

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

HECTOR HUGO RAMIREZ-DE LA)
TORRE,)

Appellant,)

Vs.)

No. 82891

THE STATE OF NEVADA,)

Respondent.)

JOINT APPENDIX – VOLUME 3

APPEAL FROM A JUDGMENT OF CONVICTION

FOURTH DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

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1 television, radio or the Internet.

2 And do not form or express any opinion on any
3 subject connected with the trial until the cause is finally
4 submitted to you.

5 You may not use any electronic device or media,
6 such as the telephone, a cell phone, smartphone, iPhone,
7 Galaxy, or computer, the internet, any internet service,
8 any text or instant messaging service, any internet chat
9 room, blog, or website such as Facebook, Instagram,
10 LinkedIn, YouTube or Twitter, to communicate to anyone any
11 information about this case until I accept your verdict.

12 In other words, you cannot talk to anyone on the
13 phone, correspond with anyone, or electronically
14 communicate with anyone about this case.

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

18 This prohibition includes, but is not limited to,
19 communicating with anyone in any way regarding the case or
20 its merits, by phone, e-mail, texting, the internet, or
21 other means; reading, watching or listening to any news or
22 media accounts or commentary about the case; doing any
23 research such as consulting dictionaries, using the
24 internet, or using reference materials; and making any
25 investigation, testing a theory of the case, re-creating

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1 any aspect of the case, or in any other way investigating
2 or learning about the case on your own.

3 So please leave your pads again on the chairs
4 there. Court's in recess.

5 (Recess taken at 10:13 a.m.)

6 (Proceedings resumed at 10:38 a.m.)

7 THE COURT: We're on the record again in state --
8 cases CR-FP-19-2456 and 2465.

9 State versus Ramirez-De La Torre and Jorge
10 Landeros Ruiz.

11 We do have the defendants back in court with
12 their respective attorneys, and the Court's previously
13 sworn interpreters are assisting them in court.

14 Deputy District Attorneys Mills and Barainca are
15 back to represent the State.

16 We have got Sergeant Smith on the witness stand,
17 and I remind him he is under oath.

18 Counsel stipulate to the full presence of the
19 jury and the alternates?

20 MR. MILLS: Yes, Your Honor.

21 MR. WOODBURY: So stipulated.

22 MS. DUNN: So stipulated, Your Honor.

23 THE COURT: All right.

24 So I hope everybody is refreshed after that
25 break. I know I needed one.

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1 And we can proceed with cross-examination.

2 Ms. Dunn?

3 MS. DUNN: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. DUNN:

6 Q. Sir, how are you?

7 A. I am good, ma'am. Thank you.

8 Q. You testified about a lot, so I'm going to
9 bring you back a little bit to sort of the beginning of
10 what -- what you testified about.

11 I am not going to go to the very beginning. I
12 want to talk about the cars real briefly, if we could.

13 So as part of your search team, it was
14 yourself and two others; is that correct?

15 A. Yes, ma'am.

16 Q. And so the three of you searched all the cars
17 that were on the premises?

18 A. The three of us searched the main premises,
19 the main house. As far as searching the cars, I don't -- I
20 don't believe we maintained a team after that. We had a
21 team to keep organization in the house.

22 Q. All right. And so then who ultimately
23 searched the vehicles?

24 A. I searched the gray pickup truck.

25 Q. Were the other vehicles searched?

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1 A. The vehicles that could be accessed were
2 searched.

3 Q. What does that mean?

4 A. Some of the vehicles were locked, and we could
5 not gain access to them. And we didn't want to cause
6 damage to vehicles, and they weren't -- at this point in
7 time, the truck was definitely a nexus to the investigation
8 and it was unlocked, so we were going to definitely search
9 the truck.

10 The other vehicles that were locked, we wanted
11 to search but we didn't want to damage them so -- but they
12 weren't necessarily observed in the controlled buys, so
13 they weren't as crucial to us to search.

14 Q. All right. So I guess my question is, were
15 any of the other vehicles on the premises searched other
16 than the gray truck?

17 A. Yes. The -- there were other vehicles were --
18 there were other vehicles searched. I know that the
19 side-by-side -- at least one side-by-side was on premises.
20 That was searched. And there was another vehicle that was
21 being repaired on the patio. That was searched.

22 And I am trying to recall if any of the other
23 vehicles we had keys to. But I know there was one Mercedes
24 or BMW that we could not get into specifically. But I -- I
25 can't speak to the actual searching of vehicles that I

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1 can't remember because I wasn't party to those searches.
2 Q. All right. And there were -- there was
3 testimony that there was a Mercedes on the property, and
4 you believe that was the one that you couldn't gain access
5 to?

6 A. Yes.

7 Q. There was also testimony that there was a
8 Hummer on the property.

9 A. Yes.

10 Q. Do you recall that?

11 A. I remember the Hummer being associated with
12 the case, yes.

13 Q. Do you know whether or not that was searched?

14 A. I don't -- I can't recall if that vehicle was
15 searched or not.

16 Q. Who would have been responsible for searching
17 the other vehicles, if they were searched?

18 A. It -- it would have been whoever was searching
19 that vehicle. Ultimately, Detective Gaylor was the case
20 agent and was tracking what vehicles were searched and were
21 not searched.

22 And at the time, I'm sure I was keeping track
23 of which vehicles had gotten into. Just I don't recall
24 specifically if that Hummer got searched.

25 Q. So let me ask you this. Any of the other

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1 vehicles that were searched on the property, the
2 side-by-side, the broken down -- or the one that was being
3 repaired, and any other ones that may have been, is it fair
4 to say that there was nothing of evidentiary value found in
5 those, otherwise that is something you would have known?

6 A. Yes, it would have been documented if
7 something evidence related -- or anything had been
8 collected, it would have been documented which vehicle that
9 would have been come out of.

10 So if there is no listing in our list of
11 evidence of something coming out of the Hummer, then
12 nothing was collected out of the Hummer.

13 Q. And I understand that Detective Gaylor was the
14 case agent. Were you the supervisor on the scene?

15 A. I was the supervisor on scene. I was the
16 supervisor. My supervisor was also on scene.

17 And when you are the case agent, you kind of
18 become the supervisor.

19 I would have talked with Detective Gaylor and
20 say, "What is your plan? What are you doing?" And then I
21 would help him execute the plan, being my role actually as
22 a subordinate.

23 Q. But ultimately, you were Detective Gaylor's
24 supervisor?

25 A. Yes.

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1 Q. Now, Detective Gaylor is no longer a member of
2 your team, correct?

3 A. Correct.

4 Q. He no longer works at the sheriff's office?

5 A. Correct.

6 Q. He has been terminated?

7 A. Yes.

8 Q. Now, let's go to the main residence.

9 Now, we refer to it as the main residence, but
10 is it your understanding that the people that were residing
11 in that particular main residence were Mr. Jorge Ruiz and
12 his family?

13 A. Yes.

14 Q. His wife?

15 A. Yes.

16 Q. And some children?

17 A. Yes.

18 Q. Do you know -- do you recall how many
19 children, or do you know how many children?

20 A. Living in the house, I know there were at
21 least two or three children.

22 Q. All right. Now, when you were searching the
23 main residence, you were certainly searching, looking for
24 any evidence of controlled substances, correct?

25 A. Yes.

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1 Q. You were looking for any evidence of potential
2 selling of controlled substances, correct?

3 A. Yes.

4 Q. You've talked about some of the evidence that
5 you found in the main residence. And is it fair to say
6 that you did not find any controlled substances in the main
7 residence?

8 A. Yes, that is correct.

9 Q. So you didn't find any?

10 A. Correct.

11 Q. I always have to be careful about the way I
12 word that, it's almost -- the Judge reminded me of that
13 yesterday.

14 So you did not find any controlled substances
15 in the residence?

16 A. Correct.

17 Q. Now, how many -- how big was the main
18 residence?

19 A. Four-bedroom, two-bath. I would not be able
20 to guess an accurate square footage.

21 Q. Sure. But it was four bedrooms, two bath,
22 living room, kitchen?

23 A. Yes.

24 Q. And yourself and your other two search team
25 members searched the entire thing?

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1 A. Yes.
2 Q. All of the bedrooms?
3 A. Yes.
4 Q. Now, the indicia, as you refer to it as, the
5 paperwork that you found with Mr. Jorge Ruiz's name on it,
6 the reason why you get that is just to say, okay, this
7 person lives there?
8 A. It is just one more connecting fiber of -- we
9 knew that that was his reported address, but it was just
10 one more thing of here is a piece of mail that has his name
11 and his address on it.
12 Q. And when there are other people living in
13 other parts of the property, this paperwork, you're trying
14 to make sure you are connecting the right person to the
15 right place in which they are residing on the 2.7 acres.
16 Is that fair?
17 A. We would want to pin that down as accurately
18 as possible, yes.
19 Q. Now, you found -- the information that you had
20 about the -- the gray truck was that it was not registered
21 to Mr. Hector Ramirez-De La Torre, correct?
22 A. Correct.
23 Q. It was registered to Maria -- I am not going
24 to say it properly -- Ulloa, if I said that properly?
25 A. I always -- I had always pronounced it Ulloa.

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1 A. Yeah, it would be considered a home decor
2 item.
3 Q. Something to decorate with?
4 A. Yes.
5 Q. And you took a picture of it just because it
6 happened to be a rooster?
7 A. It just -- taking pictures to document
8 everything, and with the totality of the circumstances,
9 just took note of it.
10 Q. You took a picture of the living room. You
11 look at the -- the overall picture looking at like the
12 condition of the living spaces?
13 A. Yes.
14 Q. It was a well-kept living room?
15 A. Yes.
16 Q. Now, you found the -- in the main residence
17 master bedroom, you saw -- you found the gun in the
18 nightstand?
19 A. Yes.
20 Q. That gun was holstered, correct?
21 A. Yes.
22 Q. Do you know if it was loaded?
23 A. It was not loaded.
24 Q. It was not loaded?
25 A. Correct.

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1 Q. Okay. And that person you understand to be
2 Mr. Jorge Ruiz's wife?
3 A. Yes.
4 Q. And although it was registered to her, you
5 found quite a bit of indicia, as it were, that it was
6 utilized by Hector Ramirez-De La Torre, correct?
7 A. Yes.
8 Q. There were receipts from 2018 in that vehicle,
9 correct?
10 A. Yes.
11 Q. And there were six, seven, eight pieces of
12 paper, those receipts and -- and most of them were receipts
13 of some kind, so there were multiple pieces of paper that
14 connected that vehicle to Mr. Ramirez-De La Torre?
15 A. Yes.
16 Q. In addition to the surveillance that your team
17 had done in which Mr. Ramirez-De La Torre was actually
18 driving the vehicle?
19 A. Yes.
20 Q. Now, one of the pictures of the living room of
21 the main residence showed the trophy, but also a statue of
22 a rooster?
23 A. Yes.
24 Q. Now, was that more like home decor like
25 statue?

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1 Q. You have been a sergeant here in -- you have
2 been in law enforcement here in Elko for how long?
3 A. Nearly two years.
4 Q. Prior to Elko, where were you again?
5 A. Carson City.
6 Q. So you are familiar with rural Nevada?
7 A. Yes.
8 Q. Is it unusual to find firearms in houses in
9 rural Nevada?
10 A. Not at all.
11 Q. It would almost be uncommon to not find one in
12 a -- in a home in rural Nevada; is that fair to say?
13 A. I would say yeah, probably.
14 Q. Now, in the -- with these incubators that you
15 found, were they being operated at that time, could you
16 tell?
17 A. Yes, they were powered on.
18 Q. Okay. And that was -- were there eggs in
19 there being --
20 A. Yes.
21 Q. -- I guess --
22 A. Incubated.
23 Q. -- incubated? And that was to raise a chicken
24 of some sort?
25 A. Yes.

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1 Q. And there was nothing illegal about that?
2 A. No.
3 Q. Now, we talked about those -- I believe you
4 said that you found a bucket in the main residence that was
5 the same type of bucket that was found buried under chicken
6 coop 18, correct?
7 A. Yes.
8 Q. Were there other buckets of that type being
9 utilized around the property throughout the chicken coops?
10 A. There were a lot of those buckets all over the
11 property. I wouldn't be able to speak about their
12 utilization. There was lots of those five-gallon buckets
13 found stacked throughout the property.
14 Q. And one of the many buckets that were found
15 throughout the property was found buried, correct?
16 A. There was -- there were a few buckets that
17 were found buried, one of which contained the
18 methamphetamine.
19 Q. Gotcha.
20 So there were a couple other buckets that were
21 buried that were empty?
22 A. Yes.
23 Q. And that was also in the brown barn underneath
24 the chicken coops?
25 A. Yes.

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1 A. (Nods head).
2 Q. Okay. Do you know who that was?
3 A. Not knowing the name of Luis Ruiz, no, I --
4 whether that's a -- an alias or a different name for
5 Mr. Jorge Landeros Ruiz or whether it's somebody else, I
6 wouldn't be able to say for sure.
7 But the location of it being in Mr. Landeros
8 Ruiz's room just matched for that part.
9 Q. Right. So it has his -- it has one of his
10 names on it, Ruiz, right?
11 A. Yes.
12 Q. Do you know if anyone else living in that
13 house had that name?
14 A. Had the name of Ruiz or --
15 Q. Luis.
16 A. Luis? I do not know if anybody else has the
17 name Luis.
18 Q. Okay. And do you know where it was mailed
19 from?
20 A. It's on the label. I wouldn't be able to tell
21 you off the top of my head.
22 Q. Now, the notebooks. You stated that there
23 were colors and numbers listed in the notebooks?
24 A. Yes.
25 Q. And that you believed that to be for the

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1 Q. But there were many other buckets just like
2 that around the property?
3 A. Yes.
4 Q. Any of them have like chicken food in it?
5 A. Most of the ones I saw were empty and just
6 sort of stacked off to the side.
7 Q. All in the brown barn, or were they throughout
8 the property?
9 A. There were some that were close to the brown
10 barn. There were some that were in other parts of the
11 property.
12 Q. One of the items that you found was a Priority
13 Mail box container?
14 A. Yes.
15 Q. And I believe that was -- sorry, I am looking
16 for the evidence number.
17 Anyway, that particular packing box that you
18 found with the -- the spurs in them?
19 A. Yes.
20 Q. There was a label on that box?
21 A. Yes.
22 Q. And I believe your testimony was that it
23 was -- it was mailed to Luis Ruiz?
24 A. Yes.
25 Q. Is that correct?

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1 raising -- or the incubating of the -- the chickens?
2 A. We believed it to be corresponding with the --
3 the breeding and -- and hatching of the chickens, yes.
4 Q. Why do you -- what brought you to that belief?
5 A. Just the description of colors and the melding
6 of lines that -- the melding of -- there is diagrams of
7 lines that just made us think that that could be related to
8 the chickens.
9 Q. You talked about diagrams of lines. Do you
10 want to see it? Would that be helpful?
11 A. Sure.
12 MS. DUNN: May I approach, Your Honor?
13 THE COURT: Yes.
14 Q. All right. What I am bringing to you is
15 Exhibit 152. And this has previously been admitted.
16 So I believe my last question was, what --
17 what makes you believe that these were having to do with
18 the incubation and breeding of the chickens?
19 And you were talking about -- yeah, go ahead
20 if you want to --
21 A. It's the -- this one. I believe this one was
22 just about the different chickens. This had different
23 colors. It talked about April 1 through 4.
24 Q. I'm sorry, you said April?
25 A. April 1 through 4.

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1 Q. Okay. And then it has colors, you said?
2 A. It had colors. There was, written in Spanish,
3 of negro and then cabeza, ridonda (phonetic).
4 Q. Do you know what -- do you know what that
5 says?
6 A. I recognize cabeza is head, negro is black.
7 There is another one, limpos, negro. My Spanish is a
8 little rusty.
9 Q. I getcha. It's okay. Yep.
10 All right. So there is different colors and
11 different -- and different Spanish things, and it's
12 obviously some sort of a list.
13 A. I would say some sort of a list that is --
14 took to coincide with concealing of the -- the chickens.
15 Q. Okay. And the one that you were just reading
16 from, that was from the composition notebook?
17 A. The blue composition book.
18 Q. And the other one is from the larger notebook?
19 A. The purple spiral notebook.
20 Q. Okay. And does that have the same type of
21 lists in it?
22 A. It has -- it still references some colors, but
23 it actually has some diagrams and numbers in there that --
24 Q. And so it has a -- a whole list. And I don't
25 know if you can hold that up a little bit so they can see

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1 A. Yes. There was also the U.S. Postal Service
2 box containing spurs.
3 Q. Okay. Anything else?
4 A. There were other items, just no other items
5 that we collected as evidence from on top.
6 Q. No, I understand that. But do you recall what
7 the other items were?
8 A. Not without looking at the photograph.
9 Q. All right. And was that particular incubator
10 plugged in, being used?
11 A. Yes.
12 Q. And again, this was of the -- incubating of
13 the chickens, correct?
14 A. Yes.
15 Q. Now, were you present when -- in the brown
16 barn when Detective Gaylor found the buried bucket?
17 A. I was not in the barn when he found it. I was
18 on the property.
19 Q. Okay. And was anyone other than Detective
20 Gaylor digging in the brown barn?
21 A. Not at that exact moment, no.
22 Q. Were you part of -- well, let me ask you this.
23 Did Detective Gaylor talk to you about wanting to dig?
24 A. Yes.
25 Q. And did he talk to you about where he wanted

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1 that, the jury can see that.
2 And obviously, this is admitted into evidence,
3 but --
4 So these are just a whole list of just random
5 numbers across the side, correct? And then you said it's
6 got some diagrams of some sort?
7 A. Some sort of diagrams, yes.
8 Q. Okay. And you said there were also lists of
9 colors in that particular --
10 A. There is colors that are referenced.
11 Q. Okay.
12 A. And some of these words that -- thrown in.
13 Q. Okay. And was there anything else in that
14 particular notebook that --
15 A. Just more of the same. Diagrams. It talks
16 about a blue face or a -- has a green lip, brown, red. So
17 there is different references that we took to be talking
18 about the birds.
19 Q. So again, those -- those were assumptions that
20 were being made, correct?
21 A. Yes.
22 Q. And where exactly were those notebooks found?
23 A. On top of the incubator in the master bedroom.
24 Q. Was there anything else on top of the
25 incubator besides those notebooks?

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1 to dig?
2 A. Yes.
3 Q. And did he give you a reason as to why he
4 wanted to dig in the brown barn?
5 A. Well, we knew we wanted to dig. Originally,
6 it wasn't even just limited to brown barn. There had been
7 information that had come from Mr. Sandstrom that a
8 conversation had taken place and --
9 Q. Okay. So what I am asking is, without you
10 telling -- talking about what somebody else told you, what
11 I am asking is, is -- was it -- were you -- in your
12 discussion with Detective Gaylor, in his decision to dig in
13 the brown barn, were you part of that?
14 A. Yes.
15 Q. Okay. And Detective Gaylor -- did you and
16 Detective Gaylor discuss where in the brown barn to start
17 digging?
18 A. To start digging, no. We just knew that we
19 needed to dig and dig underneath where the coops were.
20 Q. So let me ask you this. So did you have
21 information from someone that there were drugs buried in
22 the brown barn?
23 A. We had information that there were drugs
24 buried underneath the chicken coops on the property.
25 MR. WOODBURY: I'm sorry, can I have that

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1 repeated? I didn't understand that.
2 A. We had information that there were drugs
3 buried underneath the chicken coops on the property.
4 Q. (By Ms. Dunn) So if Detective Gaylor
5 testified that he didn't have any information about drugs
6 being buried on that property, is that incorrect?
7 A. To my knowledge, that would be incorrect
8 because --
9 Q. So if Detective Gaylor testified that through
10 his training, that sometimes people bury drugs but that he
11 had no specific information about this property and there
12 being buried drugs, that would be incorrect?
13 A. From my understanding, yes.
14 Q. So your testimony is the information -- so
15 from your information, the information that you had
16 gathered or that you had been privy to, was that this
17 information came from Clinton Sandstrom?
18 A. Yes.
19 Q. When?
20 A. It was relayed from Sandstrom to Gaylor in
21 discussion during the deals, one of the deals, that there
22 had been complaints from Mr. De La Torre about having to
23 dig up drugs.
24 Q. So that should be recorded, right?
25 A. If that was during one of the -- one of our

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1 A. It surprised -- that he -- that he found it on
2 the first place where he dug, yes, that surprised all of
3 us.
4 Q. Did it surprise him?
5 A. Yes.
6 Q. Did you ask him if he knew where it was --
7 where it was supposedly buried?
8 A. I didn't -- no, I did not ask him if he knew,
9 if he had known it was under 18 all along. I did not ask
10 him that.
11 Q. So if I asked Detective Gaylor yesterday if he
12 had any information about where those drugs were buried or
13 that they were buried and he told me no, that was a lie?
14 A. A lie or he didn't remember that we had that
15 information.
16 Q. Do you think that is something you would
17 forget?
18 A. I don't know if it's something I would forget,
19 but I also haven't been through what Detective Gaylor has
20 been through, so I -- I can't testify to what his state of
21 mind or what his recall is at this point.
22 Q. And you don't know whether or not that
23 information supplied by Clinton Sandstrom was on -- was
24 taped?
25 A. Correct.

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1 controlled buys or if that was other information that
2 Sandstrom could have passed.
3 Q. And your information was -- you got the
4 information from Gaylor --
5 A. Yes.
6 Q. -- Correct.
7 Did that -- based upon what Detective Gaylor
8 told you, did the information include that it was being --
9 that it was specific to the brown barn?
10 A. The information was not, to my knowledge,
11 specific to the brown barn.
12 Q. It was to the chicken coops?
13 A. It was to the chicken coops.
14 Q. So out of all of the chicken coops that were
15 there -- there were a lot of chicken coops, correct?
16 A. Yes, there were.
17 Q. And the first chicken coop that Detective
18 Gaylor dug under is where he found that bucket, correct?
19 A. Yes.
20 Q. So out of the -- how many chicken coops do you
21 think were on that property?
22 A. Hundreds.
23 Q. And so did it surprise you that Detective
24 Gaylor went to the exact chicken coop where there was three
25 pounds of meth buried?

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1 Q. Or was recorded?
2 A. I don't -- I -- I don't know if that
3 conversation was -- took place during one of the controlled
4 buys or not.
5 Q. But you believe that it came during one of the
6 controlled buys?
7 A. I believe it could have come during one of the
8 controlled buys. It could have come from Mr. Sandstrom's
9 previous dealings.
10 Q. And just so we're clear, that information
11 was that supposedly Mr. De La Torre complained about having
12 to dig up drugs?
13 A. That was my understanding of it, yes.
14 Q. Do you recall the day that that would have
15 been found?
16 A. We executed the warrant on the 19th. I
17 believe it was found on the 21st.
18 Q. And the drugs that were found in the trailers,
19 those searches were done on the 19th?
20 A. Yes.
21 Q. There was no indicia, I guess, for lack of a
22 better word, since we keep going to indicia, but there was
23 no indicia of selling or possessing controlled substances
24 that was found in the main residence, correct?
25 A. Correct.

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1 Q. Mr. Ruiz's main residence?
2 A. Yes.
3 Q. Now, you talked about the cell phones that
4 were found in Mr. Ruiz's bedroom?
5 A. Yes.
6 Q. You said you found two, correct?
7 A. Yes.
8 Q. A Samsung and an Apple?
9 A. Yes.
10 Q. Where were those found?
11 A. On the nightstands next to the bedroom -- or
12 next to the -- the bed.
13 Q. One on each?
14 A. No. On the same nightstand, the same
15 nightstand that had the revolver.
16 Q. All right. And you stated that both of those
17 were sent to the Washoe County crime lab?
18 A. Yes.
19 Q. Pursuant to a warrant?
20 A. Yes.
21 Q. Which would have ultimately been served on
22 Mr. Ruiz, correct?
23 A. It should have been. I don't believe Mr. Ruiz
24 got a copy of that warrant.
25 Q. Do you know why he didn't get a copy of it?

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1 Q. And that is including like pictures?
2 A. Correct.
3 Q. Anything saved that way?
4 A. Nothing other than a picture of a rooster,
5 which is not criminal in and of itself. Yeah, there was
6 nothing.
7 Q. So there was a picture of a rooster?
8 A. Yes.
9 Q. And on -- in your examination of -- or excuse
10 me, in your investigations of controlled substances, you
11 are also looking for potential other names that you know or
12 that you are familiar with --
13 A. (Nods head).
14 Q. -- of people who buy or sell drugs?
15 A. Yes.
16 Q. You are looking for their contact information?
17 A. Yes.
18 Q. Looking for phone calls, text messages?
19 A. Yes.
20 Q. A lot of people who deal drugs also use code
21 words in text messages, correct?
22 A. Yes.
23 Q. It's not like they necessarily text their
24 buddy and say, "Hey, can I have -- can I have an ounce of
25 meth"?

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1 A. Just a -- a mishap.
2 Q. And you stated that one of the -- the Apple
3 was able to get in it and you talked about that the
4 security was bypassed?
5 A. Yes.
6 Q. You are talking about like the -- the --
7 The PIN.
8 Q. -- PIN number?
9 A. PIN number, yes.
10 Q. So that phone was able to get into?
11 A. Yes.
12 Q. That was searched?
13 A. Yes.
14 Q. And there was nothing of any evidentiary value
15 found on that phone?
16 A. Correct.
17 Q. When we talk about anything of any evidentiary
18 value, we are talking about text messages?
19 A. Correct.
20 Q. That are talking about potential selling or
21 buying of drugs?
22 A. Or any criminal act, whether it was about the
23 birds fighting. Yeah, there was no -- nothing on that
24 phone that related to either the -- the birds fighting or
25 controlled substances.

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1 A. Sometimes they do, but yeah.
2 Q. A lot of times they will use code words,
3 correct?
4 A. Yes.
5 Q. Do you sometimes find -- we had a conversation
6 about a pay and owe sheet. It was referred to as a pay and
7 owe sheet that was found in one of the trailers.
8 Are you familiar with that?
9 A. Yes.
10 Q. And you are familiar with a pay and owe sheet?
11 A. Yes.
12 Q. Or pay and owe sheets?
13 A. Yes.
14 Q. Those are normally used by drug dealers to
15 keep track of who they sold to and who potentially owes
16 them?
17 A. Commonly it is, yeah.
18 Q. And are those sometimes found in cell phones?
19 A. Yes, sometimes.
20 Q. Start using digital technology and not
21 necessarily writing it anymore, but you may be keeping
22 notes of it in your cell phone?
23 A. Yes.
24 Q. Didn't find any of that either?
25 A. No.

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1 Q. Now, you said that the Samsung you could not
2 get into?
3 A. Correct.
4 Q. Were those the only two cell phones that you
5 found in the house?
6 A. To my recollection, those are the only two
7 that we -- I -- I believe so. I think those were the only
8 ones.
9 Q. Okay.
10 A. They were definitely the only ones we
11 collected from that house.
12 Q. Were there any other -- were there laptops or
13 computers or anything like that found?
14 A. I don't recall any computers.
15 Q. If there were, is that something you would
16 normally look into?
17 A. We would, we would. Especially if there
18 was -- especially if there was a reason pointing us in that
19 direction.
20 Q. Okay. You either didn't find any or --
21 A. Or there was a computer in a child's room
22 that -- that had indications that it was being used by the
23 child, we wouldn't necessarily have an interest in.
24 Q. Gotcha.
25 But you would have also searched the

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1 Exhibit 154.
2 Do you recognize that picture --
3 A. I do.
4 Q. -- or what it is?
5 A. Yes, I do.
6 Q. Sorry.
7 And what is that a picture of?
8 A. It is a picture of the Travel Supreme trailer
9 with the eave over it, and to the left of the photo is
10 where the brown barn would be.
11 Q. And so you are talking about the eave that --
12 the thing that's connected to the trailer there?
13 A. The roof structure that --
14 Q. And that roof structure is actually connected
15 to the brown barn?
16 A. Without seeing it, I don't know if it's
17 actually physically connected or it's just on the post on
18 the concrete just adjacent to it. But it goes right up to
19 the brown barn.
20 Q. And where that picture cuts off is basically
21 where the brown barn -- the opening would be?
22 A. Yes.
23 Q. So that the -- basically the door to the
24 Travel Supreme trailer opens, there is a concrete slab and
25 then there is the opening to the brown barn?

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1 children's rooms?
2 A. Yes.
3 Q. Now, do you know how many other places on the
4 property were dug into?
5 A. There was some places outside in the yard that
6 had been dug into, as well as the majority of that brown
7 barn got dug into.
8 Q. Right. Okay.
9 And like a place in the yard?
10 A. I want to say there was more than one place,
11 at least two places in the yard that got dug into.
12 Q. Okay. And was there a specific reason that
13 you -- and this is a 2.7-acre property, correct?
14 A. Yes.
15 Q. So is there a reason that those two areas in
16 the yard were dug into?
17 A. I believe one of the areas looked like it had
18 been recently dug into. And another area also, I think,
19 looked like it had been dug into that also had a lot of
20 chicken carcasses in it.
21 Q. Okay. Now, this brown barn, the -- I believe
22 there was a picture -- Court's indulgence for just a
23 moment.
24 Sergeant, what I am showing you, it's been
25 marked as -- actually and admitted as Plaintiff's

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1 A. Yes.
2 Q. Is that correct?
3 A. Yes.
4 Q. And who was it your understanding -- well, it
5 was your -- who did -- did you know to be residing in the
6 travel trailer?
7 A. My understanding, it was Eduardo Ruiz who was
8 residing in that travel trailer.
9 Q. Did you speak to anyone on the property?
10 A. No, I personally did not speak with anybody on
11 the property.
12 Q. Were you there when Detective Gaylor or anyone
13 else spoke to Mr. Ruiz, Mr. Ramirez-De La Torre or
14 Mr. Eduardo?
15 A. I was on the property, and I could see Mr. --
16 see Detective Gaylor speaking with them, but I was not with
17 them while they were talking.
18 Q. Okay. Was anyone else in the brown barn when
19 Detective Gaylor was digging?
20 A. As he had been digging, there had been either
21 myself or Detective Eisinger had been with him while he had
22 been digging. Just nobody was with him when he struck
23 plastic.
24 Q. Under the chicken coop 18?
25 A. Yes.

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1 Q. It's your understanding that your team
2 ultimately had to stay on the property to keep -- secure
3 the property. But also, it was a couple days before the
4 veterinarians could get there to do the evaluations of the
5 chickens?

6 A. Yes, because we had the first -- the state
7 veterinarians and Department of Agriculture inspectors were
8 the first ones to show up and do their assessment and then
9 work that process of what to do with the animals.

10 Q. And there were a couple days prior to the
11 ultimate -- where -- where you guys did the evaluations and
12 ultimately the -- the euthanasia of the -- the chickens --

13 A. Yes.

14 Q. -- that your team was basically caring for the
15 chickens?

16 A. Yes.

17 Q. And so you guys were feeding and -- and giving
18 water to the chickens?

19 A. Yes.

20 Q. And there was food there --

21 A. Yes.

22 Q. -- when you -- sorry. Lisa's going to yell at
23 us.

24 There was food on the property when you guys
25 got there?

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1 agent and he was then no longer employed by law
2 enforcement, and did the case, this case, supervision and
3 the supervision of it revert to you?

4 A. Well, ultimately it reverts to me, but it has
5 been in prosecution status for so long that there has not
6 been active investigation -- investigating steps on it
7 since Detective Gaylor left.

8 Q. Okay. And that -- that would include any
9 attempt to -- Mr. Olsen ultimately got arrested, right?

10 A. Yes, he did.

11 Q. And did he get -- his cell phones get seized?

12 A. I don't know. I know we didn't -- we arrested
13 him on the arrest warrant and did not seize anything from
14 his property, just from his person.

15 Q. I'm sorry?

16 A. We did not take anything from his property.
17 We showed up on his property or where he lived to take him
18 into custody solely.

19 Q. Now, with respect to chickens and cutting off
20 their spurs and wattles, all of that, was anything found in
21 the brown travel trailer that related to that?

22 A. Regarding -- in regard to the spurs and
23 wattles, no.

24 I would have to reference what Detective
25 Miller found inside -- I believe he found spurs related to

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1 A. Yes.

2 MS. DUNN: I have no further questions at this
3 time.

4 THE COURT: Cross-examination, Mr. Woodbury.

5 MR. WOODBURY: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. WOODBURY:

8 Q. Prior to the -- March 19 and the few days
9 following it, of 2019, had you known a lot about chickens
10 and roosters and so on?

11 A. I had not. I learned a lot during those days.

12 Q. And with respect to the brown -- well, let me
13 ask it this way. Did -- when Detective Gaylor was no
14 longer employed by NDI, did the control of this case, as
15 far as law enforcement was concerned, revert to you?

16 A. As clarification, Detective Gaylor was never
17 employed by NDI.

18 Q. Well, whatever the right name is for the Elko
19 Combined Narcotics Unit, he --

20 A. Detective Gaylor was employed with the Elko
21 County Sheriff's Office.

22 Q. Excuse me?

23 A. Detective Gaylor's employer was the Elko
24 County Sheriff's Office.

25 Q. Okay. But what I am asking, he was the case

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1 the brown trailer.

2 Q. In the brown travel trailer?

3 A. I would have to refer to the reports to see
4 exactly what he found.

5 Q. Well, if he testified he didn't find said
6 things, you wouldn't have any reason to disagree with that?

7 A. No.

8 Q. Okay.

9 A. And I know he found spurs in one of the
10 trailers. I just wouldn't be able -- without reviewing,
11 you know, which one it was.

12 Q. Okay. And no knives were found in the brown
13 travel trailer, or -- or you don't -- you don't know
14 anything more about what was in the brown travel trailer
15 than what Detective Miller had known?

16 A. To my knowledge, because I never even --
17 beyond sticking my head into the doorway, never really went
18 in the brown trailer myself.

19 Q. Okay. Then the documents that you found in
20 the gray Chevy pickup, you -- you looked at those documents
21 as evidentiary value for showing what?

22 A. For tying Mr. Ramirez-De La Torre to the truck
23 was my viewpoint on those documents.

24 Q. Okay. And there isn't a single document in
25 there, is there, in that exhibit, of those documents, that

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1 identify his -- identifies his residence as Kale Drive?

2 A. No, I don't believe that there are. I believe
3 most of those say Bullion.

4 Q. So, yeah. And that -- so I assume that at
5 some point NDI checked in to see when it was that Hector
6 Ramirez moved into Kale Drive or whether he ever really did
7 or what happened to the property at 1160 Bullion Road and
8 space number 72?

9 A. I don't know that we ever established an exact
10 date of when he moved.

11 Q. But did you establish an inexact date?

12 A. I wouldn't be able to confirm that. When we
13 opened the case on Mr. Ramirez-De La Torre he was
14 associated with the Kale Drive address.

15 Q. Yeah. And -- and as far as you know, you seem
16 to be -- you testified originally that you -- you began
17 your career with the local drug enforcement folks in
18 January or February?

19 A. February.

20 Q. Yeah, okay. And did you draw some conclusions
21 about -- well, did you go back at any point and try to find
22 out how Mr. Ramirez made a living while he was here in
23 Elko?

24 A. We didn't have any -- any leads to show that
25 he did have a job. Just that he was living up on Kale

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1 Drive and he was delivering narcotics when we called.

2 Q. And prior to that, he had not been involved in
3 construction work in the Elko area?

4 A. I wouldn't be able to testify as to whether he
5 had or not.

6 Q. So it would not be part of the usual
7 investigative technique to go back and look at the prior
8 behavior of these guys, right?

9 A. We could look at the prior behavior of these
10 guys, but that also doesn't change the investigation or the
11 fact that he was still committing the acts.

12 Q. And did you -- but you didn't do that for Mr.
13 Ramirez?

14 A. I -- I did not look into Mr. Ramirez's
15 employment history, no.

16 Q. Okay. Did I understand you to say that with
17 respect to the roosters that you and the animal control
18 officer processed, not -- a picture was not taken of every
19 rooster out there, it was taken of 248 of them?

20 A. A picture was not taken of every chicken out
21 there. But the 248 roosters that were put down were
22 photographed and documented.

23 Q. That part I got. Were there 249 roosters out
24 there or more?

25 A. To my recollection, I do not believe -- I

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1 believe all the roosters were photographed and put down.

2 Q. Okay. And Miss Ulloa wasn't arrested; is that
3 correct?

4 A. That is correct.

5 Q. And was -- was she thrown off the property or
6 required to stay away from the property?

7 A. She was required to stay away while we were
8 still on premises.

9 Q. And then the property was returned to her?

10 A. Yes.

11 Q. And --

12 A. She was allowed to come back and collect
13 clothing and things to take care of the children, though.

14 Q. And how many total chickens were out there?

15 A. I couldn't give an accurate count. Just in my
16 estimate, it would be between 400 and 600 total chickens.

17 Q. And when you went through the coops, you
18 found, did you not, that virtually every coop that
19 contained a chicken of some sort, whether it was a rooster
20 or hens or both, had a little container for water attached
21 to the front of the cage?

22 A. I am pretty sure they all did because that is
23 how we would have fed and watered them.

24 Q. And it had a container for food attached as
25 well?

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1 A. Yes.

2 Q. Okay. And the -- do you know what time or did
3 anybody ever inquire as to what time of day or night
4 Mr. Ramirez was -- well, the -- the chickens of all kinds
5 were being fed or watered?

6 A. We did not inquire as to what time the
7 chickens had been fed or watered by any of the occupants of
8 the property.

9 Q. And when you folks went on there about eleven
10 o'clock on March 19, Mr. Ramirez was placed in handcuffs
11 and put in a patrol car and never ever returned to the
12 property, right?

13 A. That is correct.

14 Q. And was the same true of Mr. Ruiz -- or
15 Mr. Eduardo Ruiz?

16 A. Yes.

17 Q. And was the same true of Mr. Ruiz, who is here
18 with us today?

19 A. Yes.

20 Q. And with respect to the transfer of money that
21 you found indicia of in the Chevy pickup, did you all
22 investigate who that money was sent to?

23 A. No, we did not -- we didn't look into it at
24 that point. My interest in those documents was simply
25 tying Mr. Ramirez-De La Torre to the vehicle.

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1 Q. The bulk of them had -- were being sent in
2 relatively small amounts to Zacatecas, Mexico, right?
3 A. That would seem accurate, yes.
4 Q. Do you know where Zacatecas, Mexico is?
5 A. Not without a map, no.
6 Q. Is it possible for a person to look at a
7 chicken or a rooster or a hen and determine if it's thirsty
8 or -- or has -- is being deprived of water?
9 A. I personally don't have enough knowledge about
10 chickens to be able to answer that.
11 Q. And what was the date on that trophy, do you
12 remember?
13 A. 2018.
14 Q. Do you remember what month?
15 A. The trophy doesn't have a month.
16 Q. Oh, it just has "2018" on it?
17 A. (Nods head).
18 MR. WOODBURY: Thank you. I don't think I have
19 anything further.

20 THE COURT: Redirect?

21 REDIRECT EXAMINATION

22 BY MR. MILLS:

23 Q. Sergeant Smith, the search warrant was
24 executed on March 19; is that correct?

25 A. Yes.

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1 A. When I talk about the total number of
2 chickens, that would be including roosters and hens.
3 Q. Okay. So the word "chicken," for you, when
4 you use that, would include both roosters and hens?
5 A. Yes.
6 Q. Male and female chickens?
7 A. (Nods head).
8 Q. So it sounds like all of the roosters were --
9 were put down; is that correct?
10 A. Yes.
11 Q. But there were -- so the chickens that were
12 not put down would have been hens?
13 A. Yes.
14 Q. And it's your recollection that there were --
15 estimate that there would have been between 400 and 600
16 total chickens?
17 A. That is my estimate, yes.
18 Q. With regards to the cell phones that Ms. Dunn
19 was asking you about from the master bedroom, I believe you
20 testified that there were two cell phones; is that correct?
21 A. Yes.
22 Q. And you testified about one of them, I believe
23 an Apple phone, that there was nothing of evidentiary value
24 found on that phone; is that correct?
25 A. That is correct.

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1 Q. When were the chickens, the roosters
2 euthanized?
3 A. Approximately nine or ten days later.
4 Q. And in the intervening time, who was caring
5 for the roosters?
6 A. We were, and the officers that were on scene,
7 plus animal services, Deputy Smith.
8 Q. And what did that care consist of? What did
9 you guys do to take care of the birds?
10 A. Filling the bowls with water and feed multiple
11 times a day.
12 Q. What was the condition of those bowls on the
13 19th when you first started caring for the birds? In other
14 words, was there food and water in the bowls?
15 A. I wouldn't be able to answer that. I was --
16 the scope of everything, I wasn't looking at the bowls.
17 Q. Now, just to follow up on what Mr. Woodbury
18 was asking you about roosters versus chickens being, you
19 know, put down and killed, I believe you testified that all
20 of the roosters were put down?
21 A. That's my memory, yes.
22 Q. Now, when you were talking about chickens --
23 and just to get our terminology consistent for all of us,
24 by chicken, do you mean a -- a rooster and a hen or just a
25 hen?

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1 Q. What about the other phone?
2 A. The other phone, we were not able to access,
3 and so I wouldn't be able to answer what -- what could be
4 or would not be on that phone.
5 Q. Sergeant Smith, how long have you been dealing
6 with narcotics investigations over your career?
7 A. Maybe five years of my total time as a
8 detective.
9 Q. You have investigated a lot of cases involving
10 people that sell and traffic in -- in drugs?
11 A. Yes.
12 Q. In your experience, is it common for somebody
13 involved in that sort of business to have multiple phones?
14 A. Yes.
15 Q. A personal phone and then a business phone, so
16 to speak?
17 A. Yes.
18 Q. With regards to the coops that -- that there
19 was some digging under, it sounds like -- would it be fair
20 to say that the majority of the coops that were dug under
21 were inside the barn?
22 A. Yes.
23 Q. I believe you did mention that there were --
24 there was some digging that took place outside of the barn;
25 is that correct?

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1 A. Yes.
2 Q. Under approximately how many coops or in how
3 many places outside of the barn did you guys dig?
4 A. I specifically remember two areas.
5 Q. And were those areas under coops or were they
6 just on the ground somewhere in between coops, or where
7 were they?
8 A. Those areas were outside of the -- the chicken
9 coop area, part of the compound of chicken coops. Those
10 two areas were in the back yard.
11 Q. And how many coops were outside that you
12 didn't dig under?
13 A. We dug under the coops that were inside the
14 brown barn, but we did not try to move the -- the coops
15 that were outside the brown barn. The logistics of that
16 was more than we were able to handle.
17 Q. You didn't dig under any of those coops
18 outside the barn, correct?
19 A. Correct.
20 Q. And it's your recollection that there was a
21 couple of places otherwise outside of the barn that --
22 where you dug?
23 A. Yes.
24 Q. Out of how large a property?
25 A. It's a 2.7-acre compound.

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1 Q. Why was that?
2 A. There would be flooring on there --
3 Q. Okay.
4 A. -- that would -- that there was no evidence
5 that that had been manipulated or anything.
6 Q. So the -- the dirt part of the brown barn --
7 A. Yes.
8 Q. -- the dirt floor area is what was basically
9 dug up ultimately?
10 A. Yes.
11 Q. But it started with chicken coop 18?
12 A. Yes.
13 Q. Which is where the three -- basically three
14 pounds of alleged methamphetamine was found?
15 A. Yes.
16 Q. Do you know whether both of those phones that
17 were taken into custody from Mr. Ruiz's bedroom were his?
18 A. I don't have positive ID, just they both were
19 on what would be his side of the bed.
20 Q. And it was his side of the bed because?
21 A. Because the items that were on the other side
22 matched up with a woman sleeping on that side of the bed.
23 Q. All right. And so you don't know whether they
24 were both his or not?
25 A. No, I would not know for sure that they were

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1 Q. So would it be fair to say that there were
2 lots of places you didn't dig?

3 A. Yes.

4 MR. MILLS: I will pass the witness.

5 THE COURT: Recross, Ms. Dunn, anything.

6 MS. DUNN: Yes, Your Honor.

7 RECCROSS-EXAMINATION

8 BY MS. DUNN:

9 Q. So just to be clear, make sure I understood
10 what Mr. Mills was asking you, there were no chicken coops
11 that you dug under outside of the brown barn?

12 A. That is what I recall, is we did not dig any
13 of the coops outside of the brown barn.

14 Q. And I'm sorry, I know that there was --
15 chicken coop number 18 was in the brown barn. But how many
16 coops do you think were in the brown barn?

17 A. I am trying to recall. There might have been
18 eight or ten chicken coops that would be similar to chicken
19 coop 18.

20 Q. Okay. Were there other chicken coops inside
21 the brown barn that you could dig under?

22 A. For that section of the barn, those are the
23 chicken coops that were basically boxes that we could move
24 and then dig that area. The other areas of the barn were
25 not areas that we could dig.

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1 both his or not.

2 Q. You didn't have the crime lab test for
3 fingerprints or anything like that on the phones, did you?

4 A. No, I did not.

5 Q. I know the State asked you about whether or
6 not your unit was like CSI on TV and could do DNA and --
7 and fingerprints.

8 You stated that unless there was a dead body,
9 the crime lab wouldn't come out and --

10 A. With the finite resources that the crime lab
11 has, I wouldn't even ask them to come out without a dead
12 body or another significant -- I wouldn't -- this is not a
13 crime -- we're not dealing with forensic -- SI -- or IS.
14 It's not one of the cases that I would call them for.

15 Q. So that's having the crime lab come out.

16 You can send stuff to the crime lab to have
17 analyzed, correct?

18 A. Yes, I can, but --

19 Q. For DNA?

20 A. For DNA.

21 Q. For fingerprints?

22 A. Yes, none of which would be standard in a
23 narcotics investigation.

24 Q. I understand it may not be standard, but it's
25 something that could be done, correct?

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1 A. Personally, I have never seen it done, but
2 yes.
3 Q. Mr. Woodbury was asking you about some of the
4 wire transfers, the money transfers that were found in
5 the -- the gray pickup that were Mr. Ramirez-De La Torre's.
6 Did you find any receipts or paperwork of any
7 kind of wire transfers in the main residence?
8 A. No, I do not.
9 Q. And as you testified previously, that can be
10 indicia of drug trafficking, correct?
11 A. I -- I don't know that I was even asked that
12 question. But I would say it could be indicia of drug
13 trafficking; it could not be.
14 Q. Had you found any in the main residence, you
15 would have considered it evidentiary value?
16 A. I think it would have been worth collecting
17 and looking into, yes.
18 Q. But you didn't find any?
19 A. No.
20 Q. Was it your understanding, based upon the
21 investigation, your knowledge of the investigation, that
22 Mr. Ramirez-De La Torre and Eduardo Ruiz were caretakers
23 for the chickens?
24 A. Yes.
25 MS. DUNN: I have no further questions.

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1 with Gaylor when he went into the barn under coop" --
2 "under 18 coop to dig?"
3 Any objections?
4 MR. MILLS: None from the State.
5 MS. DUNN: No.
6 MR. WOODBURY: I don't have any.
7 THE COURT: Okay. Court will ask the question.
8 Thank you.
9 (WHEREUPON, the side bar conference was concluded)
10 JURY QUESTION
11 BY THE COURT:
12 Q. One jury question for you, sir. Of course you
13 are still under oath.
14 Do you know if anyone was with Gaylor when he
15 went into the barn under number 18 coop to dig?
16 A. When he actually walked into the barn, I can't
17 say whether somebody walked in with him. But I know that
18 while he was digging, I had been in and out of the barn and
19 Detective Eisinger had been in and out of the barn. And
20 Detective Eisinger and I were standing outside the barn
21 when Detective Gaylor hit plastic and said, "Guys, you are
22 going to want to come in here." I went in. That's when
23 the -- saw the lid and cleared it off and opened the
24 bucket.
25 THE COURT: Follow-up, Mr. Mills?

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1 THE COURT: Any recross-examination,
2 Mr. Woodbury?
3 MR. WOODBURY: Yes, Your Honor.
4 RECCROSS-EXAMINATION
5 BY MR. WOODBURY:
6 Q. Would you be surprised to learn that Eduardo
7 did not call himself a caretaker, he just called himself a
8 chicken manager?
9 A. That wouldn't surprise me, but --
10 Q. All right. And nobody, as far as you know,
11 ever inquired of Mr. Ramirez what a caretaker -- what --
12 what obligations he had towards the chickens, right?
13 A. No.
14 MR. WOODBURY: Thank you. I have nothing
15 further.
16 THE COURT: Any jury questions for Sergeant
17 Smith?
18 While -- okay. While you are thinking about
19 that, I assume he is held subject to recall?
20 All right. Please write your juror number on the
21 question, one sheet of paper per question. Thank you.
22 (WHEREUPON, the following proceedings were had at side
23 bar:)
24 THE COURT: We are on side bar.
25 Juror number 12 asks, "Do you know if anyone was

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1 MR. MILLS: No, Your Honor.
2 THE COURT: Follow-up, Ms. Dunn?
3 MS. DUNN: Just real quick.
4 RECCROSS-EXAMINATION
5 BY MS. DUNN:
6 Q. Were any of you guys wearing body cams at that
7 time?
8 A. No, we don't even have body cameras.
9 Q. Some law enforcement did that was present on
10 the scene, correct?
11 A. Not on that date, but -- the uniformed
12 personnel wear body cams. Because we are plain-clothes, we
13 don't wear them.
14 MS. DUNN: Okay. Nothing further.
15 THE COURT: Mr. Woodbury, anything else?
16 MR. WOODBURY: I have nothing.
17 THE COURT: All right.
18 Thank you for your testimony, sir.
19 Remember the rule of exclusion.
20 And we'll go ahead and take our afternoon recess.
21 If you could just walk that around and set it on
22 the clerk's table. Thank you, Sergeant Smith.
23 THE WITNESS: Thank you, Your Honor.
24 THE COURT: She'll come grab it from you. Even
25 better. Thank you, Darla.

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CERTIFICATE OF SERVICE

I certify that this document was filed electronically with the Nevada Supreme Court on the 15 day of November, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

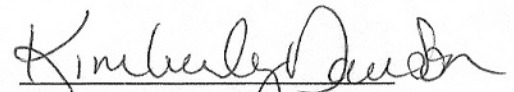
Elko County District Attorney

Gary D. Woodbury

Nevada Attorney General

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid to the following address(es):

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KIMBERLY DAWSON