IN THE SUPREME COURT OF THE STATE OF NEVADA

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

JOINT APPENDIX – VOLUME 2

APPEAL FROM A JUDGMENT OF CONVICTION

FOURTH DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

GARY D. WOODBURY
Nev. Bar #1915
1053 Idaho Street
Elko, Nevada 89801
(775) 738-8006

Attorney for Appellant

ELKO CO. DISTRICT ATTORNEY
540 Court Street, 2nd Floor
Elko, Nevada 89801
(775) 738-3101

Attorney for Respondent

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A. That was before the processing of the birds for this instance.

Q. Okay. Who wrote on the card?

A. That would have been Sergeant Smith.

Q. So Sergeant Smith wrote on the cards, and then you took a photo of it?

A. That was later on that I took photos of the birds and the -- and the cards.

Q. Okay.

MS. DUNN: Your Honor, I don't have an objection for the admission of these photos for what they are, as far as they were a -- an -- I believe that they -- the detective testified that this is -- this was the scene, this is what he photographed, this is what he did. It's an accurate depiction of what he saw. I would have an objection for it to be anything written on these cards taken as some kind of truth that -- that there were injuries, modifications, observations, whatever was wrong with the chickens can't just be written on a card and be called as truth.

There would have to be some sort of testimony that -- from somebody who -- It sounds like there's about double hearsay having to do with these photos, if the vet told Sergeant Smith who told -- who wrote on the card. So that's my only issue is, yes, all of these

photos have cards that have comments on it. My only objection is that I -- I don't think that this Court should look at those exhibits and say, okay, that's a -- an injury that was caused by somebody without their being testimony to that.

So, I guess, that's -- I don't know how else to address it that way because, again, I don't have a problem with the Court seeing these photos as long as they're not somehow taking this -- those cards as that's what happened to these roosters and somehow that that showed some kind of mistreatment without there being testimony of that.

THE COURT: Thank you, Ms. Dunn. Mr. Mills.

MR. MILLS: Your Honor, the State is going to reach a point in time in the presentation of its evidence, if it hasn't already, at which point in time the State believes that there are hearsay exceptions for those statements that are written on the cards. And I -- I think I agree with Ms. Dunn's analysis, that we're dealing with a two-step chain of hearsay here.

The first step of hearsay is the hearsay coming from the -- the veterinarian as she is calling out the observations of the birds, and then Sergeant Smith is then writing them down. So we have the words coming from the veterinarian to Sergeant Smith and then

we have Sergeant Smith's writing of those observations on the cards. Now, we haven't heard from Sergeant Smith yet, but we will, and then -- and, you know, we just heard testimony from Detective Miller that it was Sergeant Smith that was writing that stuff down.

So for -- I guess what I'm saying is that when we get to that point in time when Sergeant Smith has testified and possibly Dr. Morgan, the State believes that there are hearsay exceptions for both of those hearsay concerns expressed by Ms. Dunn, the veterinarian calling out her observations in realtime as she's observing them, those are clearly present sense impressions, which is a clearly established hearsay exception.

And then when we get to Sergeant Smith, he may not remember specifically bird 148, for example, but he'll be able to recognize his handwriting, and he'll say I wrote that down. I don't remember it. And may -- it may or may not refresh my recollection to look at the photograph, but at that point in time, I think that's going to come into evidence as a past recollection recorded.

But we're not quite there yet so for present -- we can wait and see how that plays out in Sergeant Smith's testimony. For present purposes, I

would be agreeable to just the photographic evidence of the birds and the numbers coming in -- letting the Court consider that for now, and then after hearing from Sergeant Smith, then maybe we can relitigate this -- the admissibility of the notes or the cards because the State believes those -- those are going to be admissible after we hear from Sergeant Smith. But that's, I think, my position at this point.

THE COURT: Ms. Dunn, do you have any objection to that?

MS. DUNN: I have no objection to that, Your Honor.

THE COURT: All right. So we'll proceed that way, and then we'll let Sergeant Smith testify to his -- his notes. So I will be admitted partial -- with a partial objection, and we'll get it cleared up later.

(Whereupon, Plaintiff's Exhibit 1 admitted, photos only, not handwritten cards)

DIRECT EXAMINATION (Continued)

BY MR. MILLS:

Q. Okay. All right, you want to set that one to the side. Let's just maybe -- I'll hand you the whole stack and let's -- just same thing with Exhibit 2.

THE COURT: Juan, would you grab that table, please, thank you.

THE WITNESS: Thank you.

THE BAILIFF: You're welcome.

THE COURT: And the interpreters, you know what, I guess when we started court today, I bypassed you. I did not say that you were present in court and have been sworn in. I apologize for that. And are you able to hear Mr. Mills? I forgot to address that before we started?

MS. DUNN: They are having some difficulty apparently.

THE COURT: So I meant to address that before. If you could speak up just a little bit.

BY MR. MILLS:

Q. Have you had a chance to review those Detective Miller?

A. I have.

MR. MILLS: Can you guys hear me better over there, the interpreters?

THE INTERPRETERS: We do, thank you.

MR. MILLS: I apologize, I'm a little bit soft-spoken.

BY MR. MILLS:

Q. So in reviewing State's Exhibit 2 through 10, are those also photographs that you took of the roosters that you've previously testified to?

A. Yes, the majority of them.
Q. Okay. And when you say "the majority of them," which ones are not?
A. I'm not sure of the specific numbers, but there are approximately 10 to 15 of those photos throughout the time we were taking the photos that I did not take due to assisting and gathering equipment for the vet teams or trying to stretch my knees for a moment.
Q. So it sounds like you took the vast majority of those photographs, but there were some that were not taken by you?
A. Correct.
Q. And who would have taken those photographs?
A. Sergeant Smith.
Q. Okay.
MR. MILLS: So, Your Honor, at this point in time I would make the same proffer. I would offer into evidence State's Exhibits 2 through 10, but just pursuant to what we discussed before with the stipulation that the Court at this time is not to consider the handwritten notes on the cards.
THE COURT: Ms. Dunn, are you all right --
MS. DUNN: Same objection but certainly would take that proffer, Your Honor.
THE COURT: Mr. Woodbury.

MR. WOODBURY: That's fine.

THE COURT: Okay. So the State's 2 through 10 will be admitted with a partial objection until Mr. -- until Sergeant Smith can testify.

(Whereupon, Plaintiff's Exhibit 2, 3, 4, 5, 6, 7, 8, 9, and 10 admitted, photos only, not handwritten cards)

BY MR. MILLS:

Q. And after the chickens were, I guess, knocked out and then examined and photographed, what happened with the chickens at that point?

A. The chickens were then handed to a veterinary tech that had come along with the -- the veterinary team, at which point the veterinary tech decapitated the chicken.

Q. Okay.

MR. MILLS: All right, that's all the questions I have at this point. I'll pass the witness.

THE COURT: Thank you, Mr. Mills. Ms. Dunn.

MS. DUNN: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. DUNN:

Q. How are you, Detective?

A. I'm good. How are you?

Q. Good. Now, just to sort of bring us back to what you were first testifying to having to do with your job

as part of the execution of the search warrant, you were there from the beginning, correct, of the execution of the search warrant?

A. After the SWAT team had already secured the compound, yes.

Q. Correct. And had you done some type of pre-briefing regarding what was going to happen during the execution of the search warrant?

A. I was advised prior since I was out at the weigh station many hours before. So I was advised prior on what was going to happen. So I was -- I was briefed, earlier, correct.

Q. Okay. So, I guess, what -- what I'm wondering was did you attend a meeting to discuss it, or were you just told, hey, this is what you're going to do?

A. I attended a meeting with my unit the day prior.

Q. That was going to then go and be part of -- part of the execution of the search warrant; is that correct?

A. Correct. Correct.

Q. And so were you advised of whose trailers these were that you were searching?

A. Not in the briefing.

Q. Okay. And in the briefing, were you told any names?

A. I was advised that the two names known on property were Mr. George Ruiz and Hector Ramirez.

Q. All right. And then so you weren't familiar with Eduardo Ruiz at the time of the briefing?
A. Not at the time of the briefing for me, no.
Q. All right. Now, in your duties as searching the -- the brown trailer and the Travel Supreme -- the Travel Supreme?
A. Yes, Travel Supreme, yes.
Q. -- trailer, you did not find any indicia that Mr. Jorge Ruiz lived there in those trailers?
A. No. There was -- the only indicia found there was for Maria Ulloa and several other individuals.
Q. In the trailers?
A. In the trailer. It was in the exterior trailer -- on exterior cabinet.
Q. Okay. And so the -- was that the owner or --
A. Maria Ulloa is an individual who lives on the property.
Q. No, I know, but was that the owner of the trailer?
A. No, it was actually documentation for ownership of a car that was parked on property.
Q. Okay. Did you ever make a determination as to who actually owned the trailer?
A. I was advised by Detective Gaylor that the Travel Supreme trailer was Eduardo's trailer.
Q. Okay. But no other information was given?

A. No, not in -- not in my role.
Q. Okay. And you didn't search out any further information as to who actually owned these trailers?
A. No.
Q. Just who resided in them?
A. Just who resided in them, correct.
Q. So they may have been the owners, meaning Eduardo Ruiz and Mr. De La Torre, correct?
A. I couldn't testify to that, but it's possible.
Q. Well, right --
A. Yeah.
Q. -- but you don't know?
A. Correct.
Q. Okay. Now, you did not search the main home, correct?
A. Correct.
Q. And then you did not search the barn or the chicken coops or any of those areas until after then you took these pictures, correct?
A. Correct.
Q. But you didn't do any searching in there?
A. No searching, no.
Q. Did you search any other part of the property?
A. Any other part -- throughout the week, I would occasionally assist somebody in moving something as I

was standing, essentially, guard our front.
Q. Okay.
A. But that was the extent of it.
Q. Okay. You didn't search anything else and find any other evidentiary value?
A. Not from my standpoint, no.
Q. When you were searching the brown trailer and the Travel Supreme trailer, you found -- in both of them, you found some amount of currency, U.S. currency, correct?
A. Correct.
Q. You found methamphetamines in both trailers?
A. Correct.
Q. I believe you stated that at least in the brown trailer, you also found -- that's where you found the stolen firearm?
A. Correct.
Q. And, I guess, some -- you stated some paraphernalia?
A. Correct.
Q. That may or may not have been legal?
A. Correct.
Q. Some paraphernalia is legal now, correct?
A. This was -- this paraphernalia was indicative of methamphetamine use.
Q. Okay. So all of the -- the pipes that you see in

the pictures, those were all meth pipes?
A. There was no meth pipes. There were two tooters.
Q. Two tooters, okay. No other -- is that the extent of the paraphernalia that you found?
A. Paraphernalia from the brown trailer, correct.
Q. Okay. Now, you also found, I believe you stated, muzzles, hoods, spurs, and, I believe, antibiotics having to do with the birds in the -- is that the Travel Supreme trailer?
A. Correct.
Q. [redacted]
the birds in the brown trailer?
A. I did not, no.
Q. Okay. So nothing having to do with the birds in the brown trailer?
A. No.
Q. Did you ever talk to any of the -- the three Defendants?
A. I did not.
Q. Did you talk to any other person other than law enforcement on the property?
A. No, I did not.
Q. So with everything that you searched, other than the trailers being on the property owned by Mr. Jorge Ruiz, you didn't find any illicit drugs, whether it be

methamphetamine or cocaine, that would be directly related to Mr. Jorge Ruiz, correct?
A. Not in those two trailers that I know of.
Q. Or anywhere else that you searched?
A. Correct. And to clarify to your previous question on what I did throughout the -- the week and a half, I also assisted Dr. Tessa Morgan in putting down one of the horses.
Q. Gotcha. Do you know specifically who, based upon your time with the doctor, who that horse belonged to?
A. I believe it belonged to Maria Ulloa.
Q. And where did you get that information from?
A. I believe -- that was relayed to me from the animal control officers. I was asked to assist in holding the horse since I was larger than she is.
Q. But that was the only information that you had that it belonged to her was based upon the animal control techs?
A. Correct.
Q. But not to Mr. Ruiz?
A. I believe they're married, but I'm not sure.
Q. Okay. But that came -- I mean, they weren't -- they didn't tell you --
A. Correct.
Q. -- that this horse belongs to Mr. Ruiz, correct?

A. Correct.

MS. DUNN: I have no further questions, Your Honor.

THE COURT: Thank you, Ms. Dunn.

Mr. Woodbury, cross.

MR. WOODBURY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WOODBURY:

Q. Do you have knowledge of how it is that the wattles and the various other items that were taken from the roosters are taken off?

A. I don't have that knowledge. That would -- the vet would know how that is done.

Q. Presumably, you know what they are, you just don't know how they come off?

A. I imagine they're cut off, but I'm not sure.

Q. And when you were searching in the brown trailer, did you find any indicia of anything used to cut things off?

A. [illegible]

Q. And did you find any indicia around the -- if I understand it, the brown trailer was -- how far away from where the roosters were found?

A. The brown trailer backs up right to the coops, and the Travel Supreme trailer, they're approximately 30 --

20 to 30 feet apart. They're right -- right backed up to the -- the coops.

Q. And did you find any remains of any of the parts that might have been cut off in the area?

A. There were dead -- dead chickens around but -- and remains.

Q. Well, were spurs and wattles, did you find any of those?

A. No.

Q. All right. When you went in the brown trailer, I take it that you found some what you called indicia.

What was that indicia?

A. It was -- it was documents, paperwork with Mr. -- with Hector's name on it, court paperwork, and a piece of paper from the Elko County Sheriff's Office.

Q. Did you find anything like you -- that you would term a pay and owe sheet?

A. Yes.

Q. Where did you find that?

A. That was in the same area as the methamphetamine.

Q. Okay. Which methamphetamine?

A. The pink meth.

Q. All right. And what is a pay and owe sheet?

A. A pay and owe sheet is a sheet commonly used to document amounts of illicit controlled substances either

provided or owed or amounts owed or amounts paid.
Q. Okay. And did you find any indicia of -- that the person who is the cooperating individual, I think Mr. Clinton [sic], was listed on that indicia?
A. Not that I know of.
Q. And there was a lady named Melissa. Do you know who that is?
A. I'd have to look at the sheet, sir.
MR. WOODBURY: Can I have 26?
MR. MILES: It's actually right here, Mr. Woodbury.
MR. WOODBURY: Oh.
BY MR. WOODBURY:
Q. I'll show you what's been marked as State's No. 26. Is that the document that you deem to be the pay and owe sheet?
A. Yes.
Q. And do you see amounts of narcotics documented there?
A. I -- I do.
Q. What -- can you explain what that would be?
A. What this is is -- you have half and a one. So in my training and experience, that would be a half ounce, an ounce, two and a half ounces, which is consistent with the deals that we had prior done. And in terms of

the names, a lot of times nicknames are used so depending on how the suspect or individual knows that individual or what they call them.

Q. And with respect to it looks like W-E-R-O, who is that?

A. I'm not sure. It may be a slang for somebody.

Q. And Joe?

A. Again, it could be slang for somebody. It could be an individual.

Q. And Joe's girl?

A. Again, could be how they identify that individual.

Q. And Melissa you've testified you don't know. What's the third name down here?

A. I can only spell it out because I can't really pronounce it.

Q. Spell it out.

A. V-E-E, looks like a J, an A. The second word is D-E and then J-O-O-E, perhaps.

Q. Okay. And are there -- at least on the one sheet, is there any value, money owed or paid or anything like that?

A. Not that I -- that I can tell right here.

Q. And then the sheet on the right or that appears on the right of the photograph is partly cut off?

MS. DUNN: I'm sorry, Mr. Woodbury, I'm

having a tough time hearing you. I'm sorry about that.

THE COURT: We've got one here, have a mic right there.

BY MR. WOODBURY:

Q. Look on the --

MR. WOODBURY: Can you hear?

MS. DUNN: Yes, absolutely.

BY MR. WOODBURY:

Q. On the right side of State's Exhibit No. 26 there is another sheet that indicates monetary amounts.

A. Okay.

Q. And why -- is that photograph partly cut off, that sheet partly cut off in the photograph?

A. It appears that this photo -- this photo is a photo of this specific sheet and the -- this sheet.

Q. There ought to be another one of that.--

A. Yeah, there should be a photo of this sheet if it was an item that was collected.

Q. Okay. And from what you can see on the right-hand part of the sheet, for example, there's the number 24.99 and a dollar sign in front of it and then a space and then five PT.

Do you know what that five PT means?

A. It would be speculation to guess without looking at the entire sheet in its entirety.

Q. Is there anything on that sheet that -- that half sheet that you can see that you could talk about, and it wouldn't be speculation?
A. Not without looking at the whole sheet, no, sir.
Q. Okay. And you have checked the handwriting on the sheet to ensure that it belongs to Mr. Ramirez?
A. I have not.
Q. Okay. Did you find -- you're an experienced narcotics officer so I assume that you found scales?
A. Scales were recovered but not from the brown trailer.
Q. Where were they recovered from?
A. From the Travel Supreme trailer.
Q. And the predominant amount of money that was found, the cash money that was found, that wasn't from the brown trailer either?
A. Correct, the predominant amount of money was found in the Travel Supreme.
Q. And there were $10,000 found in the Travel Supreme?
A. Correct.
Q. Where was that at?
A. It was in a dress shirt pocket that was in the closet of the bedroom.
Q. And how was it packaged?
A. It was folded up and put in the top pocket.

Q. Did you or any of the other officers involved -- well, let me ask it this way. How did -- how did it come up that you should be looking at buried -- for buried meth -- or buried narcotics?
A. I'm not sure. Detective Gaylor was the one who received information.
Q. Well, in your experience, have you ever come on narcotics that have been buried in the dirt before?
A. I have. It is a common practice and for -- for organizations that traffic in large amounts of illicit controlled substances to bury them. It makes it more difficult for (a), people to try to steal them from them, and (b), for law enforcement to try to locate.
Q. Okay. And that's been here in Elko County you've seen it?
A. I have.
Q. And other places?
A. I have.
Q. Okay. Or how many occasions?
A. One or two, sir.
Q. Okay, recently?
A. It's not recently, no, other than this case.
Q. Okay. But there have been cases other than this case?
A. Yes.

Q. And is there a standardized procedure of how you locate these buried narcotics?
A. It's dependent on the case, the ground where you're at.
Q. Could you go a little deeper and explain to me, I mean, 2.7 acres is a lot to dig up?
A. Correct. So from what was relayed to me from Detective Gaylor was that the controlled substances were buried within the chicken coop area --
Q. Yeah.
A. -- and I'm not sure how he obtained that information.
Q. Okay. But you think the information didn't come from a source, it just came from general knowledge of narcotics officers?
A. I couldn't testify to that, sir.
Q. All right. As the -- what's your current assignment with the Division?
A. I'm a detective assigned to the Elko Combined Narcotics Unit.
Q. Okay. And you're a State employee?
A. I am.
Q. Okay. Has there been any follow-up on the -- where the narcotics were obtained from that were there at the -- on Kale Drive?

A. Do you mean originating source, sir?
Q. Uh-huh.
A. That would be Detective Gaylor's purview since it's his case.
Q. All right. And that's something you all wouldn't discuss back and forth?
A. Not with me, no, sir.
Q. And is there -- did you in anyplace in that -- on Kale Drive, did you find any scales of any sort?
A. Again, I found the scales in Eduardo's trailer, the Travel Supreme trailer.
Q. Did they have residue on it?
A. I'd have to refer to the photos, sir.
Q. And you didn't even know of Eduardo's existence prior to this execution of the search warrant?
A. Correct.
Q. Is there anything that you know about regarding the ownership by Mr. Ramirez of any of those roosters?
A. I'm not -- I don't believe he owns them, sir.
Q. Okay. At least as far as you know?
A. As far as I know, correct. I believe he was the caretaker.
Q. Okay. And did you have some knowledge of what a caretaker of a chicken or a rooster is?
A. Sorry.

Q. What does a caretaker of a chicken or a rooster do?
A. I imagine feed, water, make sure they're not killing each other, general caretaking.
Q. Okay. And it wouldn't necessarily include -- well, I take it that you don't know whether it takes any particular kind of expertise to remove a wattle or a spur from a chicken?
A. Correct, I couldn't testify to that.
Q. And did Mr. Ramirez have an automobile out there at the Kale Drive, or do you know?
A. There was a vehicle out there, yes.
Q. And the vehicle was registered to him?
A. I'm not -- no, I believe it was registered to Maria Ulloa.
Q. To who?
A. Maria Ulloa.
Q. Yeah -- well, there were several vehicles on the property when you executed the search warrant, right?
A. Correct.
Q. But did you trace the ownership of more than one or two of the vehicles?
A. Myself, no.
Q. Was it done by the other officers, or do you know?
A. I believe other officers on-scene, correct.
Q. I think I may have asked you this. If I did, I

apologize. The handwriting on State's Exhibit 26, is that Mr. Ramirez's handwriting?

A. I'm not a handwriting expert, sir.

Q. And Sergeant Smith, I gather, conducted searches of the individuals, Eduardo and Mr. Ramirez?

A. I'm not sure if he did or not. That -- that's his -- you'd have to ask him. I can't testify to what he has done.

Q. Well, I noted in your report that you reported receiving some funds that were purportedly in Mr. Ramirez's wallet; do you recall?

A. Correct. Yeah, so any -- any items that were taken whether -- whoever did the search, eventually it was just provided -- it was provided to me as the overall evidence transport. Myself and Sergeant Smith were in charge of all the evidence.

Q. Okay.

MR. WOODBURY: That's all I got.

THE COURT: Thank you, Mr. Woodbury.

Mr. Mills, redirect.

MR. MILLS: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. MILLS:

Q. So Detective Miller, Ms. Dunn, during her cross-examination of you, I believe you mentioned that

you found some indicia with Maria Ulloa's name on it; is that correct?
A. Yes.
Q. Did I understand you correctly that that was located in Eduardo's trailer?
A. It was located in the exterior compartment on the east side, the same compartment that contained some rooster spurs.
Q. Compartment of what?
A. Of the Travel Supreme trailer.
Q. Of the Travel Supreme trailer. Do you recall what kind of paperwork that was or what --
A. I believe it was vehicle registration documents, stuff like that.
Q. Mr. Woodbury was asking you about the number of cases you've dealt with in which drugs were buried. I wanted to follow up on that and ask you, have you received any training as a narcotics detective in law enforcement regarding the burial of drugs?
A. I have.
Q. And what kind of training is that?
A. General narcotics training through California Narcotics Officers Association. It covers everything from vehicle hides, common places that they bury narcotics on properties, hide ther inside of walls,

buildings, so it's narcotics concealment, essentially.
Q. Okay. And your previous testimony that it's common for traffickers of large quantities of controlled -- illicit controlled substances to bury them, is that consistent with that training you received?
A. Yes.
MS. MENDOZA: I'm sorry, Your Honor, I cannot hear him.
THE COURT: Mr. Mills, will you ask that question again.
BY MR. MILLS:
Q. So your previous testimony that -- that the drugs being buried on the property or burying drugs, is that consistent with the training that you received?
A. It is.
Q. Okay.
MR. MILLS: All right, thank you. That's all the questions I have at this time. I'll pass the witness.
THE COURT: Ms. Dunn, any recross?
MS. DUNN: Just real briefly.

RECROSS-EXAMINATION

BY MS. DUNN:
Q. Detective, Mr. Woodbury asked you about these -- this pay and owe sheet that you found. At the

beginning, you said something, when you were looking at the pay/owe sheet, about there's information on that pay/owe sheet that's consistent with the controlled buys that were done?

A. Consistent in terms of the amounts, what would appear to be the amounts, the weights of the narcotics.

Q. Okay. So I -- is your testimony that that's consistent with what he -- what Mr. De La Torre sold to other people? Is that what you're saying?

A. To our informant, yes.

Q. To your informant. So are you saying that -- that your informant's name is somewhere on that pay and owe sheet?

A. No, I'm not saying that. I'm saying that the amounts appear to be consistent with the amounts that were sold to our informant, which would indicate that this individual may be selling similar amounts to other individuals.

Q. Okay. But you don't see the informant's name on that?

A. I don't see his name, although, they could be nicknames. I couldn't testify to that.

Q. Are you familiar with this informant?

A. I am somewhat familiar with him.

Q. Have you had contact with this informant?

A. I've seen him, yes, during operations.
Q. Okay. So you've worked with him previously?
A. Through the -- through Detective Gaylor, through his operations and through Detective Slsinger.
Q. How many times?
A. I believe there were three previous buys -- I'd have to look at the reports -- that I was involved in. And so being involved in those, we have to know who the informant is just in case there has to be a rescue, so.
Q. Were those three different times all related to this case or other cases as well?
A. I don't recall off the top of my head. I believe they were all for this case. I'd have to look at the reports.
Q. So what, I guess, my question was previous, have you worked with this informant before, what I meant was before this case?
A. I had not, no.
Q. Did you know who this informant was prior to this case?
A. I did.
Q. There was some discussion about some questioning about where these trailers were located in relation to the chicken coop. The tasks of the caretakers of these chickens in this case, you don't know necessarily what'

those tasks consisted of, correct?
A. Correct, I had no contact with them.
Q. And Mr. Woodbury asked you, in your time with these -- in these chicken coops taking photos, were there any wattles that were found or -- or anything such as that, combs, that were found around the -- the areas of the chicken coops, and you said no?
A. Not that I'm aware of. Again, I'm not a chicken expert, so.
Q. Did you learn a lot through this procedure?
A. I learned a lot, and I know more now than I did back then.
Q. Okay. So based upon the information that you have, you don't know where or when or who removed these items from these chickens, correct?
A. Correct.
Q. Or if they were removed prior to coming onto this property, correct?
A. Again, I couldn't -- yeah, I don't know.

MS. DUNN: I have no further questions.

THE COURT: Thank you, Ms. Dunn.

Mr. Woodbury, do you have any recross?

RECROSS-EXAMINATION

BY MR. WOODBURY:

Q. Do you know how long Mr. Ramirez lived on

Kale Drive?

A. I do not.

MR. WOODBURY: Thank you, I have no further questions.

THE COURT: Can Detective Miller be excused, or would you like him retained?

MR. MILLS: Before -- well, we'd like him retained. But before he exits the witness box, the State would -- I believe the State had offered State's 11 through 26 into evidence earlier, and Mr. Woodbury had asked the Court to reserve its ruling on those.

The State would renew its offer of State's Exhibits 11 through 26. I think pretty clearly the authenticity and relevancy of these exhibits have been established at this point.

THE COURT: Thank you, Mr. Mills.

Mr. Woodbury.

MR. WOODBURY: We have no objection, Your Honor.

THE COURT: Ms. Dunn?

MS. DUNN: No objection for purposes of this proceeding, Your Honor.

THE COURT: All right. So 11 through 26 will be admitted without objection.

(Whereupon, Plaintiff's Exhibits 11 through

25 admitted)

THE COURT: And Mr. Miller, you can have a seat outside.

Who's your next witness, Mr. Mills?

MR. MILLS: Scott Smith.

THE COURT: Sergeant Smith, raise your hand to be sworn. Do you swear the testimony you're going to provide to the Court today will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. SMITH: Yes, sir.

THE COURT: Have a seat. State your name and spell your name for the record, please.

THE WITNESS: My name is Scott Smith; S-C-O-T-T, S-M-I-T-H.

SCOTT SMITH

(Recalled and sworn a witness, testified as follows)

DIRECT EXAMINATION

BY MR. MILLS:

Q. What is your occupation?

A. I am a sergeant for the Nevada Department of Public Safety assigned to the Elko Combined Narcotics Unit.

Q. How long have you had that job?

A. I became a sergeant in February or this year.

Q. And prior to becoming the sergeant of the Elko

Case No. EL-JC-CR-F-19-2456
Case No. EL-JC-CR-F-19-2465

FILED

IN THE ELKO TOWNSHIP JUSTICE COURT

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

THE HONORABLE ELIAS D. GOICOECHEA, JUSTICE OF THE PEACE

-oOo-

STATE OF NEVADA,

Plaintiff,

V.

CONTINUED PRELIMINARY HEARING - CONTINUED

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

Defendants.

COPY

TRANSCRIPT OF PROCEEDINGS

July 18, 2019
Elko, Nevada

APPEARANCES:

For the Plaintiff:	Mark Mills, Esq. Justin Baraince, Esq. Elko County District Attorney's Office 540 Court Street, 2nd Floor Elko, NV 89801
For the Defendant: Ramirez-De La Torre, Hector Hugo	Gary Woodbury, Esq. Attorney at Law 1053 Idaho Street Elko, NV 89801
For the Defendant: Ruiz, Jorge Landeros	Karena Dunn, Esq. Larry K. Dunn & Associates 1189 California Avenue Reno, NV 89509

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None

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26 admitted)

THE COURT: And Mr. Miller, you can have a seat outside.

Who's your next witness, Mr. Mills?

MR. MILLS: Scott Smith.

THE COURT: Sergeant Smith, raise your hand to be sworn. Do you swear the testimony you're going to provide to the Court today will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. SMITH: Yes, sir.

THE COURT: Have a seat. State your name and spell your name for the record, please.

THE WITNESS: My name is Scott Smith; S-C-O-T-T, S-M-I-T-H.

SCOTT SMITH

(Recalled and sworn a witness, testified as follows)

DIRECT EXAMINATION

BY MR. MILLS:

Q. What is your occupation?

A. I am a sergeant for the Nevada Department of Public Safety assigned to the Elko Combined Narcotics Unit.

Q. How long have you had that job?

A. I became a sergeant in February of this year.

Q. And prior to becoming the sergeant of the Elko

Combined Narcotics Unit, how were you employed?
A. I was a detective for the investigation division since November of 2007.
Q. And as a detective, did -- were you specialized in narcotics or just a general detective?
A. I had had assignments working narcotics and in general investigations.
Q. And as a sergeant with the Elko Combined Narcotics Unit, what are your -- just generally, what are your duties and responsibilities?
A. My responsibilities generally is to supervise the unit, provide guidance and oversight for the investigations that my detectives were on.
Q. And earlier this year, I'm trying to remember, did you testify about the controlled buys with the informant in this case?
A. Yes, I did.
Q. And so you were aware that there were a number of controlled buys with Hector Ramirez-De La Torre; is that correct?
A. Yes.
Q. And based on that information, was a search warrant obtained of the -- on the -- for the property at 5647 Kale Drive?
A. Yes.

Q. Now, did you -- were you involved in the execution of the search warrant?
A. Yes.
Q. And what did you do? How were you involved?
A. I was with one of the search teams that -- initially, we searched the main residence on the property.
Q. And there were SWAT teams involved; is that correct?
A. For the initial execution of the warrant, yes.
Q. And they went in first?
A. Yes.
Q. And while they were initially going in and executing the search warrant, where were you during that time?
A. I was back a couple of blocks with the rest of the command staff to let the SWAT teams have that while -- and then we were staged ready to come up once the area had been secured.
Q. And how long did that take for the area to be secured and for you to get the go-ahead to go on up to the property?
A. Minutes, maybe 10, 15 minutes.
Q. So at some point in time you were -- did -- did you, in fact, head on up to the property where the search warrant was being executed?
A. Yes.

Q. What did you observe going on when you got up there
A. When I came up, the SWAT teams were consolidating, and they were escorting individuals off the property to the road onto Kale Drive.
Q. And who were those individuals that were being escorted?
A. The resident -- the individuals who were residing in the house, as well as, the Defendants.
Q. Were the Defendants who are in court with us today, those particular two Defendants, were they -- did you observe them?
A. Yes.
Q. And where were they?
A. I observed them being escorted from the property and then being placed in patrol units.
Q. Do you happen to recall specifically which law enforcement agents were escorting them?
A. I don't specifically remember. It was SWAT team members, and they were all dressed in kind of the same uniforms.
Q. And were there some other civilians on-scene being escorted out as well?
A. Yes.
Q. And do you recall who they were?
A. I remember Mr. Landeros's wife, Maria, was one of

the individuals there.
Q. And so what did you do at that point, after you walked up there and observed what was going on, what happened next?
A. At that point, we consolidated our resources and divided the teams and made out the plan of how we were going to conduct the search of the area.
Q. And what's your recollection of what that general plan was? How were the responsibilities allocated?
A. That there basically would be two primary search teams with Detective Miller being one and me being on the other. Detective Miller would be the primary evidence custodian for his team, and I would be the evidence custodian for my team. So we would log in all the evidence that was located.
Q. So let's talk about your search team. Which part of the property at 5647 Kale Drive did you search and recover evidence at?
A. The main residence of -- as -- we also participated in the search of vehicles outside. The only items I collected out of a vehicle were out of the gray Chevy pickup truck.
Q. What was recovered in the gray Chevy pickup?
A. Paperwork, receipts, wire transfer receipts, indicia with Mr. Ramirez-De La Torre's name on them.

Q. Was this the same gray truck that was used in the controlled buys on previous occasions?
A. Yes.
Q. Was there anyone else's indicia in there other than Hector's?
A. I can't recall specifically, but it wouldn't shock me if there was other indicia for the registration because the registration of the vehicle and the insurance would come back to Ms. Ulloa.
Q. So let's talk about the main residence. It sounds like you were responsible for the main residence; is that correct?
A. Yes.
Q. And I think you had a no in there somewhere. So who else was with you as part of your team for searching for and recovering evidence in the main residence?
A. I had Sergeant Chris Brewer and -- I'm trying to remember his name -- John Cessford from the Ely task force.
Q. What was that second name?
A. John Cessford, C-E-S-S-F-O-R-D.
Q. So it was the three of you?
A. Yes.
Q. Okay. So just walk us through, I guess, the procedures for searching the evidence. How did you guys

go about doing that?

A. Room by room, but going in first and photographing the rooms as they were before anything was disturbed, and then as items were located, those items being photographed and then collected.

Q. And so which -- I guess, what was the procedure for if one of the three of you located something of evidentiary value, what would that person do at that point?

A. They would notify me and say I found something, and we'd come over and take a photograph of it and -- and then move it and collect it.

Q. Okay. And of the three people that you mentioned, you and Mr. Brewer and Mr. Cesaford, which of the three of you documented the -- the items with the -- you photographed them and collected them?

A. That would be me.

Q. All right. And did you personally find any of these items?

A. I did find some of the items, yes.

Q. So why don't you walk us through some of the -- the things that you remember that you found of evidentiary value in the home?

A. I'd have to really refer to my report for an accurate reflection.

Q. How about the photographs, would that help you remember?

A. The photographs -- and I'll remember taking the photographs, but I would still have to refer to the report just for the -- if it was located by me in the report.

Q. I see. So the -- which report are you referring to, what from?

A. I believe it would be Detective Miller's evidence report.

MR. MILLS: Permission to approach, Your Honor.

THE COURT: You may.

MS. DUNN: Your Honor, prior to Sergeant Smith refreshing his recollection with a report, may I briefly inquire with, I guess, voir dire Mr. -- or Sergeant Smith in regards to which report he's specifically talking about?

THE COURT: You may, but I believe he just said that he would have to go to the -- Detective Miller's evidence report.

MS. DUNN: Right, but he also said he -- made it sound like he did a report, and I'm --

THE COURT: Go ahead.

MS. DUNN: Thank you.

VOIR DIRE EXAMINATION

BY MS. DUNN:

Q. Sergeant, did you do a separate report in this case

A. I did not. I assisted with the portion of the items that I collected for Detective Miller's report so we could have one report that had all the items of evidence in it.

MS. DUNN: I just wanted to make sure I wasn't missing something, Your Honor, so thank you.

THE COURT: You're welcome. Go ahead, Mr. Mills.

DIRECT EXAMINATION (Continued)

BY MR. MILLS:

Q. So the items that were recovered in the main residence by you, where were they documented, just to be clear? If they were documented in written form somewhere, where was that?

A. I'm not getting what you're asking for.

Q. Did somebody somewhere in a report document the items that you recovered?

A. Yes.

Q. And who did that?

A. That would have been Detective Miller.

Q. Okay. And what -- just to flush that out a little bit, what -- is that part of the procedure for how

these -- these large searches in investigations are done, or just tell us about how it came about that Detective Miller is the one that listed the evidence in his report?

A. It's really how it came together is -- the procedures as -- we were keeping everything organized as far as who was collecting what, and one evidence report is common, even if there's multiple searching teams coming together for just one search warrant.

Q. All right. So I believe I asked you previously if you recalled any of the items of evidentiary value that were found in the -- in the house, and you stated that it would refresh your recollection to review that portion of Detective Miller's report; is that correct?

A. You asked which items I specifically located.

Q. Oh, which ones you specifically located, okay.

A. Yeah, because I remember the items that were collected from the house.

Q. I see.

A. But you were asking specifically for what I had located and then collected, which I would need to refresh with the report.

Q. I see, okay.

MR. MILLS: Permission to refresh the witness's recollection, Your Honor.

THE COURT: You may.

BY MR. MILLS:

Q. I'm showing you what's been marked as State's Exhibit 110, which is Detective Miller's report.

A. (Witness reviews document) Okay.

Q. Now, does Detective Miller's report provide any clarification as to which items you specifically located?

A. It does. It does refresh my recollection of the items.

Q. Okay.

THE COURT: You have to turn that over, Sergeant Smith. You have to turn that over.

BY MR. MILLS:

Q. Yeah, if you're done refreshing your recollection, just go ahead and close that and turn it over.

A. Oh.

Q. The bottom line is, would it be fair to say that any of the items of evidentiary value that you recovered and that you documented by photographing were initially located either by you, Detective Brewer, or Detective Cessford?

A. Absolutely.

Q. And pursuant to the procedures that -- that all of you had established in going in there as far as the

search was to be conducted, who was everyone to report back to as far as where the items were located?

A. That was handled within the individual team. So if Sergeant Brewer or Detective Ceasford had located an item, I was like, where exactly was this, and then they will tell me where that location was.

Q. And pursuant to the procedures that you guys established, would they have altered or moved any of the items before notifying you where they located the items?

A. No, they would call me because once I started to collect items, I would -- started documenting them and collecting them in a single location within the house, and then if they found something, I would then go to where they were at and say show me what you've got and take a photo of it.

Q. Sergeant Smith, I'm going to show you what's been marked as State's Exhibits 27 through 43. I'm going to show them first to Defense counsel.

BY MR. MILLS:

Q. Sergeant, I'm showing you what's been marked as State's Exhibit 27. Do you recognize what's depicted in that?

A. Yes, do I.

Q. What is that?

A. That is the living room of the main residence.

Q. And is there anything of evidentiary value depicted in that photograph?
A. The trophy that's on the end table next to the sofa
Q. Showing you now State's Exhibit 28, what is that?
A. That is a close-up photo of the trophy.
Q. And what is significant or noteworthy about the trophy?
A. The plaque that's on the bottom of it or the engraving, 2018 ultimate four (phonetic) cock champion.
Q. State's Exhibit 29, do you recognize that?
A. I do.
Q. What is that?
A. It's a statue of a rooster that was in the living room.
Q. All right. Now, referring back to the previous photograph, as, you know, cock or cockfighting, is that a synonym for rooster?
A. Yes.
Q. Showing you State's Exhibit No. 30, do you recognize that?
A. I do.
Q. What is that?
A. It's a stack of items that are on top of an incubator from the master bedroom.
Q. State's 31?

A. That is a package of the gaffs -- or I'm trying to remember the other name for those -- that were taken out of the priority box that were on top of the incubator, the priority mailbox that was on top of the incubator.

Q. Now, you used a word there, gaffs, I believe, you said. What is that exactly?

A. Gaff -- I want to say gaff or spur is the sharpened attachments that are attached to the legs of roosters for cockfighting.

Q. And that was located on top of the incubator; is that correct?

A. In the master bedroom, yes.

Q. In the master bedroom. And what kind of incubator, like for what kind of animal?

A. For -- what was in there was eggs, chicken eggs.

Q. I'm showing you now State's Exhibits 32 and 33. Do you recognize what's depicted in those?

A. I do.

Q. And what are we looking at there?

A. This was a plastic bin that was on the floor in the master bedroom next to the incubator, and it contains bands for the birds, wing bands. There's also paperwork in there that's detailed training and preparing birds for cockfights.

Q. State's 34?

A. That was a sleeve of the spurs that were located in the master bedroom as well.
Q. State's 35?
A. That's a close-up of the wing bands that were located in that tub.
Q. What's the purpose of a wing band?
A. I'm not exactly positive what it is. I don't know if that's for first aid or some other marking. I...
Q. State's 36?
A. Those are more of the spurs.
Q. State's 37?
A. That was just indicia showing mail to Defendant Mr. Landeros Ruiz at the residence on Kale Drive.
Q. 38?
A. It's a copy of the W-2 for Mr. Landeros Ruiz, again, showing the address for Kale Drive.
Q. And 39?
A. Again, additional indicia for Mr. Landeros Ruiz, this time showing the address for the -- Osino, Unit 5.
MS. DUNN: I'm sorry, Your Honor, that last part of what he said, I didn't hear.
THE COURT: Osino, Unit 5.
MS. DUNN: Thank you.
BY MR. MILLS:
Q. Those last three exhibits that -- the items of

indicia, where were those located?
A. Those were located in the master bedroom, if I remember correctly, on the TV stand in the master bedroom.
Q. I'm showing you now State's 40. What is that?
A. That would be the nightstand that's -- as you're entering the bedroom, it would be on the far side -- I think it would be the west side of the house -- the firearm in the holster and the handgun box that were with that nightstand.
Q. Which bedroom did you say those were in?
A. The master bedroom.
Q. State's 41?
A. That was a handgun that was in a pistol box that was -- for the pistol box that was in the previous photo.
Q. State's 42?
A. It's a photo of the handgun that was in the holster in the nightstand in the master bedroom.
Q. And State's 43?
A. That is a incubator that was actually in another bedroom of the house just off of the living room.
Q. What is that on top of the incubator?
A. That is a square plastic bucket.
Q. Did you personally come across any other buckets

like that during the course of your inspection of the property?

A. There were several buckets like that that were four on the property, not the least of which was one of the buckets that was buried underneath one of the chicken coops, which methamphetamine was recovered from.

Q. Sergeant, you took these photographs depicting, I guess, photographs 27 through 43 depicting the items that you've just discussed?

A. Yes, I did.

Q. And you're the one who personally recovered these items from those locations?

A. Yes.

Q. Okay.

MR. MILLS: The State's going to offer State's 27 to 43 into evidence at this time.

THE COURT: Any objection, Ms. Dunn?

MS. DUNN: Your Honor, I have no objection for purposes of this proceeding.

THE COURT: Mr. Woodbury?

MR. WOODBURY: I have no indication that items 23 through 32 were identified. Did I miss something?

THE COURT: 23 through 32 were not identified?

MR. MILLS: I believe it -- the exhibits are 27 through 43, not 23.

THE COURT: Yes, 27 through 43, 23, 24, 25, 26, that was the -- that was from the last one that you wanted to wait -- those were the tail end of the last photos from your objection until cross.

MR. WOODBURY: Okay, that's fine. We have no objection.

THE COURT: Okay, 27 through 43 will be admitted without objection.

(Whereupon, Plaintiff's Exhibits 27 through 43 admitted)

BY MR. MILLS:

Q. Sergeant Smith, what did you do with these items after you recovered them?

A. Those items were all consolidated into one vehicle and transported back to the FCNU office.

Q. Did you place them in some kind of evidence bags on-scene as you recovered them?

A. Yes, we consolidated them into evidence bags and then transported them back to the office where then they went through full processing to be placed into the Department of Public Safety evidence vault.

Q. At some point in time did you ever become aware of additional contraband found on the property after the

initial, I guess, search and processing of the evidence from the -- from the structures?

A. Yes.

Q. And tell us about your involvement in the additional narcotics that were located?

A. Additional narcotics were located on the property within the brown shed adjacent to the -- the fifth wheel trailer next to the concrete pad, which consisted of a -- it was a reddish-brown plastic container, which contained methamphetamine and cocaine, as well as additional methamphetamine that was buried underneath one of the chicken coops.

Q. Let's talk about each one of those in turn. So the first one first, in the shed, the brown container with the methamphetamine and cocaine, what involvement did you have in -- with that? What did you do with that, if anything?

A. It -- I located it in that shed and then collected it, maintained that in my custody. I transported it back to the EC unit -- SCNU office. I conducted the presumptive test and the weights on those items.

Q. Are you the one who NIK tested those, the suspected methamphetamine and cocaine?

A. Yes.

Q. And what were the results of those tests?

A. Presumptively positive.
Q. And did you weigh the methamphetamine?
A. Yes.
Q. Do you recall how much that weighed?
A. I do not recollect the total weight.
Q. Would it refresh your recollection to review the item -- the evidence description under Detective Miller's report?
A. It would.
Q. Okay.

MR. MILLS: May the witness be allowed to refresh his recollection, Your Honor?

THE COURT: No may.

BY MR. MILLS:

Q. I believe you have Exhibit 110, Detective Miller's report, in front of you. If you could refresh your recollection, please.
A. (Witness complies) Okay.
Q. So approximately how much methamphetamine was there in that brown tube?
A. Approximately 90 grams.
Q. Okay. And what about the cocaine?
A. Approximately 17.
Q. Let's shift gears and talk about -- I believe you mentioned some methamphetamine found under a chicken

coop; is that correct?
A. Yes.
Q. So how was that located?
A. That was located by Detectives Risinger and Gaylor as they were digging underneath the chicken coop.
Q. Okay. When did you become aware of the fact that they had found some suspected narcotics under that chicken coop?
A. It was right when they had found the plastic bucket, and I -- I came immediately when they called out that they had found something.
Q. So you were on-scene in the vicinity it sounds like?
A. Yes.
Q. They just called over to you or something like that?
A. Yes.
Q. What did you observe when you got there?
A. I observed them opening the -- the bucket and retrieving out the three wrapped packages of methamphetamine.
Q. Okay. What did they do with those as they removed them?
A. They photographed and removed them. We transported them out to where our vehicles were, and then we removed some of the packaging to get eyes on to actually visually identify it.

Q. And at some point in time, were those packages of suspected methamphetamine, were they NIK tested?
A. Yes.
Q. And who -- who NIK tested them?
A. I did the NIK test.
Q. Where did you do that at?
A. At the ECND office.
Q. And did you weigh them as well?
A. I did.
Q. Do you recall approximately how much each of those bags of meth weighed?
A. Each one of them was approximately 500 grams.
Q. Sergeant, did you observe any roosters on the property?
A. Yes.
Q. And just generally, what did you observe? Where were they, and approximately how many were there?
A. Well over 200, approximately 250 or more on the property, all on the -- in just a confined area where all the chickens were at.
Q. And what was eventually done with those roosters?
A. Those roosters were eventually euthanized pursuant to a court order.
Q. When did that happen, I guess, in -- in relation to the execution of the search warrant on March 19th, like

how long after?
A. Approximately a week, probably a little bit longer maybe nine days, ten days after.
Q. Were you involved in the disposal of the roosters?
A. Yes.
Q. And what was your -- how did you participate in that? What was your role?
A. I assisted in, at times, the photo documentation an also the -- putting carcasses into the garbage bags, moving the garbage bags out, loading them into the vehicles, and I also assisted in the administration of the carbon monoxide gas.
Q. All right. So why don't you just take a minute to walk us through like the entire process from point A to point Z as far as taking a rooster out of its cage and then where did it go from there and how did it end up euthanized and -- and that sort of thing.
A. A bird would be removed from its cage and then placed in either a garbage can or a plastic bucket that had had a hole placed into the lid. There was a metal wand connected to a generator that would release carbon monoxide into the container. We would let the birds get knocked out or, at the very least, disoriented. They would be pulled out now that they were more docile from being gassed. The photos would be taken, and then they

were taken over to kind of the net station where the heads were removed.

Q. Now, were you involved in removing the birds from their cages, or was someone else doing that?

A. There were other individuals that were doing that.

Q. And so what were you doing?

A. As I stated earlier, I was helping to administer the carbon monoxide, I was photo documentation, and also helping to dispose of the carcasses.

Q. So you took some of the photographs?

A. I did take some of the photographs.

Q. Do you know who took the rest of the photographs?

A. Detective Miller.

Q. So it was either you or he that took the photographs of the birds?

A. Yes.

Q. Now, were the birds labelled or numbered in any way?

A. They were.

Q. How was that?

A. They were numbered while they were in their coops. We had gone through and numbered the roosters and identified any operations that had been had, whether the combs had been removed, wattles had been removed, spurs had been cut, or, otherwise, birds had been injured or showed signs of abuse.

Q. All right. When you say "we," who went along doing that?
A. That would be myself, Detective Miller, and Ms. Leann Smith from the County Animal Services.
Q. So as far as the cards with the numbers on them, who actually wrote the numbers on those cards?
A. We took turns. Most of them, the numbers would have been mine, as well as most of the descriptions of what was -- what had been altered on the birds; the combs, the wattles, the spurs.
Q. All right. And initially, when you created those cards, what did you -- were the birds still in their cages at that point?
A. They were, and the cards were zip tied to the coops. So as the birds were collected from the coop, whoever was doing that collected the bird, as well as the card, and that's how it would go through each station.
Q. And then the bird was placed in a bucket or a garbage container, knocked out, and then a photograph was taken next to the card corresponding to the bird?
A. Yes.
Q. And you testified that you believe that it was -- like a lot of the writing on these cards. So it wasn't just the numbers, but there were observations of the conditions of the birds written on the cards as well --

A. Yes.
Q. -- is that correct?
Who was making these factual determinations as far as how the birds had been altered?
A. It was both myself and Ms. Smith.
Q. Ms. Smith is an Animal Control deputy with the Sheriff's Office, correct?
A. Yes.
Q. You're a narcotics detective. Do you -- I guess, what were you looking for as you examined these birds and what kind of -- what were you relying on as far as training or expertise of these animals?
A. I was relying on the information that had been passed on to me by the State Vet, Dr. Goicoechea, and through Leann Smith, from her training and experience.
Q. And specifically, I guess for state of mind purposes to show what you were looking for, what had they informed you of as far as what you should be looking for?
A. Whether the combs had been removed on the top of the head, the wattles had been removed from under -- from their throat/neck area, and alterations to the spurs, whether the spurs had been cut or altered.
Q. So with respect to any one of these -- just any of these cards that has a number and possibly some

observations written on the card, were those observations that you wrote on there stuff that you personally observed as far as, hypothetically, this bir was missing a comb and a wattle, or was it something that was communicated to you by Dr. Morgan or one of th other people inspecting the birds?

A. That was observed by me at the time.

Q. So you observed each and every one of these birds?

A. For those cards getting filled out, they were fille out under direct observation of that bird standing in front of the coop, making those observations, and putting that card on the coop.

Q. Sergeant Smith, I'm going to show you what's been marked and partially admitted as State's Exhibits 1 through 10 at this point, and each one of these ten exhibits is a collection of photographs of birds in segments of 25 birds.

A. Okay.

Q. So I'm going to show you State's Exhibit No. 1. If you could just take a minute to look through that, and what I would like you to look for, look through that and see if you can confirm on the tags if that's your handwriting as far as the numbers and the observations and if you could confirm whether the stuff written on the cards is consistent with the -- with the birds based

on your recollection of your observations.
A. (Witness complies)
Q. Sergeant Smith, have you had an opportunity to review the photographs depicting birds numbered 1 through 25?
A. Yes, I have.
Q. Do you recognize those?
A. Yes.
Q. And the tags on there, did those appear to have -- to be the tags that you created and wrote on?
A. Yes, they do.
Q. And that was your handwriting on those?
A. Yes.
Q. And if I were to just ask you about any one of these 249 birds, do you have a specific recollection of each bird and what the -- what was altered about each bird?
A. No, I would not be able to recall birds individually.
Q. Now, those observations that you wrote on those cards, did you write those at or near the time that you made those observations?
A. Yes.
Q. And did those observations that you wrote on those cards, do they accurately reflect, to the best of your knowledge, what you were observing?

A. Yes.

MR. MILLS: Your Honor, at this point to -- I guess to revisit the limited objection of Ms. Dunn regarding the writing on the cards, I would ask that -- that the Court be allowed -- I mean, technically, the procedure for a past recollection recorded is that the person read into evidence the statement. That's how a past recollection recorded works according to the statute. It's very specific about that.

And the procedure for the admissibility of those statements that he wrote, I mean, there's no way he's going to be able to specifically remember the observations of 248 birds, but he wrote down those observations at a time when he was observing, and it was fresh in his mind. I mean, it meets all the elements of past recollection recorded so he should be able to read into evidence what those recollections are.

Now, in the interest of time, if the Court does rule that this meets the elements of past recollection recorded, in the interest of time, instead of going through this one bird at a time, 248 birds, and having him read, combs removed, spurs removed, for 248 birds, it would just be simpler for the Court to be able to consider the entirety of all of the photographs.

But legally, that's how past recollection

recorded works, but I -- what I'm saying is that those statements are admissible under that exception, but those are the options as far as having the Court consider them. We could, for lack of a better term, we could do it the long and arduous way, or we could do it the easy way. But that's my argument on that, Your Honor.

THE COURT: Thank you. Ms. Dunn.

MS. DUNN: May I briefly voir dire the witness?

THE COURT: Go ahead.

VOIR DIRE EXAMINATION

BY MS. DUNN:

Q. How are you, Sergeant Smith?

A. I'm good, ma'am.

Q. Now, Sergeant Smith, Mr. Mills was asking you about the writing on these cards. Were you making these observations and then writing those on the cards --

A. Yes.

Q. -- or what --

Okay. Let me finish my question real quick.

A. Oh, sorry.

Q. Or were these times that -- that Officer Leann Smith was telling you what she was observing, and you were writing them on the card?

A. When I was writing on the cards, I would observe th bird, and then if I was in question, I would ask Officer Leann Smith, in her opinion, what she believed, and then she would say, yes, I agree with that for like spurs being cut as an example.

Q. All right. So if Detective Miller previously testified that Officer Smith was telling you what the observations were and you were writing them down, that would be incorrect?

A. If there are cards where Officer Miller was writing them down, and I was telling him -- making the observations to him, because I would have to go card by card to evaluate who's handwriting was what at the time, but we were all observing the same things. These were not -- these were all fairly obvious observations as they had been passed on to us for the comb or the wattle or the spurs.

Q. And that's passed on to you by --

A. By either Officer Smith or Detective Miller who we were all right next to each other at that bird.

Q. All right. So it's your testimony that the three of you were making observations, relating those observations to one another, and then whoever happened to be writing at the time would write it down?

A. Yes. It was kind of an assembly line system that we

had going at that point.

Q. All right.

MS. DUNN: Your Honor, I believe what Mr. Mills is saying is accurate when it comes to past recollection recorded, and I think under the circumstances, even though there may be some that are not Sergeant Smith's writing, it sounds as though after reviewing those, that his -- the information that was written on these cards at the time would have been accurate. And I do agree that if it meets the past recollection recorded objection -- or exception to hearsay, that the statute says that these statements shall not be -- the documents shall not be admitted into evidence. It's only that the individual should read -- read it into evidence.

While I understand Mr. Mills is indicating that it would be the easier way to just let it in, the statute, obviously, is clear, and it says that these statements shall not be admitted. Can I have the Court's indulgence for just a moment?

THE COURT: You may.

(Whereupon, Ms. Dunn and Mr. Woodbury confer)

MS. DUNN: Your Honor, since this is a prelim, it's not a trial, and, certainly, for as much judicial economy as we can create without violating my

client's rights or the other codefendant's rights, unde
the circumstances, I think that both Mr. Woodbury and I
are okay with allowing the -- the photos in under those
circumstances for the purposes of this proceeding only.

THE COURT: All right. Ms. Dunn.

Mr. Woodbury.

MR. WOODBURY: I agree with what she said.

THE COURT: Okay. So we'll go ahead and admit -- well, they're already admitted with the objection -- partial objection. I will go ahead and allow it without the reading of them all. Otherwise, we'd be here reading.

(Whereupon, Plaintiff's Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 admitted, photos and handwritten cards)

THE COURT: Go ahead, Mr. Mills.

DIRECT EXAMINATION (Continued)

BY MR. MILLS:

Q. Sergeant Smith, just -- again, in the interest of time, I'm not going to go through chickens 1 through 25, a chicken at a time, but just generally, in reviewing chickens 1 through 25, [redacted] one of these chickens?

A. Yes.

Q. And generally, what kinds of alterations had been

made to those chickens?

A. Generally, it would be the removal of the comb, the removal of the wattle, and the cutting of the spurs.

Q. Sergeant, I'm showing you now what's been marked as State's Exhibit No. 2, which depicts the next set of 25 chickens, 26 through 50. The same thing, if you want to look through that and just confirm that whether it's your handwriting on those tags and whether those are what they purport to be.

MS. DUNN: And, Your Honor, for judicial economy and the fact that these photos have already been identified by Detective Miller, who was one of the people of the three that were there, we, certainly, have no -- I have no objection to all packet -- all ten packets being admitted for the purposes of this proceeding, Your Honor.

THE COURT: Mr. Woodbury.

MR. WOODBURY: I agree.

THE COURT: All right. We'll go ahead and speed it up. Thank you, Ms. Dunn.

MR. MILLS: And the State, of course, is amenable to anything we can do to speed things up a little bit.

BY MR. MILLS:

Q. But it is important, Sergeant, that I at least ask

you the question with regards to each packet.
A. Okay.
Q. Are there alterations on the birds, just generally? We're not going to go --
A. Yes.
Q. -- into each photograph.
So in packet two, Exhibit 2, did you [redacted] these same observations?
A. Yes.
Q. Okay. Let's talk about packet three, real quick as well. I think it's in reverse order.
A. Yes.
Q. So packet three is probably going to be on the bottom. And Sergeant, why don't you just look through all of the packets. Then I'll ask you that one question at the end.
A. (Witness complies)
MR. MILLS: Your Honor --
THE COURT: Yes.
MR. MILLS: -- I might make a suggestion. I don't know if the parties would be amenable to this, but I mean, it's 3:00 o'clock. I think we're making pretty good progress on this, but it might be a good time for a recess, and he could continue reviewing that and then -- during the recess, and we can come back in a little bit.

THE COURT: It works for the Court. I was going to wait until this was done. If all parties are inclined, we'll go ahead and take a recess. We'll be back at 2:15.

(Whereupon, court recessed)

THE COURT: All right. Court's in session, you can be seated.

Mr. Mills, do you want to continue?

MR. MILLS: Yes.

BY MR. MILLS:

Q. Sergeant Smith, have you had a chance to review the photographs depicted in State's Exhibits 2 through 10?

A. Yes, I have.

Q. And, I guess, after reviewing those, can you confirm that -- you know, how many of them were actually, as far as the tags, were written by you?

A. As far as the comments or the conditions of the birds, it -- I would say an overwhelming majority. There would be less than ten that were not written by me, and I would say the number is actually probably closer to five that were not actually written by me.

Q. And just generally, within each set of 25 birds, did you make similar observations? I mean, you testified earlier with the first packet that there were combs and wattles removed, spurs altered and removed. Did you

make similar observations for chickens within each of the nine other packets?

A. Yes.

Q. Okay.

MR. MILLS: All right, thank you, that's all the questions I have. I'll pass the witness.

THE COURT: Thank you, Mr. Mills. Ms. Dunn, cross.

MS. DUNN: Thank you, Your Honor. Your Honor, may I approach?

THE COURT: You may.

CROSS-EXAMINATION

BY MS. DUNN:

Q. Sergeant, you previously testified in regards to these photos, and they were the State's Exhibits No. 27 through 43. And these were basically the photos of the inside -- these have been marked and admitted -- of the inside of the main residence there at -- on Kale Street.

Do you recall that?

A. Yes.

Q. And as you testified, it was your job to go in and search with your team this main residence?

A. Yes.

Q. Based upon your information that you'd been

provided, Mr. Jorge Ruiz and his family were residing in this main residence, correct?

A. Yes.

Q. And do you know how many people were residing in this residence?

A. I do not know exactly. We went in not knowing exactly how many people were residing. We knew that there was at least five residing in the residence, two adults and three juveniles -- or three other children.

Q. All right. Under the age of 18, correct?

A. Yes.

Q. All right. And there were no babies living there, correct?

A. Correct. All of our information that we had, we had no indication that there were any infants or toddlers in the house.

Q. All right. And so, but it was also your understanding that this was Mr. Jorge Ruiz's family, correct?

A. That was the understanding, yes.

Q. All right. Now, you indicated -- the State asked you -- Mr. Mills asked you about things that you found that had evidentiary value.

Do you recall that question?

A. Yes.

Q. And then led you through these photos. Do you remember that?
A. Yes.
Q. So these first two photos, the first one, again, State's Exhibit 27 and 28, that have been marked and admitted, were of a trophy, the front room of the -- of the house and a trophy indicating 2013 ultimate four (phonetic) cock champion; is that correct?
A. Yes.
Q. And the top of the trophy is cut off. Do you know what was on top of that trophy?
A. A rooster.
Q. Okay. And as I understand you testified this was of evidentiary value. Is this illegal?
A. The item itself, no, it is not illegal.
Q. All right. Now, I'm -- the next photo that you went through was of State's Exhibit 29 that had been marked and admitted. That was a -- a statue, some sort of art decoration of a rooster.
A. Yes.
Q. Do you recall that photo?
A. Yeah.
Q. Okay. Is that illegal?
A. No.
Q. The next photo, which was State's Exhibit -- that's

31. I wonder where 30 is. Here we go. That was State's Exhibit 30, which, I believe, you indicated was a photo of an incubator; is that correct?

A. Yes, and the items on top of the incubator.

Q. Okay. And the items on top of the incubator, which were what, specifically?

A. The gaffs and spurs, the gaffs slash spurs.

Q. Okay. And there's closer photos of those later, correct?

A. Yes.

Q. So this incubator, is this incubator illegal?

A. No, it is not.

Q. Now, to get more specific into these -- these items on top of the incubator, which is State's Exhibit No. 31, I believe you indicated these were like -- what was the name of these ones?

A. Gaffs or spurs are the two names.

Q. Two names, so gaffs or spurs, and then you took a closer photo of those.

Are these illegal?

A. Yes.

Q. Okay. And why are these illegal?

A. Those are considered tools for animal fighting.

Q. All right. Can you buy these on the Internet?

A. I -- I personally have never tried. I imagine that

you may be able to.
Q. And so do you know specifically what Nevada revised statute makes those illegal?
A. I can't recall the statute off the top of my head, but I know there's a statute that does say that the implements constitute a gross misdemeanor offense for each one.
Q. All right. And if that's what they're used for, or are they just flat out illegal?
A. From my understanding of the NRS, they're flat out illegal.
Q. Okay. So let's go with State's Exhibit No. 33, which has been marked and admitted. There was like a bin with some information in it; is that correct?
A. A bin with just various items and information inside of it, yes.
Q. Okay. So what were you most focused on in this bin?
A. Well, the totality for the bin was -- it had the -- the marking equipment for the birds, but there was additional spurs and gaffs located in the bin.
Q. Okay.
A. The black zipper --
Q. Somewhere in there?
A. Somewhere in there. The black zipper case -- it's a photo later -- was removed from that bin.

Q. Okay.
A. And then the documentation, specifically the one up here, I believe, it says Wood Enterprises.
Q. Okay.
A. Those documents contain specific information for training and preparing birds for fighting.
Q. Okay. And so the wing bands for the marking or -- or I know you said you weren't a hundred percent sure what they were used for, but marking animals is not uncommon, correct?
A. Correct.
Q. And so those are not illegal?
A. Those items are not illegal.
Q. Okay. And so having documentation like a brochure or a manual talking about cockfighting, based upon the NRS that you -- that you're talking about, you believe that that document itself would be illegal?
A. No.
Q. Okay. So other than the bag that had this -- the leather case that had the spurs in it, was there anything else in this box that was illegal?
A. No.
Q. What's been marked as State's Exhibit 32 -- I jumped around again -- what is it that we're looking for in this photo?

A. This is just another photo of the band. And if I can go back?

Q. Absolutely.

A. It just shows the proximity of the band to the incubator as far as the location within the house.

Q. Okay. So just a more generic further away photo of that?

A. (Nod)

Q. Okay. And so the -- this leather case that you were speaking about that came out of that bin in State's Exhibit No; 34, those are the spurs that you're speaking of?

A. Yes.

Q. Okay. Now, State's Exhibit 35, again, marked and admitted, these are the wing bands that, again, you testified are not illegal?

A. Yes.

Q. And then in State's Exhibit 36, marked and admitted, these were photos, again, of spurs?

A. Yes.

Q. Were these the same spurs that you found previously, and this is just a closer photo of them?

A. Yes.

Q. Okay. Now, obviously, indicia, this is State's Exhibit 37, Wells Fargo. It just shows a piece of nail

that shows that Jorge Ruiz lives there?
A. Yes.
Q. Same thing with the W-2?
A. Yes.
Q. Same thing with another piece of mail from the Elko County Public Defender's Office?
A. Yes.
Q. And those are both on State's Exhibit 38 and 39.
Now, there's a -- a photo, State's Exhibit No. 40, of a holster with a gun in it, and then the -- there's a pistol box below that. And this is in the nightstand of the main house master bedroom?
A. Yes.
Q. Correct?
A. Yes.
Q. Now, we've heard testimony earlier about a illegal firearm or stolen firearm that was located in one of the trailers, but those two guns, is there any reason to believe that these two guns are illegal?
A. No.
Q. So it's fine for him to have -- Mr. Ruiz to have these in his -- in his bedroom?
A. Yes.
Q. And so we've got State's Exhibit 41, State's Exhibit 42, and both of those, again, were closer photos

of the firearms, correct?
A. Yes.
Q. Were these firearms loaded?
A. No, they were not.
Q. Okay. So no bullets in the firearms?
A. Correct.
Q. And these were not illegal?
A. Correct.
Q. Now, State's Exhibit 43, which is another incubator in another room?
A. Yes.
Q. Okay. And, again, this incubator is not illegal?
A. Correct.
Q. Now, again, one of the other pictures that -- one of the other items in this photo that was brought to your attention is this plastic bucket, the square white plastic bucket.
A. Yes.
Q. And, obviously, the bucket is not illegal?
A. Correct.
Q. Was there any residue of any illicit drugs found in this bucket?
A. No. And honestly, I don't believe at the time this photo was taken that we had even checked that because that was prior to the controlled substance being located

underneath the coop.
Q. All right. Was this subsequently tested?
A. No.
Q. Okay. So the bucket itself, not illegal?
A. Correct.
Q. Something you could find in a Home Depot?
A. I presume. It's -- but it's not an illegal bucket.
Q. Okay. So in your search -- I'm assuming, Sergeant, you've been with the -- have you been with the Combined Narcotics Task Force -- or is it CNU?
A. The SCNU.
Q. SCNU. Have you been with the SCNU since 2005?
A. No, I've been with SCNU since February of this year.
Q. Okay. But you've been with --
A. I've been with the State of Nevada -- totally time, I've been with the State of Nevada since 1993.
Q. Okay. So how long have you been a law enforcement officer?
A. Since 1999.
Q. Okay. And where did you work prior to the State of Nevada?
A. Prior to State of Nevada?
Q. Well, you said you've been with the State of Nevada since --
A. Yeah.

Q. So where did you start working in 1999?
A. Nevada Department of Prisons.
Q. Okay. And then after that?
A. After that I went to the Nevada Division of Parole and Probation.
Q. Okay.
A. And after that to the Division of Investigation.
Q. Okay. So NDI, when did you start with NDI?
A. November of 2007.
Q. Okay. So you've been with NDI since November of 2007, general detentive?
A. I've done general major crimes and narcotics enforcement in Carson City and Fallon.
Q. Okay. Since 2007?
A. Since 2007.
Q. All right. So, and the individuals that helped you with your search of the main residence was?
A. That was Sergeant Brewer and Detective Ceasford. They are both NDI out of Ely.
Q. Okay. Experienced?
A. Yes.
Q. Okay. So it's fair to say, I'm guessing you did a very thorough search of this main house?
A. We believe we did.
Q. All right. Did you find any narcotics in that

house?
A. No, we did not.
Q. You were looking for narcotics, correct?
A. We were looking for narcotics, yes.
Q. Because that was the whole reason you were there to begin with?
A. Yes.
Q. Okay. And I understand that this indicia of, you know, this cockfighting and animal fighting was something, I believe, that another officer testified you stumbled upon?
A. Yes.
Q. But your whole intent was looking for narcotics?
A. Yes.
Q. Looked in every nook and cranny in that main house?
A. As much as we possibly could without trying to cause damage or tear it apart.
Q. Certainly. But you know how to search into cabinets and --
A. Yes.
Q. -- containers and all of that?
A. Yes.
Q. These typical -- these typical locations that you are trained where people may hide narcotics?
A. Yes.

Q. Okay. Did you find large amounts of money in this house?
A. No.
Q. Did you find pay and owe sheets?
A. No.
Q. Were you looking for them?
A. Yes.
Q. Were you looking for large amounts of currency?
A. Yes.
Q. Now, Detective, you went out and -- I'm sorry, Sergeant, I apologize.
A. No problem.
Q. Sergeant, you finished with the -- the search of the house, and then you were out searching in the yard on the chicken coop area.
A. Yes.
Q. That's when you found this reddish-brown container, correct?
A. Yes.
Q. Now, you talked about it being found in the brown shed.
A. Yes.
Q. Where is that in location to the chicken coops?
A. So the brown shed still actually contains chicken coops. It would be the same shed that contained the

coop where we found the bucket buried underneath it.
Q. Okay. And the trailers that have been testified about, although you didn't search them, the brown trailer and the trailer travel -- Travel Supreme trailer --
A. Yes.
Q. -- those trailers, again, right next to those chicken coops, correct?
A. Yes.
Q. You indicated that -- where is it here? Just a moment. You talked about this pickup truck that was -- when you first came on after the search, the -- the SWAT team had cleared the location, and it made it okay for you to go up there, that you came upon this gray Chevy pickup truck, correct?
A. That was after I had searched the main residence.
Q. Okay. So the gray -- the gray pickup truck, Chevy pickup truck, is the same Chevy pickup truck that you believed -- or you know is the one that was driven by Mr. De La Torre with the confidential buys?
A. Yes.
Q. You indicated that the -- in searching the car, you found information about Mr. De La Torre in the vehicle --
A. Yes.

Q. -- correct?
A. Yeah.
Q. But then you said something about registration and insurance coming back to Mr. Jorge Ruiz?
A. Well, to Ms. Ulloa.
Q. Okay. His wife, correct?
A. Yes.
Q. Not Mr. Jorge Ruiz?
A. Yes.
Q. Did not say his name anywhere on the registration or the insurance?
A. To my knowledge, no, it did not.
Q. Okay. So if I heard you testify to that, that would just -- maybe my mistake?
A. Yes.
Q. Okay. So, again, didn't come back to my client?
A. No. The connection would be that that -- we had observed that truck leave and return --
Q. From that location?
A. -- to your client's property.
Q. Certainly. And you have information that Maria and Jorge are married?
A. Yes.
Q. Okay. Now, you stated that the clearing of this property by the SWAT team took about 10 to 15 minutes

before you were able to -- they were able to secure the property and you -- the rest of the teams were able to come on?

A. That would be an estimate, yes.

Q. All right. And did you have any information whatsoever that Mr. Jorge Ruiz or any member of his family that was there put up any type of resistance?

A. We were told they did not.

Q. Okay. And so didn't barricade themselves in the house?

A. No.

Q. Didn't pull guns on officers?

A. No.

Q. Were cooperative and did what people told them to do?

A. Yes.

Q. Now, if I'm clear on -- on the -- the way in which yourself and Ms. -- or, excuse me, Officer Smith and Detective Miller -- sorry, I'm trying to keep all the names correct --

A. Okay.

Q. -- that the three of you, you numbered the birds in their cages?

A. Yes.

Q. Did you take pictures of the birds in their cages?

A. We did not.
Q. Why not?
A. At that point we were just trying to get the documentation knowing that we were going to take photos at another step --
Q. Okay.
A. -- in the process.
Q. Well, the claim is that these birds were not being treated properly, correct?
A. Yes.
Q. But you didn't take pictures while they were in their cages that you found them in?
A. We knew there had already been body camera footage that had walked through and other documentation had been done as -- by the time we got to the point where we were numbering these birds.
Q. All right. So you didn't feel you needed to take pictures of the birds?
A. At that point we -- there was been other documentation that had taken care of that.
Q. All right. Now, did you find combs and wattles in the cages off of the birds?
A. No.
Q. Were you looking for them?
A. We were looking for anything because there were

other birds that were dead so we were keeping an eye open for pieces of birds, and there were cages that had pieces of birds in there.

Q. But not wattles and combs?

A. We did not see those, no.

Q. All right. Are you familiar with raising chickens or roosters?

A. Not beyond what I've learned during this investigation.

Q. All right. Do you know whether or not there are other times in which it's advantageous for combs and wattles to not be on chickens or roosters?

A. I was advised that there are times where combs and wattle were being removed from birds to resist -- or to keep the bird from being snagged on cages, but I also observed that there was not consistency in this because there were still birds that did have combs and wattles in cage, as well as the birds that had them removed.

Q. All right. But based upon the information that you had been provided, there are other reasons why combs and wattles could be removed?

A. Yes.

Q. Not simply for cockfighting?

A. Yes.

Q. Particularly in cold weather, is that -- have you

heard that?
A. I had not been cold cold weather, no.
Q. All right. Ever heard of like combs freezing on cages or anything like that?
A. I had not heard that.
Q. Do you know when the combs and wattles were removed?
A. No, I do not.
Q. Do you know if they were removed while they were in this location on this property?
A. No, I do not.
Q. Based on the information that you've learned -- and if you haven't, obviously, please tell me -- through this investigation, are there times that roosters and chickens are just aggressive on their own?
A. I, honestly, don't know enough about chickens to be able to --
Q. That's fair.
MS. DUNN: I have no further questions at this time.
THE COURT: Thank you, Ms. Dunn.
Mr. Woodbury, cross.
MR. WOODBURY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WOODBURY:
Q. I want to make sure of a couple of things that you

may not have a direct answer to, Sergeant. Did you become acquainted with the way that combs and wattles and spurs were removed from roosters or chickens?
A. No, I did not.
Q. But the presumption is that they're cut off with a knife or something like a knife?
A. I don't even presume to know.
Q. Okay. Did you find anything in the course of your investigation that led you to believe that those kinds of tools were present in and around the chicken coop or where the chickens and roosters were at?
A. There was so much stuff I wouldn't be able to articulate -- especially saying that I don't know how they were removed, I wouldn't know specifically what tool to even be looking for.
Q. Okay. But there was nothing that either you found in the brown mobile home or the brown trailer or anywhere else for that matter that you identified as a potential tool for having accomplished this?
A. I wouldn't say that because I don't know what tools are. So if I knew specifically what the tools were, I might be able to reference in the areas that I looked that those tools might have been present.
Q. Okay. And with respect -- with taking a very broad view of it, with respect to those kind of tools, did you

find something like that, or you couldn't find -- or reported to you that tools like that were in Mr. Ramirez's brown trailer?

A. I never searched Mr. Ramirez's trailer.

Q. And I asked if it was reported to you.

A. I, honestly, can't remember if there was a knife in there or not, but I...

Q. Okay. And I realize that I'm covering ground that Ms. Dunn covered already. You have no idea when those wattles or spurs were removed?

A. I could not give you an accurate time frame. I know some -- some of those heads of those chickens looked fresh.

Q. And how -- how does -- how does one of those look fresh?

A. As in still bleeding.

Q. Still bleeding?

A. Yes.

Q. So like they'd been removed that day or the day before?

A. Or within a recent time frame, yes.

Q. What kind of recent time frame?

A. Within a few days.

Q. All right. And can you -- would you be able to go through -- or would we be able to go through the

photographs and pick those out?
A. It's possible depending on how the photographs were taken.
Q. Okay. Well, you're the guy that took the photographs.
A. Well, myself and Detective Miller both took photographs.
Q. What I'd like you to do, if this case goes to trial, I want you to go through those photographs to find me some bleeding (indiscernible-microphone behind speaker) if you can do that.
A. There are plenty of bleeding chickens in those photos.
Q. Okay. And they're bleeding because of the removal and in the areas where the wattles (indiscernible-microphone behind speaker)?
A. They could very well be, along with other reasons for bleeding.
Q. Okay. And I suppose you looked in the cages, and you found blood in the cages?
A. In some cages, yes.
Q. And did you identify and take pictures of it?
A. We did not specify for those cages specifically, just the conditions of the bird.
Q. And then the -- and the conditions of the birds in

some cases always seem to be related to the absence of the wattles and the spurs?
A. No.
Q. What was the condition (indiscernible-microphone behind speaker)?
A. There's various conditions because it's not just the wattle, it's not just the spurs -- or not just the wattles or the combs, but the spurs. There is other birds that had feet missing, toes missing, other indications of trauma, tails -- tail feathers completely removed.
Q. And they were all photographed?
A. Yes.
Q. Did you identify them as having resulted from a cockfight?
A. No. No, we just recalled that those were the injuries or the condition of the bird.
Q. And I suppose that as you were looking around the 2.7 acres out there, you looked for a place where these chickens or cocks could be fighting?
A. Yes.
Q. Did you find one?
A. We found areas where they could have been held, but we did not find anything where they were actively being held.

Q. Well, and you didn't find any indication --

THE COURT: Mr. Woodbury --

BY MR. WOODBURY:

Q. -- that a fight had taken place out there?

THE COURT: Mr. Woodbury, excuse me, would you grab that mic.

MR. WOODBURY: Oh, I'm sorry.

THE WITNESS: We looked where there could have been fights at one point in time, but we did not see any indication that there had been any fights recently.

BY MR. WOODBURY:

Q. And so I assume that you followed up and contacted other investigators and around the State to find out where it was that cockfights are held in the State of Nevada?

A. Yes, and we found out there was cockfights all -- in numerous places.

Q. In Elko County?

A. In Elko County.

Q. Where at?

A. If we knew that, we would have been able to take some enforcement action with that. Those locations are not well-known to the law enforcement community.

Q. But they are known to exist?

A. Yes.
Q. And how did you get the information without the same person being able to relate to where they took place at?
A. We had just heard that there's cockfighting that had occurred, that individuals would meet at a location and be shuttled out to the fights and then shuttled back.
Q. Okay. And then how are they hauled?
A. Pardon.
Q. How do you haul these birds?
A. How do you haul the birds?
Q. Yeah, to a fight.
A. There are -- even in this -- on this property, there were wooden crates that had individual slots to transport birds, as well as there was the cardboard crates where the birds had been shipped to this residence.
Q. Okay. And there were also vehicles out there that were capable of hauling lots of birds?
A. Well, given that the size of the cardboard box would be here, they would fit in any vehicle.
Q. And so how big are these cockfights in Elko County?
A. As big as they can be. All the birds don't have to come from just this one property, and all the birds don't have to go at one time.
Q. And then I assume that when you checked in

Mr. Ruiz's house and you saw the trophies and that kind of stuff, you looked for indicia on those trophies or any of that material to see where this championship had come from?

A. We looked. We saw that the trophy came from a trophy shop in California, but as far as locating an actual fight, you're not going to be able to find an actual location.

Q. And I take it that you -- there were three of you, I gather, taking pictures of those birds to indicate --

A. No.

Q. -- whether it was missing various things and so on?

A. No. No, there were three of us that were assessing the birds.

Q. Yeah.

A. But the photographs were being taken during the euthanization, and only two of us were taking those photos.

Q. All right. But they were being taken during what was the word you used?

A. Euthanization.

Q. Okay. And that means killing them off?

A. Yes.

Q. Okay. And the three of you were you, and Detective Smith, and a lady from Animal Control?

A. Well, Ms. Smith from Animal Control, Detective Miller and myself, who is Sergeant Smith.
Q. Ms. Smith from Animal Control?
A. Yes. Officer -- Officer Smith, Deputy Smith. I'm unclear on what her title is because I don't work for her agency.
Q. And when you took the photographs, they were unconscious?
A. Kind of in a more of a drowsy state.
Q. And then so how was the determination that these birds were aggressive made?
A. Were what?
Q. Were aggressive.
A. The determination of the birds being aggressive was as we were going through doing the assessment, the birds coming at us. We also -- there had been a dead rooster on the ground that Officer Smith or Deputy Smith, whatever her title is, had taken that bird up to the various birds, and the roosters inside the cage then flared up and started to attack at the rooster that was at their cage.
Q. She took an injured bird up to a rooster's cage?
A. A dead bird.
Q. A dead bird?
A. Yes.

Q. And that's uncommon -- that indicates aggression on the part of the rooster?
A. Watching the flurry and the behavior and the specific attack that they were coming at the bird, that was -- Ms. Smith's assessment for the aggression.
Q. Okay. And then the roosters that had been aggressive were not unconscious or almost unconscious and you'd take a picture?
A. Every bird who had been altered or abused was knocked unconscious and then euthanized.
Q. Okay. And were you present when these birds that you're talking about or these roosters were aggressive?
A. Yes.
Q. And how did they show their aggression?
A. By flaring their necks and by doing the -- kind of a jump attack where they jump back and try to throw their claw -- talons at -- at the bird or --
Q. And what does flaring up mean?
A. It's where their neck feathers come out and...
Q. Okay. As a sergeant since February, you were a sergeant when this search warrant was executed?
A. Yes.
Q. Okay. And, in effect, you're kind of a lead officer -- I don't -- that's the wrong word, but the -- you're the most ranking officer here in Elko?

A. Yes.
Q. Okay. And even though you designate people as lead officers and that, you're still a person in charge of them?
A. Yes.
Q. Okay. How much does a gram of methamphetamine cost?
A. It could be $20.
Q. And you're experienced in narcotic sales, right?
A. Yes.
Q. Okay. Do you think you could find a pay and owe sheet that would indicate that a gram or a half gram of methamphetamine costs 23.95?
A. I'm sorry?
Q. Do you think you could find a pay and owe sheet that would indicate a gram, or whatever the appropriate amount of methamphetamine would be, it would cost 29.95?
A. Sometimes you can; sometimes you can't.
Q. You mean sometimes they actually get down into change?
A. Sometimes.
Q. In Elko you've seen that?
A. I haven't seen that in Elko.
Q. Where have you seen it?
A. Carson City, Fallon, other jurisdictions where I've worked.

Q. Where a gram might be sold for some dollars and some cents?
A. I've seen things get broken down into change, yes.
Q. How often did you see that?
A. Not often.
Q. I wouldn't think so. And would you see it, would you think you'd have the rope wrote beside one of these 29.35 --
A. Would I what?
Q. Rope?
A. Rope?
Q. R-O-P-E. Is that a term in the narcotics trade?
A. Not one that I'm familiar with.
Q. Yeah. So if you see a -- in an exhibit that has been reputed to be a pay and owe sheet and you see the word rope and you see figures like 29.95, somebody might have screwed up if they're calling that a pay and owe sheet, might they?
A. Unless they have specific knowledge that --
Q. Yeah, okay, all right. Of the recent injuries you saw on some of the roosters, how many of them did you see?
A. There were several.
Q. Okay. How many is several?
A. I wouldn't be able to give you an exact number.

Q. I don't want an exact number. I want an approximation. 248 roosters you guys took pictures of, and I want to know how many of those had these recent injuries?
A. Upon what I just reviewed in here, I would say -- just off the top of my head, maybe ten that had the fresh, just from the notes that I had right here.
Q. All right. Is there something else you can look at besides the removal of the various items that tells you whether a rooster is being taught or fixed up so it can fight?
A. To my knowledge, the behavior of the -- of the rooster is one of those factors.
Q. And that's to make them aggressive?
A. Yes.
Q. How do you do that?
A. Well, according to some of the material, there is all sorts of methods of hanging them upside down and swinging them by the talons, but I'm not versed in the training for cockfighting. It's not my specialty.
Q. Well, just based on the one that you found, did you find any evidence that they -- any facility to hang them by their leg?
A. There was plenty of facility because it doesn't take much.

Q. You mean there were strings hanging down in these cages and stuff?
A. No. The strings wouldn't be -- from the documents that I read, the strings don't hang from a cage. You have a string in your hand that you tie to the feet and you whip the chicken around by the feet.
Q. Okay. You guys keep going back and forth between chickens and roosters. You talk -- the same thing?
A. The chicken is -- the rooster is a male chicken.
Q. Yeah, I knew that. But we usually call the lady chickens chickens and the male chickens roosters, right?
A. I didn't grow up around chickens. I apologize for my going back and forth.
Q. Well, it isn't just you.
A. Oh.
Q. How old were these roosters?
A. I wouldn't be able to say an age. I...
Q. Well, did they -- do you have any idea what their life span is?
A. No, I couldn't even tell you the life span of how long it goes from being a chic to an adult. I don't know.
Q. And you couldn't tell me when the appropriate age it is for a rooster to fight?
A. No, I could not.

Q. And you wouldn't know whether or not if you were to remove -- if you were going to make a fighter out of him, at what age that ought to happen?
A. No, and my understanding is it would be the preference of the bird owner or trainer as to what to remove and when to remove.
Q. All right. Go back to that gray pickup a minute. You looked in it?
A. Yes.
Q. And you found something that belonged to Mr. Ramirez?
A. I found receipts for money transfers, receipts for money transfers with Mr. Ramirez's name on it where he was sending money.
Q. From where -- transferred money from where to where?
A. From Elko to Mexico.
Q. And were they large amounts?
A. A hundred dollars or three.
Q. Okay. And in the -- that's a very common practice in the Hispanic community for money to be sent from the United States into Mexico?
A. I'm unaware if it's a common practice. For me it was just indicia additionally tying Mr. Ramirez to the truck.
Q. Okay. And you were under the impression that it had

been reported by officers that Mr. Ramirez went in the main residence periodically?
A. I believe I heard that he had been in the main residence.
Q. And did you know Mr. Ramirez's position out there?
A. No.
Q. And I take it that at some point or another, you looked up the ownership of the brown travel trailer?
A. I don't know that we checked any VIN or registrations of the brown travel trailer. I'm not aware of the ownership as far as the title.
Q. And I noticed that someplace you found that Mr. Ramirez had moved to the Xale Drive?
A. Other than just tracking his -- knowing his movements, that he would come from there in the morning and return to there in the night.
Q. Well, what you knew, based on your investigation with respect to sale of a controlled substance, that he had been out there a couple of months?
A. Yes.
Q. But you did not -- and when all the documents in discovery come, it's 611 Pullion Road for Mr. Ramirez, right?
A. Yes.
Q. And if he's going to be responsible for bumping off

these chickens or roosters or doing those kind of things to those roosters, would it have been useful to know how long he'd been out there?

A. Except that we didn't go out there for the purpose of the roosters.

Q. I know that, but you got -- you file these documents with the prosecution, and you don't follow up unless they tell you to?

A. I'm trying to figure out what you're asking.

Q. I'm trying to find out how you -- what you know about him having been living out there at Kale Drive, how long?

A. I wouldn't be able to tell you exactly how long he was out there.

Q. I ain't looking for exactly. I'm looking for an estimate.

A. And I wouldn't be able to give you a reasonable guess. I just know that he was out there.

Q. Okay. And you didn't know how long Eduardo had been out there, Eduardo Ruiz?

A. Until we served the search warrant, we didn't know who Eduardo Ruiz was or that he was even living there.

Q. Okay.

MR. WOODBURY: All right. Thank you, I have nothing further.

THE COURT: I'm sorry?

MR. WOODBURY: Nothing further.

THE COURT: Nothing further. Mr. Mills, redirect.

REDIRECT EXAMINATION

BY MR. MILLS:

Q. Sergeant Smith, Mr. Woodbury asked you about your knowledge of cockfighting occurring within Elko County. Who told you that? How did you come by that knowledge?

A. That was information that was learned by Detective Gaylor. So I -- I had learned that from him, that he had been told there had been cockfighting in Elko County where they would meet at a location and then shuttle out to the fight and then be shuttled back.

Q. And you don't know who told Detective Gaylor that?

A. I don't know specifically who told him that, no.

Q. Okay. With regards to the receipts that were found in the gray pickup truck with the money transfers, did -- were those recovered, or did you keep those or collect them?

A. I believe that those -- some of those items were collected and placed into evidence as indicia.

Q. Would it have been you that did that, or was there someone else that processed the evidence from the pickup truck?

A. No, that would have been under my items. I would have to refer to the report, which I think is still underneath the stack, to give you an exact evidence item.

MR. MILLS: That's all I have.

THE COURT: Thank you, Mr. Mills. Ms. Dunn, do you have any recross on that?

MS. DUNN: Just real briefly, Your Honor.

RECROSS-EXAMINATION

BY MS. DUNN:

Q. When did you have this discussion with Detective Saylor about cockfighting in Elko County?

A. It probably would have been after the search warrant had been executed. I can't specifically remember exactly when, but I know it was within the time frame of the warrant that -- when cockfighting became an issue for our unit of how do cockfights even work.

Q. In your experience in law enforcement, have you ever dealt with or knew of another person around you doing your general detective work that was working any type of cockfighting ring?

A. No.

Q. So in the time in which you worked for NDI, you were both in Carson, Fallon, here, you had never participated or knew about cockfighting rings?

A. No.
Q. In looking over this property in which you did -- about 2.7 acres, correct?
A. Yes.
Q. Did you see a -- some sort of setup that appeared to be not a place where they could have had it, but actually a place that was set up as a cockfighting ring?
A. No.
Q. But you were looking?
A. Yes.
Q. And in subsequent investigation, you have never -- you personally, or from anyone on your team, had personally not heard of where these cockfighting -- cockfights were taking place?
A. Correct.
Q. But you asked around, I'm guessing?
A. We've asked around, and we've heard that they happen, but it's more by invitation, and we haven't been able to talk to anybody who has received an invitation.
Q. Or is willing to talk --
A. Or that's willing to talk to us about it.
Q. But through your confidential informants and these types of people, you have not had any of that information provided to you?
A. Correct.

Q. I don't know if I asked you this, and I'm somewhat going outside of redirect, so if they want to --

MS. DUNN: If I can have a little leeway?

MR. MILLS: That's fine.

BY MS. DUNN:

Q. Did I ask you if you were familiar with this particular confidential informant?

A. No, you did not.

Q. Okay. I'm getting confused as to who I asked. Are you familiar with the particular confidential informant that was used in this case?

A. I've since become more familiar. The confidential informant was activated just as I was starting my position in Fallon -- or in Elko here.

Q. Say what you said again at the very beginning of that answer.

A. I have become familiar with the confidential informant. That informant had just been -- just became an informant just as I was starting my position here in Elko.

Q. And this particular informant was Detective Gaylor's?

A. Yes.

Q. Had Detective Gaylor worked with this confidential informant previously?

A. No, because he had just become an informant right at that time. So Detective Gaylor had known who this informant was but hadn't worked with him as an informant because he was somebody who had been arrested by Detective Gaylor.

Q. Well, if Detective Gaylor testified that he had previously worked with this confidential informant, would that be incorrect?

A. I wouldn't be able to say that because, again, when the informant was signed up, I didn't have a knowledge of him or the relationship between him and Detective Gaylor. So I -- I can't speak about what previous knowledge there was since I wasn't in Elko at the time when that all transpired.

Q. But it was your -- it sounds like from the information that you had going into -- as you started, that this particular confidential informant had just been activated, and he had -- you didn't believe that he had previously worked?

A. Correct. I don't -- not as an initial informant for NDI. I could be mistaken that he had previously worked, but I don't have that information.

Q. Do you know if this confidential informant had given anybody information about this cockfighting ring thing that was going on?

A. I don't know. I don't know if that's where Detective Gaylor had heard his information. I don't know.

Q. But nobody knew about anything having to do with this cockfighting prior to executing the search warrant, correct?

A. We knew that there was roosters on the property, but we had no idea of the scope of what was on that property.

Q. Did you have any information or -- or belief that there was some type of cockfighting enterprise going on at this location?

A. We knew that there was roosters, and we suspected that those roosters could have been participating in cockfights, but that's the extent of the knowledge that we had before coming in. We didn't know if we were going to find a cockfighting ring. We didn't know if we were going to find where the fights had started. We -- we had no idea what we were going to find. We just knew that there were roosters on the property, and we suspected that it was possible that those roosters were involved in cockfighting.

Q. So if Detective Gaylor testified that he had no idea that there was cockfighting potentially going on here, is his information different than yours?

A. No, because we had no information that cockfighting was going on at this residence.
Q. Well, you said, but you suspected it.
A. We suspected that the birds were involved in cockfighting, not that cockfighting was happening at this residence.
Q. Okay. Detective Gaylor testified that he didn't -- that this -- these -- the cockfighting issue that -- that you guys stepped into, that he had no idea about it.
A. We had -- again, we knew there was roosters. Where there are roosters it's possible they could be involved in cockfighting. We had no idea what we were walking into when we came into the house.
Q. Are there a lot of roosters in Elko County?
A. As far as I know, yes.
Q. Are they all involved in cockfighting?
A. No, they are not.
Q. Are the majority of ther involved in cockfigHting?
A. I wouldn't be able to say if the majority of them were. Therefore, we did not know what we were walking into. We knew that there were roosters. There is always a possibility that the rooster could be involved in cockfighting, but we did not know.
Q. If a majority of people who owned roosters were

involved in cockfighting, don't you think you guys would know about it a little bit more than just not being able to track down these -- these cockfights?

A. If I were to testify what other people do, I -- I honestly don't know. I wouldn't -- I don't know statistics of how many people own roosters or how many of those roosters are involved in cockfighting. All we know is that there were roosters that were here and just in the odds of probability, there's always a possibility that if somebody has roosters, it could be involved in cockfighting. It may not be involved in cockfighting. We don't know. We knew there was roosters. We showed up, and we walked into what this was. That was a way bigger scope than what we ever anticipated.

Q. If you had a belief that if -- where there are roosters there may be cockfighting, don't you think you would have at least been -- heard of or participated in some type of investigation to determine whether or not that's going on?

A. No, because that wasn't the scope of our investigation.

Q. I'm talking about what you and I talked about -- about in your previous law enforcement.

A. Okay.

Q. That you've never been around -- you've never

participated in a cockfighting investigation, and you had not heard of one around you, correct? That was your testimony?

A. Okay. I've never participated in a cockfighting investigation. And in Carson City and in Fallon, I have not heard of any cockfighting.

MS. DUNN: I have no further questions, Your Honor.

THE COURT: Thank you, Ms. Dunn.

Mr. Woodbury.

MR. WOODBURY: Thank you, Your Honor.

RECROSS-EXAMINATION

BY MR. WOODBURY:

Q. Did you write the probable cause affidavit for Mr. Ramirez's arrest?

A. For Mr. Ramirez's arrest, no. I answered no.

Q. Oh, okay. It's alleged there that indicia with Hector Hugo Ramirez-De La Torre's information were located near spurs with blood on them commonly used in cockfighting.

Is that true?

A. That's what's written.

Q. I know what's written. Is it true?

A. I would expect it to be true. Those were not items that I found. I was not part of the search on

Mr. Ramirez's trailer.

Q. Do you think they found things associated --

THE COURT: Mr. Woodbury, I'm sorry, you're going to have to speak up because I'm having a hard time hearing you, sir.

MR. WOODBURY: I don't have any more questions, Your Honor.

THE COURT: Thank you, Mr. Woodbury.

All right. I think at this time, unless counsel -- unless Mr. Mills is going to redirect, I think it would be a good time to pause for the day after we ascertain if Mr. -- or Sergeant Smith can be excused, or if you'd like him retained.

MR. MILLS: We would like him retained. Your Honor, just to give the Court an update on where we're at with our witnesses, we have some people coming in to testify about the chickens. We have Deputy Leann Smith from the Sheriff's Office. We've actually -- weren't we just informed that she's going out of town tomorrow or something like that, but anyway, it was my understanding when this --

Just to give the Court a little context about why we might run into some witness problems if you're thinking about doing this tomorrow, it was my impression that this was going to be set for two days; is that

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4th JUDICIAL DISTRICT COURT
CLERK ____ DEPUTY

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

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

ooOoo

THE STATE OF NEVADA	:	
Plaintiff,	:	
v.	:	JURY TRIAL
HECTOR HUGO RAMIREZ-DE LA TORRE,	:	VOLUME 3
and JORGE LANDEROS RUIZ,	:	
Defendants.	:	

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled matter came on for hearing on January 14, 2021, at the hour of 8:35 a.m. of said day, in Elko, Nevada, before the HONORABLE ALVIN R. KACIN, District Judge.

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

COPY

APPEARANCES

For the Plaintiff:

MARK S. MILLS, ESQ.
Elko County
Deputy District Attorney
540 Court Street
2nd Floor
Elko, Nevada 89801

JUSTIN BARAINCA, ESQ.
Elko County
Deputy District Attorney
540 Court Street
Second Floor
Elko, NV 89801

For the Defendant:
(Ramirez-De La Torre)

GARY D. WOODBURY, ESQ.
ATTORNEY AT LAW
1053 Idaho Street
Elko, Nevada 89801

For the Defendant:
(Ruiz)

KARENA K. DUNN, ESQ
LARRY K. DUNN & ASSOCIATES
1201 Terminal Way, #221B
Reno, Nevada 89502

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jury.
(WHEREUPON, the jury was sworn)
(WHEREUPON, voir dire was concluded)
(Noon recess taken)
(Following opening statements, the following proceedings were had:)

JACOB EISINGER

called as a witness in said case, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WELLS:

Q. Good afternoon. Can you hear me okay?
A. Yes, I can.
Q. Would you please state and spell your first and last name for the Court.
A. Jacob Eisinger. J-a-c-o-b. Eisinger, E-i-s-i-n-g-e-r.
Q. How are you employed?
A. I am a police officer for the City of Elko.
Q. How long have you worked for the City of Elko?
A. Since February of 2012.
Q. Was that your first job in law enforcement, or did you work in law enforcement before that?
A. I worked for a tribal police department for two years prior to my employment with the City.

Q. So with the City, what is your current role?
A. I am a detective assigned to the Elko Combined Narcotics Unit.
Q. Briefly, what is the Elko Combined Narcotics Unit?
A. The Elko Combined Narcotics Unit investigates narcotics crimes within the entire county of Elko.
Q. And how is that Elko Combined Narcotics Unit composed? What different kinds of officers are involved in it?
A. We have individuals, detectives from department -- Nevada Department of Public Safety, and then the City of Elko, and the Elko County Sheriff's Office.
Q. How long have you been a member of the Combined Narcotics Unit again?
A. Since the early part of 2017.
Q. Now, prior to becoming a detective at the Elko Combined Narcotics Unit, so I guess it would have been from 2012 to 2017, you were a patrol officer for the Elko Police Department; is that correct?
A. Yes, that's correct.
Q. And what were your primary duties and responsibilities as a police officer?
A. I respond to calls for service, investigate misdemeanors, gross misdemeanor, felony crimes as they

occurred on the street.
Q. And did your -- your job as a patrol officer, did it involve the investigation of narcotics crimes?
A. Yes, it did.
Q. Including methamphetamine?
A. Yes, it did.
Q. Did you become familiar with the -- the controlled substance methamphetamine in your occupation as a police officer?
A. Yes.
Q. Did you receive particularized training in the investigation of drug crimes?
A. Yes, I have.
Q. Did you receive that training -- why don't you just tell us briefly about any training involving the investigation of drug crimes that you received as a police officer between 2012 to 2017, including any POST training.
A. Basic drug laws and drug trends while at the POST, Police Officers Standards and Training Academy. And then I have had other classes since then, drug-endangered children, drug impairment for the street officer.
Q. And since you became a detective in 2017, have you had any training related to your job as a narcotics detective?
A. Yes, I have.

Q. What did that training consist of?
A. I have gone to advanced drug recognition for the police officer, detective. I have been to different conferences on substance abuse and opioid usage. I have been to a course on drug overdose investigations.
Q. And in your time as a detective with the Elko Combined Narcotics Unit, since 2017, what are your typical duties and responsibilities as a member of Elko Combined Narcotics Unit?
A. We follow up on tips or leads that we get from either citizens in the community or from other law enforcement agencies.
We start investigations that way. We also do what we call controlled purchases with the use of an informant to go out and purchase illicit controlled substances.
And then we also work information received on potential drug loads coming into Elko or through the area.
Q. I want to direct your attention to the month of February, 2019. Were you -- did you participate or were you involved in any controlled purchases during the month of February?
A. Yes, I was.
Q. And did those purchases -- let's talk first about Sheldon "Bob" Olsen. Are you familiar with that

person?
A. Yes, I am.
Q. And again directing your attention back to February, 2019, tell us what your job had to do with Mr. Olsen during that month?
A. Could you say the date one more time, sir?
Q. February of 2019.
A. Thank you.
THE COURT REPORTER: Mr. Wills, can I ask you to keep your voice up, please.
MR. WILLS: Yes.
THE COURT: Do we have a mic for him?
MR. WILLS: It's right here.
THE COURT: Is it on?
MR. WILLS: I think we agree that the light means on, right?
MR. BARAINCA: Also, for your information, in the broadcast -- he is hard to hear on the broadcast as well.
THE BAILIFF: He needs to speak up so the mic can pick it up. I have it moved over here.
THE COURT: Okay. Well, he can move it up closer to his mouth. How about that?
THE WITNESS: I apologize. Mr. Wills, can you repeat the question?
Q. (By Mr. Wills) Sure.

Did you have any involvement with a person by the name of Sheldon "Bob" Olsen during the month of February, 2019?
A. Yes, I did.
Q. Okay. What was that involvement?
A. In late -- later February, we had conducted a controlled purchase into Mr. Olsen.
Q. And just describe for the jury again what a controlled purchase is.
A. So a controlled purchase is where we have a confidential source, or sometimes referred to as a confidential informant, who will contact a source that they buy illicit control substance from. They will arrange a purchase of an illicit controlled substance on our behalf, and then we provide that confidential source with the money to go -- actually go out while wearing a body wire transmitter to make the purchase under our observation.
Q. And did the Elko Combined Narcotics Unit, in fact, conduct some controlled buys with Mr. Anderson during the month of February of 2019?
A. With Mr. Olsen, yes.
MR. WOODBURY: I'm going to object. He said Mr. Anderson. That's what I heard.
THE WITNESS: Yeah, he did say Mr. Anderson. You are correct, sir.

MR. WILLS: That's correct. I misspoke, and we were just in the process of correcting it to Mr. Olsen.
MR. WOODBURY: Okay.
MR. WILLS: You are correct, Mr. Woodbury. I did misspeak there.
THE COURT: Okay. Well -- by the way, I just want to make sure, I made sure for the lawyers earlier that they can see the witness.
Can the members of the jury see the witness?
If it's so, please raise your hand, because you got to be able to see the witness.
You are having trouble seeing the witness?
Is the problem we have a bailiff over here?
JUROR NO. 5: No, there is --
THE COURT: There is somebody seated in front of you.
One thing I thought of is we can stagger the chairs so people can see. We are trying to keep social distancing, for the record, so we have got six feet in between the chairs.
We are on six-foot centers with these chairs.
Maybe with that second row we could move just a little bit, so you can see.
Do you want to move over a little bit to do so? We can't have everybody shift over, start out with maybe

six inches.
Will that work? Everybody, if you could do that.
Is that better, Mr. Farnsworth?
JUROR NO. 6: Yes.
THE COURT: We good to go there, Ms. Peterson?
JUROR NO. 5: Yes.
THE COURT: Okay. Everybody else say able to see the witness okay?
Okay. I think we're good to go. Thank you very much.
Mr. Wills, please proceed.
Q. (By Mr. Wills) So, Detective Disinger, we were talking about Sheldon "Bob" Olsen; is that correct?
A. Correct.
Q. So the Elko Combined Narcotics Unit, to recap, you guys did some controlled buys with Mr. Olsen back in February of 2019?
A. Correct.
Q. Do you recall approximately how many controlled buys there were?
A. I don't recall off the top of my head, no.
Q. It was numerous?
A. I know of at least one.
Q. At least one, okay. Let's confine it to your personal knowledge.

How many of those controlled buys were you personally involved with?

A. I -- I know, personally involved, at least one.

Q. And who was the cooperating source when you conducted -- when that controlled buy was conducted with Mr. Olsen?

A. The cooperating source at the time's name would have been Clinton Sandstrom.

Q. And do you happen to recall the date of the particular controlled buy you are referencing?

A. The one I'm referencing occurred February 25.

Q. And at some point in time -- around that time, did you become aware of or involved in another controlled buy involving a person by the name of Hector Ramirez-De La Torre?

A. Yes, I did.

Q. And tell us about that. How did that come about that you ended up doing a controlled buy with that person?

A. On February 27, we had arranged to do another controlled buy with Sheldon "Bob" Olsen. While we were conducting that controlled buy, we had learned that Mr. Olsen needed to resupply his controlled substances.

While waiting for that, the individual known

to us or as you described a minute ago, Hector arrived to bring the illicit controlled substance out to Mr. Olsen.

Q. So let's just take that one piece at a time and talk about what happened that day on February 27, 2019.

Did you meet up with -- with the cooperating source?

A. Yes, I did.

Q. And that was Clinton Sandstrom?

A. Correct.

Q. Who else was there when you met up with him?

A. My direct supervisor, Sergeant Scott Smith, and Elko Police Detective Josh Morrell.

Q. Do you know a person by the name of John Gaylor?

A. Yes, I do.

Q. And are you familiar with the term "case agent"?

A. Yes, I am.

Q. What -- what does that mean when the narcotics detectives refer to the case agent?

A. The case agent is the lead detective or the lead agent for that particular case.

Q. And who was the -- the case agent or the lead detective for this particular case?

A. For this case, it would have been John Gaylor.

Q. And why wasn't he present at the February 27 controlled buy?

A. He was on vacation during that time.

Q. So who kind of filled in as the -- I guess the lead detective for the February 27 controlled buy?

A. I did.

Q. So what did you and Sergeant Smith and -- did you mention that Detective Miller and who else?

A. Detective Morrell.

Q. Detective Morrell. Okay.

You and Sergeant Smith and Detective Morrell met with Clinton Sandstrom?

A. Correct.

Q. So what happens at that initial meeting? What was the purpose of that meeting?

A. The purpose of that meeting is to go over what the arrangement was for the purchase, quantity of drugs to be purchased, the amount, just to verify that we're all still on the same page as to what is going on.

We search the informant to make sure that there is no illicit controlled substances, weapons or other contraband. We search their vehicle. Then we give them the -- the funds to make the purchase and place the body wire transmitter on their person.

Q. What is the purpose of searching the

cooperating source, or the informant, and searching the informant's vehicle?

A. To ensure that they themselves don't have any illicit controlled substances, any weapons or any other contraband that could be confused with what we are purchasing, or to try and prevent some sort of -- they went out there and claimed they bought something but didn't and brought back something that they had already had.

Q. And did you utilize that process that you just mentioned in this particular case with Mr. Sandstrom?

A. Yes.

Q. Did you search Mr. Sandstrom?

A. Yes, I did.

Q. I guess that was you personally that did that?

A. Yes.

Q. Did you find any drugs or weapons or cash or anything like that on him?

A. I did not.

Q. Was his vehicle searched?

A. Yes, it was.

Q. And do you know who searched that?

A. Detective-Sergeant Scott Smith.

Q. Did you brief Mr. Sandstrom?

A. Yes, I did.

Q. What was the -- the plan of action you guys

had with Mr. Sandstrom as far as how much methamphetamine he was going to purchase for how much money and from whom?

A. He was going to purchase two ounces of methamphetamine for $1,000, and the original purchase was to take place between Mr. Sandstrom and Mr. Olsen.

Q. Where did Mr. Olsen live?

A. He lived out in Ryndon.

Q. Are you familiar with a body wire?

A. Yes, I am.

Q. What is a body wire, and how does that work?

A. A body wire is a small box, kind of like a tape recorder, with a transmitting mic to it, and it operates off of a radio frequency. So when it's turned on, it records everything it hears and then transmits a radio signal so we can monitor it on a -- on a radio.

Q. Did you use a body wire in this case with the controlled buy on February 27, 2019?

A. Yes, I did.

Q. So where did you -- well, just describe how you did that. Where did you put the wire?

A. Is -- is there any way we can not answer this?

Q. Is that like a -- a trade secret, like --

A. I would -- I would prefer not to give too many things away on -- as far as how we place wires and things like that, if that's possible.

THE COURT: Well, it's your question. What do you want to do with it, Mr. Wills?

MR. WILLS: I will revise the question.

THE COURT: You are going to withdraw the question?

MR. WILLS: Yes.

THE COURT: Okay. Next question then.

Q. (By Mr. Wills) Did you use a wire in this case generally?

A. Yes.

Q. And did that wire allow you to hear what Mr. Sandstrom was saying and doing and that sort of thing during the process you were about to describe?

A. Yes.

Q. So after -- and did you provide him with the cash that was going to be involved in the purchase?

A. Yes, I did. I provided him with a thousand dollars.

Q. And what happened next?

A. From there, Sergeant Smith and myself left the meeting location to go set up in our respective spots. And Detective Worrell followed the cooperating source to the residence where Mr. Olsen was at.

Q. Were you and Sergeant Smith traveling together in the same vehicle or in separate vehicles?

A. We were traveling together in the same vehicle.

Q. And whose vehicle was it?

A. We were in one of our detective vehicles. I believe that was a -- at the time, I believe the vehicle was assigned to Sergeant Smith.

Q. Who was driving the vehicle?

A. I believe Sergeant Smith was.

Q. And where did you drive to?

A. We drove to another residence down the road from where Mr. Olsen lives and parked in the driveway.

Q. Would you describe generally the layout of Mr. Olsen's residence?

A. Mr. Olsen was staying on a property out there that had a main residence. And then it had like some Quonset huts or some kind of barns. And then Mr. Olsen actually stayed in an RV parked out on that property.

Q. And in relation to that property that you just described, where did you and Sergeant Smith take up your -- your post at?

A. We were at an intersection just down the road from Mr. Olsen's -- the property Mr. Olsen was staying on.

Q. Was his trailer visible from where you were at?

A. Not from where I was parked, no.

Q. So after arriving there and parking at that location, tell us what happened next.

A. Shortly thereafter, we observed a grayish Chevy pickup arrive to the -- to the target location.

Q. How far away from you was the -- was the grayish Chevy pickup?

A. It -- it -- it drove right past us when it went by us.

Q. Have you ever seen that vehicle before?

A. Prior to that day?

Q. Prior to that day.

A. I -- I -- I couldn't tell if I did or not. I apologize.

Q. Were you able to see into the vehicle?

A. I was not, no.

Q. Were you able to obtain a license plate off the vehicle?

A. Not at that time, no.

Q. So at some point in time, were you able to obtain the license plate for the vehicle?

A. Yes.

Q. And when was that?

A. After that vehicle had left Mr. Olsen's residence, Detective Worrell was in a position to follow it out and got the license plate.

Q. And was that license plate number ever communicated to you?
A. Yes, it was.
Q. And what did you do with it when it was communicated to you?
A. I had the license plate ran through the system to obtain the registered owner's information.
Q. And did you write down the license plate number somewhere?
A. Yes, I would have.
Q. Okay. Where would you have written that down?
A. I would have written it down on a notebook or scratch piece of paper I had. And I believe I communicated that in my police report.
Q. Do you happen to remember off the top of your head what the license plate number was?
A. No, I don't.
Q. Would it refresh your recollection to review a copy of your report?
A. Yes, it would.
MR. WILLS: May I approach, Your Honor?
THE COURT: Please proceed, yes.
Q. (By Mr. Wills) Detective, I'm going to show you a couple of exhibits. The first one is marked as State's Exhibit 111. It's a copy of Detective Eisinger's

report. I'll show it to defense counsel if they'd like to review it. Discovery page 57.
The second exhibit -- and I will offer that in a minute, but it's going to be exhibit -- State's Exhibit 118.
MS. DUNN: I'm sorry, could you repeat the first one?
MR. WILLS: The first exhibit is Detective Eisinger's report, State's Exhibit 111.
MS. DUNN: Thank you.
MR. WILLS: And it's Discovery pages 57 and 56.
MS. DUNN: Thank you.
Q. (By Mr. Wills) Detective, I am handing you what was been marked as State's Exhibit 111.
If you could review page 56, third -- fourth paragraph down from the top silently to yourself.
Does that refresh your recollection?
A. Yes, it does.
Q. And what was the license plate number?
A. It was 95F048. It would have been a Nevada plate.
MR. WILLS: Your Honor, at this time I'm going to also -- I'm going to offer into evidence State's Exhibit Number 118, which is a certified vehicle registration for that vehicle.

THE COURT: Any objection to 118 for identification?
MS. DUNN: No objection, Your Honor.
MR. WOODBURY: We have no objection.
THE COURT: Exhibit 118 for identification is now admitted. That's now Exhibit 118.
(WHEREUPON, State's Exhibit 118 was admitted into evidence)
Q. (By Mr. Wills) And, Detective, you said that you -- also that you ran the registration, correct?
A. Correct.
Q. And I guess that knowledge, in conjunction with the certified registration, will lead me to ask you, who was the vehicle registered to?
A. The vehicle is registered to Maria Ulloa.
Q. At that point in time that you ran the registration, did that name mean anything to you?
A. At that time, no.
Q. Later on, did you come to know who that person was?
A. Yes.
Q. Who is that person?
A. Ms. Ulloa was a relative of an individual living out at the -- an address that we believed Hector to live at.

Q. Who was that individual that she was related to?
A. Jorge Landeros.
Q. Did you know how they were related?
A. They were husband and wife.
Q. Detective, after the gray pickup truck drove past you, what happened next?
A. Sergeant Smith and myself remained where we were at for the confidential source to leave the residence.
Once he left, then we followed him to a meeting location where we collected the alleged methamphetamine purchased and searched his person again and his vehicle, retrieved the body wire and discussed what had actually taken place at the -- at the residence.
Q. What is the purpose of searching Mr. Sandstrom and his vehicle after the buy?
A. The purpose of that is to make sure that there isn't anything -- any -- any drugs that was purchased and not given to us, any of the money that we had given him was -- that he had taken in his -- in his possession, left in his vehicle or on his person, make sure there was not any other contraband or things that may have been picked up at the time from when he was last searched until then.
Q. And did you find anything noteworthy?
A. No, we did not.

Q. So the thousand dollars that you had provided him, was he in possession of that after the controlled buy?
A. No, he was not.
Q. And what was he in possession of?
A. He was in possession of two baggies of suspected methamphetamine.
Q. Did he have those before the buy?
A. No, he did not.
Q. And what did he do with those two baggies of suspected methamphetamine?
A. He gave them to me.
Q. And what did you do with them?
A. I later did a field presumptive test, or what we call a NIK test. It stands for narcotics identification.
Q. Were you trained to do that?
A. Yes, I was.
Q. And did you conduct a Narcotics Identification Kit test on the suspected methamphetamine?
A. Yes, I did.
Q. And what was the presumptive result?
A. It was presumptively positive for methamphetamine.
Q. And that -- did you weigh the methamphetamine?
A. I did, yes.

Q. And how much did the two baggies of methamphetamine weigh?
A. Each baggie weighed just over 28 grams, for a total of 56 grams or a little more.
Q. And how many grams are in an ounce?
A. There is 28 grams to an ounce.
Q. And was that approximately in the ballpark of what the transaction was supposed to be as far as the purchase of two ounces?
A. Yes, it is.
Q. Were you listening in on the -- on the body wire while Mr. Sandstrom interacted with -- while the controlled buy was conducted?
A. Yes, I was.
Q. What can you tell us about what you remember hearing happened as Mr. Sandstrom arrived at the -- Mr. Olsen's residence?
MS. DUNN: Your Honor, I'm going to object as to hearsay.
THE COURT: Mr. Wills.
MR. WILLS: Any conversations that Mr. Sandstrom had directly with Hector would be admissible as a statement by a party opponent.
Any statements made by Mr. Olsen would be admissible for other purposes as far as corroborating the

fact that a controlled buy occurred.
And the State would -- would, I guess, concede that any statements made by Mr. Olsen would not be offered for the truth of the matter asserted.
THE COURT: Okay. Counsel?
MS. DUNN: Your Honor, I believe that my objection -- first off, I believe that what the question was, was, "What do you remember hearing?"
So again, it wasn't necessarily which -- it wasn't clear as to which statements he wanted to elicit, whether or not they were from Mr. Ramirez or any conversation that Mr. Ramirez was part of.
But I would object to any statements being offered by Mr. Olsen as that would absolutely be hearsay. And if it's not being offered for the truth of the matter asserted, my question is what is it being offered for?
And so it would still be hearsay, Your Honor.
THE COURT: All right. Well, that is something that can be dealt with at another hearing, I think.
That's just how this trial is going to roll out, I think, and we'll have to work that out when the jury is not here so that I know what the theory of admissibility it is and what the statements are.
I have some idea, but like Mr. Woodbury said, we don't know how exactly the evidence is going to roll out.

We'll do that when we are not -- don't have the jury in here so we can keep moving.
So if you are asking for Mr. Ramirez's statements, you know, I don't know if there is an objection on that or not.
I will permit that question.
MR. WILLS: Okay.
MR. WOODBURY: That's fine, we'd love to hear it, Judge.
THE COURT: I am asking if you have an objection to that.
MR. WOODBURY: None.
THE COURT: You do not. Okay.
The judge always has to ask the lawyers to make sure what their positions are. That is what I try to do.
Okay. Thank you for that, Mr. Woodbury.
Mr. Wills, I am sustaining the objection for now. If you could ask another question.
MR. WILLS: Okay.
Q. (By Mr. Wills) So let's limit the question then to any conversations that you overheard between Mr. Sandstrom and Hector specifically.
Did you hear them over the body wire talking to each other?
A. Yes, sir.

Q. What was the nature of the conversation if you recall?

A. Mr. Sandstrom greets who we believed to be Hector. Who we believed to be Hector asked him if wants -- he said something to the effect of, "You wanted two, right?" or something -- because that's what -- excuse me.

Hector says something, what sounded like, "You wanted two, right?" And Mr. Sandstrom said, "Yes."

Then they have some kind of conversation where Mr. Sandstrom starts to tell who we believed was Hector at the time about some vehicle issues.

Q. All right. Now, circling back around to the -- after the controlled buy that occurred, you met back up with Mr. Sandstrom, correct?

A. Correct.

Q. You testified that he provided you with a couple of ounces of methamphetamine?

A. Correct.

Q. What did you do with those -- with those baggies of methamphetamine that you previously testified to?

A. So it was NIK tested, it was weighed, and then it was packaged to be placed in the Department of Public Safety evidence vault.

MR. MILLS: Ms. Clerk, can I get State's Exhibit

124.

Show it first to defense counsel.

Q. Detective, I'm going to show you what has been marked as State's Exhibit 124. Do you recognize that?

A. Yes.

Q. What is that?

A. That is the suspected methamphetamine that I was -- received from the confidential source after making the controlled purchase on February 27.

Q. And what is it that leads you to -- to believe that that is what that is, just based on any particular markings or whatnot on the bag or anything else?

A. The evidence chain of custody form on the front.

MR. MILLS: Okay. I'm going to offer State's 124 into evidence.

MS. DUNN: I have no objection, Your Honor.

MR. HOODBURY: I have no objection.

THE COURT: All right. Exhibit 124 for identification is now admitted. That is now Exhibit 124.

(WHEREUPON, State's Exhibit 124 was admitted into evidence)

Q. (By Mr. Mills) Detective, what can you tell me about this sticker right here that says "Nevada Department of Public Safety"? And then it has a case

number, then it has a bar code number. What is that sticker? Where does it come from?

A. So once we package everything --

THE COURT: Mr. Mills, if I could just have you move over a little bit so the jury can see the witness.

MR. MILLS: You bet.

A. Once we package everything and put it into a vault, temporary locker, the evidence custodian for the Elko area Department of Public Safety retrieves that from the temporary vault locker, puts that bar code on there, so that way it can be tracked through the state's evidence system.

Q. And who is responsible for maintaining evidence and sending it off to the crime lab for testing and that sort of thing?

A. The evidence custodian for this area command for Nevada, and her name is Michelle Rathbun.

Q. So who would have printed out that sticker and put that on there? Would that have been you or her?

A. Ms. Rathbun would have.

Q. But you are familiar with the procedure for doing that?

A. Yes.

Q. And what is the -- I guess the evidence number that is on the bar code of that sticker she affixed to that

item of evidence?

A. This says "Package Number 1."

Q. I guess I am referring to the --

A. Are you talking about the bar code number?

Q. Yes, the bar code.

INTERPRETER MENDOZA: Your Honor, may I ask Mr. Mills if he could kind of face us, because it feels like he is mumbling and we can't quite hear him.

INTERPRETER SCHEHR: Yes.

THE COURT: Okay. Well, why don't we have him stand there and he can kind of talk that way. And he is going to have to talk up. Some people, it picks their voice up no problem, other people maybe not so much. But we'll make it work.

You let us know, though, if you are having any further trouble, Ms. Mendoza and Ms. Schehr.

Q. (By Mr. Mills) Detective Eisinger, what is the bar code number?

A. The bar code number is 167147.

Q. Thank you.

Detective Eisinger, did all of these events that you have described, did they happen in the county of Elko, in the state of Nevada?

A. Yes, they did.

MR. MILLS: That's all the questions I have

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for now. I will pass the witness.

THE COURT: Cross-examination. Who is going first on this one?

MS. DUNN: Thank you.

THE COURT: Ms. Dunn then. Please proceed.

CROSS-EXAMINATION

BY MS. DUNN:

Q. Detective, I want to take you back to what you were talking about originally, about setting up these controlled buys.

Is this something you have been doing with the -- the Combined Narcotics Unit for Elko County?

A. Yes.

Q. How long have you been doing that?

A. Setting up controlled purchases?

Q. Yes.

A. Since, I would say, middle of 2017.

Q. All right. And these other people that you have spoken about, Detective Gaylor, Detective Smith -- or Detective Miller, not Smith. Miller, correct?

A. Smith and Worrell.

Q. Smith and Worrell.

You've worked with them previously?

A. I hadn't worked with Sergeant Smith that much prior to this. He was a new supervisor to our unit.

Q. All right. And so on the -- did you participate in the February 25 controlled buy?

A. Yes, I did.

Q. And just so we're clear, again, who was that between?

A. The February 25 buy was -- the actual transaction itself, my understanding, based on information learned that night after -- during and after the buy, was between Mr. Olsen and the informant, Mr. Sandstrom.

Q. All right. And you said from information that you learned that night. Did you not know it was going to take place between those the individuals?

A. No, we -- we did know it was going to take place between those two individuals.

Q. Okay. And we are talking about confidential -- we are talking about controlled buys and then confidential -- you don't call them informants, confidential --

A. They are referred to as either confidential informant, confidential source, or confidencial -- or a source -- yeah, confidential informant, confidential source.

Q. Okay. So -- so we're clear, the confidential source was who between those two?

A. The confidential source was Mr. Clinton

Sandstrom.

Q. All right. So Clinton Sandstrom was working with you and the other members of your team and setting up a buy with an unknown -- well, with a -- the individual did not know it was a controlled buy, the other individual who was Bob Olsen, correct?

A. Yes, correct. That is the idea, that the person selling doesn't know.

Q. Right. Now, had you worked with Clinton Sandstrom prior to this?

A. Personally, no.

Q. And were you aware of Clinton Sandstrom prior to this?

A. No.

Q. All right. So this is the first time that you had personally worked with this confidential source?

A. Yes.

Q. Now, the way -- just so we're clear with the jury, so they understand, when -- was Clinton Sandstrom just a friendly guy off the streets, you know, coming up to the police and saying, "Hey, how can I help you?"

A. Mr. Sandstrom has some legal troubles of his own.

Q. All right. So he had previously been arrested for --

A. As to what those legal troubles were exactly, I don't know, because I was not his -- what we would call a handler or the person that got him signed up as an informant.

Q. All right. Are you familiar with the way people get signed up to become informants?

A. Yes, I am.

Q. And, again, that is not like they have to sign up on the board out at the post office saying, "Hey, do you want to be a confidential informant," correct?

A. No, it's not.

Q. And so how do you normally sign up a confidential informant?

A. There's two types of confidential informants. One is what we would call a mercenary, who is someone who has zero legal troubles, they want to try and do some good and they have the ability to make purchases.

The second is an individual who has charges pending, and they want to try and either lessen those charges or get those charges dismissed, so they go to work for us.

Q. All right. And Clinton Sandstrom was not a missionary.

A. A mercenary? No, he was not.

Q. Mercenary, sorry.

A. No, he was not. He was --
Q. Okay.
A. He was trying to work off charges.
Q. Okay. And so who was Clinton Sandstrom's handler?
A. It would have been John Gaylor.
Q. Okay. And so at that time, you knew that Clinton Sandstrom was trying to work off some charges of his own. You just are not familiar with what those charges were?
A. Correct.
Q. And so, presumably, Clinton Sandstrom brought information to either yourself or maybe his handler that he could potentially purchase methamphetamine from this other person?
A. Correct.
Q. And that other person he brought to you -- and I mean "you" as a collective team -- would have been, again, this Sheldon "Bob" Olsen, correct?
A. Yes.
Q. On the -- so on the February 25 controlled buy, at some point during that controlled buy, I believe you testified that it was somehow brought to your attention that Mr. Olsen needed to re-up and get more drugs.
A. On the February 27 buy or the February 25?

Q. I don't think so. But -- but go ahead. If it was -- if it was confusing, let me -- I can certainly agree.
A. Okay. So we were not able to see inside the truck as it drove past us, no, because the window tinting was too dark for us to see.
He also tried to slouch down in our vehicles because we didn't want to be seen by anybody passing by.
But we were able to hear a voice on the body wire transmitter upon Mr. Sandstrom and who he believed to be Hector greet each other.
Q. All right. So both of the buys that you testified about had been between Clinton Sandstrom and Sheldon "Bob" Olsen, correct?
A. The -- the buy on February 25, to my knowledge, the transaction was between Mr. Olsen and Mr. Sandstrom.
On the 27th, to my knowledge, the transaction was between Hector and Mr. Sandstrom at Mr. Olsen's property.
Q. All right. And on the buys that you have discussed, these two buys, neither of them -- Mr. Jorge Ruiz was not part of any of that, correct?
A. Mr. Landeros?
Q. Mr. Landeros, yes.

Q. You tell me. I may be wrong.
A. On the February 27 buy, if I remember correctly from my reports, that is when Mr. Olsen needed to re-up.
Q. All right. And so -- and maybe I mistook your testimony, so if I did, please let me know.
I thought you had indicated that it was the 25th buy that he had indicated he needed to re-up and that's why you set up the 27th. Is that not correct?
A. There was a purchase on the 25th and a purchase on the 27th.
I believe on the 27th, upon Mr. Sandstrom's arrival, Mr. Olsen needed to make a phone call to re-up.
Q. Okay. Okay. And maybe that's clear. All right.
And so then he made that phone call, correct?
A. Yes.
Q. And then that's when you indicated that shortly thereafter this gray pickup or this gray truck showed up?
A. Yes.
Q. And although you didn't see inside of the pickup because of, I guess, the body -- the body wire, that's when you believe that you had heard Hector's voice?
A. So is that a two-part question?

A. The 25th and the 27th, no, he was not a part of any controlled buy.
MS. DUNN: I have no further questions.
THE COURT: Okay. It is now about 3:20.
Court is going to take a recess and then go to cross-examination with Mr. Woodbury.
Ladies and gentlemen, we'll go ahead and break for 15 minutes.
Please do not converse amongst yourselves or with anyone else on any subject connected with the trial. Do not read, watch or listen to any report or commentary on the trial or any person connected with the trial by any medium of information, including, without limitation, newspapers, television, radio or the Internet.
And do not form or express any opinion on any subject connected with the trial until the cause is finally submitted to you.
You may not use any electronic device or media, such as the telephone, a cell phone, smartphone, iPhone, Galaxy, or computer, the internet, any internet service, any text or instant messaging service, any internet chat room, blog, or Website such as Facebook, Instagram, LinkedIn, YouTube or Twitter, to communicate to anyone any information about this case until I accept your verdict.
In other words, you cannot talk to anyone on the

phone, correspond with anyone, or electronically communicate with anyone about this case.

Also, jurors shall not conduct any form of independent research, investigations, or experiments prior to or during jury deliberations.

This prohibition includes, but is not limited to, communicating with anyone in any way regarding the case or its merits, by phone, e-mail, texting, the internet, or other means; reading, watching or listening to any news or media accounts or commentary about the case; doing any research such as consulting dictionaries, using the internet, or using reference materials; and making any investigation, testing a theory of the case, re-creating any aspect of the case, or in any other way investigating or learning about the case on one's own.

So we'll take a little break here.

(Recess taken at 3:20 p.m.)

(Proceedings resumed at 3:42 p.m.)

THE COURT: Okay. And we will go back on the record for CR-FP-19-2458 and 2485, State versus Ramirez-De La Torre and Ruiz.

We do have the attorneys back in court, the defense attorneys, their respective clients. And we have deputy district attorneys back to represent the State.

Of course, we have got the previously sworn

interpreters assisting the defendants.

So counsel will stipulate to the presence of the jury and the alternates?

MR. WOODBURY: So stipulated.

MR. WILLS: Yes.

MS. DUNN: So stipulated, Your Honor.

THE COURT: Thank you.

We have got Detective Eisinger on the witness stand. I do remind him he is under oath.

And he is on cross-examination with Mr. Woodbury now.

CROSS-EXAMINATION

BY MR. WOODBURY:

Q. Detective Eisinger, when did you first become aware that you would be participating in this February 27 transaction?

A. The exact time, I don't recall. I believe it would have been that morning.

Q. On February 27?

A. Yes, sir.

Q. So you -- you -- the only thing you knew about February 25 is things you have heard, you didn't --

A. No, I participated in the buy on February 25.

Q. Oh, did you?

A. Yes, sir.

Q. Okay. And what was your participation on February 25?

A. The case agent, Mr. Gaylor, was on vacation on that day as well, so I was the lead for the buy on February 25.

Q. And the purchase from Mr. Olsen on February 25 was already arranged before Detective Gaylor had left, or was it arranged after?

A. It would have been arranged after.

Q. Okay. So you were the lead detective -- or, excuse me, the case detective, I guess you call yourselves, and you arranged it?

A. For the 25th?

Q. Yes.

A. Yes, sir.

Q. Okay. And can you tell the jury, please, what the arrangements were?

A. For the 25th, I don't know off the top of my head.

Q. And why is that?

A. Why is that?

Q. Yes.

A. Because I am not recalling. I would -- I would need my report to refresh my memory.

Q. Mr. And so you didn't read the 25th report

that you wrote to refresh your memory? Or did you write a report on the 25th?

A. I wrote a report for the 25th, yes, I did, but I have not refreshed it lately.

Q. Okay. What did you -- what else did you do to refresh your recollection for the purpose of testifying here today?

A. I read through my preliminary hearing transcripts, and I read through my report for the 27th, and I listened to the body wire audio.

Q. Okay. And the -- how did you -- how did you come -- looking at your report, it appears to indicate that you -- (microphone cuts out)

MS. DUNN: It went off.

Q. (By Mr. Woodbury) In looking -- in looking at your report, it appears to suggest that there was already a video -- or -- or surveillance being conducted up on Kale Drive on February 27?

A. For that particular day?

Q. On February 27, the day, yeah.

A. Yes, we had a detective doing surveillance on -- on the residence on Kale Drive, yes.

Q. Okay. And do you remember how -- do you remember how that -- do you remember how that came to pass?

A. As to why we had a detective on surveillance

on that residence?
Q. Yes.
A. If I remember correctly, from the buy on the 25th, the same vehicle arrived at Mr. -- let me -- let me back up here.
During the buy on the 25th, the vehicle that we believed that Mr. Ramirez-De La Torre arrived in on the 27th showed up to Mr. Olsen's house on the 25th.
Q. And there were -- (microphone cuts out)
MR. WOODBURY: I don't know what to do, Judge. It keeps going off.
Q. The buy on the 25th, did -- did you all have a discussion about who was driving the gray pickup on the 25th?
A. No, we did not, not to my recollection.
Q. And there were officers surveilling that transaction between Mr. Sandstrom and -- and Mr. Olsen?
A. On the 25th, yes.
Q. Okay. And how did it come to your attention that Mr. Ramirez might be a person that would be involved; do you recall?
A. I don't recall, no.
From the 25th, is that what you're asking? I'm sorry.
Q. Yeah.

A. Yes, I don't recall from the 25th.
Q. Okay. But whatever it was, it was enough for you to put a detective out on the highway to look at the Kalt Drive residence?
A. Yes.
Q. Okay. And Detective Gaylor hadn't been there on the 25th either?
A. No, he was on vacation that week.
Q. Okay. And when you do a controlled purchase such as you did, how many detectives are -- how many detectives are involved with the Combined Narcotic Unit?
A. At that time, we had five detectives.
Q. And --
A. I'll rephrase that. Assigned to our actual unit at that time, we had four detectives. We brought in detectives from the Winnemucca office to assist us in surveillance. And we also -- yeah, we brought in detectives from the Winnemucca office for the buy on the 25th to assist us in surveillance.
Q. Okay. And so when you go out to surveil a controlled purchase like that occurred on February 25 -- on February 27 -- (microphone cuts out)
MR. WOODBURY: I don't know, Judge.
THE COURT: I don't know either. Technology, that's all I know.

MR. WOODBURY: I don't know why it keeps cutting out.
Q. (By Mr. Woodbury) How many detectives -- how many different cars maybe would be around the controlled purchase?
A. Well, that's going to depend on how many personnel in the area we're in. So usually what we do is we gauge the area and best avenues that we can set up on, so that is going to determine how many personnel.
So for this particular case, I want to say we had six or eight total detectives.
Q. Located in -- (microphone cuts out)
THE COURT: Do you think it's a battery issue?
THE BAILIFF: We just put one in there.
Q. (By Mr. Woodbury) The -- do you typically try to arrange these controlled purchases so that the identity can be actually seen by at least one set of detectives?
A. If that's possible, yes.
Q. Okay. But in the case of the activity taking place at -- with Mr. Olsen, that wasn't possible to make that arrangement?
A. Correct.
Q. Okay. So you had kind of indicated in your report that -- well, you actually indicated, I guess, in

your testimony that you -- you understood or could hear a person that you associated with the voice of Hector?
A. That we believed to be.
Q. Yeah, okay. I'm sorry. I didn't phrase that correctly.
And how did you come to the belief?
A. Based on the information that was provided to us by Mr. Sandstrom that the individual he met with was Hector.
Q. And the individual he met with when?
A. While he was out at Mr. Olsen's residence to make the purchase on February 27.
Q. Okay. Prior to that, you did not know what Mr. Ramirez's voice sounded like?
A. Correct.
Q. Okay. And the purchase on the 25th, was that for two ounces of methamphetamine?
A. No. That, I don't recall what the amount was.
Q. Okay. And is -- what is a typical -- or is that bigger or smaller than a typical transaction?
A. Well, a transaction is going to be dependent on -- from one case to the next.
So we can buy -- whatever the amount is that the purchaser typically would buy.
Q. Okay. But is an ounce a major transaction or

a minor transaction?
A. I would say it's a -- a major transaction.
Q. Okay. And two ounces would also be a major transaction, I take it?
A. Yes, sir.
Q. And I assume that the Combined Narcotics Unit was looking for where these drugs were coming from to get to Mr. Olsen's residence?
A. Yes, sir.
Q. Okay. And that was what the surveillance was about?
A. Yes, sir.
Q. Okay. And there are -- you had never worked with Mr. Sandstrom before?
A. Not me personally, no.
Q. But you knew of his existence and participation with the Combined Narcotics Unit?
A. Yes.
Q. And how did you come by that knowledge?
A. I knew he had made controlled purchases in weeks or a month past with Detective Gaylor and other detectives assigned to our unit.
Q. And were those other purchases from Mr. Olsen?
A. Yes, I believe so.
Q. Okay. And is there a set number of purchases

that a -- that you'd say involved Mr. Olsen before he is arrested?
A. No, I -- there is not like a magic number where we say, okay, we -- you know, after we hit the -- let's say, three or four, we go arrest him. No, there's not.
Q. Okay. But these were major purchases by Mr. Olsen. He had been supplying an ounce or two or selling an ounce or two to Mr. Sandstrom six or seven times?
A. I don't know the exact amount, how many times purchases were made between Mr. Sandstrom and Mr. Olsen. So I can't tell you if it was six or seven.
Q. Okay.
A. And I don't know what the amounts were each time. It may have started out with a smaller quantity and then we work our way up, or it may have been that large quantity each buy. I don't know that answer.
Q. And what is it you are trying to accomplish with the multiple buys?
A. Well, you make multiple buys -- one, it helps build a stronger case. And if there is the potential that we can run the information or track, as you said earlier, where the drugs are coming from, going to Mr. Olsen, we would like to go get to that source as well.

Q. Okay. And the -- Mr. Sandstrom had provided you with the information about Mr. Olsen getting his supplies from Mr. Ramirez?
A. I believe he had passed on information to Detective Gaylor about that, but I am not a hundred percent certain.
Q. Okay. And one of the things that you have to be reasonably careful of when you have got a cooperating individual who's not a mercenary but trying to work off charges, he may have bad feelings towards somebody that he is setting up and you kind of have to be careful to see that he works that straight up?
A. Yes.
Q. Okay. And that's -- that's very usual in the drug world, right? That they might -- there are bad feelings between people who use methamphetamine sometimes?
A. Sometimes, yes, there is that possibility.
Q. Okay. And I am assuming that the detectives, the four detectives, and I assume sometimes there are more detectives at different times when you're not short of people and stuff, you have regular conversations back and forth about what is going on between all of you?
A. Usually, yes, we like to share information with each other.
Q. Okay. And your -- your participation with

Mr. Sandstrom didn't begin until February 25, but you were aware that he was a cooperating individual?
A. Correct.
Q. Okay. And you -- is there any particular kind of information that you are -- that you find it useful to share back and forth between the detectives?
A. As far as?
Q. I -- I don't know. I don't know what you all talk about.
A. Well, depending upon the case, you know, what -- what -- I am working one thing, I may ask if anybody has ever heard of a particular person or is familiar with -- with a person, or we will pass information back and forth. And if we get enough that we're going to go make a controlled purchase or whatever, whatever we are working on, then we'll ask the assistance of the other detectives in the office and we'll explain what we're doing.
Q. My assumption is that -- not that it may be a written-down goal, but it's for you detective folks to get to the people who have big amounts of dope so you can get the supply of dope, methamphetamine, in Elko County slowed down, right?
A. That's -- that's our -- our big picture objective, yes.

Q. Okay. And that there are other less important objectives, but there are still other objectives, right?
A. Correct.
Q. The -- you learned, or at least you wrote in your report, I guess, that you ran the license plate number of the gray pickup that showed down there?
A. Yes.
Q. On February 27. I guess maybe on the 25th, too.
A. On February 27, yes.
Q. Yeah. And then you ran it through the DMV and found out who it was registered to?
A. Correct, yes.
Q. And that was how you located where the -- knew where to look or send the -- an observer to look where the pickup originated from and where it went back to on February 27?
A. We had -- for the February 27 day, we had an observer watching the address on Kale Drive.
Q. Yeah.
A. How we knew to put that in place, I can't tell you because I don't remember how that originated.
But when we got the license plate off of the vehicle from February 27 and ran the information and it came back to that address is when we confirmed we were, I

guess, on the right track.
Q. And does the big picture objective extend to cooperation between the Elko Combined Narcotics Unit and other law enforcement agencies that -- that don't necessarily work in the Elko area?
A. As far as sharing of information or --
Q. Yeah.
A. Yeah, if we get information about things that occur in other jurisdictions, we pass it along. Or if other jurisdictions request our assistance, yes, we'll help them out.
Q. Okay. And that -- that includes, I assume, federal agencies as well?
A. Yes, sir.
Q. And what are the -- what are the -- is there a federal agency that is specifically concerned with narcotics detection and suppression?
A. I believe that would be the Drug Enforcement Agency.
Q. Okay. And so it -- it would not be unusual for you all to have discussions with them to tell them what you know and so on?
A. Typically, we don't.
Q. Typically, you do not?
A. No, sir.

Q. Why -- why is that?
A. We don't get a lot of support from the DEA here in Elko County.
Q. So what, you are mad at them?
A. No, sir.
Q. But you have a big picture scenario to get drugs off the street, but DEA doesn't support you, and so you don't share the information?
A. I would say that is a -- that's an accurate depiction, yes.
Q. And even -- even though -- well, where does methamphetamine come from; do you know?
A. Well, typically it comes out of Mexico.
Q. Yeah. Practically exclusively anymore, isn't it?
A. Yes, sir.
Q. And there for a time there were people cooking methamphetamine in their houses in Elko County, but that's kind of stopped, right?
A. Yes, sir.
Q. And do you, in your conversations with other drug enforcement agencies, try to find a specific source of where most of the methamphetamine comes into Elko County from?
A. We have conversations -- well, yes and no. Our

main focus is on what's going on here in Elko County.
Q. Yes.
A. If we get information of potentially -- if we -- an agency contacts us or we got information in regards to where drugs may be coming from or going to, we will pass that along.
But it's not an -- an active thing where we are constantly sharing information back and forth.
Q. All right. It would have been of significant use for you to find out where the drugs that were at Kale Drive had come from?
A. It may have been. I couldn't say one way or the other.
Q. Well, if you are going to get them off the street, you got to know where -- you can stop them at Kale Drive or you can stop them before they got to Kale Drive, right?
A. If we could have stopped them before they got to Kale Drive, that would have been an even bigger picture, yes.
Q. And that's not the -- that is not the only place in Elko County where these amounts of methamphetamine are showing up, like two ounces. There are other places in the county where that is happening?
A. I'm sure there is, yes.

Q. Well, from your -- would one be -- where would -- where would another one be?
A. I am not going to discuss that. That may impend on an ongoing investigation. I am not going to give that information out on a public forum.
Q. And I would assure that you would like to keep from public knowledge what, if anything, you did to keep Kale Drive in the picture and spend some time looking at where the drugs that were getting there came from?
A. I'm sorry, say that one more time, sir.
Q. Well, my understanding is that you have ongoing investigations all the time and you don't want to talk about them.
A. Yes, I am not going to discuss anything that potentially could be an ongoing investigation.
Q. Yeah. But something is either an ongoing intent for investigation or might be an ongoing investigation sometime in the future, are you protecting now ongoing investigations?
A. I am -- I am not going to discuss information that may or may not be worked currently on where other large quantities of drugs in Elko County may be found.
Q. But you are -- you know, if there are large amounts of drugs located in Elko County, that it is reasonable to understand that the Mexican cartels are

involved?
A. That --
Q. Is that true?
A. That -- say that one more time, sir.
Q. If you find large amounts of drugs in Elko County, is it not clear to you that Mexican cartels are involved to get the drugs into the United States and then to get them transported into various outlying areas?
A. Well, yes, that would be the assumption based on information I know from training, that the cartels runs drugs out of Mexico and into the United States. So the assumption would be that drugs flowing to any community would naturally stem from the cartels.
Q. Yeah. So the cartels are up to their ears, and you just don't know exactly when they're in and when they're out?
A. When drugs come and go from Elko County, is that what you are asking?
Q. Yeah.
A. Yeah, I can't give you dates or times because it's a -- it's a flow of -- it's not like they say, Every second Tuesday of the month we are going to make a drop.
Q. So there is not the intent of the Elko County Narcotics Unit to get the cartels picked off down in California or Arizona or wherever they are bringing the

drugs into the United States?
A. If we have the knowledge and the ability to get resources from other agencies that can potentially prevent or stop drugs from crossing the Mexico-U.S. border, we would pass that information on and do what we can.
Q. Okay. Did you do an investigation of why Mr. Ramirez, if he was selling $2,000 worth of drugs on February 27, why he was driving someone else's car?
A. He -- $2,000?
Q. How much -- oh, a thousand dollars. What is it, a thousand? I -- for two ounces?
A. I personally did not look into that.
Q. All right. Would that be a typical program that you would start to look at?
A. Typically, yeah, we would -- we would want to know.
Q. Okay. And one of the things that you would like to do is, if you get a person like Mr. Ramirez jammed up by having sold trafficking amounts of methamphetamine, you can get a lot of information out of people like Mr. Ramirez, right?
A. Potentially, yes.
Q. Potentially, yes?
A. Yes, sir.
Q. And the same thing with respect to Mr. Olsen,

right?
A. Yes.
Q. And the way to get them in that position is to arrest them and then see if they will talk to you?
A. Yes, sir.
Q. Okay. And why didn't you do that to Mr. Olsen?
A. Well, as I wasn't the case agent, that wasn't my decision, and I don't know what the decision was for that.
Q. But you guys ultimately did talk to Mr. Olsen?
A. I personally did not, no.
Q. Okay. But you are aware he has been talked to?
A. Yes, I am.
Q. Okay. And did you ultimately discuss -- I assume that Mr. Sandstrom told you he was acquainted with Mr. Ramirez?
A. To what --
Q. Other than meeting him on February 27.
A. I believe Mr. Sandstrom knew who Mr. Ramirez was. Whether they were best of friends or worst of friends, that I do not know.
Q. Okay. Would that be something you would normally inquire into for Mr. Sandstrom, whether there was

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2021 SEP 28 PM 3:44
4TH JUDICIAL DISTRICT COURT
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Case Nos. CR-FP-19-2456 and CR-FP-19-2465
Dept. II

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

ooOoo

THE STATE OF NEVADA :
Plaintiff, :
V. : JURY TRIAL
HECTOR HUGO RAMIREZ-DE LA TORRE, : VOLUME 4
and JORGE LANDEROS RUIZ, :
Defendants. :
_____/

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled matter came on for hearing on January 15, 2021, at the hour of 8:45 a.m. of said day, in Elko, Nevada, before the HONORABLE ALVIN R. KACIN, District Judge.

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

COPY

APPEARANCES

For the Plaintiff:

MARK S. MILLS, ESQ.
Elko County
Deputy District Attorney
540 Court Street
2nd Floor
Elko, Nevada 89801

JUSTIN BARAINCA, ESQ.
Elko County
Deputy District Attorney
540 Court Street
Second Floor
Elko, NV 89801

For the Defendant:
(Ramirez-De La Torre)

GARY D. WOODBURY, ESQ.
ATTORNEY AT LAW
1053 Idaho Street
Elko, Nevada 89801

For the Defendant:
(Ruiz)

KARENA K. DUNN, ESQ
LARRY K. DUNN & ASSOCIATES
1201 Terminal Way, #221B
Reno, Nevada 89502

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PROCEEDINGS

THE COURT: We are back on the record for CR-FP-19-2456 and 2465. State versus Ramirez-De La Torre and Landeros Ruiz.

We do have the defendants here with their respective attorneys and the Court's previously sworn interpreters assisting them today.

And then also we have deputy district attorneys Mills and Baraona to represent the State.

Will counsel stipulate to the full presence of the jury and the alternates?

MR. MILLS: Yes, Your Honor.

MR. WOODBURY: So stipulated.

MS. DUNN: We would stipulate, Your Honor.

THE COURT: Thank you.

Okay. So we are going to broadcast then, correct, Mr. Nunes?

THE BAILIFF: Uh-huh.

THE COURT: Okay. Hope you had a nice evening last night, ladies and gentlemen. And we are continuing on with our second day of the presentation of the evidence.

So next witness for the State?

MR. MILLS: Matthew Miller.

THE COURT: Matthew Miller.

And by the way, if you have to shift a seat a little bit just to make sure you get a full view of the witness, please go ahead and do that, okay.

Why don't we have you come up to the stand, we'll do it that way. And during your testimony, please drop your mask, sir.

We'll have you take the oath.

(WHEREUPON, the witness was sworn)

THE COURT: Please be seated, sir.

And is it Mr. Mills?

MR. MILLS: Yes.

THE COURT: Okay. Please proceed.

MATTHEW MILLER

called as a witness in said case, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. MILLS:

Q. Good morning, Mr. Miller.

A. Good morning.

Q. Can you hear me okay?

A. I can.

Q. Could you please state and spell your first and last name for the Court.

A. Yes. Matthew Miller. M-a-t-t-h-e-w M-i-l-l-e-r.

Q. And, Mr. Miller, I understand you currently work in the private sector; is that correct?

A. I do.

Q. Previously did you work in law enforcement?

A. I did.

Q. I want to direct your attention back to February of 2019. And at that point in time in your life and career, where were you working?

A. I was working for the Nevada Department of Public Safety, Investigations Division, as a detective.

Q. And what kind of detective were you?

A. I was a narcotics detective.

Q. Were you associated with the Elko Combined Narcotics Unit?

A. I was.

Q. And where were you based out of?

A. Elko.

Q. How long had you worked for the narcotics unit at that point?

A. At that point in time, it would have been approximately a little over two years.

Q. And prior to that, what kind of law enforcement experience did you have?

A. I worked for the Nevada Division of Parole and Probation.

Q. As a narcotics detective for the Elko Combined Narcotics Unit, what were your primary duties and responsibilities?

A. To investigate the transportation and sales of illicit controlled substances.

Q. And what were some of the common controlled substances that you investigated here in Elko County?

A. In Elko County, it was primarily methamphetamine and heroin.

Q. And are you familiar with methamphetamine specifically?

A. I am.

Q. Was it part of your duties and responsibilities as a narcotics detective to conduct controlled buys?

A. Yes, it was.

Q. I want to direct your attention back to February 27, 2019. Were you involved in a controlled buy on that occasion?

A. I'm sorry, could you say that again.

Q. Were you involved with a controlled buy on February 2, 2019?

A. I was.

Q. Okay. And what was your -- your role in conducting that controlled buy?

A. My role was to conduct surveillance on a

residence.

Q. And just to provide a little more context for the jury, what was the overall situation that was going on? What was the plan?

A. The plan was that there would be a controlled purchase of illicit narcotics at another location. My job was to sit from a distance on the -- at the weigh station on I-80 westbound and observe the residence that the suspected seller was going to be coming from -- coming from, 5647 Kale Drive.

Q. Okay. And where was the -- so the person who was going to be providing the methamphetamine was coming from 5647 Kale Drive?

A. Correct.

Q. And did you know at that time who that person was suspected to be?

A. Yes.

Q. And who was that?

A. At that time, we just knew him as Hector -- or I knew him only as Hector.

Q. Okay. So a person named Hector. Okay.

And where was the -- I guess, who was the cooperating source that was helping you guys out with conducting the controlled buy on that date?

A. Clinton Sandstrom.

Q. And so what was the plan as far as where the purchase was going to take place?

A. The purchase was supposed to take place on Arthur out there in Ryndon/Osino.

INTERPRETER DAVIS: Excuse me, Your Honor. The interpreter did not hear the last sentence from the witness. Could you please repeat that.

A. The purchase was to take place on Arthur.

Q. (By Mr. Wills) Is Arthur a street?

A. It is.

Q. Okay. So on a street called Arthur in Osino?

A. Correct.

Q. Okay. And who resided at that location?

A. Bob Olsen.

Q. Just again to paint a picture of the -- you know, the layout of everything, how far away is Bob's place from the 5647 Kale Drive location?

A. It's a ways. I couldn't give you an exact distance, but as the crow flies it's -- you have to go from Ryndon over the hill to Osino, so to get there you have to get out on the interstate most likely. There are dirt roads that you can go.

Q. And so describe the location where you were set up at to observe the 5647 Kale Drive residence?

A. The location I was at is -- it's a typical

weigh station that Nevada Highway Patrol utilizes to weigh and inspect their trucks. It's just set off of the interstate, and so the -- the weigh station has -- you have your -- the interstate, and then the weigh station is here and then there's just a chain link fence, have views of all of Ryndon.

Q. How far away from that -- your location at that weigh station was the property at 5647?

A. Again, I couldn't give an exact distance. It's a little ways. I had to use binoculars to see the residence.

Q. Using the binoculars, what kind of view did you have of the -- vantage point did you have of the residence?

A. I could see the main gates of the residence, I could see part of the main residence itself, and then I could see two vehicles on a typical basis.

Q. Could you elaborate further as far as what -- describe the property at 5647 Kale Drive.

A. From that time point or from --

Q. From that -- I guess from that vantage point.

A. From that vantage point, when you look from the weigh station, you can see a main fence, and then there is a large, I guess, entryway through the -- through the gate.

And then I could see, well, what looked to be a house, a single-story house residence, and part of that house, not the entirety of it.

And then I could see usually two cars that looked as though they were parked up to that residence.

Q. Could you observe any other structures on the property at that time?

A. At that time, I don't believe I could.

Q. So on February 27 of 2019, as you were taking up your station there at the weigh station, tell us what happened.

A. I'm sorry, say that again.

Q. So what happened on February 27, 2019, as you were stationed there at the weigh station?

A. At that -- on February 27, as I was sitting there, I was informed through radio traffic what was going on during the controlled purchase. I was informed that the -- Clinton had made contact with Bob at the Arthur residence.

And a short time later, I viewed an individual walk from the east part of 5647 Kale to a gray pickup truck. He got in that pickup truck and then left the residence.

And I could see the vehicle drive all the way through Ryndon and it got on the eastbound entrance for

I-90 and then drove past my location out towards Osino.
Q. How long was the pickup truck gone at that point?
A. Approximately -- about 30 minutes.
Q. And did you observe that pickup truck again?
A. I did.
Q. And tell us about that.
A. The pickup truck then passed my location going westbound, got off on the westbound off ramp, drove through Kyndon and then parked back at the 5847 Kale address.
Q. Did you observe anyone exit the vehicle?
A. I saw a single occupant get out of the vehicle.
Q. Where did that person go?
A. Back towards the east side of the property.
Q. From your vantage point, were you able to identify the person?
A. I could not identify them from that distance.
Q. Mr. Miller, were there additional controlled buys between Clinton Sandstrom and -- and the person you referred to as Hector?
A. Yes.
Q. And when did those occur in proximity to the February 27 controlled buy?
A. They were a short time period afterward. I do

not remember the exact dates.
Q. Okay. And if the -- if the other officers' reports reflected March 4 and March 7, does that sound accurate?
A. It does.
Q. Were you involved in those two subsequent controlled buys?
A. I was.
Q. Okay. And what was your role in those subsequent controlled buys?
A. My role was also to conduct surveillance on the residence.
Q. Anything different in what you did in the other two controlled buys that what you described with the February 27 controlled buy?
A. No.
Q. Along those lines, was it the -- did you observe the same gray pickup, I guess, leave and come back to the property on those other two occasions?
A. I did.
MR. WELLS: That's all I have. I will pass the witness.
THE COURT: Cross-examination.
MS. DUNN: Thank you, Your Honor.
/

CROSS-EXAMINATION
BY MS. DUNN:
Q. Do we call you Mr. Miller now?
A. That's fine.
Q. All right. All right.
Mr. Miller, back in February of 2019, you participated in other controlled buys prior to the February 27 date, correct?
A. I believe so, yes.
Q. And just so we're clear, the controlled buys that you dealt with prior to the February 27 date, those were between Mr. Sandstrom and Sheldon "Bob" Olsen, correct?
A. I would have to refer to the reports for the specifics on the dates. But I believe, yes, there were purchases between those two.
Q. All right. Well, I wasn't asking you for the dates. I was just -- I was asking in February, did you do those controlled buys, were you participating in those controlled buys between Clinton Sandstrom and Sheldon "Bob" Olsen?
A. Again, I would have to refer to the reports. It has been a while.
Q. All right. Prior to testifying today, have you reviewed your reports?

A. I have not received those specific reports, so...
Q. And when you mean those specific reports, you mean of the dates for the controlled buys prior to February 27?
A. Correct.
Q. Now, once the February 27 date came around, your job was simply to do the surveillance; is that correct?
A. Yes.
Q. Had you done surveillance with -- on this particular property at Kale Drive prior to that date?
A. I have, yes.
Q. All right. And explain this property. You had described it as having a fence around the property?
A. Correct.
Q. Now, that fence, it wasn't -- you could see through it, correct?
A. Correct.
Q. And you stated that there was a gate that, I guess, led through the driveway or enables you to get into the property; is that fair to say?
A. Correct.
Q. At that point, did you know approximately how big this piece of property was?

A. At that point, I did not know.
Q. All right. From your surveillance, you could tell that it was -- it was bigger than just the one house, correct?
A. Correct.
Q. And you described this vehicle as -- or, excuse me, you described this property as having the single-story house and two cars parked out front?
A. Correct.
Q. And next -- basically parked in front of or by the house?
A. Correct.
Q. And the individual that you witnessed on the 27th get into one of the vehicles, you stated that this individual came from the east side of the property, correct?
A. I did.
Q. That -- so this individual did not come from the house?
A. Not that I could see.
Q. Came from a different direction, correct?
A. Correct.
Q. So you could see that it -- that he wasn't coming from the house?
A. I could see that he didn't come from the

portion of the house that I could observe. At that point, I didn't know how large the house was or where it wrapped around to, so I could see that he didn't come directly from my vantage point.
Q. And when we're talking about this house, it's a -- it's a double-wide?
A. From the distance, it looked like a single-story, stick-built house.
Q. All right. At some point, did you come to have the knowledge that it was a single -- or a single-story, double-wide?
A. It -- single story, I believe probably a modular.
Q. Okay. Now, when you saw this individual that came from the east side of the property and then drove this vehicle past your location and then returned past your location back to the Kale street address, again, when this individual got out of the vehicle, went to the east side of the property, correct?
A. Correct.
Q. From the portion of the house that you could see, it did not appear as though this individual went into the house, correct?
A. Correct.
Q. Mr. Mills asked you about some subsequent

controlled purchases that you did in this case -- that you participated in this case.
Those additional controlled purchases were between Mr. Sandstrom and this individual that you knew to be Hector, correct?
A. Correct.
Q. The controlled purchases that you participated in prior to February 27 and the controlled purchases after the February 27 date, none of those controlled purchases were with Mr. Jorge Ruiz, correct?
A. Correct.
MS. DUNN: I have no further questions at this time.
THE COURT: Cross-examination, Mr. Woodbury.
MR. WOODBURY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WOODBURY:
Q. At the time of the -- at the time of the February 27, 2019, buy, is that -- do I got that date right?
A. February 27, 2019, correct.
Q. Had -- how many officers were working for the Elko Combined Narcotics Unit?
A. At that point in time, there were three of us and not including our sergeant, sir.

Q. And who was the sergeant at the time?
A. Sergeant Scott Smith.
Q. Okay. And your role was -- were the three detectives that were working, are they of equivalent rank and power?
A. Correct. The three detectives that were assigned to the task force, we were all detectives. We were just from different agencies. One was from the Elko County Sheriff's Office; one was from the Elko Police Department; and then myself, I worked for the State.
Q. And the general determination of who you are going to investigate and where you are going to investigate, that was -- that was determined by Sergeant Smith?
A. No, that would have been determined by the case agent.
Q. By the case agent?
A. Correct, the -- the lead agent in charge of the investigation.
Q. Okay. And the -- there must have been some kind of protocol or some kind of priority that you placed in certain areas as to what a lead agent would investigate?
A. A lead agent, they would investigate any time you got tips or just areas of interest that came across the desk from outside, from sources of information, so it could

really be anywhere inside of Elko County.

Q. So there were no priorities with respect to kinds of controlled substances or amounts of controlled substances or anything else, no priorities for the lead agent?

A. I'm sorry, I don't quite understand the question.

Q. Well, if I understand what you said correctly, what you said was that the lead agent could pick what he wanted to do based on information that he was getting -- getting from some source.

Now I am asking you the question of whether there were, in fact, no priorities other than the lead agent decided to act on those -- on a -- on a tip.

A. The priorities usually include large quantities, not what we would consider personal use, so anything under 4 grams.

Harder substances, methamphetamine, heroin, would be of more interest. And so if we heard that there was quantities, ounces, pounds, whatever it may be, that would be more of a priority than if we heard of, you know, just somebody who's using narcotics.

Q. And was Mr. Olsen involved in big quantities?

A. He was.

Q. And what was the big quantity that Olsen was

involved in?

A. Ounces is what he had heard.

Q. Did those ounces go beyond what you described as personal use?

A. Typically, in my training and experience, yes.

Q. And what -- what is your training and experience regarding narcotics?

A. Throughout my time with parole and probation, I attended numerous training courses in terms of addiction and drug recognition.

And when I became a detective with Nevada Division of Investigation, I attended the California Narcotics Association, which is 40 hours of training on various controlled substances, their use, their sales. And continued training throughout my time with investigations.

Q. And that's -- that was pretty typical kinds of training for narcotics officers?

A. Yes.

Q. Okay. And could you describe for the jury what your duties as a parole and probation officer were?

A. My duties as a parole and probation officer, they changed throughout the time. When I first started, I supervised gang members in Las Vegas. And then when I moved to Elko, I was what was considered a general supervision officer, so I supervised every type of

caseload, whether it's -- could be gross misdemeanor, sex offenders, all of it.

And my job was to make sure that they comply with the terms and conditions set down by the court, and then hopefully that they would complete their probation and then continue on being productive members of society. If not, it was my job to make sure that they didn't reoffend and victimize anybody in the community.

Q. As a parole and probation officer in Elko, how long did you spend in Elko doing that?

A. In Elko, I was -- I did that for approximately two years.

Q. Okay. And you had previously done it in Las Vegas?

A. I had.

Q. Okay. And were -- was methamphetamine a big problem in Vegas when you were down there in parole and probation?

A. Methamphetamine was, yes.

Q. Okay. And so I assume that you supervised a number of people who were under your supervision because they had involved themselves somehow or another in methamphetamine sales or use?

A. Depending on the time, yes. Both.

Q. I'm sorry?

A. Depending on which part of the units I was in, yes.

Q. So in order -- and your obligation was not only to supervise but to supervise in a way that helped these young men or women to finish parole or finish probation and get on with their lives?

A. Correct.

Q. Okay. So I assume that you knew quite a bit about the cartels and so on when you were in parole and probation?

A. In parole and probation, my understanding of the cartels was somewhat limited because I mostly dealt with local on-the-street gangs in Las Vegas.

Q. But you did know about them?

A. I did.

Q. Okay. And then as you became a narcotics officer and maybe moved to parole and probation in Elko, you became more involved -- more knowledgeable?

A. I did.

Q. Okay. And did you understand the nature of the relationship of various members of a cartel from upper hierarchy to the lower hierarchy and the obligations that were imposed on people in the lower hierarchy?

A. It was discussed in training, yes, sir.

Q. And can you say roughly whether that hierarchy

was such that the lower people were told what to do and if they didn't do it, they would get fired?

A. Yes, it essentially is run just like a business.

Q. I'm sorry?

A. Yes, it is essentially run just like a business.

Q. And are there penalties involved if you -- in addition to being fired?

A. There are reports of that, yes, sir.

Q. Well, there are several thousand lower hierarchy cartel members killed a year in Mexico?

A. Yes. I couldn't give you an exact number, but there is a lot of violence.

Q. Yes. And what about discussions with law enforcement or other people about what these young men or women know about the cartel, people that are not in the cartel, can they -- is there a prohibition against them discussing that further with anybody outside the cartel?

A. I'm sorry, can you say -- restate that for me.

Q. I don't know. It was so much fun spitting it out that way.

I'll take another run at it.

The -- basically what I am talking about, Mr. Miller, is just the disclosure by lower members of the

cartel about what is going on in the cartel and what is going on in the drug world and that.

Is that -- is that generally prohibited by the cartel?

A. Yes, it's generally frowned upon.

Q. All right. And is it also enforced by physical violence?

A. Yes.

Q. Okay. This is -- you are anticipating being recalled for the execution of the search warrant, I assume?

A. Yes, sir.

Q. Now -- if you -- if you know, how -- when did Hector's name first come up as a possible person that would be involved in sales of drugs or methamphetamine with Mr. Olsen?

A. I believe it was during the controlled purchases with Mr. Olsen.

Q. Okay. And you didn't have any straightforward direct knowledge of it, you just heard it in discussions back and forth between the detectives?

A. I believe so, yes.

Q. And at the time, Detective Gaylor was in charge of the -- was the case agent?

A. Yes, sir.

Q. And there was a case report in Discovery 37

that indicates that there had been a -- they started -- you guys started -- well, in Discovery 60, that you guys started looking at Hector in September of 2018?

A. The -- the residence itself.

Q. The residence itself?

A. Yes. I believe. I do not recall that far back. I'm sorry, sir.

Q. And it would not have been your responsibility?

A. No, I was involved in other investigations and at times would assist with large investigations or surveillance whenever it was needed. We worked as a team.

Q. But there -- you do -- let me check.

Do you recall looking at the residence several months prior to this February 27 date?

A. Yes, sir.

Q. And that -- do you have a recollection of who the case agent was that was involved in that Kale Drive business?

A. That would have been Detective Gaylor.

Q. All right. So he -- apparently he was the lead agent from at least September of 2018 up until March 13, 2019?

A. I believe so, sir.

Q. All right. Going back to this September --

excuse me, the February 27 event, your job, as I understand it, was at least in part to park on the freeway at the Nevada Highway Patrol weigh station, whatever it is, and to keep an eye on Kale Drive?

A. Yes, sir.

Q. Okay. And were you alone in doing that?

A. I was.

Q. And I assume that you were -- it was reported to you when an order had been made and that would cause you to start looking at Kale Drive, and then you would watch to see what happened at Kale Drive. And I assume that you were also informed by radio when the buy or the meeting had ended and the vehicle would be headed back towards Osino?

A. Yes, typically when I'm tasked with surveillance, the second I arrive at my position to do surveillance, I start watching whether -- I have been told that the purchase has started or anything, just because we want to know what is going on. If our individual leaves, we want to know that they have left. If they are there, we want to make sure -- we want to know that they're there. If the car isn't there, we want to know that as well. So the entire time, we conduct --

(Court reporter clarification.)

A. So the entire time we conduct surveillance.

Q. And before the controlled buy is set in

motion, physical motion, there is a meeting of the various detectives, including the lead detective or lead investigator, and a discussion is had about what is going to happen, where and when?

A. Yes, there is an operational briefing.

Q. And what -- what is the subject matter that is contained within an operational briefing?

A. An operational briefing, it's going to contain essentially what the objective, so what we are there for, and it's going to locations of where the suspected activities are going to happen, whether it's a controlled purchase, where that is to happen, the duties of each participating detective or officer, and that kind of information, suspected vehicles.

MR. WOODBURY: I have nothing further at this time.

THE COURT: Redirect?

MR. MILLS: Mr. Miller, I do have a couple questions for you.

REDIRECT EXAMINATION

BY MR. MILLS:

Q. So Mr. Woodbury was asking you about your knowledge of drug cartels and whatnot. Would that -- would you consider that an area of specialization for you?

A. I am not an expert in cartels, no.

Q. You mentioned you had some training. What did that -- how extensive was that training you had in the cartel stuff that Mr. Woodbury was asking you about?

A. I have attended several courses on cartel operations, types of narcotics and illicit substances that they sell, their typical structure, so that we're aware of how they kind of work and what the -- essentially the branding of each cartel would be so that we can keep an eye out to see if we see a package that would have branding of the cartels and stuff like that.

Q. Did you observe any of that stuff here in Elko in the couple of years you worked as a narcotics detective?

MR. WOODBURY: Your Honor, I cannot understand Mr. Mills. I apologize. I know he's moved his microphone up, but it's -- it's just not clear.

THE COURT: Okay. Well, please repeat the question then.

Q. (By Mr. Mills) Mr. Miller, in the couple of years that you worked as a narcotics detective here in Elko, did you -- did you investigate the Mexican drug cartels in that time?

A. I have never investigated any specific cartels, no.

Q. And the stuff that you referred to that you were trained about as far as distinct packaging and that

sort of thing, did you ever investigate that sort of thing here in Elko County?

A. I have not dealt with any specific cartel branding here in Elko County, no.

Q. And had -- did you ever deal with a scenario where somebody was -- was killed or harmed by the cartel here in Elko County?

A. Not that I know of, no.

Q. Now, Ms. Dunn was asking you about -- actually, both of us were asking you about the residence that you observed from the weigh station, and you mentioned that -- the portion of the residence that you could see from that vantage point.

So I just wanted to clarify. Were you -- from that vantage point, was the portion of the residence that you could see, was it the front, the side, or the back? Which part of the residence were you looking at?

A. It would have been the front.

MR. MILLS: That's all I have. I will pass the witness.

THE COURT: Any recross-examination?

MS. DUNN: Just briefly, Your Honor.

RECROSS-EXAMINATION

BY MS. DUNN:

Q. Mr. Miller, you were just talking about the

front of the house, single-story house that you were surveilling, that that is the area which you could see from your vantage point from your surveillance.

And just to clarify, when you saw this individual get into a vehicle and leave that particular property, that person did not come out of that house, correct?

A. I could not see them come out of the house, that is correct.

Q. And you were looking at the front of the house?

A. The front. I could see -- if you -- if you imagine the residence, I could see the -- the part of the side of the residence, and then I could see the front going off to the side. And I did not see anybody come out of that area, correct.

Q. All right. And, in fact, this individual that you saw come out, came from the east side of the residence? I mean the east side of the property?

A. That is correct, the east side of the property.

MS. DUNN: Nothing further, Your Honor.

THE COURT: Any recross, Mr. Woodbury?

MR. WOODBURY: Yes, Your Honor.

/

RECROSS-EXAMINATION

BY MR. WOODBURY:

Q. The -- even though, Detective -- Mister, you don't have a -- you don't have a great deal of hands-on experience with cartels, it was -- the classes that you took and the information you were given is something like formal education about them, right?

A. Correct.

Q. And in order to advance in the field of narcotics investigators, you needed to take those courses, among others I guess, to -- to seek advancement?

A. And just to be able to do our jobs better, yes, sir.

Q. All right. Okay. Sure, of course, yeah.

MR. WOODBURY: We have nothing further.

THE COURT: All right. Any jury questions for Mr. Miller?

And while you are thinking about that, he is being held subject to recall, I take it, so I am assuming the prosecutor has your telephone number.

The rule of exclusion is invoked. So don't discuss this case or your testimony while the trial is going on. We expect it not to end for two more weeks, couple of Fridays from now. So with the exception you can talk to the lawyers about it, of course.

All right. Any jury questions for Mr. Miller?

All right. It appears not.

We'll go ahead and let you go. Thank you, sir.

THE WITNESS: Thank you.

THE COURT: Next witness, please.

MR. BARAINCA: Scott Smith.

THE COURT: You will be asking questions.

MR. BARAINCA: Yes, Your Honor.

THE COURT: All right, sir. If we could have you lower your mask there during testimony.

Welcome to the court.

We'll have you take the oath. Please raise your right hand.

(WHEREUPON, the witness was sworn)

THE COURT: All right. Please have a seat.

Mr. Barainca, please proceed.

SCOTT SMITH

called as a witness in said case, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BARAINCA:

Q. Sir, could you please state your name and spell both your first and last name for the record.

A. Yes. My name is Scott Smith. S-c-o-t-t S-m-i-t-h.

Q. And, sir, where do you work?

A. I am the sergeant for the Nevada Department of Public Safety, Investigations Division. Or NDI, Nevada Division of Investigations, is our old name.

THE COURT: I'm going to ask you to slow down before Ms. Manley does. So if you can slow down a little bit, it also helps the interpreters.

THE WITNESS: Okay.

Q. And, sir, when did you become a sergeant?

A. I promoted to sergeant in February of 2019.

Q. And where are you currently stationed at?

A. I am assigned as the task force commander of the Elko Combined Narcotics Unit here in Elko.

Q. And was that -- was -- was the same true when you promoted to sergeant in February of 2019?

A. Yes, that was the position I promoted to.

Q. And what are your primary duties as a sergeant for the narcotics unit?

A. To supervise the operations of the unit. As the detectives conduct their investigations, just monitoring their investigations, approving their reports, participating in the investigations.

Q. What was your occupation prior to becoming sergeant?

A. I was a detective with NDI since November of

2007.

Q. Where was that at?

A. Various assignments in Carson City, Fallon, between general investigations and narcotics.

Q. And were you in the same role as a narcotics detective during that time?

A. Narcotics detective, similar investigation, just different jurisdictions.

Q. And what was your occupation prior to becoming a detective for NDI?

A. Before NDI, I was with the Nevada Division of Parole and Probation for approximately eight years. And prior to that, one year with the Nevada Department of Corrections as an officer.

Q. And, sir --

INTERPRETER MENDOZA: Your Honor, may I just ask him to slow down a little bit, please.

THE COURT: Yeah, the problem is, especially with the interpreters, we've got to just take it slow. Pauses are fine. We got three weeks for the trial. Don't worry about rushing.

If you are talking about like I am here, that's probably pretty darn good.

See, they are smiling at me.

Okay. Mr. Barainca, please proceed.

FILED

2021 SEP 28 PM 3:44

4th JUDICIAL DISTRICT COURT
CLERK ____ DEPUTY ____

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

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

ooOoo

THE STATE OF NEVADA :
Plaintiff, :
v. : JURY TRIAL
HECTOR HUGO RAMIREZ-DE LA TORRE, : VOLUME 4
and JORGE LANDEROS RUIZ, :
Defendants. :
_____/

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled matter came on for hearing on January 15, 2021, at the hour of 8:45 a.m. of said day, in Elko, Nevada, before the HONORABLE ALVIN R. KACIN, District Judge.

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

COPY

APPEARANCES

For the Plaintiff:

MARK S. MILLS, ESQ.
Elko County
Deputy District Attorney
540 Court Street
2nd Floor
Elko, Nevada 89801

JUSTIN BARAINCA, ESQ.
Elko County
Deputy District Attorney
540 Court Street
Second Floor
Elko, NV 89801

For the Defendant:
(Ramirez-De La Torre)

GARY D. WOODBURY, ESQ.
ATTORNEY AT LAW
1053 Idaho Street
Elko, Nevada 89801

For the Defendant:
(Ruiz)

KARENA K. DUNN, ESQ
LARRY K. DUNN & ASSOCIATES
1201 Terminal Way, #221B
Reno, Nevada 89502

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THE COURT: You are the lead prosecutor, is that what he is getting at, do you think?

MR. MILLS: It can be interpreted in a lot of different ways. I honestly don't know what he is driving at.

MS. DUNN: Yeah.

MR. MILLS: That is a reasonable interpretation but nothing conclusive.

THE COURT: Do you mind if I just ask it that way?

MR. WOODBURY: That's fine.

MS. DUNN: That's fine.

THE COURT: You all -- parties get follow up. Thank you.

(WHEREUPON, the bench conference was concluded)

JURY QUESTIONS

BY THE COURT:

Q. Okay. Couple jury questions for you, Mr. Gaylor.

Why do you put a wire on a person for controlled buy?

A. The reason for the body wire is to accurately record what goes on during the transaction. It's a small device that has an internal memory. And I know it has a shorter range, so we try to have it so someone can listen

to it live. And it -- typically it's the individuals that are going to be what we call our rescue van, that's anywhere between two to four individuals. And we are listening for key phrases.

And one of those key phrases in some of these buys is an indicator that the informant is under duress and that they need immediate saving. So that is why we make sure they have an active ear, or they can actively can hear the wire.

And then the reason that I, as the case agent, have it on them is so I can download it later and review it and add it to the case file.

Q. Thank you. Another jury question: Why weren't the drugs tested in the field where the wire was returned instead of going to the office to test the drugs?

A. Typically --

Q. The alleged drugs I will call it.

A. Yes. The reason the alleged drugs were not tested in the field, the main concern is -- nowadays is safety.

It takes a very small quantity of Fentanyl to either incapacitate or kill a person. If we have it in our office, there is at least multiple people there. We have accurately measured machines. We also have the NIK tests at our office.

We used to test narcotics in the field, but due to safety concerns, now they are predominantly tested inside the office just in case.

THE COURT: Follow-up, Mr. Mills?

MR. MILLS: No, Your Honor.

THE COURT: Any follow-up, Ms. Dunn?

MS. DUNN: No, Your Honor.

THE COURT: Mr. Woodbury?

MR. WOODBURY: No.

THE COURT: Okay. And you are held subject to recall. Please remember the rule of exclusion. I know you heard it before. I have just been explaining it.

No discussing your -- this case or your testimony until two Fridays -- we are figuring we are going to go at least two more Fridays from now. Keep that in mind.

You can discuss it with the lawyers, as you well know. That's the exception.

Thank you for coming

THE WITNESS: Thank you, Your Honor.

THE COURT: All right. Next witness, please.

MR. BARAINCA: Sheldon Olsen.

THE COURT: Sheldon Olsen.

All right, sir.

Please raise your right hand. Drop your mask for me. We need to have that down during the testimony. Okay.

Be sworn.

(WHEREUPON, the witness was sworn)

THE COURT: All right. Please have a seat at the witness stand there.

THE WITNESS: Here?

THE COURT: Right there, sir, yes.

And then please use the microphone, like I am. And I will also let you know, sort of talking more slowly, like I am, helps the court reporter as well as the people who are interpreters here. Those ladies are interpreting, okay. Please try do that. Thank you.

THE WITNESS: I will try.

THE COURT: Okay. Mr. Barainca is asking questions, it looks like. Please proceed.

SHELDON OLSEN

called as a witness in said case, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BARAINCA:

Q. Good afternoon, Mr. Olsen.

A. (Nods head.)

Q. Could you please state your name and spell your first and last name for the record.

A. Sheldon Olsen. S-h-e-l-d-o-n O-l-s-e-n.

Q. And, sir, at any point in time did you go by

the name of Bob?
A. Yes, sir.
Q. Now, I'll just kind of get right into it. Are you currently facing legal trouble?
A. Yes.
Q. And do you -- do you have a deal with the State to testify in this matter?
A. Yes, I do.
MR. BARAINCA: May I approach, Your Honor?
THE COURT: Yes.
Q. (By Mr. Barainca) Sir, I am handing you what's marked for identification as State's Exhibit 197. Can you tell me what that is, sir?
A. Got to get on my eyes.
Q. Take your time.
THE COURT: Take your time. If you need to inspect it, sir, read through it, that's fine.
A. Okay. Yes, this is the plea agreement that I -- I agreed to.
Q. Is your signature contained on that document, probably on page 5?
A. Yes, that is my signature, yes, sir.
Q. Who is your attorney?
A. David Loreman.
Q. And --

THE COURT: Is that on page 5 or page 4?
MR. BARAINCA: I may have misspoken.
THE WITNESS: The pages aren't numbered that I can see. Oh, it is 6. Right here. Yes.
THE COURT: Yeah, I think they are numbered on the bottom right. Okay. Go ahead.
Q. (By Mr. Barainca) And is Mr. Loreman's signature also contained on that document?
A. Yes, on page 6.
Q. And is the entirety of your deal contained within that document?
A. I'm sorry, I didn't hear you.
Q. Is the entirety of your deal with the State contained in that document?
A. Yes.
MR. BARAINCA: Your Honor, at this time the State is moving for the admission of Exhibit 197 into evidence.
THE COURT: Any objection from Mr. Ruiz?
MS. DIAN: No objection.
THE COURT: Mr. Ramirez?
MR. HOODBURY: No objection.
THE COURT: Exhibit 197 for identification is now admitted. So ladies and gentlemen, that's Exhibit 197. Unless it's published to the jury now, again, the jury would get to inspect that later in the jury room

during deliberations. Okay.
(WHEREUPON, State's Exhibit 197 was admitted into evidence)
THE COURT: Please proceed, Mr. Barainca.
Q. (By Mr. Barainca) Now, sir, is it your understanding that the terms of the agreement that -- that you are -- you have pled to a category C felony, and in exchange, the State is going to forbear prosecution on -- on the original charges and recommend probation for you; is that correct?
Is that your understanding?
A. That's correct.
Q. Okay. Where is the -- where is that case at, do you know?
A. Not real sure right now. I mean, I am testifying.
Q. Is it set for sentencing?
A. Yeah. I believe the 25th.
Q. Now, sir, do you know Hector Ramirez-De La Torre?
A. Yes.
Q. Is he here in court today, sir?
More towards your left?
A. I can't -- I can't tell with all the masks.
Q. This is the jury, sir, that you are looking

at.
A. Oh, yeah. There he is, yes, sir.
Q. Where is he seated, sir?
A. What is that?
Q. Where is he seated?
A. Next to an attorney right there.
Q. What is he wearing?
A. Black suit, blue mask.
MR. BARAINCA: May the record reflect the witness has identified the defendant.
THE COURT: The record will so reflect the identification of Mr. Ramirez.
Q. Do you also know a gentleman by the name of Jorge Landeros Ruiz?
A. Yes.
Q. Do you also know him as George?
A. Yes.
Q. Is he here in court today, sir?
A. Yes, sir.
Q. Where he is he seated?
A. About two people down from Hector, three people actually.
Q. What is he wearing, sir?
A. A black suit, tan shirt, tie, blue mask.
Q. Thank you.

MR. BARAINCA: Your Honor, the State would also be asking that the record reflect that the witness has identified the defendant -- the co-defendant Mr. Ruiz.

THE COURT: The record will reflect the identification of defendant Jorge Ruiz, Landeros Ruiz, excuse me. Go ahead.

Q. How do you know Hector, sir?

A. Oh, the last few years we were dealing in methamphetamines together.

Q. How do you know Jorge?

A. Same thing. I -- I originally went up to look at a fence that he wanted us to work on, my landlord and I, and we never did finish -- never did get to that fence.

Q. So kind of describe your involvement as far as the -- I'm going to ask you some questions. Were you selling the methamphetamine?

A. What is that now?

Q. Were you selling methamphetamine?

A. Yes, sir.

Q. Who -- where did the supply come from?

A. Hector and George, as far as I knew.

Q. Did -- did George ever provide you with the methamphetamine?

A. A couple of times.

Q. When -- do you recall when that occurred?

A. Not specifically, no.

Q. And we'll take a step back.

Do you recall like the time line, like how long this had been going on for?

A. At least a couple years, two or three years.

Q. Do you have any -- do you recall any specific dates or anything like that?

A. No, sir. I -- I never did pay attention to that.

Q. So when would an occurrence come when you would have to get drugs from Jorge -- or George?

A. I would make a phone call, and they would either deliver them or tell me that they couldn't, and then I would drive over to Osino and get it.

Q. Do you recall George's address?

A. Not specifically, no. But I do know where -- where his house is.

Q. And you testified that it's out in Osino?

A. Yes, sir.

Q. Now, when you would show up to retrieve methamphetamine from -- from George, where would he go to retrieve it?

A. A little shed there on the driveway. That's all I knew about it.

Q. Was it -- were there any animals around the

shed?

A. He -- he had horses and chickens and whatnot running around, yeah.

Q. Would -- would he go there, near those animals, to retrieve methamphetamine for you?

A. He went through a door. That's all I know.

Q. Was it near there, though?

A. Yeah.

Q. Okay. How many times did this happen, sir?

A. Maybe two, three times that I was over there.

Q. And did -- did George go to the same place each time?

A. Sometimes he didn't have to. He had it in his pocket.

Q. Now, during the time, did you own any firearms?

A. I'm sorry?

Q. Did you own any firearms at the time, sir?

A. Did I own any? Yes, sir.

Q. Did you ever own a revolver?

A. Yes, sir.

Q. Do you -- did you currently possess that or own that revolver in early 2019?

A. 2019, yeah, I believe it was -- yeah, I believe I had it in 2019.

Q. Did you ever -- do you still have possession of that revolver?

A. No, sir.

Q. Who had it -- who did you give it to?

A. I sold it to George.

Q. Can you describe the -- the firearm?

A. Yes, it's a Colt Anaconda with a 10-inch barrel, stainless steel, 2.5X variable Leupold scope, base mounts, with a side shoulder holster.

MR. BARAINCA: May I approach again, Judge?

THE COURT: Yes.

Q. Sir, for firearm safety reasons, I am just going to hold on to this.

A. You bet.

THE COURT: And this thing has been checked, we don't have any ---

MR. BARAINCA: I can see it, Judge. It's unloaded.

THE COURT: And it's a revolver?

MR. BARAINCA: Yes. Do you want to see it?

THE COURT: I don't need to see it as long as our bailiff is comfortable and you are comfortable.

Are we comfortable, Mr. Nunes? Let's just double check.

A. Yep.

THE COURT: Good?
THE BAILIFF: Yeah, it's clear.
THE COURT: Good. Thank you.
If you just want to hold it up, show it to him.
What exhibit for identification?
MR. BARAINCA: 144, Judge.
THE COURT: 144, thank you.
Q. (By Mr. Barainca) Sir, is this the firearm?
A. Yes, sir.
Q. And -- if I could just -- is there any writing on the firearm?
A. Yeah.
Q. And is there any writing on the barrel?
A. Yes.
Q. What does it say?
A. "Colt Anaconda."
THE COURT: He is -- I couldn't hear that very well. So what is the answer?
A. Colt Anaconda.
THE COURT: Thank you. Next question.
Q. Yeah, when you answer my questions, please speak into the microphone.
Is there any writing on the -- on the scope?
A. Yes, sir, "Leupold."
Q. And you said that this is the firearm that you

sold to -- to Mr. Ruiz?
A. Yes.
Q. Did you -- is this -- is this firearm in substantially similar condition as to when you last had it?
A. Yes, sir.
MR. BARAINCA: Your Honor, at this point in time the State is offering into evidence Exhibit 144.
THE COURT: Objections?
MS. DUNN: No objection, Your Honor.
MR. WOODBURY: Our objection is that it's absolutely irrelevant as to Mr. Ramirez, and we object to it being accepted as evidence in the case against him.
THE COURT: Well, there are separate case numbers. The defendants are being tried together obviously. Are you seeking to have this admitted just as to Mr. Ruiz?
MR. BARAINCA: No, I'm asking it be submitted for -- admitted for both defendants, Judge.
THE COURT: Do you have a response to the relevancy objection then?
MR. BARAINCA: Yes, Your Honor. It corroborates the testimony of -- of -- it's relevant to corroborate the testimony of Mr. Olsen as it relates to his dealings with Mr. Ramirez.
THE COURT: Seems you're eager for further -- for

reply, Mr. Woodbury.
MR. WOODBURY: I would like to hear this explanation of corroboration against Mr. Ramirez. I -- it doesn't make any sense to me.
THE COURT: Okay.
MR. BARAINCA: I can ask him follow-up questions, Judge.
THE COURT: Go ahead.
Q. (By Mr. Barainca) And, sir, would Hector also provide you with methamphetamine?
A. Yes, sir.
Q. Do you recall on how many prior -- do you recall how many occasions?
A. Numerous. I mean, I couldn't tell you exactly, no, but it was numerous occasions.
Q. Did you ever come to know whether or not Hector became involved with -- with selling methamphetamines to Clinton Sandstrom?
A. I couldn't tell you that. I never saw it myself, no.
Q. But did you sell methamphetamine to Clinton Sandstrom?
A. Yes, sir.
Q. And did Hector provide you with that methamphetamine?

A. Yes, sir.
MR. BARAINCA: And, Judge, that would just be the testimony, further corroboration as far as the firearm is concerned, because the State's anticipating challenges to Mr. Olsen's credibility. And that's why the State is seeking it to be admitted for both defendants.
THE COURT: Anything else?
MR. WOODBURY: (Shakes head)
THE COURT: No. All right.
The -- the objection is overruled. It's admitted. Exhibit 144 for identification is admitted.
(WHEREUPON, State's Exhibit 144 was admitted into evidence).
Q. (By Mr. Barainca) Now, sir, the final question I have for you is, does the deal you have with the State affect your testimony in any way?
A. No, sir.
MR. BARAINCA: I will pass the witness, Your Honor.
THE COURT: All right. Cross-examination.
MS. DUNN: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. DUNN:
Q. Good afternoon, Mr. Olsen. How are you?
A. Here.

Q. All right. You do remember previously testifying in this case, correct?
A. Yes.
Q. At a motion hearing?
A. Yes.
Q. So let's go back to some of your testimony.
You stated that you had been involved with the sale of methamphetamine for two to three years with Mr. Ruiz and Mr. Ramirez; is that correct?
A. Yes.
Q. Now, you stated that you had only gotten the -- the methamphetamine from Mr. Ruiz a couple of times, correct?
A. A few times, yes.
Q. Well, do you remember previously testifying that it was a couple?
A. It's been a while, so it's -- couple, three, yeah, four.
Q. Do you know?
A. Not right offhand, no, not exact numbers.
Q. Do you know when those -- those --
A. No.
Q. -- events occurred?
A. I did not keep track of the dates, no.
Q. Now, during those times -- let me ask you

this. You stated that if you needed methamphetamine to sell, that you would call them, is what you just testified about.
A. Yes.
Q. And either they would bring it to you or you would go out and get it?
A. Yes.
Q. Correct?
A. Yes.
Q. Did you ever call Mr. Ruiz?
A. Which -- George?
Q. Yeah.
A. Yes.
Q. When did you call him?
A. Like I said, I -- I couldn't tell you the dates. I don't know.
Q. Do you remember previously testifying that the only time that you would ever have to get it from Mr. Ruiz was when Hector wasn't available?
A. Yes.
Q. So when you needed to get methamphetamine, who did you call?
A. George.
Q. You didn't call Hector?
A. Not -- no. Not very often at all. And I --

Q. Really?
A. Yes, that's exactly right, yes.
Q. Is that the way you previously testified?
A. Yes, I believe.
Q. So your testimony now is that you would call George, Mr. Ruiz, and what, he would -- you didn't connect with Hector directly?
A. No, not all the time, no.
Q. Well, is it not all the time or very rarely?
A. Very rarely.
Q. Now, so tell me this process that you would go through.
A. As in?
Q. How would you get it? What would you do?
A. Make a phone call.
Q. And you're saying you would make that phone call to George?
A. Yes.
MS. DUNN: Court's indulgence for just a moment?
THE COURT: Take your time.
Q. Now, you would -- when was the first time you met Mr. Ruiz?
A. I was having a yard sale at my house that I lost, and he came to the house.

Q. Okay. And how long ago was that?
A. Oh, five, six years ago.
Q. Okay. And they came over -- George came over to look at your yard sale?
A. Yeah, him and a few other people, yes.
Q. And then when was the next time you met George?
A. When we were discussing the fence.
Q. Okay. And was that at his house?
A. Yes.
Q. He had initially asked you to -- he would -- he initially asked you to maybe help him get some metal for the fence?
A. Right.
Q. Okay. And then what was the next time?
A. Oh, probably sometime that I came over to get some meth.
Q. And you stated he -- this was two or three times, but you don't remember how many?
A. That, I don't know exactly, no.
Q. And then you would -- he would either have it with him or you said he would go to some little shed; is that correct?
A. Correct.
Q. And so then when are the other times that --

so all the other times over the past two or three years that you have been getting meth, you have gotten from Hector, correct?

A. Correct.

Q. Do you recall a time in which Mr. Sandstrom came to your house to purchase meth?

A. I recall several times that Mr. Sandstrom came to my house for meth.

Q. And quite a few of those times, you later found out were with him wearing a wire, correct?

A. Yes.

Q. And do you remember -- do you remember those times?

A. It was in February. I wasn't arrested until October, so, yeah, it's a little fuzzy. But I remember a few of them, yes.

Q. February 2019, correct?

A. Correct.

Q. Okay. Do you remember calling Hector because you didn't have enough meth?

A. No, I -- I did not call Hector. I called George.

Q. All right. And this is what you have -- this is the -- what you testified previously, correct?

A. I believe so, yes.

Q. All right. Now, let's talk about -- based upon your recollection of the times in which you sold to Mr. Sandstrom where Mr. Sandstrom was wearing a wire.

Do you remember how many times that was?

A. Well, by the paperwork, it was 11 times in February.

Q. All right.

A. But I couldn't tell you exactly, no.

Q. All right.

A. I mean, I didn't pat him down for a wire or whatever. I just -- I didn't know when he was wearing a wire.

Q. But based on the information you know now, it was 11 times in -- in February, correct?

A. Yes.

Q. And it was anywhere from, what, a half-ounce to two ounces?

A. Correct.

Q. Each time?

A. Not -- well, not each -- yeah, half-ounce to --

Q. Right.

A. -- an ounce, two ounces, yeah.

Q. Up to two ounces, correct?

A. Up to two ounces, yes.

Q. So during those 11 times, each individual -- were you arrested -- I'm sorry, let me -- let me retract that.

When you were arrested in October for what occurred back in February, were you charged with all 11 counts?

A. No, ma'am.

Q. How many charges were you charged -- how many counts were you arrested for?

A. They were -- well, I was arrested for all of them, yes, but I was only charged with two counts sale -- the two-ounce sale is what they were -- that is part of the deal. They were -- they were going to charge me with two ounces.

Q. All right. So what I am trying to go back to is what you were arrested for.

A. I was arrested for trafficking meth.

Q. Eleven times?

A. To their knowledge, yes.

Q. Correct. All right.

And so based upon -- you ultimately made a plea bargain agreement with the State, correct?

A. They offered it, and yes, yes, I did make a bargain.

Q. And part of that agreement was that you would

testify against both Mr. Ramirez and Mr. Ruiz, correct?

A. Correct.

Q. And ultimately, other than those 11 counts of trafficking -- and that's -- that would be mandatory prison for you, correct?

A. I didn't hear you. What?

Q. Would that have been mandatory prison time for you?

A. Oh, yes.

Q. A lot of prison time?

A. Oh, yeah.

Q. Now, ultimately you didn't get -- the ultimate plea bargain you made was not for selling two ounces, correct?

A. Yes, that's what I was being charged with.

Q. I am talking about the ultimate plea bargain that you are being -- that you are going to be sentenced for next -- at the end of this month.

A. I'm sorry, you have got me confused there. What -- what are you talking about?

Q. Did you make more than one deal with the prosecutor?

A. No, ma'am.

Q. Just the one, correct?

A. Yes.

MS. DUNN: May I approach the witness, Your Honor?
THE COURT: Yes.
MS. DUNN: Approach the table, then the witness?
THE COURT: Oh, yes.
MS. DUNN: Thank you.
Q. I'm going to give you that.
A. Okay.
Q. I'll back up so everyone can see.
So, Mr. Olsen, do you recall looking at that paper?
A. Yes, ma'am.
Q. All right. So that's the entirety of your plea bargain with the State, correct?
A. Correct.
Q. What does it say you are charged with?
A. Conspiracy to violate the Uniform Controlled Substance Act.
Q. All right. So it's not selling two ounces of meth, correct?
A. It was trafficking, basically.
Q. You are saying that's trafficking is what you are pleading to?
A. Conspiracy to violate the Uniform Controlled Substance Act, yeah. Isn't that trafficking?

of guilty, I may be imprisoned for a period of not more than 60 months and/or I may be fined up to $10,000. I understand that the law requires me to pay an additional assessment fee and that" --
Q. That -- that -- yeah, those two are -- are good.
So that says the most you could be imprisoned by is 60 months, correct?
A. For the class C, yes.
Q. Is there some other charge you are pleading to?
A. No.
Q. So --
A. See, that is where you are confusing me.
I was originally -- they were going to charge me with two ounces. This is the plea agreement. The plea agreement is that I testify, and I am looking at one to five with a $10,000 fine possibly.
Q. Correct.
A. Okay.
Q. So -- and that's -- I wasn't trying to confuse you, Mr. Olsen.
A. Well, you did a good job.
Q. Well, I asked you what you were pleading to, and you said trafficking, right?

Q. No.
So it's your understanding that -- well, let's -- let's do it this way. It's a category C felony, correct?
A. Correct.
Q. What does it say in there? What is your potential penalty?
A. Twenty years.
MS. DUNN: I have got a copy. You can keep that there.
THE COURT: All right. For the record, this is Exhibit 19?
MS. DUNN: I apologize, Your Honor, yes.
THE COURT: Okay.
That's previously been admitted. That is the copy of the memorandum of plea agreement.
Thank you.
MS. DUNN: Yes, I apologize for not putting out there which one it is.
THE COURT: That's fine.
Q. So, Mr. Olsen, if you could turn to page 2?
A. Yes.
Q. And on line 12 and line 13, could you read those out loud?
A. "I understand that as a consequence of my plea

A. Basically what I was arrested for, yes.
Q. I understand what you were arrested for, Mr. Olsen.
A. Un-hun.
Q. But I am talking about the plea deal that you are making with the State.
A. Yeah.
Q. The reason why you are sitting in here testifying.
A. Right.
Q. Right?
A. Okay.
Q. You are getting a deal from them, correct?
A. Correct.
Q. All right. So according to this document, the most time you could spend, the most, they are saying, as you said, it's one to five, correct?
A. Correct.
Q. So there is no 20 years that you are not facing anymore, correct?
A. Correct.
Q. Now, before I move along from the plea agreement, based upon your understanding of this plea agreement, under -- are you still on page 2 with me?
A. Okay. I am on page 2. What now?

Q. All right. Under page 2, under line 7 and 8.
A. Yeah.
Q. Could you read that?
A. In addition, at the time of sentencing in the above-entitled case, the State will affirmatively recommend that I be placed on probation.
Q. So in addition to getting rid of all the trafficking charges, all of the 11 -- the 11 times that you were selling the methamphetamine, not only are you only looking at one to five in prison, but you are actually looking at the State asking the Judge that you be put on probation, correct?
A. Correct. And ultimately it's up to the Judge.
Q. Absolutely. But the Judge can't put you in prison for 20 years, can he?
A. No. Not after this, no.
Q. Not after that.
So prior to -- I want to bring you back to your testimony.
Now, do you recall when you first talked to the police about this case?
A. Yeah, I was in jail.
Q. Okay. After being arrested on this case?
A. Yes.
Q. Okay. So they came to you and asked if you

wanted to help them, correct?
A. They came to me and said that I was looking at 20 years and, yes, they wanted me to help them.
Q. Based upon the fact that you were looking at 20 years, right?
A. Yes.
Q. They made sure to tell you how much trouble you were in, correct?
A. Oh, yes.
Q. All right. And Court's indulgence for just a moment.
How many times have you been to the Kale address?
A. I couldn't tell you exactly.
Q. Well, you testified about it before, correct?
A. Yeah, I have been over there a few times, yes.
Q. One was to talk about the fence, correct?
A. One was to talk about the fence.
Q. Nothing to do with methamphetamines, correct?
A. Nothing to do with meth.
Q. Now, when you sold George this gun, when and where did that occur?
A. That occurred in his driveway.
Q. Okay. So you came over, correct?
A. Correct.

Q. And you -- he gave you money, you gave him the gun, correct?
A. Correct.
Q. Again, nothing to do with marijuana -- or nothing to do with methamphetamine?
A. No.
Q. Okay. So that's twice now that you were over there, nothing to do with methamphetamine, correct?
A. Correct.
Q. Do you recall testifying that you had only been there a couple few times?
A. Yeah, I have been only been there a few times, yeah.
Q. What -- what do you consider a few?
A. I don't know. In -- in a three-year period, four or five, six times maybe.
Q. Okay. Well, do you remember previously testifying, too, that apparently the only two times you ever got -- or only two to three times you ever got drugs from George, too, correct?
A. Correct.
Q. So is it two to three, or four, five or six?
A. Ma'am, that was, what, almost three years ago, two years ago. And I am having a hard time remembering everything that you are asking me. But, yes, I was over

there a few times.
Q. Well, it's been -- it should be fresh in your mind, though, correct? Because this is the whole thing that has been weighing on you for the last two years getting ready to -- or year and a half once you got arrested, correct?
A. How would that be fresh on my mind?
Q. Okay. That's fair.
Now, do you know George's phone number?
A. Not right offhand. I have a problem remembering numbers.
Q. Well, over two to three years, you said every time you needed meth you called George, right?
A. Exactly. I pushed one button.
Q. Oh, okay. But you -- you --
A. I do not know his number.
Q. -- do not know his phone number?
A. No.
Q. And over those two to three times, you said -- or, excuse me, over those two to three years, you said that you had -- you couldn't -- can't even remember how many times that you got methamphetamine from -- from Hector, correct?
A. No, I couldn't tell you how many times I got it.

Q. Well, and -- and was February 2019 a -- a common amount of times that you would be selling meth?
A. Excuse me, I don't understand what you are --
Q. Well, in February of 2019, you did at least 11 sales with --
A. Correct.
Q. -- Clinton Sandstrom, correct?
A. Correct.
Q. And so was that common? Was that amount common?
A. Yeah, that was pretty common.
Q. And so over the past two to three years, if you were getting your -- your methamphetamine from Hector every time but twice, that's a lot of times, right?
A. True.
Q. You were also using methamphetamine, correct?
A. Correct.
Q. You still using methamphetamine?
A. No.
Q. When did you stop?
A. Little hard to get in jail. I went to jail for over a year.
Q. Okay. And how many years did you use methamphetamine?
A. Oh, on and off since I was 16.

MS. DUNN: I have no further questions at this time.
THE COURT: Cross-examination, Mr. Woodbury?
MR. WOODBURY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WOODBURY:
Q. Mr. Olsen, have you been a resident of Elko County for a long period of time?
A. I have been in Elko County for 31 years.
Q. Theoretically, now you hear me better?
A. Yeah, I can hear you a lot better.
Q. Better hope I don't break into song.
A. I hope not.
Q. Where -- when did you move out to Arthur Avenue?
A. I lost my house approximately five to six years ago.
Q. Okay. Now, five to six years ago would have been 2014, '15?
A. I believe so. I -- I couldn't be exact on that without looking at paperwork.
Q. Well, I am not -- I'm not asking you to be exact. I realize it's very hard to remember.
But roughly five or six years ago --
A. Yeah.

Q. -- 2014 --
A. Yes, sir.
Q. -- you lost your house?
A. Yes.
Q. And where -- where was that house at?
A. On Last Chance Road in Elko.
Q. Okay. And when did -- when was it that you moved out to Arthur Avenue?
A. About five, six years ago.
Q. Okay. And did you own the house out there?
A. No, I am living in my motorhome.
Q. All right. And -- and you never owned the underlying property at Arthur Avenue?
A. No.
Q. And your motorhome does belong to you, however?
A. Yes.
Q. Was anybody living there with you?
A. Not in my motorhome, no.
Q. But somebody was when you were --
A. My landlord lives on the property, yes.
Q. I'm sorry?
A. My landlord lives on the property, yes.
Q. Oh, I meant in the travel trailer.
A. No.

Q. Nobody lives with you or ever has?
A. No.
Q. Okay. Was there a time that this Sandstrom guy lived out where you lived --
A. Yes.
Q. -- on Arthur Avenue?
A. As a matter of fact, I -- I helped him get a place to park his trailer on the property.
Q. Do you have any idea when that was?
A. I really couldn't tell you. It was after I moved in, a year or so, year or two.
Q. Do you have any idea of how long Mr. Sandstrom lived out there?
A. I would have to guess. I -- I really couldn't tell you.
Q. Okay. And did Mr. Sandstrom live out there alone?
A. No, he lived with a girlfriend.
Q. She was out there with him?
A. Yes, they had a camp trailer on the property.
Q. A camp trailer?
A. Yes.
Q. Okay. And do you know how it came to pass Mr. Sandstrom moved away or wasn't living out there anymore?

A. Apparently from -- he -- he was arrested on -- on some drug charges or something and went to jail.
Q. And that's -- up to that point, he was living out there by you?
A. Yes.
Q. And then he got arrested and went to jail?
A. Yes.
Q. Okay. And did the girlfriend stay?
A. Yes.
Q. And when was the next time that you saw Clinton Sandstrom?
A. Oh, it was in -- I believe it was in either the end of January '19 or early February when I saw him.
Q. Okay. And that would be 2019?
A. Yes.
Q. Okay. And how did -- how did you come to see him again?
A. He came to the property.
Q. And by himself?
A. No, he had a couple of friends with him.
Q. And was there some kind of discussion between you -- I don't want to know what the discussion was, but was there just a discussion or --
A. Oh, I shook his hand and said I was glad to see him out of jail.

Q. Okay. And did you make some kind of arrangements or did he ask you to do something for him?
A. Not that I know of.
Q. Okay. Well, if I understand, it -- it came to pass that you were selling drugs to Mr. Sandstrom?
A. Yes.
Q. And that was about that time that it started, right?
A. Yes.
Q. How did that start up?
A. He came over to my house one night and asked if I could get him some.
Q. And up to that point, you hadn't -- you had never sold Mr. Sandstrom drugs?
A. Yes, I had before he went to jail.
Q. And that would have been back in 2015 or so?
A. I'm not sure, sir.
Q. All right. And what kind of offer did Mr. Sandstrom make to get drugs from you?
A. There was no offer. There was a price. You pay the price, I pick it up, and I give it to him.
Q. And the price was how much?
A. At the time, I -- I am not real sure.
Q. You have kind of forgotten?
A. What is that?

Q. You have kind of forgotten what you paid?
A. Well, I was paying about $400 an ounce.
Q. And you were selling it for -- you don't recall?
A. About 4, 450 an ounce.
Q. Oh, you were buying it for 400 and selling it for 400?
A. To my friends, yes.
Q. To your friends?
A. Yes. I considered Mr. Sandstrom a friend at the time.
Q. I want to talk about that gun here for a minute that has been introduced into evidence.
That gun was sold to Mr. Ruiz sometime in two thousand what? Do you have any idea?
A. I believe it was '19.
Q. 2019?
A. 2019, yeah.
Q. And was Mr. Ramirez present when you sold the gun to Mr. Ruiz?
A. No.
Q. Did you have some hunch that somehow Mr. Ramirez came into possession of that gun ever?
A. I don't know what George did with it after I sold it to him.

Q. Was Mr. Ruiz -- well, you knew at that time that Mr. Ramirez lived out at the residence of Mr. Ruiz?
A. Yes.
Q. Did you know where he lived on the residence?
A. He had a camp trailer right there in the driveway.
Q. Can you describe the camp trailer?
A. It's a -- I don't know, about a -- I would say maybe 15-, 16-foot camp trailer, your basic camp trailer.
Q. And how did you know where Mr. Ramirez lived?
A. Because I had seen him there.
Q. I'm sorry?
A. I had seen him there previously.
Q. In -- in the camp trailer?
A. Yes.
Q. At least maybe going into the camp trailer?
A. Yeah, and coming out, saying hi, you know.
Q. You had never been in it?
A. I -- I think I went in his trailer maybe once, twice.
Q. And then you discussed on direct examination a time when Mr. Ruiz came down to your place to a yard sale?
A. I'm sorry, I can't hear you.
Q. This is not the first time we have had this problem.

You mentioned on -- in previous testimony that there was a time when Mr. Ruiz came down to your house to -- to a yard sale?

A. I'm sorry, I didn't hear that.

Q. Just hang on a minute.

A. Okay.

Q. You mentioned on prior testimony today that there came a time when Mr. Ruiz came down to your house to a yard sale?

A. Yes, sir.

Q. All right. Was Mr. Ruiz alone at that time?

A. No, Hector was with him.

Q. Well, do you remember previously you testified that Hector wasn't there?

A. No, I believe he was there, but I -- that was a lot of years ago. That was one day in a lot of years ago.

Q. And a lot of years ago, that would have been in 2013?

A. No. That was prior to that. I wasn't living at Arthur. I was living on Last Chance Road.

Q. Oh, the yard sale was at Last Chance?

A. Yes.

Q. Oh, so it had to be 2014 or 2015, right?

A. Yes, approximately, yes, sir.

Or -- or maybe before?

A. Yeah.

Q. Ah. And how -- how had you come to know Mr. Ruiz prior to that?

A. Another guy that used to sell for them told me that he knew some people that would come over that had a lot of --

MS. DUNN: I'm going to object as hearsay, Your Honor.

THE WITNESS: Well, that's the only way I can tell you.

THE COURT: All right. There was an objection. Response?

MR. BARAINCA: State doesn't have a response. Submits.

THE COURT: All right. Any response, Mr. Woodbury?

MR. WOODBURY: None.

THE COURT: Okay. That is sustained.

Court may -- jury is directed to disregard the answer. Thank you.

Next?

MR. WOODBURY: Thank you.

Q. (By Mr. Woodbury) Well, the point is, that they are making here, Mr. Olsen, is that they don't want

you repeating conversations.

A. I -- I understand that. But it was the only way I could explain.

Q. Okay. Well, if I do that to you again, what you should say is, "I can't tell you without telling you what a conversation was."

A. I understand, sir.

Q. And somehow or another, you had become acquainted with Mr. Ruiz about that time or shortly before?

A. Yes.

Q. Okay. And up to that point, you -- had you known Hector before?

A. I don't believe I had met him before -- before I -- he was up at my house.

Q. Okay. And there -- it seemed like there was a point at which you had a conversation about that having taken place where somehow or another the Mexican cartels and somebody's membership in the cartels had come up?

A. I was told that by a third party, and I can't even remember who said that.

Q. And can you. --

MS. DUNN: And again, Your Honor, I would move to -- I would move to strike as to hearsay.

Q. The answer to the question posed was, had that come up, had somebody mentioned it. And your answer would

be -- no, I didn't ask if somebody mentioned it.

But the question about somebody -- about the Mexican cartels had come up, just yes or no?

THE COURT: Well, do you have a response to the objection?

MR. WOODBURY: I don't. I --

THE COURT: Okay. So move to strike I guess the last answer?

MS. DUNN: Yes, Your Honor.

THE COURT: Any objection to that?

MR. BARAINCA: No, Your Honor.

THE COURT: Hearing none, the Court will grant that motion.

The last answer is stricken. The jury is directed to disregard that.

Next question, please.

Q. (By Mr. Woodbury) All right. And had you had any discussions with Hector about that?

A. No.

Q. But your state of mind was, was it not, that when you were talking with Mr. Foreman and the district attorney and the -- Detective Gaylor the last time, you were concerned about your safety from the cartels, right?

A. I was, yes. Because of that statement, yes.

Q. I'm sorry?

A. Yes, because of that statement, yes, I was worried about myself.

MS. DUNN: Your Honor --

THE COURT: Well, that goes to state of mind; does it not?

MR. WOODBURY: It seems clearly a state-of-mind question to me.

THE COURT: All right. Do you want a limiting instruction on that? That is what I am inclined to do this.

MS. DUNN: Please, Your Honor.

THE COURT: Any objection to that from the state?

MR. BASAINCA: No, Your Honor.

THE COURT: All right. Look, this is another limiting instruction, ladies and gentlemen.

Mr. Olsen is talking about a statement that was made to him.

That is not coming in for its truth and the jury cannot consider it for its truth. It's simply coming in to -- it's relevant as to Mr. Olsen's state of mind and why he is thinking along the lines that he is testifying about.

Whether this is entitled to weight or not, that's up to you because you are the fact finder and you weigh the evidence.

Thank you.

All right. Next question, please.

Q. (By Mr. Woodbury) While you were in jail, were precautions taken based on your fear of something happening -- bad happening to you?

A. Well, yes, I was kept isolated for almost probably 11 months out of the 13.

Q. Okay. And the isolation was to keep you out of --

A. I have no idea. That was all the D.A.

Q. Ah, it wasn't you?

A. No, it wasn't me. Well, I -- I mentioned it, and they took care of it.

Q. Okay. And I don't want to know an address. Are you living in Elko now?

A. Yes, sir.

Q. Okay. And are you employed?

A. No, sir.

Q. Are -- do you have physical problems that keep you from physical labor of some sort?

A. Presently, yes, sir.

Q. I'm sorry?

A. Presently, yes.

Q. What is the problem?

A. I have got a real bad heart. I'm wearing a heart monitor now. They are trying to do some things with

my heart to try and keep me alive.

Q. Do you -- do you know of your own personal knowledge when Hector started to stay in the trailer out there at Kale Drive?

A. Excuse me, I didn't hear all of that.

Q. I'm sorry. Do you -- do you know when Hector went out and started living at Kale Drive?

A. No, I don't.

Q. And when is the first time that you became aware that he was living out at Kale Drive?

A. Oh, one of the times when I went over there. He came out of the trailer, and he said hi, showed me his trailer.

Q. Okay. And that would have been --

A. Here we go again with dates. Sir, I couldn't tell you.

Q. You can't even give me a range?

A. I could not tell you the dates.

Q. A range of years, you can't even give me?

A. Approximate. I can give you approximately. Probably about three years ago. Well, four years ago now. I have been in jail over a year.

Q. So four years would be January 2020, 2013, 2015?

A. Approximately, yes.

Q. Okay. And were you acquainted or were you aware of what Hector was doing to make a living?

A. That's how I met Hector.

Q. Huh?

A. That is how I met Hector, was buying methamphetamine.

Q. At that time?

A. You keep going to dates, and I cannot remember, sir.

Q. And your purchase of methamphetamine from Hector would -- would begin with a phone call not to Hector but to someone else, and then --

A. Right. And they would send him over.

Q. All right. And did you draw a conclusion from that that Hector was an employee of some sort?

A. Yes. That's what I understood, yeah.

Q. And the transactions that you had with Hector, were they extended, long -- long conversations, anything like that?

A. Not usually, no.

Q. All right. And -- well, and they were cash transactions?

A. Yes.

Q. Any credit involved?

A. No.

Q. And how did -- to the extent you remember, how did Hector get to your house?
A. He would come over in a vehicle, on the four-wheeler or in a pickup or whatever.
Q. Sometimes it varied. And did you know whose four-wheeler and pickup they were?
A. I have no idea.
Q. Any other automobiles he came over in?
A. What is that?
Q. Any other kind of transportation or automobiles he came over with?
A. Not that I recall.
Q. All right. Just the four-wheeler and the pickup?
A. Four-Wheelers and pickups, yeah.
Q. I'm sorry?
A. Four-Wheelers and pickup, yeah.
Q. A single pickup?
A. Yeah, I believe so.
Q. Okay. Can you describe the four-wheeler?
A. Not really. I -- I don't pay attention to those things.
Q. Okay. Did -- and you never saw Hector do anything with that gun that -- that you sold?
A. Never saw it in his hands.

A. Correct.
Q. And do you remember testifying at that point in time when asked about how long ago your interactions were with Mr. Ruiz that -- do you remember testifying that it was one and a half to two years?
A. Yeah, approximately, one and a half, two years, two to three years, yeah, right in there.
Q. Prior from that date? Well, prior to your testimony, your previous testimony?
A. Yes.
Q. Does that sound about right?
A. Yeah, that sounds about right.
Q. Now, is it your understanding, if I -- based on your testimony with Ms. Dunn, that the -- the charge that you are -- that you still are being sentenced on is still associated with trafficking in methamphetamine?
A. Yes.
Q. Now, you also testified about being interviewed by law enforcement and members of the District Attorney's office.
Did that occur before you even entered into that deal?
A. Yes.
MR. BARAJAS: State will pass the witness.
THE COURT: Any recross-examination?

Q. Okay. Thank you.
MR. WOODBURY: I don't have anything further.
THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. BARAJAS:
Q. Sir, could you please describe George's property?
A. There was a white pipe fence, a brand-new doublewide trailer. As you drive in the driveway, there were some horses on the right-hand side. And then there was the building where he would go in and get the meth, and his chickens were in there, I guess.
Q. Were -- Was Hector's trailer somewhere near -- near any of those buildings?
A. On the one side of the chickens.
Q. Was it your understanding that George lived in the doublewide?
A. Yes.
Q. Now, you testified with Ms. Dunn that you remember testifying at a previous hearing on April -- on April 30, 2020; is that correct?
A. What was that now?
Q. So when -- Ms. Dunn asked you questions regarding your previous testimony on April 30, 2020; is that correct?

MS. DUNN: Yes, Your Honor.
Court's indulgence for just a moment?
THE COURT: Of course.
MS. DUNN: Thank you.

RECROSS-EXAMINATION

BY MS. DUNN:
Q. Mr. Olsen, again, you previously stated that you recall testifying at a motion hearing prior in this case, correct?
A. Correct.
Q. And you were under oath at that time, correct?
A. Correct.
Q. Do you recall previously being asked, "How do you guys work together for getting the meth," talking about you and Mr. Ramirez?
Do you remember being asked those types of questions, how it worked?
A. Yes, I believe so.
Q. And do you recall testifying that you would order it, and he was the one that usually brought it?
A. Yes.
Q. And then -- you were then asked about whether or not you knew Mr. Jorge Ruiz.
Do you remember those types of questions?
A. Yes, I -- I didn't know him by Jorge, by --

Q. George, right?
A. Yeah.
Q. Correct.
And do you recall testifying that, yes, that you had met him before?
A. Yes, at my -- at my yard sale.
Q. Right. And then somebody asked whether or not you dealt with him in person.
Do you remember that?
A. Yes.
Q. And ultimately someone asked you -- I believe it was the State -- they asked you, how would you get -- when you would place the order for the methamphetamine, you would get the methamphetamine from Hector, correct?
A. Correct.
Q. And then someone asked you if you -- if you knew where the methamphetamine was coming from?
A. As far as I knew, Osino.
Q. Right. But you remember saying, well, yeah, you thought you knew, or you didn't know right away, but then, you know, somehow you found out that -- or you thought you found out that it was coming from George?
A. I -- yeah, I -- you're -- I don't understand how you are -- what you are asking me.
Q. Well, what I am asking is, is do you recall --

and I'm trying to get to the exact question here. Let me get to the exact question.
So somebody asked you -- I'm sorry, Court's indulgence.
So, again, the State was asking you about how you and Mr. Ramirez or Hector worked these deals out, where you would order it and he would usually buy it -- or bought it.
We talked about that, correct?
A. Yes.
Q. And then they -- the State asked you, 'Do you know where he would bring the methamphetamine from?'
A. It was my understanding Osino.
Q. And do you recall that you, in response to that question, you stated -- and tell me if you recall this -- that you suspected that you knew where it was coming from. Your exact quote is, 'I suspected, but yeah, I didn't know for quite -- I didn't know for a fact for quite a while.'
A. True.
Q. Okay. Well, if you called George every time, how would you not know it was coming from him, if that's your claim?
A. All I know that it was coming from George from Osino. I did not know where it was coming from --

Q. Oh, no, no, no.
A. -- precisely.
Q. But -- but you stated that you suspected you knew where it was coming from, but you didn't know for quite a while.
A. True.
Q. And so if you didn't know where it was coming from, again, if you called George and not Hector, how would you not know?
A. How would I not know?
Q. You said you didn't know where it was coming from for quite a while. And they were asking you about George.
A. Because I was on the phone. How -- how am I supposed to know where that phone call is going?
Q. Well, you said that you called George.
A. Exactly. I called George. Another voice on the phone, on the other end. How am I supposed to know where he is at?
Q. All right. Now, many times during not only your interview with the officers but also in your testimony, many times people asked you how it worked, where you said -- you know, how does it work? You said, 'Place an order, Hector's comes and delivers it.'
Never once did you testify previously that you

called George. Why was that?
A. I have no clue as to why.
Q. You never told --
A. Nobody asked me precisely where Hector was getting it.
Q. Well, people asked you how you were getting it, how -- how would it work.
A. Made a phone call, Hector brought it.
Q. Right. Never once did you say that you were calling George, correct?
A. Never once did I say that?
Q. I am saying you have never previously testified that you called George, and you didn't tell the officers that you called George, correct?
A. That's the phone call that I made.
Q. Okay. What I am asking you, Mr. Olsen, is, is there a reason why you never said that the phone call you were making was to George?
A. Apparently, no one asked me.
Q. Okay. And this is the first time you are testifying about it or telling anybody that that is how you would do it, correct?
A. I believe so, yeah.
Q. And -- and you are saying that is because nobody ever asked you the precise question?

A. Right.
Q. Even though -- you do admit people asked you, "So how does it work," correct?
A. Yes, and I told them exactly how it worked.
Q. Well, you didn't, though, did you?
A. But I did. I make a phone call, he apparently called Hector, Hector brought it to me.
Q. Well, that's not the way you explained it, though, correct?
MR. BARAINCA: Your Honor, I'm going to object at this point. It's starting to get argumentive.
MS. DUNN: Your Honor, it's cross-examination.
THE COURT: It's overruled.
A. I don't understand what you are trying to get at here.
Q. (MS. DUNN) Mr. Olsen, it's your testimony today that -- today is the first time that you have ever either testified or in any interview you did, first time, that you called George to get methamphetamine delivered to you, correct?
A. That's the way it worked. And if I explained it at all, that's the way I explained it.
Q. Okay. So you are saying you did explain it to people before, that you called George?
A. To people? To --

Q. To the judge last time you testified, did you testify when -- when somebody asked you, tell me how it works, when they asked, "So what was it -- Mr. Hector Ramirez', I guess, role in the selling of the meth? How did you guys work together for that?"
Do you want to know what your answer was?
A. Yeah.
Q. Okay. Do you recall that your answer was, "I ordered it and usually he brought it," correct?
A. Correct.
Q. That was your order -- that was -- do you recall that was your testimony?
A. I believe so, yes.
Q. All right. Nowhere in there do you say, "I made a phone call to George and Hector delivered it."
A. No, I said "I made a phone call and Hector brought it."
Q. You said, "I ordered it and Hector brought it."
A. That's -- that's it, yes.
Q. So it just wasn't important at the time to mention that it was Hector -- or that it was George you were calling?
A. Nobody asked me, apparently.
Q. Now, you are going to be sentenced the end of

this month, correct?
A. Approximately, yes.
Q. All right. And part of your agreement is that if you don't fulfill your obligation about testifying in this trial, that you would not get this plea agreement, correct?
A. Correct.
Q. The State asked you -- Mr. Barainca asked you if you remember having a conversation with the officers prior to you making a deal.
A. Prior? Yes.
Q. Right?
A. Yes.
Q. That you agreed to talk to them before you even had a deal?
A. Yes. The district attorney, I believe, and the assistant district attorney, and Officer Gaylor, my lawyer, Dave Loreman. I believe that is all that was in there. They came and asked me a bunch of questions. There was no deal on the table at all.
Q. All right. And -- but you did know that your attorney was trying to get you a deal, correct?
A. Yes.
Q. Correct?
A. Correct.

Q. And so even at that time, even though you didn't have a deal on the table and you had that conversation with them, you were trying to get a deal?
A. Correct.
Q. Okay.
A. I don't have 20 years to give to anybody.
Q. And at that hearing -- or at that meeting, do you recall telling anyone at that time that you would call George and Hector would deliver it?
A. I don't recall all the conversations, no.
Q. You don't recall ever telling anyone before that it was George that you called, correct?
A. I don't recall that, no. It's over a year ago.
MS. DUNN: I have no further questions.
THE COURT: All right. It is 3:30. So we'll go ahead and take a recess.
Rule of exclusion is invoked, Mr. Olsen. So I want to remind you, while the trial is going on -- and we expect it to go on for a couple more weeks -- do not discuss this case or your testimony with anyone else.
THE WITNESS: Yes, sir
THE COURT: With the exception of the attorneys here, Mr. Wills, Mr. Barainca, Mr. Woodbury and Ms. Dunn. Okay?

FILED
2021 SEP 28 PM 3:44
4th JUDICIAL DISTRICT COURT
CLERK ____ DEPUTY ____

Case Nos. CR-FP-19-2456 and CR-FP-19-2481

Dept. II

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

ooOoo

THE STATE OF NEVADA :
Plaintiff, :
v. : JURY TRIAL
HECTOR HUGO RAMIREZ-DE LA TORRE, : VOLUME 4
and JORGE LANDEROS RUIZ, :
Defendants. :
_____/

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled matter came on for hearing on January 15, 2021, at the hour of 8:45 a.m. of said day, in Elko, Nevada, before the HONORABLE ALVIN R. KACIN, District Judge.

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

COPY

APPEARANCES

For the Plaintiff:

MARK S. MILLS, ESQ.
Elko County
Deputy District Attorney
540 Court Street
2nd Floor
Elko, Nevada 89801

JUSTIN BARAINCA, ESQ.
Elko County
Deputy District Attorney
540 Court Street
Second Floor
Elko, NV 89801

For the Defendant:
(Ramirez-De La Torre)

GARY D. WOODBURY, ESQ.
ATTORNEY AT LAW
1053 Idaho Street
Elko, Nevada 89801

For the Defendant:
(Ruiz)

KARENA K. DUNN, ESQ
LARRY K. DUNN & ASSOCIATES
1201 Terminal Way, #221B
Reno, Nevada 89502

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RECROSS-EXAMINATION

BY MR. WOODBURY:

Q. The -- even though, Detective -- Mister, you don't have a -- you don't have a great deal of hands-on experience with cartels, it was -- the classes that you took and the information you were given is something like formal education about them, right?

A. Correct.

Q. And in order to advance in the field of narcotics investigators, you needed to take those courses, among others I guess, to -- to seek advancement?

A. And just to be able to do our jobs better, yes, sir.

Q. All right. Okay. Sure, of course, yeah.

MR. WOODBURY: We have nothing further.

THE COURT: All right. Any jury questions for Mr. Miller?

And while you are thinking about that, he is being held subject to recall, I take it, so I am assuming the prosecutor has your telephone number.

The rule of exclusion is invoked. So don't discuss this case or your testimony while the trial is going on. We expect it not to end for two more weeks, couple of Fridays from now. So with the exception you can talk to the lawyers about it, of course.

All right. Any jury questions for Mr. Miller?

All right. It appears not.

We'll go ahead and let you go. Thank you, sir.

THE WITNESS: Thank you.

THE COURT: Next witness, please.

MR. BARAINCA: Scott Smith.

THE COURT: You will be asking questions.

MR. BARAINCA: Yes, Your Honor.

THE COURT: All right, sir. If we could have you lower your mask there during testimony.

Welcome to the court.

We'll have you take the oath. Please raise your right hand.

(WHEREUPON, the witness was sworn)

THE COURT: All right. Please have a seat.

Mr. Baraiaca, please proceed.

SCOTT SMITH

called as a witness in said case, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BARAINCA:

Q. Sir, could you please state your name and spell both your first and last name for the record.

A. Yes. My name is Scott Smith. S-c-o-t-t S-m-i-t-h.

Q. And, sir, where do you work?

A. I am the sergeant for the Nevada Department of Public Safety, Investigations Division. Or NDI, Nevada Division of Investigations, is our old name.

THE COURT: I'm going to ask you to slow down before Ms. Manley does. So if you can slow down a little bit, it also helps the interpreters.

THE WITNESS: Okay.

Q. And, sir, when did you become a sergeant?

A. I promoted to sergeant in February of 2019.

Q. And where are you currently stationed at?

A. I am assigned as the task force commander of the Elko Combined Narcotics Unit here in Elko.

Q. And was that -- was -- was the same true when you promoted to sergeant in February of 2019?

A. Yes, that was the position I promoted to.

Q. And what are your primary duties as a sergeant for the narcotics unit?

A. To supervise the operations of the unit. As the detectives conduct their investigations, just monitoring their investigations, approving their reports, participating in the investigations.

Q. What was your occupation prior to becoming sergeant?

A. I was a detective with NDI since November of

2007.

Q. Where was that at?

A. Various assignments in Carson City, Fallon, between general investigations and narcotics.

Q. And were you in the same role as a narcotics detective during that time?

A. Narcotics detective, similar investigation, just different jurisdictions.

Q. And what was your occupation prior to becoming a detective for NDI?

A. Before NDI, I was with the Nevada Division of Parole and Probation for approximately eight years. And prior to that, one year with the Nevada Department of Corrections as an officer.

Q. And, sir --

INTERPRETER MENDOZA: Your Honor, may I just ask him to slow down a little bit, please.

THE COURT: Yeah, the problem is, especially with the interpreters, we've got to just take it slow. Pauses are fine. We got three weeks for the trial. Don't worry about rushing.

If you are talking about like I am here, that's probably pretty darn good.

See, they are smiling at me.

Okay. Mr. Baraiaca, please proceed.

Q. (By Mr. Barainca) Sir, when you promoted to sergeant, moved to Elko, did the task force already have investigations going on?

A. Yes. Yes, they did.

Q. And just -- just to generally talk about the investigations, how -- how does the task force go about investigating narcotics offenses here in Elko County?

A. It's -- it can be all sorts of different ways. Just information comes in, we get flooded with information, and it's corroborating and validating information until it actually turns into a tangible actionable case where we can actually start getting into, whether it's controlled buys or search warrants or trash runs, surveillance, any numbers of things that lead us into it.

Q. And have you participated in controlled buys and the execution of search warrants?

A. Yes, I have.

Q. And when these investigations are conducted, do you personally oversee them?

A. Yes, I do.

Q. And what is a case agent?

A. A case agent is the individual who is assigned that investigation. So if -- using the example of a case I had in major crimes out here in Elko where there was an officer-involved shooting, and I was the case agent.

It was my investigation. And then I would delegate other detectives to tasks to contribute throughout that investigation and how it -- consolidate everything, but it was still my case.

Q. So are there situations where the detectives you supervise would be case agents?

A. Yes.

Q. Would it be their task to also delegate duties?

A. Yes, it would.

Q. Would that include to be -- to be delegating duties to you?

A. Yes.

Q. So is it fair to say it's your case and your lead?

A. If -- if you are the case agent, you are the lead. And that's part of my role of being part of the team. If the case agent has something and they say, "Hey, search the CS's car," I will search the CS's car.

Q. Now, I want to direct your attention to February 27 of 2019.

Now, how long had you been with the -- were you working here in Elko at that time?

A. Yes, I was.

Q. Do you recall approximately how long?

A. A few weeks. I believe that February 11 was my first actual day.

Q. And were you involved in the controlled purchase of methamphetamine that day?

A. Yes.

Q. What was your role, sir?

A. I was in the role of during the actual operation, what we would call rescue, that we were in the vehicle closest to where the transaction was taking place. And if the CS had said a certain phrase or we detected a problem go over the -- the wire, we would roll up as a rescue and intervene and stop the deal and make sure everybody was safe.

Q. Who was the case agent that day?

A. The individual running the deal was Detective Eisinger, the case agent. It was Gaylor's case, but Eisinger was running the deal that day.

Q. Is that John Gaylor?

A. Yes.

Q. And was -- was Mr. Gaylor just unavailable that day?

A. I believe he was on leave that week.

Q. And what was your -- did you participate in meeting with the cooperating source prior to the buy?

A. Yes.

Q. And what was your role in that, sir?

A. It was being present while the CS was interviewed and briefed. And also participating in the search of the CS for contraband, weapons, searching the CS's vehicle contraband, weapons.

Q. Did you search the CS's vehicle?

A. I believe I did.

Q. Did you find anything of note?

A. No, I do not.

Q. What was the purpose of searching that vehicle?

A. It was making sure that they are not taking items into the deal, whether it's weapons, whether it's money aside from the money we are using for the purchases, or if there was controlled substances, just contraband that they shouldn't have that could interfere with the case.

Q. We heard testimony from Detective Eisinger that NDI provides the funds for the controlled purchases; is that correct?

A. Yes.

Q. Where does that money come from?

A. We have grant sources. There is a state account for our -- for purchase of evidence, for those funds. And also, we have grant money through a federal account for those funds.

Q. And how do you monitor those funds?
A. Very carefully. For every single transaction that we run, we have forms that have to be filled out and itemizing all the money that comes out and recording the expenditures, photocopying all the money that we get from the bank, and just documenting.
And so when we turn in the evidence, we document the money that has been spent. If the money doesn't get spent, we have to go through a rebate process to document where exactly that money comes and goes from.
Q. Are you dealing primarily in cash?
A. Yes.
Q. Do you keep track of the serial numbers of that cash?
A. Yes, we do.
Q. And that's just -- is that the bills -- the numbers from the bills?
A. Yes, that's why we photocopy the money, to keep track of the serial numbers of the bills.
Q. Now, at this point in time in the investigation, who were you -- on February 27, who were you intending to buy methamphetamine from that day?
A. That day, we started a buy to purchase from Sheldon Olsen.
Q. And where were you going to go to -- were you

going to Mr. Olsen's residence to --
A. Sheldon's residence was on Arthur Drive in Kyndon.
Q. Now, from -- I know you've testified to this, but remind me again. What was your role during the controlled purchase?
A. Rescue.
Q. And were you with anybody during that time?
A. I was with Detective Eisinger. And I'm pretty sure there was at least one other person in the vehicle.
Q. Do you remember who that was?
A. I can't recall at this time.
Q. Now, were there any other detectives involved?
A. There were other detectives, yes.
Q. Who was -- who was that?
A. Detective Miller was involved in a surveillance capacity. Detective Morrell was involved.
And I want to say we had detectives from Winnemucca, in the NDI office in Winnemucca, participating as well.
Q. Now, were you able to listen in on the buy at all?
A. Yes.
Q. Did -- from what you could hear, did the CS purchase the methamphetamine from Sheldon that day?

A. I'm trying to recall from what the buyer said. I can't recall specifically the wording of the wire. But I do remember from that -- that deal that day, that the CS actually did not purchase the methamphetamine from Sheldon. The meth happened -- the transfer actually happened outside of Mr. Olsen's trailer.
Q. Who do you believe the meth was -- who sold the meth?
A. Mr. Ramirez-De La Torre.
Q. What -- did you -- did you know this person or believe this person to be the person named Hector at that time?
A. Yes.
Q. Now, were you involved in subsequent buys with -- involving the cooperating source and Hector?
A. Yes.
Q. Do you recall those dates?
A. March 4 and March 11.
Q. If the report said March 7, would that be accurate?
A. Probably, yes.
Q. Then, to the best of your knowledge, was Hector involved in those?
A. Yes.
Q. I forgot to ask you, who was the cooperating

source for these buys?
A. Clinton Sandstrom.
Q. And did you have the same role in the two subsequent buys?
A. Yes.
Q. And what -- did Gaylor return at that point in time?
A. Yes, he had.
Q. Was he the handler during those buys?
A. Yes.
Q. What's the role of a handler?
A. The handler is your primary contact with the informant, and they are the ones that are -- usually the ones doing the briefing and recording and all the personal interactions with the informant.
Q. And I believe you testified that your role was the exact same on March 4 and March 7?
A. Yes.
Q. And were you -- does that mean you were in the same vehicle with Detective Gaylor?
A. Yes.
Q. And did the controlled purchases go about the same manner as they did on February 27?
A. Yes.
Q. And was all this in Elko County, state of

Nevada?
A. Yes, it was.
MR. BARAINCA: Thank you. I will pass the witness.
THE COURT: Cross-examination.
MS. DUNN: Thank you.
CROSS-EXAMINATION
BY MS. DUNN:
Q. Good morning, Sergeant. How are you?
A. I am good. Thank you.
Q. Now, Sergeant, you had indicated that you actually started in Elko in February of 2019, correct?
A. Yes.
Q. And at that time, based upon the information you had when you came in and started supervising this crew, there was already some ongoing controlled buys that were happening between this cooperating -- is it cooperating source?
A. Yes.
Q. Clinton Sandstrom and Mr. Olsen?
A. Yes.
Q. And, again, Detective Gaylor was the case agent?
A. Yes.
Q. And I think Mr. Barainca touched on this

with Mr. -- excuse me, Detective Gaylor being the handler.
Is that because this cooperating source, Mr. Sandstrom, was maybe a person that -- that he got, as it were, that -- that he was able to agree to cooperate?
A. The term "handler" is -- it's whoever develops their source. So if -- if Detective Gaylor made contact with Sandstrom and they agreed to be the source, then Gaylor becomes the handler. So, yeah, I think that is probably the easiest way to describe that.
Q. Right. So I think that was what I was getting at. And thank you for clearing it up and making it a little bit cleaner for me.
So at some point prior to your involvement, prior to you coming to Elko, it's your understanding that Detective Gaylor got Clinton Sandstrom to agree to be a cooperating source?
A. Yes, he would have -- Mr. Sandstrom would have had to have signed the cooperating source agreement and dotted the i's and crossed the t's, and would have officially been a cooperating source.
Q. And once you came in and became the sergeant over this unit, were you brought up to speed by your detectives as far as what cases they were working on at the time?
A. I was. And I believe that this guy was the --

my first day of working. And they said, "This is the case we're working, we have a buy for tonight." And I said, "Let's go."
Q. All right. So Detective Gaylor brought you up to speed?
A. Yes.
Q. And how -- how do you get sources?
A. There is several different ways. One of the more common ways is when sources are trying to work off charges if they have been arrested, they want to provide substantial assistance to minimize criminal charges they are facing.
There is other sources that generally just want for the best of the community, they feel that I know where the drugs and I can help you this way.
There is mercenary sources that want to be paid.
So the most common is usually the -- you know, what we call restricted sources, the ones that are working off other charges.
Q. And based upon the information that you received from Detective Gaylor, Clinton Sandstrom was attempting to work off charges; isn't that correct?
A. Yes.
Q. Do you know what type of charges he was

facing?
A. I am not exactly sure. I know that he himself had been arrested by use of a confidential source, so I know that he was involved in sales of controlled substances and was trying to work those charges off.
Q. All right. Versus potentially spending a long time in prison?
A. Potentially, yes.
Q. And so it's your understanding that the way Detective Gaylor got started working with Mr. Sandstrom was that a -- a different cooperating source basically ratted on Clinton?
A. Clinton sold to another source, yeah.
Q. Now, in the month of February, Mr. Sandstrom did quite a few controlled buys for you; is that correct?
A. Yes.
Q. And those controlled buys that were done in the month of February, some of them were with Clinton Sandstrom and Sheldon "Bob" Olsen, correct?
A. Yes.
Q. And no one went out and arrested Mr. Olsen as soon as Mr. Sandstrom sold to him, correct?
A. Correct.
Q. And are you attempting to do -- get multiple buys from a potential seller?

A. Typically, yes, we would want to get multiple buys from any seller.

Q. And during the month of February, there were -- Sheldon "Bob" Olsen sold quite a few times to Clinton Sandstrom, correct?

A. Yes.

Q. Then on this February 27 date that the State was asking you about, you were the -- you were the rescue?

A. Yes.

Q. Is that correct?

So could you see the house, Sheldon "Bob" Olsen's house there on Arthur?

A. I personally could not see. There was a house in a direction that -- blocking my direct line of view. But we knew exactly where the house was and we had another unit from -- our Winnemucca detective that did have line of sight to the front of Mr. Olsen's house.

Q. And everyone was -- was talking over the radio?

A. We were all in communication with each other, yes.

Q. All right. And did you know on February 27, -- well, let me ask it this way.

On February 27, this controlled buy that has been discussed, did -- was it expecting to be between

Sheldon "Bob" Olsen and Clinton Sandstrom?

A. That was the expectation, yes.

Q. But ultimately another person came and ultimately did the selling?

A. Yes.

Q. And that was not expected?

A. Correct. That was not expected.

Q. So when something like that happens, as a sergeant, did anything change in the way the buy was going down, as it were?

A. Not -- it really didn't change the way the buy went down at all. It's -- it was still the same pattern that happened in previous buys.

Q. So everyone was just keeping real close tabs on what was happening; is that fair to say?

A. Yes.

Q. How long did it take this other individual to get there and ultimately do the selling?

A. I wouldn't be able to tell you specific amount of time for departure and arrival without reviewing the reports. But it was not -- not an unreasonable extended period of time.

Q. Prior to February of 2019, was Sheldon "Bob" Olsen known to your team?

A. I don't believe so, but I am not too sure what

my team knew prior to opening a case on Mr. Olsen.

Q. Sure. Now, the controlled buys that you participated in, that you helped with, that you supervised during February and then subsequently in March, were never between -- never involved Jorge Ruiz, correct?

A. He was never an active participant, no.

MS. DUNN: I have no further questions.

THE COURT: Cross-examination, Mr. Woodbury.

MR. WOODBURY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WOODBURY:

Q. I apologize, Sergeant Smith, I am not clear what happened on February 11, 2019.

Is that when you started with the YDI or is that when you got promoted to sergeant?

A. That's when I -- that was my first day as sergeant with NDI Elko.

Q. But you had been in Elko prior to that time?

A. No, I had not.

Q. You had simply arrived in Elko and were promoted to sergeant at your arrival?

A. Well, I had interviewed the month prior --

Q. Okay.

A. -- and had been named I was going to be sergeant. And my official start date was February 11.

Q. Okay. So you don't know anything about any of this prior to February 11?

A. Correct.

Q. And in performing your duties as the newly appointed sergeant, I gather you would have been briefed essentially across the board by all the detectives of what was going on up here in Elko?

A. Yes. And coming in on the first day and getting the information that I could and the business that was at hand, so coming in and taking care of housekeeping businesses and then being told, hey, we have got a case and we can do a deal today. And I said, okay, lay it out and let's do it.

Q. Well, the deal today is a deal on February 27 or prior to that?

A. February 11.

Q. You did a deal on February 11?

A. Yes.

Q. And was it -- was that somehow connected to this case? Was Sheldon Olsen involved?

A. Yes.

Q. And it was a buy by Sandstrom from Olsen?

A. Yes.

Q. Okay. And the -- do you recall if -- and I realize this is somewhat repetitive -- how this person

named Hector Ramirez came to your attention, whether -- as a sergeant with NDI?

A. Hector Ramirez was brought to my attention because there was already an open investigation into him before I came to Elko.

Q. When was that open investigation opened?

A. That was opened in the fall of 2018.

Q. Mm. And did it involve Mr. Olsen?

A. No, it did not.

Q. Okay. And what -- what happens during an investigation that's open? What does that mean?

A. That's trying to gather information and corroborate information and --

Q. Okay.

A. -- build the case.

Q. All right. And I gather that that information was never corroborated? Or at least Mr. Ramirez has never been charged with anything occurring prior to February 27?

A. No, because Mr. Ramirez was not the target of investigation on February 21.

Q. Oh, somebody else was the target of -- when Hector Ramirez came to your attention in the fall of 2018, came to the attention not of you, but of NDI, it was concerning somebody and something else?

A. I am not understanding what you are asking me.

Q. Well, I asked you originally when it was that Hector Ramirez came to the attention of NDI, and I gathered that you said in the fall of 2018?

A. Yes.

Q. And was that -- and then I asked you, did that involve Sheldon Olsen, and you said no.

A. When a case was opened on Mr. Ramirez, it did not involve Sheldon Olsen.

Q. Okay. And the case being opened, was it in the fall of 2018 that you are talking about?

A. Yes.

Q. Okay. Then I asked you, did that case ever result in any action being taken against Mr. Ramirez, the --

A. Yes. Yes, it did.

Q. When did that happen?

A. Once Mr. Ramirez sold drugs to Mr. Sheldon, the case numbers switched from purchases with Mr. Olsen to purchases with Mr. Ramirez-De La Torre.

Q. Okay. And as part of the surveillance and the -- this open case, I assume you all were looking pretty closely at Mr. Ramirez and his lifestyle and what he owned and what he was otherwise doing with his daily life?

A. Conducting surveillance, trying to build the case, yes.

Q. All right. And what -- what do you understand was found out about Mr. Ramirez?

A. That he was operating out of the residence on Kale Drive, and that's where he would start and leave -- start from and return to.

Q. And were you under the impression throughout this entire investigation that he owns something at Kale Drive?

A. No, I wasn't under the impression that he owned anything at Kale Drive, just that he was involved in the transportation, sale of controlled substance, and was coming from Kale Drive and returning to Kale Drive.

Q. And did you all investigate, see whether he had an automobile?

A. We identified that he had seemed to be driving the same gray pickup truck.

Q. And that gray pickup truck turned out to be somebody else's pickup truck, not his, right?

A. That was not his.

Q. All right. Now, the question goes back. Did you find out whether he had an automobile? His own?

A. To my knowledge, he did not have an automobile of his own.

Q. And did you understand where he was living up on Kale Drive? Where was his residence and what kind was

it?

A. He understood he was living up there. Until we actually executed the search warrant, we didn't know in what structure he was actually living.

Q. And there was another guy up there named Eduardo?

A. Yes, sir, there was.

Q. And did you -- had you -- when had NDI learned that Eduardo was up there as well?

A. On the day we executed the search warrant.

Q. All right. Prior to that time you had never heard or seen him?

A. No, we had not.

Q. And the surveillance that was conducted from the fall of -- September 2018 to the execution of the search warrant, March of 2019, had never revealed the presence of anybody that you came to know as Eduardo?

A. That's correct.

Q. How many -- how many different surveillance episodes had there been through that six- or seven-month period?

A. There has been several surveillances up there.

Q. I'm sorry?

A. There had been several.

Q. Several being ten?

A. I wouldn't be able to give you an exact number because surveillance can be as short as a five-minute drive through the neighborhood versus setting up for four hours at a check site from a distance. But there were many surveillances.

Q. One of the things surveillance revealed was an enormous amount of traffic in and out of the Kale Drive property?

A. High traffic, yes.

Q. And that didn't appear every time, but sometimes it did?

A. Yes, it did.

Q. And when you see high traffic going in and out, what does that -- does that suggest anything to a highly trained narcotics investigator?

A. It could be an indicator of drug trafficking, drug activity. People showing up and leaving, that is a very common occurrence that happens at places where drugs are being sold.

Q. You didn't ever ascertain when Mr. Ramirez had started living up at Kale Drive?

A. No, we did not know when he began living up there.

Q. And when -- the relationship between Olsen and Ramirez, when were you aware of that -- when did you become

aware of that relationship?

A. The one that sticks out is on February 11, the purchase with Mr. Olsen, the conversation that transpired between Mr. Sandstrom and Mr. Olsen was specifically bringing up the name Hector, to call Hector to bring methamphetamines to the house.

And there was discussion about --

MS. DUNN: Your Honor, I'm going to object. This is hearsay at this point.

THE COURT: Mr. Woodbury?

MR. WOODBURY: I can -- I can ask it in a different way.

THE COURT: That's fine.

Well, are you moving to strike some portion of an answer, or are you simply objecting to an ongoing answer?

MS. DUNN: Your Honor, I guess, at this point, I am -- I am objecting to any portion of his testimony that was him -- excuse me, that it was Sergeant Smith testifying about what someone else said.

So yes, it would be moving to strike.

THE COURT: All right. Do you have any response to that motion?

MR. WOODBURY: I don't.

THE COURT: Any response from the State to the objection?

MR. BARAJAS: No, Your Honor. We'll submit it.

THE COURT: Well, that being submitted to the Court, the Court will strike just the last answer.

The jury is directed to disregard that -- just that piece of testimony.

Next question from Mr. Woodbury, please.

Q. (By Mr. Woodbury) I want to know when you learned that there were discussions between Mr. Olsen and Mr. Ramirez?

A. I personally learned that during listening to the live wire conversation during the transaction that happened on February 11.

Q. Okay. And the transaction that happened on February 11 and the conversation, not the content of it, was between Mr. Olsen and Mr. Sandstrom?

A. Correct.

Q. Okay. Are there characteristics of people involved in these drug sales that tells you where on the -- where on the hierarchy they are?

I mean, did you -- I'm sorry, I -- I'm going way beyond where I should be going.

I just want to know if -- were you under the impression on February 11, or thereafter, that these drugs actually belonged to Mr. Ramirez, or was he simply serving as an employee sort of or someone?

A. Knowing -- at that point, we wouldn't be able to ascertain whether he was an employee or they were his personal.

For the elements of the crime that we were investigating, that wasn't the primary concern. Our concern was that we were ordering drugs, then they are being delivered, that these are the individuals that are responsible for that.

Q. So you never attributed any importance to the fact that you didn't find a vehicle that was registered to him, that he was driving someone else's vehicle?

A. In narcotics investigations, that is not uncommon at all.

Q. Okay. And in narcotics investigations of the magnitude that's involved here, which is, I guess an ounce of -- of methamphetamine. That's a lot of methamphetamine, right?

A. Yes.

Q. All right. And do you often see the people that are at that level, that have an ounce of methamphetamine to sell, to be involved in the actual face-to-face transaction?

A. That happens, yes.

Q. It happens is one thing; that it happens regularly is quite another.

A. I would say it happens regularly every day in every town in this country.

Q. Every town in the country?

A. I would -- I would hazard a guess, after 21 years in law enforcement, that one-ounce deals like that happen every single day.

Q. Out of how many transactions in the country?

A. I wouldn't even be able to count that high.

Q. So all you can say is it happens?

A. It happens.

Q. And during that period on February -- of February 11 and March 19, did you find any other evidence that led you to believe that Mr. Ramirez might be the person who was importing the methamphetamine and was the owner of it and the only person concerned?

A. All that we knew is that Mr. Ramirez was involved, and that when methamphetamine wanted to be purchased, he was the one that showed up with it.

Q. And then you -- I thought there was a discussion about cocaine. Was there cocaine involved in any of these transactions?

A. There was no cocaine in the transactions but there was cocaine recovered in the search warrant.

Q. Okay. Thank you.

MR. WOODBURY: I have nothing further.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. DARAINCA:

Q. Sir, throughout the course of the investigation, did you come to a belief as to who was supplying Sheldon with the methamphetamine?

A. Yes, our belief that Sheldon was getting his methamphetamine from Hector Ramirez-De La Torre.

Q. Did you ever come to know who Hector Ramirez-De La Torre was or -- or were you able to identify him?

A. Yes, the -- we were able to have Hector De La Torre identified.

Q. Is he here in court today?

A. Yes, he is.

Q. Where is he seated?

A. He is sitting next to Mr. Woodbury.

Q. What's he wearing?

A. Black shirt -- or black suit, gray shirt, blue tie.

MR. DARAINCA: Your Honor, may the record reflect that the witness has identified the defendant. Defendant Ramirez.

THE COURT: I understand. And I will specify. The record will reflect and does reflect the

identification of Mr. Ramirez-De La Torre, the defendant.

Next question, please.

Q. Now, sir, I am just going to take a step back because I want you to be able to clear up the record so we can start using some of the slang.

Are controlled substances referred commonly referred to as dope?

A. Yes.

Q. And would the dope in this case be primarily methamphetamine?

A. Yes.

Q. Okay. How much dope were you buying off of Sheldon Olsen?

A. I believe my first day, February 11, we were going in to buy an ounce. We ended up buying a half ounce because Sheldon didn't want -- the money that we had to buy an ounce is what he paid for it, so he didn't --

THE COURT REPORTER: Excuse me, can I get you to slow down, please.

A. The money that we were -- that we were offering for the ounce is what he was paying for the ounce. So he didn't want to pay that. So we split the difference and just bought a half ounce.

Q. When -- When Hector became involved in these controlled buys, did the focus shift to Hector?

A. Yes, it did.

Q. And how frequently were you -- do you recall how frequently you were buying dope from Sheldon?

A. I think at least once a week.

Q. And for the record, I didn't mean you, collectively as the narcotics team?

A. Yes.

Q. And what was the goal of buying dope at a frequent basis from Sheldon?

A. There was a few functions in that.

Number one is multiple purchases, for a prosecution standpoint, it's better to have multiple purchases. That way, the prosecution has the option to offer plea negotiations if we had multiple solid deals.

As also we do more deals, we will increase how much we want to purchase. That also goes into negotiation powers because now you have more significant charges to negotiate with.

When using an informant, going through multiple purchases also is building the credibility of the informant, not just for the prosecution standpoint that we have more and more, but also kind of on the street-credibility level. The more buys that our informants buy and the police aren't showing up, the more the drug dealers are feeling safer with our informant and

selling to them.

So that's why we would keep repeatedly buying and increasing our quantities of buying.

Q. Were these methods being utilized to get -- to further investigations on Hector as well?

A. Yes.

Q. And so is it fair to say that you were buying dope on a frequent basis from Sheldon to get to Hector?

A. Yes, it would.

MR. BARAINCA: I'll pass the witness.

THE COURT: Recross-examination.

MS. DUNN: Thank you, Your Honor.

RECROSS-EXAMINATION

BY MS. DUNN:

Q. Sergeant, Mr. Nordbury talked to you about the high traffic that was ultimately surveilled at the Kale Drive address.

Do you recall that?

A. Yes.

Q. Now, do you know when the surveillance started?

A. I know that they started surveying the house in fall of 2015.

Q. And that was due to a case being opened on Hector Ramirez-De La Torre?

A. Yes.

Q. They were coming and going?

A. Yes.

Q. Do you know if their friends were coming and going?

A. I wouldn't be able to ascertain who was a friend versus who was family.

Q. So at some point you made the determination that Mr. Hector Ramirez-De La Torre was residing at that property, correct?

A. Yes.

Q. Mr. Ruiz and his wife and his -- their four children were residing on the property, correct?

A. Yes.

Q. Could that have been one of the reasons why there was a lot of traffic coming in and out?

A. That would be a contributing factor to the high traffic, but it wouldn't be the excluding factor to the high traffic.

Q. I'm sorry?

A. It would be a contributing factor, but not necessarily the excluding factor or the totality factor for the high traffic.

Q. Sure. You didn't stop every car that went in and out of this property, did you?

A. Yes.

Q. And it was determined that he was residing at that location, correct?

A. Yes.

Q. Based upon your surveillance, was it determined that other people were also residing at that location?

A. Yes.

Q. And one of those people was Mr. Jorge Ruiz, correct?

A. Yes.

Q. But you didn't -- ultimately, at some point, you -- you made the determination that this property was owned by Mr. Jorge Ruiz and his wife, correct?

A. Yes.

Q. And -- but in the fall of 2015 there was no case opened on Mr. Jorge Ruiz, correct?

A. Correct.

Q. And in your surveillance of the Kale Drive property, was it also determined that Mr. Ruiz lived there with his family?

A. Yes, it was.

Q. He had four kids living there, correct?

A. Yes.

Q. Some of them old enough to drive?

A. Not -- that would not be helpful for our investigation.

Q. Right. So did you follow every vehicle that came in and out of the property?

A. Not every vehicle, no.

Q. Did you follow a lot of them?

A. I know that several of them were followed, yes.

Q. And obviously you didn't have surveillance on this property 24/7, correct?

A. It was a very difficult property to surveil, yes.

Q. Why do you say that?

A. The neighborhood of Osino, just how it is, the streets, a vehicle that does not reside there is very well noted by neighbors and gets approached. Just line of sight with the hills and whatnot. It was just a difficult property to surveil.

Q. And there was some testimony earlier about the property itself and there being fencing around the property?

A. Yes.

Q. You could see through the fencing, correct?

A. Depending on your angle and what kind of fencing, whether you could see over it or if you were just

looking at it and seeing -- because not all the fencing -- like along the back, to my memory, was a solid wood privacy fence, as opposed to the white ranch-style fence on the front of the house.

So some sides of the house you could see more clearly; other ones you couldn't.

Q. And, again, as you state, part of it, it was just because of the hilly nature of the terrain?

A. Yes.

Q. It wasn't like there was a six- or eight-foot privacy fence around the entire property, correct?

A. No, ma'am. No.

Q. And the front of the property, again, you could see into the -- onto the property. It wasn't being -- it didn't have it all privacy fencing, correct?

A. No, it did not.

MS. DUNN: I have no further questions at this time.

THE COURT: Further questions on recross, Mr. Woodbury?

MR. WOODBURY: Thank you, Your Honor.

RECROSS-EXAMINATION

BY MR. WOODBURY:

Q. Based on your training and experience, Sergeant Smith, is selling methamphetamine a profitable, very profitable endeavor, assuming you don't get caught?

A. I would say it could be. That -- it would vary from person to person and what their personal habits are.

Q. But, in fact, you as a trained narcotics officer know that it costs very little to manufacture methamphetamine, and it sells for a significant price, right?

A. It costs very little and I know that -- that it -- it costs -- you buy in bulk and sell small and your profit margin goes up huge.

Q. Okay. Thank you.

MR. WOODBURY: I have nothing further.

THE COURT: Okay. Any jury questions for Sergeant Smith?

And while you are thinking about that, I'm assuming he is also subject to recall?

MR. BARAJAS: Yes, Your Honor.

THE COURT: So the rule of exclusion is invoked. Trial is not over for another couple of weeks from today.

Please remember the rule of exclusion. Don't discuss the case or your testimony with anyone while the trial is going on, with the exception of defense lawyers and the prosecutors.

Any jury questions?

It appears not. We'll go ahead and let Sergeant Smith go for now.

Thank you.

THE WITNESS: Thank you, Your Honor.

THE COURT: All right. Let's go ahead and take a 10-minute recess. It's a little bit ahead of 10:30, but we'll just take an early recess, get back in here, work until about noon again.

The standard directions for the break.

Please do not converse amongst yourselves or with anyone else on any subject connected with the trial. Do not read, watch or listen to any report or commentary on the trial or any person connected with the trial by any medium of information, including, without limitation, newspapers, television, radio or the Internet.

And do not form or express any opinion on any subject connected with the trial until the cause is finally submitted to you.

You may not use any electronic device or media, such as the telephone, a cell phone, smartphone, iPhone, Galaxy, or computer, the Internet, any internet service, any text or instant messaging service, any internet chat room, blog, or website such as Facebook, Instagram, LinkedIn, YouTube or Twitter, to communicate to anyone any information about this case until I accept your verdict.

In other words, you cannot talk to anyone on the phone, correspond with anyone, or electronically communicate with anyone about this case.

Also, jurors shall not conduct any form of independent research, investigations, or experiments prior to or during jury deliberations.

This prohibition includes, but is not limited to, communicating with anyone in any way regarding the case or its merits, by phone, e-mail, texting, the Internet, or other means; reading, watching or listening to any news or media accounts or commentary about the case; doing any research such as consulting dictionaries, using the Internet, or using reference materials; and making any investigation, testing a theory of the case, re-creating any aspect of the case, or in any other way investigating or learning about the case on one's own.

And then let's try to make this one 10 to 15 minutes. Just ask the lawyers, defendants, prosecutors, court participants, be back here in 10 minutes, and then Carlos can go up and get the jury and the alternates.

(Recess taken at 10:22 a.m.)

(Proceedings resumed at 10:38 a.m.)

THE COURT: We are back on the record for CR-FP-19-2456 and 2465. State versus Ramirez-De La Torre and Jorge Lanteros Ruiz.

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4th JUDICIAL DISTRICT COURT
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Case Nos. CR-FP-19-2456 and CR-FP-19-2485
Dept. II

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

ooOoo

THE STATE OF NEVADA :
Plaintiff, :
v. : JURY TRIAL
HECTOR HUGO RAMIREZ-DE LA TORRE, : VOLUME 4
and JORGE LANDEROS RUIZ, :
Defendants. :

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled matter came on for hearing on January 15, 2021, at the hour of 8:45 a.m. of said day, in Elko, Nevada, before the HONORABLE ALVIN R. KACIN, District Judge.

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

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APPEARANCES

For the Plaintiff:

MARK S. MILLS, ESQ.
Elko County
Deputy District Attorney
540 Court Street
2nd Floor
Elko, Nevada 89801

DUSTIN BARAINCA, ESQ.
Elko County
Deputy District Attorney
540 Court Street
Second Floor
Elko, NV 89801

For the Defendant:
(Ramirez-De La Torre)

GARY D. WOODBURY, ESQ.
ATTORNEY AT LAW
1053 Idaho Street
Elko, Nevada 89801

For the Defendant:
(Ruiz)

KARENA K. DUNN, ESQ
LARRY K. DUNN & ASSOCIATES
1201 Terminal Way, #221B
Reno, Nevada 89502

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PROCEEDINGS

THE COURT: We are back on the record for CR-FP-18-2456 and 2465. State versus Ramirez-De La Torre and Landeros Ruiz.

We do have the defendants here with their respective attorneys and the Court's previously sworn interpreters assisting them today.

And then also we have deputy district attorneys Wills and Baranica to represent the State.

Will counsel stipulate to the full presence of the jury and the alternates?

MR. WILLS: Yes, Your Honor.

MR. WOODBURY: So stipulated.

MS. DUNN: We would stipulate, Your Honor.

THE COURT: Thank you.

Okay. So we are going to broadcast then, correct, Mr. Nunes?

THE BAILIFF: Uh-huh.

THE COURT: Okay. Hope you had a nice evening last night, ladies and gentlemen. And we are continuing on with our second day of the presentation of the evidence.

So next witness for the State?

MR. WILLS: Matthew Miller.

THE COURT: Matthew Miller.

And by the way, if you have to shift a seat a little bit just to make sure you get a full view of the witness, please go ahead and do that, okay.

Why don't we have you come up to the stand, we'll do it that way. And during your testimony, please drop your mask, sir.

We'll have you take the oath.

(WHEREUPON, the witness was sworn)

THE COURT: Please be seated, sir.

And is it Mr. Wills?

MR. WILLS: Yes.

THE COURT: Okay. Please proceed.

MATTHEW MILLER

called as a witness in said case, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WILLS:

Q. Good morning, Mr. Miller.

A. Good morning.

Q. Can you hear me okay?

A. I can.

Q. Could you please state and spell your first and last name for the Court.

A. Yes. Matthew Miller. M-a-t-t-h-e-w M-i-l-l-e-r.

Q. And, Mr. Miller, I understand you currently work in the private sector; is that correct?

A. I do.

Q. Previously did you work in law enforcement?

A. I did.

Q. I want to direct your attention back to February of 2018. And at that point in time in your life and career, where were you working?

A. I was working for the Nevada Department of Public Safety, Investigations Division, as a detective.

Q. And what kind of detective were you?

A. I was a narcotics detective.

Q. Were you associated with the Elko Combined Narcotics Unit?

A. I was.

Q. And where were you based out of?

A. Elko.

Q. How long had you worked for the narcotics unit at that point?

A. At that point in time, it would have been approximately a little over two years.

Q. And prior to that, what kind of law enforcement experience did you have?

A. I worked for the Nevada Division of Parole and Probation.

Q. As a narcotics detective for the Elko Combined Narcotics Unit, what were your primary duties and responsibilities?

A. To investigate the transportation and sales of illicit controlled substances.

Q. And what were some of the common controlled substances that you investigated here in Elko County?

A. In Elko County, it was primarily methamphetamine and heroin.

Q. And are you familiar with methamphetamine specifically?

A. I am.

Q. Was it part of your duties and responsibilities as a narcotics detective to conduct controlled buys?

A. Yes, it was.

Q. I want to direct your attention back to February 27, 2019. Were you involved in a controlled buy on that occasion?

A. I'm sorry, could you say that again.

Q. Were you involved with a controlled buy on February 2, 2018?

A. I was.

Q. Okay. And what was your -- your role in conducting that controlled buy?

A. My role was to conduct surveillance on a

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

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

ooOoo

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

JURY TRIAL
VOLUME 5

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled matter came on for hearing on January 19, 2021, at the hour of 8:33 a.m. of said day, in Elko, Nevada, before the HONORABLE ALVIN R. KACIN, District Judge.

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

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APPEARANCES

For the Plaintiff:

MARK S. MILLS, ESQ.
Elko County
Deputy District Attorney
540 Court Street
2nd Floor
Elko, Nevada 89801

JUSTIN BARAINCA, ESQ.
Elko County
Deputy District Attorney
540 Court Street
Second Floor
Elko, NV 89801

For the Defendant:
(Ramirez-De La Torre)

GARY D. WOODBURY, ESQ.
ATTORNEY AT LAW
1053 Idaho Street
Elko, Nevada 89801

For the Defendant:
(Ruiz)

KARENA K. DUNN, ESQ
LARRY K. DUNN & ASSOCIATES
1201 Terminal Way, #221B
Reno, Nevada 89502

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under oath for this proceeding. You are being recalled in the State's case in chief by the prosecuting attorneys.

Mr. Barajas, it looks like, is asking you questions for this.

JOHN GAYLOR

recalled as a witness in said case, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BARAJAS:

Q. Sir, do you recall testifying on I believe it was Friday regarding your involvement in this case as far as the controlled substance buys?

A. I do.

Q. And you were -- you were the case agent; is that correct?

A. Yes.

Q. So it was your case and it was your lead?

A. Yes.

Q. Now, you were working with -- you testified that you were working with a gentleman by the name of Clinton Sandstrom; is that correct?

A. Yes.

Q. And you were his handler; is that right?

A. Yes.

Q. So before you can become a handler for a

cooperating source, what do you have to do?

A. The big piece of it is they have to sign an agreement with us. I think it's roughly 20 questions that covers a lot of various things. You also have to get a full criminal history on the -- the potential source of information.

Q. Did Mr. Sandstrom do that?

A. Yes.

Q. Was he approved to work with you?

A. Yes.

Q. And that was before he started buying dope for you; is that correct?

A. Yes.

Q. Now, do you -- do you recall also testifying about various forms of surveillance that you conducted on 5647 Kale Drive in Osino?

A. Yes.

Q. And could you just remind us what that kind of surveillance was over time?

A. Typically, specifically for myself, I was just in my unmarked unit. I would park in various locations throughout Osino where I could visibly surveil the property.

Just do the -- I guess the housing structure out there, it was rather difficult to be close to the

residence. So more often than not, I had to utilize a binocular and other surveillance devices. But it was mainly to watch the traffic in and out of the residence.

Q. And I believe you testified that you knew sometimes there was high traffic in and out of the property?

A. Yes.

Q. And then I know we talked about this, but was it your understanding that the property was owned by Jorge Landeros Ruiz?

A. Yes.

Q. Was -- was his wife also on that deed as well?

A. Yes, she was.

Q. And I believe there was testimony that she was the registered owner of the vehicle that Hector would drive; is that correct?

A. That is correct.

Q. Now, based upon all that information, your surveillance, the three controlled buys, and what you knew of the property, what did you decide to do?

A. At that time, I consulted with my sergeant. I believe it was in the middle of March. And then I authored and was granted a search warrant for the property on Kale.

Q. When did that occur?

A. The search warrant was written on March 18,

and the beginning of the search warrant execution was on March 19.

Q. Okay. Now, before we get into the execution of the search warrant, please describe the property. How big is it?

A. It's approximately 2.7 acres with a home, several travel trailers and fencing.

Q. At the time, did you know who was living in -- in which area?

A. At the time, no.

Q. Did you notice any juveniles on the property?

A. Using school resources, I think it's called Power School, there were children that were registered to that property. But through surveillance, I couldn't identify their ages. But it looked like there were juveniles on that property.

Q. Did you -- do you recall how many children were living there?

A. I do not.

Q. Now, when did you say that you conducted the execution of the search warrant?

A. March 19.

Q. Now, what was the -- just kind of give a brief overview and then we'll start getting into the details.

What was the general time line of the

execution?

A. The decision was made by myself that -- and I think it was approximately 11 a.m. on March 19 is when we would allow the SWAT team to go in to secure the property, and then we would begin the execution of the search warrant itself.

Q. Why 11 a.m.?

A. We wanted to -- typically for safety. If you can, and if possible, if you can get a suspect off of the property and take them into custody, say, through a traffic stop or anything of that nature, it eliminates a lot of risk.

So we were waiting to make sure, one, that the kids were hopefully at school, and we were waiting for Mr. Ramirez to hopefully leave the property.

Q. Now, did you meet with the SWAT team prior to the execution?

A. Only briefly just to, at least, show them that the warrant was signed and that they were authorized.

Q. Who did the primary planning of the -- of the SWAT operation?

A. I believe that was Detective Eisinger.

Q. And was it your understanding that he was traveling -- or being a member of the SWAT team at that point in time?

A. He -- he was at the time, yes.

Q. Now, what time -- so did you get to the property right at 11 o'clock?

A. No, I did not.

Q. Or did the SWAT team, rather?

A. I don't know if it was at immediately 11 a.m. It was around that time period, though.

Q. And where did you -- where did you start from?

A. I was -- that morning, I was in a position of surveillance, hoping that one of the vehicles would leave the property. And then as the -- I could see the SWAT team moving in, I then set us basically what is called a temporary incident command, which was on the road adjacent as to Kale Drive just in case anything should arise or happen. And that's where I stationed all of the other task force officers as well.

Q. What is a temporary incident command?

A. It's just generally just a small -- it's a small area that is set up just in case there is an incident and we have to get like a helicopter or like an ambulance in, or if the SWAT team does get into trouble and they need additional resources.

Q. Did that happen in this case?

A. No, it did not.

Q. Were other members of the -- the Elko Combined

Narcotics Unit working with you that morning?

A. Yes, they were.

Q. Besides -- I know you testified to Detective Eisinger. Who else was helping you?

A. Sergeant Smith was there and so was Detective Matt Miller.

Q. Were there other law enforcement agents --or law enforcement officers there not in a SWAT capacity, as well?

A. Yes.

Q. Do you recall who that was?

A. Overall, it was the Ely Narcotics Task Force and the Winnemucca Task Force as well as uniformed patrol officers and even field deputies from the Elko County Sheriff's office.

Q. Now, did you enter the property with the SWAT team?

A. No, I did not.

Q. Why -- did any of the other law enforcement officers that weren't running in a SWAT capacity, did they enter with the SWAT team at all?

A. Not until we were given the -- the instruction that the property was secured and everyone was safe did -- was anybody else permitted on the property.

Q. Was that why you guys didn't go, so they could

secure it for you?

A. Correct.

Q. Now, how long did the -- how long did it take the SWAT teams to clear the property?

A. Approximately 25 to 35 minutes.

Q. Do you recall how that was broken down between the SWAT teams, who was to take what or anything like that?

A. I do not, no.

Q. Now, how -- how far away from the property were you when the SWAT team was securing it?

A. Approximately a hundred to 200 yards.

Q. Did you have a good view of the property?

A. In the location where we were set up, no visual, no.

Q. So where did you first go after you entered -- after the property was secured and you entered it?

A. My first responsibility was to make sure everybody would stop at the beginning of the driveway and then I could take initial photographs of the property and then divvy out assignments.

Q. Did you -- did you make sure -- did you photograph that -- the property before anybody started searching?

A. Yes.

Q. What is the purpose of that?

A. It's to show the state of the property before we started the execution of our search warrant just to overall document the property in its entirety.

Q. Is there an order of operations as to how you go about doing that?

A. Yes. It's generally you take wide overview photos first, and then as you go in through documentation, you do closer-up photographs just so people know specifically the area you are photographing at any given time.

Q. Did you -- did you come to be aware of a large number of chickens, hens and roosters on the property?

A. Yes.

Q. When did you first learn that?

A. I first learned it when I -- I was initially going through my overall photographs. As I went past one of the trailers, you can -- you could hear the birds, but I didn't see them until I actually went into -- by the Travel Supreme trailer and looked over the fence.

MR. BARAICA: Your Honor, may I approach the witness?

A. Yes.

Q. Sir, I am handing you what's been marked for identification as State's Exhibits 75 through 89. What I'm going to do is go through -- they are -- 89 is stacked on

top. It's just kind of a reverse order, just so you know. It's just how it turned out.

I'm going to go through -- just to save some time, go through each one real quick and go that route, if you can give me a second.

Starting with Number 75, what is going on there?

A. 75 is a photograph of the initial driveway entering into the property.

Q. Are there any vehicles in there?

A. Yes.

Q. What -- what vehicles do you see?

A. There is a red Hummer, a silver sedan, and a pickup truck.

Q. Is that the pickup truck that Hector was operating during the controlled buy?

A. Yes.

Q. Okay. 76?

A. This is a photograph approximately -- it's close to the same photograph as the first one. There is one pickup, a brown trailer, and to the right of it is the white Travel Supreme trailer.

Q. 77?

A. This is the photograph right in front of the white Travel Supreme trailer.

Q. 78?

A. 78 is a photograph as you look over the fence, and it's documenting the beginning of what I believed to be the chicken coops.

Q. Do you know where you were standing when you took that picture?

A. I am right to the left of the travel trailer, and there was like a little bench you could kind of step up on.

Q. 79?

A. It's this -- it's another photo of over the metal fencing documenting the chicken coops.

Q. 80?

A. From the approximate same position, just at a more left angle.

Q. Are you still standing on that bench near the Travel Supreme trailer?

A. I am actually behind the Travel Supreme trailer in the last two photographs.

Q. Number 81?

A. This is the entryway into the brown barn.

Q. Where was the brown barn in relation to the -- the brown trailer and Travel Supreme trailer?

A. The barn is approximately 10 to 15 feet to the left of the white Travel Supreme trailer.

Q. And we'll get into -- we'll get into it a bit, but did -- was it your understanding whether or not the -- or did you have an understanding if the brown trailer next to the coops and the Travel Supreme trailer, whether they were occupied?

A. At the -- at the time of me taking the photographs, they were not occupied. Everybody was taken into custody.

Q. Were -- right. But were people living in it or would people be residing in either of these trailers?

A. I don't believe at the time of these photographs, I -- I don't know who was living in what trailer.

Q. Okay. You didn't know who it was, but did you know if -- if anybody was living in them at that time?

A. It's -- it's possible somebody was living in them at the time.

Q. Did you come to know whether or not anybody was?

A. Eventually I did, yes.

Q. 82?

A. This is on the outside of the brown barn facing back towards the entryway.

Q. Okay. 83?

A. This is in the back left corner of the

property, documenting more chicken coops.
Q. Now, what -- what is kind of going on in the center of that picture there?
A. It just looks like there is a lot of barrels and a platform set up, but we -- it was never determined exactly what was going on there.
Q. Are there any dead birds in there?
A. Yes.
Q. 84?
A. This is on the back right part of the property, documenting another living area for the birds. And there are deceased birds in this photo as well.
Q. 85?
A. This is inside of that same area. It's almost like a makeshift barn but with wire fencing, and there are more deceased birds in this photo.
Q. 86?
A. This is approximately two to three feet forward, facing left. It just documents more chickens inside of another makeshift barn.
Q. Is that the same structure that you just testified with the previous three photographs?
A. Yes.
Q. 87?
A. This is inside the brown barn. It's another

small entryway that leads to a smaller room.
Q. 88?
A. This is a photograph of inside that smaller room that documents bird shipping boxes and small living areas.
Q. We'll get to some of the more details here in bit.
And then the final one would be 89.
A. 89 is also a photograph from inside that small room. The main point of this photograph was to show a photo of the fake, like dummy rooster.
Q. Now, sir, you -- you testified that you took those photographs; is that correct?
A. That is correct.
Q. Were these taken on March 19, 2019?
A. Yes, sir, they were.
Q. And do those all depict a fair and accurate representation of what you observed that day?
A. Yes.
MR. BARAINCA: Your Honor, at this time State is moving for the admission of Exhibits 75 through 89.
MS. DUNN: Your Honor, I have no objection.
MR. WOODBURY: I would like to look at them.
THE COURT: Of course.
MR. BARAINCA: Sorry, Gary.

MR. WOODBURY: We have no objection.
THE COURT: Exhibits 75 through 89 for identification are now admitted. Those are now Exhibits 75 through 89.
(WHEREUPON, State's Exhibits 75 through 89 were admitted into evidence)
THE COURT: Please proceed.
Q. (By Mr. Barainca) So as part of the case agent -- was part of your duties to delegate assignments for the search?
A. Yes.
Q. And how did you go about doing that?
A. I decided to use Sergeant Scott Smith and Detective Matt Miller as evidence documentation and collection --
Q. Were --
A. -- in two separate teams, sir.
Q. Were they the -- the team leaders of those two separate teams or --
A. Yes.
Q. Do you recall who went with who?
A. I don't -- I don't recall the specific detectives that got assigned to each one of them.
Q. What were -- what were Scott and Matt's duties while they were searching?

A. Their main duties were to identify, photograph and collect any items that they believed had evidentiary value.
Q. Where did -- where was Detective Miller assigned to search?
A. Detective Miller was initially assigned to search the Travel Supreme trailer.
Q. Did he search any other areas?
A. I believe so. I think it was the brown travel trailer as well.
Q. Where was Sergeant Smith -- where was he assigned?
A. He was assigned to the main residence.
Q. Now, did they report back to you finding any controlled substances?
A. Yes.
Q. Did you yourself find any controlled substances with -- during your interactions with this property?
A. Yes.
Q. Do you -- do you recall approximately how much -- how much drugs you found throughout this search?
A. Initially I found a bucket that had approximately three pounds of methamphetamine, and then at a later time I found a Nescafe coffee container that I

think had approximately a hundred grams of suspected methamphetamine.

Q. And we'll get to that. I am talking about total between you and the teams.

A. Oh, so I think the total amount recovered was approximately 8.3 pounds of suspected methamphetamine.

Q. Now, were Hector -- were Hector Ramirez-De La Torre and Jorge Landeros Ruiz present on the property when this was taking place?

A. Initially, yes, they were.

Q. And just going to have you identify each one of them, and then we'll get into the rest of it.

Is -- is Hector in court today?

A. Yes, he is.

Q. Where is he seated, sir?

A. He is seated next to Gary Woodbury and their interpreter.

Q. And what's he wearing, sir?

A. A blue suit with a black jacket.

MR. BARAINCA: Your Honor, may the record reflect that the witness has identified defendant Ramirez.

THE COURT: The record will reflect the identification of the defendant Hector Hugo Ramirez-De La Torre.

Q. What about Mr. Landeros?

A. Jorge Landeros is seated next to Ms. Dunn, also in a black suit.

MR. BARAINCA: Your Honor, may the record reflect that he's also identified Mr. Landeros Ruiz?

THE COURT: The record will reflect the identification of the defendant Jorge Landeros Ruiz.

Q. Did you interview either of these gentlemen?

A. Yes, briefly.

Q. Which ones?

A. Both of them.

Q. Did you read them their rights?

A. I read them their Miranda Warning, yeah, Miranda waiver of rights.

Q. And how did -- do you have a certain form that you use for that?

A. Yeah, at the time I had a specific card that has the Miranda waiver of rights on it.

Q. And did both of them waive their Miranda rights?

A. Yes.

Q. Did they both agree to speak with you?

A. Yes.

Q. Now, specifically when it comes to Hector, did he tell you where he lived?

A. Yes, he did say that he was residing in the

brown trailer.

Q. Is that one of the ones that Detective Miller searched?

A. Yes.

Q. Did he say whether or not there was going to be any controlled substances in that trailer?

A. I didn't ask him specifically about the trailer, but I asked him if we would locate methamphetamine on the property, and he said, "A small amount."

Q. Where did he say it would be?

A. I don't recall if he gave me a specific location.

Q. Did he say whether or not he used it?

A. He did say he had a habit.

Q. Did you ask him about the chickens?

A. I did, yes.

Q. And what did -- did he tell you how he was involved with the chickens?

A. At the time, I didn't even know what I had, so I kind of was asking what was with all the birds. He stated he was the caretaker, and he stated he owned at least one of the birds.

Q. Did you ever come to know which bird that was?

A. I found a rooster that I believed was his. It was just based on his description of almost a white-headed

rooster that is right outside of the brown barn, where you first exit to the right.

Q. And I guess that's a good time to take a step back.

So did you -- when -- at the time of these interviews, did you know the full extent of what was going on with the chickens?

A. No.

Q. And then when you met with -- when you spoke with Jorge, did he say whether or not he was the owner of the property?

A. I can't recall if he said he was the owner of the property.

Q. Did he -- did you ask him about the birds?

A. I did, yes.

Q. And what did he -- what did he say?

A. He stated that it had started as a hobby, but he said he owned -- he didn't own all the birds on the property, but he owned some.

MR. BARAINCA: May I have the Court's brief indulgence?

THE COURT: Yes.

Q. And did Mr. Landeros tell you where he lives?

A. I believe so, yes.

Q. Where did he tell you he lives?

A. In the main residence.
Q. Did he tell you how many of the birds he owned?
A. He didn't give me a specific number, no.
Q. But he told you that he owned -- he owned several of them or a number of them?
A. Yes.
Q. Now, while the -- while the search of the property was taking place, what were you doing?
A. Initially I was contacting Animal Control to figure out if we were going to hold on to this property, what to do with all of our birds, and I was mainly going back and forth between the evidence teams as they discovered items.
Q. And was this just a -- different people reporting back to you what they found?
A. Yes.
Q. Did Animal Control ultimately arrive on scene?
A. Yes, I think it was Leann Smith.
Q. And who does she work for, sir?
A. The Elko County Sheriff's Office.
Q. And is she an animal patrol officer with the Sheriff's office?
A. Yes, she is.
Q. And was there a discussion on what to do about

the birds?
A. There was -- there was several.
Q. What did -- what was the ultimate decision on how to handle this situation?
A. I believe the ultimate decision was to contact the state vet.
Q. Who was that at the time?
A. I believe it was J.J. Goicoechea.
Q. I interrupted you. Go ahead and finish that last sentence?
A. Oh, as -- initially it was just -- the initial conversations were to decide what we were dealing with. And then as other detectives started showing me the gaffs and then also the birds had been altered, it started becoming evident that this was -- they weren't just normal birds.
Q. What are the -- please describe the gaffs, please.
A. It's a -- based on my training and experience, it's a metal talon that gets attached to the -- just above the feet of the rooster. It's typically used in cockfighting.
Q. What kind of shape does it have?
A. A hook.
Q. Is it sharp?

A. Yes.
Q. And what would it -- based on your training and experience, how would that be attached to the bird?
A. There is various ways, but typically it's either just tied or adhered to the -- I guess what you would say is the ankle of the rooster.
Q. So did Dr. Goicoechea show up?
A. Yes.
Q. And did -- were you around when he was doing his assessment?
A. I was, yes.
Q. And about how long did that take?
A. It took a while. He wanted to evaluate the shipping containers and then the scales of the birds to determine which roosters were possibly utilized in cockfighting.
Q. Did he have any other purposes while he was there?
A. To evaluate -- I believe it was the horses as well.
Q. Specific to the roosters.
A. Not that I am aware of.
Q. So before we get into more about the birds, you testified that you had found some controlled substances on the property.

Where did you find those controlled substances at?
A. The controlled substances I found were buried in the ground inside the brown barn.
Q. I believe we have had testimony from -- but is it common for people to bury their controlled substances?
A. Yes and no. Some people will just try to hide it in containers to conceal it. Other organizations and individuals have been known to -- to bury their narcotics in an attempt to conceal them from law enforcement.
Q. And do you recall -- were you the -- were you the only person that found controlled substances in that brown barn?
A. I don't believe so, no.
Q. Who else was there searching with you?
A. Through the course of several days, it was a couple of different detectives. But mainly Matt Miller, Jake Elsinger, and Scott Smith.
Q. And so how did you go about digging these up?
A. It started with just a shovel, and then eventually we found a little mini excavator to speed up the process.
Q. Was there any sort of plan as for -- system of -- or order of operations as to how you were digging, or were you just digging?

A. It was -- it was a little chaotic. I just initially started digging under, I believe it was coop 18, going about two feet deep. But over the course of a couple days, we dug out the entire floor of that barn.

Q. Anything that drew your attention to coop 18?

A. Nothing specific, no.

Q. Just started digging?

A. It just seemed like the -- based on the nothing of the barn, the easiest coop for me to move out of the way without having to disrupt all the coops to start digging.

Q. How far -- how far down did you have to dig again?

A. Approximately two feet.

Q. What did you find when you -- when you did that, when you concluded that digging?

A. Through the course of digging, I found several empty buckets. But under coop 18 was a squared-off bucket that had what appeared to be approximately three pounds of methamphetamine.

Q. And were you the person -- and this is something that you found?

A. Yeah.

Q. And did you collect and retrieve that -- or recover that evidence?

A. I remember I photographed it, but I don't know if I was the individual that collected it.

Q. Who was that?

A. It could have been -- more than likely, it was probably Detective Miller.

Q. If the report said that Scott Smith did that, would that also be accurate?

A. Yes. That is possible since both of those guys were in charge of evidence collection.

MR. BARAINCA: May I approach, Your Honor.

THE COURT: Yes.

MS. DUNN: May we see what he is showing the witness.

THE COURT: Of course.

MR. BARAINCA: Sorry, 136 through 137, 138.

Q. Sir, I am handing you what has been marked for identification as Exhibits 136, 137 and 138.

Can you tell me what those are, sir?

A. These are individual evidence bags containing various weights of suspected methamphetamine.

Q. And where did those bags come from?

A. These bags are marked as the bags that came out from underneath coop 18.

Q. Are those the -- so are those the bags that you found?

A. Yes.

Q. And you said that you suspected that those bags contained methamphetamine?

A. Yes.

Q. Why?

A. After the lid was removed off of the bucket, there was black wrapping. Once that was photographed, the wrapping was removed. There was a white crystalline substance inside these bags that resembled the same consistency as methamphetamine.

Q. Now, were there any other controlled substances that were found besides those three bags of suspected methamphetamine?

A. Yes.

Q. What else did you find, sir?

A. That Nescafe coffee container.

Q. How did you come about finding that again?

A. Dig it.

Q. What did you use to dig that up?

A. I believe that one was with the mini excavator.

Q. And did you recover that -- did you recover that piece of evidence?

A. Yes.

Q. Did it -- did the Nescafe contain -- or

container contain any controlled substances -- suspected controlled substances, rather?

A. Yes.

MR. BARAINCA: May I approach, Your Honor.

THE COURT: Yes. Have you had a chance to see these?

All right. I will just figure they are going to want to see each one. Maybe they haven't had a chance to inspect it in recent times.

MR. BARAINCA: I have been jumping the gun, Judge.

THE COURT: It happens.

I just don't know who got to inspect what, when. I mean, it takes -- sometimes people look at the evidence and then they want to look at it again.

I will make the assumption they want to each time you come up here unless we hear different.

MS. DUNN: Thank you, Your Honor.

THE COURT: Of course.

Q. (By Mr. Barainca) Sir, I am handing you what has been marked as State's Exhibit 140.

Can you tell me what that is, sir?

A. The labeling on the bag reads it's 100.33 grams of methamphetamine.

Q. Where did that -- where did that piece of

evidence come from?
A. This was the suspected methamphetamine that I believe came out of the Nescafe container.
Q. And I believe you testified that you are the one who recovered that piece of evidence?
A. Yes.
Q. And did you weigh it?
A. I believe it was given to Detective Miller for processing.
Q. Did you NAR test it?
A. I did in the field, yes.
Q. Okay. So what did it test presumptively positive for, if anything?
A. Presumptively positive for the presence of methamphetamine.
Q. And then was the -- it was weighed at a different time?
A. Yes.
Q. Does it -- is that your handwriting on the weight?
A. This looked like Detective Miller's handwriting.
Q. All right. Is there a bar code on that -- on that -- Is that similar to the methods that you testified previously regarding the crime lab?

County Sheriff's office for testing?
A. Yes.
Q. Do you recall exactly the date?
A. I do not.
Q. Now, if you sent -- and I believe you testified that approximately 8.5 pounds of meth were recovered throughout the search; is that correct?
A. Yes.
Q. Would the -- if you sent all of that to the crime lab, would they test it?
A. No.
Q. Why is that?
A. You would have to ask the crime lab, but typically it's because of the amount of work they already have.
Q. And so did you send all the -- so was all of the controlled substances recovered in this case sent to the crime lab?
A. I don't believe so.
Q. Who did the -- Who did the processing and sending of the controlled -- of the controlled substances that were tested to the crime lab?
A. I believe that's the evidence technician, Michelle.
Q. And is that her normal duties?

A. Yes.
Q. What's the bar code?
A. The bar code number is 187818.
Q. Is the same -- is the same true on Exhibit 138? Is there a bar code on there?
A. Yes.
Q. What is that bar code?
A. This bar code is 187818.
Q. Do you recall whether or not Sergeant Smith found any -- anything of note evidentiary-wise while you guys were conducting the search or while you were in the chicken coops?
A. I do not recall.
Q. Did you -- do you recall testifying at the preliminary hearing regarding Sergeant Smith finding a -- a brown and orange container with a number of baggies of -- bags of controlled substances?
A. Yes.
Q. Did you photograph that for Sergeant Smith?
A. I believe I did.
Q. Now, as case agent, were you aware of all the evidence that was logged?
A. A general overview of it, yes.
Q. And did you participate in the evaluation of what -- what substances, if any, to send to the Washoe

A. Yes.
MR. RARAINCA: Your Honor, at this time the State moves for the admission of Exhibit 123. Basically what it is is it's a stack of evidence submittal forms for the Washoe County crime lab.
And the offer is made upon a previous stipulation among the parties to the chain of custody that Michelle Kathbun was the person that sent off the drugs. And I spoke with Ms. Dunn and Mr. Woodbury about it.
THE COURT: Okay.
MS. DUNN: That is correct, Your Honor. That is the stipulation. We agree that -- to the admissibility of these evidence submittal forms; that Ms. Kathbun did, in fact, package -- I don't know if she packaged, but that she ultimately took the drugs that were listed on these forms and sent them to Washoe County crime lab.
I believe that's the stipulation.
THE COURT: Okay. For now, the stipulation is to the admission of Exhibit 123 for identification?
MR. RARAINCA: Yes, Your Honor.
THE COURT: Is that correct, Mr. Woodbury, for your client.
MR. WOODBURY: Yes, it is, Your Honor.
THE COURT: Okay. As the parties have stipulated to the admission, Exhibit 123 for identification is now

admitted. That is now Exhibit 123.

(WHEREUPON, State's Exhibit 123 was admitted into evidence)

Q. (By Mr. Barainca) Now, Mr. Gaylor, you were kind of -- now, just directing your attention back to some of the information regarding the chickens.

And you testified that you took the pictures depicting shipping containers in the barn; is that correct?

A. Yes.

Q. Did you have a chance to look at some of the names that were on those labels?

A. Yes.

Q. Did Jorge Ruiz pop up?

A. Yes.

Q. Do you recall any of the other names?

A. I believe his -- his daughter's name was on there. But I don't recall her full name.

Q. Did you -- did you see where the containers came from?

A. At the time I had, but now I can't recall. It seems like they were kind of all over the country.

Q. That was going to my next question, but did they appear to come from the same locations?

A. No.

Q. And what else did -- What else of note did you -- did you find in that barn related to the chickens?

A. There was the suspected training rooster that was located in that barn.

Q. Did you come to an understanding of what the purpose of that --

INTERPRETER DAVIS: Excuse me, Your Honor. Would you repeat that last answer, Mr. Gaylor?

A. Yes.

In the barn was located a dummy training rooster.

THE COURT: All right. And also, if you need a repeat, our court reporter can always say it back to you as well, okay. Thank you.

INTERPRETER DAVIS: Thank you, Your Honor.

THE COURT: Of course.

MR. BARAINCA: I'm going to get to some more pictures here in bit.

Q. (By Mr. Barainca) Did you also photograph the -- more stuff regarding the birds and the controlled substances as you found them?

A. Yes.

Q. Okay. Was that the same day of the search, or was that sometime -- sometime later?

A. The search lasted for several days, so to pin

specifically when I took a photograph, I do not recall.

THE COURT: We have been at it for quite a bit. It is now three o'clock. I would like to give everyone a break.

I think 15 minutes has been about where we have been at with that. We'll do that again.

Ladies and gentlemen, please do not converse amongst yourselves or with anyone else on any subject connected with the trial. Do not read, watch or listen to any report or commentary on the trial or any person connected with the trial by any medium of information, including, without limitation, newspapers, television, radio or the Internet.

And do not form or express any opinion on any subject connected with the trial until the cause is finally submitted to you.

You may not use any electronic device or media, such as the telephone, a cell phone, smartphone, iPhone, Galaxy, or computer, the internet, any internet service, any text or instant messaging service, any internet chat room, blog, or website such as Facebook, Instagram, LinkedIn, YouTube or Twitter, to communicate to anyone any information about this case until I accept your verdict.

In other words, you cannot talk to anyone on the phone, correspond with anyone, or electronically

communicate with anyone about this case.

Jurors shall not conduct any form of independent research, investigations, or experiments prior to or during jury deliberations.

This prohibition includes, but is not limited to, communicating with anyone in any way regarding the case or its merits, by phone, e-mail, texting, the internet, or other means; reading, watching or listening to any news or media accounts or commentary about the case; doing any research such as consulting dictionaries, using the internet, or using reference materials; and making any investigation, testing a theory of the case, re-creating any aspect of the case, or in any other way investigating or learning about the case on your own.

Again, please leave your paper -- your tablets there on your chairs.

Court's in recess.

(Recess taken at 3:03 p.m.)

(Proceedings resumed at 3:28 p.m.)

THE COURT: All right. We're back on the record in case CR-FP-2019-2416 and 2465.

State versus Ramirez-De La Torre and Jorge Landeros Ruiz.

We do have the defendants back in court with their respective attorneys and the Court's specifically

previously sworn interpreters assisting them in court.

We have also got deputy district attorneys Wills and Barajinca back to represent the State.

Counsel will stipulate to the full presence of the jury and the alternates?

MR. WOODBURY: So stipulated.

MS. DUNN: So stipulated.

MS. BARAJINCA: Yes, Your Honor.

THE COURT: Very good.

We do have Joan Gaylor on the witness stand. I remind him he is under oath.

And I think he is on continued direct examination this second time up with Mr. Barajinca.

Q. (By Mr. Barajinca) Sir, we were just testifying -- or we were just talking about the drugs that were found in the chicken coops along with other items that you found while you were there.

And one more round of pictures for you.

I am handing you what has been marked for identification as State's Exhibit 90 through 107. Just flip through those and tell me whether or not you took those pictures.

A. Yes, I took these photos.

Q. So before I get into them, sir, you testified that you found a -- a bucket where you found the controlled

substances under -- under coop 18?

A. Yes.

Q. Was that the only bucket of that nature that you found that was buried under the coops?

A. Several buckets were located throughout the barn, but I believe this was the only one that contained suspected narcotics.

Q. And then obviously there was the -- or then you also testified about the Wescafe container as well?

A. Yes.

Q. Now, going into the pictures, what is going on in Exhibit Number 90?

A. Number 90 is an up-close photograph of the training rooster.

Q. 91?

A. 91 is a picture of an express mail labeling for shipping animals.

Q. 92?

A. 92 is a photograph of a USPS shipping label.

Q. Is there a -- is there a name on there for the recipient?

A. Yes, that name is Jorge Landeros.

Q. 93?

A. This is also a USPS shipping label with the name Jorge Landeros on it.

Q. 94?

A. This is another USPS shipping label with the name Jorge Landeros on there.

Q. 95?

A. 95 is a photograph of where the red container was located -- or red and brown container was located in between some chicken coops.

Q. Is that one -- is that the one that was found by Sergeant Smith?

A. Yes.

Q. 96?

A. 96 is a photograph of the red and brown container.

Q. Who is holding that, do you remember?

A. I'm not sure.

Q. 97?

A. 97 is a photograph of the -- with the -- of the red and brown container with the lid removed showing the contents.

Q. Do you recall what the suspected controlled substances were inside that container?

A. I believe these were cocaine.

Q. 98?

A. This is a photograph of coop 18 as it has been moved forward in the brown barn.

Q. Number 99?

A. 99?

Q. Or 99, excuse me.

A. This is a photograph almost next to coop 18 showing the hole that had been dug and the top of the bucket.

Q. Was coop 18 above that bucket when you first saw it?

A. Yes.

Q. 100?

A. This is a over-the-top photograph of the previously mentioned bucket.

Q. 101?

A. This is a photograph of the bucket with the lid removed showing the contents.

Q. 102?

A. This is a photograph of the contents removed from the bucket.

Q. And is that a picture of Exhibits 136, 137 and 138, the bags that I provided to you -- or handed to you earlier?

A. Yes.

Q. 103?

A. This is a photograph again of the bags on the tailgate of a pickup.

Q. 104?
A. This shows the general area of excavation that we were digging in the barn.
Q. 105?
A. This is a photograph of, I believe, the Nescafe glass container that had a bag around it when it was initially discovered.
Q. 106?
A. 106 is a photograph of me holding the Nescafe glass container.
Q. And 107?
A. This is a photograph of the Nescafe container with the lid removed showing the contents.
Q. And earlier I handed you Exhibit 137 -- or Exhibit 140. Is that the suspected methamphetamine that -- that is in the picture?
A. Yes.
Q. Now, sir, do these pictures fairly -- provide a fair and accurate depiction of what you observed that day?
A. Yes.
MR. BARAINCA: Your Honor, at this time the State moves admission of Exhibits 90 through 107.
MS. DUNN: We have no objection, Your Honor.
MR. WOODBURY: We have no objection.

THE COURT: Exhibits 90 through 107 for identification are now admitted. Those are now Exhibits 90 through 107.
(WHEREUPON, State's Exhibits 90 through 107 were admitted into evidence)
Q. (By Mr. Baraincа) Now, sir, one final point here.
Earlier I asked you questions regarding your interview with Mr. -- Mr. Landeros Ruiz. And did you write a report regarding those interviews?
A. Yes.
Q. Do you recall, in writing your report, that -- that Mr. Landeros indicated it started as a hobby and that he also told you that he owned the majority of birds but did not say he owned all of them?
A. Yes.
Q. Is that what he told you?
A. Yes.
Q. And was all of your involvement in this case within Elko County, State of Nevada?
A. Yes, it was.
MR. BARAINCA: I will pass the witness, Your Honor.
THE COURT: Cross-examination.
MS. DUNN: Thank you, Your Honor.

CROSS-EXAMINATION
BY MS. DUNN:
Q. Good afternoon, Detective Gaylor. How are you?
A. Good afternoon. I'm well, thank you.
Q. Detective, when you were here previously, previously testifying, you discussed your contact with both Sheldon "Bob" Olsen and Clinton Sandstrom, correct?
A. Yes.
Q. Now, you did an interview with Mr. Olsen along with the D.A.'s, is that correct, Mr. Wills and Mr. Baraincа?
A. Yes.
Q. And what was the purpose of that interview?
A. I believe the purpose of that interview was to give Sheldon Olsen the opportunity to be forthcoming with information that he had regarding Mr. Landeros.
Q. And Mr. Hector Ramirez-De La Torre, correct?
A. Yes, ma'am.
Q. Now, during your time -- you did the controlled buys with Mr. Sandstrom, you handled Mr. Sandstrom when he did the controlled buys both with Mr. Olsen and with Hector, correct?
A. Excluding, I believe, it's one deal with Hector, but yes.

Q. All right. And in your time when you met with Mr. Olsen, he told you that he would contact Hector to get the drugs, correct?
A. I don't recall that specifically. Unfortunately, I didn't get the opportunity to speak with Mr. Olsen until after he was in custody.
Q. Okay. But after you spoke with him, he told you sort of the way things worked, correct?
A. I don't recall.
Q. Okay. Now, when you dealt with Mr. Sandstrom, initially when he did the controlled buys with Mr. Olsen, he just went to Mr. Olsen and sort of showed up and saw if he could get some drugs, right?
A. Typically, if possible, we would have him arrange the deal ahead of time either through phone call or text message. But I believe it was -- sometimes he would show up with money, just expecting Sheldon to have drugs in his possession.
Q. In fact, there was one time when he was attempting to do one of those controlled buys where Mr. Olsen didn't have what he was asking for, correct?
A. That is correct. He didn't have the quantity that Sandstrom was asking for.
Q. And at that point, it was when Mr. Olsen then would call Hector, correct?

A. I'm not sure specifically who he would call to receive a resupply.

Q. Well, you dealt with that particular controlled buy, correct?

A. Yes, ma'am.

Q. And do you recall that that is what Mr. Olsen did?

A. I don't recall if it is specifically called Hector. I know -- I believe a phone call was placed, but I can't -- I don't know if he specifically called Hector to deliver the suspected narcotics.

Q. That's what ultimately happened, though, correct?

A. Ultimately Hector did deliver the narcotics, yes.

Q. Now, during your time that you were surveilling the Kale -- the property on Kale Drive, you said that surveillance was difficult just due to the property, the way it was --

A. Yeah, surveillance was difficult just because it's in rural county roads. Typically, to try to do surveillance, you can't just pull off to the side of the road because someone's going to call you in. And the way the housing alignment is out there, you have to be at some distance.

I did attempt with having Detective Olsinger go to a residence past to do surveillance, but that -- he was found out within, I think, an hour, two hours of being out there.

Q. And so ultimately, when you decided to do -- apply for the search warrant, being in control of sort of the way things went down, the SWAT team went in, I think you said, around eleven o'clock?

A. Yes, ma'am.

Q. And you said it took about 25, 30 minutes to secure the entirety of the property?

A. Yes, ma'am.

Q. Now, other than -- I believe there was two females that were initially detained, I guess, as they were attempting to secure the property. Who else was ultimately found to be on the property?

A. So in total, it was Maria, and I believe one of the children, Hector Ramirez, Jorge Landeros and Eduardo Ruiz.

Q. And where were those three found, as it were?

A. I'm not sure of their specific locations, but what was told me by SWAT was Mr. Landeros was located inside the main residence. As far as Hector and Eduardo specifically, I'm not sure.

Q. Did you make a determination during your --

during this search warrant execution where Mr. Ramirez was residing or staying?

A. Yes, ma'am.

Q. And where was that?

A. After our Mirandized interview, he indicated to me the brown trailer on the property as being where he resides.

Q. And then there was another property -- there was another trailer on the property as well, correct?

A. The Travel Supreme trailer?

Q. Correct.

A. Yes, ma'am, yes.

Q. And who was staying in that trailer?

A. Based on the translation from Officer Checketts, Eduardo Ruiz admitted that's where he was residing.

Q. And who is Eduardo Ruiz?

A. He was an individual that was located on the property and was ultimately taken into custody.

Q. Now, prior to the execution of the search warrant, did you know who -- did you know that this Eduardo Ruiz was living on the property?

A. No, ma'am.

Q. Prior to executing the warrant, did you know who Eduardo Ruiz was?

A. No, I did not.

Q. Now, ultimately, being the case agent and figuring out what you did in this case, Eduardo Ruiz was not a relative of Jorge Ruiz, correct?

A. Not to my knowledge, no.

Q. He was just ultimately somebody to be found to be staying in this other trailer, correct?

A. Yes, ma'am. Initially I made a poor assumption, based on the last name, that they might be brothers, but I don't believe -- I don't know if that's correct or not.

Q. You had no indication that it was?

A. No, ma'am.

Q. Now, based upon the information that you found out, being the case agent, Mr. Eduardo Ruiz ultimately was arrested that day, correct?

A. Yes.

Q. Did you -- other than searching -- the search that you did in the barn, the brown barn, where else did you help search?

A. On the back side of the barns. My main searching was digging.

Q. Okay. Anything else?

A. No. I would go back and forth between the two teams, but I wanted to let those two teams work

independently so that way it wasn't a juggling of evidence.
Q. Okay. And you said your main -- was digging. Did you dig somewhere other than the brown barn?
A. I -- yes, I attempted to do some digging on the back side of the barn, but due to the time of the year, I mean, in March, it was still rather -- frost on the ground, so it was difficult. And plus, the number of birds.
Q. Okay. And so the majority of the -- the searching/digging that you did was in the brown barn?
A. Yeah, in between the coops and the brown barn.
Q. Okay. In between the coops, where is that?
A. Sorry, the -- on the back side of the property, as indicated by the photographs, is kind of an open fenced area. That's the area I am indicating.
Q. Oh, is that the area that you said that was too difficult due to the time of year, you didn't get -- able to get much digging?
A. I didn't get very far, no.
Q. Okay. So that's where I came back to the question. So the majority of the digging that you did was in the brown barn?
A. Yes, ma'am.
Q. Now, this property, 2.7 acres? Is that about what you found out?

A. Yes, ma'am.
Q. Now, when Mr. Jorge Ruiz was taken -- was detained and you decided to -- you came over to talk to him, I think you said that -- I believe you testified that you Mirandized him and he said he was willing to talk to you, correct?
A. Yes, ma'am.
Q. And you were able to communicate with him fine?
A. I believe so, yes.
Q. And you stated that he admitted that he and his wife owned the property, correct?
A. Yes.
Q. And that he owned some of the birds, but they -- but he was not the caretaker, correct?
A. Yes.
Q. And ultimately, you determined that Hector and Eduardo Ruiz were the caretakers of the birds, correct?
A. Yes.
Q. Now, did you ask Mr. Jorge Ruiz whether or not he had any controlled substances?
A. I can't recall if I did or not.
Q. Something you would probably ask, wouldn't you?
A. Typically, I would ask it, if you would be

aware of any controlled substances on the property.
Q. Do you recall him telling you yes or no?
A. I don't at this time.
Q. If he would have admitted to having controlled substances or knowing that there were controlled substances on the property, that is something you probably would remember, wouldn't you?
A. That would definitely stick out, yes.
Q. Because you testified that through your conversation with Hector, that he admitted that there was a small quantity --
A. Yes, ma'am.
Q. -- on the property, correct?
A. Yes.
Q. And I believe you stated that he admitted to having some type of a basic of meth, correct?
A. Yes.
Q. So it's likely that that -- you probably would have asked Mr. Jorge Ruiz those types of questions as well?
A. Yes, ma'am.
Q. So had he admitted to you that, "Hey, I know there is a bunch of drugs here," something you would have remembered?
A. That definitely would have stuck out, yes.
Q. All right. Fair to say he didn't, correct?

A. It's fair to say that he did not.
Q. Now, the suspected methamphetamine that was found under coop number 18, that was, I believe, you testified -- please correct me if I'm wrong, but I believe you stated there were three pounds found there, or was it two pounds found there?
A. I believe it was three separate one-pound packages.
Q. Okay. Found under the -- when you dug under coop 18?
A. Yes, ma'am.
Q. Okay. So were all the coops in the brown barn numbered?
A. I believe they were.
Q. Okay. Well, we're talking about coop 18, so were they -- was there, like, 1 through 18 or 1 through 30 or --
A. I would have to review the photographs, but I don't think they were in a chronological order. I think they were just -- I didn't know what the various numbers meant or what they were there for. But I don't believe they were in 1 through 18.
Q. Okay. But they all had numbers on them?
A. To be a hundred percent certain, I would have to review, but I believe they did.

Q. Okay. And how many coops approximately were in that brown barn area?
A. I want to say anywhere between 10 to 15.
Q. Okay. So did you have a treasure map, or did you just automatically know that the drugs were under coop 18?
A. I had -- I had no idea that they were under there. It just seemed like, middle of the room, I figured I would start kind of towards the center of the row and work out, and it just happened to be there.
And then we went to the -- I went to the next coop, and there was nothing. It didn't seem like there was any order to how it was placed. It was -- I guess --
Q. So you were just really lucky to get --
A. Yeah.
Q. -- coop 18?
A. Yeah. Yes, ma'am.
Q. No information had been provided to you by anyone that there were drugs under coop 18?
A. No, ma'am.
Q. So out of the 7.7 acres, you just happened to dig under the -- under the right spot?
A. I know it sounds odd, but yes.
Q. Your testimony was that some people bury their narcotics, some people don't, right?

A. Yes, ma'am.
Q. So what information did you have, if any, that there would be drugs buried in this location?
A. I didn't have any specific information about this location. The information I relied on was the training we have had.
And then previous detectives, specifically Mike Keena, talked about a search warrant they had served in Osino, and then they later found out through an informant that the reason they missed the narcotics is because it was all buried on the property.
And I wanted to include that information in the search warrant just to be more encompassing.
Q. So prior to applying for the search warrant, your plan was to dig?
A. Yes.
Q. But you just didn't know where for sure?
A. No, I didn't have a specific location. I figured if we looked and reviewed -- or if I looked and reviewed areas of the property that appeared to be disturbed dirt, things that weren't like a hard foundation, that it would be probable or in the better interest to dig in those areas.
Q. But there was no information that you had provided that these -- this area in the brown barn looked

like it had previously been dug up?
A. No, it -- sorry, that area didn't look like it had been dug up, but it was -- the entirety of that barn, outside of the entrance that is pretty solid, was all extremely soft dirt, which could have been from the animal activity. But I just made the determination to dig in the barn.
Q. You just got lucky?
A. Yeah.
Q. Now, with these containers that you dug up, there was the Nescafe container, correct?
A. Yes.
Q. And that was found where?
A. If you go into the barn and you kind of turn towards the north exit, kind of kitty-corner to the door in a -- by one of the pillars, it was buried in the ground.
Q. And did you send that container in for fingerprints?
A. I don't believe that was done, no.
Q. Now, based upon your training and experience with narcotics, illegal narcotics, there are times that there are certain type of containers that you can go and get fingerprinted, correct?
A. Yes. Typically, if it's a container that has more of a porous surface that will catch the fingerprint,

it can -- can in some instances to send off for fingerprinting.
Q. You have done that in the past?
A. No, I have personally never sent a container off for fingerprinting.
Q. But based upon our training, you know that it's something that can be done with certain -- certain surfaces?
A. It can be done, yes.
Q. And you didn't do fingerprinting on any of the containers that you dug up in these cases, correct?
A. No, ma'am.
Q. But conceivably, you could have?
A. It's possible, yes.
Q. Is there a reason why you didn't do it in this case?
A. The specific reason -- it was discussed amongst the team and myself, but just the fact that the containers had been buried, we just didn't see a ton of evidentiary value in trying to get fingerprints off of it.
Q. Well, there were three adult males that you ultimately arrested in this case, correct?
A. Yes, ma'am.
Q. Did you participate in any of the search of the brown trailer, the Travel Supreme trailer or the main

residence?
A. I didn't do any of the searching in those. I was brought in to view the things the detectives wanted to show me, but I didn't do any of the active searching in those areas.
Q. There were no controlled illegal substances found in the main residence, correct?
A. I don't believe there were, no.
Q. And that's where Mr. Jorge Ruiz was residing?
A. Yes.
Q. Based upon your knowledge of what your teams were bringing to you, there were controlled substances found in the brown trailer, correct?
A. Yes.
Q. And there were also controlled substances found in the Travel Supreme trailer, correct?
A. Yes.
Q. And that's where Mr. Hector Ramirez was residing and also Eduardo Ruiz was residing?
A. Yes, Ramirez was the brown trailer and Ruiz was the Travel Supreme trailer.
Q. These two trailers, brown trailer and the Travel Supreme trailer, they were located very close to where the chicken coops were as well on the property, correct?

A. Yes.
Q. They seemed to be in a place that it would make it easy for the individuals that were -- to reside in them to take care of the birds?
A. Yes.
Q. Now --
MS. DUNN: Court's indulgence for just a moment.
Q. Detective, despite the fact that you located narcotics, illegal substances, methamphetamine and cocaine, in the brown barn, you didn't end up digging anywhere else on the property other than where you attempted to behind the barn?
A. No. There was a green shed at the back -- towards the back left of the property. I dug in there.
And then there was an area to the -- I guess the best way to say it is west of the brown trailer that had disturbed dirt that was also dug up.
Q. Okay. And when -- and there was nothing found in either of those locations?
A. In the area that was next to the trailer, it turned out to be just like a -- a chicken graveyard. There was just a bunch of decomposing chickens carcasses.
Q. Okay. And so anything else found in -- by the green shed?
A. No, ma'am.

Q. Any other places that we haven't talked about?
A. Not that I am aware of, no.
Q. Now, going back real quick, during your time in dealing with -- dealing with Mr. Sandstrom, he never contacted or attempted to contact Jorge Ruiz to somehow get drugs from him, correct?
A. Correct.
Q. And there was no information that you had that he had ever purchased drugs from Mr. Jorge Ruiz, correct?
A. No, ma'am.
THE COURT: So you are saying that's correct then?
THE WITNESS: Oh, yeah, sorry. Correct.
THE COURT: That was confusing.
MS. DUNN: Sorry. I do that sometimes when I say "correct," yes.
THE COURT: But you're involved in your cross, thinking about that. But that was -- okay. I think it's been cleared up.
THE WITNESS: Sorry, Your Honor.
THE COURT: That's fine. Thank you. That happens.
Q. (By Ms. Dunn) No information that you had that he had contacted Mr. Ruiz?
A. Correct.

Q. During your time, your brief time when you spoke to Mr. Jorge Ruiz, he answered your questions, correct?
A. Yes.
Q. He cooperated with you, correct?
A. Yes.
MS. DUNN: I have no further questions at this time.
THE COURT: Cross-examination to Mr. Woodbury.
MR. WOODBURY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WOODBURY:
Q. You were the author, Mr. Gaylor, of the search warrant application?
A. Yes.
Q. Have you had an opportunity to look at it recently?
A. I reviewed it a couple days ago.
Q. Okay. Did you write -- do you recall what you said in paragraph 20?
A. I do not.
Q. Well, I'm sure that the prosecution will call it to my attention if I get something wrong, but paragraph 20, as I read it, it says, "During a controlled purchase in a separate and ongoing investigation, a

reference to Hector Hugo Ramirez-De La Torre and Jorge Landeros compared them with a Mexican cartel and comments about Landeros and his associates being members of the Mexican mafia."

Do you recall writing anything in that order?

A. Yes.

Q. So as the case agent, you had at least by March 18 concluded that a Mexican cartel might be involved in this sale of drugs to Mr. Sandstrom?

A. It was mentioned on the body wire, and I included it in the search warrant as a safety precaution just in case.

Q. I am not asking you why you included it. I just asked you a question about it.

You concluded that the Mexican mafia might be involved in this transaction between Mr. Ramirez and Mr. Sandstrom?

A. I hadn't made a conclusion that they were or were not involved.

Q. They were or were not?

A. I didn't make a conclusion.

Q. And then in paragraph 21, did you write, "Your affiant knows through training and common knowledge individuals involved with the Mexican mafia and Mexican cartels are typically armed with firearms, adverse to law

enforcement, and are known to violently defend their illicit controlled substances"?

A. Yes.

Q. And based on at least the allegations of those two paragraphs, did you request that this become a no-knock warrant?

A. Yes.

Q. Would you please describe for the jury what a no-knock warrant is?

A. A no-knock warrant is where you take out the requirement for law enforcement to knock and announce before the service of a search warrant. Typically, it is included for safety.

In this instance specifically, we had been -- mentioned on the body wire of possible involvement of basically organized crime. And for safety for not only us but also for the suspects included, a no-knock was requested just so we could -- a faster execution on the search warrant, which actually led to a faster securing of the property.

Q. Did you additionally request that the affidavit in support of the search warrant be sealed by the court?

A. Yes, I did.

Q. And did you do that in order to protect the

identity of Mr. Sandstrom?

A. Yes.

Q. And did -- you did it for Mr. Sandstrom because the amount of illicit controlled substance may elicit recribution towards Mr. Sandstrom?

A. Yes.

Q. So by -- the case, I gather, was not submitted to the prosecution until after the conclusion of the search on March 19 and the subsequent search and the problems you had with taking care of the chickens?

A. Yes.

Q. All right. So you were pretty well-versed and pretty knowledgeable across the board about everything that had gone on in the case, right?

A. A general overview, yes.

Q. Well, why is -- wouldn't it be a specific overview?

A. If I was specific, I would have been on the evidence collection team. So I figured it would be best for myself to be able to go from evidence collection team to evidence collection team just to make sure that, one, those guys were getting what they needed, and if they encountered any issues, that I could handle that. That is why I stated as a general overview.

Q. But by the time that you submitted the

documents to the prosecution, you were way past that. You already knew what the evidence collection had been, what had been established, right?

A. Yes.

Q. Yeah. And so there was no longer any confusion. It was just a matter of the fact that you knew everything about the case there was to know at that point?

A. Yes.

Q. Yeah. And it wasn't just a general overview, it was a -- a learning experience. You were going to go to a prosecution, you needed to know all of that stuff, right?

A. I -- I generally needed to know the entirety of the case, but the specifics of exactly where things were seized, their specific weights, I didn't see as that being a requirement of myself as the individuals who collected could come in and testify.

Q. Okay. Is it -- why wasn't Mr. Olsen arrested and interviewed prior to the submitting prosecution to the district attorney's office?

A. I had discussed it with my sergeant, but unfortunately, with the amount of cases that we had at the time, the case had been submitted.

And before I had the opportunity to go and attempt to arrest Olsen without a warrant and interview him without a warrant, it had already gone to a warrant.

Q. And this had to be among the very biggest cases that the narcotics unit had, right?
A. Just directly for our unit, yes.
Q. Excuse me?
A. For our unit, yes.
Q. Yeah. And this chicken business had been -- was a dramatic social and -- and media event, right?
A. Yes.
Q. You couldn't miss that, right?
So what -- what would be more important than -- than getting everything that you could possibly get to submit?
A. We -- I just had several cases that had come up also. Idaho State Police at the time had requested us to follow other vehicles and assist in their cases.
We're an office of -- at the time was three detectives and a sergeant. So we try to balance whatever we can. But continuing active involvement in our communities constantly takes precedent at the time.
Sheldon's case had already been submitted to district attorney's office, so it was either going to go to a warrant or we would just get probable cause to arrest him.
So I -- I make the choice to work on my continued active cases.

Q. Well, if you get a case like this in which there are dramatic amounts of methamphetamine involved, I mean, does not the Elko Combined Narcotics Unit, at least back in those days when you were a member of it, see that it is important to get the cartel type people down as opposed to the little tiny dope dealers?
A. Yeah, the purpose of the unit is to try to bring to justice the individuals who import and distribute controlled substances in our community.
Q. Yeah. And the -- if you can get at the cartel, that is more important been getting a street user, right?
A. The organization -- sorry, the task force itself doesn't specifically go after cartels or anything of that nature. It's just after anyone who is trafficking controlled substances.
It doesn't matter if it, at the time, was 28 grams or 10 pounds. Trafficking is still trafficking of illicit controlled substances, and they are all important.
Q. But you have been -- in your training and experience, you have more training and experience about narcotics than anybody in the room, right? And you know that the problem is those cartels are supplying the vast majority of methamphetamine in the United States of America?

A. It's -- one of the problems for the importation and distribution of methamphetamine is organized crime, and in this instance, what you are referring to as Hispanic cartels, yes.
Q. Yeah. It's a huge problem, right?
A. Yeah.
Q. All right. So then I assume that it became evident to you that you ought to take whatever steps you could to get the prosecution informed about what constituted -- if this cartel was actually involved and -- and what constituted it here in Elko?
A. Yes.
Q. So you seized Hector's phone, right?
A. Yes, it was. I believe so.
Q. Yeah. There are means, are there not, to go into those phones and look at texts and calls back a long time?
A. Yeah. It's typically referred to as a UFED download. Detective Miller handles that for our office. And I believe those phones were seized with that intent, and you would have to discuss with Detective Miller or Sergeant Smith the current location of those UFDs -- of those phones.
Q. But as the lead detective in the case, and I assume that was up until the summer of 2020, you didn't

force that issue?
A. No, I did not.
Q. I assume that phones of Eduardo Ruiz were seized as well?
A. I would have to look at the evidence, but it's probable.
Q. And no documentation of what was on Eduardo's phone was offered into -- as part of the submission to the prosecution?
A. I don't believe that those phones were -- I don't know their location, and I don't know if they were downloaded or not.
Q. And the same thing with respect to Jorge; his phone was seized?
A. Yes.
Q. And again, no submission to the prosecution?
A. No.
Q. Hasn't that become a significant part of -- of investigations, law enforcement investigations, the -- the cell phone and all the information they got on them?
A. It has been, and Detective Miller could probably better testify to this, but if a phone has been powered off or if it's an Apple phone -- there is a lot of extenuating circumstances that go into phone downloads.
If it's an Apple, you have to do certain

dynamics to get into it. And Detective Miller can better testify to the difficulties of getting into and downloading a phone. But, yes, it is a -- a commonly used practice when applicable.

Q. And you had license plate numbers off a Mercedes-Benz out there?

A. I believe so.

Q. And had you, in the course of your investigation, and at the conclusion, by the time you submitted it to the prosecution, had you run that license plate to see who owned the car?

A. If I had that license plate through surveillance, it's probable that the registration was processed.

Q. And -- but you don't know who owned it?

A. Not at this time, no.

Q. Well, it was travel -- it was parked down by the Travel Supreme trailer, right?

A. If it's documented in photographs, then yes.

Q. I'm sorry?

A. I don't remember specifically where it -- where it was parked, but if it's -- if it's noticed in the photographs, then yes, I would say that's where it was parked.

Q. Well, it was widely understood by folks with

your training and experience that the quantities of methamphetamine that were appearing in this case were likely to have been imported from out of state?

A. Yes.

Q. And so were a determination made about Eduardo having maybe gotten a traffic ticket out of state or traveled someplace or somehow had indicated that he had been traveling out of state?

A. I don't recall.

Q. Well, Eduardo came under a lot of suspicion, I assume, wouldn't that be correct, after you searched or the search was done of his trailer?

A. Yes.

Q. What was one of the biggest outcomes? What was one of the biggest things that led you to be very concerned about how powerful Eduardo was?

A. The quantity of illicit controlled substances found in his trailer.

Q. Yeah. What about the $10,000 you found?

A. Yes, sorry, there was $10,000, and I believe $800 of that was funds we had used in controlled purchases.

Q. How did you know that?

A. Based on the serial numbers of the -- I think it was either twenties or hundred dollars bills.

Q. Before you give the money to Mr. Sandstrom to

buy a controlled substance, you record the serial numbers of the bills, right?

A. Yes, sir.

Q. Okay. And $800 of that money was found in Eduardo's possession?

A. Detective Miller could probably better testify to that, but I believe so.

Q. Yeah. Would that lead you to a conclusion of some sort as to who maybe was running the show out there?

A. It wouldn't give me a conclusion, but it would definitely lead towards involvement.

Q. Uh-huh. Well, a significantly greater involvement than, say, for example, Jorge Ruiz?

A. That would be an assumption.

Q. Sure. But you make assumptions the whole time, right?

A. I try not to. I think the best way to do it is gather facts and go where the facts lead you.

Q. That would be good.

That $10,000 and $800 that belonged to NDI would have been a fact?

A. Yes. But also, there was a lot of other items of evidence that could indicate that $10,000 could have come from a lot of different sources.

Q. Well, you all went after Mr. Ramirez a hundred

miles an hour, and what did he have, 483 bucks?

A. I don't recall the specific amount of money he had.

Q. And none of it had anything to do with the recorded serial number of any of the transactions between he and Mr. Sandstrom?

A. I do not recall.

Q. And by the time you got done with the search, you went in Mr. Ramirez's travel trailer, right?

A. Yes, I did.

Q. And there was photographs of it, right?

A. Yes, I believe there are.

Q. And he didn't have a thing to his name, did he, other than a little tiny bit of methamphetamine which was being used, and a pink bag of it, or a pink -- some pink methamphetamine in a container?

A. If that's what is listed on the evidence, then yeah.

Q. I'm sorry?

A. If that's what was listed on what was collected as evidence.

Q. Well, did you see anything else in Mr. Ramirez's trailer when you went in there that led you to believe that somehow he was the guy that was getting the big profit out of these methamphetamine transactions?

A. I would say there was nothing that showed him as the -- I guess what we're looking at here is the individual who was in charge of this.

I mean, he had a mobirate -- a small living space.

Q. And you knew -- I assume you knew that if Mr. Ramirez got arrested, he wouldn't be able to say anything about what were on in the business arrangements that he was on the low end of without getting jammed up and not being able to say nothing to anybody about it under a threat of death, right?

A. I'm not sure about the indication of a threat of death, but the decision was made not to interview Mr. Ramirez.

Q. Yeah. And you're telling me that after all that education that you have got about narcotics and Mexican cartels, you don't know they tell these little tiny guys at the bottom of the pole, "Shut up or you die"?

A. It is related in training that if the -- there is a code of silence. It's almost the same as it used to be with the mob, that it doesn't matter what your level of the organization is, you don't cooperate with law enforcement.

Q. The mob, I assume you're talking about the Italians used to try to bump people off, right?

A. That's correct.

there?

A. When we -- when I would do surveillance and drive by, you could hear, you know, regular clucking, but to that magnitude, I had no idea.

Q. And did you -- do you know from past experience anything about chickens and roosters and hens?

A. Until I had talked to a detective out of Las Vegas, I didn't know a whole lot about avian athletes or birds.

Q. Okay. So initially you were not aware there would be a legal problem with the position the birds were in?

A. I did not anticipate that, no.

Q. So what you did was you guys -- you wanted to do some more digging and couldn't do it with the birds still in the pens or -- I -- I gather that you called Animal Control to help you. What -- what was the reason for that?

A. Animal Control was initially called for the horses and the dogs on the property, and just to try to come together on some idea if we could rehouse these birds.

The last time Elko County had run into a case like this, the decision was made to put all the birds together, and apparently that ended really badly.

So that is when the state vet was called, and

Q. Yeah. And Mexicans do that, too; the cartels do that, too, right?

A. Yes.

Q. And they do it in a rate of -- a staggering rate down south of the border?

A. South of the border, yes.

Q. And did you make any determination about whether Mr. Ramirez had family south of border?

A. I did not.

Q. Okay. The task force from Ely, they came up here to exercise that -- to help you execute that search warrant?

A. Yes, sir.

Q. How many of those folks were there?

A. Sorry, I'm trying to see if I just got their supervisor or -- I think -- I think two other detectives didn't come, so it might have been just been their supervisor.

Q. Yeah, I -- I think it was testified to here yesterday, or maybe Friday, that the Tri-County SWAT team was up here.

Is Ely part of the Tri-County SWAT team?

A. I'm -- I'm not sure.

Q. Okay. I take it that until you executed the search warrant, you didn't know there were any chickens out

as we learned, we were trying to make a determination on what we could do so we could expand our search.

Q. And then the state -- the state vet didn't show up until the next day?

A. I don't believe he did, no.

Q. Were you still running the -- the investigation at that time as a -- or had it slipped out of your hands?

A. No, the investigation was still mine, and we had to retain control of the property. So the initial day got late into the evening, so we would have a minimum of two law enforcement personnel while detectives or anybody else we were utilizing on the property could rest and recoup and come back.

But I stayed in control and --

INTERPRETER MENDOZA: Your Honor, may I ask him to slow down a little, please.

THE COURT: You can and you did.

INTERPRETER MENDOZA: I would appreciate it. Thank you.

THE COURT: I'll ask him.

THE WITNESS: Got it, Your Honor.

THE COURT: Did you get the last answer or did you want a readback?

INTERPRETER MENDOZA: A readback, please.

THE COURT: A readback.

(WHEREUPON, the following was read back by the court reporter:)

"No, the investigation was still mine, and we had to retain control of the property. So the initial day got late into the evening, so we would have a minimum of two law enforcement personnel while detectives or anybody else we were utilizing on the property could rest and recoup and come back. But I stayed in control and --"

THE COURT: Okay. Thank you. Did you want to finish your answer then?

THE WITNESS: The best -- the short version is yes, I stayed in control of the investigation. If I wasn't on the property, I was to be contacted if anything happened.

MS. WOODBURY: Okay.

THE COURT: Thank you.

Q. (By Mr. Woodbury) And it -- by the -- by the time that the animal control officer had showed up, you had -- surely by the time the state vet showed up, you were aware that fighting chickens, fighting roosters was kind of an illegal sort of thing?

A. Yes, at that time.

Q. I take it that you would have had a conversation of some length with Leann Smith about the

conditions and so on?

A. I did talk to her about the conditions, yes.

Q. And you had actually observed the conditions yourself?

A. Yes.

Q. Okay. But you are not in a position presently to talk very much about the condition of the birds?

A. No.

Q. I did hear you say that there was a place that you either went and dug or wanted to dig in where there were carcasses of chickens in the -- where was that at?

A. That was -- it was by a corner position near of the brown trailer.

Q. You guys didn't do a DNA analysis either of anything in the -- in the buckets you found under the ground that had dope in them?

A. No.

Q. Okay. And you have very carefully and specifically told Ms. Dunn that there was no information whatever that you had, other than what you have testified to, about the fact of where to dig out there to find more methamphetamine?

A. Correct.

Q. Okay. Did you know how deep to dig?

A. No.

Q. Two feet is quite a ways to dig. But maybe not in that soil out there.

A. In the -- in the barn, since it was warm, it really was not that difficult.

Q. Okay. Were you present when Lieutenant Fisher put on his body cam and walked through the area?

A. I was present on the property. I -- I think I walked by him once or twice while he was doing that.

Q. Okay. And was he present on the property because, as the case agent, you thought he should be?

A. Lieutenant Fisher at the time was Sergeant Fisher, and he still had a narcotics detection K-9. We thought it would be important to have him on the property should we need to utilize the -- the K-9.

Q. Okay. Did you have a -- well, go back.

You had a conversation with Mr. Ramirez about what he had to do with those chickens out there?

A. Just if he owned them and what his involvement was. And he stated he was the caretaker.

Q. Okay. And did the conversation go beyond that as to what a caretaker might be?

A. I don't recall.

Q. All right. And you had a -- somebody had a conversation with Eduardo. Was that you?

A. It would have to be Officer Checketts because

he had to translate for me.

Q. All right. But you did talk to Eduardo through Officer Checketts?

A. Yes.

Q. Okay. And Eduardo told you he was the chicken manager?

A. I believe -- I don't know if the term was "manager," but I also, I believe, wrote "caretaker" as well.

Q. And you had no idea what being a caretaker meant?

A. Not specifically, no.

Q. And you did not -- or did you check the ownership of that brown travel trailer or that brown trailer that Mr. Ramirez was living in to see who owned it?

A. I can't recall if that was checked or not.

Q. Okay. And did you find an automobile on the property that belonged to him?

A. To Mr. Ramirez?

Q. Yeah.

A. I don't believe I did, no.

MR. WOODBURY: I think I am satisfied, Your Honor. I don't have any more questions.

THE COURT: All right. Any redirect?

/

REDIRECT EXAMINATION

BY MR. BARAINCA:

Q. Sir, you testified about finding basically a chicken graveyard to the west of the brown travel trailer.

Were -- were those birds that you found, were they decomposing?

A. Yes.

Q. They were buried, right?

A. Yes.

Q. Is it generally your understanding that buried things decompose?

A. Yes.

Q. And is DNA biological evidence?

A. Yes.

Q. And the containers you found in the ground were buried, right?

A. Yes.

Q. Do you believe that if you had sent those items of evidence off to be tested for DNA or fingerprints, would that have been done?

A. No.

Q. They would not be -- would not have been done?

A. I don't think they -- typically if you try to send packaging to the crime lab without some higher level of crime, they won't process containers that have suspected

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narcotics in them for fingerprints.

Q. Would the same be true for a bucket and a glass container?

A. Yes.

Q. Is retribution for people who cooperate with law enforcement limited solely to organized crime?

A. No.

Q. How broad is it?

A. It's pretty broad. It's based on the individual. If someone feels that they are slighted, or we have had instances in the past where someone thought the person was an informant and took retribution against them for nothing.

Q. And Mr. Woodbury asked you a number of questions about cartel involvement south of the border.

What about north of border? Have you -- do you have any knowledge of any cartel violence in Elko County?

A. Fact based in litigation or in a court, no. But there are rumors.

Q. But nothing -- nothing that you know -- that you have firsthand knowledge of?

A. Nothing that has been substantiated, no.

Q. Do you have any firsthand knowledge of any cartel involvement in this case?

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A. No.

Q. Now, going back to the birds, something that you said with Mr. Woodbury.

Where did you get the term "avian athletes" from?

A. That was just from doing research on birds that are utilized in cockfighting because I didn't want to say that in the courtroom.

Q. And you had testified about a number of issues regarding the birds, about rehousing them.

Did you -- did -- what was the ultimate determination to do with the birds?

A. There was a hearing held on the 27th, and based on that, I don't want to misquote, but I think it was a seizure order due to abuse and neglect. The ultimate determination was to euthanize them.

Q. At the time, did Elko County have the resources to take care of and rehouse all those birds?

A. No.

Q. And was the narcotics team tasked with taking care of these birds in the interim?

A. Yes.

Q. When did -- when did the team carry out the order to -- to euthanize the -- the chickens?

A. That was on the following day, so March 28,

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2019. With the assistance of a local veterinarian.

Q. Do you recall who the veterinarian was?

A. Her first name is Tessa, but I don't remember if she is married or not, so I'll leave that alone.

Q. Who else was involved?

A. She had some of her assistants, Detective Eisinger and, I believe, Detective Miller. And Sergeant Smith was also there.

Q. Was Leann Smith there as well?

A. Yes.

Q. And what was the process of going through euthanizing the birds?

A. Initially, each bird was given like a number placard to document the various states of the animal. It was documented by each cage. Then that bird was retrieved, placed into a bucket, given enough gas to knock it out.

It was then passed over to Sergeant Smith, who would again photograph the bird in its unconscious state with the assistance of the veterinarian. And then the bird was humanely butchered, meaning their heads were cut off.

Q. What was your involvement in all this?

A. I would go back and forth between retrieving birds and making sure that they were being documented and photographed and bagging carcasses and placing in the back of my work truck.

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Q. Did you dispose of the carcasses?
A. I did.
Q. I know I keep jumping around, but just my notes are jumbled.
Do you recall specifically asking Bob Olsen who he was -- who he would call for controlled substances?
A. I don't recall.
Q. And when you interviewed -- and here is another jump, excuse me -- when you interviewed Mr. Landeros, you testified earlier that he told you it was a hobby; is that correct?
A. Yes.
MR. DAGGINGER: I will pass the witness, Your Honor.
THE COURT: Recross?
MS. DUNN: Thank you.

RECROSS-EXAMINATION

BY MS. DUNN:
Q. Mr. Woodbury talked to you about this no-knock warrant that you applied for.
In your search warrant, as Mr. Woodbury indicated to you, you stated that -- something about the Mexican cartel, that they don't like law enforcement, but they can violently protect their controlled substances.
And basically, I think, you -- you testified

that you did -- you requested a no-knock warrant out of abundance of caution?
A. Yes.
Q. Did anyone violently protect their controlled substances?
A. Not to my knowledge.
Q. Mr. Ruiz was -- let me ask it this way.
In your execution of the search warrant, did Mr. Ruiz ever attempt to flee?
A. No.
Q. Not disrespectful in any way to law enforcement?
A. No, he was polite with me.
Q. Now, this term "Hispanic cartel," "Mexican cartel," as you stated, there were some rumors that somebody told somebody about something. Isn't that about accurate in this case?
A. Yes.
Q. And there was no substantiating any of that; isn't that correct?
A. No.
Q. Has Mr. Sandstrom received any retribution?
A. Not to my knowledge.
Q. How about Mr. Olsen?
A. No.

Q. Did you ever -- did anyone search the vehicles on the property, other than the travel trailers?
A. I think Sergeant Smith did. I think he took part in searching the vehicles.
Q. Like the cars and the truck and --
A. I believe so, yes.
Q. Anything of any evidentiary value?
A. There were items of indicia, which is just paperwork, names. And I believe there were money wire transfers located.
Q. Nothing illegal?
A. Not to my knowledge.
Q. The shipping labels that I believe Mr. Barajinez showed you on some of the boxes for the chickens, they didn't just have Mr. Ruiz's name on them, correct?
A. Correct.
Q. There were other shipping labels that had Mr. Ramirez's name on it, correct?
A. I would have to review, but I believe there were.
Q. Some that had, I believe you indicated, Mr. Ruiz's daughter's name?
A. Yes.
Q. Mr. Eduardo -- try this again. It's been a

long day.
Eduardo Ruiz, based upon -- you are following -- did you follow what happened in his case?
A. All I heard is that he had a guilty plea.
Q. So he had pled guilty to charges in this -- that he had established from this case?
A. I believe so, yes.
Q. You indicated that one of the reasons why you dug in the barn is that it wasn't that difficult to dig in -- in that location, or why you went down two feet, it wasn't too difficult in that location?
A. Yes.
Q. You used an excavator, correct?
A. Initially it was just me with a shovel --
Q. Right.
A. -- and then a couple days into it, we were lent a mini excavator that did make it significantly easier.
Q. But initially it was just you, the shovel, and coop 18?
A. That was where it started, yes.
MS. DUNN: I have no further questions.
THE COURT: Any recross, Mr. Woodbury?
MR. WOODBURY: Very shortly, Your Honor.
/

RECROSS-EXAMINATION

BY MR. WOODBURY:

Q. The Washoe County crime lab is not the only group of human beings on the planet that do fingerprints; isn't that correct?

A. That's correct.

Q. And you could -- if they don't do them because they are terribly busy, but the State of Nevada has unlimited power to go to the State of Utah and find somebody that will do that, right?

A. Yes.

Q. Yeah. And the chickens were humanely butchered by having their head cut off?

A. From talking to the veterinarian, she was told that was determined to be a humane way to butcher chickens is to --

Q. And the fact is that Eduardo did not plead guilty, he pled no contest; isn't that correct?

A. If that's what the document says. Sorry, I haven't reviewed anything that says that. I was just told by a second party that it was a plea.

Q. That would be consistent with his keeping his mouth shut, wouldn't it?

A. Yes.

MR. WOODBURY: Nothing further.

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JURY QUESTIONS

BY THE COURT:

Q. All right. Couple questions for you. Still under oath.

One juror asks, what is the approximate size of the barn, that is, square footage of the barn, where the coop 18 was located?

A. I am not a hundred percent sure. If I had to take a guess maybe -- maybe 25, 30 feet by maybe 15, 20 feet. It's not a very large barn.

Q. And then another juror asks, if you know -- I am adding that -- if you know, did either Mr. Olsen or Mr. Sandstrom ever work for Mr. Ruiz as a care provider for the chickens?

A. Not to my knowledge.

THE COURT: Okay. Any follow-up for Mr. Barainca?

MR. BARAINCA: No, Your Honor.

THE COURT: Any for Mr. Ruiz?

MS. DUNN: No, Your Honor.

THE COURT: For Mr. Ramirez-De La Torre?

MR. WOODBURY: No, Your Honor.

THE COURT: All right. Thank you very much.

I think that brings us to five o'clock. I am assuming Mr. Gaylor is going hold subject to recall still.

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THE COURT: Okay. Any jury questions?

Okay. Please, one question per piece of paper. Juror number on questions. Thank you.

(WHEREUPON, the following proceedings were had at side bar)

THE COURT: So we're at side bar. Juror number 8 asks, "What is the approximate size of the barn," that is square footage, "where the coop 18 was located?"

MS. DUNN: No objection.

MR. MILLS: No objection.

MR. WOODBURY: No objection.

THE COURT: Court will ask that.

Juror 11 asks, "Mr. Sandstrom. Mr. Olsen. Did either Mr. Olsen or Mr. Sandstrom ever work for Mr. Ruiz as a care provider for the chickens?"

MR. BARAINCA: I don't have a problem with it. I have a feeling that he is going to say "I don't know."

THE COURT: Yeah.

MS. DUNN: Yeah, I mean -- I don't have an objection.

MR. WOODBURY: I don't have an objection.

MR. MILLS: You can go ahead and ask it.

THE COURT: Court will ask the questions. Thank you.

(WHEREUPON, the side bar conference was concluded)

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So remember the rule of exclusion, sir.

Please step down and put your mask on there. Have a nice evening.

THE WITNESS: Thank you, Your Honor.

THE COURT: Okay. And so, we are right at about five o'clock, so we'll break.

Please be in the jury room at 8:30 in the morning, ladies and gentlemen.

I think we are moving along at a pretty good clip now. We had technical difficulties. Sometimes that happens. But I think we are moving along with this case.

So during the break, please do not converse amongst yourselves or with anyone else on any subject connected with the trial. Do not read, watch or listen to any report or commentary on the trial or any person connected with the trial by any medium of information, including, without limitation, newspapers, television, radio or the Internet.

And do not form or express any opinion on any subject connected with the trial until the cause is finally submitted to you.

You may not use any electronic device or media, such as the telephone, a cell phone, smartphone, iPhone, Galaxy, or computer, the internet, any internet service, any text or instant messaging service, any internet chat