERICK - LVMPD

SNODGRASS, THEODORE - LVMPD

SOTO, JOSE – C/O CCDA, 200 Lewis Avenue, LV, NV 89101

Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

19BGJ223A-C/20F08565A-B; 20CR002883/mcb-GJ
LVMPD EV# 200200027347
(TK7)

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TINA TALIM
Chief Deputy District Attorney
Nevada Bar #009286
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JESUS NAJERA,
#5339086

Defendant.

CASE NO: C-21-356361-1

DEPT NO: XIX

**ORDER DENYING DEFENDANT'S MOTION TO STRIKE
STATE'S RETURN AS UNTIMELY**

DATE OF HEARING: 11/23/2021
TIME OF HEARING: 12:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 23rd day of November, 2022, the Defendant being present, REPRESENTED BY MICHAEL PAREINTE, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through TINA TALIM, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor.

The Court found excusable neglect in the State filing a late Return. The Court found no prejudice to the petitioners. As such, the Court exercised its discretion and denied the Petitioner's Motion to Strike.

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1 IT IS HEREBY ORDERED that the Defendant's Motion to Strike State's Return as
2 Untimely, shall be, and it is DENIED.

3 Dated this 17th day of January, 2022

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5
6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565

33B 811 D6E0 83F9
Crystal Eller
District Court Judge

9 BY /s/ Tina Talim
10 TINA TALIM
11 Chief Deputy District Attorney
12 Nevada Bar #009286
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28 ed/HIDTA

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-356361-1

7 vs

DEPT. NO. Department 19

8 Jesus Najera
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/17/2022

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16 Steven Wolfson

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17 Dept Law Clerk

dept19lc@clarkcountycourts.us

18 Tina Talim

Tina.Talim@clarkcountyda.com