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Respondent.

Docket 84724 Document 2023-04809

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MARIO BLADIMIR TREJO
Case No. 84724

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ORIGINAL

1 IND

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL SCHWARTZER
6 Chief Deputy District Attorney
7 Nevada Bar #10747
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 04 2018

BY  KIMBERLY ESTALA, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 MARIO BLADIMIR TREJO,
13 #2717641

14 Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIII

INDICTMENT

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 The Defendant above named, MARIO BLADIMIR TREJO, accused by the Clark
18 County Grand Jury of the crime(s) of BURGLARY WHILE IN POSSESSION OF A
19 FIREARM (Category B Felony - NRS 205.060 - NOC 50426); ROBBERY WITH USE OF A
20 DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); FIRST
21 DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS
22 200.310, 200.320, 193.165 - NOC 50055); ASSAULT ON A PROTECTED PERSON WITH
23 USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205);
24 CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 -
25 NOC 50147) and ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category
26 B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145), committed at and within the
27 County of Clark, State of Nevada, on or between the 4th day of August, 2018 and the 3rd day
28 of September, 2018, as follows:

C-18-335315-1
IND
Indictment
4785407



1 COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM

2 did willfully, unlawfully, and feloniously enter a building, owned or occupied by
3 SUPERPAWN, located at 1150 South Rainbow Boulevard, Las Vegas, Clark County, Nevada,
4 with intent to commit a felony, to wit: robbery, while in possession of and/or gaining
5 possession of a firearm at any time during the commission of the crime and/or at any time
6 before leaving the structure or upon leaving the structure.

7 COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON

8 did willfully, unlawfully, and feloniously take personal property, to wit: jewelry and/or
9 U.S. currency, from the person of ADRIANE SERRANO, or in her presence, by means of
10 force or violence, or fear of injury to, and without the consent and against the will of
11 ADRIANE SERRANO, with use of a deadly weapon, to wit: a firearm.

12 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

13 did willfully, unlawfully, and feloniously take personal property, to wit: jewelry and/or
14 U.S. currency, from the person of GIOVANNI ANDINO, or in his presence, by means of force
15 or violence, or fear of injury to, and without the consent and against the will of GIOVANNI
16 ANDINO, with use of a deadly weapon, to wit: a firearm.

17 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

18 did willfully, unlawfully, and feloniously take personal property, to wit: jewelry and/or
19 U.S. currency, from the person of IVAN JAQUEZ, or in his presence, by means of force or
20 violence, or fear of injury to, and without the consent and against the will of IVAN JAQUEZ,
21 with use of a deadly weapon, to wit: a firearm.

22 COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

23 did willfully, unlawfully, and feloniously take personal property, to wit: jewelry and/or
24 U.S. currency, from the person of CARLA RECK, or in her presence, by means of force or
25 violence, or fear of injury to, and without the consent and against the will of CARLA RECK,
26 with use of a deadly weapon, to wit: a firearm.

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1 COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, and feloniously take personal property, to wit: jewelry and/or
3 U.S. currency, from the person of JONATHAN RIVERA-SANDOVAL, or in his presence,
4 by means of force or violence, or fear of injury to, and without the consent and against the will
5 of JONATHAN RIVERA-SANDOVAL, with use of a deadly weapon, to wit: a firearm.

6 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

7 did willfully, unlawfully, and feloniously take personal property, to wit: jewelry and/or
8 U.S. currency, from the person of JULIANA SALDANA, or in her presence, by means of
9 force or violence, or fear of injury to, and without the consent and against the will of JULIANA
10 SALDANA, with use of a deadly weapon, to wit: a firearm.

11 COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON

12 did willfully, unlawfully, and feloniously take personal property, to wit: jewelry and/or
13 U.S. currency, from the person of MELANI HOWARD, or in her presence, by means of force
14 or violence, or fear of injury to, and without the consent and against the will of MELANI
15 HOWARD, with use of a deadly weapon, to wit: a firearm.

16 COUNT 9 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

17 did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,
18 abduct, conceal, kidnap, or carry away ADRIANE SERRANO, a human being, with the intent
19 to hold or detain the said ADRIANE SERRANO against her will, and without her consent, for
20 the purpose of committing robbery, with use of a deadly weapon, to wit: a firearm.

21 COUNT 10 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY
22 WEAPON

23 did willfully, unlawfully, feloniously and intentionally place another person in
24 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
25 attempt to use physical force against another person, to wit: T. CARRIGY, a protected person
26 employed as a police officer with the Las Vegas Metropolitan Police Department, while T.
27 CARRIGY was performing his or her duties as a police officer, which Defendant knew, or

28 //

1 should have known, that T. CARRIGY was a police officer, with use of a deadly weapon, to
2 wit: a firearm, by threatening T. CARRIGY with said firearm.

3 COUNT 11 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY
4 WEAPON

5 did willfully, unlawfully, feloniously and intentionally place another person in
6 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
7 attempt to use physical force against another person, to wit: K. GRAHAM, a protected person
8 employed as a police officer with the Las Vegas Metropolitan Police Department, while K.
9 GRAHAM was performing his or her duties as a police officer, which Defendant knew, or
10 should have known, that K. GRAHAM was a police officer, with use of a deadly weapon, to
11 wit: a firearm, by threatening K. GRAHAM with said firearm.

12 COUNT 12 - CONSPIRACY TO COMMIT ROBBERY

13 did willfully, unlawfully, and feloniously conspire with an unnamed co-conspirator to
14 commit a robbery, by the defendant and/or unnamed co-conspirator committing the acts as set
15 forth in Count 2, said acts being incorporated by this reference as though fully set forth herein.

16 COUNT 13 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

17 did willfully, unlawfully, and feloniously attempt to take personal property, to wit: U.S.
18 currency and/or merchandise, from the person of JENNIFER INCERA, or in her presence, by
19 means of force or violence, or fear of injury to, and without the consent and against the will of
20 JENNIFER INCERA, by Defendant and/or an unnamed co-conspirator running toward
21 JENNIFER INCERA with guns in hand as JENNIFER INCERA was attempting to open a
22 business, with use of a deadly weapon, to wit: a firearm, the Defendant(s) being criminally
23 liable under one or more of the following principles of criminal liability, to wit: (1) by directly
24 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
25 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,
26 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a

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1 conspiracy to commit this crime, with the intent that this crime be committed, Defendant
2 and/or an unnamed co-conspirator aiding or abetting and/or conspiring by Defendant and/or
3 an unnamed co-conspirator acting in concert throughout.

4 DATED this 3 day of October, 2018.

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

8 BY

9  for
10 MICHAEL SCHWARTZER
11 Chief Deputy District Attorney
12 Nevada Bar #10747

13 ENDORSEMENT: A True Bill

14 
15
16 Foreperson, Clark County Grand Jury
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Names of Witnesses and testifying before the Grand Jury:

CARRIGY, THOMAS – c/o CCDA 200 LEWIS AVE, LAS VEGAS, NV

CLARK, JEFFREY – LVMPD #13952

GRAHAM, KEENAN – c/o CCDA 200 LEWIS AVE, LAS VEGAS, NV

INCERRA, JENNIFER – c/o CCDA 200 LEWIS AVE, LAS VEGAS, NV

PATTON, JOE - LVMPD

SALDANA, JULIANA – 4330 E NEW YORK AVE, LAS VEGAS, NV 89104

SERRANO-BOJORQUEZ, ADRIANE – c/o CCDA 200 LEWIS AVE, LAS VEGAS, NV

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

FARRINGTON, BRIAN- c/o CCDA 200 LEWIS AVE, LAS VEGAS, NV

HOWARD, MELANI – 9470 PEACE HWY APT223, LV, NV 89147

JAQUEZ, IVAN – 4551 WISCONSON AVE, LV, NV 89104

LEAVITT, JASON – LVMPD #5814

PANDULLO, TULLIO – LVMPD #7884

PEREZ VILLAFANE, MARIANGELY – LVMPD #17009

SMITH, KYLE – LVMPD #16897

18BGJ002X/18F16522X/18F16756X/zm-GJ
LVMPD EV# 180903001848; 180804001158
(TK3)

WARR

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

OCT 04 2018

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO BLADIMIR TREJO
ID#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIII

BY 
KIMBERLY ESTALA, DEPUTY

WARRANT FOR ARREST

INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 4 day of October, 2018, in the above entitled Court, charging Defendant MARIO BLADIMIR TREJO, above named, with the crime(s) of: (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); (7) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); (1) CT - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055); (2) CT - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147) and (1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145).

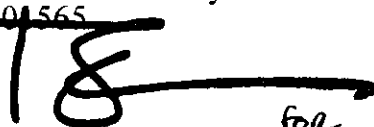
YOU ARE, THEREFORE, COMMANDED forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ 500,000 N/A.

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night.

GIVEN under my hand this 4 day of October, 2018.

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

BY


MICHAEL SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #10747


DISTRICT JUDGE
DOUG HERNDON
BAIL \$ 4500,000 u/A.

DA# 18BGJ002X/18F16522X/18F16756X/zm
LVMPD EV#180903001848; 180804001158
12/02/1990;UMA;680-21-1175;
(TK3)

C-18-335315-1
WARR
Warrant
4786408



RET
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #10747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO BLADIMIR TREJO,
ID#2717641

Defendant.

CASE NO: C-18-335315-1
DEPT NO: XXIII

INDICTMENT WARRANT RETURN

An Indictment having heretofore been found on the 4 day of October, 2018, in the above entitled Court, charging Defendant MARIO BLADIMIR TREJO, above named, with the crime(s) of: (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); (7) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); (1) CT - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055); (2) CT - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147) and (1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145), and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the ____ day of _____ 2018.

JOSEPH LOMBARDO
Sheriff, Clark County, Nevada

BY:

Deputy

RET
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #10747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

Electronically Filed
10/05/2018

Heather S. Lemin
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO BLADIMIR TREJO,
ID#2717641

Defendant.

CASE NO: C-18-335315-1
DEPT NO: XXIII

INDICTMENT WARRANT RETURN

An Indictment having heretofore been found on the 4 day of October, 2018, in the above entitled Court, charging Defendant MARIO BLADIMIR TREJO, above named, with the crime(s) of: (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); (7) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); (1) CT - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055); (2) CT - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147) and (1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145), and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the 5th day of October 2018.

JOSEPH LOMBARDO
Sheriff, Clark County, Nevada

BY:

[Signature]
Deputy

WARR

FILED IN OPEN COURT

STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 04 2018

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO BLADIMIR TREJO
ID#2717641

Defendant.

BY, KIMBERLY ESTALA, DEPUTY

CASE NO: C-18-335315-1

DEPT NO: XXIII

WARRANT FOR ARREST

INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 4 day of October, 2018, in the above entitled Court, charging Defendant MARIO BLADIMIR TREJO, above named, with the crime(s) of: (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); (7) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); (1) CT - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055); (2) CT - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147) and (1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145).


YOU ARE, THEREFORE, COMMANDED forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ 500,000 +HA.

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night.

GIVEN under my hand this 4 day of October, 2018.

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

BY


MICHAEL SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #10747


DISTRICT JUDGE
DOUG HERNDON
BAIL \$ 500,000 +HA

DA# 18BGJ002X/18F16522X/18F16756X/zm
LVMPD EV#180903001848; 180804001158
12/02/1990;UMA;680-21-1175;
(TK3)

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

*PAGE 1 OF 3 ☐ UOF ☐ BODY CAM
*ID/CS# 2717641 ☐ NEW ID
☐ JUVENILE ☐ DNA SAMPLE TAKEN ☐ DNA NOT REQ'D



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
TEMPORARY CUSTODY RECORD
(* DENOTES OFFICER REQUIRED FIELD)

*ARREST DATE: 10/4/2018 *ARREST TIME: 1549
*EVENT #:
*CO-DEF:

CO. SGT APPROVAL

☒ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ NDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ NLV ☐ COURTESY HOLD ☐ DETAINER

*INTAKE NAME (AKA, ALIAS, ETC.) LAST TREJO				FIRST MARIO				MIDDLE BLADIMIR				TRUE NAME LAST TREJO				FIRST MARIO				MIDDLE BLADIMIR					
*HOME ADDRESS (STREET # AND STREET NAME) 6420 IRONBARK								BLDG./APT.#		*CITY LAS VEGAS				*STATE NV		*ZIP 89107		*PLACE OF BIRTH MEXICO COUNTRY							
*DATE OF BIRTH 12/02/1990		*RACE W		HISP ETHN		*SEX M		*HEIGHT 5'08"		*WEIGHT 250		*HAIR BRO		*EYES HAZ		*SOCIAL SECURITY # 680-21-1175		*CITIZENSHIP MEXICO COUNTRY		*ALIEN REGISTRATION #		<input type="checkbox"/> US VETERAN <input type="checkbox"/> ACTIVE MILITARY			
*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) <input checked="" type="checkbox"/> CC <input type="checkbox"/> LV WARRANT LAS VEGAS, NV 89101												*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP) CCDC LAS VEGAS, NV 89101 > NT-5A-03-L												<input type="checkbox"/> CITIZEN'S ARREST <input checked="" type="checkbox"/> SPEAKS ENGLISH	
*ARR ** TYPE		*COURT JURIS		*WARRANT # / CASE #				*# CNTS		*NOC CODE		* M GM F		*CHARGE LITERAL				*ORD / NRS		*BAIL		*EVENT# / NIC#			
GJI		DC		C-18-335315-1				1		50426		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		BURGLARY WHILE POSS OF GUN/DW				205.060.4		500000					
GJI		DC		C-18-335315-1				1		50138		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ROBBERY, E/DW				200.380		TB					
GJI		DC		C-18-335315-1				1		50138		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ROBBERY, E/DW				200.380		TB					
GJI		DC		C-18-335315-1				1		50138		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ROBBERY, E/DW				200.380		TB					
GJI		DC		C-18-335315-1				1		50138		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ROBBERY, E/DW				200.380		TB					
GJI		DC		C-18-335315-1				1		50138		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ROBBERY, E/DW				200.380		TB					
*OTHER JURISDICTION:												**ARREST TYPES: PC - PROBABLE CAUSE BS - BONDSMAN SURRENDER BW - BENCH WARRANT AW - ARREST WARRANT RM - REMAND GJI - GRAND JURY INDICTMENT													

TIME STAMP AT BOOKING 10/4/2018 3:59 PM		*ARRESTING OFFICER SIGNATURE 		*PRINTED NAME E. FENNEL		*P# 7611		*AGENCY Lump		OT *SECTOR/BEAT OF ARREST		FIRST APP DATE:		TIME STAMP AT RELEASING	
		*TRANSPORTING OFFICER SIGNATURE 		*PRINTED NAME In Custody		*P#		*AGENCY		OTHER AREA CMD		TIME:			
		*EMERGENCY CONTACT NA NOTGIVEN				CUSTODY RELEASED TO									
		*RELATIONSHIP NOT PROVIDED				NAME									
		*PHONE NUMBER				POSITION									
		*EMAIL ADDRESS				AGENCY									
P#		JUDGE:												P#	
DOC DIST P#		REL REV P#													
PID: 1:1		RT LT		RI LI		SCORE: REBOOK		1:N		RT LT		RI LI		SCORE:	
		<input type="checkbox"/> POLICE RECORDS COPY		<input checked="" type="checkbox"/> COURTS COPY		<input checked="" type="checkbox"/> DSD RECORDS COPY		<input type="checkbox"/> PROCESSING COPY							

*PAGE 2 OF 3 ☐ UOF ☐ BODY CAM
*ID/cs# 2717641 ☐ NEW ID
☐ JUVENILE ☐ DNA SAMPLE TAKEN ☐ DNA NOT REQ'D

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
TEMPORARY CUSTODY RECORD
(* DENOTES OFFICER REQUIRED FIELD)

*ARREST DATE: 10/4/2018 *ARREST TIME: 1549
*EVENT #:
*CO-DEF:

CO. SGT APPROVAL

☒ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ NDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ NLV ☐ COURTESY HOLD ☐ DETAINER

*INTAKE NAME (AKA, ALIAS, ETC.) LAST TREJO				FIRST MARIO				MIDDLE BLADIMIR				TRUE NAME LAST TREJO				FIRST MARIO				MIDDLE BLADIMIR			
*HOME ADDRESS (STREET # AND STREET NAME) 6420 IRONBARK								BLDG./APT.#		*CITY LAS VEGAS		*STATE NV		*ZIP 89107		*PLACE OF BIRTH MEXICO COUNTRY							
*DATE OF BIRTH 12/02/1990		*RACE W		HISP ETHN		*SEX M		*HEIGHT 5'08"		*WEIGHT 250		*HAIR BRO		*EYES HAZ		*SOCIAL SECURITY # 680-21-1175		*CITIZENSHIP MEXICO COUNTRY		*ALIEN REGISTRATION #		<input type="checkbox"/> US VETERAN <input type="checkbox"/> ACTIVE MILITARY	
*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) <input checked="" type="checkbox"/> CC <input type="checkbox"/> LV WARRANT LAS VEGAS, NV 89101										*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP) CCDC LAS VEGAS, NV 89101										<input type="checkbox"/> CITIZEN'S ARREST <input checked="" type="checkbox"/> SPEAKS ENGLISH			
*ARR ** TYPE		*COURT JURIS		*WARRANT # / CASE #		*# CNTS		*NOC CODE		* M GM F		*CHARGE LITERAL						*ORD / NRS		*BAIL		*EVENT# / NIC#	
GJI		DC		C-18-335315-1		1		50138		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ROBBERY, E/DW						200.380		TB			
GJI		DC		C-18-335315-1		1		50138		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ROBBERY, E/DW						200.380		TB			
GJI		DC		C-18-335315-1		1		50055		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		KIDNAPPING, 1ST DEGREE, E/DW						200.310.1		TB			
GJI		DC		C-18-335315-1		1		50205		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ASSAULT ON PROTECTED PERS, W/DW						200.471.2C		TB			
GJI		DC		C-18-335315-1		1		50205		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ASSAULT ON PROTECTED PERS, W/DW						200.471.2C		TB			
GJI		DC		C-18-335315-1		1		50147		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		CONSP ROBBERY						200.380		TB			
*OTHER JURISDICTION:				**ARREST TYPES: PC - PROBABLE CAUSE BS - BONDSMAN SURRENDER BW - BENCH WARRANT AW - ARREST WARRANT RM - REMAND GJI - GRAND JURY INDICTMENT																			

TIME STAMP AT BOOKING 10/4/2018 3:59 PM		*ARRESTING OFFICER SIGNATURE 		*PRINTED NAME E. FENNEL		*P# 7611		*AGENCY Lumpo		*SECTOR/BEAT OF ARREST OT		FIRST APP DATE:		TIME STAMP AT RELEASING	
		*TRANSPORTING OFFICER SIGNATURE 		*PRINTED NAME In Custody		*P#		*AGENCY		OTHER AREA CMD		TIME:			
P#		10/5/18 0:31		*EMERGENCY CONTACT NA NOTGIVEN				CUSTODY RELEASED TO				COURT: <input type="checkbox"/> JUSTICE <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUVENILE		P#	
		*RELATIONSHIP NOT PROVIDED				NAME						<input type="checkbox"/> STD BAIL <input type="checkbox"/> O.R. REL			
		*PHONE NUMBER				POSITION						<input type="checkbox"/> PC <input type="checkbox"/> I.A.D.			
		*EMAIL ADDRESS				AGENCY						JUDGE:		REL REV P#	
DOC DIST P#		PID: 1:1 RT LT RI LI SCORE: REBOOK 1:N RT LT RI LI SCORE:													
<input type="checkbox"/> POLICE RECORDS COPY <input type="checkbox"/> COURTS COPY <input checked="" type="checkbox"/> DSD RECORDS COPY <input type="checkbox"/> PROCESSING COPY															

*PAGE 3 OF 3 ☐ UOF ☐ BODY CAM
*ID/CS# 2717641 ☐ NEW ID
☐ JUVENILE ☐ DNA SAMPLE TAKEN ☐ DNA NOT REQ'D


LAS VEGAS METROPOLITAN POLICE DEPARTMENT
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*ARR ** TYPE		*COURT JURIS		*WARRANT # / CASE #				*# CNTS		*NOC CODE		* M GM F		*CHARGE LITERAL						*ORD / NRS		*BAIL		*EVENT# / NIC#	
GJI		DC		C-18-335315-1				1		50145		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		ATT ROBBERY, E/DW						200.380		TB			
												<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>													
												<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>													
												<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		WITH HOUSE ARREST											
												<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		TAPP 10-15-2018 @930AM DC XXIII											
*OTHER JURISDICTION:												**ARREST TYPES: PC – PROBABLE CAUSE BS – BONDSMAN SURRENDER BW – BENCH WARRANT AW – ARREST WARRANT RM – REMAND GJI – GRAND JURY INDICTMENT													

TIME STAMP AT BOOKING 10/4/2018 4:00 PM		*ARRESTING OFFICER SIGNATURE 		*PRINTED NAME E. FENNEL		*P# 7611		*AGENCY LVMPD		OT *SECTOR/BEAT OF ARREST		FIRST APP DATE:		TIME STAMP AT RELEASING			
		*TRANSPORTING OFFICER SIGNATURE		*PRINTED NAME IN Custody		*P#		*AGENCY		OTHER AREA CMD		TIME:					
P# M9282J		10/5/18 0:31		*EMERGENCY CONTACT NA NOTGIVEN				CUSTODY RELEASED TO						COURT: <input type="checkbox"/> JUSTICE <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUVENILE		P#	
				*RELATIONSHIP NOT PROVIDED				NAME						<input type="checkbox"/> STD BAIL <input type="checkbox"/> O.R. REL			
				*PHONE NUMBER				POSITION						<input type="checkbox"/> PC <input type="checkbox"/> I.A.D.			
				*EMAIL ADDRESS				AGENCY						JUDGE:		REL REV P#	
DOC DIST P#																	
PID: 1:1 RT LT RI LI SCORE: REBOOK														1:1 RT LT RI LI SCORE:			
<input type="checkbox"/> POLICE RECORDS COPY <input checked="" type="checkbox"/> COURTS COPY <input checked="" type="checkbox"/> DSD RECORDS COPY <input type="checkbox"/> PROCESSING COPY																	

Steven D. Grierson

RECEIVED
OCT 08 2018
DISTRICT COURT ADMIN

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada

PLAINTIFF

-VS-

Mario Trejo

DEFENDANT

CASE NO: C-18-335315-1

DEPT. NO: 23

MEDIA REQUEST AND ORDER ALLOWING
CAMERA ACCESS TO COURT PROCEEDINGS

* Please fax to (702) 671-4548 to ensure that
the request will be processed as quickly as possible.

Larry Ish (name), of KTNV (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

Dept. No. 23, the Honorable Judge Miley Presiding, on the 15th day of
October, 2018.

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-246, inclusive. If this request is being submitted less than twenty-four (24) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 6th day of October, 2018.

SIGNATURE:

Larry Ish

PHONE: 702-871-3345

IT IS HEREBY ORDERED THAT:

[] The media request is denied because it was submitted less than 24 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.

[] The media request is denied for the following reasons: _____

[X] The media request is granted. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.

[] OTHER: _____

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.

Dated this

9th day of

Oct

, 2018

Stefany A. Miley

DISTRICT COURT JUDGE

JUDGE STEFANY A. MILEY

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada

PLAINTIFF

-VS-

Mario Trejo

DEFENDANT

CASE NO: C-18-335315-1

DEPT. NO: 23

NOTIFICATION OF
MEDIA REQUEST

TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:

You are hereby notified pursuant to Supreme Court Rules 229-246, inclusive, that media representatives from KTNV have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be filed at least 24 hours prior to the subject hearing.

DATED this 8th day of October, 20 18.


Eighth Judicial District Court

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 8th day of October, 20 18, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

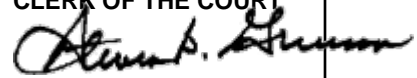
Plaintiff
District Attorney

(702) 455-2294

Defendant
Public Defender

(702) 455-5112


Eighth Judicial District Court



MOT
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
ALEXANDER C. HENRY, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 14215
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Alexander.Henry@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-18-335315-1
)	
v.	)	DEPT. NO. XXIII
)	
MARIO BLADIMIR TREJO,)	
	)	DATE: December 5, 2018
Defendant,	)	TIME: 9:30 a.m.
)	

MOTION FOR SETTING OF REASONABLE BAIL

COMES NOW, the Defendant, MARIO BLADIMIR TREJO, by and through, ALEXANDER C. HENRY, Deputy Public Defender, and moves this Honorable Court for the setting of reasonable bail pursuant to NRS 178.485

This Motion is based upon the attached Declaration of Counsel, any attached documents, argument of Counsel, and any information provided at the time set for hearing this motion.

DATED this 28th day of November, 2018.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/Alexander C. Henry
ALEXANDER C. HENRY, #14215
Deputy Public Defender

1 **ARGUMENT**

2 Mr. Trejo was indicted on one (1) count Burglary while in Possession of a Firearm, seven
3 (7) counts of Robbery with the use of a Deadly Weapon, one (1) count of First Degree
4 Kidnapping with use of a Deadly Weapon, two (2) counts of Assault on a Protected Person with
5 use of a Deadly Weapon, one (1) count of Conspiracy to Commit Robbery, and one (1) count of
6 Attempt Robbery with use of a Deadly Weapon. Bail is currently set at \$500,000.00.

7 **1. Excessive bail and/or release conditions violate(s) the Federal and State**
8 **constitutions.**

9 The Eighth Amendment to the U.S. Constitution states, in part, that “excessive bail shall
10 not be required.” U.S.C.A. VIII. Similarly, the Nevada Constitution mandates that all defendants
11 “shall be bailable by sufficient sureties”¹ and that bail shall not be “excessive”. Nev. Const. Art.
12 1 § 6-7. The constitutional right to bail is codified in Nevada statute, which requires that “a
13 person arrested for an offense other than murder of the first degree *must* be admitted to bail.”
14 NRS 178.484(1) (emphasis added).

15 Bail settings must be based on the need to ensure community safety and assure the
16 accused’s presence at criminal proceedings against them. U.S. v. Karper, 847 F. Supp. 2d 350,
17 362 (N.D. N.Y. 2011); See also NRS 178.4851 (requiring consideration of community safety and
18 the accused’s reappearance in court as factors bearing on pre-trial release). The U.S. Supreme
19 Court has defined excessive bail as “bail set at a figure higher than an amount reasonably
20 calculated to fulfill [this] purpose.” Stack v. Boyle, 342 U.S. 1, 5 (1951). Release conditions
21 also fall within the purview of the Eighth Amendment, and may not exceed a purported threat
22 posed by a particular defendant. U.S. v. Salerno, 481 U.S. 739, 754 (1987) (requiring that “the
23 Government’s proposed conditions of release or detention not be excessive in light of the
24 perceived evil.”). Thus, bail and/or release conditions cannot exceed that which is minimally
25 necessary to ensure the accused’s appearance in court and protect the community against future
26 dangerousness. U.S. v. Karper, 847 F. Supp. 2d at 362.

27 _____
28 ¹ The section makes an exception for cases involving a murder charge. Nev. Const. Art. 1 § 7.

1 **2. Detainees should be granted an own recognizance release when appropriate.**

2 Whenever possible, courts should dispense with the requirement of any financial security
3 and release a detainee either on the detainee’s “personal recognizance or upon the execution of
4 an unsecured appearance bond in an amount set by the court.” State v Brown, 338 P.3d 1276
5 (N.M. 2014) (referencing New Mexico’s bail statutes). Nevada law provides that criminal
6 defendants may be released *without bail* upon a showing of good cause that the court “can
7 impose conditions on the person that will adequately protect the health, safety, and welfare of the
8 community and ensure that the person will appear at all times and places ordered by the court.”
9 NRS 178.4851.

10 This determination involves consideration of the following factors regarding the accused:

- 11 1. The length of residence in the community;
12 2. The status and history of employment;
13 3. Relationships with the person’s spouse and children, parents or other family
14 members and with close friends;
15 4. Reputation, character and mental condition;
16 5. Prior criminal record, including, without limitation, any record of appearing or
17 failing to appear after release on bail or without bail;
18 6. The identity of responsible members of the community who would vouch for
19 the reliability of the person;
20 7. The nature of the offense with which the person is charged, the apparent
21 probability of conviction and the likely sentence, insofar as these factors relate
22 to the risk of not appearing;
23 8. The nature and seriousness of the danger to the alleged victim, any other person
24 or the community that would be posed by the person's release;
25 9. The likelihood of more criminal activity by the person after release; and
26 10. Any other factors concerning the person’s ties to the community or bearing on
27 the risk that the person may willfully fail to appear.

28 NRS 178.4853.

29 Notably, a detainee poses a flight risk only if, by a preponderance of the evidence, there
30 exists a current indication that they may intentionally evade the criminal justice system. Prior
31 failures to appear (“FTAs”) should not bear on this determination because FTAs are not always
32 willful and may result due to reasons such as illness, transportation problems, or even an errant
33 understanding of the need to be present in court at a particular date, time, and location.

1 If the Court has concerns with an own recognizance release, the Court may impose
2 release conditions provided those conditions do not exceed that which is minimally necessary to
3 protect the community and ensure the accused's return to court. U.S. v. Salerno, 481 U.S. at
4 754. Codifying this, NRS 178.4851(2) allows the Court to impose "such conditions as it deems
5 necessary to protect the health, safety and welfare of the community and to ensure that the
6 person will appear at all times and places ordered by the court . . ." These conditions can
7 include intensive supervision, electronic monitoring, execution of an unsecured appearance bond
8 (with or without a cash deposit to the court), execution of a bond secured by property belonging
9 to the detainee or an unpaid surety, or execution of cash bond.

10 **3. Any bail imposed must be tailored to a detainee's financial means**

11 If the reviewing court determines that bail is appropriate, the court must set bail "in an
12 amount which... will reasonably ensure the appearance of the defendant and the safety of other
13 persons and of the community." NRS 178.498. In making this determination, the Court must
14 consider: "(1) the nature and circumstances of the offense charged; (2) the financial ability of
15 the defendant to give bail; (3) the character of the defendant; and (4) the factors listed in NRS
16 178.4853." NRS 178.498. Significantly, an accused's ability to give bail *must* be part of the bail
17 analysis. See Stack v. Boyle, 342 U.S. 1, 4-5 (1951) (stating "Bail set at a figure higher than an
18 amount reasonably calculated to fulfill [its] purpose is 'excessive' under the Eighth
19 Amendment").

20 The practice of detaining indigent defendants by setting a bail without regard to the
21 detainee's financial ability to pay, which has been common practice in Clark County and which
22 occurred in this case, violates the U.S. and Nevada constitutions. U.S.C.A. V, VIII, XIV; Nev.
23 Const. Art. 1 § 6, 7, 8; U.S. v. Polouzzi, 697 F. Supp. 2d 381, 390 (E.D.N.Y. 2010) ("Bail
24 conditions are unconstitutionally excessive if they impose restraints that are more than necessary
25 to achieve the government's interest [in] preventing risk of flight and danger to society..."). The
26 U.S. Justice Department has declared that "[i]ncarcerating individuals solely because of their
27 inability to pay for their release, whether through the payment of fines, fees, or a cash bond,

1 violates the Equal Protection Clause of the Fourteenth Amendment.”² Jones v. City of Clanton,
2 2015 WL 5387219 at 4 (M.D. Ala. Sep. 14, 2015); see also Varden v. City of Clanton, Civ. No.
3 15–34, Dckt. No. 26 at 1 (M.D. Ala. Feb. 13, 2015). The Justice Department reasoned that a
4 secured money bail schedule, like the one utilized in Clark County, “do[es] not account for
5 individual circumstances of the accused” and it “essentially mandate[s] pretrial detention for
6 anyone who is too poor to pay the predetermined fee.” Jones, 2015 WL 5387219 at 9. As a
7 result, the Justice Department concluded that setting a bail without regard to the detainee’s
8 financial ability to pay “amounts to mandating pretrial detention only for the indigent.” Id.

9 There is no association between a particular charge and a blanket “schedule” of money
10 that would guarantee appearance at court or deter future criminal activity. These concerns can
11 only be addressed on an individualized basis. Accordingly, while “utilization of a master bond
12 schedule provides speedy and convenient release for those who have no difficulty in meeting its
13 requirements, [the] incarceration of those who cannot, without meaningful consideration of other
14 possible alternatives, infringes on both due process and equal protection requirements.” Pugh v.
15 Rainwater, 572 F.2d 1053, 1057 (5th Cir. 1978) (*en banc*).

16 Courts must tailor bail to a detainee’s financial resources, setting bail only as high as
17 necessary to reasonably assure the detainee’s return to court. The amount that would provide a
18 meaningful incentive to return to court differs for someone who lives on \$600 a month and
19 someone who lives on \$6,000 a month. Bail is excessive and, therefore, unlawful when not
20 adjusted to a pretrial detainee’s financial circumstances and not set at the minimum amount
21 needed to ensure return to court. Stack v. Boyle, 342 U.S. at 4-5 (bail exceeding that necessary
22 to achieve its purpose violates Eighth Amendment); see also, U.S. v. Salerno, 481 U.S. at 754 -
23 55 (affirming Stack and holding that “[w]hen the Government has admitted that its only
24 interest is in preventing flight, bail must be set by a court at a sum designed to ensure

25 ² The following year, the Justice Department issued a “Dear Colleague Letter” advising state and local
26 courts that due process and equal protection principles forbid using “bail or bond practices that cause
27 indigent Detainees to remain incarcerated solely because they cannot afford to pay for their release.”
28 Letter from Vanita Gupta to Colleagues at 2 (Mar. 14, 2016), available at
<https://www.justice.gov/crt/file/832461/download>.

1 that goal, and no more”). Thus, when bail is set utilizing a standardized bail schedule without
2 considering a detainee’s character and financial means the Court violates the accused’s
3 constitutional and statutory rights.³ U.S.C.A. V, VIII, XIV; Nev. Const. Art. 1 § 6-8; NRS
4 178.498 (requiring courts to consider the financial ability of the defendant in setting bail).

5 **RELIEF REQUESTED**

6 On September 18, 2018, the justice courts set bail to a total of \$250,000. After the grand
7 jury indictment, the bail increased to \$500,000. Mr. Trejo requests that this Honorable Court
8 reduce the current bail setting to \$75,000. Mr. Trejo poses a flight risk only if, by a
9 preponderance of the evidence, there exists a current indication that they may intentionally evade
10 the criminal justice system. There is no evidence to suggest or infer that Mr. Trejo would
11 intentionally evade the criminal justice system. Prior failures to appear (“FTAs”) should not
12 bear on this determination. An FTA is not the same as an intention to willfully evade the
13 criminal justice system. Nevertheless, Mr. Trejo has zero (0) FTAs.

14 The court may consider release and impose conditions that would protect the health,
15 safety, and welfare of the community. The court may impose electronic monitoring (House
16 Arrest) of Trejo. This is an option that would adequately protect the health, safety and welfare of
17 the community. Additionally, if bond is posted, a bondsman will be monitoring Mr. Trejo’s
18 movements because of bond posted.

19 Mr. Trejo is currently suffering from Tracheal Stenosis, which requires doctors to remove
20 and replace a stint in his throat. Clark County Detention Center is unable to provide medical
21 services from Mr. Trejo. Mr. Trejo needs to see a thoracic surgeon, Dr. Wiencek, who is able to
22 perform the necessary procedure that will permanently fix Mr. Trejo’s medical diagnosis.
23 Medical records can be provided to the court if requested. Mr. Trejo’s injuries were exacerbated

24
25 ³ Pretrial detainees should not remain in custody simply because they are poor. Research indicates that
26 imposing money bail does not improve the chances that a Detainee will return to court, nor does it protect
27 the public because many high-risk Detainees have access to money and can post bond. Instead, it serves
28 only to treat differently those who can and cannot access money. Incarceration can disrupt the positive
factors in the Detainee’s life and lead to negative collateral consequences, including job loss, loss of
residence, inability to care for children, and disintegration of other positive social relationships.

1 by the circumstances that unfolded in this matter. Also, this medical condition limits Mr. Trejo
2 from participating in any extraneous activities.

3 Additionally, Mr. Trejo has lived in Las Vegas for twenty-two (22) years. He is a high
4 school graduate. Mr. Trejo also has a long-term girlfriend who he has two (2) children with. Mr.
5 Trejo has been employed for most of his adult life. He worked at AT&T and T-Mobile as a
6 manager. Mr. Trejo's parents live in Las Vegas and can provide Mr. Trejo a place to live. In
7 addition, Mr. Trejo has no criminal history and zero (0) FTAs.

8 Defense Counsel has independently spoken with Mr. Trejo's friends and family in the
9 community. Christian Garcia has known Mr. Trejo for over five (5) years and corroborated Mr.
10 Trejo's work and family status. Mr. Garcia also stated that these charges against Mr. Trejo are
11 surprising and do not fit Mr. Trejo's personality. Samantha Budan has known Mr. Trejo for
12 seven (7) years was caught "off guard and surprised" to hear the charges against Mr. Trejo. She
13 also corroborated Mr. Trejo's work and family status. Finally, Michelle Padilla, client's
14 girlfriend, advised Defense Counsel of Mr. Trejo's medical issues.

15 Therefore Mr. Trejo requests that this Court set total bail of \$75,000. This bail setting is
16 based on the Defendant's ability to give bail and set at an amount reasonably calculated to fulfill
17 its purpose. Accordingly, it represents an amount reasonably necessary to satisfy concerns
18 regarding community safety and reappearance in court.

19
20 DATED this 28th day of November, 2018.

21 PHILIP J. KOHN
22 CLARK COUNTY PUBLIC DEFENDER

23
24 By: /s/Alexander C. Henry
25 ALEXANDER C. HENRY, #14215
26 Deputy Public Defender
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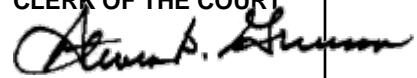
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 5th day of December, 2018 at 9:30 a.m.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

By: /s/Kristina Byrd
An employee of the
Clark County Public Defender's Office



MOT
DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ALEXANDER C. HENRY, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 14215
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Alexander.Henry@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-18-335315-1
)	
v.	)	DEPT. NO. XXIII
)	
MARIO BLADIMIR TREJO,)	
)	
Defendant,	)	DATE: January, 23, 2019
	)	TIME: 9:30 a.m.

**MOTION FOR SETTING OF REASONABLE BAIL WITH ELECTRONIC
MONITORING**

COMES NOW, the Defendant, Mario Bladimir Trejo, by and through, ALEXANDER C. HENRY, Deputy Public Defender, and moves this Honorable Court for the setting of bail reasonable with electronic monitoring pursuant to NRS 178.485.

This Motion is based upon the attached Declaration of Counsel, any attached documents, argument of Counsel, and any information provided at the time set for hearing this motion.

DATED this 14th day of January, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Alexander C. Henry
ALEXANDER C. HENRY, #14215
Deputy Public Defender

1 **PROCDUERAL HISTORY/CHARGES**

2 Mr. Trejo was indicted on one (1) count Burglary while in Possession of a Firearm, seven
3 (7) counts of Robbery with the use of a Deadly Weapon, one (1) count of First Degree
4 Kidnapping with use of a Deadly Weapon, two (2) counts of Assault on a Protected Person with
5 use of a Deadly Weapon, one (1) count of Conspiracy to Commit Robbery, and one (1) count of
6 Attempt Robbery with use of a Deadly Weapon. Bail is currently set at \$500,000.00.

7 On December 5, 2018, this Court heard Mr. Trejo's Motion to Set Reasonable Bail. This
8 Court set bail at \$500,000.00 because of the violent nature of this case and after being advised
9 that Judge Herndon set bail after hearing the allegations. Upon receiving new information from
10 the State, Mr. Trejo is now requesting this Court to reconsider his bail.

11 **STATEMENT OF FACTS**

12 While at CCDC, Mr. Trejo has stents in his throat/lung periodically replaced and/or
13 cleaned so he can breathe. After having one surgery, Mr. Trejo was waiting to be transported to
14 St. Martin Hospital to have another surgery to remove the stent blocking his lung. Unfortunately,
15 Mr. Trejo's health needed emergency services. His oxygen levels dropped to the forties, his heart
16 rate jumped to above one-hundred sixty, and it was determined that he was dying. Trauma
17 services were unable to provide treatment for Mr. Trejo and recommended that an Ears, Nose,
18 and Throat (ENT) doctor perform the appropriate medical treatment. However, the ENT doctor
19 was unable to provide any further medical services than what was already provided to Mr. Trejo.
20 It appears that personnel had to get the Chief Medical Officer involved. After some discussion, it
21 was determined that Dr. Feikes, the doctor who previously worked on Mr. Trejo, would need to
22 come back and work on Mr. Trejo. The operation included cleaning the stent, but the doctor
23 could not permanently fix the medical issue and a specialist would need to work on it. The doctor
24 did not think there were any doctors in town that could perform the necessary procedures and
25 thought a doctor would need to be brought in from out of town.

LEGAL STANDARD

The Eighth Amendment to the U.S. Constitution states, in part, that “excessive bail shall not be required.” U.S.C.A. VIII. Similarly, the Nevada Constitution mandates that all defendants “shall be bailable by sufficient sureties”¹ and that bail shall not be “excessive”. Nev. Const. Art. 1 § 6-7. The constitutional right to bail is codified in Nevada statute, which requires that “a person arrested for an offense other than murder of the first degree *must* be admitted to bail.” NRS 178.484(1) (emphasis added).

If the reviewing court determines that bail is appropriate, the court must set bail “in an amount which... will reasonably ensure the appearance of the defendant and the safety of other persons and of the community.” NRS 178.498. In making this determination, the Court must consider: “(1) the nature and circumstances of the offense charged; (2) the financial ability of the defendant to give bail; (3) the character of the defendant; and (4) the factors listed in NRS 178.4853.” NRS 178.498. Significantly, an accused’s ability to give bail *must* be part of the bail analysis. See Stack v. Boyle, 342 U.S. 1, 4-5 (1951) (stating “Bail set at a figure higher than an amount reasonably calculated to fulfill [its] purpose is ‘excessive’ under the Eighth Amendment”).

Nevada law provides that criminal defendants may be released *without bail* upon a showing of good cause that the court “can impose conditions on the person that will adequately protect the health, safety, and welfare of the community and ensure that the person will appear at all times and places ordered by the court.” NRS 178.4851. This determination involves consideration of the following factors regarding the accused:

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person’s spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;
5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

¹ The section makes an exception for cases involving a murder charge. Nev. Const. Art. 1 § 7.

6. The identity of responsible members of the community who would vouch for the reliability of the person;
7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;
8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
9. The likelihood of more criminal activity by the person after release; and
10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Additionally, a detainee poses a flight risk only if, by a preponderance of the evidence, there exists a current indication that they may intentionally evade the criminal justice system.

ARGUMENT

If Mr. Trejo is unable to see a specialist, he may die while in custody at CCDC. The State, LVMPD, CCDC, and this Court are aware of Mr. Trejo's medical conditions that require special medical procedures that CCDC and UMC cannot provide. Mr. Trejo is currently suffering from Tracheal Stenosis, which requires doctors to remove and replace a stent in his throat and/or lung. Clark County Detention Center is unable to provide medical services from Mr. Trejo. UMC is also unable to provide Mr. Trejo with the appropriate medical services. Mr. Trejo needs to see a specialty doctor, who is able to perform the necessary procedure that will permanently fix Mr. Trejo's medical diagnosis.

Mr. Trejo has lived in Las Vegas for twenty-two (22) years. He is a high school graduate. Mr. Trejo also has a long-term girlfriend who he has two (2) children with. Mr. Trejo has been employed for most of his adult life. He worked at AT&T and T-Mobile as a manager. Mr. Trejo's parents live in Las Vegas and can provide Mr. Trejo a place to live. In addition, Mr. Trejo has no criminal history and zero (0) FTAs.

Defense Counsel has independently spoken with Mr. Trejo's friends and family in the community. Christian Garcia has known Mr. Trejo for over five (5) years and corroborated Mr. Trejo's work and family status. Mr. Garcia also stated that these charges against Mr. Trejo are surprising and do not fit Mr. Trejo's personality. Samantha Budan has known Mr. Trejo for seven (7) years was caught "off guard and surprised" to hear the charges against Mr. Trejo. She

1 also corroborated Mr. Trejo's work and family status. Finally, Michelle Padilla, client's
2 girlfriend, advised Defense Counsel of Mr. Trejo's medical issues. Defense Counsel has been in
3 constant contact with Michelle. Michelle is supportive and will help in any way to ensure Mr.
4 Trejo complies with any conditions this Court imposes.

5 **RELIEF REQUESTED**

6 Mr. Trejo requests that this Honorable Court reduce the current bail setting to \$75,000.00
7 and with electronic monitoring as a condition of release. If a bond is posted, Mr. Trejo will be
8 able to use his medical insurance to find and pay for a specialist to conduct the necessary
9 medical operation. In the alternative, Mr. Trejo requests that this Court order CCDC to transport
10 Mr. Trejo to a hospital that will perform the necessary medical procedure or have CCDC bring in
11 a specialist to conduct the procedure.

12
13 DATED this 14th day of January, 2019.

14 DARIN F. IMLAY
15 CLARK COUNTY PUBLIC DEFENDER

16
17 By: /s/Alexander C. Henry
18 ALEXANDER C. HENRY, #14215
19 Deputy Public Defender
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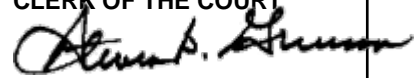
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 23rd day of January, 2019 at 9:30 a.m.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

By: /s/ Kristina Byrd
An employee of the
Clark County Public Defender's Office



NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MARIO BLADIMIR TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIII

STATE'S NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: MARIO BLADIMIR TREJO, Defendant; and

TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following expert witnesses in its case in chief:

DAVIS, GLENN – LVMPD P#17031 (or designee): FIREARMS/TOOLMARK
EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
expected to testify thereto, including, but not limited to, the forensic science underlying
firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
microscopic comparison tools, technology, and findings, National Integrated Ballistic
Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
identification, operation, trigger pull, failure, capacity, and capability, ammunition,
composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern

1 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
2 homemade) examination, serial number restoration, and firearms modification or homemade
3 firearms examination).

4 WHITTLE, CHRISTINE – LVMPD P#15383 (or designee): Expert in the field of
5 DNA extractions, comparisons, analysis, and the identification of bodily fluids and is expected
6 to testify thereto.

7 These witnesses are in addition to those witnesses endorsed on the Information or
8 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert
9 Witnesses has been filed

10 The substance of each expert witness' testimony and a copy of all reports made by or
11 at the direction of the expert witness has been provided in discovery.

12 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

13 STEVEN B. WOLFSON
14 DISTRICT ATTORNEY
Nevada Bar #001565

15 BY /s/ MICHAEL J. SCHWARTZER
16 MICHAEL J. SCHWARTZER
17 Chief Deputy District Attorney
Nevada Bar #010747

18
19 CERTIFICATE OF ELECTRONIC MAIL

20 I hereby certify that service of the foregoing, was made this 6th day of March, 2019, by
21 Electronic Mail to:

22 PUBLIC DEFENDER'S OFFICE
23 E-mail Address: pdclerk@ClarkCountyNV.gov

24 /s/ Laura Mullinax
25 Secretary for the District Attorney's Office

26
27
28 llm/GU

Las Vegas Metropolitan Police Department
Forensic Laboratory

CURRICULUM VITAE

Date: 06/13/2018

Name: Glenn Davis P#: 17301 Classification: Forensic Scientist II

Current Discipline of Assignment: Firearms Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks	X	Toxicology/Breath Alcohol	
Trace Evidence	X	Toxicology/Drugs	
Arson Analysis		Firearms	X
Latent Prints		Crime Scene Investigations	X
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support / DNA	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of New Haven	09/00 - 09/01	Forensic Science	MS
Washington State University	05/96 – 12/98	Genetics and Cell Biology	BS
Washington State University	08/91 – 05/96	Biology	BS
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
How to Identify Other Firearms course- 8 hours	Charleston, WV	June 2018	
Machining for the Firearm/Toolmark Examiner course- 4 hours	Charleston, WV	June 2018	
Glock Gen5 Armorer's course- 8 hours	Charleston, WV	June 2018	
IBIS and Matchpoint	LVMPD Las Vegas, NV	April 2018	
Ethics in Forensic Science	West Virginia University Online	January and February 2018	
Forensic Shooting Incident Reconstruction Course	Snoqualmie, WA	September 2017	
Sig Sauer P320 Armorer's course- 8 hours	Denver, CO	May 2017	
Wound Ballistics course- 2.5 hours	Denver, CO	May 2017	

Las Vegas Metropolitan Police Department
Forensic Laboratory

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
5th Swiss International Wound Ballistics Workshop- 16 hours	Hitzkirch, Switzerland	October 2016
Springfield XD/XDm Armorer's course- 8 hours	New Orleans, LA	June 2016
Benelli Nova Armorer's course- 8 hours	New Orleans, LA	June 2016
Ruger LCP and LC9 Armorer's course- 4 hours	Dallas, TX	May 2015
Glock Gen4 Armorer's course- 8 hours	Spokane, WA	July 2015
Remington 870 Armorer's course- 16 hours	Washington State Patrol Academy, Shelton, WA	December 2014
Remington R4/XM15 Armorer's course- 16 hours	Washington State Patrol Academy, Shelton, WA	December 2014
Leadership in Police Organizations	Washington State Patrol Academy, Shelton, WA	May & July 2013
Hi-Point Firearms familiarization course- 4 hours	Albuquerque, NM	June 2013
Wound Ballistics for the Firearm Examiner Workshop	Albuquerque, NM	June 2013
Subclass Characteristic Workshop	Vancouver, WA	October 2012
Colt M16 / AR15 Armorer's course- 24 hours	Washington State Patrol Academy, Shelton, WA	April 2011
BATFE Firearms, Explosives and ATF Services- 8 hours	Seattle, WA	October 2011
Heckler and Koch USP Armorer's course- 8 hours	Washington State Patrol Academy, Shelton, WA	October 2011
Smith and Wesson M&P Armorer's course- 8 hours	Washington State Patrol Academy, Shelton, WA	December 2009
Shotgun Pattern Interpretation/Trajectory into Vehicles	Fort Collins, CO	September 2009
FBI Tool Mark course (40hrs.)	Spokane, WA	August 2009
FBI Class on Gunpowder and Gunshot Residue- 40 hours	Spokane, WA	August 2008
Glock Armorer's Course- 8 hours	Yakima, WA	July 2008
TASER X25/TASER M26 Instructor Training- 16 hours	Spokane, WA	March 2008
Sig Sauer Armorer's Course- 16 hours	Kent, WA	March 2008
CSRT Technical Writing Class- 16 hours	Tacoma, WA	January 2008
Full Auto Weapons Shoot and Presentation-8 hrs	Fernan Lake, ID	November 2007
Selected Topics in Shooting Scene Reconstruction- 20 hours	Mill Creek, WA	July 2006
FBI DNA Auditor Training Class- 16 hours	Seattle, WA	February 2006
Beyond CODIS: DNA Testing and Human Identification	Spokane, WA	November 2005
Forensic Entomology: Beyond Theory and Out to the Frontline	Pullman, WA	November 2005

Las Vegas Metropolitan Police Department
Forensic Laboratory

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Applied Biosystems GeneMapper ID- 8 hours	Spokane, WA	November 2005
Future Trends in Forensic DNA Technology Seminar- 8 hours	Seattle, WA	September 2004
Crime Scene Investigation and Reconstruction- 60 hours	CJTC- Burien, WA	February 2004
Statistical Analysis of Forensic DNA Evidence	NFSTC- Largo, FL	September 2003
New DNA Technology Expedition	Spokane, WA	July 2003
Bloodstain Pattern Analysis	Spokane, WA	April 2003
NFSTC DNA Academy– 16 weeks	Largo, FL	July to November 2003
Courtroom Testimony Techniques- 16 hours	Burien, WA	January 2003
Spokane Police Department Citizen's Academy– 10 weeks	Spokane, WA	April to June 2003
Technical Writing for the Forensic Specialist- 40 hours	Sacramento, CA	June 2002
Trace Evidence Training- 4 hours	Sacramento, CA	February 2002
Tire Track and Tire Impression Evidence-	CCI- Sacramento, CA	November 2001
National Integrated Ballistics Identification Network (NIBIN)- 40 hours	Clearwater, FL	November 2001
Biological Evidence Training- 1 hour	Sacramento, CA	November 2001
Shooting Incident Reconstruction– 8 hours	Sacramento, CA	April 2001
Gunshot Primer Residue– 2 hours	Sacramento, CA	January 2001

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Adams County Superior Court	Crime Scene	1
Multiple County Superior Courts	DNA	13
Multiple County Superior Courts, Federal Courts	Firearms/ Toolmarks	66

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department Crime Laboratory	Forensic Scientist II	12/17- present
Washington State Patrol Crime Laboratory- Spokane	Forensic Scientist 3 and 4	12/02-12/17

Las Vegas Metropolitan Police Department
Forensic Laboratory

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Sacramento County District Attorney's Laboratory of Forensic Services	Forensic Technician	03/01-12/02
Sacramento County District Attorney's Laboratory of Forensic Services	Senior Student Intern	01/01-12/02

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
Association of Firearms and Tool mark Examiners (AFTE) – regular member	2014-present
Association of Firearms and Tool mark Examiners (AFTE) – provisional member	2009-2014

PUBLICATIONS / PRESENTATIONS:
Co-Instructor for Bullet Behavior: Separating Myth from Reality in Tactical Applications, presented at the 2016 NTOA (National Tactical Officer's Association) meeting in Louisville, KY
Co-Instructor for the AFTE Ring Of Fire Armorer's Workshop at 2016 AFTE (New Orleans, LA) and 2015 AFTE (Dallas, TX).
Instructor for the Serial Number Restoration Workshop at the 2009 Northwest Association of Forensic Scientists (NWAFS) / Rocky Mountain Division of the IAI (International Association of Identification) shared meeting.
“GSR Mapping”: The Study of Gunshot Residue Distribution of Known Firearms in a Closed Environment. G. Davis, L. Poole, F. Springer. Presented paper at Spring 2001 California Association of Criminalists seminar held in Tahoe City, CA and at CAC trace evidence and firearms study groups in Martinez, CA.

OTHER QUALIFICATIONS:
Member of the 2014 AFTE Meeting Host Committee and member of the AFTE Ad-Hoc Forensic Education and Resouce Committee (FERC)

ASCLD/LAB-International

STATEMENT OF QUALIFICATIONS

Name	Christine Whittle	Date	06/16/15
-------------	-------------------	-------------	----------

Laboratory	Las Vegas Metropolitan Police Department Forensic Laboratory
-------------------	--

Job Title	Forensic Scientist II
------------------	-----------------------

Indicate all disciplines in which you do casework:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Toxicology
<input type="checkbox"/>	Firearms/Toolmarks	<input checked="" type="checkbox"/>	Biology
<input type="checkbox"/>	Trace Evidence	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Digital & Multimedia Evidence		

List all category(ies) of testing in which you do casework:

DNA Nuclear, Individual Characteristic Database, Body Fluid Identification
--

Breath Alcohol Calibration Categories

<input type="checkbox"/>	Toxicology - Breath Alcohol Measuring Instruments (The work of the laboratory MUST include calibration certificates- do not check the box if work is limited to breath/alcohol testing)
<input type="checkbox"/>	Toxicology - Breath Alcohol Calibration Reference Material

Education: List all higher academic institutions attended (list high school only if no college degree has been attained)

Institution	Dates Attended	Major	Degree Completed
University of South Florida	1999-2003	Microbiology	Bachelor of Science
University of Central Florida	2005-2012	Undeclared	NA
Eastern Florida State College	1997-2014	Undeclared	NA

Other Training: List continuing education, workshops, in-service and other formal training received. Please include the course title, source and date of the training.

FDLE Forensic Technologist Training Program	Dec 2005-July 2006
NFSTC Conventional Screening Program	May 30-June 2, 2006
Applied Biosystems RT-PCR Training	October 19, 2006
WVU Hair Examination for the DNA Analyst	August 3, 2007
2008 Florida Statewide DNA Conference	May 12-13, 2007
2008 FDLE Biology Discipline Meeting	May 14-15, 2007
FDLE Crime Laboratory Analyst Training Program	Decemeber 2007-April 2008
Population Statistics and Forensic DNA Analysis	September 28-30, 2009
Bode Ninth Annual Advanced DNA Workshop East	May 23-27, 2010
Bode Processing Compromised Evidence Workshop	May 23, 2010
Bode Mixture Interpretation Workshop	May 24, 2010
Plexor®HY System and Analysis Software Training	May 3-4, 2011
Marshall University Forensic Y-STR Training	May 23-26, 2011
Promega 23 rd International Symposium for Human Identification	October 15-18 th , 2012
Promega Mixture Interpretation Workshop	October 15, 2012
Promega Validation of New Techniques and Assays Workshop	October 18, 2012

2013 FDLE Biology Discipline Meeting	February 5-6, 2013
Bode 12 th Annual Advanced DNA Technical Workshop East	May 20-24, 2013
6-Dye Evolution:Future CE Fragment Analysis Course	May 20, 2013
Bode Forensic Paternity and Kinship Statistics Workshop	May 21, 2013
NIST DNA Mixture Interpretation Workshop & Webcast	April 12, 2013
AAFS 66 th Annual Scientific Meeting	February 17-22, 2014
Development of Emerging DNA Technologies Workshop	February 17, 2014

Courtroom Experience: List the discipline/category(ies) of testing in which you have qualified to testify as an expert witness and indicate over what period of time and approximately how many times you have testified in each.

Forensic Biology/DNA-Since August of 2010-Testimony given 20 times

Professional Affiliations: List any professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Employment History: List all scientific or technical positions held, particularly those related to forensic science. List current position first. Be sure to indicate employer and give a brief summary of principal duties and tenure in each position.

Job Title	Forensic Scientist II	Tenure	May 2015-Present
Employer	Las Vegas Metropolitan Police Department Forensic Laboratory		
Provide a brief description of principal duties:			
Performs a variety of scientific laboratory analyses including DNA analysis on biological evidence, provides scientific consultation, interprets test results and forms conclusions, prepares reports and testifies as an expert witness.			

Job Title	Crime Laboratory Analyst	Tenure	November 2007-May 2015
Employer	Florida Department of Law Enforcement		
Provide a brief description of principal duties:			
Performs analytical examinations on serological evidence, characterize samples using STR DNA analysis, generates reports based on the results of examinations, testifies on casework findings			

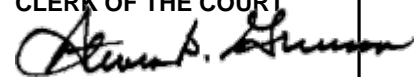
Job Title	Forensic Technologist	Tenure	December 2005-November 2007
Employer	Florida Department of Law Enforcement		
Provide a brief description of principal duties:			
Provided technical support to the analysts in the Biology section through duties such as: reagent preparation, instrument maintenance, evidence screening, and general housekeeping duties			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Other Qualifications: List below any scientific publication and/or presentation you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualification as a forensic scientist.
(Use additional sheets if necessary.)

--



1 **ROC**
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 MICHAEL SCHWARTZER
Chief Deputy District Attorney
4 Nevada Bar #010747
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff

7
8 DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 MARIO BLADIMIR TREJO,
13 #2717641
14 Defendant.

CASE NO: C-18-335315-1

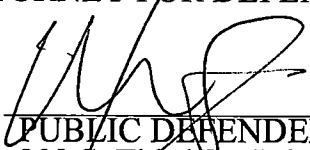
DEPT NO: XXIII

15 RECEIPT OF COPY

16
17 RECEIPT OF COPY of the above and foregoing DVD containing documents Bates
18 numbered 001-467, 19 audio files totaling 183 MB, 555 photos totaling 3.7 GB, 20 Instagram
19 images totaling 3.4 MB, and video files totaling 3.7 GB is hereby acknowledged this 20
20 day of June, 2019.

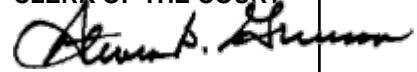
21
22 ALEXANDER HENRY
ATTORNEY FOR DEFENDANT

23
24 BY



25 PUBLIC DEFENDER
309 S. Third St. #226
26 Las Vegas, Nevada 89155

27
28 18F16522X jn/MVU



DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ALEXANDER C. HENRY, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 14215
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Alexander.Henry@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-18-335315-1
)	
v.	)	DEPT. NO. XXIII
)	
MARIO BLADIMIR TREJO,)	
	)	DATE: October 9, 2019
Defendant,	)	TIME: 9:30 a.m.
)	

**SUPPLEMENTAL MOTION FOR SETTING REASONABLE BAIL WITH HOUSE
ARREST**

COMES NOW, the Defendant, MARIO BLADIMIR TREJO, by and through
ALEXANDER C. HENRY, Deputy Public Defender and hereby requests this Honorable Court
to reduce bail to \$10,000 with house arrest as a condition of release.

This Motion is made and based upon all the papers and pleadings on file herein, the
attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 1st day of October, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Alexander C. Henry
ALEXANDER C. HENRY, #14215
Deputy Public Defender

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reconstructive surgery, but CCDC cancelled the appointment for an unknown reason. CCDC did not reschedule the appointment.

7. In summary, CCDC is not providing proper medical treatment to Mr. Trejo. Therefore, Mr. Trejo is requesting bail be set at \$10,000 with house arrest as a condition of release. Mr. Trejo believes his family and friends will be able to obtain the bail amount. If Mr. Trejo were to bail out, he will be able to seek proper medical services in the community. Mr. Trejo's top priority is getting the proper medical treatment.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 1st day of October, 2019.

/s/Alexander C. Henry
ALEXANDER C. HENRY

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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing MOTION on for hearing before the Court on the 9th day of October, 2019, at 9:30 a.m.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

By: /s/ Erin Prisbrey
An employee of the
Clark County Public Defender's Office

EXHIBIT A

Robert G. Wiencek, Jr. M.D., FACS
Clinical Professor of Cardiothoracic Surgery
Stanford Cardiothoracic Program

September 19, 2019

Alexander Henry:

I am writing in response to your letter asking for assistance with Mario Trejo.

My association with Mr. Trejo began when he came to me initially for tracheal stenosis secondary to a gunshot wound. This was treated with dilatation and tracheal stent with good results.

Mario came back to me in an emergent situation after a physician at a separate hospital attempted to place a tube in his airway and at that time I assume that physician pushed his tracheal stent down into his lungs creating a life-threatening problem. Because of Mario's unstable state I needed to retrieve that stent in an open fashion and had no choice but to leave an extra-long tracheostomy in place so that he could be provided with an airway safely. This is what he currently has in and it is called an XLT.

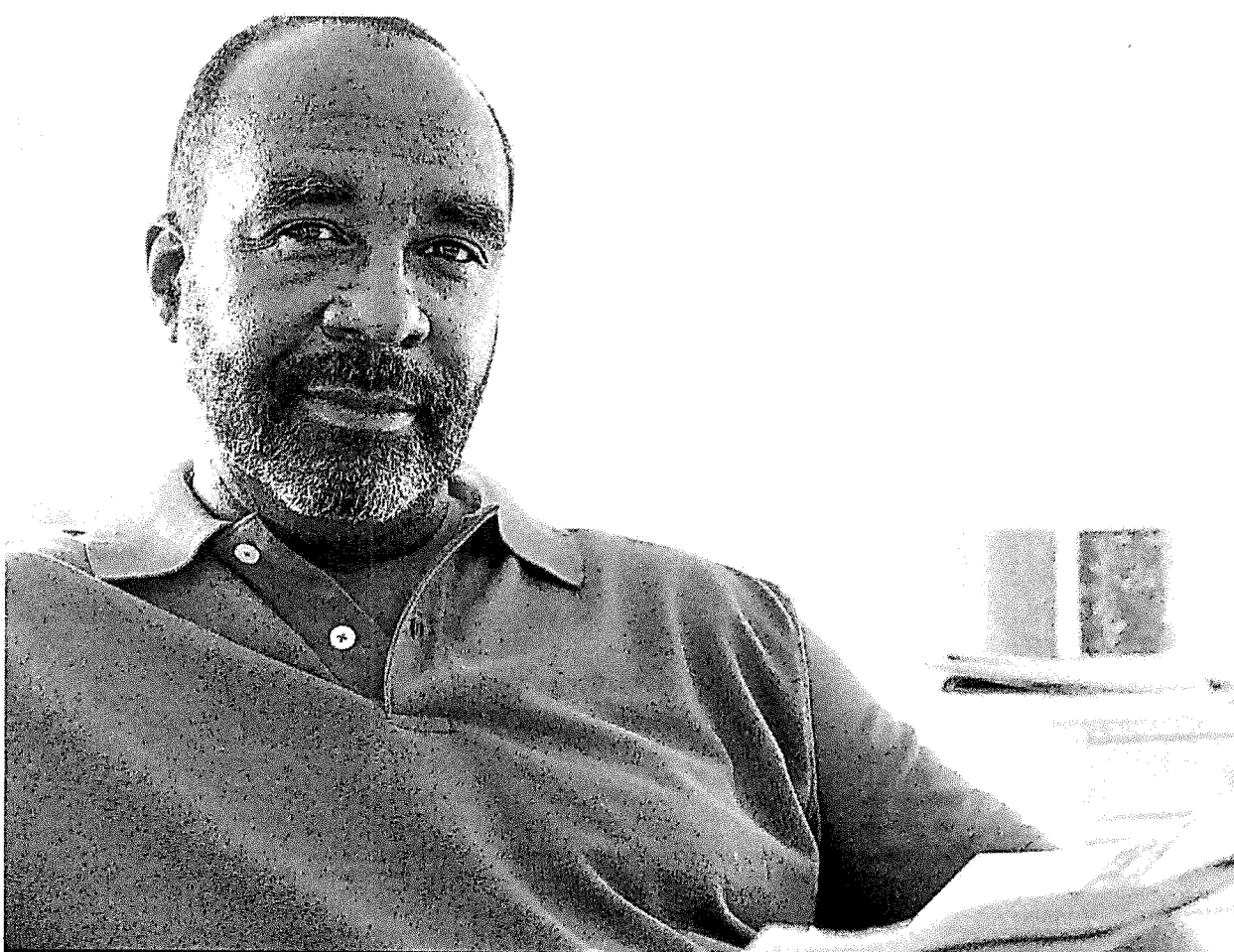
Now, care of a tracheostomy while out of the hospital can vary based on the patient. I have included a pdf file attachment for your review. An HME filter is basically an artificial nose for the tracheostomy site. It heats, moisturizes, and filters the air. As with any deviation from provider recommendations, the risks are usually preventable infection and device failure/malfunction.

In the future, the operation Mario will require to repair his trachea is a tracheal reconstruction with possible stenting. It will require 1-2 weeks in the hospital and 1-2 weeks recovering at home. This is a significant operation and has the risk of several complications including vocal cord paralysis, infection, bleeding, and poor wound healing to name a few. All of these complications could cause a need for re-operation and extended recovery time. There are some patients for whom this surgery just is not feasible for and they have no option but to keep the tracheostomy for life.

Regards,

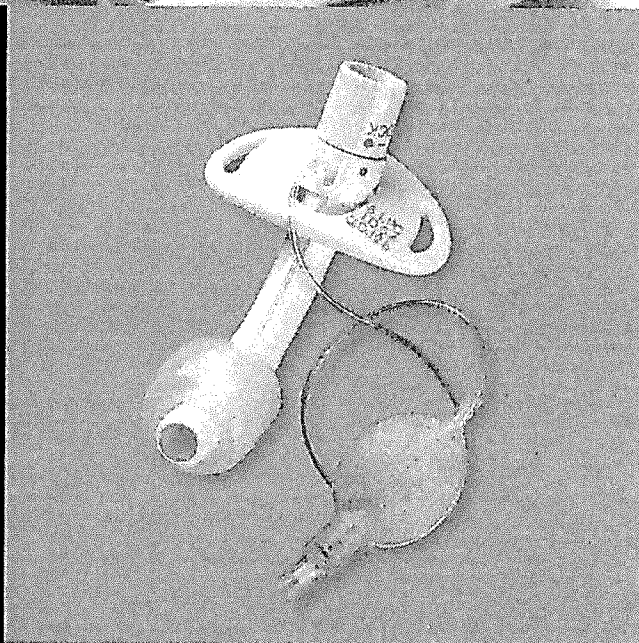


Robert G. Wiencek Jr. MD.



ADULT HOMECARE GUIDE

Shiley™ Tracheostomy Tube



Medtronic
Further. Together

Read before using this homecare guide

Caution: This manual is intended as a guide only and should not replace institutional policies or physicians' orders.

Caution: This guide and the product usage directions are intended for use with Shiley™ tracheostomy technology from Medtronic only. Use of these guidelines with other tracheostomy products is not recommended. Always follow your doctor or hospital's directions if they differ from those found here.

Warning: Shiley tracheostomy tubes are sterile if not opened, damaged or broken. Do not resterilize Shiley™ tracheostomy tubes.

Note: Federal law restricts Shiley™ tracheostomy tubes to sale by, or on the order of, a physician.

What's inside

This booklet provides information on how to care for your Shiley™ tracheostomy tube. You will find tips on how to suction, change ties, change tubes and care for the skin around the opening in your neck. Also included are basic safety tips, a problem-solving guide and an easy-to-understand glossary of the technical terms you may hear.

Review safety tips and notes

On page 3, and throughout this guide, are a number of safety tips and notes designed to warn about conditions that could adversely affect you. There are others that caution about situations that could damage your Shiley™ tracheostomy tube. Take a moment to review these tips and notes before you begin your tracheostomy tube homecare.

Important phone numbers

Doctor _____

Homecare provider _____

Homecare supplier _____

Emergency _____



Tracheostomy Tube Adult Homecare Guide

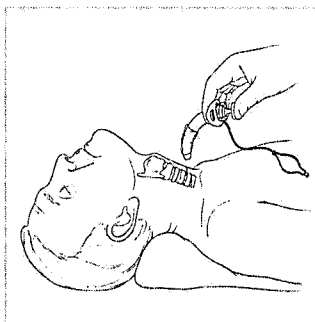
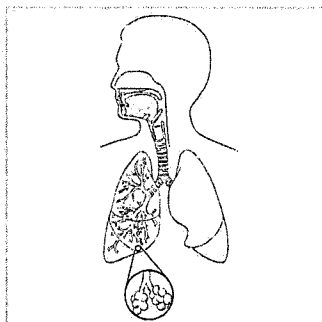
- 2. How the Tracheostomy Works**
 - What Changes Occur
- 3. Safety Tips**
- 4. Getting Ready To Go Home**
 - What You Will Need
- 5. Tips for Daily Living**
 - Humidification, Bathing, Illness, Clothing, Getting Out
 - What You Will Need in a Travel Kit
- 6. Suctioning**
 - What You Will Need
- 7. How to Suction**
- 9. Changing Ties**
 - What You Will Need
 - How to Change Twill Tape Ties
- 10. Skin Care**
 - What You Will Need
 - How to Clean Around the Opening
- 11. Changing the Tube**
 - What You Will Need
 - How to Change a Cuffed Tube
 - How to Change a Cuffless Tube
- 16. Inner Cannula Care**
 - What You Will Need
 - Reusable Inner Cannula Care
(CFN, CFS, FEN, LGT, LPC)
 - Replacing a Disposable Inner Cannula
(DCFN, DCFS, DCT, DFEN, PERC)
- 19. Tracheostomy Tube Cleaning Reference Guide**
- 20. Solving Problems**
- 22. Product Description**
 - FEN & LPC
 - CFN, CFS & LGT
- 24. DCT, DFEN & PERC**
 - DCFN & DCFS
- 26. SCT**
- 27. Speaking Valve**
- 30. Glossary**

How the tracheostomy works

The most common reasons for performing a tracheotomy are to bypass an upper airway obstruction or to provide long-term mechanical ventilator support. The doctor makes an opening (stoma) in the front of the neck into the windpipe (trachea). Then a curved plastic tube (tracheostomy tube) is placed into the opening through which you breathe.

What Changes Occur

While your tube is a wonderful aid to help you breathe better, it requires care and some changes in the way you do things. When you breathe through your nose and mouth, the air is filtered, warmed and moistened before it gets to your lungs. With a tracheostomy tube, air goes directly into your windpipe and to your lungs without being filtered, warmed or moistened. You will learn how to make up for this by using the proper equipment and by learning proper tracheostomy tube care.



If You Use A Ventilator



Routinely check the ventilator safety and auditory alarms to be sure they are working properly.

Be sure the ventilator tubes are properly placed so that they don't pull on the tracheostomy tube.

Don't twist or pull on the tracheostomy connector any more than you must. This may cause discomfort or disconnect the ventilator tubes.

Hold the tracheostomy tube in place when connecting or disconnecting the ventilator or humidification tubing.

When using a ventilator with a fenestrated tracheostomy tube, always use a non-fenestrated inner cannula with a 15 mm connector.

Safety Tips

Follow your doctor's or hospital's directions for care. If instructions in this guide are different from your training, follow your training.

Review with your physician and/or home healthcare provider the various features and accessories for your Shiley™ tracheostomy tube. Carefully read the Instructions For Use pamphlet included in each carton.

Only people who have been trained by a healthcare professional should perform tracheostomy care.

Always have extra tracheostomy tubes on hand for an emergency (one the same size and one smaller).

Do not re-sterilize Shiley tracheostomy tubes or attempt to clean them in boiling water. They are designed for "single use only."

Don't place the plastic tracheostomy tube anywhere the temperature is over 120°F.

If you have a cuffed tracheostomy tube, avoid over-inflating the cuff. This can injure your windpipe. It may also cause the cuff to extend past the end of the tube where it can restrict or block air flow.

Watch for these signs of infection, and notify your physician if present:

- Red, inflamed skin at stoma
- Foul-smelling mucus
- Bright red blood in mucus

If you are unable to remove your tracheostomy tube, or if you are unable to remove the inner cannula, do not force it. Call your physician.

Remember to:

- Avoid dust and mold.
- Avoid tobacco and other kinds of smoke.
- Avoid fumes from cleaning solutions such as ammonia or bleach.
- Be careful using any kind of spray product, such as hairspray, furniture polish, etc. You do not want to inhale the mist.
- Keep clothing away from the tracheostomy tube except for a protective scarf.
- Be sure all caregivers know CPR for tracheostomy patients.
- Post CPR instructions where they will be handy in an emergency.
- Post emergency numbers near the phone.

What you will need

- Blunt-nose bandage scissors
- Box of facial tissues
- Container (for catheter rinse water)
- Cotton swabs
- Gloves (like your doctor uses)
- Hydrogen peroxide
- Syringe (if you have a cuffed tube)
- Pre-cut tracheostomy dressing
- Replacement tracheostomy tubes (one the same size and one smaller)
- Small wash basin
- Sterile 4" X 4" gauze pads
- Sterile normal saline or sterile water (to soften mucus so that it may be suctioned)
- Suction catheter
- Suction machine with connecting tubing
- Tracheostomy tube mask (optional)
- Twill tape or other tracheostomy tube holder (to secure the tube in place)
- Water-soluble lubricant (K-Y® Brand Jelly or similar)

Getting ready to go home

Your tracheostomy tube gives you the freedom to leave the hospital and resume your life at home. However, it will require regular care to ensure that it works properly. That is why you will receive training in the hospital.

Ask plenty of questions and take notes during your hospital training sessions. Make sure you understand the proper methods of tracheostomy tube care. Practice every chance you get under the guidance of your instructor. The more practice you have, the more confident and capable you will be once you go home.

Have family members or a friend attend the instruction at the hospital so that they can help you if needed. It is always good to have someone you can turn to for help if you are sick or if there is an emergency.

Your doctor, nurse or therapist is your best source for advice. This guide will provide helpful tips and reminders so that things go smoothly once you are home again.



Note: Some items come from your home healthcare supplier, some you must buy at the store.

What you will need in a travel kit

- Blunt-nose scissors
- Breathing medications (if you use them)
- Manual resuscitation bag (if ordered by doctor)
- Portable suctioning device
- Spare tracheostomy tubes with obturator and ties (one the same size and one smaller)
- Suction catheter
- Tissues



Note: Appropriate humidification, when indicated, helps ensure that the cannula and fenestration remain open and function properly.

Tips for daily living

Humidification

Normally, your nose and mouth would moisten the air you breathe to protect the lining of your lungs. With a tracheostomy tube, you have to moisten the air another way. That's why it is important to drink plenty of liquids and use a humidifier or an "artificial nose."

Bathing

While a little moisture is good, too much can cause problems. So when you shower, direct the shower spray at chest level and place a shower shield or protective covering over your tracheostomy tube. Be careful to keep soap and water away from the tube and stoma when washing your face. Also, take care to cover your tracheostomy tube when you are shaving or using powders, hair spray, etc., around your face and neck.

Illness

For tracheostomy patients, an ounce of prevention is definitely worth a pound of cure. Eat a healthy diet. Get plenty of rest. Avoid contact with people who have colds or infections.

If illness occurs, you may need to suction more frequently. Be sure to get plenty of fluids, particularly if you have symptoms of fever, vomiting or diarrhea. If you vomit, cover the tracheostomy tube with an artificial nose or towel to keep vomit out of your airway. If you think vomit may have entered the tracheostomy tube, suction immediately.

Clothing

The main concern about clothing is that it does not block the tracheostomy tube. Avoid crew necks and turtle necks in favor of V-necks and open collar shirts or blouses. Also, don't wear clothes that shed fibers or lint.

Getting Out

If your doctor says you can leave home to go shopping or visit friends, do it. It is a wonderful break from the routine, and it will lift your spirits. Just take along a travel kit (see above).

If it's very cold outside, be sure to wear an artificial nose or loosely cover the tracheostomy tube with a scarf, kerchief or gauze. This helps to warm the air as you breathe, so that the cold air doesn't irritate your windpipe and lungs. It also helps keep out dust or dirt on windy days.

Read Before Suctioning



Note: Always follow your doctor or hospital's directions if they differ from the directions in this guide. Carefully review with your physician or home healthcare provider the applicable clinical guidelines to determine the appropriate size suction catheter for your tube. The following table can be used as a guide to help select the suction catheter size based on the internal diameter of the tube.

Note: before suctioning a fenestrated tube, make sure the non-fenestrated inner cannula is in place.

Note: if you require removal of pooled secretions above the cuff, follow the instructions of your physician or home healthcare provider.



What you will need

- Collection jar for secretions
- Container for water
- Gloves
- Sterile water or saline
- Suction catheter
- Suction machine

Suctioning

The lungs and windpipe naturally produce mucus. The mucus cleans the air as we breathe by trapping small particles. It then moves up the windpipe until it can be swallowed.

With a tracheostomy, mucus can collect in and around the tracheostomy tube. It must be removed so it doesn't dry and block the tube. How frequently you suction will be determined by need based on the amount of your secretions and by your doctor or home healthcare provider.

Tracheostomy Tube Internal Diameter	Suction Catheter
5.0 mm	10 Fr.
5.5 mm	10 Fr.
6.0 mm	10 Fr.
6.5 mm	12 Fr.
7.0 mm	14 Fr.
8.0 mm	14 Fr.
9.0 mm	14 Fr.

Read Before Suctioning



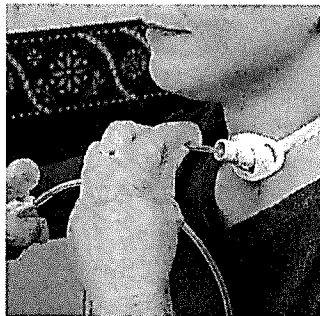
Note: Follow the hospital or home healthcare provider's instructions for storage, use and disposal of suction catheters. Also, keep the suction machine, tubing and collection jar clean according to the home healthcare provider's instructions.

Note: It is common to see suctioning using a sterile technique in hospitals. In the home setting, a clean technique may be used. Discuss this with your home healthcare provider.

How To Suction

Follow this procedure only if directed by your physician.

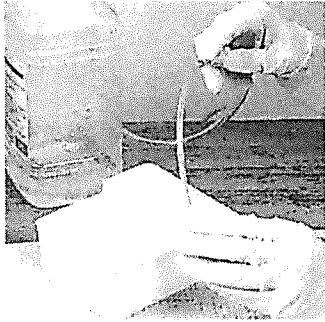
1. Wash hands.
2. Put on gloves.
3. Attach suction catheter to suction machine.
4. Rinse catheter by suctioning sterile water.
5. Hyperoxygenate by taking 3 to 4 deep breaths.
6. With your thumb off the thumb hole, gently insert the catheter into the tracheostomy tube until it reaches the end of the tube or until you cough.
7. Cover the thumb hole on the catheter to suction.
8. Slowly remove the catheter while rolling it between your thumb and forefinger. Also pulse the suctioning by covering and uncovering the thumb hole of the catheter. (Start to finish, this process should take no longer than 10 seconds.)
9. If you need to suction again, rinse the catheter first and take another 3 to 4 deep breaths, then repeat the suctioning stage. (Allow enough time between each catheter insertion for normal breathing or ventilator support to reoxygenate your body.)



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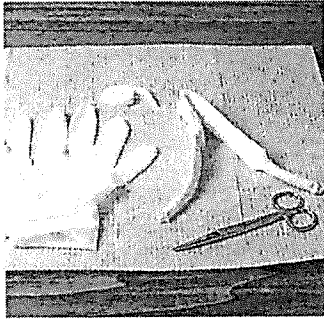
10. Look at the mucus you have suctioned.
Normal: Clear, with no odor.
Infection: Yellow or green color with foul-smelling odor.
Blood: A few streaks of blood is OK. But if it has more bright red or old dark blood, there could be a problem.
11. If you see signs of infection or bright red blood, call your doctor.

Read before changing ties



Caution: If you use a cuffed tube, protect the inflation line when cutting the ties.

Note: Change the location of the knot to prevent skin irritation.



What you will need

- Blunt-nose scissors
- Gloves
- Twill tape or Shiley™ tracheostomy tube holder

Changing ties

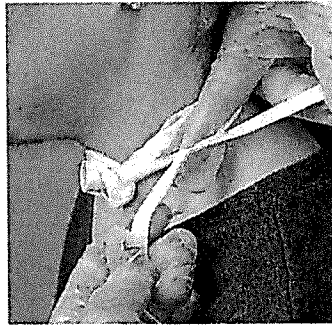
It is important to keep the area around the opening in the neck clean to help prevent infection. So, change ties daily or whenever they become wet or soiled.

How to change twill tape ties

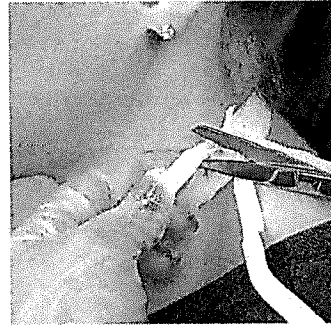
1. Wash hands. (If you have an assistant, they must wash their hands, too.)
2. Leave old ties in place. Pull one end of the twill tie through either neck flange hole. Adjust the ends of the tie until one is 3 to 4 inches longer than the other.
3. Bring both ends of the tie around your neck and insert the longer end of the tie through the other neck flange hole.
4. Pull the tie snug. Place one finger between the tie and the neck and tie the two ends together using a square knot. Do not use a bow.
5. Cut the ends of the ties leaving only 1 or 2 inches.
6. Carefully cut and remove soiled ties.



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Read before cleaning around the opening



Caution: Watch for red, irritated areas. If excessive redness or pimples occur around the opening, call your

doctor, reduce humidity delivered around the opening and use only sterile water for cleaning. Do not use over-the-counter, petroleum-based creams like zinc oxide or Vaseline™ around the opening. If your doctor prescribes an ointment, apply it according to his/her instructions.



What you will need

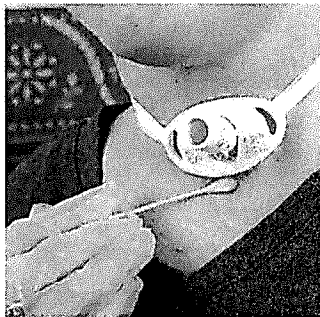
- Cotton swabs
- Hydrogen peroxide and sterile water (mixed in equal parts)
- Precut tracheostomy dressing, if required
- Sterile gauze pads

Skin care

Skin care is easy but very important. It should be done at least twice a day: once in the morning and once at night. If you smell an odor around the neck or opening, clean the area every eight hours until the odor is gone.

How to clean around the opening

1. Wash your hands.
2. Dip a cotton swab into the hydrogen peroxide and water mixture.
3. Roll the cotton swab between the tracheostomy tube and the skin around the opening. Clean from the stoma outward. This removes wet or dried mucus.
4. Repeat steps 2 and 3 using a fresh cotton swab each time, until entire area around the opening is clean.
5. Rinse the area using clean cotton swabs dipped in clean water only.
6. Use a dry gauze pad to pat lightly around the opening.
7. Replace the tracheostomy dressing, if required.



3

Read before changing any tube



Caution: Frequent and routine changes of the tracheostomy tube are recommended. Shiley™ tracheostomy tubes should not be used more than 29 days and should be replaced and discarded per your home healthcare provider's instructions.

Note: Always follow your doctor or hospital's directions, if they differ from the directions in this guide. Do not attempt to change your tracheostomy tube unless you have been trained to do so. Contact your doctor or hospital with any questions you may have.

Note: Always keep complete, sterile replacement tracheostomy tubes handy (one the same size and one smaller) in case of an emergency.

Note: Shiley™ tracheostomy tubes are designed for single-patient use only and cannot be resterilized by any method.

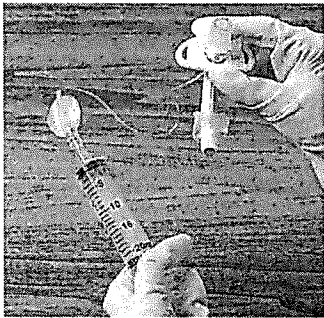
Caution: Carefully read and understand the Instructions for Use packaged with each tracheostomy tube before using it.

Changing the tube

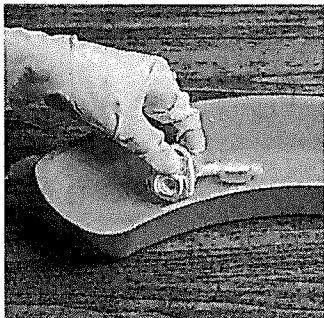
Changing your tracheostomy tube at the recommended intervals helps to ensure proper operation of your Shiley™ tracheostomy tube. Your tubes should not be used more than 29 days and should be replaced and discarded per your home healthcare provider's instructions.

How to change a cuffed tube

1. Wash hands. Put on gloves.
2. Take the replacement tracheostomy tube out of its container. Take care to avoid damaging the cuff, inflation line or pilot balloon. Remove the inner cannula, if it is in place.
3. Use a clean, dry syringe to inflate the cuff to the proper leak test volume. The markings on the syringe show air volume. The following are test volumes only. Your doctor will tell you the appropriate inflation volume to use when the tube is in your trachea.
4. Place the entire tube, including inflation line, in a small wash basin with enough sterile water to cover it, and watch for bubbles indicating an air leak.



2



4

Shiley™ Tube Size	Leak Test Volume
10	20 cc
8	17 cc
6	14 cc
4	11 cc

Changing the tube

Read before changing a cuffed tube



Note: During the leak test, if you see any air leaks, do not use the tube.

Caution: Carefully air dry the inflation line before inflating to ensure no water enters when you inflate the cuff.

Caution: Do not use anything sharp while handling the cuff to avoid causing damage to it.

Note: Do not use petroleum-based products, such as Vaseline™, to lubricate your tube.

Note: If you have a fenestrated tube, insert the inner cannula before inflating the cuff.

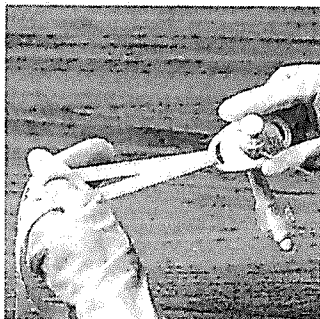
Note: If you use a fenestrated tube, make sure the cuff is fully deflated prior to using a decannulation plug.

5. Deflate the cuff completely using a syringe. As you are doing this, gently push the cuff away from the end of the tube. Be sure to remove all air. (This makes it easier to insert the tube.)
6. Insert the ties through one neck flange hole. Insert the obturator into the cannula. (Do this before inserting the tube.)
7. Lubricate the tube using a thin layer of water-based lubricant.
8. Place the tube on a sterile surface.
9. If required, suction secretions that might have pooled above the cuff of the old tube. Follow your doctor's or hospital's directions for this procedure.
10. Deflate the cuff completely using the syringe, cut the ties and remove the old tube.
11. As you breathe in, gently insert the new tube, pushing back, then down in an arcing motion.

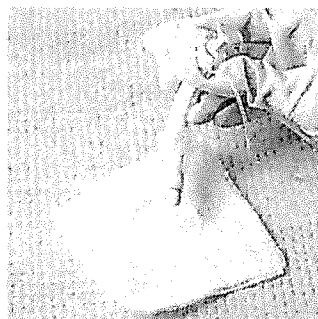


What you will need

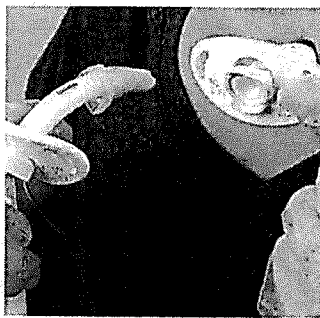
- Blunt-nose scissors
- Gloves
- Pre-cut tracheostomy dressing
- Replacement tracheostomy tube
- Small wash basin
- Sterile 4" X 4" gauze
- 10 cc syringe (for cuffed tubes)
- Twill tape or Shiley™ tracheostomy tube holder
- Tube Holder
- Water-based lubricant



6



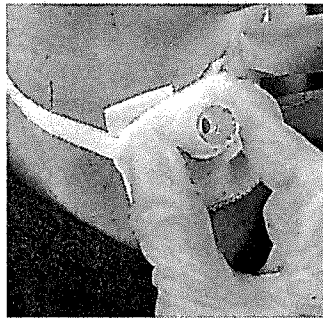
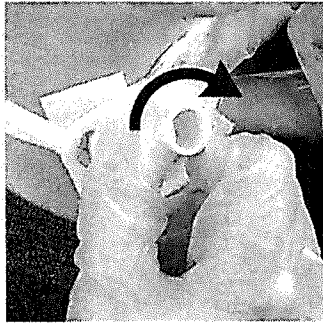
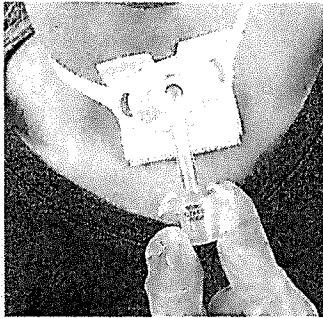
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12



13

12. Immediately remove the obturator, while holding the tube in place with your fingers.
13. Insert the new inner cannula making sure that it is properly secured in place. If you use a twist-lock inner cannula, it is secure when you feel it lock into place and the blue dots on the inner and outer cannulae are lined up. If you are using a disposable inner cannula, make sure that both sides of the winged flange are snap-locked securely in place.
14. Inflate the cuff to the proper volume using a syringe. (Your doctor will tell you what volume to use.)
15. Finish fastening the ties as described on page 9.
16. Throw away the old tube.

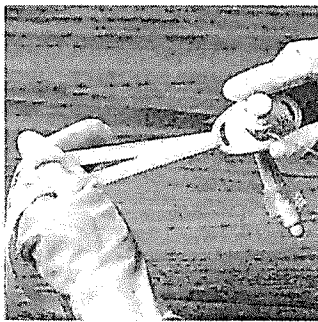
Read before changing your tube



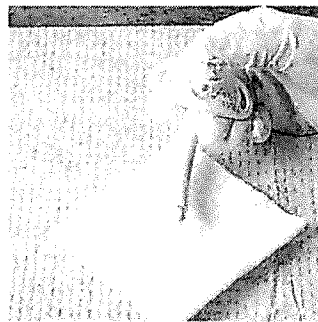
Note: You probably won't have trouble inserting the new tube. But if you do, be sure your head is tilted back as you insert the tube. If you are still having difficulty, spread the skin around the stoma and insert the tube as you are breathing in or use a fresh tube that is a size smaller. Call your doctor immediately if you have any problems.

How to change a cuffless tube

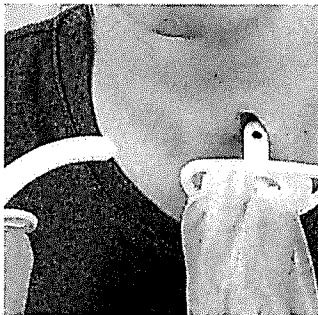
1. Wash hands. Put on gloves.
2. Insert the ties through one neck flange hole. Insert the obturator into the cannula. (Do this before inserting the tube.)
3. Lubricate the tube using a thin layer of water-based lubricant.
4. Place the tube on a sterile surface.
5. If required, suction secretions.
6. Cut the ties and remove the old tube. If you are unable to remove it, call your doctor. Do not force it.
7. As you breathe in, gently insert the new tube, pushing back, then down in an arcing motion.



2



4



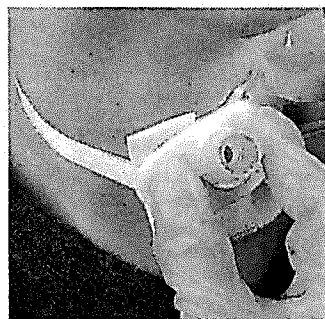
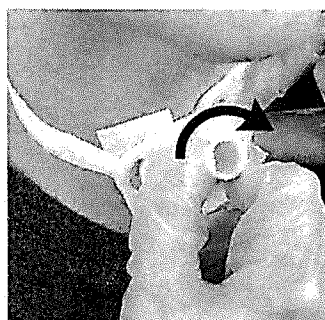
7



8



8. Immediately remove the obturator, while holding the tube in place with your fingers.
9. Insert the new inner cannula making sure that it is properly secured in place.
10. If you use a twist-lock inner cannula, it is secure when you feel it lock into place and the blue dots on the inner and outer cannulae are lined up. If you are using a disposable inner cannula, make sure that both sides of the winged flange are snap-locked securely in place.
11. Finish fastening the ties as described on page 9.
12. Throw away the old tube.



Read before starting inner cannula care



Note: The cleaning procedure should be clearly understood before proceeding. Follow your physician's recommendations for the cleaning procedure and schedule. The listed procedure is to be used only if your physician instructs you to.

Note: The SIC should not be used as a replacement for the inner cannula provided with your tracheostomy tube.

Note: To loosen dried-on mucus, use a mixture of equal parts of hydrogen peroxide and distilled water. Pour this mixture through the inner cannula. Do not soak. Rinse the inner cannula thoroughly with sterile normal saline or distilled water to remove all hydrogen peroxide.

Caution: Do not use cleaning agents such as alcohol, glutaraldehyde or bleach. They will damage the inner cannula.

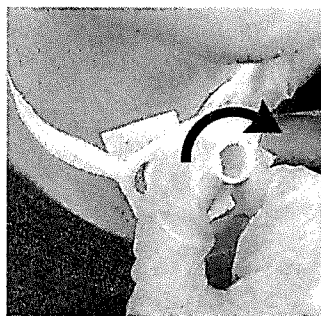
Inner cannula care

Reusable inner cannula care (CFN, CFS, FEN, LGT, LPC)

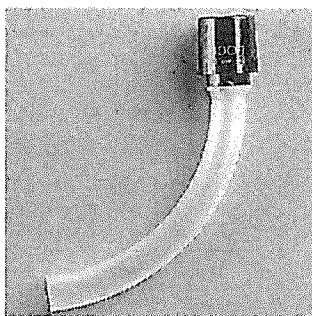
1. Wash your hands.
2. Hold the neck flange steady with one hand.
3. With the other hand, grasp the twist-lock inner cannula connector and carefully unlock it using a counterclockwise motion.
4. Pull the inner cannula out of the tube, using a downward motion.
5. If you need to use a ventilator during this cleaning procedure, insert a clean spare inner cannula (SIC), which is designed for short-term use and has a red 15 mm connector.

The SIC is sold separately. Verify that the red twist-lock connector engages securely after each use. If parts become worn or loose, immediately report this to your physician for prompt replacement of the tracheostomy tube.

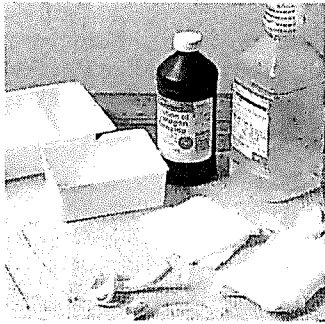
The SIC is shorter than the original fitted inner cannula and was designed for temporary use. Ten (10) minutes is suggested as the time limit for continual usage. Secretions may build up on the inside of the outer cannula if used longer than the recommended time.



3



5



What you will need

- Gloves
- Hydrogen peroxide
- Hydrogen peroxide and sterile water (mixed in equal parts)
- Small non-abrasive brush or pipe cleaners
- Small wash basin
- Spare inner cannula (SIC) if using reusable inner cannula tube and you are using a ventilator
- Sterile 4" x 4" gauze

6. Place the soiled inner cannula in a small wash basin containing sterile normal saline, distilled water, a solution of water and a mild detergent or a solution of half hydrogen peroxide and half water. Use a small, non-abrasive brush or pipe cleaner to gently remove mucus.
7. After cleaning, rinse the inner cannula thoroughly with sterile normal saline or distilled water to remove all hydrogen peroxide.
8. Air dry the inner cannula by gently shaking it.
9. Hold the neck flange steady with one hand.
10. Remove the spare inner cannula, if you used one.
11. Reinsert the clean twist-lock inner cannula into the tube and secure it by gently twisting it clockwise until the blue dot on the inner cannula lines up with the blue dot on the tube.
12. Clean the spare inner cannula, air dry and store in a safe place.



11



17

Read before starting inner cannula care



Note: When inserting a reusable inner cannula, be sure the twist-lock connector is secure. It is locked only when the two blue dots on the 15 mm connector of the inner cannula and the outer cannula are lined up. If it becomes worn or loose, report this to your home healthcare provider for prompt replacement.

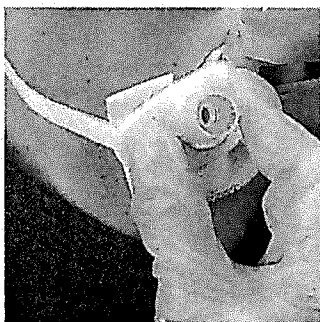
Caution: A Shiley™ disposable inner cannula (DIC) should never be cleaned and reused. It is designed for one-time use only.

Note: The DIC should be changed and discarded according to the schedule your doctor or home healthcare provider gives you.

Replacing a disposable inner cannula (DCFN, DCFS, DCT, DFEN, PERC)

The disposable inner cannula (DIC) system eliminates the need to clean the inner cannula. The snap-lock feature provides a secure connection and makes it easy to insert and remove the DIC with little or no discomfort.

1. Wash your hands.
2. Hold the neck flange steady with one hand.
3. With the other hand, gently squeeze the snap-lock and pull the inner cannula out of the tube, using a downward motion.
4. Throw away the used inner cannula.
5. Gently squeeze the snap-lock of the new inner cannula and insert it into the tube. Release the snap-lock connector when it securely locks onto both sides of the connector rim.



3

Tracheostomy tube cleaning reference guide

Read before cleaning your tube



Caution: Shiley™ tracheostomy tubes are designed for single-patient use only and cannot be resterilized by any method, including soaking and/or rinsing them in boiling water.

Note: Do not expose Shiley™ tracheostomy tubes to temperatures above 120 F.

Note: Do not expose Shiley™ tracheostomy tubes to any chemical agents, other than those listed above, because they may degrade the plastic (polyvinyl chloride). This will result in tube damage.

Note: Detergents with artificial colors, degreasers or sterilizing/anti-bacterial ingredients may discolor the tracheostomy tube. They may also degrade the plastic (polyvinyl chloride) resulting in tube damage.

Caution: A Shiley™ disposable inner cannula (DIC) should never be cleaned and reused. It is designed for one-time use only.

Tracheostomy tube cleaning reference guide

Name of Part	Hydrogen Peroxide & Water 1/2 & 1/2	Normal Saline or Distilled Water	Water & Mild Detergent	Alcohol	Boiling in Water	Autoclave ETO/ Gamma	Betadine®* Solution
Inner cannula	*Yes	Yes	*Yes	No	No	No	No
Disposable inner cannula	No	No	No	No	No	No	No
Outer cannula (cuffless)	*Yes	*Yes	*Yes	No	No	No	No
Outer cannula (cuffed)	No	Yes	No	No	No	No	No
DCP	*Yes	Yes	*Yes	No	No	No	No
DDCP	No	No	No	No	No	No	No
Obturator	*Yes	Yes	*Yes	No	No	No	No

*Do not immerse in hydrogen peroxide more than a few minutes. Rinse thoroughly to remove all residual hydrogen peroxide, detergent or any other solution.

Solving problems

Symptom	What May Have Happened	What To Do
Excessive air leak through nose and mouth.	Insufficient air in cuff (cuffed tubes only).	Deflate and reinflate the cuff with the proper amount of air.
	Leak in cuff, inflation line, pilot balloon or luer valve (cuffed tubes only).	Replace the tube.
	Tube too small for trachea.	Call your doctor.
	You may have an uncuffed tube and need a cuffed tube.	Call your doctor.
	Fenestrated inner cannula is in the tube.	Remove it and replace it with a non-fenestrated inner cannula.
Tube comes out of the opening in the neck.	Excessive pulling or weight at the connector.	Hold the neck flange with one hand while disconnecting the ventilator tubing to reduce pulling. Move the ventilator if need be. Reattach the ventilator tube to the trach tube connector.
	Trach tube ties too loose or incorrectly tied.	Retie the trach ties (see page 9).
Difficult to remove or insert inner cannula for fenestrated tube.	Tracheal lining may be pushing through the fenestration.	Call your doctor.
	Trach tube alignment has changed.	Call your doctor.
Tube, or any part of the tube, breaks or doesn't work.	Excessive use or wear on the trach tube.	Replace the tube.
	Trach tube was cleaned using improper cleaning agents.	Replace the tube. Always use only those cleaning agents recommended by the tube manufacturer (see page 16).
	Excessive pulling or weight at the connector.	Hold the neck flange with one hand while readjusting ventilator tubing to reduce pulling. Move the ventilator if need be. Put the ventilator tube adapter back onto the trach tube connector.
	Trach tube ties are too loose or incorrectly tied.	Make sure tube is properly inserted in the trachea. Then retie trach ties (see page 9).

Symptom	What May Have Happened	What To Do
Unable or difficult to pass a suction catheter through trach tube.	Mucus is plugging the trach tube.	Remove inner cannula and clean it, if reusable. Replace it, if disposable (DIC).
	Catheter is too large for the tube size.	Contact your home healthcare provider for guidance in the size of catheter needed.
	Tube is not properly positioned in the trachea.	Reposition the tube.
	A fenestrated inner cannula is in the tube.	Replace it with a non-fenestrated inner cannula.
Ventilator's "High Pressure" alarm goes off.	Ventilator tubing is blocked or kinked.	Clear tubing of kink or block.
	Mucus is plugging the trach tube.	Suction to clear mucus.
	Excessive amounts of water have collected in the ventilator circuit, blocking airflow.	Drain the ventilator circuit of water or condensation.
	If the first three suggestions don't work, there may be a more serious problem.	Contact your home healthcare provider immediately.
Ventilator's "Low Pressure" alarm goes off.	Ventilator tubing is not connected at machine.	Make sure all tubing to the machine and patient is connected.
	If you have a cuffed trach tube: There may be a leak in the cuff, inflation line, pilot balloon or luer valve.	Remove the ventilator tubing from the trach tube. Deflate and reinflate the cuff with the proper volume. Replace the tube if it does not remain inflated. Attach ventilator tubing. Turn on the machine. If the problem continues, replace the tube.
	A fenestrated inner cannula is in the tube.	Replace it with a non-fenestrated inner cannula.
	If the first three suggestions don't work, there may be a ventilator problem.	Contact your home healthcare provider. Deliver breaths with a manual resuscitation bag, if available.

Read before using Shiley™ tracheostomy tubes

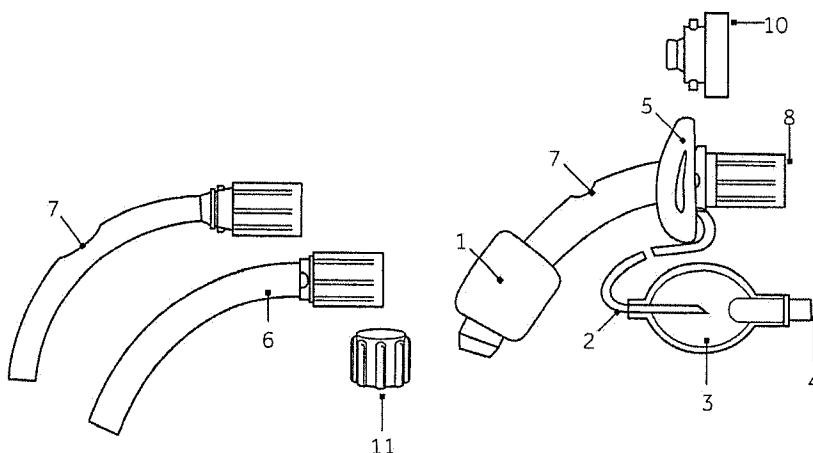


Warning: The inner cannula with low profile connector is too short to attach to respiratory equipment such as ventilator tubing, an artificial nose, a manual resuscitation bag or a Shiley Phonate speaking valve. Use the cannula with 15 mm connector for this purpose.

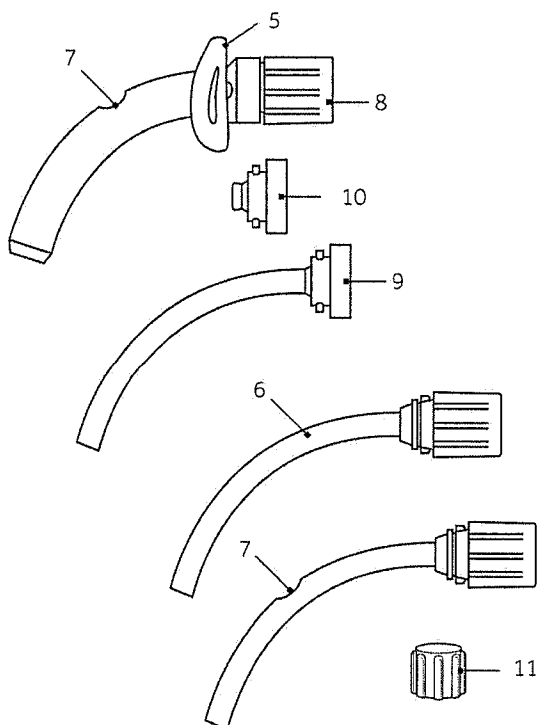
Caution: The FEN and CFN are supplied with both a fenestrated and nonfenestrated inner cannula. Do not use the fenestrated inner cannula (green-colored connector) during mechanical ventilation.

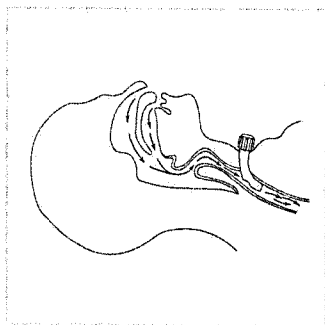
Warning: Shiley™ decannulation plugs (DCP and DDCP) are designed for Shiley™ fenestrated tubes only. They are not interchangeable with other manufacturers' products.

FEN & LPC



CFN, CFS & LGT





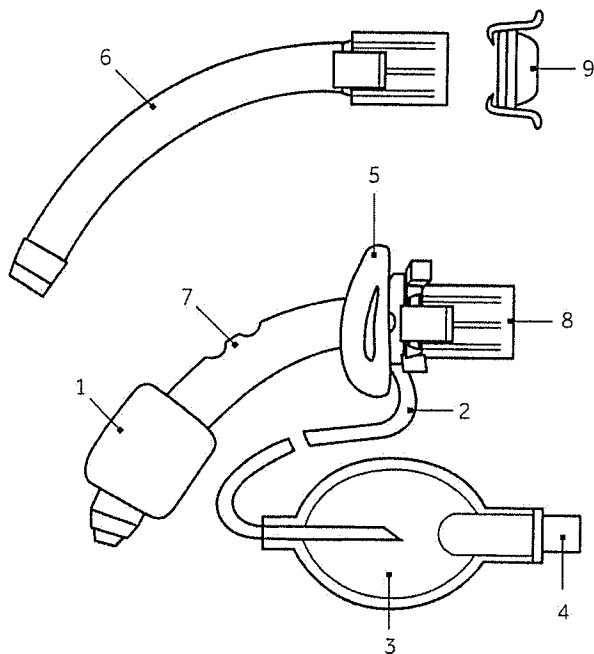
- 1. Cuff (FEN, LPC)**
The "balloon" on the end of the trach tube. When inflated, it forms a seal against the wall of your windpipe. This stops the air flow through your mouth and nose so that you breathe through the trach tube.
- 2. Inflation line (FEN, LPC)**
Thin plastic tubing that carries air to and from the cuff.
- 3. Pilot balloon (FEN, LPC)**
Small plastic balloon-like component on the end of the inflation line. Indicates if air is in the cuff.
- 4. Luer valve (FEN, LPC)**
Where the syringe is connected to inflate or deflate the cuff.
- 5. Soft swivel neck flange**
Contains product designation and size information. Twill ties or Shiley™ tracheostomy tube holders attach through the holes on either side securing the tube to your neck. Soft swivel design helps to position the tube properly and comfortably.
- 6. Reusable inner cannula**
The tube that fits inside your trach tube. This can be easily detached and cleaned to remove mucus. FEN and CFN have a fenestrated inner cannula.
- 7. Fenestration (FEN & CFN)**
A hole on the curved part of the trach tube or inner cannula. When a fenestrated inner cannula is used or the non-fenestrated inner cannula is removed, it allows air to flow through the vocal cords, mouth and nose so you can speak.
- 8. 15 mm connector**
Part of the inner cannula that sticks out at the neck. An artificial nose, ventilator tubing, manual resuscitation bag or Shiley™ Phonate speaking valve may be connected to this.
- 9. Low profile connector (CFN, CFS, LGT)**
Designed so that it doesn't stick out and is less noticeable. It cannot be attached to an artificial nose, ventilator hose or manual resuscitation bag.
- 10. Decannulation plug (DCP)**
For use with FEN and CFN. Attaches to the trach tube opening when the inner cannula has been removed and the cuff has been deflated. Directs air through fenestration to your mouth and nose.
- 11. CAP**
Fits over the green 15 mm connector on the fenestrated inner cannula of an FEN or CFN when the cuff has been deflated. Directs air through fenestration to your mouth and nose so you can speak.

Read before using Shiley™ tracheostomy tubes

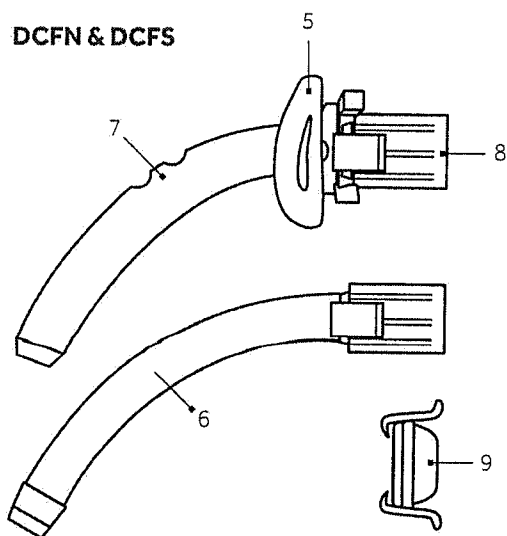


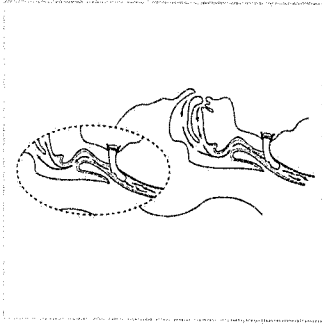
Warning: Shiley™ decannulation plugs (DCP and DDCP) are designed for Shiley™ fenestrated tubes only. They are not interchangeable with other manufacturers' products.

DCT, DFEN & PERC



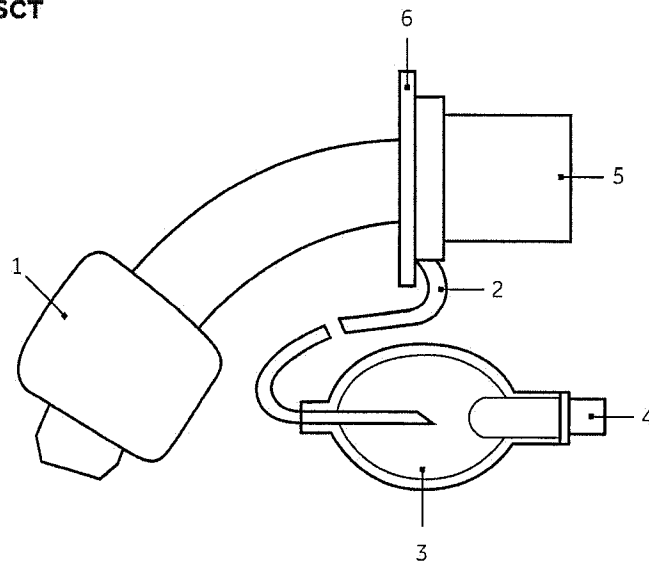
DCFN & DCFS





1. **Cuff**
The "balloon" on the end of the trach tube. When inflated, it forms a seal against the wall of your windpipe. This stops the airflow through your mouth and nose so that you breathe through the trach tube.
2. **Inflation line**
Thin plastic tubing that carries air to and from the cuff.
3. **Pilot balloon**
4. Small plastic balloon-like component on the end of the inflation line. It indicates if air is in the cuff.
5. **Luer valve**
Where the syringe is connected to inflate or deflate the cuff.
6. **Soft swivel neck flange**
Contains product designation and size information. Twill ties or Shiley™ tracheostomy tube holders attach through the holes on either side securing the tube to your neck. Soft swivel design helps to position the tube properly and comfortably.
7. **Disposable inner cannula (DIC)**
The tube that fits inside your trach tube. Designed for single use only. Do not reuse or clean. Replace with a new one as directed by your doctor or home healthcare provider.
8. **Fenestration (DFEN & DCFN)**
A hole on the curved part of the trach tube. When the fenestrated outer cannula is used, the non-fenestrated inner cannula is removed, allowing air to flow through the vocal cords, mouth and nose, so you can speak.
9. **15 mm connector**
Part of the inner cannula that sticks out at the neck. An artificial nose, ventilator tubing, manual resuscitation bag or Shiley™ Phonate speaking valve may be connected to this.
10. **Disposable decannulation plug (DDCP)**
For use with DFEN and DCFN. Attaches to the trach tube opening when the inner cannula has been removed and cuff has been deflated. Directs air through fenestration to your mouth and nose.

SCT



- 1. Cuff**
The "balloon" on the end of the trach tube. When inflated, it forms a seal against the wall of your windpipe. This stops the air flow through your mouth and nose so that you breathe through the trach tube.
- 2. Inflation Line**
Thin plastic tubing that carries air to and from the cuff.
- 3. Pilot Balloon**
Small plastic balloon-like component on the end of the inflation line. It indicates if air is in the cuff.
- 4. Luer Valve**
Where the syringe is connected to inflate or deflate the cuff.
- 5. 15 mm Connector**
Permanent part of the trach tube that sticks out at the neck. An artificial nose, ventilator tubing, manual resuscitation bag or Shiley™ Phonate Speaking Valve may be connected to this.
- 6. Neck Flange**
Contains product designation and size information. Twill ties or Shiley™ tracheostomy tube holders attach through the holes on either side securing the tube to your neck.



The Shiley™ Phonate speaking valve should only be used, on the order of a physician, with patients who are alert and cooperative.

The Shiley™ Phonate speaking valve should not be used during sleep.

The Shiley™ Phonate speaking valve is not designed to be used by patients who are ventilator dependent.

Use the Shiley™ Phonate speaking valve only with a cuffless tube or a fenestrated cuffed tube. If a cuffed tube is used, the cuff must be completely deflated. Do not use with foam cuff tubes.

CAUTION: Do not attempt to remove the flexible diaphragm from the valve cap.

Use the Shiley™ Phonate speaking valve only after secretions have minimized following tracheostomy.

Pediatric patients should not use the Shiley™ Phonate speaking valve with oxygen port (SSVO) unless the port cap is not accessible to the patient.

Note: The Shiley™ Phonate speaking valve should only be used on the order of a physician. Your home healthcare provider will decide if the Shiley™ phonate speaking valve is right for you.

The Shiley™ Phonate speaking valve should be replaced after 30 days of normal use.

Replace the Shiley™ Phonate speaking valve should the flexible diaphragm become damaged, sticky or malfunction in any way.

Shiley™ Phonate Speaking Valve (SSV/SSVO)

Description

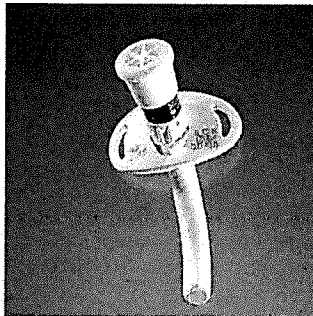
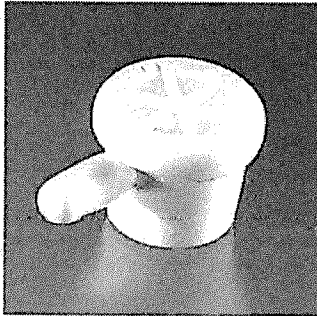
The Shiley Phonate speaking valve is designed to eliminate the need to use your finger to block the opening of your trach tube in order to talk. It is a one-way valve that attaches to the 15 mm connector of your trach tube, including pediatric sizes. It is available without an oxygen port (SSV) or with an oxygen port (SSVO).

Contraindications

The Shiley™ Phonate speaking valve is not for use by patients who have laryngeal stenosis, vocal cord paralysis, severe tracheal stenosis, airway obstruction, respiratory infection or heavy pulmonary mucus secretions.

How the Shiley™ Phonate speaking valve works

When the Phonate speaking valve is attached to the 15 mm connector or hub of a fenestrated or cuffless tracheostomy tube, the valve opens when you breathe in, allowing air to enter your lungs. When you breathe out, the valve closes and causes air to go up your windpipe and through your vocal cords, allowing speech.





Note: If oxygen port is blocked or obstructed, use a moistened Q-tip™, with some of the cotton removed, or pipe cleaner to gently remove any remaining debris or encrustation. Rinse again and reexamine.

Caution: Do not use a brush for cleaning as it will cause damage to the valve.

Do not use hot water as it will damage the valve.

Do not use bleach or alcohol to clean the valve.

Do not ETO, autoclave or radiation sterilize the valve.

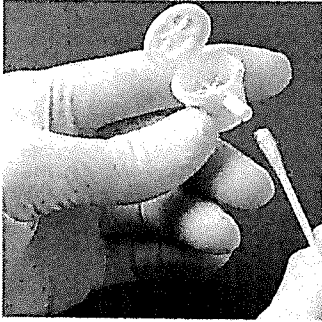
Note: The Shiley™ Phonate speaking valve is designed for single-patient use only.

How to Use the Shiley™ Phonate Speaking Valve

1. Wash hands thoroughly.
2. Carefully hold the trach tube with one hand while grasping the Shiley Phonate Speaking Valve with the opposite hand.
3. Attach valve to the 15 mm connector using a gentle twisting motion. (Remove the Shiley Phonate Speaking Valve if any respiratory distress or difficulty in breathing occurs.)
4. To remove the Shiley Phonate Speaking Valve, carefully hold the trach tube with one hand, while pulling the device from the trach tube with a gentle twisting motion.
5. If using the Phonate Speaking Valve for the first time, your home healthcare provider and/or speech pathologist will want to observe your breathing for a period of time to make sure you can breathe well around the trach tube and speak without difficulty.

Using the Shiley Phonate Speaking Valve with Oxygen Port (SSVO)

To provide supplemental oxygen when the oxygen port is present, remove the oxygen port cap, connect the oxygen line tubing and adjust the oxygen flow rate to prescribed setting.



Cleaning

The Shiley™ Phonate speaking valve should be cleaned daily while in use. If mucus or secretions become attached to the device, clean immediately.

1. Wash hands.
2. Remove the Shiley™ Phonate speaking valve by carefully holding the trach tube with one hand, while pulling the device from the trach tube with a gentle twisting motion.
3. Open the valve cap by pressing the cap lid away from the body at a position opposite the hinge.
4. If an oxygen port is present, do not apply excess pressure to the side of the port when opening the cap lid.
5. Prepare one of the following cleaning solutions:
 - Cool or lukewarm saline
 - Soapy water
(a pure soap such as Ivory™ brand is recommended)
 - Diluted household strength hydrogen peroxide
(one part water and one part peroxide)
 - Diluted household strength vinegar
(one part water and one part vinegar)
6. Soak the opened valve in the cleaning solution for up to 15 minutes.
7. After the soaking period, agitate the valve in the cleaning solution.
8. Thoroughly rinse the valve in cool or lukewarm tap water to remove all cleaning solution.
9. Examine the valve for remaining debris or encrustations. Ensure that the flexible diaphragm is clean, not torn or sticky, and that it lies flat in the valve cap.
10. Check inside the valve to make sure it is smooth and undamaged. If you have an oxygen port, use a pipe cleaner or Q-tip™, with some of the cotton removed, to clean inside the port.
11. Close the valve by firmly pressing the valve cap onto the main body until it snaps in place.
12. When not in use, store the Shiley™ Phonate speaking valve in a clean, dry place and protect from dust and moisture.
13. Always review use and cleaning instructions with your home healthcare provider or speech pathologist before using the Shiley™ Phonate speaking valve.

Aerosol (air-o-sol)

A device that puts moisture into the lungs.

Artificial airway (ar-teh-fish-all airway)

Another word for tracheostomy tube

Artificial nose (ar-teh-fish-all noze)

Also called HME (heat and moisture exchanger). A device that fits on your tube to warm and moisten the air you breathe.

Bacteria (back-teh-ree-ah)

Germ.

CPR Cardiopulmonary resuscitation

A method for getting someone to breathe again once they have stopped.

Cannula (can-you-la)

Inner cannula Removable inner tube.

Outer cannula

The outer part of the tracheostomy tube that is inserted into the trachea.

Cannulae (can-you-lie)

More than one cannula.

Cuff

The inflatable balloon on some tracheostomy tubes.

Distilled water

Water that is made by catching and cooling steam from boiling water. You can buy it at the grocery store.

Encrustation (in-cruss-ta-shun)

Hard, crusty, dried mucus.

Home healthcare provider

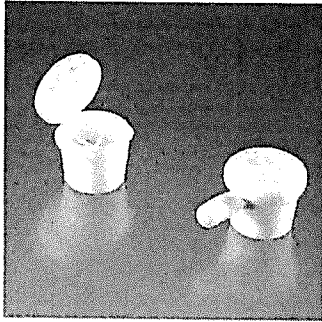
Nurses, nurse practitioners, doctors, respiratory therapists, speech pathologists or others that visit your home.

Home healthcare supplier

The company where you get special medical equipment to use in your home.

Lumen (loo-men)

Inside part of the tube, where the air goes in and out.



Mucus (mu-kuss)

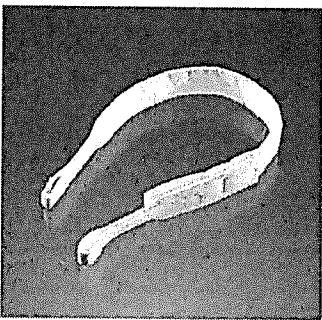
Slippery fluid that is produced in the lungs and windpipe. This sometimes dries and sticks to your tube.

Neck flange

The part of your tracheostomy tube where you attach twill ties or Shiley™ tracheostomy tube holders.

Obturator (ob-tur-a-tor)

The semi-rigid stick you put into the tracheostomy tube to help guide it into the opening in your neck.



Phonation (fo-nay-shun)

Talking or making sounds with your vocal cords.

Pliable (ply-ah-bull)

Soft, flexible.

Saline (say-leen)

Salt and water solution similar to water found in the body.

Secretions (see-kree-shuns)

Another word for mucus.

Speaking valve (spee-king valv)

A one-way valve that lets air come in through the tracheostomy tube, but then sends it out past the vocal cords and mouth to make talking possible.

Speech pathologist (speech pathol-o-gist)

A person trained to help people with speaking and swallowing problems.

Shiley™ Phonate speaking valve

This compact valve fits on the end of your tracheostomy tube to help you speak more easily. Check with your doctor to see if you can use it. (For more information, see page 25.)

Shiley™ tracheostomy tube holder

This convenient alternative to twill tape comes in one size that fits pediatric to adult patients. Velcro™ * fasteners easily attach to the tracheostomy tube neck flange. (Follow product instructions.) It is made of comfortable, latex-free foam-padded cotton.

Stoma (sto-ma)

The hole in your neck where you insert the tracheostomy tube.

Sterile (steer-ill)

Free from germs.

Suctioning (suck-shun-ing)

Removing mucus in the tracheostomy tube.

Syringe (seer-enj)

The plastic device the doctor uses to give shots, only there is no needle on it.

Trachea (tray-key-ah)

Your wind pipe.

Tracheostomy (tray-key-oss-tuhmee)

The opening in your neck where your tracheostomy tube goes, to make breathing easier.

Tracheotomy (tray-key-ot-o-mee)

An operation where the doctor makes an opening in your neck for a tracheostomy tube to make breathing easier.

Trach Tube (trake toob)

Short for tracheostomy tube. This is the tube the doctor puts in the opening in your neck to help you breathe.

Ventilator (vin-till-a-tor)

A machine that helps a person breathe.

Vocal cords (vo-cal cords)

Two strips of tissue in the voice box in the neck that vibrate to make sounds when you talk.

IMPORTANT: Please refer to the package insert for complete instructions, contraindications, warnings and precautions.

This information is intended only for residents of the European Union.

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Medtronic

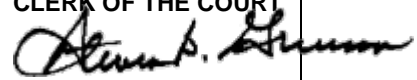


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Use scan app to read

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
10/1/2019 3:23 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Mario Trejo

Case No.: C-18-335315-1
Department 23

NOTICE OF HEARING

Please be advised that the Defendant's Supplemental Motion For Setting Reasonable Bail With House Arrest in the above-entitled matter is set for hearing as follows:

Date: October 14, 2019
Time: 9:30 AM
Location: RJC Courtroom 12C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

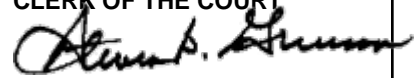
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Laurie Williams
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Laurie Williams
Deputy Clerk of the Court



OPPS

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
FRANK LOGRIPPO
Deputy District Attorney
Nevada Bar #13911
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIII

**STATE'S OPPOSITION TO DEFENDANT'S SUPPLEMENTAL MOTION FOR
SETTING REASONABLE BAIL WITH HOUSE ARREST**

DATE OF HEARING: OCTOBER 9, 2019
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through FRANK LOGRIPPO, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Supplemental Motion For Setting Reasonable Bail With House Arrest.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On October 4, 2018, Defendant Mario Trejo (“Defendant”) was charged via an
4 Indictment with one (1) count of Burglary While in Possession of a Firearm, seven (7) counts
5 of Robbery with Use of a Deadly Weapon, one (1) count of First Degree Kidnapping with Use
6 of a Deadly Weapon, two (20 counts of Assault on a Protected Person with Use of a Deadly
7 Weapon, Conspiracy to Commit Robbery and one (1) count of Attempt Robbery with Use of
8 a Deadly Weapon. On October 5, 2018, during Grand Jury returns, the State requested a bail
9 of \$300,000 with house arrest. Judge Herndon decided to raise the bail to \$500,000.

10 On December 5, 2018, Defendant’s request for bail to be set in the amount of \$75,000,
11 was denied by this Court.

12 On January 14, 2019, Defendant filed a Motion for Setting of Reasonable Bail with
13 Electronic Monitoring, “requesting this Court to reconsider his bail,” and asking this Court to”
14 reduce the current bail setting to \$75,000.00 and with electronic monitoring as a condition of
15 release.” Motion at 2, 5.

16 On January 23, 2019, this Court granted Defendant’s request.

17 Per Defendant’s request, bail currently stands at \$75,000 with electronic monitoring as
18 a condition of release.

19 On October 1, 2019, Defendant filed the instant Supplemental Motion For Setting
20 Reasonable Bail With House Arrest, further requesting this Court reduce bail to “\$10,000 with
21 house arrest as a condition of release.” Motion at 3.

22 The State opposes Defendant’s Motion and responds as follows.

23 **STATEMENT OF FACTS**

24 On August 4, 2018, Defendant Mario Trejo attempted to rob the Super Pawn at 1150
25 South Rainbow Boulevard in Clark County, Nevada. Grand Jury Transcript (“GJT”), October
26 3, 3018, page 8. Jennifer Incera, a manager at Super Pawn, arrived at work around 8 AM with
27 two other employees and was about to unlock the store when Defendant wearing a black
28 motorcycle helmet, a leather jacket, gloves and boots ran toward her. GJT, p. 8-12. Defendant

1 was armed with a shotgun and pumped it while going toward Jennifer. GJT, p. 12-13. Jennifer
2 yelled at her employees to run. GJT, p. 12-14. Eventually, Jennifer and her employees made
3 it to one of their vehicles and all three of them escaped in that vehicle. GJT, p. 14-15. While
4 driving away, Jennifer noticed Defendant started to follow the vehicle. GJT, p. 16. Eventually,
5 after some maneuvering, Defendant stopped following Jennifer and the other employees. GJT,
6 p. 18. Defendant later confessed to the attempt robbery. GJT, p. 89.

7 On September 3, 2018, Defendant robbed the same Super Pawn during business hours.
8 At about 1:30 PM, Defendant dressed in the same outfit, returned to the Super Pawn armed
9 with a handgun (See Exhibit 1) and a rifle (See Exhibit 2) and entered the business. GJT, p.
10 43-46. Using the handgun, Defendant ordered all the employees at gun point to move behind
11 the counters and to sit on the floor. GJT, p. 46-47. Defendant ordered an employee named
12 Adriane Serrano-Bojoglez to open two safes while taking money and placing it inside a
13 backpack that he was carrying. GJT, p. 47-50. Defendant then ordered Ms. Serrano-Bojoglez
14 at gunpoint to open each of the cash registers. GJT, p. 50.

15 After taking jewelry in the same fashion, Defendant became upset that one of the safes
16 was on a time delay. GJT, p. 52-53. Defendant ordered Ms. Serrano-Bojoglez to open the back
17 door to allow him to exit and she informed Defendant that she did not have the proper keys to
18 do this. Id. As police arrive, Defendant exited the business through the front door with the
19 handgun placed to Ms. Serrano-Bojoglez' head. Id. With Ms. Serrano-Bojoglez as a hostage,
20 Defendant began to make his way to a vehicle parked outside the business. GJT, p. 54-57.

21 Police issued commands for Defendant to drop the firearm. Id. At some point,
22 Defendant moved the handgun from Ms. Serrano-Bojoglez' head and aim it at uniformed
23 police officers. GJT, p. 57-60. At this time, Ms. Serrano-Bojoglez seized the moment to grab
24 Defendant's arm and pull it toward the ground as the handgun fired. Id. Ms. Serrano-Bojoglez
25 was able to successfully wrestle the handgun from Defendant however, he began to reach for
26 his second gun—a rifle. Id. As officers observed Defendant reaching for the rifle, they fired
27 striking Defendant and causing him to fall to the ground. Id. Ultimately, Defendant was taken
28 into custody. Id.

1 ARGUMENT

2 NRS 178.498 provides that the amount of bail should be such as will ensure the
3 presence of the Defendant, the safety of others and of the community, having regard to: (1)
4 the nature and circumstances of the offense charged, (2) the financial ability of the Defendant
5 to give bail, (3) the character of the Defendant and (4) the factors listed in NRS 178.4853,
6 which deal with releases of Defendants without any bail. Those factors include, but are not
7 limited to, (a) his prior criminal record including his record of failing to appear after release,
8 (b) the nature of the offense with which he is charged, the apparent probability of conviction
9 and the likely sentence, insofar as these factors relate to the risk of his not appearing, (c) the
10 nature and seriousness of the danger to the alleged victim, any other person or the community
11 that would be posed by the person's release, (d) the likelihood of more criminal activity by
12 him after he is released and (e) any other factors concerning his ties to the community or
13 bearing on the risk that he may fail to appear. NRS 178.485.

14 In this case, this Court should heavily weigh the nature of the offense. After a failed
15 initial robbery attempt, Defendant returned to the same business armed with two firearms.
16 After robbing the business at gunpoint while many employees were inside, Defendant took an
17 employee hostage at gunpoint out of the store. Ultimately, Defendant engaged in a shootout
18 with police, placing Ms. Serrano-Bojoglez, uniformed officers, and the public directly in
19 harm's way. This was caught on video, making conviction very likely in this case.

20 Following the Grand Jury Indictment Warrant Return, the State has objected to any
21 reduction of Defendant's bail. Defendant has proven by his actions that he is an extreme danger
22 to the community and the State once again objects to any further reduction of Defendant's
23 bail. At Defendant's own request, bail was reduced to \$75,000 over the State's objection on
24 January 23, 2019. Any further reduction would be unwarranted and entirely inappropriate.
25 Defendant's new request falls short of providing this Court with adequate assurances that
26 Defendant would remain trouble free or return to the courtroom to face a likely conviction and
27 a mandatory prison sentence.

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CONCLUSION

Based on the foregoing reasons, the State requests that Defendant's Supplemental Motion For Setting Reasonable Bail With House Arrest be DENIED.

DATED this 7th day of October, 2019.

Respectfully submitted,

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

BY /s/FRANK LOGRIPPO
FRANK LOGRIPPO
Deputy District Attorney
Nevada Bar #13911

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that service of the above and foregoing was made this 7th day of October, 2019, by electronic transmission to:

ALEXANDER HENRY, Dep. Public Defender
Email: alexander.henry@clarkcountynv.gov

PUBLIC DEFENDER'S OFFICE
Email: pdclerk@clarkcountynv.gov

BY: /s/ D. Daniels
Secretary for the District Attorney's Office

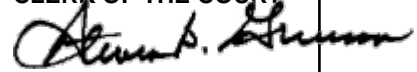
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EXHIBIT '1'



EXHIBIT '2'





MOT
DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ALEXANDER C. HENRY, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 14215
PUBLIC DEFENDERS OFFICE
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Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Alexander.Henry@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-18-335315-1
)	
v.	)	DEPT. NO. XXIII
)	
MARIO BLADIMIR TREJO,)	
	)	DATE: April 6, 2020
Defendant,	)	TIME: 9:30 a.m.

**DEFENDANT'S MOTION FOR SETTING OF REASONABLE BAIL WITH HOUSE
ARREST BASED ON THE CHANGED CIRCUMSTANCES BROUGHT ABOUT BY
THE COVID-19 CRISIS**

COMES NOW, the Defendant, MARIO BLADIMIR TREJO, by and through
ALEXANDER C. HENRY, Deputy Public Defender and moves this Honorable Court for bail to
be set at \$10,000 with House Arrest based on changed circumstances brought about by the
COVID-19 pandemic.

This Motion is made and based upon all the papers and pleadings on file herein, the
attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 30th day of March, 2020.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Alexander C. Henry
ALEXANDER C. HENRY, #14215
Deputy Public Defender

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ALEXANDER C. HENRY makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Mario Bladimir Trejo in the present matter;

2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

3. As the Court is aware, there has been an outbreak of COVID-19, a severe respiratory disease caused by a novel corona virus in Clark County, Nevada.¹

4. By all valid, scientific accounts, containment of this virus has failed and Federal, State and local governments have transitioned into a strategy of limiting spread of the virus to avoid the collapse of our already inadequate and overburdened healthcare system. The strategy calls for the delay of as many infections as possible, for as long as possible. This pandemic strategy, commonly known as, “**flattening the curve**”, helps healthcare systems cope with the outbreak by ensuring that we don’t have too many people getting sick all at once.² If this strategy succeeds, it will save thousands upon thousands of lives. If it fails, the result will be catastrophic.

5. Since Mr. Trejo's last motion for release, circumstances have changed in the most dramatic way imaginable. The governor has issued a State of Emergency and our schools and non-essential businesses are all closed. Our courts, prosecutors, and public defenders are operating with skeleton crews, and our jails and prisons need to do everything possible to

¹ CORONAVIRUS DISEASE 2019 (COVID-19) SITUATION SUMMARY, <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>. (last visited March 19, 2020).

² See WHAT IS FLATTENING THE CURVE? [Chart]
<https://www.nbcnews.com/science/science-news/what-flatten-curve-chart-shows-how-critical-it-everyone-fight-n1155636> (last checked March 19, 2020).

1 combat the two things that propagate this catastrophic virus the most: **lack of resources** and
2 **overcrowding**.

3 6. The risk posed by COVID-19 is extremely serious. According to data from
4 the CDC and other official sources, the current global case fatality rate is **3.4%** to **3.7%**, which
5 is incredibly high, especially when compared to common influenza, which kills less than 0.1% of
6 those who contract it in the United States.³

7 7. There are several factors that increase the risk of death or serious
8 complications (like permanent loss of lung function) from COVID-19. The most serious appears
9 to be age. People between age 50 and 59, for example, are three times more likely to die than
10 those aged 40-49, and over seven times more likely to die than those aged 30-39.⁴ The risk
11 increases exponentially for adults over the age of 60. So far, 80% of COVID-19 deaths have
12 been adults aged 65 and over, and the older you are, the greater your risk of serious
13 complications, hospitalization and death.⁵

14 8. Overall health also plays a large role in determining who survives
15 COVID-19, and who does not. People with medical conditions like **heart disease**, **lung disease**,
16 **diabetes**, **auto-immune diseases**, and **hypertension** are at a higher risk for serious illness and
17 death. For example, out of the first 170 patients to die in Wuhan, nearly **half** had **high blood**
18 **pressure**.⁶

19 _____
20 ³ See, e.g., CORONAVIRUS DEATH RATE VERSUS FLU,
21 <https://heavy.com/news/2020/02/coronavirus-death-rate-vs-flu/> (last checked, 3/19/2020);
22 ELEVEN CHARTS THAT EXPLAIN THE CORONAVIRUS PANDEMIC,
23 <https://www.vox.com/future-perfect/2020/3/12/21172040/coronavirus-covid-19-virus-charts> (last
24 checked, 3/19/2020).

25 ⁴ See, *Id.*, Chart 5: OLDER PEOPLE IN CHINA HAVE BEEN AT THE GREATEST RISK OF
26 DYING FROM COVID-19.

27 ⁵ CENTERS FOR DISEASE CONTROL AND PREVENTION, COVID-19 OLDER ADULTS,
28 [https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications/older-](https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications/older-adults.html)
[adults.html](https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications/older-adults.html) (last checked 3/23/2020).

⁶ TOP CORONAVIRUS DOCTOR: PATIENTS WITH HIGH BLOOD PRESSURE AT
GREATER RISK OF DYING, [https://fortune.com/2020/03/09/coronavirus-death-high-blood-](https://fortune.com/2020/03/09/coronavirus-death-high-blood-pressure-hypertension-patients-wuhan-china-doctor-covid-19/)
[pressure-hypertension-patients-wuhan-china-doctor-covid-19/](https://fortune.com/2020/03/09/coronavirus-death-high-blood-pressure-hypertension-patients-wuhan-china-doctor-covid-19/) (last checked, 3/19/2020).

1 9. Since the virus is thought to spread mainly between people who are in
2 close contact with one another (within about 6 feet) and through the respiratory droplets
3 produced when an infected person coughs or sneezes, the best way to prevent the virus is to
4 avoid this type of exposure.⁷ This is nearly impossible in a jail setting, especially given that
5 COVID-19 can survive on surfaces like plastic and stainless steel for up to 72 hours. Even worse,
6 it now appears that COVID-19 can survive **in the air** for up to **three hours**,⁸ a fact that has
7 caused the CDC to recommend airborne virus protocols for healthcare facilities.⁹ Such protocols
8 are not possible at CCDC or NSP.

9 10. Jails and prisons are particularly vulnerable to the COVID-19 outbreak for
10 a variety of reasons, including inadequate medical facilities, stagnant air, inmates with
11 compromised immune systems, the rapidly aging inmate population, the constant influx of
12 inmates, the traffic of personnel coming and going, and overpopulation.¹⁰ When coronavirus
13 suddenly exploded in China's prisons, there were reports of more than 500 cases spreading
14 across five facilities in three provinces.¹¹ There have already been 38 confirmed cases at New
15 York jails, with more popping up in jails and prisons around the United States every day.¹²

17 ⁷ STEPS TO PREVENT ILLNESS, <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention.html> (last checked 3/23/2020).

18 ⁸ COVID-19 CAN LAST A FEW DAYS ON SURFACES, ACCORDING TO NEW
19 EXPERIMENT FINDINGS, [https://abcnews.go.com/Health/covid19-days-surfaces-experiment-
20 findings/story?id=69569397](https://abcnews.go.com/Health/covid19-days-surfaces-experiment-findings/story?id=69569397) (last checked 3/23/2020).

21 ⁹ INTERIM INFECTION PREVENTION AND CONTROL RECOMMENDATIONS FOR
22 PATIENTS WITH SUSPECTED OR CONFIRMED CORONAVIRUS DISEASE 2019
(COVID-19) IN HEALTHCARE SETTINGS, [https://www.cdc.gov/coronavirus/2019-
23 ncov/infection-control/control-recommendations.html](https://www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html) (last checked 3/23/2020).

24 ¹⁰ See, e.g., ARE OUR PRISONS AND JAILS READY FOR COVID-19?
<https://www.aclu.org/news/prisoners-rights/are-our-prisons-and-jails-ready-for-covid-19/> (last
25 checked 3/23/2020); THIS CHART SHOWS WHY THE PRISON POPULATION IS SO
26 VULNERABLE TO COVID-19, [https://www.themarshallproject.org/2020/03/19/this-chart-
shows-why-the-prison-population-is-so-vulnerable-to-covid-19](https://www.themarshallproject.org/2020/03/19/this-chart-shows-why-the-prison-population-is-so-vulnerable-to-covid-19) (last checked 3/23/2020).

27 ¹¹ 1. THEY WERE ALREADY IN CHINA'S PRISONS. NOW THE CORONAVIRUS IS
28 THERE, TOO, <https://www.latimes.com/world-nation/story/2020-02-28/lawyers-activists->

11. The release of inmates from jails and prisons has been a crucial step in battling the spread of COVID-19. Government officials have called for a reduction in prison populations, recognizing that jails are “a tinderbox for the virus, not just inside correctional facilities, but society at large.”¹³ Hundreds of incarcerated men and women have already been released in the United States, including 600 in Los Angeles and 300 in San Francisco.¹⁴ The Iranian government released 70,000 prisoners in order to combat the spread of the disease.¹⁵ Governments the world over have recognized the tragedy that would result if the brave men and women who staff our jails and prisons become too ill to continue working. The justice system would be severely compromised and the cost in human lives would be catastrophic.

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[pastors-ughurs-families-of-detainees-in-china-fear-coronavirus-spread-outbreak-in-camps-and-prisons](#) (last checked 3/13/2020).

¹² 38 TEST POSITIVE FOR CORONAVIRUS AT RIKERS ISLAND, NEARBY NYC JAILS, https://www.washingtonpost.com/national/38-test-positive-for-coronavirus-at-rikers-island-nearby-nyc-jails/2020/03/22/f3ed5fca-6b1a-11ea-abef-020f086a3fab_story.html (last checked 3/23/2020).

¹³ Id.

¹⁴ Id.

¹⁵ IRAN RELEASES ABOUT 70,000 PRISONERS AS CORONAVIRUS DEATH TOLL REACHES 237, <https://economictimes.indiatimes.com/news/international/world-news/iran-releases-about-70000-prisoners-as-coronavirus-death-toll-reaches-237/articleshow/74552060.cms> (last checked 3/13/2020).

12. Mr. Trejo suffers from **Tracheal Stenosis, Diabetes Mellitus, and suffered a Subglottic Stenosis and a respiratory failure** that caused him to suffer from cardiac arrest. He therefore has an increased risk of serious illness or death from COVID-19. Forcing him to remain in *pre-trial* confinement presents an unnecessary and unjustified additional risk.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 30th day of March, 2020.

/s/Alexander C. Henry

ALEXANDER C. HENRY

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **ARGUMENT**

3 **I. The bail to which Mr. Trejo is entitled under Nevada Law must be specifically**
4 **tailored to his financial means.**

5 If the reviewing court determines that bail is appropriate, the court must set bail “in an
6 amount which . . . will reasonably ensure the appearance of the defendant and the safety of other
7 persons and of the community.” NRS 178.498. In making this determination, the Court must
8 consider: “(1) the nature and circumstances of the offense charged; (2) the financial ability of the
9 defendant to give bail; (3) the character of the defendant; and (4) the factors listed in NRS
10 178.4853.” NRS 178.498. Significantly, an accused’s ability to give bail *must* be part of the bail
11 analysis. *See Stack v. Boyle*, 342 U.S. 1, 4-5 (1951) (“Bail set at a figure higher than an amount
12 reasonably calculated to fulfill [its] purpose is ‘excessive’ under the Eighth Amendment.”).

13 Detaining indigent defendants by setting bail without regard to the accused’s financial
14 ability to pay violates the United States and Nevada Constitutions. U.S. CONST. AMEND. V, VIII,
15 XIV; NEV. CONST. ART. 1 § 6, 7, 8; *U.S. v. Polouzzi*, 697 F. Supp. 2d 381, 390 (E.D.N.Y. 2010)
16 (“Bail conditions are unconstitutionally excessive if they impose restraints that are more than
17 necessary to achieve the government’s interest [in] preventing risk of flight and danger to society
18 ”). The U.S. Justice Department has declared that “[i]ncarcerating individuals solely because
19 of their inability to pay for their release, whether through the payment of fines, fees, or a cash
20 bond, violates the Equal Protection Clause of the Fourteenth Amendment.”¹⁶ *Jones v. City of*
21 *Clanton*, 2015 WL 5387219 at 4 (M.D. Ala. Sep. 14, 2015); *see also, Varden v. City of Clanton*,
22 Civ. No. 15–34, Dckt. No. 26 at 1 (M.D. Ala. Feb. 13, 2015).

23 The Justice Department reasoned that a secured money-bail schedule, like the one often
24 utilized in Clark County, “do[es] not account for individual circumstances of the accused” and
25 “essentially mandate[s] pretrial detention for anyone who is too poor to pay the predetermined

26 ¹⁶ The Justice Department issued a “Dear Colleague Letter” advising state and local courts that
27 due process and equal protection principles forbid using “bail or bond practices that cause
28 indigent Detainees to remain incarcerated solely because they cannot afford to pay for their
29 release.” *Letter from Vanita Gupta to Colleagues* p. 2 (Mar. 14, 2016), available at
30 <https://www.justice.gov/crt/file/832461/download>.

1 fee.” Jones, 2015 WL 5387219 at 9. As a result, the Justice Department concluded that setting
2 bail without regard to an accused’s financial ability to pay “amounts to mandating pretrial
3 detention only for the indigent.” *Id.*

4 There is no association between a particular charge and a blanket “schedule” of money
5 that would guarantee appearance at court or deter future criminal activity. These concerns can
6 only be addressed on an individualized basis. Accordingly, while “utilization of a master bond
7 schedule provides speedy and convenient release for those who have no difficulty in meeting its
8 requirements, [the] incarceration of those who cannot, without meaningful consideration of other
9 possible alternatives, infringes on both due process and equal protection requirements.” Pugh v.
10 Rainwater, 572 F.2d 1053, 1057 (5th Cir. 1978) (*en banc*).

11 Courts must tailor bail to a detainee’s financial resources, setting bail only as high as
12 necessary to reasonably assure the detainee’s return to court. The amount that would provide a
13 meaningful incentive to return to court differs for someone with a six-figure salary and a trust
14 fund versus an indigent defendant, who lacks the means to afford an attorney, much less money-
15 bail.

16 Mr. Trejo’s money-bail is excessive and, therefore, unlawful. He is a pretrial detainee,
17 not a convicted criminal, and his financial circumstances must be fairly and accurately
18 considered when calculating the minimum amount needed to ensure return to court. Stack, 342
19 U.S. at 4-5 (deeming bail which exceeds that necessary to achieve its dual purpose of securing
20 future court appearances and protecting the community an Eighth Amendment transgression);
21 *see also*, U.S. v. Salerno, 481 U.S. at 754 -55 (affirming Stack and holding that, “[w]hen the
22 Government has admitted that its only interest is in preventing flight, bail must be set by a court
23 at a sum designed to ensure that goal, and no more”). Mr. Trejo’s money-bail amount violates his
24 federal constitutional rights, state constitutional rights, and state statutory rights.¹⁷ U.S. CONST.

25 ¹⁷ Pretrial detainees should not remain in custody simply because they are poor. Research
26 indicates that imposing money bail does not improve the chances that a Detainee will return to
27 court, nor does it protect the public because many high-risk Detainees have access to money and
28 can post bond. Instead, it serves only to treat differently those who can and cannot access
money. Incarceration can disrupt the positive factors in the Detainee’s life and lead to negative

1 AMEND. V, VIII, XIV; NEV. CONST. ART. 1 § 6-8; NRS 178.498 (requiring courts to consider the
2 financial ability of the defendant in setting bail).

3 CONCLUSION

4 As outlined in the declaration of counsel, inmates at CCDC are housed in close quarters.
5 The jail is overcrowded and lacks the resources necessary to deal with an outbreak of this
6 insidious virus. Due to its excessive population, stagnant air, the constant arrival of new inmates,
7 the coming and going of employees, and its generally inadequate medical facilities, CCDC is an
8 ideal environment for a virus like COVID-19 to do maximum damage. If Mr. Trejo contracts
9 this disease, he stands an increased risk of serious illness or death due to his underlying health
10 problems. Mr. Trejo is innocent unless *proven* guilty and given the sweeping disruption this
11 pandemic has caused to the court's schedule, there is no way to foresee when his case will go to
12 trial. Forcing Mr. Trejo to remain in pre-trial confinement under these conditions is cruel, unjust
13 and unconstitutional. U.S. CONST. AMEND. V, VIII, XIV.

14 Public policy considerations also compel Mr. Trejo's release. Every inmate released
15 from CCDC is another person incapable of contracting and spreading this devastating disease
16 within the jail's fragile ecosystem. The State has not proven that Mr. Trejo's release would pose
17 a danger to the community or a risk of flight that cannot be mitigated by less restrictive means
18 than pre-trial incarceration, such as house arrest. On the contrary, Mr. Trejo's continued
19 incarceration poses a profound and continuing danger to everyone, both inside and outside the
20 jail.

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27 collateral consequences, including job loss, loss of residence, inability to care for children, and
28 disintegration of other positive social relationships.

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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion for Setting of Reasonable Bail with House Arrest Based on the Changed Circumstances Brought About by the Covid-19 Crisis on for hearing before the Court on the 6th day of April, 2020, at 9:30 a.m. in District Court Department 23.

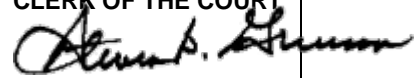
DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

By: /s/Alexander C. Henry -PD
An employee of the
Clark County Public Defender's Office

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
4/1/2020 6:29 AM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Mario Trejo

Case No.: C-18-335315-1
Department 23

NOTICE OF HEARING

Please be advised that the Defendant's Motion for Setting of Reasonable Bail with House Arrest Based on the Changed Circumstances Brought About by the Covid-19 Crisis in the above-entitled matter is set for hearing as follows:

Date: April 06, 2020
Time: 3:30 PM
Location: RJC Lower Level Arraignment
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

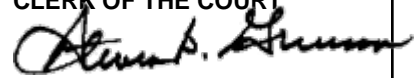
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer
Deputy Clerk of the Court



OPPS

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIII

**STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR SETTING OF
REASONABLE BAIL WITH HOUSE ARREST**

DATE OF HEARING: APRIL 6, 2020
TIME OF HEARING: 3:30 PM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL J. SCHWARTZER, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Setting of Reasonable Bail with House Arrest.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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POINTS AND AUTHORITIES

STATEMENT OF THE CASE

On October 4, 2018, Defendant Mario Trejo (“Defendant”) was charged via an Indictment with one (1) count of Burglary While in Possession of a Firearm, seven (7) counts of Robbery with Use of a Deadly Weapon, one (1) count of First Degree Kidnapping with Use of a Deadly Weapon, two (2) counts of Assault on a Protected Person with Use of a Deadly Weapon, Conspiracy to Commit Robbery and one (1) count of Attempt Robbery with Use of a Deadly Weapon.

On October 5, 2018, during Grand Jury returns, the State requested a bail of \$300,000 with house arrest. Judge Herndon decided to raise the bail to \$500,000.

On November 28, 2018, Defendant’s filed a “Motion for Setting of Reasonable Bail” and requested a bail of \$75,000. On December 5, 2018, Defendant’s motion was denied after argument.

On January 14, 2019, Defendant filed a second Motion for Setting of Reasonable Bail with Electronic Monitoring, “requesting this Court to reconsider his bail,” and asking this Court to” reduce the current bail setting to \$75,000.00 and with electronic monitoring as a condition of release.” On January 23, 2019, this Court granted Defendant’s request.

On October 1, 2019, Defendant filed a third Motion for Reasonable Bail with House Arrest, further requesting this Court reduce bail to “\$10,000 with house arrest as a condition of release.” On October 9, 2019, the motion was denied.

On March 31, 2020, Defendant filed this instant fourth motion to change his bail. The State responds accordingly.

Further, Defendant has had calendar calls on both March 27, 2019 and October 9, 2019 that were continued at Defendant’s request without opposition by the State. This case is currently set for trial on June 15, 2020.

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STATEMENT OF FACTS

On August 4, 2018, Defendant attempted to rob the Super Pawn at 1150 South Rainbow Boulevard in Clark County, Nevada. Grand Jury Transcript (“GJT”), pages 8. Jennifer Incera, a manager at Super Pawn, arrived at work around 8 AM with two other employees and was about to unlock the store when Defendant wearing a black motorcycle helmet, a leather jacket, gloves and boots ran toward her. GJT, p. 8-12. Defendant was armed with a shotgun and pumped it while going toward Jennifer. GJT, p. 12-13. Jennifer yelled at her employees to run. GJT, p. 12-14. Eventually, Jennifer and her employees made it to one of their vehicles and all three of them escaped in that vehicle. GJT, p. 14-15. While driving away, Jennifer noticed Defendant started to follow the vehicle. GJT, p. 16. Eventually, after some maneuvering, Defendant stopped following Jennifer and the other employees. GJT, p. 18. Defendant later confessed to the attempt robbery. GJT, p. 89.

On September 3, 2018, Defendant robbed the same Super Pawn during business hours. At about 1:30 PM, Defendant dressed in the same outfit, returned to the Super Pawn armed with a handgun and a rifle and entered the business. GJT, p. 43-46. Using the handgun, Defendant ordered all the employees at gun point to move behind the counters and to sit on the floor. GJT, p. 46-47. Defendant ordered an employee named Adriane Serrano-Bojoglez to open two safes while taking money and placing it inside a backpack that he was carrying. GJT, p. 47-50. Defendant then ordered Ms. Serrano-Bojoglez at gunpoint to open each of the cash registers. GJT, p. 50.

After taking jewelry in the same fashion, Defendant became upset that one of the safes was on a time delay. GJT, p. 52-53. Defendant ordered Ms. Serrano-Bojoglez to open the back door to allow him to exit and she informed Defendant that she did not have the proper keys to do this. Id. As police arrive, Defendant exited the business through the front door with the handgun placed to Ms. Serrano-Bojoglez’ head. Id. With Ms. Serrano-Bojoglez as a hostage, Defendant began to make his way to a vehicle parked outside the business. GJT, p. 54-57.

Police issued commands for Defendant to drop the firearm. Id. At some point, Defendant moved the handgun from Ms. Serrano-Bojoglez’ head and aim it at uniformed

1 police officers. GJT, p. 57-60. At this time, Ms. Serrano-Bojoglez seized the moment to grab
2 Defendant's arm and pull it toward the ground as the handgun fired. Id. Ms. Serrano-Bojoglez
3 was able to successfully wrestle the handgun from Defendant however, he began to reach for
4 his second gun—a rifle. Id. As officers observed Defendant reaching for the rifle, they fired
5 striking Defendant and causing him to fall to the ground. Id. Ultimately, Defendant was taken
6 into custody. Id. Defendant's taking Ms. Serrano-Bojoglez hostage at gunpoint, their struggle
7 and the shooting of Defendant were all captured on video.

8 ARGUMENT

9 NRS 178.498 provides that the amount of bail should be such as will ensure the
10 presence of the Defendant, the safety of others and of the community, having regard to: (1)
11 the nature and circumstances of the offense charged, (2) the financial ability of the Defendant
12 to give bail, (3) the character of the Defendant and (4) the factors listed in NRS 178.4853,
13 which deal with releases of Defendants without any bail. Those factors include, but are not
14 limited to, (a) his prior criminal record including his record of failing to appear after release,
15 (b) the nature of the offense with which he is charged, the apparent probability of conviction
16 and the likely sentence, insofar as these factors relate to the risk of his not appearing, (c) the
17 nature and seriousness of the danger to the alleged victim, any other person or the community
18 that would be posed by the person's release, (d) the likelihood of more criminal activity by
19 him after he is released and (e) any other factors concerning his ties to the community or
20 bearing on the risk that he may fail to appear. NRS 178.485.

21 In this case, this Court should heavily weigh the nature of the offense. After a failed
22 initial robbery attempt, Defendant returned to the same business armed with two firearms.
23 After robbing the business at gunpoint while many employees and customers were inside,
24 Defendant took an employee hostage at gunpoint out of the store. Ultimately, Defendant
25 engaged in a shootout with police, placing Ms. Serrano-Bojoglez, uniformed officers, and the
26 public directly in harm's way. Defendant not only confessed but was also caught on video,
27 making conviction very likely in this case.

28 ///

Following the Grand Jury Indictment Warrant Return, Judge Herndon after reviewing the facts *sua sponte* increased the bail. Defendant has proven by his actions that he is an extreme danger to the community. At Defendant's own request, bail was reduced to \$75,000 and House Arrest on January 23, 2019. Any further reduction would be unwarranted and inappropriate. Defendant's fourth request for a bail reduction uses the current COVID -19 pandemic as an excuse to reconsider bail. While the State agrees that Defendant has respiratory issues, these issues were caused by Defendant own actions.¹

Moreover, before Defendant was arrested his Instagram posing often depicted various firearms including high capacity rifles and explosives. (See Exhibit 1). Further, demonstrating the Defendant is a safety risk to our community. Defendant's newest request falls short of providing this Court with adequate assurances that Defendant would remain trouble free or return to the courtroom to face a likely conviction and a lengthy mandatory prison sentence. Thus, the State, once again, is asking for Defendant's motion to be denied.

CONCLUSION

Based on the foregoing reasons, the State requests that Defendant's motion be DENIED.

DATED this 1st day of April, 2020.

Respectfully submitted,

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

BY /s/ Michael J. Schwartz
MICHAEL J. SCHWARTZ
Chief Deputy District Attorney
Nevada Bar #010747

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¹ Defendant references several jurisdictions releasing inmates due to the COVID-19 pandemic but does not provide any information what criteria was used to release those pretrial inmates. For example, Los Angeles reduced their inmate population by releasing “nonviolent offenders”, which this Defendant certainly does not qualify as. <https://www.latimes.com/california/story/2020-03-19/la-jails-coronavirus-sheriffs-department>

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and foregoing, was made this 2nd day of April 2020, by email to:

ALEXANDER HENRY, Dep. Public Defender
Alexander.henry@clarkcountynv.gov

PUBLIC DEFENDER’S OFFICE
pdclerk@clarkcountynv.gov

BY: /s/ Stephanie Johnson
Employee of the District Attorney’s Office

18F16522X/saj/MVU

EXHIBIT 1



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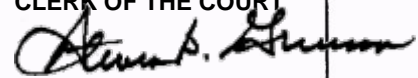


3 likes

MAY 10

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1 ORDR
2 DARIN F. IMLAY, PUBLIC DEFENDER
3 NEVADA BAR NO. 5674
4 ALEXANDER C. HENRY, DEPUTY PUBLIC DEFENDER
5 NEVADA BAR NO. 14215
6 **PUBLIC DEFENDERS OFFICE**
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8 Las Vegas, Nevada 89155
9 Telephone: (702) 455-4685
10 Facsimile: (702) 455-5112
11 Alexander.Henry@clarkcountynv.gov
12 *Attorneys for Defendant*

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 THE STATE OF NEVADA,)
16)
17 Plaintiff,)
18)
19 v.)
20)
21 MARIO BLADIMIR TREJO,)
22)
23 Defendant,)
24)

CASE NO. C-18-335315-1
DEPT. NO. XXIII

25 **ORDER TO FILE EX PARTE APPLICATION FOR ORDER UNDER SEAL**

26 Upon the request of the above-named Defendant, MARIO TREJO, by and through
27 ALEXANDER HENRY, Clark County Deputy Public Defender, and good cause appearing
28 therefore,

IT IS HEREBY ORDERED that upon request of this Court, that ALEXANDER HENRY, Deputy Public Defender, may file an Ex Parte Application for Order under seal.

DATED 17th day of June, 2020.

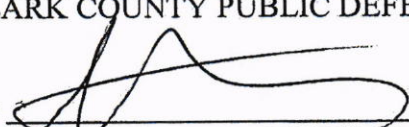


DISTRICT COURT JUDGE
JUDGE STEFANY A. MILEY

(MD)

Submitted by:

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By 
ALEXANDER C. HENRY, #14215
Deputy Public Defender

Steven D. Grierson

ORDR
DARIN F. IMLAY, PUBLIC DEFENDER
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Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
Plaintiff,)
)
v.)
)
MARIO BLADIMIR TREJO,)
)
Defendant,)

CASE NO. C-18-335315-1
DEPT. NO. XXIII

ORDER TO FILE EX PARTE ORDER UNDER SEAL

Upon the request of the above-named Defendant, MARIO TREJO, by and through
ALEXANDER HENRY, Clark County Deputy Public Defender, and good cause appearing
therefor,

IT IS HEREBY ORDERED that upon request of this Court, that ALEXANDER
HENRY, Deputy Public Defender, may file an order under seal.

DATED 17th day of June, 2020.

Stefany A. Miley

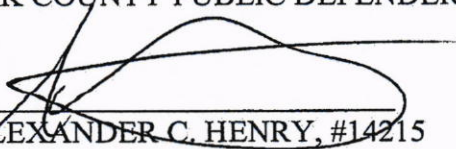
DISTRICT COURT JUDGE

JUDGE STEFANY A. MILEY

(MK)

Submitted by:

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By 
ALEXANDER C. HENRY, #14215
Deputy Public Defender

Eight Judicial District Court
Clark County

DC 24

The state of Nevada
Plaintiff,

Case No: C-18-3353-15-1
Dept NO: 23

-VS-

Motion to Dismiss Counsel

Mario Trejo #2717641
Defendant,

March 24, 2021
8:30 AM

FILED

MAR 02 2021

John T. Blum
CLERK OF COURT

Now comes Mario Trejo, to respectfully
request the dismissal of my current legal
counsel, Alexander Henry, on the basis that
he has been ineffective in regards to this
case and for the following reasons:

- Counsel failed to challenge, in a timely
manner, the Grand Jury indictment held against
me.

Counsel also failed to inform defendant of
the option to file Habeas Corpus, to challenge
the Grand Jury indictment by using evidence
that shows important discrepancies between
eye-witness accounts and video footage of
actual events.

- Counsel failed to properly and accurately
present the facts regarding my medical
condition at court hearings, which factored into
the motions which we set forth being denied.
Alexander Henry also became acquiescent in

RECEIVED

FEB 25 2021

CLERK OF THE COURT

the face of fictitious allegations during court hearings, therefore letting said allegations stand against me unabated and unchallenged

- Counsel has failed to file motions which benefit the defendant, in setting facts in order, which could dismiss many allegations and charges added during Grand Jury Indictment.

Alexander Henry has also neglected to file other motions important to my Defense.

- Counsel has failed to challenge many allegations made by D.A. Michael J. Shartzer while in court, many of which are superfluous, infactual or exaggerated and yet remain unchallenged and unobstructed due to lack of proper and effective Legal representation.

I, Mario Trejo have been left disabled with a speech impediment due to medical neglect at the hands of jail staff, Hence I cannot speak for myself nor challenge any misinformation in court.

In the 26 Months since my detainment ive found my Legal counsel, Alexander

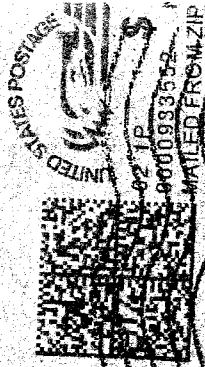
1 Henry and the office of the Public
2 defender unable, unwilling and too
3 overburdened to be effective and to
4 represent and defend me against these
5 serious allegations for which im
6 held in custody of the County of
7 Clark, under bail which is out of
8 my financial reach, violating my 8th
9 Amendment rights, bail which is now
10 even further out of reach due to the
11 financial crisis caused by the Novel
12 Covid-19 virus.

13
14 It is for the above mentioned reasons
15 that I humbly request that this Honorable
16 Court grant this motion to dismiss my
17 current legal counsel, Alexander Henry and
18 either allow me to invoke my rights to
19 self-represent or that the courts
20 appoint the defendant effective legal
21 Counsel.

22
23 Sincerely yours,
24 Mario B. Trejo
25 #2717641
26
27
28

Mario B. Trejo
#2717641

Case No: C-18-3353-15-1
330 Sa Casino Center Blvd.
Las Vegas, N.V. 89101



Las Vegas PaDC 89133

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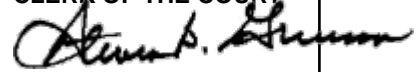
Regional Justice Center
Eight Judicial Court

Clark County

Department: 23

200 Lewis Ave. 3rd floor

Las Vegas, N.V. 89155



0042
DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ALEXANDER C. HENRY, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 14215
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Alexander.Henry@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C-18-335315-1
)	
v.	)	DEPT. NO. XXIV
)	
MARIO BLADIMIR TREJO,)	
	)	DATE: March 24, 2021
Defendant,	)	TIME: 8:30 a.m.
)	

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW, the Defendant, MARIO BLADIMIR TREJO, by and through ALEXANDER C. HENRY, Deputy Public Defender, and hereby submits Defendant's motion requesting that the Court allow the Public Defender's Office to be withdrawn as attorney of record and for Defendant to invoke his right to proceed pro per.

This Motion is based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, Memorandum of Points and Authorities in support hereof, and oral argument at the time set for hearing this Motion.

DATED this 15th of March, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Alexander C. Henry
ALEXANDER C. HENRY, #14215
Deputy Public Defender

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ALEXANDER C. HENRY makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. Defendant is requesting that the Public Defender's Office no longer represent him. Defendant is requesting that the Court appoint new legal counsel or allow him to proceed pro per. (See Attached Exhibit A). Counsel spoke with Defendant about representing himself in this matter or obtaining another attorney.

3. Thus, we are requesting to be withdrawn as the attorney of record, so Defendant can represent himself or obtain new counsel.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 15th day of March, 2021.

/s/Alexander C. Henry
ALEXANDER C. HENRY

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO
WITHDRAW AS ATTORNEY OF RECORD will be heard on March, 24, 2021, at 8:30 a.m. in
District Court, Department XXIV.

DATED this 15th day of March, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Alexander C. Henry
ALEXANDER C. HENRY, #14215
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via
electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountyda.com
on this 15th day of March, 2021.

By: /s/Kayleigh Lopatic
An employee of the
Clark County Public Defender's Office

EXHIBIT A

Eight Judicial District Court
Clark County

DC 24

The state of Nevada
Plaintiff,

Case No: C-18-3353-15-1
Dept NO: 23

-VS-

Motion to Dismiss Counsel

Mario Trejo #2717641
Defendant,

March 24, 2021
8:30 AM

FILED

MAR 02 2021

Alvin L. Blum
CLERK OF COURT

Now comes Mario Trejo, to respectfully
request the dismissal of my current legal
counsel, Alexander Henry, on the basis that
he has been ineffective in regards to this
case and for the following reasons:

- Counsel failed to challenge, in a timely
manner, the Grand Jury indictment held against
me.

Counsel also failed to inform defendant of
the option to file Habeas Corpus, to challenge
the Grand Jury indictment by using evidence
that shows important discrepancies between
eye-witness accounts and video footage of
actual events.

- Counsel failed to properly and accurately
present the facts regarding my medical
condition at court hearings, which factored into
the motions which we set forth being denied.
Alexander Henry also became acquiescent in

RECEIVED

FEB 25 2021

CLERK OF THE COURT

the face of fictitious allegations during court hearings, therefore letting said allegations stand against me unabated and unchallenged

- Counsel has failed to file motions which benefit the defendant, in setting facts in order, which could dismiss many allegations and charges added during Grand Jury Indictment.

Alexander Henry has also neglected to file other motions important to my Defense.

- Counsel has failed to challenge many allegations made by D.A. Michael J. Shartzer while in court, many of which are superfluous, infactual or exaggerated and yet remain unchallenged and unobstructed due to lack of proper and effective Legal representation.

I, Mario Trejo have been left disabled with a speech impediment due to medical neglect at the hands of jail staff, Hence I cannot speak for myself nor challenge any misinformation in court.

In the 26 Months since my detainment ive found my Legal counsel, Alexander

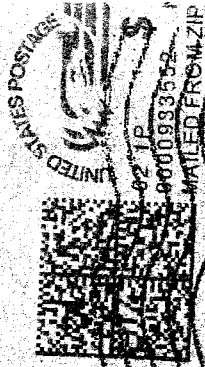
1 Henry and the office of the Public
2 defender unable, unwilling and too
3 overburdened to be effective and to
4 represent and defend me against these
5 serious allegations for which im
6 held in custody of the County of
7 Clark, under bail which is out of
8 my financial reach, violating my 8th
9 Amendment rights, bail which is now
10 even further out of reach due to the
11 financial crisis caused by the Novel
12 Covid-19 virus.

13
14 It is for the above mentioned reasons
15 that I humbly request that this Honorable
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17 current legal counsel, Alexander Henry and
18 either allow me to invoke my rights to
19 self-represent or that the courts
20 appoint the defendant effective legal
21 Counsel.

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23 Sincerely yours,
24 Mario B. Trejo
25 #2717641
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Mario B. Trejo
#2717641

Case No: C-18-3353-15-1
330 Sa Casino Center Blvd.
Las Vegas, N.V. 89101



Las Vegas PADC 89199

NOV 20 2018 PM

SENT FROM **CCDe**

LEGAL

Regional Justice Center
Eight Judicial Court

Clark County

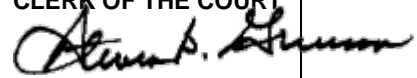
Department: 23

200 Lewis Ave. 3rd floor

Las Vegas, N.V. 89155

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
3/15/2021 12:46 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Mario Trejo

Case No.: C-18-335315-1
Department 24

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Withdraw as Attorney of Record in the above-entitled matter is set for hearing as follows:

Date: March 29, 2021
Time: 8:30 AM
Location: RJC Courtroom 12C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Imelda Murrieta
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Imelda Murrieta
Deputy Clerk of the Court

04/20/2021

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Eight Judicial District
Clark County

Heavenly. Lumin
CLERK OF THE COURT

The state of Nevada Case No: C-18-3363-15-1
Plaintiff, Dept No: 24

-VS-

4/26/21 8:30 AM

Mario Trejo #2717641 Motion for Medical O.R.
Defendant, Pro se / to set Reasonable bail

Comes now, Defendant in pro se, Mario Trejo, humbly moving this court and requesting that honorable Judge Ballou, Grant this motion for a medical O.R. release, or in failure to grant, that an order be granted to adjust bail to the Reasonable, individualized amount of \$10,000 so that Defendant may afford Bond.

This motion set forth comes in light of a medical condition incurred after detention of Defendant, which to date has yet to be satisfactorily addressed by detention facility and its medical provider. Also due to negative economic conditions caused by the Covid-19 virus, furthermore due to mounting legal responsibilities set by a plea deal signed in the Clark County family Courts, which carries requirements that can only be met outside of custody, Hence the defendant in pro se, presents this dutiful court with this motion and exhibits which support claiming along with legal standards that support this action.

Memorandum of Points and authorities

In Nevada, under Art. 1 § 7 of the Nevada Constitution, "All persons shall be bailable by sufficient surities[.]" Under Art. 1 § 6, Excessive bail is not permitted, which means bail not "More than the accused can reasonably be expected under the circumstances to give[.]"

Ex parte Malley, 50 Nev. 248, 253, 256 P.512, 514 (1927) Nev. Rev. Stat. 178.4853 list the factors a court must consider in making a determination of a reasonable bail to permit an accused to.

In this matter, the accused is not accused of any crime which is not bailable under Art. 1 § 7 of the Nevada constitution, and therefore he is entitled to have bail set reasonably, in light of his circumstances and ability to give.

Defendant suggest that release without conditions satisfies all the requirements laid out under Nev. Rev. Stat. § 178.4853 as explained in the Nevada Supreme Court's recent decision in regards to bail.

I. Legal Standard

In the consolidated cases Valdez-Jimenez v. Eight Jud. Dist. Ct. and Frye v. Eight Jud. Dist. Ct., Nevada supreme Court cases No: 76417 and 76845, respectfully, the Nevada Supreme Court recently offered extensive

1 guidance to litigants and courts regarding
2 the necessary process required under the
3 constitutions of the United States and of
4 the state of Nevada. 136 Nev. Adv. Op. 20
5 (April 9, 2020)

6 The procedural safeguards and standards set
7 forth in the opinion render all previous custody
8 orders illegal and require prompt re-evaluation of
9 the custody status of those who remain in
10 custody. "When bail is set in an amount the
11 Defendant cannot afford, however, it deprives the
12 Defendant of his liberty and all its attendant
13 benefits, despite the fact that he has not
14 been convicted and is presumed innocent."

15 Id. at Page 2. 24. Therefore, "A defendant who
16 remains in custody following arrest is constitution-
17 ally entitled to a prompt individualized
18 determination... preceded by an adversarial hearing
19 at which the defendant is entitled to present
20 evidence and argument concerning relevant bail
21 factors." Id. following that adversarial hearing,

22 "The Judge... may impose bail only if the
23 state proves by clear and convincing evidence
24 that it is necessary... [and] The Judge must
25 consider the defendants financial resources... in
26 setting the amount of bail[.] "Id. "Bail is an
27 amount greater than necessary to ensure a
28 defendants appearance and the safety of the

1 safety of the community is unconstitutional[.]

2 Id. at page 3. 12 (emphasis added)

3 "[B]ecause the right of an individual to
4 reasonable bail before trial is a fundamental
5 one, bail must not be in an amount greater than
6 necessary to serve the states interests."

7 Id. at page 3. 13. quoting U.S. V. Salerno 481
8 U.S. 739, 750 (1987).

9 In sum the law in Nevada presumes that
10 defendants are to be immediately released
11 pending trial.

12 Nonmonetary restrictions and any possible
13 combination thereof, must be considered in light
14 of the factors in Nev. Rev. Stat. § 178.4853,
15 and rejected before any amount of cash bail
16 is required of any accused. Id. Only when
17 Nonmonetary restrictions are deemed inadequate
18 may a court properly set a monetary bail-and
19 then only in an amount that takes into "consideration
20 the defendants financial resources as well as
21 other factors relevant to the purposes of bail"
22 Id. at 23.

23 Under Nev. Rev. Stat. § 178.4853, Courts must
24 consider these factors at minimum in
25 determining the reasonable bail to be set
26 if any be required.

27 II. Argument

28 Factors to consider when determining medical O.R.

- 1 /bail for Defendant in pro se, Mario Trejo:
2 • Defendant has been part of the community
3 for 28 years.
- 4 • Has held Gainfull employment in several
5 industries since the age of 15, only Ceased
6 working on Oct. 24, 2017 when he was wounded
7 in case No: 18329351 in which he was the Victim.
- 8 • Has 3 children in the community, a spouse
9 and his entire known family all of whom
10 reside and have been rooted to this community
11 for decades. Defendant has schooled, Grown and
12 built his whole life in Las Vegas.
- 13 • Defendant is known by friends and family to be
14 responsible and caring, Always putting his family
15 before himself, and is of good repute in his
16 community.
- 17 • has Never failed to appear before a court
18 summons, has No criminal history, Never skipped
19 bail and has no outstanding civil debts.
- 20 • Responsible members of this community
21 whom vouch for Mario Trejo are:
22 Kira Debarge-sullivan - Religious peer
23 Bret Benson - owner of triple Pane systems inc.
24 Mauricio Espinoza - RSM, T-Mobile
25 Samantha Bodan - Lab technician
26 Jose Perez - Roofer/foreman
- 27 • Defendant has violent allegations set against
28 , however, has powerful defense against charges,

strong mitigational circumstances and more evidence to present and not yet filed.

- Defendant has no past to suggest he is a danger to community or others, furthermore his current medical condition severely limits the defendant to the point at which he is considered physically disabled. Danger to others is highly unlikely.

- There is no likelihood of further criminal activity, defendant is not involved in nefarious activities, has critical health needs that prohibit much and in addition will be residing, if released, with his support system of kin whom are deeply involved in defendant's life and day to day struggles.

- There are many factors that prevent any failure to appear on behalf of defendant. Defendant is in daily need of medical supplies which only state provided healthcare systems can procure. Defendant is in need of constant emergency medical services for the many life threatening instances he may suffer, being that hospitals report any patients with warrants, the defendant must keep to all court hearings or risk being remanded into custody.

in addition, defendant has, to date, 32 months credit. F.A.'s may jeopardize that time credit. hence, Defendant is eager to maintain all court orders.

1 Argument Part II. medical

2 The Detention facility and its medical provider
3 have proven themselves to be neglectful to
4 the defendants medical needs on many
5 occasions have endangered the defendants
6 life, the following is the account of a few
7 of these instances and the exhibits that
8 support defendants claim.

9
10 On 12-10-18 while in custody at the County of
11 Clark, the defendant suffered a life-threatening
12 respiratory event in which he was suffocating
13 due to a medical device failure, the jails
14 medical staff responded but decided that
15 defendant was faking event. defendant was
16 denied Emergency medical services and
17 was left to suffocate 8-9 hours until he
18 suffered cardio-respiratory failure, in essence,
19 Death. Defendant was given CPR then and
20 resuscitated while en route to hospital where he
21 suffered cardiac arrest again. After resuscitation
22 multiple surgeries including a tracheostomy he
23 was placed in coma for 10 Days.

24 -see exhibit A. part 1-

25 -see exhibit B-

26 soon After return to facility, defendant was
27 denied basic replacement parts for tracheostomy
28 by Jail medical provider cause they were
costly and had to be replaced daily.

7

1 Because defendant lacked proper supplies, he
2 suffered yet another emergency event in which
3 emergency services were denied, until defendant
4 lost consciousness, having to be hospitalized
5 for another week, for pneumonia treatment
6 and cause of a blocked tracheostomy
7 airway which had to be replaced.

8 During that week, a hearing to adjust
9 bail was held in absentia on Jan. 23, 2019,
10 in which my bail was adjusted to \$75,000.
11 However counsel was aware that bail was too
12 high even then but neglected to request a
13 lower bail.

14
15 Since, the defendant has tried to get the
16 proper and timely healthcare all of which the
17 facility has challenged at every turn.

18 The public defenders office had to bring in
19 a mitigation specialist, Emily Reeder, and
20 even then the jail fought to deny proper
21 medical care through the last 32 months

22 the facility has proven unable to meet the
23 defendant's medical needs and so he requests
24 a medical O.R. in order to seek the
25 necessary medical care, out of custody.

26 Argument Part III Covid-19

27 The city-wide shutdown of 2020 due to
28 Covid-19 crippled the Las Vegas economy,

1 and with it any hope for the defendant to
2 reach a bond which was already too high.
3 The defendant's support system were for the
4 most part employees of the MOM,
5 which shutdown and laid off most employees
6 including defendant's family.

7 To this day defendant's support system
8 is laid off or struggling to catch up after
9 a year of lost wages.

10 Making impossible for defendant to bail
11 out.

12 In addition the defendant is in the
13 high risk group that can suffer the
14 worst effects from Covid-19.

15 The defendant has type II diabetes and
16 due to his medical condition has an
17 exposed and vulnerable respiratory system
18 which is prone to catching pneumonia's and
19 easily exposed to covid-19 contraction.

20 -See exhibit A part 2,4,5.-

22 Argument Part IV. Family courts

23 In late 2020, 2 of my children were
24 placed in foster care, the defendant was
25 charged with child neglect due to his inability
26 to take custody of the children.

27 In regards to case No: J-20-351577 P1,
28 I signed a plea deal which has legal

1 requirements and obligations that come
2 before the children can be recovered from
3 foster care, requirements that the defendant
4 can not meet while in custody.

5 these legal obligations also have a time
6 limit in which parental rights will be
7 forfeit if no action is taken or requirements
8 not met.

9 Defendant also seeks release so that he
10 may prepare guardianship of children with
11 trusted family, in case prison term must
12 be served

13 If released, defendant will also be engaged
14 with C.P.S. to prove that children will be
15 returned to healthy safe environment and
16 yet another factor which holds defendant
17 bound to maintain ~~any~~ court date
18 if released.

19 -See exhibit C-

20 III. Conclusion

21 For the forementioned reasons, defendant
22 humbly request that the courts and the
23 Honorable Judge Ballou, grant this motion
24 for a medical O.R. or an individualized,
25 reasonable bail in light of defendants
26 personal circumstances, if it is found
27 that no other combination of non-
28 monetary restrictions will ensure his

1 presence in future hearings.

2 Thank you for your time, attention
3 and for granting the defendant an audience.

4 Dated this 5th day of April, 2021.
5

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7 signed: Mario Trep

8 

9 Defendant, pro se
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Mario B. Trego .

#2717641

330 S. Casino center BLVD.

Las Vegas, NV 89101

Eight Judicial District Court
Clark County

The State of Nevada
Plaintiff,

-VS-

Mario Trego #2717641
Defendant, pro se/

Case No. C-18-3353-15-1

Medical Record in
support of Motion

Exhibit A

Patient's PCP: **Cheryll Udani, MD**

Resident: Cameron Charlow, DO

No chief complaint on file.**HISTORY OF PRESENT ILLNESS**

28 YOM originally transferred from Prison with PMH of DM2, and Tracheal Injury from GSW requiring dilation and stent placement over a year ago presented to UMC on 12/10 with Hypoxic respiratory failure requiring emergent cricothyroidotomy, He subsequently had Cardiac Arrest with return to ROSC after one round of CPR. He was then transferred to St rose for Stent removal secondary to lung collapse and stent migration. At St rose he had successful removal of stent and was found to have staph positive lung culture and leukocytosis and was started on antibiotics. The patient has since become agitated when of sedatives, pulling out foley catheter, and central lines. He was sedated with Versed, and started on Seroquel. He was transferred back to UMC for further evaluation and management.

History obtained from Patient and Medical Record From Transferring Hospital

Review of Systems:

A 10-point review of systems is negative except as noted in HPI.

GEN	no fevers or chills; no weight loss
HEENT	no headache sore throat or rhinorrhea
NECK	Supple, FROM, no thyromegaly, no LAD, no JVD
CV	Anterior sternal pain that is tender
PULM	+ cough no shortness of breath
GI	no abdominal pain, nausea, vomiting, or diarrhea
GU	no dysuria or hematuria
BACK	No CVA tenderness, no midline back tenderness
NEURO	no numbness, tingling or weakness
MSK	no joint pains or muscle aches
SKIN	no rash or skin breakdown
PSYCH	no mood changes or hallucinations
HEME	no abnormal bleeding or bruising

HISTORY**Past Medical History:****Past Medical History:**

Diagnosis	Date
• Diabetes mellitus (CMS/HCC)	End
• Gunshot wound	2017
Tracheal injury requiring stent placement	End
• Hemothorax	
• Liver laceration	
• Pulmonary contusion	End
• Tracheal stenosis	End

Mario B. Trejo

#2717641

330 S. Casino Center BLVD.

Las Vegas, N.V. 89104

Eight Judicial District Court
Clark County

The state of Nevada
Plaintiff,

Case No: C-18-3353-15-1

-VS-

Mario Trejo #2717641
Defendant, Pro se/

Communicae in support
of Motion

Exhibit B

Alexander Henry

From: [REDACTED]
Sent: Thursday, January 10, 2019 5:48 PM
To: Alexander Henry
Subject: Trejo

Here's the info I got regarding Trejo's medical condition. This is from Sergeant Sean Berndt at CCDC and was sent to the FIT detective on 12/12/18:

"I just wanted to give you guys a little bit of info on what happened last night. After he came out of surgery they were wanting to send him to St. Martin to have another surgery. Apparently it was to remove the stent that was blocking his lung. He took a turn for the worse at approximately 0030 and Dr. Norueddin the on duty DR. Spoke with Dr. Modi. Then he tried to call the Trauma Dr. to do the surgery then and not wait for the morning. Trauma said that it was not a trauma issue, and needed to call the ENT. ENT said that they did all that they could earlier and would not do it then. His oxygen levels dropped to the 40's and his heart rate was in the 160's They saw that Trejo was dying and would not last much longer so he finally had to get the CMO or COO involved. He said that the Dr. that did the previous surgery had an obligation to fix it then. Dr. Feikes did finally come and did a procedure at approximately 0315. It was done at approximately 0345. They went in and cleaned out the stent and determined that they could not fix it then and didn't think that anyone in town could fix it either. So someone probably would have to be brought in from out of town. He is stable at the moment."

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Mario B. Trejo
#2717641
330 S. Casino Center BLVD.
Las Vegas, Nev. 89101

Eight Judicial District court
Clark County

The State of Nevada
Plaintiff,

Case No: C-18-3353-15-1

Copy of plea in
support of Motion

-VS-
Mario Trejo #2717641
Defendant, pro se

Exhibit C

COPY

**DISTRICT COURT / TRIBUNAL DE DISTRITO
JUVENILE DIVISION / JUZGADO DE MENORES
CLARK COUNTY, NEVADA / CONDADO DE CLARK, NEVADA**

In the Matter of / En el asunto de:

TREJO CHILDREN,

Minor(s) / Menor(es)

)

) CASE NO / No. De Causa: J-20-351577-P1

) PETITION NO. / Petición No.: 1

) DEPT. NO. / Juzgado No.: K

) COURTROOM / No. De Sala: 22

SUMMONS / CÉDULA DE EMPLAZAMIENTO

Date of Hearing / Fecha de la audiencia: 09-02-2020

Time of Hearing / Hora de la audiencia: 10:00 a.m.

MARIO TREJO-GONZALEZ, ID# 02717641

Clark County Detention Center

330 S. Casino Center Blvd.

Las Vegas, Nevada 89101

YOU ARE HEREBY NOTIFIED that the attached petition was filed against you in the Family Court alleging child abuse and/or neglect under Chapter 432B of the Nevada Revised Statutes.

Pursuant to the provisions of NRS 432B.520, **YOU ARE HEREBY SUMMONED** to appear personally before the above-entitled Court, Juvenile Division thereof, 601 North Pecos Road, Las Vegas, Clark County, Nevada; and **YOU ARE HEREBY ORDERED** to appear at the time and date stated for proceedings.

Parents, guardians or custodians in child abuse or neglect proceedings have the right to counsel at adjudicatory hearings.

SE LE NOTIFICA que el documento adjunto se archiva contra usted en la Oficina General de los Tribunales Familiar, alegando cargos de maltrato o negligencia hacia un menor debajo el Capitulo 432B de la legislación Revisada por el Estado De Nevada. Hecho en consecuencia de las provisiones de NRS 432B.520.

SE LE CITA para que se presente personalmente ante el tribunal mencionado, Juzgado de Menores, 601 North Pecos Road, Condado de Clark, Las Vegas, Nevada, en la fecha y hora mencionadas anteriormente y

SE LE ORDENA que se presente personalmente ante la hora y la fecha mencionada para las diligencias referentes al(los) cargo(s) imputado(s).

En los casos de maltrato o negligencia hacia un menor, los padres o tutores tienen derecho a estar representados por un abogado durante las audiencias resolutorias.

1 **PLEA**

2 William B. Gonzalez, Esq.

3 Nevada Bar No. 6319

4 **LAW OFFICES OF BILL GONZALEZ**

5 704 S. Sixth Street

6 Las Vegas, Nevada 89101

7 Telephone: 702.466.4008

8 Facsimile: 702.291.7732

9 Email: bill@gonzalezlawlv.com

10 Attorney for Natural Father Mario Trejo-Gonzalez

11 **DISTRICT COURT FAMILY DIVISION**

12 **CLARK COUNTY, NEVADA**

13 In the Matter of:

14 SERENITY TREJO, DOB: 01-20-2017

15 ABIGAIL TREJO, DOB: 03-17-2018

CASE NO.: J-20-351577-P1

DEPT. NO.: K

COURTROOM: 22

16
17
18 Minors Under 18 Years of Age.
19

20 **PLEA IN ABSENTIA TO SECOND AMENDED PETITION**

21
22 I, Natural Father, MARIO TREJO-GONZALEZ, being fully informed
23 and aware of the allegations in this matter, am pleading "No Contest" or nolo
24 contendere to Petition 1 filed on August 28, 2020 amended as follows:
25

26 (d) Mario was unable to discharge his responsibilities to and for the
27 subject minors because at the time of the removal he was incarcerated. He is
28 currently charged with Burglary while in Possession of Firearm, seven counts of

1 Robbery with Use of Deadly Weapon, First Degree Kidnapping with Use of
2 Deadly Weapon, two counts of Assault on a Protected Person, with Use of a
3 Deadly Weapon, Conspiracy to Commit Robbery, and Attempt Robbery with Use
4 of a Deadly Weapon. See NRS 432B.330()(a);

5 (e) is stricken from the Second Amended Petition but will be addressed in
6 the case plan. The fact that I am pleading no contest is neither an admission nor
7 denial of the allegations aforementioned. The Court, however, is going to treat my
8 no contest plea as though I have admitted the allegations as though they are true.
9
10

11 Waiver of Rights

12 In entering this Plea, I understand that I am waiving and forever giving up
13 my right to go forward with an adjudicatory hearing of the allegations contained in
14 the petition alleged by Child Protective Services/the Department of Family
15 Services and/or their counsel. I understand that I have the constitutional privilege
16 against self-incrimination, including the right to testify and the right to refuse to
17 testify at the hearing, in which event the state would not be allowed to comment
18 about my refusal to choose not to testify. I am giving up my right to cross examine
19 any witnesses who the state would have testify against me and the right to
20 subpoena witnesses to testify on my behalf as well as the right to testify on my
21 own behalf.
22
23
24
25
26

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28

Voluntariness of Plea

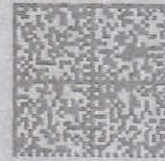
I have discussed the allegations contained in the Petition with my attorney including what the State would have to prove against me as well as the standard of proof being the “preponderance of the evidence” or “more likely than not.” I assert that no threats have been made against me or anyone closely associated with me. I believe that by entering into this plea bargain is in my best interest and that an adjudicatory hearing would be contrary to my best interest and that by signing this agreement I am doing so, freely and voluntarily, after consultation with my attorney, and I am not acting under duress or coercion.

I am not now under the influence of any intoxicating liquor, a controlled substance or any other drug which would could or may impair my ability to comprehend or understand or enter into this agreement or affect my ability to understand or sign this plea. I am in full control of my faculties and am of sound mind to fully understand my entry of this plea.

Consequences of this Plea

I understand that my children may be adjudicated a Ward of the State of Nevada and they can be placed back with me or a relative and that I will be given a Case Plan which I must fully comply with. My case plan will require that I will cooperate with Department of Family Services, comply with requirements in my criminal case (if any) and participate in family counseling and follow any

Mario B. Trejo
#2717641 / Case No: C-18-3353-15-1
330 S. Casino Center Blvd.
Las Vegas, N.V. 89101



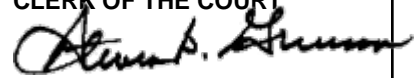
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Eight Judicial District Court
Clark County
Department 24
200 Lewis Ave 3rd Floor
Las Vegas, N.V. 89155



OPPS

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIV

**STATE'S OPPOSITION TO DEFENDANT'S FIFTH MOTION FOR OWN
RECOGNIZANCE RELEASE**

DATE OF HEARING: APRIL 26, 2021
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL J. SCHWARTZER, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Setting of Reasonable Bail with House Arrest.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On October 4, 2018, Defendant Mario Trejo (“Defendant”) was charged via an
4 Indictment with one (1) count of Burglary While in Possession of a Firearm, seven (7) counts
5 of Robbery with Use of a Deadly Weapon, one (1) count of First Degree Kidnapping with Use
6 of a Deadly Weapon, two (2) counts of Assault on a Protected Person with Use of a Deadly
7 Weapon, Conspiracy to Commit Robbery and one (1) count of Attempt Robbery with Use of
8 a Deadly Weapon.

9 On October 5, 2018, during Grand Jury returns, the State requested a bail of \$300,000
10 with house arrest. Judge Herndon decided to raise the bail to \$500,000.

11 On November 28, 2018, Defendant’s filed a “Motion for Setting of Reasonable Bail”
12 and requested a bail of \$75,000. On December 5, 2018, Defendant’s motion was denied after
13 argument.

14 On January 14, 2019, Defendant filed a second Motion for Setting of Reasonable Bail
15 with Electronic Monitoring, “requesting this Court to reconsider his bail,” and asking this
16 Court to” reduce the current bail setting to \$75,000.00 and with electronic monitoring as a
17 condition of release.” On January 23, 2019, this Court granted Defendant’s request.

18 On October 1, 2019, Defendant filed a third Motion for Reasonable Bail with House
19 Arrest, further requesting this Court reduce bail to “\$10,000 with house arrest as a condition
20 of release.” On October 9, 2019, the motion was denied.

21 On March 31, 2020, Defendant filed a fourth motion to change his bail. On April 6,
22 2020, Defendant’s motion was denied.

23 On March 31, 2021, Defendant, after being canvassed, elected to act as his own counsel
24 without standby counsel.

25 Defendant’s trial is currently scheduled for May 24, 2021.

26 On April 20, 2021, Defendant filed this fifth bail motion. The State was not served with
27 the motion but found about it while checking the minutes for the March 31, 2021 hearing. The
28 State responds accordingly.

STATEMENT OF FACTS

On August 4, 2018, Defendant attempted to rob the Super Pawn at 1150 South Rainbow Boulevard in Clark County, Nevada. Grand Jury Transcript ("GJT"), pages 8. Jennifer Incera, a manager at Super Pawn, arrived at work around 8 AM with two other employees and was about to unlock the store when Defendant wearing a black motorcycle helmet, a leather jacket, gloves and boots ran toward her. GJT, p. 8-12. Defendant was armed with a shotgun and pumped it while going toward Jennifer. GJT, p. 12-13. Jennifer yelled at her employees to run. GJT, p. 12-14. Eventually, Jennifer and her employees made it to one of their vehicles and all three of them escaped in that vehicle. GJT, p. 14-15. While driving away, Jennifer noticed Defendant started to follow the vehicle. GJT, p. 16. Eventually, after some maneuvering, Defendant stopped following Jennifer and the other employees. GJT, p. 18. Defendant later confessed to the attempt robbery. GJT, p. 89.

On September 3, 2018, Defendant robbed the same Super Pawn during business hours. At about 1:30 PM, Defendant dressed in the same outfit, returned to the Super Pawn armed with a handgun and a rifle and entered the business. GJT, p. 43-46. Using the handgun, Defendant ordered all the employees at gun point to move behind the counters and to sit on the floor. GJT, p. 46-47. Defendant zip tied the front door to prevent customers and employees from leaving the store. Defendant ordered an employee named Adriane Serrano-Bojoglez to open two safes while taking money and placing it inside a backpack that he was carrying. GJT, p. 47-50. Defendant then ordered Ms. Serrano-Bojoglez at gunpoint to open each of the cash registers. GJT, p. 50.

After taking jewelry in the same fashion, Defendant became upset that one of the safes was on a time delay. GJT, p. 52-53. Defendant ordered Ms. Serrano-Bojoglez to open the back door to allow him to exit and she informed Defendant that she did not have the proper keys to do this. Id. As police arrive, Defendant exited the business through the front door with the handgun placed to Ms. Serrano-Bojoglez' head. Id. With Ms. Serrano-Bojoglez as a hostage, Defendant began to make his way to a vehicle parked outside the business, inside the vehicle was another assault rifle. GJT, p. 54-57.

1 Police issued commands for Defendant to drop the firearm. Id. At some point,
2 Defendant moved the handgun from Ms. Serrano-Bojoglez' head and aim it at uniformed
3 police officers. GJT, p. 57-60. At this time, Ms. Serrano-Bojoglez seized the moment to grab
4 Defendant's arm and pull it toward the ground as the handgun fired. Id. Ms. Serrano-Bojoglez
5 was able to successfully wrestle the handgun from Defendant however, he began to reach for
6 his second gun—a rifle. Id. As officers observed Defendant reaching for the rifle, they fired
7 striking Defendant and causing him to fall to the ground. Id. Ultimately, Defendant was taken
8 into custody. Id. While in the hospital, Defendant confessed to the robbery and even wrote an
9 apology letter to Ms. Serrano-Bojoglez. Defendant's taking Ms. Serrano-Bojoglez hostage at
10 gunpoint, their struggle and the shooting of Defendant were all captured on video.¹

11 ARGUMENT

12 NRS 178.498 provides that the amount of bail should be such as will ensure the
13 presence of the Defendant, the safety of others and of the community, having regard to: (1)
14 the nature and circumstances of the offense charged, (2) the financial ability of the Defendant
15 to give bail, (3) the character of the Defendant and (4) the factors listed in NRS 178.4853,
16 which deal with releases of Defendants without any bail. Those factors include, but are not
17 limited to, (a) his prior criminal record including his record of failing to appear after release,
18 (b) the nature of the offense with which he is charged, the apparent probability of conviction
19 and the likely sentence, insofar as these factors relate to the risk of his not appearing, (c) the
20 nature and seriousness of the danger to the alleged victim, any other person or the community
21 that would be posed by the person's release, (d) the likelihood of more criminal activity by
22 him after he is released and (e) any other factors concerning his ties to the community or
23 bearing on the risk that he may fail to appear. NRS 178.485.

24 In this case, this Court should heavily weigh the nature of the offense. After a failed
25 initial robbery attempt, Defendant returned to the same business armed with three firearms.
26 After robbing the business at gunpoint while many employees and customers were inside,
27 Defendant took an employee hostage at gunpoint out of the store. Ultimately, Defendant
28

¹ Video from LVMPD air support provided as Exhibit 1

1 engaged in a shootout with police, placing Ms. Serrano-Bojoglez, uniformed officers, and the
2 public directly in harm's way. Defendant not only confessed but was also caught on video
3 (both inside and outside the store), making conviction very likely in this case.

4 Following the Grand Jury Indictment Warrant Return, the grand jury after reviewing
5 the facts *sua sponte* increased the bail to \$500,000 with house arrest. That judge noted that
6 Defendant has proven by his actions that he is an extreme danger to the community. On
7 January 23, 2109, after Defendant's second motion to reduce bail, the prior Court considering
8 the same medical information set forth in Defendant's instant motion, reduced bail to \$75,000
9 and house arrest. Any further reduction would be unwarranted and inappropriate. Defendant's
10 fifth request for a bail reduction uses the same arguments (pandemic, health) previously
11 considered by the prior court. There is nothing new in Defendant's motion that should change
12 the current bail setting from the \$75,000 and house arrest previously ordered by the courts.

13 Moreover, before Defendant was arrested his Instagram posting often depicted various
14 firearms including high capacity rifles and explosives. (See Exhibit 2). Further, demonstrating
15 the Defendant is a safety risk to our community. Finally, Defendant is not in the country legally
16 and is subject to federal deportation. This is not being stated for being a bad act, but a reason
17 Defendant should be considered a flight risk. Defendant's newest request falls short of
18 providing this Court with adequate assurances that Defendant would remain trouble free or
19 return to the courtroom to face a likely conviction and a lengthy mandatory prison sentence.
20 Thus, the State, once again, is asking for Defendant's motion to be denied.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 CONCLUSION

2 Based on the foregoing reasons, the State requests that Defendant's fifth motion for
3 own recognizance release be DENIED.

4 DATED this 21st day of April, 2021.

5 Respectfully submitted,

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

9 BY /s/MICHAEL J. SCHWARTZER
10 MICHAEL J. SCHWARTZER
11 Chief Deputy District Attorney
12 Nevada Bar #010747
13

14 CERTIFICATE OF FACSIMILE TRANSMISSION & MAILING

15 I hereby certify that service of the above and foregoing was made this 22nd day of April
16 2021, by facsimile transmission and/or U.S. Postal Service Mail to:

17 MARIO TREJO #2717641
18 INMATE - CCDC
19 330 S. CASINO CENTER BLVD.
20 LAS VEGAS, NV 89101

21 CCDC
22 INMATE SERVICES
23 (702) 384-3190

24 BY: /s/ D. Daniels
25 Secretary for the District Attorney's Office
26
27
28

EXHIBIT '1'



Instagram

© 2018 Instagram

Log In

Sign Up



vladylives • Follow

vladylives #edc #merica #m88a
loudluxury 🔥



12 likes

4 AUGUST

Log in to like or comment.



EXHIBIT '2'



Instagram

Q 123456

Log In

Sign Up



vladylives • Follow

vladylives Got more options than you have outfits #edc #glock #sigsaue



5 likes

Like · 12

Log in to like or comment



EXHIBIT '3'



Instagram

© 2020 Instagram

Log In

Sign Up



vladylives • Follow

vladylives #10mm #9mm #roni #twins



5 likes

May 20

Log in to like or comment



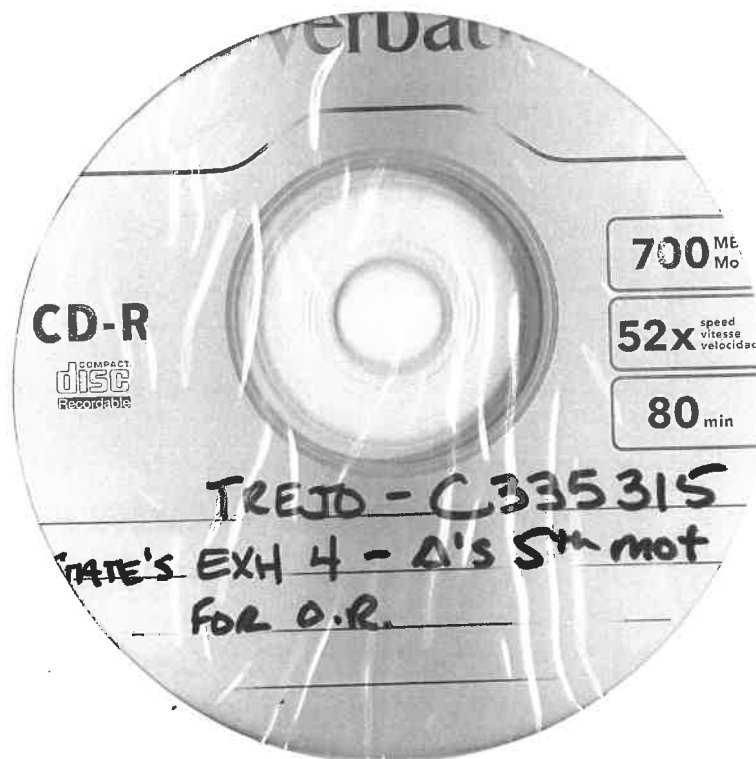


EXHIBIT '4'

EXHIBIT '5'



Instagram

© 2020

Log In

Sign Up



vladylives • Follow

vladylives Clean guns make me feel all goey inside
the_bobo_ Goals



4 likes



Log in to like or comment



EXHIBIT '6'



Instagram

Q Search

Log In Sign Up



vladylives • Follow

vladylives Im itching to start training again, maybe this weekend, who is down?



7 likes

May 14

Log in to like or comment



EXHIBIT '7'



Instagram

© 2015 Instagram

Log In

Sign Up



vladylives • Follow

vladylives When your feeling like scar face
#mac10 #37mm #straightnovelty

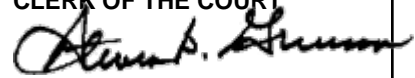


3 likes

MAY 20



Log in to like or comment.



NOTC
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #10747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIV

**STATE'S NOTICE OF EXHIBITS
FOR OPPOSITION TO DEFENDANT'S FIFTH MOTION FOR OWN
RECOGNIZANCE RELEASE FILED APRIL 22, 2021**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL J. SCHWARTZER, Chief Deputy District Attorney, and files this Notice of Exhibits.

EXHIBIT 4: CD

These Exhibits are in addition to any other Exhibits for which a separate Notice has been filed.

DATED this 22nd day of April, 2021.

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

BY /s/MICHAEL J. SCHWARTZER
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #10747

MAY 06 2021

CLERK OF COURT

Eight Judicial District Court
Clark CountyThe state of Nevada Case No: C-18-3353-15-1
Plaintiff, Dept No: 24Hearing: 6/02/2021
Time: 8:30 AM

-VS-

Mario Trejo #2717641 Motion to suppress
Defendant, Pro-Se Digital evidence.

Comes now Mario Trejo, Defendant in Pro-se,
Hereby presenting this dutiful court and
the Honorable Judge Ballou with this
Motion to suppress digital evidence brought
forth by D.A. Michael J. Swartz, in
regards to a motion presented by the
Defense, for a medical Q.R. / Bail adjustment.
Because I am limited in resources and due
my slim legal knowledge, I wish and pray that
this court accept and grant this motion.
The grounds for this motion are as follow:

I. Argument.

• As a defendant in pro-se while under custody
and as a speech disabled individual, I am
representing my case using motions, arguments
and exhibits prepared in advance, using the
very limited legal resources at my disposal
to present these actions before the courts.
However, the defendant has not been presented
with the digital evidence in question by the D.A..

1 On one occasion, some video footage was
2 shown to defendant by former counsel, however
3 there were technical issues that did not allow
4 a full and proper examination of digital
5 evidence in question and due to this, the
6 defense cannot yet form a complete and
7 thorough argument.

8
9 • In addition, because of Jail policies during
10 this pandemic, defendants are prohibited to
11 have contact visits with the counsels, hence,
12 even if defendant had been made aware of
13 which digital evidence was being presented in
14 this matter, due to in-custody pandemic restriction
15 the defendant does not have access to examine
16 any digital evidence, to which defendant should
17 have privy to view just as any attorney
18 should.

19
20 • The next item in this motion, is lack of
21 foundation to admit this digital evidence for
22 use in this hearing, there are factors, evidence
23 and information which the D.A. is not aware
24 of or has chosen to ignore, which would change
25 the narrative of any footage procured.
26 Hence, since the validity of the presumed
27 events is yet to be challenged by the
28 defense, to present this digital evidence

1 on record is to make it admissible at
2 later hearings without allowing defense the
3 opportunity to suppress or challenge it,
4 therefore undermining the process and
5 procedure that leads up to trial and it
6 violates the rules of engagement used
7 on these fair judicial grounds.

8 Because defendants legal knowledge is limited
9 does not mean the state should use such
10 tactics to subvert the fundamental right
11 to suppress evidence out trial.

12
13 • As i will present in this forthcoming hearing
14 D.A. Schwartz has altered his narrative
15 several times to add shock value to his
16 arguments in past hearings using unsub-
17 stantial evidence and unauthenticated claims.
18 Because the defense is only presenting facts
19 pertaining to the accused's personal and
20 current circumstances, for purposes of a
21 Medical O.R. / Bail adjustment and not to
22 begin trial, the defendant asks that the
23 digital evidence be dismissed in the matters
24 of pre-trial custody.

25 Regardless of the manner of arrest or
26 the rhetoric used to present it, it has
27 none to do with the purposes of medical
28 O.R. / Bail reduction, since the ~~the~~ charges

1 set against the defendant are bailable
2 under Art. 1 § 7 of the Nevada consti-
3 tution and because not all facts have been
4 presented, many of which will change the dir-
5 ection of the current narrative.

6 additionally, because evidence in a non-
7 trial hearing may deprive the defendant
8 of certain rights and protections.

9 10 II. Conclusion

11 Given the limitations of the disability
12 The defendant incurred after detention, it is
13 impossible for him to clearly and properly
14 object during open video court without
15 being misconstrued or even noticed, Hence,
16 Defense moves to respectfully request that
17 this dutiful court, grants this motion to
18 suppress the digital evidence in question, so
19 that we may finally proceed to the matter
20 at hand without further delay or
21 incognate misdirection by the state.


22 Defense humbly request that the states
23 ~~the~~ digital exhibit is dismissed in this matter
24 because it has nothing to do with the
25 Medical, civil and current aspects of the
26 Motion for Medical O.R. / Bail adjustment
27 and because its an attempt by the
28 state to further its propaganda ~~and~~ by

1 putting on record in open court, therefore
2 subverting the defendants right to due
3 process.

4 Thank you for your careful consideration
5 and patience in this and all matters.

6
7 Dated this 28th of April, 2021
8
9
10

11 Signed: Mario B. Trejo

12 
13 Defendant, pro se.
14
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ATTN:

This Motion is due to be
Presented to Dept:24

in regards to the hearing
for Medical O.R. / Bail adjustment
scheduled for:

March 5, 2021 @ 8:30 AM

PLS. Fast track, if possible,
Thank you.

Signed:
Mario B. Trejo

Defendant, pro se.

Mario B. Trejo

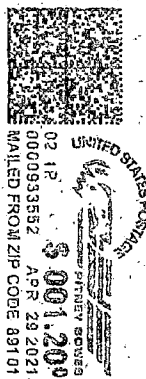
#2717641

Case No: C-18-3353-15-1

330 S. Casino Center Blvd.

Las Vegas, N.V. 89101

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MAY - 4 2021

CLERK OF THE COURT

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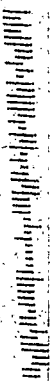
Regional Justice Center
Eight Judicial District Court
Clark County

Clerk of the Court

200 Lewis Ave. 3rd Floor

Las Vegas, N.V. 89155

SENT FROM CODE



Eight Judicial Dis
Clark County

Steven S. Levin
CLERK OF THE COURT

The state of Nevada
Plaintiff,
-VS-
Mario Trejo #2717641
Defendant, prose

Case No: C-18-3353-15-1
Dept No: 24

Motion to dismiss states
Motion of opposition.

6-2-21 8:30 AM

Comes now, Mario Trejo, Defendant in pro-se,
hereby presenting The Honorable Judge Ballou
and this dutiful court with a motion to
dismiss the states motion of opposition to defendants
motion for Medical O.R., included are points,
authorities and arguments which are as follows:

I. Argument

The States motion of opposition begins with
sections labeled statement of the Case and
statement of facts.

However, up to date none of these allegations have been
contested by defendants former counsel, even though
the defendant provided 17 pages of discrepancies,
Arguments and facts that may negate much of the
G.J.I.'s deliberations, nor was there proper
challenge in court to ~~the~~ the Indictment.

Because of this and other factors defendant is now
in pro-se. Being that former counsel failed to
contest allegations nor have the evidence been
scrutinized by defense, these allegations should not

1 be accepted as fact. There is evidence, info
2 and testimony that may yet change the course of
3 the Narrative portrayed by the state, and in as
4 such, these statements remain allegations until
5 thoroughly scrutinized by due process of law.

6 II Argument.

7 Here, the defendant scrutinizes the argument in
8 the States opposition.

9 On page 5, Line 3, the motion states, based off the
10 unchallenged allegations that "Conviction is likely";
11 however, Defense begs to differ due to the fact
12 that there is evidence yet to be filed and
13 because the state has ignored many facts that contra-
14 dict their chosen narrative. all which will be
15 addressed at trial.

16
17 Page 5, Lines 7-9 mentions an adjustment of bail on
18 Jan. 23, 2019, however it fails to mention the defen-
19 dant was in absentia due to hospitalization.

20 Please note that prior to this hearing, defendant
21 requested that his former counsel file for nothing
22 higher than a Forty-thousand dollar bail because
23 thats all that his family could afford, however
24 counsel refused cause he felt Judge would refuse.
25 additionally, aside from bail being near double what
26 was affordable, this hearing was held Before the
27 financial crisis of 2000, which found defendants
28 support group laid off, to this day they are

1 struggling to recover.

2 On page 5, line 9 the state claims, "further
3 adjustment is inappropriate and unwarranted."

4 Hence id like to recall select legal standards.

5 - 136 Nev. Adv. Op. 20 (April 9, 2020)

6 The standards set forth in this opinion render all
7 previous custody orders illegal and require prompt
8 re-evaluation of the custody status.

9 - Art 1 § 6 of the Nevada Constitution Quotes:

10 Excessive bail, is not permitted which means
11 bail not "more than the Accused can reasonably
12 be expected under the circumstances to give[.]"

13 - Nev. Rev. Stat. § 178.4853 suggest that
14 defendants release without conditions satisfies
15 all requirements laid out within by the Nevada
16 supreme courts decision in regards to bail.

17
18 Hence, defendant request in accordance w/
19 Nevada's laws and statutes, that the states
20 opposition to Motion for O.R. be dismissed
21 because of the following:

22 • Defendants previous custody order is dated
23 April 6, 2020 and there fore rendered illegal by
24 Nev. Adv. Op. 20 (April 9, 2020)

25 • The defendants motion for O.R. is valid based
26 on the requirements of Nev. Rev. Stat. § 178.
27 4853 and the defendants current circumstances
28 which find him with no financial resource and

1 his support group struggling to survive.
2 - Medical O.R. is also supported by the physical
3 condition, the jail has left the defendant in and
4 the restrictions it imposes under custody.

5
6 Page 5, Line 15-16 states that defendant is in
7 the country illegally, that claim is false.

8 Defendant is a permanent resident and is
9 eligible for citizenship. he has been of legal
10 status for 13 years.

11
12 On page 5 Line 13-14, states that defendant
13 has posted "high capacity rifles and explosives",
14 however, there is no explosive in exhibits 1-7
15 Also making that a false claim, and while
16 rifles are shown, nothing in the exhibits is
17 illegal in accordance with state and federal
18 regulations.

19 On page 5, 14-15 state claims exhibits show
20 defendant is threat to the community, however,
21 these post are 4 years old, since, the defendant
22 was a victim in case No: 18329351, in which he
23 was shot 5 times and his friend Cris Carter
24 was killed. when a wanted felon tried to Rob
25 them on Oct. 24, 2017. this event caused him
26 to cease working and therefore had to sell
27 of all valuables, including firearms, in order to
28 provide for his family during recovery. hence.

1 since then he's also been in custody for near
2 three years, Losing everything in the process
3 even his clothes. Defendant has no firearms
4 making states arguement unsubstantiated.

5 III. arguement.

6 Here defendant scrutinizes exhibits.

7 -Exhibit 1- Here we see what the state calls
8 an explosive, however what it actually is, is a
9 decomised dummy, in other words just a
10 prop for artistic effect, it is Not a live
11 grenade or explosive, Its displayed next to A
12 Soviet-Era M88A pistol.

13 -Exhibit 5- standard rifles, Not High capacity,
14 Defendant no longer owns any of these, if he
15 had owned such things still, he would bail out.
16 Note, nothing in exhibit is illegal.

17 -Exhibit-7- 37MM flare (signaling device
18 used as a survival tool for hunters. device is
19 in neway illegal and can be bought legally.

20 To the present day, defendant is not a
21 prohibited person. Every item in exhibits 1, 2, 3,
22 5, 6, 7 was purchased legally and in accordance
23 with laws, by pasting these Photos, defendant
24 did nothing illegal, hence the states arguement
25 is invalid and just an attempt to further its
26 propaganda in open court and onto record.

27 Conclusion

28 In his motion to oppose, Michael J.

1 Swartzner has attempted to forego the
2 established laws, shown Callow disregard for
3 the rules of engagement and has acted
4 with lack of integrity before the court.

5 He tried to misinform the courts in order
6 to further his goal even if it mean depriving
7 the defendant of his rights.

8 So in conclusion, the defendant challenges
9 the validity of this motion to oppose and
10 moves this honorable court to dismiss the
11 states opposition in this matter.

12 The defendant prays that the honorable
13 Judge Callow grant his request so that
14 the courts may return to the matter of
15 the defendants motion for O.R./Bail
16 adjustment.

17 Once again, i thank you for your
18 Patience, consideration and undivided
19 Attention.

20 Dated 29th of April, 2021

21
22 Signed: Mario B Trejo

23 M B Trejo

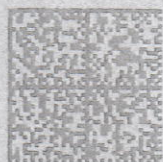
24 Defendant, in prose

Manio B. Trejo Case No: C-18-3333-15-1
#2717641
330. S. Casino Center Blvd
Las Vegas, Nv. 89101
4/26

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Eight Judicial district court
Clark County

Steven D. Grierson

The state of Nevada, Case No: C-18-3353-15-1
Plaintiff, Dept No: 24

-VS-

Mario Trejo #2717641
Defendant, Pro se

Motion of appeal to
decision of May 10th,
2021.

Comes now, Mario Trejo, Defendant in pro se,
Hereby presenting the court with this Motion.

The grounds for this appeal are based
on the True facts and exhibits which
were overlooked and unable to be pre-
sented before this court on the 10th
of May, 2021, Along with new evide-
nce which disputes the states speculation
and false allegations with legitimate info-
rmation and not the propaganda which the
state presents before The honorable Judge
Erika Baller.

In addition because of the legal standards
established by higher courts in regards to
bail, which must be observed.

Furthermore, based on the courts Rules of
engagement which were overlooked in light
of the defendants physical inability to object
to speculation and further misinformation used
in the states argument on May 10th, 2021
And finally because the defendants

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pre-written argument was unduly cut short because it seemed too long to the court and its officers, Hence, stiffling much information pertaining to the defendants circumstances and matters of bail such as The N.V. pre-trial Risk assessment, History prior and during detention, and the defendants financial resources, Factors, all of which were ignored in light of the states raucous speculation which is based on opinion and incomplete facts.

Forthcoming are the points, Authorities, legal standards, and arguments which support this motion.

I. Memorandum of points and Authorities.

In Nevada, under Art. 1 § 7 of the Nevada constitution, "All persons shall be bailable by sufficient sureties[.]" Under Art 1 § 8, Excessive bail is not permitted, which means bail not "More than the accused can reasonably be expected under the circumstances to give[.]"

Ex parte Malley, 50 Nev 248, 253, 256 P. 512, 514 (1927) Nev. Rev. Stat. 178.4853 Lists the factors a court must consider in making a determination

of a reasonable bail to permit an accused to.

In this matter, the accused is not accused of any crime which is not bailable under Art. 157 of the N.V. constitution, and therefore he is entitled to have bail set reasonably in light of his ability to give. Defendant suggests that release without conditions satisfies all requirements laid out under Nev. Rev. Stat. §17B.4853 as explained in the N.V. supreme court's recent decision in regards to bail.

II. Legal standard

In the consolidated cases Valdez-Jimenez v. Eight Jud. Dist. Ct. and Frye v. Eight Jud. Dist. Ct., N.V. supreme court cases No: 76417 and 76845, respectfully, The N.V. supreme court recently offered extensive guidance to litigants and courts regarding the necessary process required under the constitutions of the U.S. and of N.V.

136 Nev. Adv. Op. 20 (April 9, 2020)
The procedural safeguards and standards set forth in the opinion render All previous custody orders illegal and require prompt

1 re-evaluation of the custody status of
2 those who remain in custody. "When bail
3 is set in an amount that the defendant
4 cannot afford, However, it deprives the
5 defendant of his liberty and all its
6 attendant benefits, despite the fact
7 that he has not been convicted and is
8 presumed innocent". Id. at page 3. 16.

9 Therefore, "A defendant who remains in
10 custody following arrest is constitutionally
11 entitled to a prompt individualized
12 determination... preceded by an adversarial
13 hearing at which the defendant is
14 entitled to present evidence and argu-
15 ment concerning relevant bail factors."

16 Id. following that adversarial hearing,

17 "The Judge... may impose bail only if
18 the state proves by clear and convincing
19 evidence that it is necessary... and 7 The

20 Judge must consider the defendants
21 financial resources... in setting the

22 amount of bail[.] "id. "Bail in an amount
23 greater than necessary to ensure a defen-
24 dants appearance is unconstitutional[.]"

25 Id at 5. ~~emphasis added~~ (emphasis added)

26 "[B]ecause the right of an individual to reasonable
27 bail before trial is fundamental, bail must not
28 be greater than necessary to serve the

1 states interests." Id. page 4.6.
2 quoting U.S. VS Salerno 481 U.S. 739, 750
3 (1987)

4 In sum the law in N.V. presumes that
5 defendants are to be immediately
6 released pending trial.

7 Non-Monetary restrictions and any
8 possible combination thereof, must be
9 considered in light of the factors in
10 Nev. Rev. Stat. § 178.485.3, and rejected
11 before any amount of bail is required
12 of any accused. Id. Only when non-
13 monetary restrictions are deemed inade-
14 quate may a court properly set a
15 monetary bail and then only in an amount
16 that takes into "Consideration the
17 defendants financial resources and
18 other factors relevant to bail."
19 Id. at 19. Under Nev. Rev. Stat. § 178.485.3,
20 courts must consider these factors
21 at minimum in determining the
22 reasonable bail to be set, if any
23 be required.

24 III first Argument.

25 On May 10th, 2021 at a hearing
26 held at 0830 hours, Judge Erika Ballou
27 passed her decision to deny the
28

1 defendants' motion for O.R. and stood bail
2 at 75 thousand. The decision was made
3 after not only denying the defense to pre-
4 sent its full argument because it appeared
5 too long but also after the state made
6 new speculations and opinions in a hasty
7 and reckless manner, shortly after, because
8 the defenses, partially presented argument
9 proved the states claims to be either
10 false or misinformed, in addition this
11 wild speculation went unchallenged because
12 the court did not notice the defendants
13 attempts to object and counter-argue the
14 states rhetoric due to restrictions under
15 which the defendant is forced into a court
16 hearings while "under custody" in addition
17 to his speech impediment.

18 The defense hereby presents in detail
19 and with exhibits, all factors which
20 pertain to this appeal and the discrep-
21 ancies between the courts decision and
22 the standing legal standard in N.Y.:

23
24 • In exhibit A, The defense presents
25 The full, one sided eleven page argu-
26 ment which was denied its full presenta-
27 tion, in court on May 10th, 2021, because
28 any attorney would be allowed to make

1 their full arguement, so Naturally this
2 equal respect should be afforded to
3 any defendant operating in proper person.
4

5 • The state speculates that the
6 defendant is High Risk to re-offend,
7 because according to the D.A., Defendant
8 is "Desperate for Money", However, there
9 is no current evidence or facts to
10 support this speculation, Furthermore,
11 True facts would state otherwise.

12 The defendant, if released has Rent
13 Free accommodations with family, with
14 No bills, No debts to foot and a good
15 support system that will provide Basic
16 necessities and let defendant focus on
17 his health and legal matters.
18

19 • The N.V. pretrial Risk assessment,
20 in fact shows the defendant at a
21 Low Risk level of 2 points, which
22 only further indicates that the states
23 opinion of High risk to be either
24 mis-informed or plain dishonest.
25

26 • The D.A. claimed on record, that he
27 has "No evidence" that the Items
28 pictured in his motion of opposition

1 were sold, or no longer in possession
2 of defendant, which only adds further
3 proof that he is not laying grounds
4 for fact and truth in addition to
5 painting a false picture of the def-
6 endant, because in fact, the defendant's
7 residence was subject to a full
8 search, in Sept of 2018, by detective
9 Patton, in which NO Firearms were
10 found, that would indicate that this
11 is merely another false allegation,
12 put on record by the state.

13 This fact should've been known by
14 the D.A. but was left out either
15 because he needed to lie for the
16 sake of argument or because he
17 is truly ignorant of the facts of
18 this case, which he has yet to thoro-
19 ughly examine.

20 This can only mean, he is only impro-
21 vising with claims that only serve
22 to slander the image of the defendant.

23 - See exhibit B-App for tele. Search Warrant

24
25 • Furthermore, in opposition to the states
26 claims that defendant is High risk
27 Not only does the N.P.R. show otherwise
28 but prior to his arrest, defendant

Was a model member of this community. Not only was he a loving father and husband, but he also has a long history of successful employment in many industries with companies such as IBIS TEK, a D.O.D. contractor, has worked construction on several Gov. projects, and has even worked in management position with T-Mobile and AT&T. After his arrest he even became what the jail would consider a model inmate, and today after 34 months of incarceration, he remains without major disciplinary issues.

Defendant also has severe health issues that do not allow him to exert himself physically, in addition any sort of trauma to his neck or medical complication could result fatal. This would merit the conclusion that defendant is not physically capable of presenting a danger to others in his current condition.

In considering these facts, the states opinion of the defendant should be rendered weak speculation, since in an

1 Honorable court of law, Truth and
2 hard fact should prevail over opinions
3 specially since in this matter the defense
4 has only presented facts and exhibits
5 which the state has yet to dispute
6 and has only managed to subvert by
7 redirecting attention to this raucous
8 ~~side~~ sideshow.

9
10 • Currently there are false allegations
11 stated in court, which were circulated from
12 the P.D.'s and D.A.'s office whom
13 state and hold firm to mislead the
14 Defendants true claim about his medical
15 condition.

16 This fact was again noted on May
17 10th, 2024, when Judge Ballou stated
18 in regards to defendants medical condition
19 that "He did it to himself", this mis-inf-
20 ormation could weigh against the defense
21 when adjudicating on this matter.

22 Also this misinformation (started without
23 fact or proof) claims that defendants
24 condition was procured or worsened during
25 his arrest, on the 3rd of sept, 2018.

26 Thus leading courts to assume that his
27 current condition was inflicted during the
28 commission of a crime, which is false.

1
2 The defense Hereby presents exhibits
3 and that dispells these claims:
4

5 -Exhibit C, part 1- shows the date in
6 which defendant was medically examined
7 at UMC was Sept. 3rd, 2018.
8

9 -Exhibit C, part 2- states "No Neck trauma"
10 which is clear and proves that NO injury
11 occurred On Sept. 3rd, 2018 which could
12 invoke the necessity of a tracheostomy
13 or damage the defendants trachea.
14

15 -Exhibit C, part 3 and 4-States that
16 defendants only wounds are below
17 the sternum and lower back, None
18 which could cause the defendants current
19 condition.
20

21 -Exhibit D, part 1- states defendant was
22 again medically assesed 3 month after
23 arrest, at UMC, after his Dec 10th,
24 2018 hospitalization due to a stent
25 that caused respiratory distress then
26 Cardiac arrest.
27

28 -Exhibit D, part 2- states defendant had

1 "Stent complications" on Dec 10, 2018.
2 then states "A year ago" on Oct. 24
3 2017, which is long before arrest,
4 Defendant "suffered multiple G.S.W's"
5 or Gun shot Wounds, which "caused
6 tracheal injury"

7
8 • Exhibit D, part 2 and 3- states in title
9 "Tracheostomy", "Stent removal", and
10 "Stent ^{complications} ~~removal~~". which in simple terms
11 means that the main issue On Dec. 17,
12 2018 is a tracheostomy placed after
13 removing a stent, secondary to that
14 stent failing in design, hence causing
15 this chain of events.

16
17 When summarizing this exhibit, one would
18 conclude that failure of this tracheal
19 stent caused, in part, the defendants con-
20 dition, added to the fact that Jail provid-
21 ers, left defendant in respiratory distress
22 for 8 hours, and originating in the
23 fact that he received a gunshot
24 wound in the Neck, a year prior to
25 arrest, one must admit that the
26 defendant is not at ~~any~~ fault and did
27 not "do it to himself."

28 Secondly one must also concur that

1 The Jails medical staff has subjected
2 the defendant to cruel and unusual
3 punishment because of their neglect and
4 since then, have only continued their
5 failure to execute their responsibility to
6 the defendant.

7 to further expose this issue the
8 defendant request that Alexander C.
9 Henry and Emily J. Reeder Come
10 before this hearing and attest to the
11 conflict they experienced when dealing
12 with the Jails medical dept., since
13 this could further prove the danger the
14 defendant has been in while in custody.

16 IV. Second arguement.

17 On May 10th, 2021 the state and the
18 court concured that 75 thousand in bail
19 satisfies the needs of the state, however,
20 this amount is not within the defendants ability
21 to give, specially after 34 months in
22 jail and the economic conditions this pan-
23 demic has caused.

24 The states position and the court's
25 decision in regard to the defendants
26 bail, do not take into consideration the
27 defendants financial resources nor his cir-
28 cumstances and as result have come into

1 conflict with these constitutional legal
2 standards and fundamental rights:

3 • Art. 136 of the N.V. constitution.

4 Excessive bail is Not permitted, which
5 means bail not "More than the accused can
6 be expected under his circumstances to give."

8 • 136 Nev. ADV. Op. 20 (April 9, 2020).

9 "When bail is set in an amount the
10 defendant can not afford, However, it
11 deprives the defendant of his liberty and
12 all its attendant benefits despite the
13 fact that he has not been convicted
14 and is presumed innocent."

16 • 136 Nev. ADV. Op. 20 (April 9, 2020).

17 "The judge... may impose bail only if
18 the state proves by clear and convin-
19 cing evidence that it is necessary...
20 [and] The Judge must consider the
21 defendants financial resources when
22 setting the amount of bail." 12.7"

24 • Amendment XIII of the U.S. constitution.

25 "Excessive bail shall not be required nor
26 Excessive fines imposed, nor cruel and
27 Unusual punishment inflicted."

In accordance with the U.S. constitution, the N.V. constitution and the legal standards listed above, the defendant, because he is Not accused of a crime which is not bailable under Art. 197 of the N.V. Constitution, is entitled to a bail which is affordable under his financial circumstances and in light of his ability to give.

Therefore, the May 10, 2021 ^{decision} disregarded the defendant's constitutional rights to reasonable bail, which a higher court has safeguarded in their judgement.

In addition, the court disregarded the Rules of engagement, because they denied the defendant whom is speech disabled, a fair opportunity to fully present his argument. Nor was his rebuttal and objection to the states argument, acknowledged, due to the following reasons:

- Defendant has not been given a better form of communication, since he lost his voice months after his arrest

- Nor has he ever been afforded the resources to learn sign language in jail and it would be impossible to use sign language due to the chains he must wear

1 while in court, even if he was fluent
2 in sign.

3
4 • Neither is defendant allowed writing
5 utensil due to jail policies, nor could
6 he properly use it while chained up.

7
8 These shortcomings in fair court
9 procedure and due process should be
10 addressed and granted relief, spe-
11 cially given these unusual circumstances.
12 Along with the fact that any defe-
13 ndant in pro-se, should be given the
14 same benefit in court any other
15 Attorney would justly receive.

16
17 Furthermore, the legal standards hereby
18 stated are clear on how bail must be
19 established, and the financial factors
20 that must be considered.

21 Nor should, in any respectable court,
22 opinion and obvious speculation super-
23 cede stated fact and truth.

24 For example, when the defense edu-
25 cated and corrected the state on the
26 multiple false allegations in their
27 motion of opposition, the D.A. imp-
28 rovised his argument with specula-

1 -tion, however, he did not broach these
2 false allegations again, knowing they
3 had been dispelled.

4 Instead, the D.A. opted to use new
5 speculation and new false allegations
6 knowing the defendant can't instantly
7 rebutte them due to physical disability.
8 So while the d.A.'s inflammatory state-
9 ments were accepted, facts that show
10 the defendant is a good candidate for
11 O.R./Bail adjustment were ignored.

12
13 Furthermore, The state claims to hold
14 unrefutable evidence, however, the defen-
15 se has yet to present its substantial
16 challenge and additional evidence that
17 will expose the many self-imploding
18 factors in the states offense.

19 this in addition to the D.A.'s reckless
20 and misinformed showcase gives the
21 defense confidence that it will
22 defeat the state in trial.

23 24 Conclusion.

25 Because of the conflict created by the
26 May 10th, 2021 decision and the def-
27 endants constitutional protections the
28 defense finds, it must appeal this

1 decision, to the Honorable Judge
2 Ballou, in order to receive a fair
3 Hearing and full constitutional benefit.

4 The Legal standards in N.V. are clear
5 it is stated if the court finds it
6 must deny the defendant any Non-Mone-
7 tary conditions of release, then it must
8 set bail in an amount that's within his
9 financial means and exclude any Non-
10 monetary conditions such as House arrest
11 because they are deemed "inappropriate".

12 In this matter, Electronic monitoring wo-
13 uld satisfy the needs of the state, it
14 has however been deemed insufficient,
15 and instead opted for staying bail amount
16 that is constitutionally illegal, the only
17 goal in setting bail a defendant cannot
18 afford, despite of his constitutional pro-
19 tections and circumstances, would be to
20 subvert and deny his fundamental
21 rights that have been safeguarded by a
22 higher court and ratified for situations
23 such as this current one.

24 In conclusion the defense petitions:

25
26 • That Judgement be reassessed and
27 adjudicated impartially and in accordance
28 with our laws and standards.

1 • That an NPR assessment be made and
2 considered in a new decision.

3
4 • That defense be given proper opportunity to
5 object and rebutte in accordance with the
6 Rules of engagement and in a manner fair
7 to all parties.

8
9 • That if O.R. / House arrest are deemed
10 insufficient, that bail be adjusted to
11 an affordable amount in accordance with
12 our laws.

13
14 • that Alexander C. Henry and
15 Emily J. Reeder present their testimony
16 in regards to defendants medical neglect
17 while in custody.

18
19 • That appropriate accomodations be made
20 in light of defendants disability.

21
22 The Defense Gratefully thanks the Honorable
23 Judge Ballev for accepting and reviewing
24 This appeal along with its attending
25 facts and exhibits.

26 The Defense prays that the courts
27 accept and fairly adjudicate in this
28 matter, Thank you for your time

and careful consideration.

Dated this 28 of May, 2021

Signed:

Mario B. Trejo



Defendant, pro-se.

Mario B. Trejo.

#2717641

330. S. Casino Center BLVD.

Las Vegas, Nv. 89101

Eighth Judicial District Court

The state of Nevada
Plaintiff,

-VS-

Mario Trejo #2717641
Defendant, Prase/

Case No: C-18-3353-15-1

Pre Paped arguement

Denied Full presentation
on May 10, 2021

Exhibit A

1
In-Court statement - May 10, 2021

Good morning your honor, Thank you for allowing me an audience in your court today.

I come before you because of many pressing concerns that I can finally address as a defendant in pro-se.

I have prepared a statement which includes my argument in response to the states motion of opposition. If I may, I'd like to begin with a quick overview of why I've petitioned for this hearing in the first place.

The first of which begins with the detrimental actions towards my health and the manner of its neglect by this facility and its medical providers.

Please Note that at the time of my arrest I could speak and had no need for a tracheostomy device in order to survive. However, medical neglect and ~~malpractice~~ malpractice by the Jails providers has and still is deteriorating my pre-existing conditions.

while in their custody I died twice because their staff thought I was faking a medical emergency. Also I've been hospitalized over half a dozen times because of their disregard and Non-chalance towards ~~inmates~~ inmates and their medical needs - See exhibits A and B -

In addition, my current medical condition is a very rare and complex problem for which exists only one Cardio-thoracic surgeon in the South-Western U.S., whom specializes in cases like mine - See exhibit B-

Therefore i require specialized care that this facilities medical providers are unqualified to provide, hence they have taken years to give minute care that should have taken months. Furthermore they have also fought against my former counsels legal team in order to subvert the responsibility of my treatment, Even suggesting that if i want treatment, that my former counsels office should foot my medical bills.

Finally in concern to this pandemic, Im part of the at risk group due to the fact i suffer from Diabetes and i have an exposed and vulnerable respiratory system-See exhibit A part 2, 4 and 5- and yet due to arising issues with the only vaccine offered at the jail i am yet to be vaccinated.

The third Reason for this motion is that due to Matters out of my control my two youngest daughters have been placed in foster care and since then ive signed a plea deal

that carries requirements that i must meet in order to regain custody of my girls, this plea has time limits before the children are lost to foster care due to in-action ~~or~~ or failure to meet the requirements.

These girls are my life and as a father i must do everything in my power to gain custody Since im all they got left. -See exhibit C-

Now if i may, id like to present my arguement against the States motion of opposition, in addition i have filed a motion to dismiss their opposition due to the many fictitious Claims and the many articles of misinformation their motion presents.

To begin id like to object to the viewing of their motion's exhibit 4, due to the fact that it hasn't been challenged, scrutinized nor can it be viewed by one while under custody. Also this is an attempt to get this digital evidence on the record while subverting the defenses right to challenge and suppress at trial.

Secondly, i object to the referral of the alleged "facts of the Case" as evidence

because up to date they are yet to be challenged under due process by myself or my former counsel.

Hence these are only allegations and not facts.

In addition, the state brings up the Grand Jury indictment held on OCT. 4, 2018, The transcripts of which i've never received. Then the state claims the evidence presented is factual, however my former counsel proved ineffective and failed to challenge this G.J.I. even after i provided evidence and facts which would overturn most findings and charges added by the indictment.

All these ~~the~~ so-called facts and allegations are a one-way narrative and should not be accepted as facts until properly challenged by me under due process.

Next id like to dispell much misinformation found in the states motion of opposition, The points of my arguement are as follow:

• On page 5, Lines 7 thru 9, it mentions that my bail was adjusted o Jan. 23, 2019.

Please note, that not only was I in absentia due to hospitalization, but that prior to this hearing, I informed my former counsel that 75 thousand in bail ~~was~~ was near double what my family could afford, however counsel submitted that motion at 75 thousand cause he felt it was too late to change ammount and it would seem like too low an offer.

- furthermore this was Before the 2020 financial crisis which left my family struggling to survive, much less able to afford any kind of Bond.

On page 5, line 9, The D.A. claims that any further adjustment is "Unwarranted and Inappropriate".

Please Allow me to present the following legal standards which dispell this claim.

- 136 Nev. Adv. Op. 20 (April 9, 2020)
The procedural safeguards and standards set forth in this opinion render all previous custody orders Illegal and in need of Prompt re-evaluation.

This opinion includes my own custody status as deemed illegal and hence void.

-Art 1 §6 States- Excessive bail is not permitted which means bail not "more than the accused can reasonably be expected to give under the circumstances."

Hence since after 33 months of detainment I have no resources and my family is in financial turmoil, this too applies to me.

-Nev. Rev. Stat. § 178.4853 lays out the requirements which are satisfied and therefore agree with my request for a medical O.R. as explained in the Nevada supreme court's decision in regards to bail which I've previously mentioned in this motion for O.R.

These legal standards prove that further adjustment is warranted and definitely appropriate and that the states objection to the validity of my motion is hereby Null and Void.

Next On page 5, Line 15 and 16, the D.A. states that I am in this country illegally.

for the record, that's an outright Lie. I am a permanent Resident with Legal Status in this country for 13 years now. Currently im also ~~Eligible~~ Eligible for citizenship which i will pursue if granted my freedom.

On page 5, Line 13 thru 15 the D.A. Claims That the photos in his exhibits, Allegedly depict "Explosives and hi-cap rifles." Your Honor this is another unfounded and Baseless attempt to add shock value to his arguement, if i may, allow me to dispell this.

In his Second exhibit, D.A. Swartzter presumes that an explosive is depicted, however a simple cursory goegle search, might inform him that what he is seeing is a training device used by the military in the 1990's, in other words its a dummy, and not an explosive device. This was gifted to me by a friend as a display piece, since it looks Real and he thought it would make a nice photo prop. Hence NOT an explosive.

In Exhibit 7, we see a tube shaped device. This is a Cobray 37 Milimeter flare gun / signaling device which can be attached

8.

to a rifle to be used only as a survival tool or to ~~attach~~ signal for rescue.

Neither of those items are Explosive Ordinance and they are both legal to own under Nevada and federal Laws.

As for Exhibits 1, 2, 3, 5, 6, 7, all items pictured are standard capacity and nothing is illegal since im not a convicted felon. All items were purchased by legal means over a period of 10 years.

In addition those pics are 5 years old.

On Oct 24, 2017, i was the victim in Case No: 18329351 in which my good friend was murdered and i was shot 5 times by a stranger who tried to Rob us, subsequently i had to cease working cause of my injuries.

At the time i was the sole bread-winner, so with a pregnant wife and two children i had to sell all valuables including these ~~guns~~ firearms in order to support my family.

Today after 33 months in jail i don't even own a change of clothes, much less any weapons.

Your Honor I hope i've proven how much misinformation and lack of integrity the state is acting with.

The D.A. has been making claims of Car Chases and Explosives and theories which are baseless and untrue and since i had counsel unwilling to effectively represent me, ive been stuck for 33 long months watching my life and health fall apart.

The D.A. would like to see my motion denied because he is aware that my freedom would allow me legal resources which will ~~th~~ threaten his chosen rhetoric, and so he has chosen to go as far as lying in order to achieve his goal.

I'd like you to Please consider these final factors while making your decision.

- I have been a productive member of our community for 20 years plus.

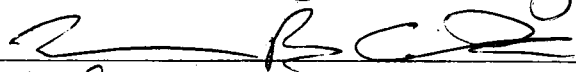
- I have held gainful employment since ^{Age} 15, and i have No criminal record, not even a single misdemeanor.

- No F.T.A.'s and no outstanding civil Debts.

- I am physically disabled and if considered along with my Risk assessment points you may conclude that im Low to No Risk.
- Being first and foremost a Dad, if released, I will be engaged with the recovery of my two youngest daughters from foster care, which will mean that ill be under constant scrutiny by C.P.S. in order to prove that my girls are in a safe envirement.
- Additionally, i will be engaged with my surgeon in order to obtain the healthcare and surgeries i desperately need, I must maintain all court appearances because otherwise i risk a bench-warrant, being that all hospitals report patients with warrants, an F.T.A. would deny me medical access upon re-arrest and id only end up back under these sub-par, and detrimental conditions.

I thank you for your Patience, your consideration and your undivided attention. I pray that you grant my motion for A Medical O.R. and give me an opportunity to reclaim my life and better legal resources.

Signed: Mario B. Trejo



Defendant in pro-se.

Mario B. Trejo
#2717641
330 S. Casino Center Blvd.
Las Vegas, N.V. 89101

Eight Judicial District Court
Clark County

The State of Nevada
Plaintiff,

-VS-

Mario Trejo #2717641
Defendant, Prosec/

Case No: C-18-3353-15-1
Telephonic Search Warrant
Application

Exhibit B

**APPLICATION FOR TELEPHONIC SEARCH WARRANT
CONTINUATION**

Event# 180903-1848

TJ: No problem, any time.

(End of tape)

This transcription has been typed by Lara Stein on September 11, 2018, at 1051 hours, and is true and correct.

Lara Stein, P# 9392

I, Detective Joe Patton, having reviewed this transcription, affirm it is true and correct.

Detective Joe Patton, P# 8289

Certification:

Having read the transcription of the recorded Application for the Telephonic Search Warrant issued by this Court on September 3, 2018, under Event# 180903-1848, with Detective Joe Patton as Affiant, and having reviewed the application, it appears that the transcription is accurate.

Judge Tierra Jones

JP: ljs
FIT2018-036

Mario B. Trejo

#2717641

330 So Casino Center Blvd.

Las Vegas, Nv. 89101

Eight Judicial District Court
Clark County

The State of Nevada
Plaintiff,

Case No: C-18-3353-151

Medical Record

Sept. 3rd, 2018

-vs-

Mario B. Trejo #2717641

Defendant pro-se

Exhibit C

Vitals:

09/03/18 1424
BP: (!) 108/87
Pulse: (!) 124
Resp: 20
SpO2: 95%

HEENT: NCAT, PERRL 4mm and equally reactive bilaterally, TM clear bilaterally. Nares clear. MMM.

Maxillofacial: Non tender, no instability

Part 2 **Neck / C-spine:** Trachea midline, no neck trauma. No tenderness or step offs End

Part 3 **Chest / Lungs:** CTAB, symmetrical chest rise. Medial low sternum wound. Large right posterior hematoma over scapula. End

Cardiovascular: RRR, brisk capillary refill

Abdomen: Soft, non tender, non distended. Fast exam was negative in all four views.

Pelvis: Stable to AP compression, negative rock

Part 4 **Back (T/L Spine):** Non tender, no step off. No abrasions or injury along back. Right posterior flank hematoma. End

Extremities (Fractures): Moving all four extremities. No gross deformities or tenderness to palpation of joints.

Pulse:

Carotid: Palpable bilaterally
Radial: Palpable bilaterally
Femoral: Palpable bilaterally
Pedal: Palpable bilaterally

Neurologic Exam:

Mental Exam: Answering questions appropriately
Cranial Nerves: II-XII grossly intact
Motor (upper extremities): Normal bilaterally
Motor (lower extremities): Normal bilaterally
Sensory: Normal

Labs:

Labs Reviewed

CBC WITH AUTO DIFF - Abnormal

Result	Value
White Blood Cell	11.50 (*)
Red Blood Cell	3.70 (*)
Hemoglobin	10.4 (*)
Hematocrit	32.1 (*)
Mean Cell Volume	86.7
Mean Cell Hemoglobin	28.1

Mario B. Trejo

#2717641

330 S. Casino Center Blvd

Las Vegas, NV. 89101

Eight Judicial District Court
Clark County

The State of Nevada
Plaintiff,

Case No: C-18-3353-15-1

-vs-

Maria Trejo #2717641
Defendant, Pro-se

Medical Record

Dec. 17th, 2018

Exhibit D

28 yo M w/ PMH of tracheal injury 2/2 GSW, s/p stent removal and tracheostomy placement and DM II who presented with pneumonia and agitation. Previously here on 12/10-12/11 for respiratory distress, had emergent cricothyroidotomy, went into cardiac arrest, ROSC was achieved. ENT revised the cricothyroidotomy, removed severe granulation tissue at proximal tracheal stent, but recommended patient be transferred to St. Rose San Martin for stent removal and trach placement. Procedure was successful but he was discovered to have staph positive lung culture and leukocytosis, started on antibiotics, and was agitated when off sedatives. Patient is no longer agitated.

Part 2 # **Tracheostomy s/p airway stent removal 2/2 GSW, stent complications** - 1 year ago, patient suffered multiple GSW that caused tracheal injury. He was intubated for 2 weeks at Sunrise Hospital, developed tracheal stenosis, required tracheal stent placement and dilatation. However, **END**

Part 3 after presenting with respiratory distress on 12/10, had emergent cricothyroidotomy and bronchoscopy and laryngoscopy, severe granulation tissue was noted on proximal end of stent and removed -- he was sent to St. Rose San Martin to remove stent and place tracheostomy **End** (12/19). Passed bedside swallow eval and FEES eval.

- Diet: regular diet with thin liquids, aspiration precautions
- Towel under T-piece for support
- Dr. Wiencek's NP, continue w/ Shiley cuffed 8 excel T/ Dital. Sniff test was negative for diaphragmatic paralysis.
- external trach should remain in place, daily cleaning is appropriate
- Appropriate for discharge from pulmonary standpoint
- follow up w/ Dr. Wiencek outpatient: F/u appointment w/ Dr. Wieneck on January 16 th 2019 at 2:30 pm at 7190 S cimarron road, las vegas, NV 89113. Office number is: 702 675 3240
- will call to discuss possible transfer today, new CT neck findings from 1/3/19
- CT Soft Tissue Neck w/o Contrast (12/31/18) - Findings compatible with subglottic tracheal stenosis. Discussed with Dr. Wiencek on 01/01/19 about CT neck results. Dr. Wiencek states that the patient can follow-up with his outpatient appointment on 01/16/19.
- CT soft tissue neck w/o contrast 1/3/19- thickening of subglottic airway w/ narrowing of lumen to 3mm, consistent with subglottic tracheal stenosis
- patient is able to communicate needs via writing or whisper
- patient is not expected to be able to talk with PMV in near term as the stenosis is not allowing air to flow around the trach and to the vocal cords

Microcytic Anemia, likely s/p surgery - initially thought to be 2/2 blood loss from surgery. Iron studies showed low iron (39), low transferrin (148), normal transferrin saturation (22%), normal ferritin. Normal reticulocyte count, increased calculated reticulocyte percentage.

- Continue ferrous sulfate 325 mg PO daily
- H/H otherwise stable

Hypertension- SBPs 97-107 SBP over past 24hrs

- Continue Lisinopril 10 mg daily; Hydralazine 5 mg PRN SBP > 180

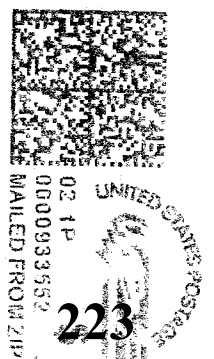
DM II, Hba1c 8.9% -

- ACHS glucose checks, SSI#2
- Continue Lantus 28 qHS

MSSA Pneumonia; resolved - preliminary respiratory culture showed moderate growth coagulase positive staph at St. Rose; also had leukocytosis. Before his transfer here, his Vanco was stopped, Zosyn continued, and Zyvox started. Respiratory culture performed here (12/19) grew gram positive cocci, yeast. Normal lactic acid. Repeat bld cultures x2 (12/23) are NGTD.

Mario B. Trejo / Case No: C-18-5555-15-1
#2717641
330 S. Casino Center Blvd.
Las Vegas, NV. 89101

7/17/21



III

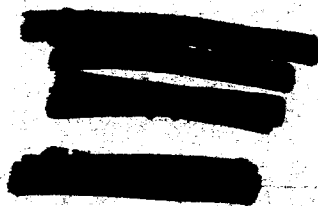
RECEIVED
JUN 09 2021
DEPT. XXIV

- Clerk of the Court -
Regional Justice Center
Dept: 24
200 Lewis Ave. 3rd floor
Las Vegas, NV. 89155

RECEIVED
JUN 14 2021
CLERK OF THE COURT

Mario B. Trejo / Case No: C-18-3353-15-1
#2717641

330 S. Casino center BIVD.
Las Vegas, N.V. 89101 **LEGAL**

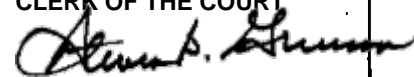


RECEIVED
JUN 09 2021
DEPT. XXIV

- Clerk of the Court -
Regional Justice Center
Dept: 24
200 Lewis Ave. 3rd floor
Las Vegas, N.V. 89155



RECEIVED
JUN 14 2021
CLERK OF THE COURT



1 **ROC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL J. SCHWARTZER
6 Chief Deputy District Attorney
7 Nevada Bar #10747
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 MARIO TREJO,
13 #2717641

14 Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIV

15 **RECEIPT OF COPY**

16 RECEIPT OF COPY of the following is hereby acknowledged this 30 day of

17 June, 2021.

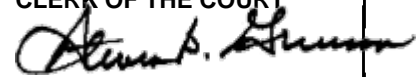
18 1. DISCOVERY -- BATES STAMPED PAGES #1-467

19
20 MARIO TREJO #2717641
21 PRO PER DEFENDANT

22 BY


23 CCDC (INMATE)
24 330 S. CASINO CENTER DR.
25 LAS VEGAS, Nevada 89101

26
27
28 18F16522X/dd/MVU-Gang



1 **ROC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL J. SCHWARTZER
6 Chief Deputy District Attorney
7 Nevada Bar #10747
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 MARIO TREJO,
13 #2717641

14 Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIV

15 **RECEIPT OF COPY**

16 RECEIPT OF COPY of the following is hereby acknowledged this 30 day of

17 July, 2021.

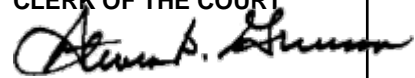
- 18 1. DISCOVERY – BATES STAMPED PAGES #468-517; and
19 2. DISCOVERY – 110 PHOTOGRAPHS
20

21 MARIO TREJO #2717641
22 PRO PER DEFENDANT

23 BY 

24 CCDC (INMATE)
25 330 S. CASINO CENTER DR.
26 LAS VEGAS, Nevada 89101
27

28 18F16522X/dd/MVU-Gang



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MARIO BLADIMIR TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIV

STATE'S SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: MARIO BLADIMIR TREJO, Defendant, in Proper Person; and
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following expert witnesses in its case in chief:

***DAVIDOVIC, M. – LVMPD P#14726** (or designee): will testify as an expert in the
science and technology underlying DNA testing, the processes and procedures performed in
DNA testing, the examinations done on any and all evidence in this case, the results of such
testing, and reports prepared in this regard.

DAVIS, GLENN – LVMPD P#17031 (or designee): FIREARMS/TOOLMARK
EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
expected to testify thereto, including, but not limited to, the forensic science underlying
firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
microscopic comparison tools, technology, and findings, National Integrated Ballistic

1 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
2 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
3 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
4 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
5 homemade) examination, serial number restoration, and firearms modification or homemade
6 firearms examination).

7 ***GROVEMAN, LEAH – LVMPD P#15822** (or designee): will testify as an expert
8 in the science and technology underlying DNA testing, the processes and procedures
9 performed in DNA testing, the examinations done on any and all evidence in this case, the
10 results of such testing, and reports prepared in this regard.

11 ***JONES, BARRY – LVMPD P#9679** (or designee): Is a Digital Investigator with the
12 Las Vegas Metropolitan Police Department Digital Forensics Lab and is an expert in the field
13 of digital forensic analysis, which includes the collection of electronic and digital devices, the
14 download of information, it's interpretation, and preservation from all forms of electronic
15 devices, including but not limited to computers and cellular phones, and is expected to testify
16 thereto.

17 **WHITTLE, CHRISTINE – LVMPD P#15383** (or designee): Expert in the field of
18 DNA extractions, comparisons, analysis, and the identification of bodily fluids and is expected
19 to testify thereto.

20 These witnesses are in addition to those witnesses endorsed on the Information or
21 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert
22 Witnesses has been filed

23 ///

24 ///

25 ///

26 ///

27 ///

1 The substance of each expert witness' testimony and a copy of all reports made by or
2 at the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

4 STEVEN B. WOLFSON
5 DISTRICT ATTORNEY
6 Nevada Bar #001565

7 BY /s/ MICHAEL J. SCHWARTZER
8 MICHAEL J. SCHWARTZER
9 Chief Deputy District Attorney
10 Nevada Bar #010747

11 CERTIFICATE OF ELECTRONIC MAIL & REGULAR MAIL

12 I hereby certify that service of the foregoing, was made this 15th day of September, by
13 Electronic Mail and by U.S. MAIL, postage pre-paid to:

14 MARIO TREJO, #2717641
15 CCDC
16 330 CASINO CENTER BLVD.
17 LAS VEGAS, NV

18 dsdcourtservices@lvmpd.com

19 /s/ Deana Daniels
20 Secretary for the District Attorney's Office

21 dd-MVU for GU
22
23
24
25
26
27
28



Detective Barry Jones, P#9679

Las Vegas Metropolitan Police Department

400 S. Martin Luther King Blvd. Bldg. C

Las Vegas, NV 89106

Office 702.828.7410

Email b9679j@lvmpd.com

CURRICULUM VITAE

Current Employment

- Detective and Digital Forensics Examiner, Las Vegas Metropolitan Police Department.
- Employed with LVMPD since October 2006.
- Detective since March 2017.
- Digital Forensics Examiner since May 2019.
- Acquired over 2200 hours of police specific training, of which more than 490 hours are in areas relevant to conducting examinations on electronic storage devices and associated techniques.

Education Curriculum

- College of Southern Nevada
 - o Associate of General Studies
- Nevada POST Certification
 - o Basic, 2007

Computer Forensic Training

- Cellebrite
 - o Cellebrite Certified Operator, 14 Hours, August 2019
 - o Cellebrite Certified Physical Analyst, 21 Hours, August 2019
 - o Cellebrite Certified Operator & Physical Analyst Recertification Course, 5 hours, August 2021
- SANS Institute
 - o FOR500: Windows Forensic Analysis, 36 hours, February 2021
- LEVA International, Inc.
 - o Level 1: Forensic Video Analysis & the Law, 40 Hours, August 2019
- Magnet Forensics
 - o Forensic Fundamentals, 32 Hours, July 2019
 - o Axiom Examinations, 32 Hours, January 2020
 - o Axiom Advanced Computer Forensics, 32 Hours, February 2020
 - o macOS Examinations, 32 Hours, March 2020
 - o Axiom Internet & Cloud Investigations, 32 Hours, March 2020
 - o Axiom Incident Response Examinations, 32 Hours, April 2020
- AccessData
 - o FTK Bootcamp, 21 Hours, June 2019
 - o Windows OS Forensics, 21 Hours, June 2019
 - o Forensic Fundamentals, 25 Hours, July 2019
 - o Password Recovery, 7 Hours, July 2019
 - o Advanced SQLite, 35 Hours, April 2020
 - o Applied Decryption, 21 Hours, April 2020
- Wild PCS
 - o Certified Cellular Master Technician, Level III, 40 Hours, December 2019
- National White Collar Crime Center
 - o First Responders & Digital Evidence, 1 Hour, April 2019
 - o Identifying and Seizing Electronic Evidence, 2.5 Hours, April 2019
 - o Apple Introduction, 1 Hour, May 2019
 - o Cyberstalking, 1 Hour, May 2019
 - o Encryption, 1 Hour, May 2019
 - o GPS Interrogation, 1 Hour, May 2019

- How Computers Work and Store Data, 3 Hours, May 2019
- Introduction to Cellphone Investigations, 1 Hour, May 2019
- Introduction to Computer Networks, 2.75 Hours, May 2019
- Introduction to Previewing, 0.5 Hours, May 2019
- Mobile Digital Devices and GPS, 0.5 Hours, May 2019
- Online Undercover, 1 Hour, May 2019
- Post-Seizure Evidentiary Concerns, 1 Hour, May 2019
- Search Warrants & Digital Evidence, 1 Hour, May 2019
- Searching Without a Warrant, 1 Hour, May 2019
- Social Media Basics, 1 Hour, May 2019
- The Dark Web, 1 Hour, May 2019
- Understanding Digital Footprints, 0.5 Hours, May 2019
- Virtual Currency, 0.5 Hours, May 2019

Computer Forensic Certifications

- Cellebrite Certified Operator – August 2021
- Cellebrite Certified Physical Analyst, August 2021
- Wild PCS Certified Cellular Master Technician, Level III - December 2019
- Magnet Certified Forensic Examiner, January 2020
- GIAC Certified Forensic Examiner, May 2021

Las Vegas Metropolitan Police Department
Forensic Laboratory

CURRICULUM VITAE

Date: 07/05/2017

Name: Leah Groveman P#: 15822 Classification: Forensic Scientist II

Current Discipline of Assignment: Biology/DNA

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support / DNA	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
George Washington University	08/2001-05/2003	Forensic Molecular Biology	M.F.S.
Maryville College	08/1997-05/2001	Biochemistry	B.A.
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
STRmix Training Workshop - ESR	Las Vegas, NV	04/2017	
Firearms for Forensic Scientists	LVMPD Forensics Lab	09/2016	
Quality Assurance Standards Auditor Training	FBI Virtual Academy	08-09/2016	
Internal Auditor Training	LVMPD Forensics Lab	06/2016	
Ethics in Forensic Science - West Virginia University	Online Course	05-06/2016	
CJIS Security Awareness Training	LVMPD	04/2016	

Las Vegas Metropolitan Police Department
Forensic Laboratory

National Institute of Justice – DNA Grantees Meeting	Arlington, VA	07/2007		
California Association of Criminalists 108 th Semi-Annual Seminar	Temecula, CA	10/2006		
American Academy of Forensic Sciences 56 th Annual Meeting	Dallas, TX	02/2004		
American Academy of Forensic Sciences 55 th Annual Meeting	Chicago, IL	02/2003		
Mid-Atlantic Association of Forensic Scientists Annual Meeting	Frederick, MD	04/2002		
COURTROOM EXPERIENCE				
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>		
None				
EMPLOYMENT HISTORY				
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>		
Las Vegas Metropolitan Police Department	Forensic Scientist II	04/2016-present		
Life Science Technologies	Forensic DNA Validation Contractor, part-time	07/2014-08/2015 (intermittent)		
Armed Forces DNA Identification Laboratory	Forensic DNA Contractor, part-time	05/2010-09/2011		
Armed Forces DNA Identification Laboratory	Forensic Scientist II	12/2006-10/2007		
Armed Forces DNA Identification Laboratory	Forensic Scientist I	01/2006-12/2006		
Orchid Cellmark	DNA Analyst II	01/2004-04/2005		
Orchid Cellmark	DNA Analyst I	06/2003-12/2003		
PROFESSIONAL AFFILIATIONS				
<i>Organization</i>	<i>Date(s)</i>			
American Academy of Forensic Sciences, Trainee Affiliate – Criminalistics	2004			
American Academy of Forensic Sciences, Student Affiliate – Criminalistics	2003			
PUBLICATIONS / PRESENTATIONS				
Research Assistant - Foran, David R. "In Search of the Boston Strangler: Genetic Evidence from the Exhumation of Mary Sullivan." Med Sci Law 44 (2004): 47-54. Print. 2002				

Las Vegas Metropolitan Police Department
Forensic Laboratory

OTHER QUALIFICATIONS	
Forensic Lab Overview Presentation – College of Southern Nevada	06/2017
LVMPD Forensic Lab Representative – Career Fair – Foothills High School	11/2016
Teacher – Spring Forensics Course for Homeschoolers – Covenant Life School	03-04/2011
Teaching Assistant – Forensic Biology Graduate Course – George Washington Univ.	2002-2003
Intern – World Trade Center victim identification – Bode Technology Group	01-03/2002

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
CURRICULUM VITAE**

Date: 07/27/2017

Name: Marjorie Davidovic P#: 14726 Classification: Forensic Scientist II

Current Discipline of Assignment: Biology / DNA Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	x
Serology	x	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	x
Quality Assurance		Technical Support / DNA	

EDUCATION			
Institution	Dates Attended	Major	Degree Completed
Stony Brook University	01/98 – 05/03	Biochemistry	BS
Touro College	09/04 – 06/07	Forensic Examinations	MS

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
STRmix Training Workshop	Las Vegas, NV	04/24/17 – 04/28/17
Qualtrax Investigator 24plex QS Kit teach-back	Las Vegas, NV	08/18/16
2016 Annual Review of DNA Data Accepted at NDIS – (online)	Las Vegas, NV	03/17/16

Addressing the Problem of Untested Sexual Assault Kits, Michigan State Univ. – (webinar)	Las Vegas, NV	03/15/16
American Academy Of Forensic Sciences, 68 th Annual Scientific Meeting	Las Vegas, NV	02/25/16 – 02/26/16
Nevada statewide DNA meeting (attended and presented)	Las Vegas, NV	02/22/16
CJIS Security Awareness Training – (online)	Las Vegas, NV	01/25/16
STRmix Training Workshop	Las Vegas, NV	09/17/15 – 09/18/15
DNA Mixture Interpretation Training – Defense Forensic Science Center, hosted by the U.S. Army Criminal Investigations Laboratory	Madison, WI	05/12/15 – 05/15/15
CJIS Security Awareness Training – (online)	Las Vegas, NV	05/30/14
Probabilistic Genotyping & Software Programs (Part I) – NIST (webinar)	Las Vegas, NV	05/28/14
CODIS 7.0, various modules/sessions CJIS – (online)	Las Vegas, NV	04/29/14, 05/12/14, 05/13/14, 05/14/14
Technical & Administrative Review Training to Make Casework Easier	Las Vegas, NV	10/15/13
Ethics in Forensic Science West Virginia University Extended Learning (on-line)	Las Vegas, NV	09/16/13
AB 3500 Genetic Analyzer, Identifiler Suffolk County Crime Laboratory	Hauppauge, NY	09/11/12 - 09/13/12
NEAFS Annual Meeting	Newport, RI	11/02/11 - 11/04/11
Surviving a DNA Cross Examination, NEAFS	Newport, RI	11/02/11
Cognitive Factors in Forensic Decision Making Office of the Chief Medical Examiner, New York, NY	New York, NY	09/14/11 - 09/15/11
NIJ Conference: Translational Criminology	Arlington, VA	06/20/11 - 06/22/11
TrueAllele Casework System Software Training, Cybergenetics, Suffolk County Crime Laboratory	Hauppauge, NY	04/12/11 - 04/14/11

Forensic Y-STR Training, Marshall University Forensic Science Center, Suffolk County Crime Laboratory	Hauppauge, NY	07/27/10 - 07/29/10
ASCLD/LAB International Preparation Course	White Plains, NY	05/25/10 - 05/27/10
DNA Symposium - Office of the Chief Medical Examiner, New York, NY	New York, NY	09/23/09
Expert Witness Testimony Workshop, DCJS	Albany, NY	9/14/09 - 9/15/09
DNA Workshop given by Dr. John Butler Office of the Chief Medical Examiner, New York, NY	New York, NY	03/25/09
Cedar Crest College Forensic Science Training Institute: Statistical Interpretation of Forensic DNA Evidence	Allentown, PA	06/16/08 - 06/17/08
HID 7500 RT-PCR, Minifiler and Quantifiler Training, Applied Biosystems, Suffolk County Crime Laboratory	Hauppauge, NY	05/15/08
Local Laboratory DNA Academy, Northeast Regional Forensic Institute, SUNY Albany	Albany, NY	7/17/07 - 8/31/07
Applied Biosystems HID 3130 Systems Training Program Suffolk County Crime Laboratory	Hauppauge, NY	04/13/07 - 04/14/07

COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Suffolk County Criminal Courts, NY	Forensic Biology (Serology and DNA)	8
United States District Court for the District of NV	Forensic Biology (DNA)	1
Las Vegas Justice Court, NV	Forensic Biology (Serology and DNA)	2
Grand Jury, Las Vegas Regional Justice Center, NV	Forensic Biology (Serology and DNA)	2
Eighth Judicial District Court of Clark County, NV	Forensic Biology (Serology and DNA)	5

EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist II	07/13 - Current
Suffolk County Crime Laboratory	Forensic Scientist I	03/08 – 07/13
On Assignment Staffing Agency assigned to the Suffolk County Crime Laboratory	Research Assistant / Laboratory Technician	09/05 – 03/08
Center for Molecular Genetics & Microbiology, Stony Brook University	Research Technician II	07/04 – 05/05
Altana, Inc.	Associate Microbiologist	08/03 – 07/04
Cold Spring Harbor Laboratory	Media Maker / Research Technician	09/02 – 08/03
Veterans Affairs Medical Center	Research Technician	07/01 – 07/02

PROFESSIONAL AFFILIATIONS	
Organization	Date(s)
Southwestern Association of Forensic Scientists, member	06/2015 - Current
Northeastern Association of Forensic Scientists, member.	2006 - 2013

PUBLICATIONS / PRESENTATIONS:	Date(s)
Presented at Canyon Hills High School, Las Vegas, NV	02/16/17
Presented at the Nevada Statewide DNA Meeting, Las Vegas, NV	02/22/16
Presented at the Somerset Academy High School, North Las Vegas, NV	10/25/16

FILED

SEP 23 2021

CLERK OF COURT

Eight Judicial Court district
Clark County

The state of Nevada

Case No: C-18-3353-15-1

Plaintiff, Deft No: 24

October 18, 2021

8:30 AM

-VS-

Mario Trejo #2717641

Motion to dismiss

Defendant, pro se

Stand-by Counsel.

Comes now Mario Trejo, requesting to dismiss stand-by counsel. The reason behind this request comes merited by the fact that stand-by counsel simply provides no benefit to defendant.

Since Alex Henry was released as Counsel and appointed stand-by counsellor, he has been very difficult to reach and on majority of occasions has not been able to assist with legal query. It is this behavior that is a main factor that lead me to dismissing him as counsel and instead representing myself.

Now defendant in pro-se has been forced to reach out to outside Network, in order to obtain online research that stand-by counsel cannot assist with, and which is impossible to acquire using the ancient Lexus Nexus "Legal library" provided by Jail, which limits me and is outdated, it lacks full capability and stalls out. Additionally, defendant has had to file his own motions, on his own accord and absorbed the postage and material cost of the legal process in order to expedite legal entries and to

1 avoid losses in translation from defendant to
2 stand-by counsel to court.
3 because ~~the~~ these shortcomings are the main
4 purpose of having stand-by counsel and being
5 that defendant has reached the foregrounds of
6 trial with minimal assistance meanwhile facing
7 Legal, institutional and physical barriers, the
8 defendant request immediate dismissal of his
9 standby counsel.

10
11 The defendant prays that the court grants
12 this simple request being that it will release
13 public resources that are otherwise, technically
14 unavailable to defendant.

15
16 Dated: Sept 18th, 2021

17
18 Signed: Mario B. Trejo
19 Defendant pro-se.
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Mario B. Trejo #2717641
Case No: C-18-3353-15-1
330 S. Casino Center Blvd.
Las Vegas, N.V. 89101
a/136



Regional Justice center
Eight Judicial district Court
Attn: Clerk of the Court
200 Lewis Ave. 3rd floor
Las Vegas, N.V. 89135

LEGAL

SEP 23 2021

CLERK OF COURT

Eight Judicial District Court
Clark County

State of Nevada

Case No: C-18-3353-15-1

Plaintiff,

Dept No: 24

-VS-

Mario B. Trejo #0717641

Motion for proper
in-court disability
adjustment

Defendant, Pro-se

Comes now Mario Trejo, a speech disabled defendant in pro-se, humbly requesting proper in-court adjustments based on components within the Americans with Disabilities Act or Here and after (ADA), which ensures equal rights and accommodations to those americans whom suffer impediments such as the defendants speech disability

Legal standard

Americans With Disabilities Act (ADA)
Wide ranging federal legislation intended to make american society more accesible to people with disabilities. Disability is defined as a physical or mental impairment that substantially limits one or more major life activity.

The ADA has several key components including the following:

- All public services including state and local governments, cannot deny services or participation in programs or activities which are available to people without disabilities.
- Discrimination against people with disabilities

1 or persons who assert rights under the
2 (ADA) is not permitted.

3 Argument

- 4 • If the defendant could speak but spoke
5 a foreign language only, (Spanish, Swahili, Hmong, etc)
6 an interpreter of that specific language would
7 have to, by law, be provided during court proceedings.
- 8 • If the defendant had access to resources that
9 teach American Sign Language or (ASL), and
10 defendant was fluent in (ASL) an interpreter would
11 be provided by the court.

12
13 Hence the current method in which a corrections
14 officer has to be asked to read the defendants
15 prepared statements is inadequate and unfair to
16 the defendant and the officer who's the task in question
17 isn't in his job description, which is actually there
18 for security and becomes unable to perform his
19 duty.

20 On May 10th, 2021 during a hearing to decide the
21 adjustment of defendants bail, an officer felt the
22 amount of pages in the defendants argument were too
23 tedious to read in its entirety failing to give the
24 defendant his 14th amendment constitutional right
25 to due process in court, by stating the defendants
26 argument for bail was too long to read and was
27 denied its full presentation which also violates the
28 Jimenez-Valdez decision established by a

1 by a Higher court. Furthermore not only was
2 the state allowed its full vocal argument which
3 included rancous speculation, but also when defendant
4 tried to object and counter-argue, not only was his
5 objection not heard, but without time, pen and paper
6 in an a screen and hand-cuffed which restricts
7 me from even making any gestures in an attempt
8 for the courts to notice an objection cause of
9 my speech impediment, leaving me no proper method
10 of communication. because of this the defendants
11 counter-argument was not presented and his motion
12 denied. Im being restricted by the court to produce
13 a compelling argument which could be significantly
14 sufficient enough to be granted my motion.

15 This fact should not only render the May 10th
16 , 2021 decision null and void, because it failed
17 to fully allow both parties, in an adversarial
18 hearing, to provide their full arguments and
19 counter-arguments, but it also comes to show
20 the importance that the ability to communicate
21 during court holds and that in future hearings the
22 defendant must be given a method or proper assistance
23 that ensures communication with all involved parties
24 as it is ensured by the (ADA) and the
25 Rules of engagement in open court.

26 In Conclusion

27 The defendant hereby request the equal respect,
28 dignity and rights that should be observed in

1 this honorable court in accordance with the (ADA).

2
3 • Defendant request that a method is provided as
4 a form of communication.

5 • OR that same form of assistance is given that
6 is official and doesn't involve requesting that an
7 officer go out of their way to perform a duty not
8 listed in their job description.

9 • That if there is opposition, that defendant be
10 given proper chance to counter-argue as any
11 defendant in pro-se/attorney would receive.

12 • Finally, that a prepared argument, on paper, be
13 given the same audience as a vocal argument,
14 without suffering discrimination the likes of which
15 were mentioned in this motion and inflicted upon
16 the defendant in the past.

17
18 The defendant prays that a solution to this issue
19 is found and equal grounds are reached. The
20 defendant thanks Honorable Judge Ballou for
21 her time and careful consideration.

22 Dated Sept 18, 2021

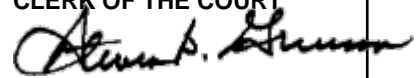
23
24
25 Signed: Mario B. Trejo
26 Defendant, Pro-se.
27
28

Manio B. Trejo #2717641
Case No: C-18-3353-15-1
330 S. Casino Center Blvd.
Las Vegas, N.V. 89101
a/136



Regional Justice center
Eight Judicial district Court
Attn: Clerk of the Court
200 Lewis Ave 3rd floor
Las Vegas, N.V. 89155

LEGAL



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARIO BLADIMIR TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIV

**STATE'S SECOND SUPPLEMENTAL NOTICE OF WITNESSES AND/OR
EXPERT WITNESSES
[NRS 174.234(2)]**

TO: MARIO BLADIMIR TREJO, Defendant, in Proper Person; and
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following expert witnesses in its case in chief:

*ALSUP, T. – LVMPD P#5782

*ANDIINO, GIOVANNI – 3539 DUSTY CHAP CT., N. LAS VEGAS, NV

*BAUGHMAN, Z. – LVMPD P#12958

*BROWN, R. – LVMPD P#7934

*BROWNING, C. – LVMPD P#15291

*CARRIGY, T. – LVMPD P#9860

*CLARK, J. – LVMPD P#13952

1 *COLON, M. – LVMPD P#7585
2 *CORNELL, L. – LVMPD P#13576
3 *CUSTODIAN OF RECORDS – SUPER PAWN SURVEILLANCE, 1150 S. RAINBOW
4 BLVD., LAS VEGAS, NV
5 *FARRINGTON, B. – LVMPD P#14808
6 *FULWILER, M. – LVMPD P#13663
7 *GALE, MALCOLM – 4954 ROYAL AVE., LAS VEGAS, NV
8 *GALLEG0, HUGO - UNKNOWN ADDRESS
9 *GRAHAM, K. – LVMPD P#16630
10 *HOWARD, MELANI – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS, NV
11 *INCERRA, JENNIFER – 4111 N. RANCHO DR., LAS VEGAS, NV
12 *JAQUEZ, IVAN – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS, NV
13 *LEAVITT, J. – LVMPD P#5814
14 *LEDOGAR, J. – LVMPD P#7411
15 *LEE, C. – LVMPD P#10048
16 *LEVASSEUR, B. – LVMPD P#14163
17 *LINGO, EMILY – 6541 ALTA DR., LAS VEGAS, NV
18 *LOEFFLER, M. – LVMPD P#9247
19 *MALDONADO, J. – LVMPD P#6920
20 *MELVIN, DWAYNE – 2177 WILBANKS CIR., HENDERSON, NV
21 *MENDOZA, S. – LVMPD P#6878
22 *MONGEAU, MATTHEW – 5424 LONGRIDGE AVE., LAS VEGAS, NV
23 *MONT0BAN, NATACHA – 2177 WILBANKS CIR., HENDERSON, NV
24 *NELSON, J. – LVMPD P#6825
25 *PAINE, T. – LVMPD P#14793
26 *PANDULLO, T. – LVMPD P#7884
27 *PATTON, J. – LVMPD P#8289
28 *PENNY, B. – LVMPD P#6042

1 *QUINTEROS, P. – LVMPD P#9055

2 *RAFFERTY, R. – LVMPD P#8919

3 *RECK, CARLA – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS, NV

4 *RIVERA-SANDOVAL, JONATHAN – c/o CCDA-VWAC, 200 LEWIS AVE., LVN

5 *SALDANA, JULILANA – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS, NV

6 *SERRANO-BOJORQUEZ, ADRIANE – c/o CCDA-VWAC, 200 LEWIS AVE., LVN

7 *SMITH, J. – LVMPD P#8177

8 *SMITH, K. – LVMPD P#16897

9 *TAPAY, G. – LVMPD P#15709

10 *THOMAS, K. – LVMPD P#13574

11 *UBBENS, A. – LVMPD P#13119

12 *VANBUSKIRK, D. – LVMPD P#17017

13 *VILLAFANE, M. – LVMPD P#17009

14 *WOOLARD, B. – LVMPD P#7558

15 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
16 NEVADA intends to call the following expert witnesses in its case in chief:

17 **DAVIDOVIC, M. – LVMPD P#14726** (or designee): will testify as an expert in the
18 science and technology underlying DNA testing, the processes and procedures performed in
19 DNA testing, the examinations done on any and all evidence in this case, the results of such
20 testing, and reports prepared in this regard.

21 **DAVIS, GLENN – LVMPD P#17031** (or designee): FIREARMS/TOOLMARK
22 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
23 expected to testify thereto, including, but not limited to, the forensic science underlying
24 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
25 microscopic comparison tools, technology, and findings, National Integrated Ballistic
26 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
27 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
28 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern

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MARIO TREJO,) No. 84724
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

DARIN F. IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 16 day of February 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office