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Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT OF NEVADA

)	Case No.: 84234
ERIC DEAN WERRE,)	
)	
Appellant,)	
vs.)	
)	
CHARLES DANIELS, DIRECTOR OF)	
THE DEPARTMENT OF)	
CORRECTIONS FOR THE STATE OF)	
NEVADA)	
)	
Respondent .)	
)	

Appellant's Appendix

Volume 1

FILED

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Case No. 20CR7

DA Case No.

WALKER RIVER
JUSTICE COURT

ar. [signature]

IN THE JUSTICE COURT OF WALKER RIVER TOWNSHIP

IN AND FOR THE COUNTY OF LYON, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

AMENDED CRIMINAL COMPLAINT

ERIC D. WERRE,

Defendant.

COMES NOW, Plaintiff, State of Nevada, by and through STEPHEN B. RYE, Lyon County District Attorney, and MATTHEW MERRILL, Deputy District Attorney, and hereby verifies and declares upon information and belief and under penalty of perjury, that ERIC D. WERRE, the Defendant above-named, has committed the following crime(s):

COUNT I

PRINCIPAL TO TRAFFICKING IN A CONTROLLED SUBSTANCE OVER 28 GRAMS, a violation of NRS 453.3385 AND 195.020, a CATEGORY A FELONY,

That on or about the 2nd day of January, 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did willfully, unlawfully and knowingly possess 28 grams or more of a Schedule I controlled substance, namely Methamphetamine or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this offense; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

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COUNT II
PRINCIPAL TO POSSESSION OF STOLEN VEHICLE WITH A VALUE MORE THAN
\$3,500.00, a violation of NRS 205.273 AND 195.020, a CATEGORY B FELONY,

That on or about the 2nd day of January, 2020, in Walker River Township, County of Lyon, State of Nevada, the Defendant did willfully, unlawfully have in Defendant's possession a motor vehicle, which the Defendant knew to be stolen or had reason to believe had been stolen or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this offense, to-wit: Defendant was in possession of a stolen Harley Davidson motorcycle Vehicle Identification Number ending 2230 owned by another, all of which occurred at or near 2920 West Fir Street, Silver Springs, Lyon County, Nevada.

COUNT III
PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(c)
and 195.020, a CATEGORY B FELONY,

That on or about the 2nd day of January 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again possessing his property, willfully buy, receive, possess or withhold property, knowing that it is stolen; or under such circumstances as should have caused a reasonable person to know that it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this offense; to-wit: Defendant possessed or withheld a stolen Springfield XD 40 serial number MG124317; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

COUNT IV
PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)
AND 195.020, a CATEGORY B FELONY,

That on or about the 2nd day of January 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again possessing his property, willfully buy, receive, possess or withhold property, knowing that it is stolen; or under such circumstances as should have caused a reasonable person to know that it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this

1 offense; to-wit: Defendant possessed or withheld a stolen H&K .40 serial number 22-091104;
2 all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

3 **COUNT V**

4 **PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)**
5 **AND 195.020, a CATEGORY B FELONY,**

6 That on or about the 2nd day of January 2020, in Walker River Township, County of
7 Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again
8 possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
9 stolen; or under such circumstances as should have caused a reasonable person to know that
10 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
11 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
12 offense; to-wit: Defendant possessed or withheld a stolen CZ 75B Handgun serial number 9-
13 2661; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

14 **COUNT VI**

15 **PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)**
16 **AND 195.020, a CATEGORY B FELONY,**

17 That on or about the 2nd day of January 2020, in Walker River Township, County of
18 Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again
19 possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
20 stolen; or under such circumstances as should have caused a reasonable person to know that
21 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
22 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
23 offense; to-wit: Defendant possessed or withheld a stolen Browning 9mm handgun serial
24 number 245NX65266; all of which occurred at or near 2920 West Fir Street, Silver Springs,
25 Nevada.

26 **COUNT VII**

27 **PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)**
28 **AND 195.020, a CATEGORY B FELONY,**

That on or about the 2nd day of January 2020, in Walker River Township, County of
Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again
possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
stolen; or under such circumstances as should have caused a reasonable person to know that

1 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
2 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
3 offense; to-wit: Defendant possessed or withheld a stolen CZ 7B 9mm handgun serial number
4 9-2480; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

5 **COUNT VIII**
6 **PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)**
7 **AND 195.020, a CATEGORY B FELONY,**

8 That on or about the 2nd day of January 2020, in Walker River Township, County of
9 Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again
10 possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
11 stolen; or under such circumstances as should have caused a reasonable person to know that
12 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
13 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
14 offense; to-wit: Defendant possessed or withheld a stolen North American Arms .22 cal.
15 firearm, serial number B94252; all of which occurred at or near 2920 West Fir Street, Silver
16 Springs, Nevada.

17 **COUNT IX**
18 **PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)**
19 **AND 195.020, a CATEGORY B FELONY,**

20 That on or about the 2nd day of January 2020, in Walker River Township, County of
21 Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again
22 possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
23 stolen; or under such circumstances as should have caused a reasonable person to know that
24 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
25 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
26 offense; to-wit: Defendant possessed or withheld a stolen Colt .380 Revolver, serial number
27 76877; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

28 **COUNT X**
29 **PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)**
30 **AND 195.020, a CATEGORY B FELONY,**

31 That on or about the 2nd day of January 2020, in Walker River Township, County of
32 Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again

1 possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
2 stolen; or under such circumstances as should have caused a reasonable person to know that
3 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
4 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
5 offense; to-wit: Defendant possessed or withheld a stolen Bond .357 Derringer, serial number
6 BA02117; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

7 **COUNT XI**

8 **PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)**
AND 195.020, a CATEGORY B FELONY,

9 That on or about the 2nd day of January 2020, in Walker River Township, County of
10 Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again
11 possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
12 stolen; or under such circumstances as should have caused a reasonable person to know that
13 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
14 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
15 offense; to-wit: Defendant possessed or withheld a stolen Smith and Wesson .38 Special
16 Revolver, serial number R288193; all of which occurred at or near 2920 West Fir Street, Silver
17 Springs, Nevada.

18 **COUNT XII**

19 **PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)**
AND 195.020, a CATEGORY B FELONY,

20 That on or about the 2nd day of January 2020, in Walker River Township, County of
21 Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again
22 possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
23 stolen; or under such circumstances as should have caused a reasonable person to know that
24 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
25 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
26 offense; to-wit: Defendant possessed or withheld a stolen Colt 1911 .45 cal. serial number
27 0001; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

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COUNT XIII
PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)
AND 195.020, a CATEGORY B FELONY,

That on or about the 2nd day of January 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again possessing his property, willfully buy, receive, possess or withhold property, knowing that it is stolen; or under such circumstances as should have caused a reasonable person to know that it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this offense; to-wit: Defendant possessed or withheld a stolen Hi-Standard .22 cal pistol, serial number 2601240; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

COUNT XIV
PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)
AND 195.020, a CATEGORY B FELONY,

That on or about the 2nd day of January 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again possessing his property, willfully buy, receive, possess or withhold property, knowing that it is stolen; or under such circumstances as should have caused a reasonable person to know that it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this offense; to-wit: Defendant possessed or withheld a stolen Little Badger .22 cal. rifle, serial number 13G08880; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

COUNT XV
PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)
AND 195.020, a CATEGORY B FELONY,

That on or about the 2nd day of January 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again possessing his property, willfully buy, receive, possess or withhold property, knowing that it is stolen; or under such circumstances as should have caused a reasonable person to know that it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly

1 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
2 offense; to-wit: Defendant possessed or withheld a stolen Ruger Mark 3 pistol, serial number
3 27441657; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

4 **COUNT XVI**
PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275(2)(C)
AND 195.020, a CATEGORY B FELONY,

6 That on or about the 2nd day of January 2020, in Walker River Township, County of
7 Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again
8 possessing his property, willfully buy, receive, possess or withhold property, knowing that it is
9 stolen; or under such circumstances as should have caused a reasonable person to know that
10 it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly
11 counsel, encourage, hire, command, induce, or otherwise procure another to commit this
12 offense; to-wit: Defendant possessed or withheld a stolen Remington 870 Shotgun, serial
13 number AB884765M; all of which occurred at or near 2920 West Fir Street, Silver Springs,
14 Nevada.

15 **COUNT XVII**
EX FELON POSSESSION OF A FIREARM, IN VIOLATION OF NRS 202.360, a CATEGORY
B FELONY,

16 That on or about the 2nd day of January, 2020, in Walker River Township, County of
17 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
18 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
19 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
20 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
21 and/or has been convicted of another felony, to-wit: Defendant possessed a Glock 17 Serial
22 number XMR736, a firearm; all of which occurred at or near 4265 Lemon Street, Silver
23 Springs, Lyon County, Nevada.

24 **COUNT XVIII**
EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
FELONY,

26 That on or about the 2nd day of January, 2020, in Walker River Township, County of
27 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
28 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had

1 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
2 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
3 and/or has been convicted of another felony, to-wit: Defendant possessed a Springfield XD 40
4 serial number MG124317, a firearm; all of which occurred at or near 4265 Lemon Street,
5 Silver Springs, Lyon County, Nevada.

6 **COUNT XIX**
7 **EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B**
8 **FELONY,**

9 That on or about the 2nd day of January, 2020, in Walker River Township, County of
10 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
11 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
12 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
13 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
14 and/or has been convicted of another felony, to-wit: Defendant possessed a H&K .40 serial
15 number 22-091104, a firearm; all of which occurred at or near 4265 Lemon Street, Silver
Springs, Lyon County, Nevada.

16 **COUNT XX**
17 **EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B**
18 **FELONY,**

19 That on or about the 2nd day of January, 2020, in Walker River Township, County of
20 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
21 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
22 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
23 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
24 and/or has been convicted of another felony, to-wit: Defendant possessed a CZ 75B Handgun
25 serial number 9-2661, a firearm; all of which occurred at or near 4265 Lemon Street, Silver
Springs, Lyon County, Nevada.

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1 COUNT XXI
2 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
3 FELONY,

4 That on or about the 2nd day of January, 2020, in Walker River Township, County of
5 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
6 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
7 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
8 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
9 and/or has been convicted of another felony, to-wit: Defendant possessed a Browning 9mm
10 handgun serial number 245NX65266, a firearm; all of which occurred at or near 4265 Lemon
11 Street, Silver Springs, Lyon County, Nevada.

12 COUNT XXII
13 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
14 FELONY,

15 That on or about the 2nd day of January, 2020, in Walker River Township, County of
16 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
17 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
18 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
19 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
20 and/or has been convicted of another felony, to-wit: Defendant possessed a CZ 7B 9mm
21 handgun serial number 9-2480, a firearm; all of which occurred at or near 4265 Lemon Street,
22 Silver Springs, Lyon County, Nevada.

23 COUNT XXIII
24 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
25 FELONY,

26 That on or about the 2nd day of January, 2020, in Walker River Township, County of
27 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
28 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
and/or has been convicted of another felony, to-wit: Defendant possessed a North American

1 Arms .22 cal. firearm, serial number B94252, a firearm; all of which occurred at or near 4265
2 Lemon Street, Silver Springs, Lyon County, Nevada.

3 COUNT XXIV
4 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
5 FELONY,

6 That on or about the 2nd day of January, 2020, in Walker River Township, County of
7 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
8 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
9 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
10 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
11 and/or has been convicted of another felony, to-wit: Defendant possessed a Colt .380
12 Revolver, serial number 76877, a firearm; all of which occurred at or near 4265 Lemon Street,
13 Silver Springs, Lyon County, Nevada.

14 COUNT XXV
15 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
16 FELONY,

17 That on or about the 2nd day of January, 2020, in Walker River Township, County of
18 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
19 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
20 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
21 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
22 and/or has been convicted of another felony, to-wit: Defendant possessed a Bond .357
23 Derringer, serial number BA02117, a firearm; all of which occurred at or near 4265 Lemon
24 Street, Silver Springs, Lyon County, Nevada.

25 COUNT XXVI
26 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
27 FELONY,

28 That on or about the 2nd day of January, 2020, in Walker River Township, County of
Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013

1 and/or has been convicted of another felony, to-wit: Defendant possessed a Smith and
2 Wesson .38 Special Revolver, serial number R288193, a firearm; all of which occurred at or
3 near 4265 Lemon Street, Silver Springs, Lyon County, Nevada.

4 COUNT XXVII
5 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, A CATEGORY B
6 FELONY,

7 That on or about the 2nd day of January, 2020, in Walker River Township, County of
8 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
9 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
10 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
11 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
12 and/or has been convicted of another felony, to-wit: Defendant possessed a Colt 1911 .45 cal.
13 serial number 0001, a firearm; all of which occurred at or near 4265 Lemon Street, Silver
14 Springs, Lyon County, Nevada.

15 COUNT XXVIII
16 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
17 FELONY,

18 That on or about the 2nd day of January, 2020, in Walker River Township, County of
19 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
20 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
21 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
22 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
23 and/or has been convicted of another felony, to-wit: Defendant possessed a Hi-Standard .22
24 cal. pistol, serial number 2601240, a firearm; all of which occurred at or near 4265 Lemon
25 Street, Silver Springs, Lyon County, Nevada.

26 COUNT XXIX
27 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
28 FELONY,

That on or about the 2nd day of January, 2020, in Walker River Township, County of
Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
been stolen and obtained by extortion, a violation of section 496(a) of the California Penal

1 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
2 and/or has been convicted of another felony, to-wit: Defendant possessed a Little Badger .22
3 cal. rifle, serial number 13G08880, a firearm; all of which occurred at or near 4265 Lemon
4 Street, Silver Springs, Lyon County, Nevada.

5 COUNT XXX
6 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
7 FELONY,

8 That on or about the 2nd day of January, 2020, in Walker River Township, County of
9 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
10 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
11 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
12 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
13 and/or has been convicted of another felony, to-wit: Defendant possessed a Ruger Mark 3
14 pistol, serial number 27441657, a firearm; all of which occurred at or near 4265 Lemon Street,
Silver Springs, Lyon County, Nevada.

15 COUNT XXXI
16 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
17 FELONY,

18 That on or about the 2nd day of January, 2020, in Walker River Township, County of
19 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
20 firearm having been previously convicted of buy, receive, conceal, sell, withhold which had
21 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
22 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
23 and/or has been convicted of another felony, to-wit: Defendant possessed a Remington 870
Shotgun, serial number AB884765M, a firearm; all of which occurred at or near 4265 Lemon
Street, Silver Springs, Lyon County, Nevada.

24 COUNT XXXII
25 EX FELON POSSESSION OF A FIREARM, in violation of NRS 202.360, a CATEGORY B
26 FELONY,

27 That on or about the 2nd day of January, 2020, in Walker River Township, County of
28 Lyon, State of Nevada, the Defendant did own, possess, or had under his custody or control a
firearm having been previously convicted of buy, receive, conceal, sell, withhold which had

1 been stolen and obtained by extortion, a violation of section 496(a) of the California Penal
2 Code, a Felony, in Sacramento County, California on or about the 15th day of March, 2013
3 and/or has been convicted of another felony, to-wit: Defendant possessed a Short barreled
4 AR-15 firearm; all of which occurred at or near 4265 Lemon Street, Silver Springs, Lyon
5 County, Nevada.

6 **COUNT XXXIII**
7 **PRINCIPAL TO POSSESSION OF SHORT-BARRELED RIFLE OR SHOTGUN, in violation**
8 **of NRS 202.275 AND 195.020, a CATEGORY D FELONY,**

9 That on or about the 2nd day of January, 2020, in Walker River Township, County of
10 Lyon, State of Nevada, the Defendant did knowingly or willfully possess, manufacture, or
11 disposes of any short barreled rifle or short barreled shotgun or did aid or abet the
12 commission of this offense, or did directly or indirectly counsel, encourage, hire, command,
13 induce, or otherwise procure another to commit this offense, to-wit: Defendant possessed a
14 Short barreled AR-15 firearm with a barrel less than 16 inches in length; all of which occurred
15 at or near 4265 Lemon Street, Silver Springs, Lyon County, Nevada.

16 **COUNT XXXIV**
17 **POSSESSION OF A CONTROLLED SUBSTANCE, a violation of NRS 453.336, a**
18 **CATEGORY E FELONY,**

19 That on or about the 2nd day of January, 2020, in Walker River Township, County of
20 Lyon, State of Nevada, Defendant did intentionally, unlawfully, and knowingly possess a
21 Schedule I controlled substance, namely, Methamphetamine, all of which occurred at or near
22 2920 West Fir Street, Silver Springs, Lyon County, Nevada.

23 **COUNT XXXV**
24 **PRINCIPAL TO COMMIT BURGLARY, a violation of NRS 205.060(4) AND 195.020, a**
25 **CATEGORY B FELONY,**

26 That on, about, or between the 1st day of December, 2019 and the 2nd day of January,
27 2020, in Walker River Township, County of Lyon, State of Nevada, the Defendant did willfully
28 and unlawfully by day or night, enter a house, room, apartment, tenement, shop, warehouse,
store, mill, barn, stable, outhouse, vehicle, and/or other building with the intent to commit
grand or petit larceny, assault or battery on any person, obtaining money by false pretenses,
or any felony therein or did aid or abet the commission of this offense, or did directly or
indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit

1 this offense; to-wit: Defendant entered a structure owned by Gene Kelly or another and stole
2 firearms and/or other property, all of which occurred at or near 2585 Ramsey Weeks Cutoff,
3 Silver Springs, Lyon County, Nevada.

4 All of which is contrary to the form of statute in such cases made and provided and
5 against the peace and dignity of the State of Nevada. Complainant prays that a summons
6 and/or warrant be issued and that said Defendant be dealt with according to law.

7 I declare under penalty of perjury under the law of the State of Nevada that the
8 foregoing is true and correct.

9 DATED this 14 day of February, 2019.

10 STEPHEN B. RYE
11 District Attorney

12 By: 
13 Matthew Merrill
14 Deputy District Attorney

FILED

Case No. 20-CR-00234

Dept No. II

TCN: NVLYSO2004919C

2020 FEB 25 AM 11:15

JANAY SCHEINE
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Kathy Thomas

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF LYON

THE STATE OF NEVADA,

Plaintiff,

vs.

INFORMATION

ERIC DEAN WERRE,

Defendant.

STEPHEN B. RYE, District Attorney within and for the County of Lyon, State of Nevada, in the name and by the authority of the State of Nevada, informs the above-entitled Court that ERIC DEAN WERRE, the Defendant above named, has committed the offense of

COUNT I

TRAFFICKING IN CONTROLLED SUBSTANCES: FLUNITRAZEPAM, GAMMA-HYDROXYBUTYRATE AND SCHEDULE I SUBSTANCES, EXCEPT MARIJUANA, (LEVEL II) MORE THAN 14 GRAMS, BUT LESS THAN 28 GRAMS, a CATEGORY B FELONY, in violation of NRS 453.3385(1)(b), in the following manner:

That on or about the 2nd day of January, 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did willfully, unlawfully and knowingly possess 14 grams or more but less than 28 grams of a Schedule I controlled substance, namely Methamphetamine; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

COUNT II

PRINCIPAL TO BURGLARY, GAINING POSSESSION OF A FIREARM AND/OR DEADLY WEAPON, a CATEGORY B FELONY, in violation of NRS 205.060, NRS205.060(4), and NRS 195.020, in the following manner:

That on, about, or between the 1st day of December, 2019 and the 2nd day of January, 2020, in Walker River Township, County of Lyon, State of Nevada, the Defendant did willfully and unlawfully by day or night, enter a house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, vehicle, and/or other building with the intent to commit grand or petit larceny, assault or battery on any person, obtaining money by false pretenses, or any felony therein or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this offense and did gain possession of a firearm; to-wit: Defendant entered a structure owned by Gene Kelly or another and stole firearms and/or other property, all of which occurred at or near 2585 Ramsey Weeks Cutoff, Silver Springs, Lyon County, Nevada.

COUNT III

PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a CATEGORY B FELONY, in violation of NRS 205.275, NRS 205.275(2)(c), and NRS 195.020, in the following manner:

That on or about the 2nd day of January 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again possessing his property, willfully buy, receive, possess or withhold property, knowing that it is stolen; or under such circumstances as should have caused a reasonable person to know that it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this offense; to-wit: Defendant possessed or withheld a stolen Springfield XD 40 serial number MG124317, a firearm; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.

///

COUNT IV

PRINCIPAL TO POSSESSION OF STOLEN FIREARM, a CATEGORY B FELONY, in violation of NRS 205.275, NRS 205.275(2)(c), and NRS 195.020, in the following manner:

That on or about the 2nd day of January 2020, in Walker River Township, County of Lyon, State of Nevada, Defendant did for his own gain or to prevent the owner from again possessing his property, willfully buy, receive, possess or withhold property, knowing that it is stolen; or under such circumstances as should have caused a reasonable person to know that it is stolen firearm or did aid or abet the commission of this offense, or did directly or indirectly counsel, encourage, hire, command, induce, or otherwise procure another to commit this offense; to-wit: Defendant possessed or withheld a stolen H&K .40 serial number 22-091104, a firearm; all of which occurred at or near 2920 West Fir Street, Silver Springs, Nevada.


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

Pursuant to NRS 239B.030, the undersigned hereby affirms that this document does not contain social security numbers.

DATED this 20 day of February, 2020.

STEPHEN B. RYE
Lyon County District Attorney

By:


Matthew K. Merrill
Deputy District Attorney

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1 The witnesses known to the State at the time of the filing of this Information are as
2 follows:

3		
4	Christopher Miller	911 Harvey Way Yerington, NV 89447
5		
6	Detective Tyrell M. Joyner	911 Harvey Yerington, NV 89447
7		
8	Detective Erik Kusmerz	911 Harvey Way Yerington, NV 89447
9		
10	Deputy Nicholas Greenhut	911 Harvey Yerington, NV 89447
11		
12	Detective Erik Pruitt	911 Harvey Way Yerington, NV 89447
13		
14	Deputy Jonathan Tripp	911 Harvey Way Yerington, NV 89447
15		
16	Deputy Blake Johnson	911 Harvey Yerington, NV 89447
17		
18	Deputy Nicholas Baugh	911 Harvey Way Yerington, NV 89447
19		
20	Chandy D Atkins	2920 Fir Street Silver Springs, NV 89429
21		
22	Ronald Francis Hennessey	5360 Alder Ct Silver Springs, NV 89429
23		
24	David Leroy Wood	1080 Whites Creek Ln Reno, NV 89511
25		
26	Patrick Garrett Snyder	1849 Normuk S Lake Tahoe, CA 96150
27		
28	Gene Kelly	351 Second Street

Office of the District Attorney
Lyon County - Nevada

801 Overland Loop, Suite 300, Dayton, Nevada 89403 • 31 South Main Street, Yerington, Nevada 89447 • 505 East Main Street, Fernley, Nevada 89408

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Napa, CA 94559

Mark Anthony Kennedy 3901 26th Avenue
Sacramento, CA

James Klyn Po Box 3625
Sonora, CA

Dillon Brown National Guard

Officer Stewart Atf

Case No. 20-CR-00234

Department II

IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF LYON, STATE OF NEVADA
BEFORE THE HONORABLE LEON ABERASTURI
DISTRICT JUDGE, PRESIDING

THE STATE OF NEVADA,
Plaintiff,
vs.
ERIC DEAN WERRE,
Defendant.

TRANSCRIPT OF PROCEEDINGS
SENTENCING HEARING
MONDAY, APRIL 20, 2020
YERINGTON, NEVADA

Reported by:

Shellie Loomis, RPR
Nevada CCR #228

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APPEARANCES:

For the State:

Matthew Merrill
Deputy District Attorney
Yerington, Nevada

For the Defendant:

Aaron Mouritsen
Public Defender
Yerington, Nevada

1 YERINGTON, NEVADA, MONDAY, APRIL 20, 2020, A.M. SESSION

2 -oOo-

3
4 THE COURT: All right. So we're going on the
5 record, 20-CR-00234. Have the parties received a copy of the
6 presentence investigation report prepared April 9, 2020?

7 MR. MERRILL: The State has.

8 MR. MOURITSEN: The Defense has.

9 THE COURT: Any factual corrections?

10 MR. MERRILL: None by the State.

11 MR. MOURITSEN: The only factual correction, Your
12 Honor, is that we come to a conclusion on restitution.

13 THE COURT: Okay.

14 MR. MOURITSEN: There are two sets of
15 restitution. The first one is \$30, and I believe the State
16 knows exactly who that is going to go to.

17 THE COURT: Okay.

18 MR. MOURITSEN: And the second number
19 \$113,137.07.

20 THE COURT: Okay. One time. So, 113 comma.

21 MR. MOURITSEN: 137.

22 THE COURT: 137.

23 MR. MOURITSEN: 07.

24 THE COURT: 07.

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1 MR. MOURITSEN: And then, Your Honor, as part of
2 these negotiations, and I'm not exactly how we compute it, I
3 understand the issue of insurance is currently in litigation
4 in regards to that amount. And if he does receive that amount
5 in insurance or part of that amount, that would something we
6 can work out in restitution after.

7 THE COURT: All right. I am --

8 MR. MERRILL: Your Honor, I'm not sure, I know we
9 talked about it, you know.

10 THE COURT: Yes.

11 MR. MERRILL: See, Your Honor, we had part of
12 it --

13 THE COURT: Who do we have on Zoom?

14 THE LAW CLERK: I just have Kelly, Gene, Gene
15 Kelly.

16 THE COURT: All right.

17 THE LAW CLERK: Do you want me to admit him?

18 THE COURT: Who?

19 THE LAW CLERK: He's the victim.

20 MR. MERRILL: He's one of the victims.

21 THE COURT: All right. Go ahead and admit him.

22 MR. MERRILL: Mr. Kelly, can you hear me?

23 THE LAW CLERK: Give him one second, he's
24 connecting to audio. Now, go ahead.

1 MR. MERRILL: Mr. Kelly, can you hear me?

2 MR. KELLY: Yes, I am. I'm turning on my camera.
3 There we go.

4 THE COURT: All right. I can see Mr. Kelly on
5 the phone. All right. As to the restitution language, I'll
6 leave that up to the attorneys as to how, what credit for
7 whatever insurance.

8 And then -- all right, is Mr. Kelly going to
9 testify on something other than the restitution, or?

10 MR. MERRILL: Your Honor, Mr. Kelly was going to
11 testify about restitution and, of course, a victim impact
12 statement.

13 THE COURT: All right.

14 MR. MERRILL: I also have Mr. Ron Hennessey who
15 is in the courtroom. And he would like to make a statement as
16 well. He also had a problems with the --

17 THE COURT: Okay. But the restitution amounts
18 cover everything, so I can leave it to a victim impact, I
19 guess, that's where I'm trying.

20 MR. MERRILL: Yes, Your Honor, we have agreed
21 that the restitution should be what Mr. Mouritsen stated, the
22 113,117.07.

23 THE COURT: Okay.

24 MR. MERRILL: And that is to Gene Kelly. And

1 then \$30 as to Ron Hennessey.

2 THE COURT: All right. Who did you get want to
3 get a victim impact first?

4 MR. MERRILL: Your Honor, if we could do Eugene
5 Kelly first.

6 THE COURT: All right. So, Mr. Kelly, if you
7 would raise your right hand.

8 GENE KELLY,
9 called as a witness on behalf of the
10 STATE, was duly sworn and
11 testified as follows:

12 THE WITNESS: Yes, it is, sir.

13 THE COURT: All right. And can you hear Mr.
14 Merrill all right?

15 MR. KELLY: I can.

16 THE COURT: Okay. You can lower the hand, and
17 then, Mr. Merrill, go ahead.

18 MR. MERRILL: Thank you, Your Honor, I'm going to
19 stay seated.

20 DIRECT EXAMINATION

21 BY MR. MERRILL:

22 Q. Mr. Kelly, can you hear and see me?

23 A. I can hear you, I cannot see you, sir.

24 Q. Okay. So, if you can't hear me at some point,

1 just let me know, stop me and let me know and I can rephrase
2 the question?

3 A. Yes, sir.

4 Q. Where do you work?

5 A. I work in Napa, California at Collectors Arms
6 Trade Company, Incorporated.

7 Q. What is your position with Collectors Arms
8 Trading?

9 A. I am the president of the company.

10 Q. And how long have you operated that company?

11 A. About 30 plus years.

12 Q. And do you have a location here in Silver
13 Springs, Lyon County, Nevada?

14 A. Yes, we do. At 2585 Ramsey Weeks cutoff.

15 Q. And could you briefly just describe to the Court
16 what types of items you store in that location?

17 A. That location was used for storage of our video
18 inventory of DVDs, firearms and related accessories that we
19 use in our video productions for Gun Tech Video Magazine and
20 the training videos that we put out for the American
21 Gunsmithing Institute.

22 Q. And did you experience a loss of items as a
23 result of the crime?

24 A. Yes, I did.

1 Q. And can you describe for the Court in summary
2 those items?

3 A. I have submitted to the court the list of
4 firearms that I reported to both the Bureau of Alcohol,
5 Tobacco and Firearms scam, the Lyon County Sheriff's
6 Department, and the District Attorney, I think has copies of
7 those.

8 I, in addition to the firearms, we had a number
9 of items lost. Do you want me to describe some of those?

10 Q. If you could?

11 A. So starting with the damage to the building.
12 They cut locks, destroyed a rear drawer -- a door, excuse me,
13 access door, got into a shipping container that had a lock
14 box, cut the locks, got inside, took the items inside the
15 Conex Container that were not in the safes.

16 There were two safes. A personal safe which they
17 took and it has not been recovered, contained a number of
18 firearms. And a large, heavy safe that they were not able to
19 move so that they cut their way into it and removed all the
20 firearms and some ammunition and other accessories, including
21 some silver rounds that were inside that safe.

22 We also lost a bar of silver that I had in a
23 drawer, in a desk drawer, they took trophies, some trophies,
24 and they took a number of support accessories, magazines, some

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1 parts and, let's see, what else.

2 They broke their way into a truck that I had with
3 a service-type shell on the back of a truck and stole tools
4 that were inside that truck.

5 They damaged the alarm system. They cut the
6 phone lines and then damaged the wires and taking a camera and
7 destroying some of the contacts.

8 Let's see, what else. That is the bulk of it. I
9 might point out the safe alone, I know they already talked
10 about restitution, but the safe alone was almost \$10,000,
11 \$9538.00 is the bid I have to replace it.

12 So, I mean, the damage was significant. It was
13 focused. The theft was comprehensive.

14 Q. And in total, how many guns were stolen from your
15 unit?

16 A. I haven't -- I -- on a separate count right here,
17 but approximately in round numbers, 100 firearms. There have
18 been a few that were recovered by the Sheriff's Department and
19 the Bureau of Alcohol, Tobacco and Firearms, but only a
20 handful compared to what was stolen.

21 What particularly bothers me, so I don't forget
22 to say it, is that not only were these firearms stolen, not
23 only do we have a loss financially, but these firearms were
24 then apparently --

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1 MR. MOURITSEN: Your Honor, I'm going to object
2 as to hearsay.

3 THE COURT: Okay. All right. Do you know --

4 MR. MOURITSEN: Beyond the facts.

5 THE COURT: Sir, do you know these items of your
6 own, or have you been told what happened to the guns after
7 they were stolen?

8 THE WITNESS: I have been told, you are correct.

9 THE COURT: Okay. All right. So, I'm going to
10 sustain the hearsay objection. Ask another question, Mr.
11 Merrill.

12 THE WITNESS: May I say something a different
13 way, Your Honor?

14 THE COURT: Wait for a question.

15 BY MR. MERRILL:

16 Q. Mr. Kelly, how has this crime, how has this
17 affected your business?

18 A. A significant impact to my business. We learned
19 of the theft on the 30th of December. I immediately reported
20 it to the ATF. They instructed me that I had to report all
21 the weapons that were lost in my inventory within 48 hours or
22 I could be charged with a felony.

23 Unfortunately, the log books had been stolen as
24 part of the theft to cover their tracks. Luckily, I had taken

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1 digital photos of those log books and it was from that and
2 other information that I had, was able to reconstruct all of
3 this -- a great deal of stress, let's just put it that way.

4 I ended up spending my New Year's Eve up there in
5 Yerington -- I mean Silver Springs instead of at home with my
6 family.

7 I couldn't do my end of the year tax planning for
8 the corporation which costs a significant amount. Both with
9 my CPS doing rush work and also, you know, deductions we can
10 take at the end of the year and so on.

11 That's when I was going to do all my business
12 planning for the beginning the first quarter of the year. We
13 couldn't do that. We ended up having a very rough first
14 quarter.

15 My staff has been distracted by this. We no
16 longer feel like we have a safe building that we can use up
17 there. It goes on.

18 There's a lot of emotional impact on this as well
19 as financial impact to the business. And it greatly offends
20 me if anybody else were able to -- were to use any of these
21 firearms in a wrongful way.

22 There's a screen up on my screen right now, so I
23 can't see. Virus --

24 Q. There's a screen up on your screen?

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1 A. Okay. I closed it. Let me -- I thought it was
2 someone else. I'm going to move it off. There we go, sorry.
3 Go ahead.

4 Q. So, Mr. Kelly, how did this affect you
5 personally?

6 A. I lost sleep over it. I lost -- I ended up
7 having to travel to Nevada on a couple of unplanned trips,
8 including, you know, flying up from Las Vegas during the first
9 day of the biggest trade show of the year for us and having to
10 miss that entire day, because I had to leave at oh dark thirty
11 in the morning, early in the morning, fly up to Reno, drive
12 over to Yerington, testify and turn around and get back.

13 I'm still upset over this. And, you know, some
14 of the firearms that were stolen had personal meaning to me,
15 including a couple that are irreplaceable.

16 One of them was a cased commemorative carbine, M1
17 carbine that was for the Band of Brothers commemorative.
18 There were only 101 of them made, because they were part of
19 the Band of Brothers, the 101st Airborne.

20 But what was significant is this carbine was
21 signed by eight of those war heroes, the original guys from
22 Easy Company. And they have all, I believe all of them have
23 since passed away.

24 This was irreplaceable and was a family treasure,

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1 because we respected those people so significantly. And I'm
2 sure that it was trashed just to use as a firearm where it was
3 in a cased set with commemorative pieces.

4 There are other firearms like that are
5 irreplaceable and it angers me.

6 Q. And, Mr. Kelly, what would you like to see done
7 in this case as far as punishment?

8 A. Well, I doubt that we could do the punishment
9 that I would like because that would be very Middle Eastern.

10 So, I would say that, you know, I respect the
11 Judge to come up with something that's very significant to
12 reflect the disrespect that people have -- the Defendants have
13 for not only my property, but the property and how it could be
14 miss used by others.

15 And also the -- in general, that someone thinks
16 that they can go and steal without recourse just for their own
17 wanton needs and I'm greatly offended. I hope that the
18 message is sent in such away that they will never choose to do
19 this again.

20 And, again, we don't know what the ultimate
21 impact is. This is not like someone just stealing, you know,
22 some small, personal items. This could have significant
23 impact down the road to others.

24 Q. Mr. Kelly, is there anything else that you would

1 like to state to the Judge in regards to sentencing today?

2 A. Your Honor, I would just request that you take
3 all these things under consideration, not just the impact we
4 reported, but the potential impact that could happen because
5 of the willful acts of these people.

6 MR. MERRILL: Nothing further.

7 THE COURT: All right. Did you have any
8 questions of Mr. Kelly?

9 MR. MOURITSEN: I do not, Your Honor.

10 THE COURT: All right. Thank you, Mr. Kelly.
11 All right. Your next witness?

12 MR. MERRILL: Ronald Hennessey, come forward.

13 THE COURT: All right. Sir, if you would raise
14 your right hand.

15 RONALD HENNESSEY,
16 called as a witness on behalf of the
17 STATE, was duly sworn and
18 testified as follows:

19 THE COURT: All right. If you would make your
20 way to the witness stand, sir. Speak into the mic.

21 THE WITNESS: Okay.

22 THE COURT: All right.

23

24

1 DIRECT EXAMINATION

2 BY MR. MERRILL:

3 Q. Sir, please state your full name and spell your
4 last for the record?

5 A. Ronald Francis Hennessey. H-E-N-N-E-S-S-E-Y.

6 Q. And are you a victim in this case?

7 A. Yes.

8 Q. And how are you a victim in this case?

9 A. Besides losing a hammer which was recovered and a
10 scale, the mental stress, the work put on me to do -- to clean
11 up, fix and find what is missing.

12 Q. What's your association with this building?

13 A. I maintain it. I keep the inventory. I log in
14 and out of the firearms.

15 Q. Okay. And you reside there in Silver Springs?

16 A. Yes.

17 Q. And so what was would you like to tell the Court
18 about sentencing?

19 A. I'd love to see him get the maximum. No parole
20 until it's served fully. The hardship he has created is BS.
21 And I have my feelings and I would like to see done as others,
22 but just the maximum, never be allowed in Lyon County again.

23 Q. Is there anything else you would like to the
24 state to the Judge regarding sentencing, sir?

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1 A. Please consider it.
2 MR. MERRILL: Nothing further, Your Honor.
3 THE COURT: Okay. Any questions, Mr. Mouritsen?
4 MR. MOURITSEN: No questions, Your Honor.
5 THE COURT: All right. Thank you, sir, you can
6 have a seat back.
7 THE WITNESS: Thank you.
8 THE COURT: Any additional witnesses for the
9 State?
10 MR. MERRILL: No, Your Honor.
11 THE COURT: Did you have any additional
12 witnesses?
13 MR. MOURITSEN: Your Honor, I do have one letter,
14 and I've shown it, and it's from Trix (ph.), his father. If I
15 can approach, I have shown it to the District Attorney.
16 THE COURT: Okay. The Court will mark it as
17 Defense --
18 THE CLERK: A.
19 THE COURT: A and admit.
20 (Exhibit A admitted into evidence.)
21 THE COURT: Okay. Any additional evidence?
22 MR. MOURITSEN: Not at this time, Your Honor.
23 THE COURT: All right. Argument from the State?
24 MR. MERRILL: Yes, Your Honor. In reviewing this

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1 crime which is approximately from -- the charge that I'll
2 note, I've had the opportunity to revisit the different
3 theories of the criminal punishment. There's too many
4 theories of criminal punishment.

5 One, is the fact that we are facing the fact that
6 we are looking how can we punish the person for the crime that
7 was committed.

8 There's also the theory of forward looking, how
9 do we protect society at large, how can you rehabilitate
10 somebody to give it back on the straight and narrow of sorts,
11 so a crime like this doesn't occur again.

12 In this case, Your Honor, I believe neither one
13 is a hundred percent on par with what they've done here. I
14 believe it's a mix.

15 Let me go over the facts of the case, if I may
16 very briefly, Your Honor. There was three criminal Defendants
17 in this case. The other two Defendants have plead guilty in
18 accordance and in the next month or so we'll hear their
19 sentencing.

20 Some time in the period of mid December, this
21 Defendant here came out from California and met up with two of
22 the co-Defendants.

23 There's a metal building located a few hundred
24 yards away from the address where Mr. Werre was staying, and

1 where the two other co-Defendants resided. That metal
2 building is the metal building that Mr. Kelly was describing.
3 That's his building.

4 There was a plan. These three Defendants wore
5 black in the night time, walked across the desert and broke
6 into the building using a drill to get into the locked outside
7 door.

8 Then, inside is a Conex Container which was also
9 broken into. There was tools used, side Rykers, things of
10 that nature. The State is unaware and ATF and other
11 individuals are unaware exactly how these Defendants knew that
12 the guns were inside at this time, or if someone knew or it
13 was just a break in.

14 But they got in. There was a concerted effort
15 between this Defendant and the other two to then obtain a
16 truck and load the guns into a truck.

17 That truck was then, once it was loaded full of
18 guns and ammunition, including .50 calibers, .308s, .22s, .9
19 millimeters, AR15s, the ammunition that go along with these
20 firearms.

21 They were then taken back to the house that's
22 only a few hundred yards away. But then was planning to
23 obtain a U-Haul truck and to transfer these guns to
24 California.

1 Now, all three individuals, two inside the U-haul
2 truck and one inside another truck traveled to California
3 where these guns were then sold to Hispanic individuals
4 wearing -- at night time, wearing firearms on their hips.

5 These guns were exchanged for cash and three
6 individuals, this Defendant and two other co-Defendants
7 received cash, money for the sale of guns.

8 The guns are now -- we're uncertain where the
9 guns are, but it's -- it's fairly certain the guns are going
10 to show up in the future in future crimes.

11 Additionally, inside the house when the search
12 warrant was executed, inside the house there was
13 methamphetamine found. There was other guns found inside the
14 attic, guns found inside the garage, inside closets of this
15 house.

16 When we talk about and think about the loss, not
17 only to the individual Gene Kelly and Ron Hennessey, over a
18 hundred-thousand dollars in lost inventory, the stress things,
19 the things discussed by Kelly.

20 In consideration of that and these firearms being
21 stolen and trading on the black market is not only a threat to
22 the community and society at large, but also it's Second
23 Amendment to the two other individuals that hold the Second
24 Amendment dearly.

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1 Your Honor, in this case, we're asking for on
2 Count I, 66 to 180 months.

3 On Count II, 66 to 180 months consecutive to
4 Count I.

5 Count III and IV, 48 to 120 concurrent to each
6 other. So III and IV concurrent, but consecutive to both I
7 and II.

8 And, Your Honor, we also ask that restitution be
9 joint and several with Tim Watkins and Mr. Kennedy.

10 THE COURT: Okay. Mr. Mouritsen?

11 MR. MOURITSEN: Your Honor, in this case, we're
12 going to be asking for a closer recommendation that was laid
13 out in the PSI. We're going to be asking for 36 months to
14 120 months in Count I as laid out in the presentence
15 investigation report.

16 36 on Count II, 36 months required 20 months to
17 run concurrent rather than consecutive to Count I.

18 On count III, 16 to 72 months as laid out on the
19 PSI to run concurrent instead of consecutive to Counts I and
20 II.

21 And 16 to 72 months on Count IV to run concurrent
22 instead of consecutive to Counts I, II, III, IV.

23 Your Honor, in looking at this case, I think it's
24 important to recognize the goal should not be to take such

1 action to victimize the victim again in this case.

2 As you can see from that letter, Eric has the
3 opportunity when he's released at whatever point that is to
4 get employment and start paying this restitution. Instead, it
5 will likely fall on mostly Eric to make that responsibility
6 and pay back that restitution.

7 And until Eric is out and until Eric is actually
8 working on that as far as the job opportunity to -- as well as
9 to have the skills to be able to do, it's likely the victim
10 will continue to not have that money.

11 Your Honor, the District Attorney is asking for
12 more than ten years in this case. It means it will be ten
13 years until the victim's things are returned all from that
14 restitution.

15 Instead, Your Honor, by giving him a smaller
16 amount, it gives the opportunity to work and pay that
17 restitution.

18 The second point I would make, Your Honor, is
19 that looking forward as the District Attorney is asking us to
20 do, it's important to know that Eric has a good support
21 network.

22 Both his father Rick, as well as fiancée, Ann
23 Marie, who have been in good contact with me, they're both
24 involved in this case and care deeply about what happens to

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1 Eric and the opportunities that he has in the future.

2 He has a strong support network in California,
3 especially to be able to get him working and keep him out of
4 trouble once he's released and it should be looked at as a
5 reason to reduce it.

6 Finally, Your Honor, as to point number three,
7 the reason that these should be run concurrent is because
8 these all parts of the same common scheme or plan.

9 Your Honor, Count II specifically applies to the
10 burglary or the inference in order to steal the firearms.

11 When the burglary occurred, it was to steal the
12 firearms as laid out in Counts III and IV being part of the
13 same act as laid out in Counts II.

14 And all that comes together to provide the cash
15 to the Defendant, the Defendants for the controlled substances
16 that become the basis for Count I.

17 This -- these controlled substances were used to
18 a great extent to be for Eric as well as the two
19 co-Defendants' drug addiction that Eric has never really had
20 the opportunity to be able to handle.

21 He intends, once he enters prison, to be able to
22 take responsibility and to do the referred treatment programs
23 in order to reduce his time there, but also to do drug
24 programs upon his release.

1 Because all four of these counts are all part of
2 the same incident, the same plan, I think justice would demand
3 that they run together and be run concurrently rather than
4 consecutively, because they are not separate incidences that
5 occurred, but a single incident. And they also arise out of a
6 single event happening.

7 Your Honor, Eric is the most likely of the three
8 co-Defendant's to get out and be able to make something of his
9 life, and I think that should be factored in to give him the
10 opportunity to pay back the restitution. Thank you.

11 THE COURT: All right. Sir, this is your
12 opportunity, is there anything --

13 MR. MERRILL: Your Honor, just before -- we are
14 also asking for no contact, just between the Defendant and the
15 victims --

16 THE COURT: Okay.

17 MR. MERRILL: -- Mr. Hennessey and Mr. Kelly.

18 MR. MOURITSEN: And no opposition to that, Your
19 Honor.

20 THE COURT: All right, sir, this is your
21 opportunity. Is there anything you wish to state to the Court
22 before I pronounce sentence?

23 THE DEFENDANT: I want to, yeah, I thank Nevada
24 to -- for a job for working at the mines, working at the 42K

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1 Mines, and so I was here for two days and waiting to hear back
2 from 42K mines (sic.) to see about my -- my job opportunity.

3 I made some dumb decisions, and I apologize for
4 it, but I would like the chance to right my wrongs and to --
5 to move past this and move on with my life.

6 THE COURT: All right. Anything else, sir?

7 THE DEFENDANT: No.

8 THE COURT: All right. I'm going to ask that you
9 remain seated.

10 Mr. Mouritsen, is there any legal cause to show
11 why judgment should not now be pronounced against your client?

12 MR. MOURITSEN: No, Your Honor.

13 THE COURT: All right. Hearing no legal cause,
14 based upon the previous pleas, in Count I, the Court
15 pronounces you guilty of the crime of trafficking in a
16 controlled substance, a violation of NRS 453.3385, a category
17 B felony.

18 Count II, the Court pronounces you guilty of
19 principle to burglary, in violation of NRS 205.060, a category
20 B felony.

21 Count III, the Court pronounces you guilty of
22 principle to possession of stolen firearm.

23 In Count IV, possession of -- principle to
24 possession of a stolen firearm, both in violation of NRS

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1 205.275.

2 In accordance with the applicable statutes, Count
3 I, the Court sentences you to a minimum of 72 months to a
4 maximum of 180 months.

5 Count II, the Court sentences you to a minimum of
6 72 months to a maximum of 180 months. Count II will be
7 consecutive to Count I.

8 Count III, the Court sentences you to a minimum
9 of 36 to a maximum of 120 months and that will be consecutive
10 to Counts I and II.

11 And in Count IV, the Court sentences you to a
12 minimum of 36 to a maximum of 120 months, and that will be
13 concurrent to Counts I, II, II and IV -- I mean, Counts I, II
14 and III.

15 Credit for time served, 109 days. Based upon the
16 severity of the crimes, based upon the criminal history of the
17 Defendant in which the footnotes, several probation
18 violations, previous felony, the Court will not grant the
19 privilege of probation on the non-trafficking.

20 MR. MERRILL: Your Honor, we have the AA fee --

21 THE COURT: A little louder.

22 MR. MERRILL: -- AA fee.

23 THE COURT: Okay, yeah. The AA fee -- let me
24 pull that up. All right. AA fee, 25. DNA admin fee three.

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1 Chem drug analysis 60. DNA 150. I'm not going to award an
2 attorney fee based upon the large amount of restitution, that
3 the Court will accept the stipulations in the amount of, was
4 it \$30 and the -- what was the number one more time? 113 --

5 MR. MERRILL: 113.137.07.

6 THE COURT: Okay. Did you get that?

7 THE CLERK: Um-hum.

8 THE COURT: Okay. All right. Is there anything
9 else I need to address?

10 MR. MOURITSEN: No, Your Honor.

11 MR. MERRILL: No, Your Honor.

12 THE COURT: All right. Sir, I wish you the best
13 of luck, but I agree with the State and I agree with Mr. Kelly
14 in terms of this is a horrific crime so I hope you find your
15 ways and I hope when you get out you do something positive
16 with your life.

17 MR. MERRILL: No contact with the victim.

18 THE COURT: No contact with the victim and you're
19 remanded to the sheriff. All right.

20 Mr. Kelly, we're going to hang up the Zoom for
21 you, okay.

22 (Proceedings concluded.)

23

24

1 STATE OF NEVADA)
2 COUNTY OF LYON)
3

4 I, Michel Loomis, Certified Shorthand Reporter of
5 the Third Judicial District Court of the State of Nevada, in
6 and for Lyon County, do hereby certify:

7 That I was present in Department II of the
8 above-entitled Court and took stenotype notes of the
9 proceedings entitled herein to the best of my ability, and
10 thereafter transcribed the same into typewriting as herein
11 appears;

12 That the foregoing transcript is a full, true and
13 correct transcription of my stenotype notes of said
14 proceedings.

15 DATED: At Carson City, Nevada, this 25th day of
16 April, 2020.

17
18 //SHELLIE LOOMIS//
19 Shellie Loomis, RPR
20 Nevada CCR No. 228
21
22
23
24

EXHIBIT E

1 CASE NO. 20-CR-00234

2 DEPT. NO. II

FILED

2020 MAR -2 AM 10:03

TANYA STEPHEN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Nathy Thomas

3
4
5
6 IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF LYON
8

9 THE STATE OF NEVADA,
10 Plaintiff,

vs.

11 ERIC DEAN WERRE,
12 Defendant.

GUILTY PLEA AGREEMENT

13
14 I hereby agree to plead guilty to: TRAFFICKING IN A CONTROLLED SUBSTANCE:
15 FLUNITRAZEPAM, GAMMA-HYDROXYBUTYRATE AND SCHEDULE I SUBSTANCES,
16 EXCEPT MARIJUANA (LEVEL II) MORE THAN 14 GRAMS, BUT LESS THAN 28 GRAMS
17 a violation of NRS 453.3385(1)(b), a CATEGORY B FELONY and PRINCIPAL TO BURGLARY,
18 GAINING POSSESSION OF A FIREARM AND/OR DEADLY WEAPON, a violation of NRS
19 205.060, NRS 205.060(4) and NRS 195.020, a CATEGORY B FELONY and PRINCIPAL TO
20 POSSESSION OF A STOLEN FIREARM, in violation of NRS 205.275, NRS 205.275(2)(C), and
21 NRS 195.020, a CATEGORY B FELONY and PRINCIPAL TO POSSESSION OF STOLEN
22 FIREARM, a violation of NRS 205.275, NRS 205.275(2)(C), and NRS 195.020, a CATEGORY B
23 FELONY as more fully alleged in the charging document on file herein.

24 My decision to plead guilty is based upon the plea agreement in this case which is as follows:

25 The State has agreed that in exchange for my plea of guilty to the above charges, the State
26 will dismiss all the other charges arising from this criminal episode. Parties are free to argue but the
27 DA will recommend that the two counts of possession of a stolen firearm be run concurrent to each
28 other. The Defendant understand that this Guilty plea agreement cannot bind the federal government
should they desire to pursue charges, however the District Attorney agrees not to recommend that

1 the charges be handled at a federal level as well pursuant to the Federal Petit Policy.

2 I understand that the State, at its discretion, is entitled to either withdraw from this agreement
3 and proceed with the prosecution of the original charges or be free to argue for an appropriate
4 sentence at the time of sentencing if I fail to appear at any scheduled proceeding in this matter OR
5 if prior to the date of my sentencing, I am arrested in any jurisdiction for a violation of law OR if I
6 have misrepresented my prior criminal history. I understand and agree that the occurrence of any
7 of these acts constitutes materials breach of my plea agreement with State. I further understand and
8 agree that by the execution of this agreement, I am waiving any right I may have to remand this
9 matter to Justice Court should I later withdraw my plea.

11 CONSEQUENCES OF THE PLEA

12 I understand that by pleading guilty I admit the facts which support all the elements of the
13 offense(s) to which I now plead.

14 I understand that as a consequence of my plea of guilty to TRAFFICKING IN A
15 CONTROLLED SUBSTANCE: FLUNITRAZEPAM, GAMMA-HYDROXYBUTYRATE AND
16 SCHEDULE I SUBSTANCES, EXCEPT MARIJUANA (LEVEL II) MORE THAN 14 GRAMS,
17 BUT LESS THAN 28 GRAMS a violation of NRS 453.3385(1)(b), a CATEGORY B FELONY that
18 I may be imprisoned for a period of not less than two (2) year nor more than fifteen (15) years in the
19 Nevada State Prison and a \$100,000 fine. I further understand that this is not a probational offense.
20 PRINCIPAL TO BURGLARY, GAINING POSSESSION OF A FIREARM AND/OR DEADLY
21 WEAPON, a violation of NRS 205.060, NRS 205.060(4) and NRS 195.020, a CATEGORY B
22 FELONY that I may be imprisoned for a period of not less than two (2) year nor more than fifteen
23 (15) years in the Nevada State Prison and a \$10,000 fine. I further understand that this is a
24 probational offense. PRINCIPAL TO POSSESSION OF A STOLEN FIREARM, in violation of
25 NRS 205.275, NRS 205.275(2)(C), and NRS 195.020, a CATEGORY B FELONY and PRINCIPAL
26 TO POSSESSION OF STOLEN FIREARM, a violation of NRS 205.275, NRS 205.275(2)(C), and
27 NRS 195.020, a CATEGORY B FELON , that I may be imprisoned for a period of not less than one
28 (1) year nor more than ten (10) years in the Nevada State Prison and a \$10,000 fine. I further

1 understand that this is a probational offense. I further understand that the law requires me to pay an
2 Administrative Assessment Fee of \$25.00.

3 I understand that, if appropriate, I will be ordered to make restitution to the victim of the
4 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
5 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State
6 of Nevada for any expenses related to my extradition, if any.

7 I understand that I am not eligible for probation for the first offense, I am eligible for
8 probation for the other three offenses, to which I am pleading guilty. I understand that, except as
9 otherwise provided by statute, the question of whether I receive probation is in the discretion of the
10 sentencing judge.

11 I understand that if more than one sentence of imprisonment is imposed and I am eligible to
12 serve the sentences concurrently, the sentencing judge has the discretion to order the sentences
13 served concurrently or consecutively.

14 I understand that information regarding charges not filed, dismissed charges, or charges to
15 be dismissed pursuant to this agreement may be considered by the judge at sentencing.

16 I have not been promised or guaranteed any particular sentence by anyone. I know that my
17 sentence is to be determined by the Court within the limits prescribed by statute. I understand that
18 if my attorney or the State of Nevada or both recommend any specific punishment to the Court, the
19 Court is not obligated to accept the recommendation.

20 I understand that the division of parole and probation of the department of motor vehicles
21 and public safety may or will prepare a report for the sentencing judge before sentencing. This report
22 will include matters relevant to the issue of sentencing, including my criminal history. I understand
23 that this report may contain hearsay information regarding my background and criminal history. My
24 attorney and I will each have the opportunity to comment on the information contained in the report
25 at the time of sentencing.

26 I understand that should I fail to comply with the plea negotiations in the District Court, the
27 District Attorney may reinstate original charges.

28 I understand that this is a felony offense and that by entering a plea of guilty this conviction

1 will preclude me from voting, running for public office and many professional employment
2 opportunities may not hereafter be available to me as a consequence to this plea.

3 WAIVER OF RIGHTS

4 By entering my plea of guilty, I understand that I have waived the following rights and
5 privileges:

6 1. The constitutional privilege against self-incrimination, including the right to refuse
7 to testify at trial, in which event the prosecution would not be allowed to comment to the jury about
8 my refusal to testify.

9 2. The constitutional right to a speedy and public trial within 60 days by an impartial
10 jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled
11 to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden
12 of proving beyond a reasonable doubt each element of the offense(s) charged.

13 3. The constitutional right to confront and cross-examine any witnesses who would
14 testify against me.

15 4. The constitutional right to subpoena witnesses to testify on my behalf.

16 5. The constitutional right to testify in my own defense.

17 6. The right to appeal the conviction, within 30 days for any reason whatsoever, except
18 those based upon constitutional, jurisdictional or other grounds that challenge the legality of the
19 proceedings.

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24 VOLUNTARINESS OF PLEA

25 I have discussed the elements of all of the original charge(s) against me with my attorney and
26 I understand the nature of the charge(s) against me.

27 I understand that the State would have to prove each element of the charge(s) against me at
28 trial.

1 I have discussed with my attorney any possible defenses, defense strategies and
2 circumstances which might be in my favor.

3 All of the foregoing elements, consequences, rights, and waiver of rights have been
4 thoroughly explained to my by my attorney.

5 I believe that pleading guilty and accepting this plea bargain is in my best interest, and that
6 a trial would be contrary to my best interest.

7 I am signing this agreement voluntarily, after consultation with my attorney, and I am not
8 acting under duress or coercion or by virtue of any promises of leniency, except for those set forth
9 in this agreement.

10 I am not now under the influence of any intoxication liquor, a controlled substance or other
11 drug which would in any manner impair my ability to comprehend or understand this agreement or
12 the proceedings surrounding my entry of this plea.

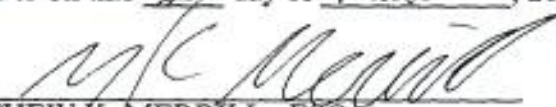
13 My attorney has answered all my questions regarding this guilty plea agreement and its
14 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

15 DATED this 2 day of March, 2020.

16
17 

18 DEFENDANT SIGNATURE

19 Agreed to on this 2 day of March, 2020.

20 
21 MATTHEW K. MERRILL, ESQ.
22 Deputy District Attorney

23
24
25 CERTIFICATE OF COUNSEL:

26 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the
27 court hereby certify that:

28 1. I have fully explained to the Defendant the allegations contained in the charge(s) to
which guilty pleas are being entered.

1
2 2. I have advised the Defendant of the penalties for each charge and the restitution that
the Defendant may be ordered to pay.

3 3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent
4 with the facts known to me and are made with my advice to the Defendant and are in the best interest
of the Defendant.

5 4. To the best of my knowledge and belief, the Defendant:

- 6 a. Is competent and understands the charges and the consequences of pleading
7 guilty as provided in this agreement.
8 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily.
9 c. Was not under the influence of intoxicating liquor, a controlled substance or
10 other drug at the time of the execution of this agreement.

11 Dated: This 2 day of March, 2020.

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14 AARON MOURITSEN, ESQ.
Attorney for Defendant
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Nevada Department of
Public Safety
Parole and Probation

PRESENTENCE INVESTIGATION REPORT

The Honorable Leon Aberasturi
Department II, Lyon County
Third Judicial District Court

Date Report Prepared: April 9, 2020

Prosecutor: Matthew Merrill, Deputy District Attorney
Defense Attorney: Aaron Mouritsen, Appointed

PSI: 593622

I. CASE INFORMATION

Defendant: Eric Dean Werre
Case: 20-CR-0234
ID: N/A
P&P Bin: 1005179165

PCN: LYSO2005069C
Offense Date: 1/2/20
Arrest Date: 1/2/20
Plea Date: 3/2/20
Sentencing Date: 4/20/20

II. CHARGE INFORMATION

Count I

Offense: Trafficking in a Controlled Substance Flunitrazepam, Gamma-Hydroxybutyrate and Schedule I Substances Except Marijuana (Level II) More Than 14 Grams, but Less Than 28 Grams

NRS: 453.3385(1)(b)

Category: B

NOC: 51158

Penalty: By a minimum term of not less than 2 year(s) and a maximum term of not more than 15 years in the Nevada Department of Corrections, and further punished by a fine of not more than \$100,000.00. Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385, 453.339 or 453.3395 must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

Count II

Offense: Principal to Burglary, Gaining Possession of a Firearm and/or Deadly Weapon

NRS: 205.060, 205.606(4), and 195.020

Category: B

NOC: 50424

Penalty: By a minimum term of not less than 2 year(s) and a maximum term of not more than 15 years in the Nevada Department of Corrections, and further punished by a fine of not more than \$10,00.00.

Count III

Offense: Principal to Possession of a Stolen Firearm

NRS: 205.275, 205.275(2)(C), and 195.020

Category: B

NOC: 50590

Penalty: By a minimum term of not less than 1 year(s) and a maximum term of not more than 10 years in the Nevada Department of Corrections, and further punished by a fine of not more than \$10,00.00.

Count IV

Offense: Principal to Possession of a Stolen Firearm

NRS: 205.275, 205.275(2)(C), and 195.020

Category: B

NOC: 50590

Penalty: By a minimum term of not less than 1 year(s) and a maximum term of not more than 10 years in the Nevada Department of Corrections, and further punished by a fine of not more than \$10,00.00.

III. DEFENDANT INFORMATION

Address: 10819 Rau Road
City/State/Zip: Elk Grove, CA
NV Resident: No
SSN: 609-28-3175
POB: Elk Grove, California
Date of Birth: 4/15/86
Age: 34
Phone: 916-823-7663
Driver's License: D5721279
State: California
Status: Suspended or Revoked

FBI: 975268KC6
SID: NV04667839
CA27042631
Aliases: None Reported
Additional SSNs: None reported
Additional DOBs: None reported
Alien Registration: N/A
US Citizen: Yes
Notification Required per NRS 630.307: N/A

Identifiers:

Sex: M Race: W Height: 6'1" Weight: 200
Hair: Brown Eyes: Hazel

Scars: None Reported

Tattoos (type and location): Back of the Neck: Skull and Cross Bones, Right Bicep: Truck and a Naked Lady, Left Arm: 2 Koi Fish

Social History: The following social history is as related by the defendant and is unverified unless otherwise noted:

Childhood/Family: The defendant reported an "OK" childhood. He reported that his parents divorced when he was about 12 years old. The defendant reported that neither of his parents had substance abuse issues and that they are very family oriented. The defendant reported that he began hauling hay for his father on the family ranch at age 16 and continues to help his dad on the ranch.

Marital Status: The defendant reported being engaged to Anne Marie Unison, whom resides in California.

Children: None Reported

Custody Status of Children: None Reported

Monthly Child Support Obligation: None Reported

Employment Status: The defendant reported that he is not currently employed, and that he does do work for his dad on their family ranch. The defendant reported that in June of 2019 was the last time he was employed full time.

Number of Months Employed Full Time in 12 months Prior to commission of Instant Offense: 6 Months

Age at first arrest: 19 or younger ☐ 20- 23 ☒ 24 or older ☐

Income: None Reported

Other Sources: None Reported

Assets: None Reported

Debts: None Reported

Education: The defendant reported that he attended high school until the tenth grade. He reported that he does not possess a high school diploma or a GED.

Military Service: None Reported

Health and Medical History: The defendant reported good physical health.

Mental Health History: The defendant reported good mental health.

Gambling History: The defendant reported that gambling is not problematic for him.

Substance Abuse History: The defendant reported the following substance abuse history:

Alcohol: First consumption at age 15; reported being a social drinker since age 15.

Marijuana: First use at age 13; reported being a social user since age 13, with his last use being in 2017.

Cocaine/Crack: First use at age 16; reported being a daily user since age 16, with his last use in *2000.

Methamphetamine: First use at age 21; reported being a daily user since age 21.

Hallucinogens: First use at age 30; reported using socially, with last use in 2019.

Ecstasy: First use at age 16; reported being a daily user since age 16 with his last use being in *2000.

*It should be noted that the two dates marked with an asterisk above predate the dates of reported first use.

Gang Activity/Affiliation: None Reported

IV. CRIMINAL RECORD

Criminal history records obtained by the Division reflect the following information:

CONVICTIONS- FEL: 6 GM: 0 MISD: 1

SENTENCES- PRISON: 1 JAIL: 6

SUPERVISION HISTORY:

CURRENT- Probation Terms: 1 Parole Terms: 0

PRIOR TERMS:

Probation- Revoked:1 Discharged: 0 Honorable: 0 Other: 6

Parole- Revoked:0 Discharged: 0 Honorable: 0 Other: 1

Active Arrest Warrants: Warrant#: 19FE013492 Jurisdiction: Sacramento, CA
Charges: Probation Violation Extraditable: California

Adult:

Arrest Date:	Offense:	Disposition:
8/18/06 San Luis Obispo, CA	Driving While License Suspended/Etc. DUI Refuse Test (M) Driving Without a License (M)	M000392787 11/13/06: Convicted of Driving Without a License (M), Fine.
6/1/07 Sacramento, CA SO	Possession of a Controlled Substance for Sale (F) Possession of Marijuana for Sale (F) Transport/Etc. Controlled Substance (F) Criminal Conspiracy (F) Possession of Controlled Substance Paraphernalia (M)	07FO5588 10/3/07: Convicted of Transport/Etc. Controlled Substance (F), 4 Years Probation, 240 Days Jail, Restitution, Fine Suspended. 2/28/08: Probation Violation 8/25/08: Probation Violation 9/15/08: Probation Violation 11/24/08: Probation Violation 1/26/09: Probation Violation 3/21/2010 Probation Violation Rearrest/Revoke Pros Deferred for Revocation of Parole
9/20/10 Sacramento, CA SO	Receive/Etc. Known Stolen Property (F) Possession of Controlled Substance Paraphernalia (M) Transport/Etc. Controlled Substance (F) Probation Violation	10FO6231 12/8/10: Convicted of Receive/Etc. Known Stolen Property (R), 3 Years Probation, 210 Days Jail, Restitution, Fine Suspended. 3/17/11: Probation Violation 1/15/2013 Probation Violation

		Pros Rel-Det Only Further Investigations
2/18/13 Sacramento, CA SO	Receive/Etc. Known Stolen Property (F)	13FO1144 3/15/13: Convicted of Receive/Etc. Known Stolen Property (F), 5 Years Probation/270 Days Jail. 5/21/13: Probation Violation
3/27/15 Sutter, CA SO	Grand Theft Money/Labor/Property (F)	CRF15-0593 3/7/16: Convicted of Grand Theft Money/Labor/Property (F), 4 Days Jail, 36 Months Probation. 9/30/15: Probation Violation
12/15/16 Sacramento, CA SO	Grand Theft: Money/Labor/Property (F) Receive/Etc. Known Stolen Property (M) Bring Alcohol/Drugs/Etc. into Prison/Etc. (F)	17FE003331 12/15/20: Probation Violation on case CRF15-0593, new charges filed 4/13/17: Convicted of Bringing Alcohol/Drugs/Etc. into Prison/Etc. (F), 16 Months Prison
7/28/19 Sacramento, CA SO	Possession of a Hypodermic Needle/Syringe (M) Possession of a Controlled Substance for Sale (F) Transport/Etc. Controlled Substance (F)	19FE013492 8/1/19: Convicted of Possession of a Controlled Substance for Sale (F), 5 Years Probation, 210 Days Jail
2/15/20 Lyon County, NV SO	Burglary While in Possession of a Gun/Deadly Weapon (F) Possess/Manufacture/Dispose of a Short-Barreled Rifle/Shotgun (F) Traffick Schedule I Controlled Substance FLNTRZPM/GHB 28+ Grams (F) 14 Counts Buy/Possess/Receive Stolen Property, \$3,500.00+ (F) 14 Counts Own or Possess a Gun by a Prohibited Person (F)	20-CR-0234 Instant Offense

Additionally, the defendant was arrested, detained or cited for the following offenses for which no disposition is noted, prosecution was not pursued or charges were dismissed:

- 3/21/10 – Sacramento, California: Probation Violation, Possession of a Controlled Substance, Possession of Controlled Substance Paraphernalia (Prosecution Deferred)
- 10/19/12 – Sacramento, California: Prohibited Own/Etc. Ammo/Etc., Probation Violation (Dismissed)
- 1/10/14 – Sacramento, California: Take a Vehicle Without the Owner's Consent, Probation Violation (Prosecution Not Pursued)
- 11/10/14 – Yuba City, California: Grand Theft, Conspiracy to Commit a Crime (No Disposition on File)
- 12/8/16 – Sacramento, California: Possession of a Stolen Vehicle/Vessel/Etc. (Dismissed)
- 1/3/20 – Lyon County, Nevada: Possession of a Schedule I, II, III, IV Controlled Substance (1st/2nd), Possess/Receive/Transport a Stolen Vehicle \$3,500.00+ (No Disposition on File)

V. OFFENSE SYNOPSIS

The following information was obtained from the files of the District Attorney's office which contains files from the Sheriff's office.

On December 30, 2019, a deputy with the Lyon County Sheriff's Office responded to an address in Silver Springs Nevada, for a report of a Burglary.

Upon arrival the deputy was met by the caretaker of the property (victim #2) who lives locally in Silver Springs, Nevada. The owner of the property (victim #1) resides in California, holds a Federal Firearms License, is the president of a gun club called Collector Arms Trading Company (CATCO), and leases the property to CATCO for firearm storage. The care taker (victim #2) reported that he was last in the building on December 10, 2019, and when he left the building it was secure. When the caretaker (victim #2) arrived on the morning of December 30, 2019, he discovered that the property had been burglarized. He reported at least 80 firearms were missing, as well as numerous firearms parts, and ammunition. Due to the number of firearms reported missing as well as the Federal Firearms License, agents from the Alcohol, Tobacco, and Firearms (ATF) were requested to the scene.

During the week of December 24, 2019, the Lyon County Sheriff's Office was contacted by a detective with the Sparks Police Department, assigned to the Regional Crime Suppression Unit. The detective informed the deputy that he had conducted an interview with an unknown subject in the Reno area. The unknown subject reported observing over 70 firearms, on December 11, 2019, at a residence located at 2920 West Fir Street, in Silver Springs, Nevada. The subject advised that he knew the firearms to be for sale by a female subject, later identified as Chandy Atkins, the co-defendant, by the name of "Kenny," later identified as Mark Anthony Kennedy.

On January 2, 2020, a deputy with the Lyon County Sheriff's Office obtained a search warrant for the residence belonging to Chandy Atkins, located at 2920 West Fir Street in Silver Springs, Nevada. The warrant also included the vehicles on the property, which belonged to Chandy Atkins and Nathan Sabin. Prior to the search warrant being executed, physical surveillance was conducted on the residence. At that time Chandy Atkins was observed at the residence as well as two other male subjects, later identified as Eric Dean Werre, the defendant and Mark Anthony Kennedy. Mark Anthony Kennedy was observed loading the pickup bed of a grey Chevrolet truck, with what appeared to be household trash. Due to there being numerous firearms suspected to be inside the residence as well as children present, the Lyon County Special Investigations Unit waited for the suspects to leave the residence to conduct the traffic stop.

At 2:05 pm, officer's observed Mark Anthony Kennedy and Chandy Atkins leaving the residence in the grey Chevrolet truck. A traffic stop was initiated and both subjects were ordered to exit the vehicle. Upon exiting the vehicle, Mark Anthony Kennedy was observed to be wearing a black colored thigh rig but the firearm and detachable holster had been removed. Both subjects were detained for officer safety.

Photographs of the inside of the vehicle were taken prior to conducting a search. Inside the vehicle, officer's located a Glock 17. The Glock was located behind the passenger seat in reach of the driver. It was in a black 5-11 holster with a detachable platform that matched the thigh rig Mark Anthony Kennedy was wearing. The Glock had been reported stolen out of Stockton California on September 19, 2019. Officers located a purse on the passenger side floorboard of the vehicle with two fully loaded firearms and a large amount of U.S. currency located inside. One was a Heckler and Koch S&W .40 Caliber handgun and the other was a North American Arms .22 Caliber Derringer. A fourth firearm was located under the front passenger seat, it was a fully loaded Springfield Armory XD-40 .40 Caliber handgun. The fifth firearm that was located in the vehicle

was a Browning Hi-Power 9mm handgun located in a case behind the passenger seat. Based on the amount of property found in the vehicle the detective sealed the vehicle and had it towed to the Lyon County impound yard to complete the execution of the search warrant.

A routine criminal history check determined that Chandy Atkins had two prior felonies out of Washoe County in 2002 and 2005. Chandy Atkins was arrested on scene for ex-felon in possession of a firearm and taken into custody without incident. Mark Anthony Kennedy was arrested on scene for possession of a stolen firearm and taken into custody without incident.

Later, the five (5) firearms which were located in the truck during the execution of the search warrant were determined to be stolen. All five (5) firearms were collected and booked into evidence.

Several deputies arrived at the above mentioned residence to execute the search warrant and based on surveillance by officers, it was determined that the defendant, Eric Dean Werre was still inside the residence. Eric Dean Werre was ordered to exit the residence over the PA system. After three (3) to four (4) minutes Eric Dean Werre exited the residence through the front door. An officer conducted a pat search and located a can in his front pants pocket, with a baggie inside. The baggie contained a white crystalline substance, which the officer recognized as methamphetamine. The methamphetamine weighed 2.5 gross grams and was booked into evidence. It was later sent to the Washoe County Forensics Laboratory for testing. Eric Dean Werre was detained for officer safety.

Several officers entered and cleared the residence. Chandy Atkins' three juvenile children were located in the residence. The children were placed in a patrol vehicle where an officer remained with the children and Child Protective Services (CPS) was requested to respond to the scene. A CPS officer arrived on scene and took custody of the children.

With the residence cleared officers took photographs of the inside and outside of the residence and garage. After all photographs had been taken a search was conducted. Victim #2 was asked to respond to the scene to identify the stolen property.

A search of the house was conducted and five firearms were located in the master bedroom of the residence. In the closet of the master bedroom an officer located a black colored pistol case containing two firearms. Inside the case was a Bond Arms .357 Derringer and a Smith and Wesson .38 Special Revolver. In another case under the bed in the master bedroom two firearms were located. The first was a Colt 1911 .45 Caliber and the second one was a Colt .380 Caliber Revolver. An officer located a multi-colored camouflage AR-15 on the top shelf of the closet in the master bedroom. The AR-15 was loaded with a 30 round magazine and had a round in the chamber. The firearm had no serial number on it and it was not identified as stolen. The AR-15 had an 11 inch barrel which is shorter than a legal barrel in the state of Nevada. Also found in the master bedroom were thousands of rounds of ammunition. In the corner of the room were two cardboard boxes that contained 20 unopened boxes of 9mm Luger ammunition, and the second box contained 39 unopened boxes of .22 long rifle ammunition. Also on the floor in the corner was a green colored, metal, ammunition box. The ammunition box contained five (5) boxes of shotgun ammunition and a large bag full of varying caliber pistol and rifle ammunition. On top of the dresser in the bedroom there were three (3) green colored ammunition cans. One of the cans contained numerous boxes of military .556 ammunition in speed clips. The second can contained numerous unopened packages of .30 caliber tracer ammunition. The third can contained several boxes of 9mm ammunition. In addition, located on the dresser was a large stack of ammunition boxes that ranged from handgun to rifle ammunition. All of the ammunition was identified as stolen from Silver Springs, NV. The ammunition was collected and later inventoried. Also, found on the dresser was an empty plastic pistol box for an XD pistol. On top of the pistol box was a carrying handle with rear sight aperture. On the headboard of the dresser an officer located five (5) sheets of paper with firearm makes and models listed as

well as prices. The firearms listed on the sheets of paper were written on the back of a Federal Firearms License. Upon search of a nightstand in the room, an officer located 15 pistol magazines and six (6) AR-15 magazines. Also located in the drawer were several handgun holsters and firearms parts. On the floor of the bedroom an officer located a black colored "Apache" plastic case. The case contained a black colored pistol holster, a silver coin, a used methamphetamine pipe, a digital scale, and a zip-lock bag containing a large amount of a white crystalline substance recognized a methamphetamine. The substance was later tested and weighed. It weighed 89.8 gross grams and tested positive as methamphetamine. On the floor of the bedroom an officer located a green colored zipper pouch which contained multiple identification cards and credit cards. Located in the zipper pouch were; a Nevada Driver's License, a California Driver's License, a passport, a California Identification card, a California Medical Marijuana card, a California Hemp Collective card, a Capital One card, a Chase Bank card, a U.S. Bank card, a Visa card, and several Enterprise Rental gas cards. None of the cards located in the zipper pouch were held in the names of Eric Dean Werre, Chandy Atkins, or Mark Anthony Kennedy. The zipper pouch and cards were collected as evidence. An officer located a cardboard box next to the dresser that was for a Chiappa brand M-4 .22 Caliber rifle. The box was empty, however the same make and model firearm was reported stolen from Silver Springs, NV, which indicates the firearm had possibly been sold. On the door knob of the master bedroom an officer located a pink bag containing a glass jar with a white crystalline substance inside. The substance was recognized to be methamphetamine. The methamphetamine was later weighed to yield a weight of 9.2 net grams and sent to the Washoe County Forensics Laboratory for further testing. On the wall of the master bedroom was an electric heater/decorative fireplace, on top of the fireplace an officer located a bag of Psilocybin Mushrooms, an iPad, and a white Microsoft cell phone. All items were collected as evidence.

Upon search of the master bathroom an officer located a white colored box on top of the toilet that had several drawers. In the center drawer was a plastic bag that contained a white crystalline substance, recognized to be methamphetamine. The substance was later weighed and yielded a weight of 6.9 gross grams. It was booked into evidence and sent to the Washoe County Forensics Laboratory for further testing. No other items of evidentiary value were located in the residence.

Officers moved their search to the garage at 2920 West Fir Street. Near a wall in the garage was a weight bench, leaned next to the weight bench an officer located a shotgun with a camouflage colored stock. The shotgun was a Remington 870. Also located in the garage was a cardboard box with four (4) unopened bump stocks located inside.

In the ceiling of the garage was an open crawl space that provided access to the attic area. In the attic space officers located three (3) large wooden military crates. Located in the first crate officers found approximately 950 rounds of .30 Caliber belt fed ammunition for a machine gun. The second crate contained firearms, ammunition, and firearms parts. Officers located; a black fabric case that contained a Little Badger .22 Caliber foldable rifle, a fabric pistol pouch containing a Ruger MK III .22 Caliber pistol, a black colored pistol case that contained two CZ 75B 9mm pistols, a black colored Chiappa Firearms case containing a Hi-Standard .22 Caliber pistol, two lower receivers from AK-47 assault rifles, numerous amounts of 5.56 ammunition, .30 Caliber tracer ammunition, a stock for an UZI assault weapon, magazines, AK-47 pistol grips, AK-47 buffer springs, exploding targets, Ak-47 trigger housings, AK-47 sateties, and Sterling machine gun kits. The third crate that was located in the attic was empty. Also located in the attic space were two metal military ammunition cans, two VHS CCTC security systems, a Resi-200 CCTC security camera, a cardboard box containing Motorola radios with a shipping label on the box bearing the name of victim #1, and a container of powder used for exploding targets.

Located in the garage were three motorcycles. A black colored 2006 Harley Davidson Road King with "ape-hanger" style handlebars, a 2002 Suzuki GXSR, and a 2001 purple colored Harley Davidson with two VIN numbers located on it. The 2006 Harley Davidson Road King had been reported stolen out of Modesto

California on September 8, 2019. This was the same motorcycle that Eric Dean Werre had been observed riding several times that day. The 2002 Suzuki GXR had also been reported as stolen out of Carson City Nevada on November 24, 2019. The purple 2001 Harley Davidson was not reported as a stolen motor vehicle however based on the fact it had two VIN numbers, the motorcycle was also impounded. There was also a "High-Tech" brand locksmith tool kit located between the motorcycles in the garage. The tool kit was collected as evidence based on the fact that there were two stolen motorcycles in the garage. The items were impounded at the Lyon County Impound yard.

On the side of the garage officers located a 2011 "Kara" brand Jet-Ski trailer, and two (2) 2012 Kawasaki Jet-Ski's. The trailer and the Jet-Skis were reported stolen out of Washoe County Nevada on December 10, 2019. The items were impounded at the Lyon County Impound Yard.

Based on the evidence located during the search warrant Eric Dean Werre, Chandy Atkins, and Mark Anthony Kennedy were taken into custody and booked without incident.

On January 3, 2020 at 9:00 am, officers completed the search of Chandy Atkins vehicle at the Lyon County Impound Yard. The vehicle had been sealed and was intact and had not been tampered with. In the cab of the vehicle the officers located the following items; a brown colored purse containing a white wallet, located in the wallet was \$2,045.00, Chandy Atkins driver's license, and numerous other cards bearing Chandy Atkins name. There were also three cell phones located in the purse. Two pistol holsters were located under the front passenger seat, an inside the waistband leather holster and an inside the waistband plastic holster. Two additional holsters were located under the rear driver's side seat. All four holsters were in new condition. A white colored fabric pouch was located behind the rear passenger seat; the pouch contained a Chiappa brand magazine loader, two ammunition stripper clips and a cleaning rod. Also located in the cab of the vehicle was a black smartphone in a red case, a black fabric shoulder holster for a pistol, a "Raven 2" brand recorder, and a law enforcement style body wire. The items located were identified as belonging to victim#1. No other items of evidentiary value were found in the vehicle.

Co-Defendant/Offender Information: Chandy Atkins entered a change of plea on March 9, 2020, she changed her plea from not guilty to guilty, and sentencing was set for May 18, 2020.

VI. DEFENDANT'S STATEMENT

☒ See Attached ☐ Defendant interviewed, no statement submitted ☐ Defendant not interviewed

VII. VICTIM INFORMATION/STATEMENT

VC2270032: Contact with the victim was made on March 27, 2020. The victim reported that he was in the process of gathering and providing a report to the Lyon County District Attorney's Office regarding his property loss that was a result of this episode of criminal activity. He stated that he did not wish to provide a written Victim Impact Statement to the Division. The victim also reported that he plans to attend the sentencing hearing on April 20, 2020 and wishes to provide a verbal statement at sentencing. The victim estimated \$100,000.00 in stolen property/property damage.

VIII. CUSTODY STATUS/CREDIT FOR TIME SERVED

Custody Status: In Custody

CTS: 1/2/20 -- 4/20/20 = 109 Days

IX. PLEA NEGOTIATIONS

In accordance with the Guilty Plea Memorandum; in exchange for the defendant's plea of guilty, the State agrees to dismiss all other charges arising from this episode of criminal activity. Parties will be free to argue, but the State will recommend that two counts of Possession of a Stolen Firearm be run concurrent to each other.

X. RECOMMENDATIONS

Based on information obtained and provided in this report, the following recommendations are submitted.

190 Day Regimental Discipline Program: N/A

Deferred Sentence Per NRS 453.3363, 458.300,
458A.200, 176A.250, 176A.280: N/A

FEEES

Administrative Assessment: \$25.00	Chemical/Drug Analysis: \$60.00	DNA: \$150.00
DNA Admin Assessment: \$3.00	Attorney Fee: \$500.00	

SENTENCE

COUNT I

Minimum Term: 36 Months	Maximum Term: 120 Months	Location: NDOC
Consecutive to/Concurrent With: N/A	Probation Recommended: No	Probation Term: N/A
Fine: \$1,000.00	Restitution: N/A	Mandatory Prison: Yes

COUNT II

Minimum Term: 36 Months	Maximum Term: 120 Months	Location: NDOC
Consecutive to: Count I	Probation Recommended: No	Probation Term: N/A
Fine: \$0	Restitution: Unknown	Mandatory Probation: No

COUNT III

Minimum Term: 16 Months	Maximum Term: 72 Months	Location: NDOC
Consecutive to: II	Probation Recommended: No	Probation Term: N/A
Fine: \$0	Restitution: Unknown	Mandatory Probation: No

COUNT IV

Minimum Term: 16 Months	Maximum Term: 72 Months	Location: NDOC
Concurrent With: Count III	Probation Recommended: No	Probation Term: N/A
Fine: \$0	Restitution: Unknown	Mandatory Probation: No

☒ Pursuant to NRS 239B.030, the undersigned hereby affirms this document contains the social security number of a person as required by NRS 176.145.

☐ Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

Per the Nevada Revised Statutes, any changes to factual allegations in the Presentence Investigation report may be ordered by the court within 180 days of the entry of Judgment of conviction. The prosecuting attorney and defendant must agree to correct the contents.

The information used in the Presentence Investigation Report may be utilized reviewed by federal, state and/or local agencies for the purpose of prison classification, program eligibility and parole consideration.

Respectfully Submitted,

Anne K. Carpenter, Chief

Report prepared by: Mackenzie Hodges
DPS Parole and Probation, Specialist III

Approved by:



Sara Macias, Parole and Probation Supervisor
Department of Public Safety
Parole and Probation, Northern Command



Nevada Department of
Public Safety
Parole and Probation

Division of Parole and Probation
Presentence Investigation Questionnaire



Defendant Statement

Explain in your own words the circumstances of your offense, why you committed the offense, your present feelings about your situation, and why you may be suitable for probation. A copy of this statement will be sent to the judge. Write or print clearly. If using a pencil, please write as dark as possible. If you do not want to submit a written statement, you must still initial that you acknowledge when and how changes to the PSI may be made. Case# 20-0034

I WAS HIGH AND IN THE WRONG PLACE / WRONG TIME. I'M SORRY FOR THE LIES I TOLD AND I HAVE TIME TO FIX THEM BACK. I HAVE REALIZED THAT EVERYONE WHO I THOUGHT WAS MY FRIEND WAS REALLY AN ACQUAINTANCE AND THE REALITY IS I CAN COUNT MY REAL FRIENDS ON 1 HAND. I'M NOT GETTING ANY YOUNGER SO IT'S TIME TO RE-EVALUATE MY LIFE AND LIFE GOALS AND TAKE ADVANTAGE OF PROGRAMS AND HOPEFULLY FIND A WAY TO CONTINUE MY DREAM OF BEING A SURGE SURGEON.

In accordance with NRS 176.156, you will have an opportunity to object to factual errors, and after sentencing the court may order changes to your Presentence Investigation Report under certain circumstances. The information used in your Presentence Investigation Report may be reviewed by federal, state and/or local agencies and used for future determinations to include, but not limited to; mental health, parole consideration, pardon investigation Initials EG

Defendant Signature

3-3-20
Date

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION
SENTENCE RECOMMENDATION SELECTION SCALE**

☒ Felony

☐ GM

Defendant's Name: Eric Dean Werre

CC# 20-CR-00234

CT: I Offense: Trafficking a Controlled Substance... NRS: 453.3385(1)(b) Category: B

Rec: 36 - 120 Months NDOC Prob Only Non Probation X

CT: II Offense: Principal to Burglary, Gaining Possession.... NRS: 205.060 and 205.060(4) Category: B

Rec: 36 - 120 Months NDOC, Consecutive to Count I Prob Only Non Probation X

CT: III Offense: Principal to Possession of a Stolen Firearm NRS: 205.275 and 205.275(2)(C) Category:

Rec: 16-72 Months NDOC, Consecutive to Count II Prob Only Non Probation X

CT: IV Offense: Principal to Possession of a Stolen Firearm NRS: 205.275 and 205.275(2)(C) Category:

Rec: 16 - 72 Months NDOC, Concurrent with Count III Prob Only Non Probation X

CT: Offense: NRS: Category:

Rec: Prob Only Non Probation

PSP TOTAL SCORE: 42 0-54 = Denial ☒ 55-64 = Borderline ☐ 65-100 = Probation ☐

DEVIATION JUSTIFICATION: In to OR Out to Probation ☐ In / Prison ☐ Out / Probation ☐

Raw Score (Offense): 17 (PSP RAW SCORE from the OFFENSE Section. Used to determine SENTENCE RECOMMENDATION in the matrix below. Ex: a Raw Score of 37 would select from the LOW-MEDIUM column)

Diversion Recommended: (Check one): 453 ☐ 458 ☐ Veterans ☐ Mental Health ☐ Other ☐

SENTENCE STRUCTURE	CATEGORY Score	LOW RANGE 39-49	LOW - MEDIUM 28-38	MEDIUM RANGE 17-27	MEDIUM - HIGH 6-16	MAXIMUM ≤ 5 (or less)
364 days Begin sentence consideration at midpoint six month sentence and adjust based on factors delineated	Gross Misdemeanor (GM)	Factors to justify greater sentence: Prior criminal history, harm to victim, issues can be addressed via probation, restitution will be ordered Factors to justify lesser sentence and/or fine only: Minimal/no financial loss, minimal/no prior criminal history, age of offender, out of state offender, no issues to be addressed via probation, time in custody prior to sentencing, contemplated in plea negotiations				
1 - 4 years	Category E Category D	12-30 months <input type="checkbox"/>	12-32 months <input type="checkbox"/>	12-34 months <input type="checkbox"/>	12-48 months <input type="checkbox"/>	19-48 months <input type="checkbox"/>
1 - 5 years	Category C	12-32 months <input type="checkbox"/>	12-34 months <input type="checkbox"/>	12-36 months <input type="checkbox"/>	18-60 months <input type="checkbox"/>	24-60 months <input type="checkbox"/>
1 - 6 years	Category B	12-36 months <input type="checkbox"/>	12-36 months <input type="checkbox"/>	12-48 months <input type="checkbox"/>	24-72 months <input type="checkbox"/>	28-72 months <input type="checkbox"/>
1 - 10 years	Category B	12-36 months <input type="checkbox"/>	12-48 months <input type="checkbox"/>	16-72 months <input type="checkbox"/>	36-120 months <input type="checkbox"/>	48-120 months <input type="checkbox"/>
1 - 15 years	Category B Enhancement	12-48 months <input type="checkbox"/>	24-60 months <input type="checkbox"/>	36 - 96 months <input type="checkbox"/>	48-180 months <input type="checkbox"/>	60-180 months <input type="checkbox"/>
2 - 10 years	Category B	24-60 months <input type="checkbox"/>	28-72 months <input type="checkbox"/>	32-84 months <input type="checkbox"/>	36-120 months <input type="checkbox"/>	48-120 months <input type="checkbox"/>
2 - 15 years	Category B	24-72 months <input type="checkbox"/>	32-84 months <input type="checkbox"/>	36-120 months <input checked="" type="checkbox"/>	48-180 months <input type="checkbox"/>	66-180 months <input type="checkbox"/>
3 - 10 years	Category B	36-90 months <input type="checkbox"/>	40-100 months <input type="checkbox"/>	42-110 months <input type="checkbox"/>	44-120 months <input type="checkbox"/>	48-120 months <input type="checkbox"/>
3 - 15 years	Category B	36-96 months <input type="checkbox"/>	42-120 months <input type="checkbox"/>	48-120 months <input type="checkbox"/>	60-180 months <input type="checkbox"/>	72-180 months <input type="checkbox"/>
5 - 15 years	Category B	60-150 months <input type="checkbox"/>	64-162 months <input type="checkbox"/>	68-174 months <input type="checkbox"/>	72-180 months <input type="checkbox"/>	72-180 months <input type="checkbox"/>
1 - 20 years	Category B	12-48 months <input type="checkbox"/>	18-96 months <input type="checkbox"/>	24-120 months <input type="checkbox"/>	36-240 months <input type="checkbox"/>	72-240 months <input type="checkbox"/>
2 - 20 years	Category B	24-60 months <input type="checkbox"/>	30-96 months <input type="checkbox"/>	36-120 months <input type="checkbox"/>	48-240 months <input type="checkbox"/>	84 - 240 months <input type="checkbox"/>
3 - 20 years	Category B	36-72 months <input type="checkbox"/>	42-108 months <input type="checkbox"/>	54-144 months <input type="checkbox"/>	66-240 months <input type="checkbox"/>	96 -240 months <input type="checkbox"/>
5 - 20 years	Category B & habitual offender	60-150 months <input type="checkbox"/>	64-162 months <input type="checkbox"/>	72-174 months <input type="checkbox"/>	84-240 months <input type="checkbox"/>	96 -240 months <input type="checkbox"/>
Life w/or without parole	Category A And habitual offender	Life/possibility of parole after 20 years <input type="checkbox"/>	Life/ possibility of parole after 20 years <input type="checkbox"/>	Life w/possibility of parole <input type="checkbox"/>	Life w/possibility of parole <input type="checkbox"/>	Life with no possibility of parole <input type="checkbox"/>

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION
SENTENCE RECOMMENDATION SELECTION SCALE**

Other Areas of Concern: Check all that apply:

- ☐ Low Intelligence/Cognitive Difficulties
☐ Physical Handicap
☐ Reading and Writing Limitations/Significant Learning Disabilities
☐ Mental Health Issues
☐ Other _____

IMPORTANT: The factors and areas of concern identified above should not result in a negative impact when formulating a sentencing recommendation. If any of these factors apply to an offender, a downward sentence deviation towards leniency may be appropriate.

ANY RECOMMENDATION THAT DEVIATES FROM SUGGESTED SENTENCE MUST INCLUDE JUSTIFICATION (+) OR (-)

DEVIATION JUSTIFICATION:


Specialist

5686

CID #

04/14/2020

Date

Sara Macias

Digitally signed by Sara Macias
Date: 2020.04.14 11:05:00
+07'00'

4895

CID #

04/14/2020

Date

Supervisor

Steve Sisolak
Governor



Nevada Department of
Public Safety
DEDICATION PRIDE SERVICE

George Togliatti
Director

Anne K. Carpenter
Chief

DIVISION OF PAROLE AND PROBATION

April 14, 2020

PROBATION SUCCESS PROBABILITY (PSP) SCORE

Offender: WERRE, ERIC
PSI #: 593622
BIN #: 1005179165
Case #: 20-CR-00234

Offense Score Total: 20
Social Score Total: 22
Raw Score Total: 17
Total PSP Score: 42

Prior Criminal History:

Felony Convictions: -1 = 2 or More
Misdemeanor Convictions: 1 = 1-3
Pending, unrelated cases: 2 = None
Subsequent Crim Hist: 2 = None
Prior Incarcerations: 1 = One

Jail Sentences: 0 = 3 or more
Juvenile Commitments: 2 = None/or over 24
Years free of Conv: 0 = Less than 3
Prior Formal Suprv: 0 = More than 1
Criminal Pattern: 0 = Same Type or Increased Severity

Present Offense:

Circumstances of Arrest: 2 = Non-prob.
Type of Offense: 2 = Property
Psych or Medical Impact: 3 = N/A
Weapon: 0 = Implied/Concealed
Controlled Substances: 0 = Possession for Sale/Minor Sale

Sophistication/Premeditation: 1 = Moderate
Plea Bargain Benefits: 1 = Somewhat
Financial Impact: 0 = Excessive
CoOffender: 1 = Equal Responsibility
Motive: 0 = Deliberate

Raw Score x 1.2 = Offense Score Total: 20

Social History:

Age: 2 = 25 - 39
Employment/Program: 2 = Sporadic
Financial: 1 = Inadequate
Employability: 1 = Could be developed

Family Situation: 3 = Constructive Support
Education: 1 = Incomplete
Military: 1 = Hon Discharge/No Mil Service

Pre Sentence Adjustment:

Commitment/Ties: 0 = None
Program Participation: 3 = N/A
Honesty/Cooperation: 2 = Candid
Attitude/Supervision: 2 = Positive

Resource Availability: 2 = Available
Substance Drug: -2 = Serious Abuser/Addict
Substance Alcohol: 3 = Non-Problematic
Attitude/Offense: 1 = Indifferent

Social Score Total: 22

Offense Score + Social Score = PSP TOTAL SCORE: 42