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Respondent.

Docket 84724 Document 2023-04812

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Case No. 84724

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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 ///

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Instagram Post depicting
Replica and legal firearm

EXHIBIT "2"

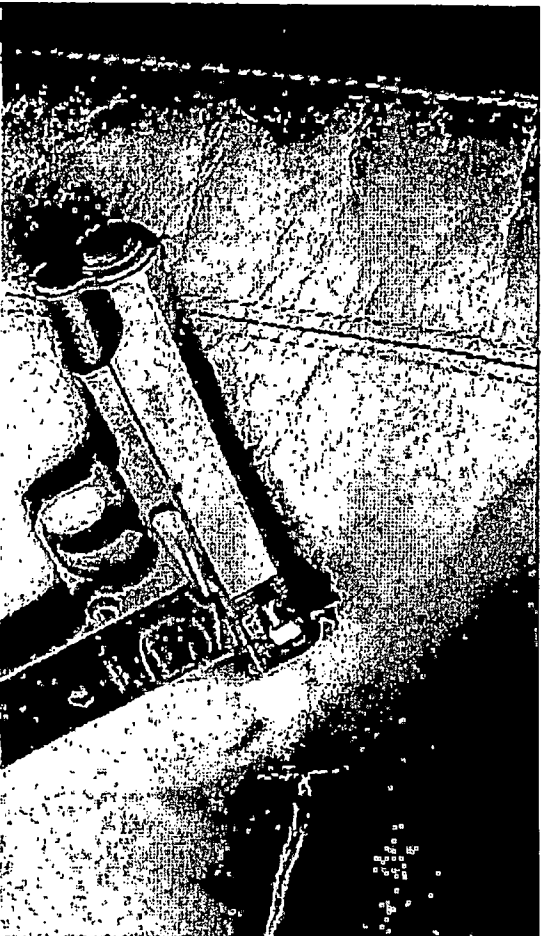


Instagram

Search



Sign Up



When you need a piece of mind



vladylives • Follow

vladylives #edc #merica #m88a
loudluxury 🔫



12 likes

AUGUST 5

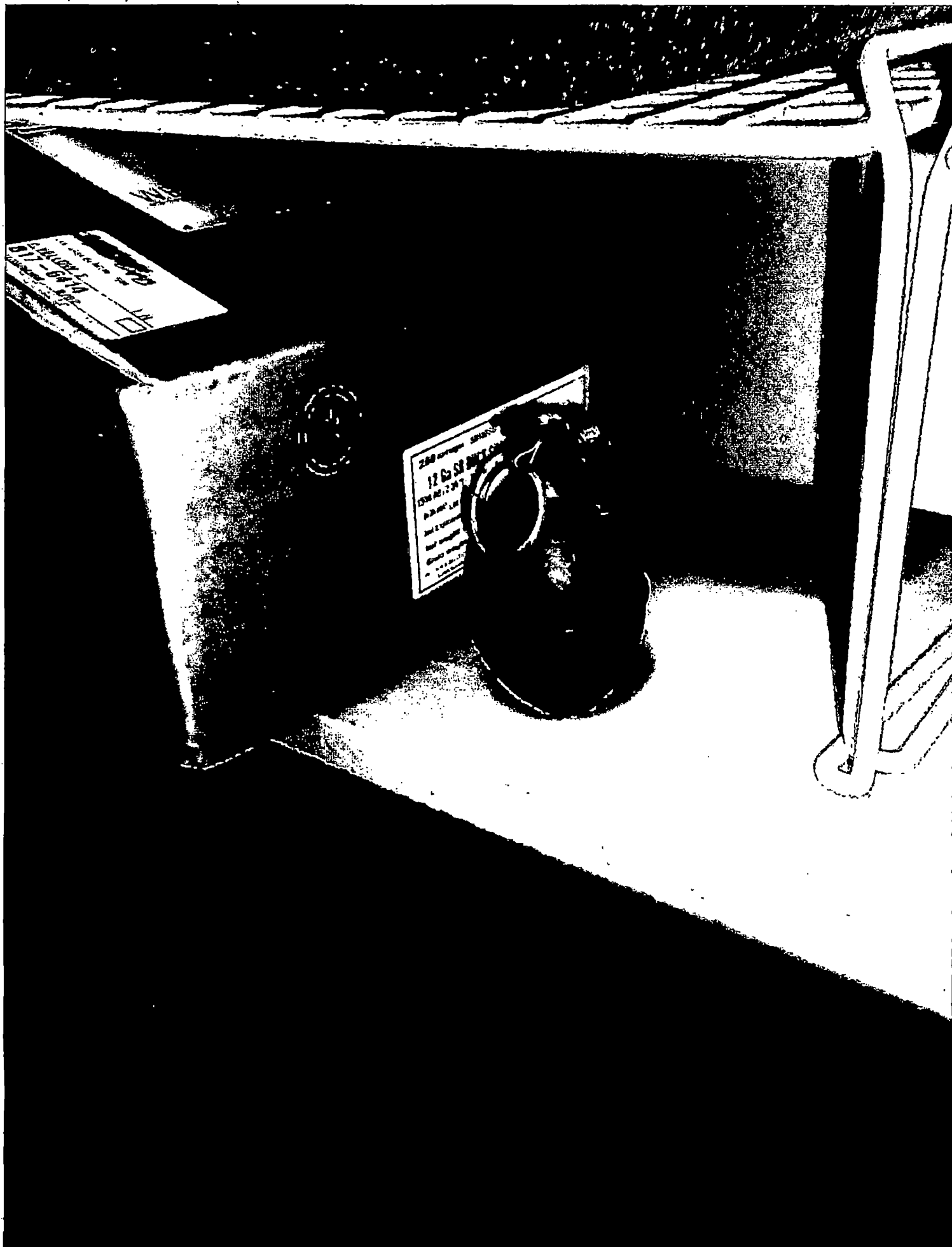
Log in to like or comment



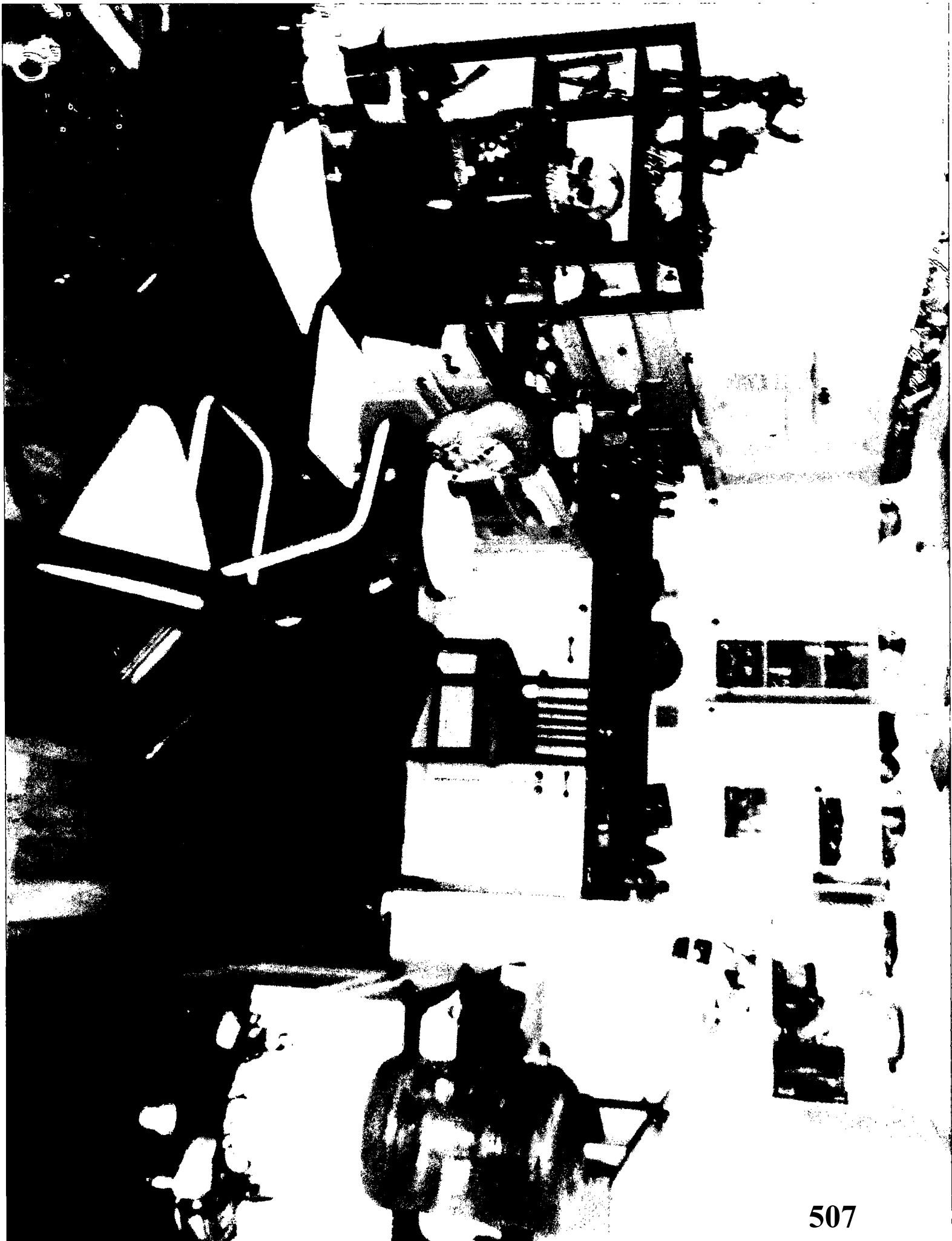
...

Photos taken at Defendants
Home by detectives, depicting
the replica in question.

EXHIBIT "3"



← Replica



Property Report Filed
in regards to search warrant
served at Defendants home

EXHIBIT "4"

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PROPERTY REPORT

Date of LVMPD Possession	Time of LVMPD Possession	Page(s)
9-6-14	2200	1 OF 2
Event #	1 8 0 8 0 4 - 1 1 3 8	

Incident **ROBBERY**

EVIDENCE <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Gross Misd <input type="checkbox"/> Misdemeanor List Other Related Event #'s (if any):	<input type="checkbox"/> NO EVIDENTIARY Value: <input type="checkbox"/> No Owner Identified <input type="checkbox"/> Destroy <input type="checkbox"/> Return To DMV	<input type="checkbox"/> SAFEKEEPING Must provide Owner Info in Persons Section AND Identify Owner # for each Item Listed	FIREARM IMPOUNDED DUE TO: <input type="checkbox"/> Temporary Protective Order (TPO) <input type="checkbox"/> Extended Order of Protection
--	---	---	--

Impounding Officer (Print Name): J. CLARK	Unit R-6	P# / Initials 313952C	Task Force Officers from Other Jurisdictions: PRINT LVMPD SGT Name & P#
Supervisor Approving (Signature): COB	Unit 612 R	P# / Initials C68010	

PERSONS - (S)USPECT / (V)ICTIM / (O)WNER / (F)INDER

<input checked="" type="checkbox"/> S <input type="checkbox"/> V <input type="checkbox"/> O <input type="checkbox"/> F	Last Name TRESO	First Name, MI MARIO	DOB	Phone #	Charge(s) ROBBERY w/ DW
Street Address 6424 IRONBARK LN LAS VEGAS NV 89107		City	State	Zip Code	Arrest Date ID#
<input type="checkbox"/> S <input type="checkbox"/> V <input type="checkbox"/> O <input type="checkbox"/> F	Last Name	First Name, MI	DOB	Phone #	Charge(s)
Street Address		City	State	Zip Code	Arrest Date ID#
<input type="checkbox"/> S <input type="checkbox"/> V <input type="checkbox"/> O <input type="checkbox"/> F	Last Name	First Name, MI	DOB	Phone #	Charge(s)
Street Address		City	State	Zip Code	Arrest Date ID#

FIELD RELEASE ONLY	Released Item(s) #	By Officer P# & Initials	Date Released	Released to Owner (Above Person) #	Owner's Signature
--------------------	--------------------	--------------------------	---------------	------------------------------------	-------------------

(Relating to Impound)	ITEMS RECOVERED DURING SEARCH WARRANT SERVICE				
	UNDER ABOVE EVENT NUMBER				

PKG #	ITEM #	OWNER #	Make or Brand	MODEL	COLOR	Serial # / OAN State & Gov. Issued ID #'s	Qty.	PROPERTY DESCRIPTION <small>*If firearms MUST list: 1) Barrel Length 2) Country Made/Importer 3) Caliber 4) Action Type (S/A, Auto, Bolt, Revolver, Etc.)</small>
1	1	1			GRN		1	GREEN BALLISTIC VEST
1	2	1			CAMO		1	FLAK JACKET
1	3	1			BLK		1	MOTORCYCLE JACKET
1	4	1			BLK		1	LEATHER JACKET
1	5	1			BLK		1	SKULL MASK
2	6	1			BLK		1	ZIPPED CASE w/ 5x 00 SHELLS
2	7	1					2	GLUCK MAGS + 12x .40 CAL + 5x .38 SPCL
2	8	1	CASSMAN	AIR MAC	BLK		1	BB GUN
2	9	1	WOLFE	NITE HAWK	BLK		1	BB GUN
2	10	1					25	PISTOL CARTRIDGES

LVMPD 07-A (Rev 9/12)

↑ Corresponds to # Listed in PERSONS section (Suspect / Victim / Owner / Finder)

Distribution: White: Records/Onbase | Yellow: Evidence Vault | Pink: Citizen

2 OF 2

Event #	1	8	0	8	0	4	-	1	1	5	0
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LVMPD 67-B (Rev. 9/12)

Distribution: White: Records/Onbase | Yellow: Evidence Vault | Pink: Citizen

States response to defendants
Motion to dismiss.

EXHIBIT "5"



1 **RSPN**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **RONALD EVANS**
6 **Deputy District Attorney**
7 **Nevada Bar #015218**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

8 **DISTRICT COURT**
9 **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: XXIV

15 **STATE'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS**
16 **CASE/PROSECUTORIAL MISCONDUCT AND PERJURY**

17 **DATE OF HEARING: JANUARY 3, 2021**
18 **TIME OF HEARING: 8:30 AM**

19 **COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County**
20 **District Attorney, through RON EVANS, Deputy District Attorney, and hereby submits the**
21 **attached Points and Authorities in Response to Defendant's Motion to Dismiss**
22 **Case/Prosecutorial Misconduct and Perjury.**

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

26 **//**

27 **//**

28 **//**

//

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On October 4, 2018, an Indictment was filed charging Mario Trejo (hereinafter
4 "Defendant") with one (1) count of Burglary While in Possession of a Firearm (Category B
5 Felony – NRS 205.060 – NOC 50426); seven (7) counts of Robbery With Use of a Deadly
6 Weapon (Category B Felony – NRS 200.380, 193.165 – NOC 50138); one (1) count of First
7 Degree Kidnapping With Use of a Deadly Weapon (Category A Felony – NRS 200.310,
8 200.320, 193.165 – NOC 50055); two (2) counts of Assault on a Protected Person With Use
9 of a Deadly Weapon (Category B Felony – NRS 200.471 – NOC 50205); one (1) count of
10 Conspiracy to Commit Robbery (Category B Felony – NRS 200.380, 199.480), and one (1)
11 count of Attempt Robbery With Use of a Deadly Weapon (Category B Felony – NRS 200.380,
12 193.330, 193.165 – NOC 50145).

13 On October 15, 2018, Defendant was arraigned in District Court, entered a not guilty
14 plea, and waived his right to a speedy trial within sixty (60) days. On November 28, 2018,
15 Defendant filed a Motion for Setting of Reasonable Bail. On December 18, 2018, the Court
16 denied the Motion. On January 14, 2019, Defendant filed a Motion for Setting Reasonable
17 Bail With Electronic Monitoring. On January 23, 2019, the Court granted the Motion and set
18 Defendant's bail at \$75,000 with a condition of house arrest.

19 On March 2, 2021, Defendant filed a Motion to Dismiss Counsel. On March 15, 2021,
20 Defendant's counsel filed a Motion to Withdraw as Attorney of Record. On March 31, 2021
21 Defendant appeared at a special setting without the State present. The Court conducted a
22 Faretta canvas and granted Defendant's Motion. Based on Defendant's representations and
23 arguments, he was not appointed standby counsel.

24 On May 6, 2021, Defendant filed a Motion to Suppress Digital Evidence. On May 11,
25 2021, Defendant filed a Motion to Dismiss State's Motion of Opposition. On June 2, 2021,
26 the Court denied Defendant's Motion to Dismiss States Motion of Opposition. On September
27 23, 2021, Defendant filed a Motion to Dismiss Standby Counsel. On October 11, 2021, the
28 Court denied Defendant's Motion.

1 do this. Id. As police arrive, Defendant exited the business through the front door with the
2 handgun placed to Ms. Serrano-Bojoglez' head. Id. With Ms. Serrano-Bojoglez as a hostage,
3 Defendant began to make his way to a vehicle parked outside the business. GJT, p. 54-57.

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

12 ARGUMENT

13 Defendant seeks to have the case against him dismissed based on alleged instances of
14 perjury by the State. More specifically, Defendant raises issue with some of the State's
15 arguments during a multitude of hearings regarding Defendant's pretrial custody status
16 including: (1) That Defendant was believed to be in possession of, or had access to, explosives;
17 (2) that Defendant was not in the country legally and was subject to deportation; and (3) that
18 Defendant's respiratory issues while incarcerated were due to his own conduct.

19 NRS 199.145 defines perjury as the making a willful and false statement in a matter
20 material to the issue or point in question; or making an unqualified statement of that which the
21 person does not know to be true. At no point during this case has the State willfully made a
22 false statement. Nor has the State made any statements which it did not have a good faith basis
23 to believe as true after reviewing the appropriate evidence.

24 Regarding Defendant being in possession of explosives, the State obtained a picture
25 from Defendant's Instagram where Defendant had a picture of a grenade next to a firearm.
26 Exhibit 1. Said photograph was captioned "When you need a piece of mind." Id. At the time,
27 the State believed that this was a functioning grenade. This belief was based both on the
28 realism of the grenade, the caption on the photograph, and the fact that Defendant's Instagram

1 contains photographs of numerous different firearms, indicating his proclivity for dangerous
2 weapons. As such, the State had a good faith belief that Defendant possessed, or had access
3 to, explosive devices.

4 Further, Defendant's argument that the State should have known this grenade was not
5 real because law enforcement executed a search warrant on his house is misguided. While a
6 search warrant was executed on Defendant's residence, and a property report generated as a
7 result, it was done so under a separate event number. Exhibit 2. It was not received by Mr.
8 Schwartzer until July of 2021, two months after the most recent arguments regarding
9 Defendant's custody status, and three months after the April 6th hearing Defendant references
10 in his motion. See Exhibits 3 and 4. The State would further point out that nowhere in that
11 property report is a grenade or grenade paperweight mentioned. Exhibit 2. In fact, said report
12 references only two bb guns. It is clear from Defendant's Instagram pictures, as well as
13 multiple firearm cartridges and magazines that were found in his residence, that he had, at
14 some point, possessed many more firearms than simply two bb guns. Exhibit 5. As such, said
15 property report is not indicative of whether Defendant possessed explosives or not.
16 Defendant's only "proof" that the grenade was not real are two photographs. Neither proves
17 the grenade isn't real. At the time of this Response the State is not in possession of any
18 evidence that shows the grenade to be fake.

19 Second, Defendant raises issue with the State's claim that he is not an American citizen.
20 The temporary custody records contained in the Indictment Warrant returned filed in this case
21 reveal that Defendant is a Mexican citizen. The State would further note that said records do
22 not indicate that Defendant is in possession of an Alien Registration Number, which is
23 commonly issued by the USCIS to immigrants who apply to live in the United States. The
24 State would further note that when Defendant's Scope is examined, he is not listed as an
25 American citizen. Exhibit 6. While Defendant makes repeated mention of his "immigration
26 paperwork," a review of said paperwork shows that he is in fact a citizen of Mexico, and his
27 employment authorization card expired in 2011. See Exhibit 7. As such, all relevant records
28

1 that were in the State's possession at the time it made the arguments Defendant now raises
2 issue with indicated that Defendant was not and is not an American citizen.

3 Finally, Defendant raises issue with the State claiming that his medical issues were due
4 to his own conduct. The State's assertion was in response to Defendant's fifth motion for own
5 recognizance release where he stated that he was not getting proper medical treatment at the
6 jail. The State's only knowledge of Defendant's medical problems is highlighted in the email
7 exchange Defendant attached as an exhibit to his Motion. It was and is the State's
8 understanding that a key component to Defendant's medical issues was the gunshot wound he
9 suffered during the underlying events of this case. To the extent Defendant has any other
10 medical conditions, that is not information the State had or had any reason to have.

11 As such, any claim that the State was committing perjury by deliberately misinforming
12 the Court is incorrect. Neither has the State ever made a statement to this Court that was not
13 based on its review of the evidence or documents provided to it in this case. Defendant's
14 Motion should be denied.

15 CONCLUSION


16 Based on the pleading above the State respectfully requests that this Court Deny
17 Defendant's Motion To Suppress Witness Testimony/Impeachment Of Witnesses.

18
19 DATED this 21st day of December, 2021.

20 Respectfully submitted,

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

24 BY


25 RONALD EVANS
26 Deputy District Attorney
27 Nevada Bar #015218
28

//

//

Defendants motion to
dismiss heard on Jan 5th 2022

EXHIBIT "6"

1 Eight Judicial District Court

2 Clark County

3 **FILED**

4 **DEC 13 2021**

5 *Debra L. Smith*
CLERK OF COURT

6 The state of Nevada

7 Plaintiff,

8 vs.

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

Dept. No.: 24

Docket No.:

9 Mario Trejo #2717641

10 Defendant, Pro-se

11 **January 3, 2022**
12 **8:30 AM**

13 Motion to dismiss Case/Prosecutorial misconduct
14 and Perjury

15 Comes now Mario B. Trejo, humbly requesting that case
16 C-18-3353-15-1 be dismissed with prejudice. The
17 grounds for this motion are due to the perjury consciously
18 and purpose fully committed by chief deputy district att-
19 orney Michael J. Shwartz, whom as an officer of
20 the court is invested with public trust and therefore
21 bound by the rules of court and Law. As an
22 officer of the court Mr. Shwartz must also behave
23 with integrity, respect and higher standards due to
24 the power invested in him by the people.

25 Mr. Shwartz has abused his position and status
26 by willingly committing perjury before the courts, against the
27 defendant in order to advance his goals in regards to
28 this case, he has done so constantly and on many occasions, in

1 Order to deprive the defendant of his liberty and the
2 attending benefits such as proper legal representation,
3 proper medical treatment and greater financial resources.
4 Therefore all of Shwartzers following statements and
5 actions should be impeached, furthermore all of his motions
6 and evidence presented should be dismissed due to the
7 following proof and exhibits presented herein this motion.

8 Argument: Fact and Proof of Claim.

9 Since the beginning of this matter, during court hearings, on
10 record and under oath as an officer of the court,
11 Michael Jo Shwartzner has made perjurious claims against
12 the defendant, in which has set forth since the beginning
13 up to date false claims and allegations which have caused
14 a chill effect and halted the proof that i've set forth
15 in several motions proving his false perjurious claims
16 and statements that should be as stated before, impeached
17 and stricken from record, along with all his actions in
18 this case as prosecutor. For example on April 6th of
19 2020, during a hearing to decide on a bail reduction w/
20 Judge Stephanie Miley, D.A Shwartzner claimed that
21 defendant had and was showing off "Explosives"
22 he also makes the same claim thru a motion submi-
23 ned to the courts titled "States opposition to defendants
24 fifth motion for O.R. release." In this motion on
25 page 5 Lines 13 through 15 - See exhibit A - D.A.
26 Shwartzner claims that defendant has access to "high
27 capacity rifles and Explosives" in order to tear down
28 the defendants character before the court and make

1 him appear as some sort of terroristic threat,
2 when in fact the so called explosive, was photographed
3 and scrutinized by detectives during the execution
4 of a search warrant on my home in sept. 2018, which
5 determined that the device in question was not an
6 explosive but a merely a paperweight / Dummy. D.A
7 had all of this information since 2018 and he knew
8 that the alleged "explosive" wasn't real, yet he chose to
9 perjure himself before the courts in order to further
10 his vindictive Vendetta making false accusations and
11 thus falsifying evidence. additionally - see exhibit A -
12 On page 5 Lines 15 through 17, the D.A. states that
13 "Defendant is not in the country legally and is
14 subject to federal deportation... Defendant should
15 be considered a flight risk.", which is further proof
16 that he continues to further perjure himself while
17 making a mockery of the courts, D.A. Shwartzner knows
18 that there are no factors of true proof in any of these
19 statements yet he states them on record to further his
20 vendetta and not doing his due diligence, which denies the
21 defendant his freedom while destroying his character
22 before the courts, The defendant now presents
23 - Exhibits B, C and D -
24 Exhibit B, shows a picture of the defendants
25 social security card, work permit and passport which
26 show the defendant has Legal status in the U.S., this
27 picture was taken by detectives during the execution
28 of a search warrant of my home Sept. of 2018.

1 In addition to this official evidence, the D.A.
2 has resource and authority to access the defendants
3 record, immigratory status and all photos taken at
4 the residence which was subject to a search, further
5 showing the D.A. was well informed but still willingly
6 committed perjury.

7 Exhibit C, shows the Dummy grenade, which the
8 D.A. presented as an "Explosive" to the courts, this
9 picture was taken by detectives during the same
10 search in which defendants immigration documents were
11 also pictured, it is obvious that this is not an
12 "Explosive" due to lack of response by detectives
13 during their examination proving that no "Explosives"
14 exist in this matter which the D.A. has Also been awarded.

15 Exhibit D shows a post from the defendants insta-
16 gram, which shows the dummy device in question and a
17 personal firearm legally owned by defendant at the
18 time, photo was used by D.A. Shwartzner to perjure
19 himself before the courts when he used it in his
20 motion of opposition to raise his claims of fabled
21 "Explosives" all while being aware of what this
22 picture actually contained, Note that in exhibits C and D
23 the item in question is identical, from the ~~scar~~ scar
24 along the side, down to the Damaged spoon.

25 Finally, defense presents "Exhibit E" which is an email
26 D.A. Shwartzner forwarded to my former counsel and
27 which i obtained, which explains the deadly serious
28 condition defendant was in months after arrest.

1 Also stating not many doctors specialize in the
2 handling of such a rare condition which defendant
3 began suffering from, 10 months prior to arrest.
4 However being aware of these facts, D.A. Swartzner
5 has made defendants condition appear mild and has
6 even claimed that it was caused during the commission
7 of a crime, which is another false claim.

8 On top of it all he committed all these acts of
9 perjury to secure a point to his conviction rate
10 knowing that doing so would deny the defendant
11 the due proper medical care jails cannot provide.

12 In Conclusion.

13 Gaining status as official does not give one leave to
14 disobey the rules of court and Law, as a matter of
15 fact, taking on that responsibility also means taking on
16 a higher standard, it not only means to execute ones
17 duty but it also means maintaining your honor, integrity
18 and laws of the land to a greater extent than the
19 average citizen. It is so because you are entrusted by
20 the people and for the people, to ensure justice for
21 all by bringing the truth into the light. However, the
22 actions that Michael J. Swartzner has conveyed,
23 not only show that he lacks these values but also
24 that he is willing to abuse his power, position and
25 the constitutional rights of citizens in order to gain
26 ratings and make an example of a man accused of a
27 crime not yet proven, and in the process he has
28 committed a crime which not only violates the dignity.

1 of, the court but also has negatively affected
2 the defendants right to Liberty and the atten-
3 ding benefits it holds.

4 The defense ask that this case be dismissed
5 in its entirety because the prosecutor has shown
6 prejudice against the defendant through prosecutorial
7 misconduct, The defense also request that it be
8 on record that Michael J. Shwartz, the pros-
9 ecutor in this case has perjured himself before
10 the court in a matter that has produced negative
11 consequences for the defendants case and his
12 ability to obtain medical care by denying him
13 freedom and liberty.

14
15 The defendant thanks the court and the
16 Honorable Judge Erika Ballau for her
17 patience, undivided attention along with her
18 careful consideration in this matter.

19 Dated this Oct. 1st of 2021

20
21
22 Signed: Maria B. Trejo
23 Defendant, Pro-se
24
25
26
27
28

1. Sentences and authorities

2. Disposal of case: prosecutorial misconduct

4. • U.S. v. Bundy

5. 968 F.3d 1019, 1030 (9th Cir. 2000).

6. This power may be invoked in response to
7. outrageous government conduct that "does not
8. rise to the level of a due process violation" id.
9. at 1031.

11. • U.S. v. Gallardo

12. 696 Fed. Appx. 285 (9th Cir. 2017) (quoting

13. U.S. v. Gurnea 353 F.3d 944, 950 (9th

14. Cir. 2003)) violation of fundamental fairness

15. is an "extremely high standard" that requires a

16. defendant to establish "so grossy conduct as

17. to violate the universal sense of justice."

18. (U.S. v. Kenna 9th Circuit) "a defendant must

19. show that the misconduct prejudiced his defense

Defendants scape record

EXHIBIT "7"

ORIG: LVM029001 1vm08462 SCOPEII:1128 09/03/2018-14:37:53
RESP: SCOPEII (NV003EF5E362) SCOPEII:1128 09/03/2018-14:37:57
*
CLARK COUNTY SCOPE II RESPONSE FOR:
ID#/ 2717641 NAM/ TREJO,MARIO BLADIMIR

===== ALERTS [2]

CRIM HIST
WRK CRD/BUS LIC

===== PERSON BASE RECORD: SUMMARY

ID#/ 2717641

NAM/ TREJO,MARIO BLADIMIR
DOB/ 12/02/1990 SOC/ [REDACTED]
SID/ FBI/ OLN/
SEX/ M RAC/ HGT/ 508
HAIR/ BLK EYE/ BRO SKN/ WGT/ 230
AGE/ 27 CTZ/ ELP/ ETN/ H
POB/ MM-MEXICO (SEE SEPARATE LIST OF MEXICAN STATES; USE C

PRIMARY ADDRESS:
[RS] 6424 IRONBARK LN
CTY/ LAS VEGAS STA/ NV CNTY/
AGY/ LAS VEGAS METRO PD EFF/ 10/25/2017

===== NOTIFICATIONS [1]

1). NOTICE
MPD**SUBJ IS ALIEN PER A/C #A200409928**
AGY/ LAS VEGAS METRO PD ENTERED/ 07/25/2011 EXP/

===== DOB [1]

1). 12/02/1990

===== SOC [1]

1). 680211175

===== SCARS/MARKS/TATTOOS [5]

- 1). TAT L ARM
FIRE, "ART OF WAR" IN ASIAN CHARACTERS
- 2). TAT R SHLD
AZTEC CALENDAR
- 3). TAT L SHLD
BODY ARMOR THAT GOES INTO HIS LEFT CHEST
- 4). TAT CHEST
"SYRINA" W/DANDELIONS UNDER NAME
- 5). TAT R THGH
"MARS"

===== SCOPE LEGACY INFORMATION [4]

1). BP MEXICO	AGY/ LAS VEGAS METRO PD
2). PI MPD**PERM W/C ISS PER FINGERPRINT**	AGY/ LAS VEGAS METRO PD
3). PI MPD**SUBJ IS ALIEN PER A/C #A200409928**	AGY/ LAS VEGAS METRO PD
4). PI MPD ***ALSO USES SS-680201175***	AGY/ LAS VEGAS METRO PD

===== MISSING PERSON (0 ACTIVE) (2 CANCELLED)

===== CRIMINAL HISTORY ARREST (3) CITE (1) SUMMON (0)

1). ARREST DATE: 09/07/2016 AGY/ NORTH LAS VEGAS PD
RN#/ 0007 CHG/ 1 BW CNTS/ 1 EVT/ 151026017749

Court minutes for the April 6th,
2020 and the May 10th, 2021 Hearings.

Exhibit 8

~~18-CV-00000-AB~~
~~Grand Jury Case #~~
~~Exhibit #~~
~~Date 10-10-2011~~

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 06, 2020**

C-18-335315-1 State of Nevada
vs
Mario Trejo

April 06, 2020	3:30 PM	Motion for Own Recognizance Release/Setting Reasonable Bail	Defendant's Motion for Setting of Reasonable Bail with House Arrest Based on the Changed Circumstances Brought About by the Covid-19 Crisis
-----------------------	----------------	--	--

HEARD BY: Miley, Stefany**COURTROOM:** RJC Lower Level Arraignment**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**PARTIES**

PRESENT:	Henry, Alexander C.	Attorney for Defendant
	Schwartz, Michael J.	Attorney for Plaintiff
	State of Nevada	Plaintiff
	Trejo, Mario Bladimir	Defendant

JOURNAL ENTRIES

- Argument by counsel noting Deft. had no criminal history, stated Deft. would reside at one of his father's tri-plexes and pointed out the jail was not transporting Deft. to doctor for treatment for his tracheotomy. Argument by the State pointing out this is the defense's fourth request, noted the violence of the case, advised Deft. is not a U.S. citizen and believed Deft. to be a flight risk and a danger to the community. Court stated its findings and ORDERED, motion DENIED. Trial date STANDS.

CUSTODY**PRINT DATE:** 04/09/2020**Page 1 of 2****Minutes Date:** April 06, 2020

C-18-335315-1

PRINT DATE: 04/09/2020

Page 2 of 2

Minutes Date: April 06, 2020

C-18-335315-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 10, 2021

C-18-335315-1 State of Nevada
 vs
 Mario Trejo

May 10, 2021 08:30 AM Motion for Medical OR to set Reasonable Bail

HEARD BY: Ballou, Erika **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Lord, Rem

RECORDER: Pierson, Toshiana

REPORTER:

PARTIES PRESENT:

Mario Bladimir Trejo Defendant

Michael J. Schwartzer Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Colloquy regarding the video evidence in the case. Clark County Detention Center Officer Hyche read a statement in open court prepared by the Defendant, Mr. Schwartzer argued in opposition to the motion. COURT stated findings and ORDERED, Motion for Medical or to Set Reasonable Bail DENIED; bail to remain at \$75,000.00 cash or surety with house arrest as previously set. Colloquy regarding scheduling, COURT FURTHER ORDERED, Defendant's Motion to Suppress Digital Evidence is MOOT and taken OFF CALENDAR.

CUSTODY

Copy of email from corrections to
District attorneys detailing severity
of Defendants medical condition.

Exhibit 9

~~18-CGD-153-APB~~
~~Grand Jury Case #~~
~~Exhibit #~~
~~Date 10-10-2019~~

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 is 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]



Re: Trego vs. State,

Dear Sandy Young, clerk of the court,

I Received your response to my appeal, I believe i made an Error which may have caused a bit of confusion.

This Motion i've resent, is not in regards to Supreme Court Case No: 83091, as i am aware that case has been decided on and closed.

Case 83091 was dealing with a decision in regards to my pre-trial custody status.

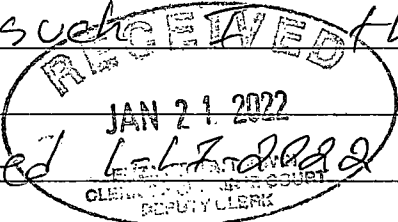
This New appeal is regards to a decision Made in the 8th Judicial district Court by Judge Erika Ballou on Jan 3rd, 2022 in regards to A motion to dismiss my case due to prosecutorial misconduct, i realized upon receiving your response that i neglected to properly title my Appeal and as such i have Retitled my Motion of appeal.

Please forgive any discrepancies or deficiencies as i am a pre trial detainee in prose and i have limited legal knowledge / decorum.

As such thank you for your time

Dated 1-17-2022

Sincerely, Maria B. Trego
Det. in pro-535

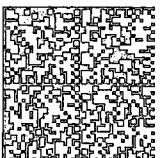


Mario B. Trejo #8717641
Case No: C-18-3353-13-1
330 S. Casino Center Blvd.
Las Vegas, N.V. 89101

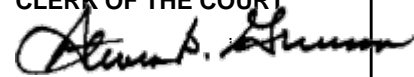
256

LEGAL

Supreme Court of Nevada
Attn: Sandy Young, Deputy Clerk of Court
201 S. Carson St., Suite 201
Carson City, N.V. 89701-4702



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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 #010747
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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: XXIV

15 **RECEIPT OF COPY**

16 RECEIPT OF COPY of the following is hereby acknowledged this 31 day of

17 Jan, 2022.

- 18 1. Crime Scene Investigation Report, dated 9/3/2018 by CSA Cornell;
- 19 2. Crime Scene Investigation Report, dated 9/3/2018 by CSA Maldonado;
- 20 3. Crime Scene Diagrams, dated 9/3/2018 by CSA Grover;
- 21 4. Crime Scene Investigation Report, dated 9/3/2018 by CSA Browning;
- 22 5. Crime Scene Investigation Report, dated 9/3/2018 by CSA Tapay; and
- 23 6. Grand Jury Transcripts from 10/3/2018.

24 MARIO TREJO, #2717641
25 PRO PER DEFENDANT

26 BY 
27 CCDC (INMATE)
28 330 S. CASINO CENTER DR.
LAS VEGAS, Nevada 89101

18F16522X/lm/GU

Eight Judicial District Court
Clark County

FILED

MAR - 1 2022

Sharon A. Higgins
CLERK OF COURT

The State of Nevada

Plaintiff,

vs.

Mario Trejo #2717641

Defendant, Pro-se

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

Dept. No.: 84

Docket No.: _____

Hearing: 3/23/2022
Time: 8:30 AM

Motion to suppress evidence

Comes now, Mario Trejo defendant in pro-se, with this motion to suppress statements made to detectives on Sept. 3rd, 2018 and Sept. 6th, 2018 by defendant while defendant was in intensive condition and under a "5150" hold at UMC Hospital. Additionally the defense request that a note written on Sept. 6th, 2018 by defendant under the direction of detectives Clark and Rafferty be suppressed. This motion is supported by factors in effect at time the interviews and evidence were collected, such as the "5150" hold which temporarily negates a psychologically unstable, patient's rights to make legal and medical ~~et~~ decisions, such as consent to the waiver of miranda rights.

Argument: Fact and Proof of Claim

• Statement 1-sept. 3rd, 2018 time 4:39 PM
Location UMC emergency room:

The defense request that this statement be
duly suppressed, detective Patton approached the
defendant at the UMC emergency trauma room
merely a couple hours after defendant suffered
a gun shot wound (GSW) and was severely mauled
by a K-9. In addition to this minutes prior to
this interview, defendant underwent emergency medical
procedures including the installation of a chest
tube, in which a sharp hollow tube is used to puncture
and pry through the rib cage in order to place a
drainage tube into a collapsed, blood filled lung.
all this while defendant was ~~un~~conscious and without
pain medication. Furthermore prior to this procedure, the
defendant, was put under a "SISO" hold due to a
"suicidal ideation" when defendant refused any
and all treatment. -see exhibit B, page 1 Part 1-
At 4:39 PM detective Patton approached defendant
without consent from his hospital advocate and
began ~~an~~ an interview with defendant whom was
not only still in shock after the pain and trauma
but also temporarily incompetent and under the
"SISO" protocol which negates the patients rights
and ability to make any sort of decisions, Legal
and Medical Allike, -SEE Exhibit A, B, B p. 2-
Because defendant was at the time technically

1 not able to make legal decisions, det. Patton
2 should have waited for the patient advocate, ~~into~~
3 instead patton went ahead, by passed hospital
4 protocols and interviewed the defendant while he
5 was technically incompetent and not liable, Hence
6 breaking the "5150" Protocol and in the process
7 making any given statement inadmissible in
8 court. Because the defendant at time was
9 not liable and able to comprehend the consequences
10 of not having an attorney present, because there
11 was a "5150" protocol in place and because the
12 defendant was under duress, defense requests that
13 this statement be suppressed.

14 • Statement 2 - Sept. 6th, 2018 - 3:15 PM

15 Location - UMC Medical Intensive Care Unit -

16 The second statement in question was also collected
17 while defendant was under intensive care and the
18 "5150" Protocol both, which as mentioned rendered
19 him not liable and unable to make legal or
20 medical ~~decisions~~ decisions. Yet again however, the
21 defendant was interviewed, this time by det.
22 Clark and det. Rafferty. On page 2 Line 12
23 of this statement, detectives even have to
24 pause recording to allow R.N. (registered nurse)
25 to administer psych med and pain killers.

26 Even though there is a "5150" protocol in place
27 and the defendant cannot make legal decisions
28 detectives press on and collect a statement

1 while defendant is technically unable to
2 consent and under duress. In addition to this
3 fact, before detectives begin recording, they
4 speak with defendant about the case and the
5 details in their investigation in an attempt to
6 coerce the defendant into confessing to certain
7 allegations, knowing that defendant ~~was~~ in a
8 mentally vulnerable state. Defense also points
9 out that defendant was not completely lucid
10 as he was confused about personal details
11 regarding his life, many details spoken in the
12 recording are wrong or mixed up which brings
13 up the issue of how credible the statement of
14 a drugged, incompetent person can be. specially one
15 under protocol for mental instability.

16 Because of the circumstances at the time, the
17 defense request that statement #2 be duly
18 suppressed.

19 Note written by Defendant Sept 6, 2018
20 Under direction of Detectives Clark and Ra-
21 fferty - The defense moves to additionally
22 suppress this note as it was obtained under
23 the same circumstances as the 2 statements
24 in question. Furthermore because the defendant
25 was under a protocol that left him not
26 legally liable and should not have been allowed
27 to speak with detectives.

28 Conclusion

1 The defense request that this court suppress
2 The statements and evidence in question, as it
3 was obtained from an individual placed under
4 the "SISO" protocol in which the patients ad-
5 vacate must give specific consent for any
6 legal and medical matters since the individual
7 under the "SISO" protocol is stripped of those
8 rights for their own protection. Also for the
9 fact that in the defendants condition at the
10 time he could not comprehend the consequence
11 of speaking to detectives without proper legal
12 representation, and the implications of his
13 miranda rights.-see exhibits A, B page 1 and
14 B page 2-

15 finally, The defense request that any charges
16 that stem from these illegally acquired statements
17 and evidence be dismissed.

18 The defense thanks the courts and Honer
19 Erika Ballou for her time, attention and
20 carefull consideration in these matters.

21 Dated this sept 19th of 2021

22
23
24 Signed: Mario B. Trejo
25 Defendant, Pro-se
26
27
28

Eight Judicial district court
Clark County

The State of Nevada,
Plaintiff,

-vs-

Mario Trego #2717041
Defendant prose

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

Medical Record in support
of Motion

Exhibit A

Junior Resident: Dr. Skaggs

Level of Care: Full

Prior to Arrival:

Part 1 Was combative, restrained and inducing desire to die End.

History:

Part 2 The patient is a 25 y.o. year old Male who was involved in a robbery and altercation at which point he sustained a gun shot wound to the medial chest. He additionally suffered a dog bite to the left posterior thigh. He endorses prior gun shot wound 10 months ago which was managed with a chest tube and esophageal stent and no endorses desire to die. He states that he "lost everything" and "does not want to be resuscitated". He denies loss of consciousness. End.

Past Medical History

DM

Medications

Insulin

Allergies

Denies

Past Surgical History

Chest tube and esophageal stent for prior GSW 10 months ago

Social History

Denies smoking, endorses occasional EtOH, denies illegal drug use

Review of Systems

HENT: Negative for hoarse voice, sore throat and stridor.

Cardiovascular: Positive for chest pain. Negative for leg swelling and palpitations.

Respiratory: Positive for shortness of breath. Negative for cough.

Musculoskeletal: Negative for neck pain and stiffness.

Gastrointestinal: Negative for abdominal pain, bowel incontinence and heartburn.

Genitourinary: Negative for bladder incontinence, dysuria and frequency.

Neurological: Negative for brief paralysis, focal weakness, headaches and seizures.

Psychiatric/Behavioral: Positive for depression and suicidal ideas. Negative for altered mental status.

Primary Survey

Airway: Patent

Breathing: Clear Lungs

Symmetric chest rise

Circulation:

Pulses: // 2+ and symmetric

Disability: GCS: 15

Eye: 4 // **Verbal:** 5 // **Motor:** 6

Exposure: All clothing removed and surfaces examined

Secondary Survey / Physical Exam

Vitals:

Eight Judicial district court
Clark County

The State of Nevada
Plaintiff,

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

Medical record in support
of Motion

-VS-

Mario B. Trego #2717641
Defendant Pro-se

Exhibit B pages 1 through 2

XR Abdomen 1 view portable

Final Result**IMPRESSION:**

Nonobstructive bowel gas pattern. No radiopaque foreign body seen.

CT Abdomen and Pelvis with IV contrast only

(Results Pending)

XR Femur Left Complete (minimum 2 views)

(Results Pending)

Echo Routine (Results Pending)

Interventions required:

chest tube right chest

Consultants:

<u>Service:</u>	<u>Attending:</u>	<u>Recs/Notes</u>
Cardiology		
Cardiovasc/Thoracic Sx		
Hand		
Neurology		
Neurosurgery		
OMFS		
Ophtho		
Orthopedics		
Otolaryngology		
Pediatric Surgery		
Plastics/Reconstructive Sx		
Replant		
Spine		
Urology		

Assessment/Plan (Problem list and management)

The patient is a 25 y.o. male s/p GSW to chest and dog bite to left leg who suffers the following traumatic injuries:

1. Bullet wound to sternum and ribs with disruption of the costochondral junction
2. Right hemopneumothorax s/p right chest tube placement
 - Chest tube to water seal
 - Chest tube management
3. Right middle lobe pulmonary contusion and hemorrhage
 - Incentive spirometer, encourage deep breathing
4. Hepatic injury with intraparenchymal hematoma and contusion and gas bubbles throughout right and left lobe in mid upper liver with small free intraperitoneal air
 - Monitor abdominal exam
 - Monitor LFTs
5. Dog bite to left posterior thigh s/p wash out
 - Monitor for signs of infection
 - Augmentin

Part 1 6. Suicidal ideation End

Part 2 - Called psych and left message
7. Disposition: Admit to trauma ICU END.

Resident: SODOMIN, ELIZABETH, MD

To reach the trauma surgery team please page 381-0155.

On Tuesdays between 0800 and 1200 please contact the attending provider directly

ED to Hosp-Admission
(Current) on 9/3/2018

SENT FROM
CLARK COUNTY DETENTION
LAS VEGAS, NEVADA

Mario B. Trejo #2717641

Case No: C-18-335315-1

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Las Vegas, N.V. 89101

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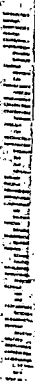
LEGAL

Regional Justice Center

Attn: Clerk of Court

200 Lewis Ave 3rd Floor

Las Vegas, N.V. 89155



8th Judicial District Court
County of Clark

FILED

MAR - 1 2022

CLERK OF COURT

State of Nevada

Plaintiff,

vs.

Case No.: C-18-335315-1

Dept. No.: 23

Docket No.:

Mario B. Trego #2717641

Defendant, prose

Hearing: 3/23/2022

Time: 8:30 AM

Widdiss/expenditure allowance motion

Comes now Mario B. Trego, Defendant in prose, respectfully requesting that this honorable court furnish the expense and acquisition of an expert witness for the purpose of cross examination during jury trial.

The defendant seeks to obtain an expert witness in the matter of police investigative procedures during a crime scene and procedures used when dealing with witnesses and victims at an active crime scene.

This request comes due to the defendant's status as an indigent pre-trial detainee in proper person and also due to the defendant's lack of information/resources regarding the

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CLERK OF THE COURT

550

1 acquisition of experts in the here-mentioned
2 field of expertise.

3
4 Second, the defendant request if available
5 an expenditure allowance that would allow for
6 the acquisition of court minutes, transcripts,
7 legal materiel and other cost sensitive legal
8 supplies that are nat available to a pre-
9 trial detainee with absolutely no income or
10 monetary resources with which to field these
11 said expenses.

12
13 Defendant prays that this honorable court
14 grants both of these request which would
15 greatly benefit the defense during and
16 before trial

17 I thank you for an audience in the courts
18 and for your careful consideration in this and
19 and in all matters.

20
21 Dated: Feb. 16th of 2022

22
23 Signed: Mario B. Trego
24 Defendant, pro-se.
25
26
27
28

Motion B

Eight Judicial district court
Clark county

FILED

MAR - 4 2022

Alana A. Thomas
CLERK OF COURT

The state of Nevada

Plaintiff,

vs.

Mario B. Trejo #2717641

Defendant, pro-se

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

Dept. No.: 24

Docket No.:

Hearing: 3/28/2022
Time: 8:30 AM

Brady motion of discovery

Comes now Mario B. Trejo, Defendant in pro-se motioning this honorable court with a motion of discovery / Brady material. Even though the defendant now has all testimonial, cellbrite, photographic and crime scene investigation evidence on paper the defendant enters this motion in order to meet all requirements needed for proper defense and for purposes of appeal in case of conviction.

Defendant thanks this honorable court for granting audience.

Dated: Feb. 27, 2022

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MAR - 3 2022

Signed Mario B Trejo, Defend

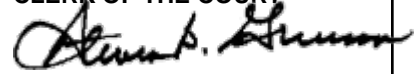
Case # ~~C-18-3333~~ 13-1
330 S. Casino Center Blvd.
Las Vegas, N.V. 89101

LEGAL

Regional Justice Center
Attn: Clerk of Court
Eight Judicial District Court
200 Lewis Ave 3rd floor
Las Vegas, N.V. 89155



FROM THE
COUNTY DETENTION CENTER
LAS VEGAS, NEVADA



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 BLADIMIR TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIV

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

DATE OF HEARING: MARCH 23, 2022
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 To Suppress Evidence.

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, an Indictment was filed charging Mario Trejo (hereinafter
4 “Defendant”) with one (1) count of Burglary While in Possession of a Firearm (Category B
5 Felony – NRS 205.060 – NOC 50426); seven (7) counts of Robbery With Use of a Deadly
6 Weapon (Category B Felony – NRS 200.380, 193.165 – NOC 50138); one (1) count of First
7 Degree Kidnapping With Use of a Deadly Weapon (Category A Felony – NRS 200.310,
8 200.320, 193.165 – NOC 50055); two (2) counts of Assault on a Protected Person With Use
9 of a Deadly Weapon (Category B Felony – NRS 200.471 – NOC 50205); one (1) count of
10 Conspiracy to Commit Robbery (Category B Felony – NRS 200.380, 199.480), and one (1)
11 count of Attempt Robbery With Use of a Deadly Weapon (Category B Felony – NRS 200.380,
12 193.330, 193.165 – NOC 50145).

13 On October 15, 2018, Defendant was arraigned in District Court, entered a not guilty
14 plea, and waived his right to a speedy trial within sixty (60) days. On November 28, 2018,
15 Defendant filed a Motion for Setting of Reasonable Bail. On December 18, 2018, the Court
16 denied the Motion. On January 14, 2019, Defendant filed a Motion for Setting Reasonable
17 Bail With Electronic Monitoring. On January 23, 2019, the Court granted the Motion and set
18 Defendant’s bail at \$75,000 with a condition of house arrest.

19 On March 2, 2021, Defendant filed a Motion to Dismiss Counsel. On March 15, 2021,
20 Defendant’s counsel filed a Motion to Withdraw as Attorney of Record. On March 31, 2021,
21 Defendant appeared at a special setting without the State present. The Court conducted a
22 Faretta canvas and granted Defendant’s Motion. Based on Defendant’s representations and
23 arguments, he was not appointed standby counsel.

24 On May 6, 2021, Defendant filed a Motion to Suppress Digital Evidence. On May 11,
25 2021, Defendant filed a Motion to Dismiss State’s Motion of Opposition. On June 2, 2021,
26 the Court denied Defendant’s Motion to Dismiss States Motion of Opposition. On September
27 23, 2021, Defendant filed a Motion to Dismiss Standby Counsel. On October 11, 2021, the
28 Court denied Defendant’s Motion.

1 On November 19, 2021, Defendant filed a Motion Suppress Witness
2 Testimony/Impeachment. On December 2, 2021, the State filed its Response. On December
3 13, 2021, the Court denied Defendant's Motion.

4 On December 13, 2021, Defendant filed a Motion to Dismiss Case/Prosecutorial
5 Misconduct and Perjury. The State filed a Response on December 21, 2021. On January 4,
6 2022, the Court denied Defendant's motion.

7 On February 3rd and 4th, 2022, the Court recanvassed Defendant regarding self-
8 representation pursuant to Miles v. State, 137 Nev. Adv. Op. 78 (2021). After the two-day
9 hearing, the Court held that Defendant could represent himself in this matter.

10 On March 1, 2022, Defendant filed the instant motion seeking to suppress his
11 confession to both the August 4, 2018, and the September 3, 2018 robbery.

12 **STATEMENT OF FACTS**

13 On August 4, 2018, Defendant Mario Trejo ("Defendant") attempted to rob the Super
14 Pawn at 1150 South Rainbow Boulevard in Clark County, Nevada. Grand Jury Transcript
15 ("GJT"), October 3, 2018, page 8. Jennifer Incera, a manager at Super Pawn, arrived at work
16 around 8 AM with two other employees and was about to unlock the store when Defendant
17 wearing a black motorcycle helmet, a leather jacket, gloves, and boots ran toward her. GJT, p.
18 8-12. Defendant was armed with a shotgun and pumped it while going toward Jennifer. GJT,
19 p. 12-13. Jennifer yelled at her employees to run. GJT, p. 12-14. Eventually, Jennifer and her
20 employees made it to one of their vehicles and all three of them escaped in that vehicle. GJT,
21 p. 14-15. While driving away, Jennifer noticed Defendant started to follow the vehicle. GJT,
22 p. 16. Eventually, after some maneuvering, Defendant stopped following Jennifer and the
23 other employees. GJT, p. 18. Defendant later confessed to the attempt robbery. GJT, p. 89.

24 On September 3, 2018, Defendant robbed the same Super Pawn during business hours.
25 At about 1:30 PM, Defendant dressed in the same outfit, returned to the Super Pawn armed
26 with a handgun and a rifle and entered the business. GJT, p. 43-46. Using the handgun,
27 Defendant ordered all the employees at gun point to move behind the counters and to sit on
28 the floor. GJT, p. 46-47. Defendant ordered an employee named Adriane Serrano-Bojoglez to

1 open two safes while taking money and placing it inside a backpack that he was carrying. GJT,
2 p. 47-50. Defendant then ordered Ms. Serrano-Bojoglez at gunpoint to open each of the cash
3 registers. GJT, p. 50.

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

10 Police issued commands for Defendant to drop the firearm. Id. At some point,
11 Defendant moved the handgun from Ms. Serrano-Bojoglez' head and aim it at uniformed
12 police officers. GJT, p. 57-60. At this time, Ms. Serrano-Bojoglez seized the moment to grab
13 Defendant's arm and pull it toward the ground as the handgun fired. Id. Ms. Serrano-Bojoglez
14 was able to successfully wrestle the handgun from Defendant however, he began to reach for
15 his second gun—a rifle. Id. As officers observed Defendant reaching for the rifle, they fired
16 striking Defendant and causing him to fall to the ground. Id. Ultimately, Defendant was taken
17 into custody and transported to the hospital for medical care. Id.

18 Detective Joe Patton of the LVMPD Force Investigation Team went to UMC Trauma
19 to interview Defendant. GJT, p. 97. Detective Patton talked with Defendant's treating doctor
20 and got "clearance" from the doctor to talk with Defendant. GJT, p. 97. After getting clearance,
21 Detective Patton talked with Defendant at UMC. See Exhibit 1 (transcript of Defendant's
22 statement to Detective Patton from 9/3/2018) and Exhibit 3 (audio of Defendant's statement
23 from 9/3/2018). Defendant's statement was recorded. Detective Patton read Defendant his
24 Miranda rights and Defendant agreed to speak with detectives. GJT, p. 95. During the
25 interview, Defendant told Detective Patton that he was desperate for money due to previously
26 being shot in a robbery, so he decided to rob the Super Pawn because he used to work at that
27 location. GJT, p. 95 and Exhibit 1. Defendant explained to Detective Patton that he "geared"
28 up at his residence and borrowed a car from his friend who did not know he was planning on

doing a robbery. GJT, p. 95 and Exhibit 1. Defendant admitted to bringing a Glock handgun and a rifle to the pawn shop and demanding money from the employees. GJT, p. 95-96. After he got the money and jewelry from the store, he walked out with a woman employee, so the police “wouldn’t shoot at him”. GJT, p, 96. As he was outside, the woman from the pawn store struggled with Defendant for his firearm. GJT, p. 96. A shot went off and eventually Defendant was shot by the police. GJT, p. 96-97. Detective Patton’s interview lasted less than 18 minutes.

On September 6, 2018, Detective Jeff Clark of LVMPD Commercial Robbery Section interviewed Defendant at UMC. GJT, p. 88. This interview was also recorded. Defendant was read his Miranda rights, which he agreed to waive in order to talk with detectives. GJT, p. 88 and Exhibit 2 (transcript of Defendant's statement to Detective Clark on 9/6/2018). This interview lasted less than 30 minutes. See Exhibit 2. During this interview, Defendant admitted to attempting to commit a robbery at the same pawn store on August 4, 2018. Defendant explained to Detective Clark that after he was shot in a robbery, he lost his job and sold all his valuables in order to support his family. Exhibit 2, pg. 5. On August 4, 2018, he talked a friend into helping him rob the Super Pawn. GJT, p. 90. Defendant brought his "AK" to the robbery. Exhibit 2, pg. 7. Defendant used his friend's car which he described as a dark color Acura, which was the same description the victims provided of the vehicle. Exhibit 2, pg. 7, GJT, p. 10. The pawn store workers saw Defendant approaching with a firearm and ran away from the store. GJT, p. 89 and Exhibit 2, pgs. 7-8. While trying to flee from the attempted robbery, Defendant claimed that the vehicle he was in ended up right behind the victims' vehicle. Exhibit 2, pg. 8. This also matched with what the victims of the robbery told police. GJT, p. 15-17.

ARGUMENT

I. DEFENDANT’S MOTION FAILED TO PROVIDE ANY POINTS AND AUTHORITIES AND SHOULD BE DENIED

Pursuant to Rules of Practice for the Eighth Judicial District Court of Nevada, Rule 3.20(b): “(a) party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. ***The absence of such memorandum may be***

1 *construed as an admission that the motion is not meritorious, as cause for its denial or as a*
2 *waiver of all grounds not so supported.”* EDCR, Rule 3.20(b) (emphasis added)

3 In this instant motion, Defendant does not cite to or even refer any legal authority. There
4 are no references to a statute, court rule or even case law. Instead, Defendant makes assertions
5 about his medical condition. Some his assertions are even unsupported with any documented
6 evidence. Despite Defendant’s complete failure to cite to any legal authority, he is requesting
7 that his statements be suppressed. This is a clear violation of Rule 3.20(b) and therefore the
8 motion should be denied.

9 While Defendant is representing himself, it was made clear to him during his Faretta
10 canvas that he would be held to the same standards as an attorney in front of this court. Despite
11 this warning, Defendant still filed this motion in violation of Rule 3.20. Therefore, Defendant’s
12 motion should be denied for failing to provide points and authorities in support of his motion.

13 **II. DEFENDANT’S STATEMENTS WERE VOLUNTARY, AND THE**
14 **STATEMENT SHOULD BE ADMITTED AT TRIAL**

15 If this Court chooses not to dismiss pursuant to EDCR Rule 3.20, Defendant’s motion
16 should still fail because Defendant’s statements were voluntary.

17 Once voluntariness of a confession has been raised as an issue, there must be a hearing
18 pursuant to Jackson v. Denno, 378 U.S. 368, 84 S.Ct. 1774 (1964), before an accused’s
19 statements are brought before a jury. At this hearing, the Court must hear evidence concerning
20 what the defendant told the police and the circumstances under which the defendant made the
21 statements. The Court must then decide (1) whether his statement was voluntary using the
22 totality of the circumstances, and (2) whether Miranda was violated. In this regard, Nevada
23 adopted the “Massachusetts rule.” See Grimaldi v. State, 90 Nev. 89, 518 P.2d 615 (1974). It
24 is the burden of the defendant to ask for such a hearing. See Wilkins v. State, 96 Nev. 367,
25 372, 609 P.2d 309, 312 (1980).

26 The State’s burden of proof at a Jackson v. Denno hearing is a preponderance of the
27 evidence, both with respect to voluntariness (Brimmage v. State, 93 Nev. 434, 567 P.2d 54
28 (1977), Falcon v. State, 110 Nev. 530, 874 P.2d 772 (1994)), and with respect to Miranda.

1 Falcon, 110 Nev. 530, 874 P.2d 772. In making this determination, the Court is to look at the
2 totality of the circumstances. See Alward v. State, 112 Nev. 141, 912 P.2d 243 (1996);
3 Passama v. State, 103 Nev. 212, 735 P.2d 321 (1987).

4 If the Court finds that the statement was involuntary, it ceases to exist legally and cannot
5 be used for any purpose. Mincey v. Arizona, 437 U.S. 385, 98 S.Ct. 2408 (1978). If it was
6 voluntary but Miranda was violated, it can only be used for impeachment if the defendant
7 testifies and contradicts the statement. Harris v. New York, 401 U.S. 222, 91 S.Ct. 643 (1971);
8 Oregon v. Hass, 420 U.S. 714, 95 S.Ct. 1215 (1975); McGee v. State, 105 Nev. 718, 782 P.2d
9 1329 (1989).

10 When a defendant is fully advised of his Miranda rights and makes a free, knowing,
11 and voluntary statement to the police, such statements are fully admissible at trial. Miranda v.
12 Arizona, 384 U.S. 436, 86 S.Ct. 1602 (1966); Stringer v. State, 108 Nev. 413, 417, 836 P.2d
13 609, 611-612 (1992). Coercive police conduct is a “necessary predicate” to a finding that a
14 Defendant’s statement is involuntary such that its admission violates the Defendant’s Due
15 Process rights. Colorado v. Connelly, 479 U.S. 157, 167, 107 S.Ct. 515, 522 (1986)

16 “A confession is admissible only if it is made freely and voluntarily, without
17 compulsion or inducement.” Franklin v. State, 96 Nev. 417, 421, 610 P.2d 732, 734-35 (1980).
18 In order to be considered voluntary, a confession must be the product of free will and rational
19 intellect. Blackburn v. Alabama, 361 U.S. 199, 208, 80 S. Ct. 274, 280 (1960). A confession
20 is involuntary if it is the product of physical intimidation or psychological torture. Townsend
21 v. Sain, 372 U.S. 293, 307, 83 S. Ct. 745, 754 (1963). To determine the voluntariness of a
22 confession, the court must consider the effect of the totality of the circumstances on the will
23 of the defendant. Passama, 103 Nev. at 213, 735 P.2d at 323. Essentially, the question is
24 whether the defendant’s will was overborne when he confessed. Id.

25 //

26 //

27 //

28 //

1 In Passama, *supra*, the Nevada Supreme Court, citing Schneckloth v. Bustamonte, 412
2 U.S. 218, 93 S.Ct. 2041 (1973), delineated the following factors to be considered when
3 evaluating the voluntariness of a confession:

4 the youth of the accused; his lack of education or his low
5 intelligence; the lack of any advice of constitutional rights; the
6 length of detention; the repeated and prolonged nature of
7 questioning; and the use of physical punishment such as the
8 deprivation of food or sleep.

8 Id.

9 The Nevada Supreme Court has examined whether a confession was voluntary or not
10 on several occasions. See e.g., Franklin, 96 Nev. at 421, 610 P.2d at 735 (detective's
11 statements did not amount to promises of leniency inducing defendant to confess, thereby
12 rendering defendant's confession involuntary, where detective promised to release defendant
13 on his own recognizance if he cooperated with authorities from another state and to
14 recommend lighter sentences); Barren v. State, 99 Nev. 661, 664, 669 P.2d 725, 727 (1983)
15 (detective's statement to appellant that he would be "going home" was not a promise of
16 leniency, but rather an ambiguous, but innocuous statement that detective would drive
17 appellant home after the interview); Chambers v. State, 113 Nev. 974, 981, 944 P.2d 805, 809
18 (1997) (where defendant walked into hospital and shouted to anyone around that there was a
19 dead body in his hotel room, and later claimed he did so only because he was intoxicated and
20 not well rested but appeared relatively coherent in his interactions with police, his confession
21 was not involuntary where he was questioned for four hours after having been stabbed).

22 In the instant case, Defendant is in his late 20s and appears to have at least graduated
23 high school. Exhibit 1, pg. 25. Defendant does not appear to have a low IQ based on the
24 evidentiary hearings held previously in this matter and was read his Miranda rights before each
25 interview. Moreover, the questioning on both occasions were relatively short. Detective's
26 Patton's questioning lasted less than 18 minutes and Detective Clark's interview was about 25
27 minutes long. In both interviews, Defendant rapidly confessed to the crimes and provides
28 details only a person involved in the crime would have knowledge of. There is no indication

1 of physical punishment or food/sleep deprivation on the record. Defendant's answers to
2 questions were logical, intelligent, and responsive. Thus, a review of the totality of the
3 circumstances, clearly demonstrates that Defendant's confessions were made freely and
4 voluntarily, and they should not be suppressed.

5 Defendant makes broad claims without any legal support in his motion. In fact,
6 Defendant does not cite to a single legal authority in his motion. It appears that Defendant
7 claims that because he was being treated for his gunshot wound his statements, even the one
8 that occurred 3 days later, should be suppressed. However, the Nevada Supreme Court has
9 upheld Defendant's statement in even more extreme circumstances.

10 In Chambers v State, 113 Nev. 974, 944 P.2d 805 (1997), the Supreme Court of Nevada
11 discussed the admissibility of confessions and statements when made after a defendant is
12 advised of his Miranda rights. In that case, Chambers, confessed after four hours of
13 questioning to murdering a man in his hotel room. Defendant had a stab wound and claimed
14 to be intoxicated during the interview. Ultimately, the Nevada Supreme Court affirmed the
15 trial court's decision to allow the statement into evidence. The Chambers Court found that
16 Chambers was not subject to any physical coercion or emotional overreaching. Further, that
17 Chambers did not appear to be under the influence of alcohol or drugs to such a point that he
18 was unable to answer the questions. Instead, Chambers answers to questions were intelligent
19 and logical. It also noted that Chambers was treated politely by the officers, and the transcript
20 of the interview reveals that no coercive interrogation techniques were employed. Thus, his
21 confession was deemed voluntary. Chambers, 113 Nev. at 980-981.

22 Similar to Chambers, Defendant was read his Miranda rights, was not subject to
23 physical coercion or emotional overreaching. Moreover, he answered the detectives' questions
24 in a responsive, intelligent, and logical manner. He was also questioned for less than 30
25 minutes on both occasions unlike the four hours of questioning Chambers faced. Thus, while
26 considering the totality of the circumstances in light with the case law, Defendant's statements
27 should not be suppressed.

28 //

Another case that involves a similar issue is Richard v. State, 134 Nev. 518, 424 P.3d 626 (2018) In that case, Richard was questioned by robbery detectives while in the hospital with a gunshot wound. The Nevada Supreme Court noted that Richard was shot in the calf, broke his leg, and lost enough blood to soil his clothes and leave a bloody trail. Richard, 134 Nev. at 526. Police interviewed Richard while he was lying in a hospital gurney in the emergency room. Id. The Nevada Supreme Court noted that the detective who did the interview with Richard did not talk with Richard's treating physician about Richard's medical treatment or prescriptions before taking a statement. Id. Despite some of Richard's answer not being directly responsive to the question, the Nevada Supreme Court still found statement was properly admitted based on Richard's calm demeanor and mostly logical answers. Id.

The Nevada Supreme Court also upheld Richard's second interview at the hospital, which occurred later that day. Id., 134 Nev. at 527. Richard argued that the statement should be suppressed because the interview took place late at night at the hospital, that he was shot earlier that day and had undergone surgery. Id. Richard also noted that medical staff needed to have access to him during the interview. Id. However, the Nevada Supreme Court found that in review of Richard's second custodial interview, there is nothing in the record that would undermine the trial court's determination that the statement was voluntary. Id. Thus, despite Defendant's assertion, medical treatment and medication alone does not make a statement involuntary. Also See Wallace v. State, 84 Nev. 603, 605, 447 P.2d 30, 31 (1968) (Nevada Supreme Court affirmed a district court's admission of a confession made about an hour and a half after the defendant shot himself in the face; the defendant made the statement from a hospital gurney surrounded by police, bleeding, and without any medication).

CONCLUSION

Based upon the foregoing, the State respectfully request that this Court takes notice that Defendant failed to file a points and authorities or cite to any legal authority in the instant motion. As a result of this failure, Defendant's motion should be denied pursuant to EDCR Rule 3.20.

//

1 If this Court decides to hear Defendant's motion on its merit despite the numerous
2 procedural failure and lack of authority the State's position is that Defendant's statements were
3 voluntary and thus admissible. However, due the case law, the State would respectfully request
4 that this Court order a hearing pursuant to Denno.

5 DATED this 7th day of March, 2022.

6 Respectfully submitted,

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

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

14 CERTIFICATE OF MAILING

15 I hereby certify that service of the above and foregoing was made this 7th day of March,
16 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

17 MARIO BLADIMIR TREJO, #2717641
18 CLARK COUNTY DETENTION CENTER
19 330 S. CASINO CENTER BLVD.
20 LAS VEGAS, NEVADA 89101

21 BY /s/ L.M.
22 Secretary for the District Attorney's Office
23
24
25
26
27

28 18F16522X/MJS/lm/GU

Exhibit 1

VOLUNTARY STATEMENT

PAGE 1

EVENT#: 180903-1848

SPECIFIC CRIME: OFFICER-INVOLVED SHOOTING (NON-FATAL)**DATE OCCURRED:** 09-03-18**TIME OCCURRED:** 1315 HOURS**LOCATION OF OCCURRENCE:** SUPERPAWN
1150 S. RAINBOW BOULEVARD
LAS VEGAS, NV 89146**CITY OF LAS VEGAS****CLARK COUNTY**

NAME OF PERSON GIVING STATEMENT: MARIO TREJO (MT)**DOB:** 12-02-90**SOCIAL SECURITY #:****RACE:****SEX:****HEIGHT:****WEIGHT:****HAIR:****EYES:****HOME ADDRESS:****PHONE 1:****WORK ADDRESS:****PHONE 2:**

The following is the transcription of a tape-recorded interview conducted by DETECTIVE J. PATTON (JP), P# 8289, LVMPD FORCE INVESTIGATION TEAM, on 09-03-18 at 1639 hours. Also present is Detective S. Mendoza (SM), P# 6878.

JP: Operator, this is Detective Joe Patton, P-A-T-T-O-N, P# 8289 with the Force Investigation Team, uh, conducting one suspect interview. Um, today's date is September 3rd, 2018. The time of this interview is 1639. I'm conducting an interview with Mario, last name is T-R-E-J-O. His date of birth is 12-2 of 1990. His social is

His ID number is 2717641. His, uh, address is Uh, this interview is taking place at UMC Trauma, Bed 1. This interview is in reference to an officer-involved shooting which occurred on September 3rd, 2018 under LVMPD

VOLUNTARY STATEMENT

PAGE 2

EVENT#: 180903-1848

STATEMENT OF: MARIO TREJO (MT)

Event# 180903-1848 at approximately 1310 hours, uh, at the Super Pawn located at 1150 South Rainbow Boulevard. Also present for the interview is my partner, Detective Scott Mendoza. His P# is 6878. Okay, Mario...

MT: Uh-huh.

JP: ...uh, because you are in custody I gotta read you your rights first before we talk, okay. You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to consult with an attorney before questioning. You have the right to the presence of an attorney during questioning. If you cannot afford an attorney one will be appointed before questioning. Do you understand these rights?

MT: Yes.

JP: Do you still wish to talk to me?

MT: Uh, sure.

JP: Okay, all right, so Mario, my partner and I are here. We work on the Force Investigation Team and we, uh, we conduct criminal investigations when an officer discharges his firearm.

MT: Mm-hm.

JP: And do you understand that's what happened today?

MT: Yeah.

JP: Okay, can you go ahead and tell us what happened today?

MT: I fucked up.

VOLUNTARY STATEMENT

PAGE 3

EVENT#: 180903-1848

STATEMENT OF: MARIO TREJO (MT)

JP: Okay, how did you do that?

MT: Well, I guess I gotta start off with the whole story, right?

JP: Okay, yeah.

MT: Uh, back in October I got shot five times. Um, somebody was trying to rob me. They killed my friend and shot me and, uh, I had a really hard time looking for jobs and everything. Nobody wanted to hire me because of my condition. And, um, I got really desperate, I was losing my home, my bills were getting cut off one by one. I had to feed my kids. I had to pay for medical bills and I got desperate.

JP: Okay.

MT: I wasn't trying to hurt anybody. I just wanted to get money so I could pay my bills and take care of my children.

JP: Okay, are you married right now?

MT: Technically, no.

JP: You live with someone? Is it the...

MT: My wife just left me.

JP: Okay, is it the mother of your children?

MT: Yes.

JP: Okay, how many kids do you have?

MT: Three.

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EVENT#: 180903-1848
STATEMENT OF: MARIO TREJO (MT)

JP: Three kids. And do they all live with you?

MT: They used to.

JP: Until they - she just recently left?

MT: Yes.

JP: How long ago was that?

MT: A week ago.

JP: Okay, so what - what happened today?

MT: I just got desperate. The only, only place I could think of.

JP: The only place you could think of. What place was that?

MT: Super Pawn.

JP: Why is that the only place you could think of?

MT: I used to work there a long time ago.

JP: Oh, how long ago?

MT: Years. Like five, six years.

JP: Any of the employees that are there now do they know you?

MT: One of them does.

JP: Who's that?

MT: Adrian.

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EVENT#: 180903-1848

STATEMENT OF: MARIO TREJO (MT)

JP: Is that a male or a female?

MT: It's a girl.

JP: Okay, was she there today?

MT: Yes.

JP: How did you get to the Super Pawn today?

MT: I called a friend and I asked him to borrow his car.

JP: Who was that?

MT: My friend Matt.

JP: So you called Matt and asked him to borrow his car?

MT: Yes, sir.

JP: What kind of car is that?

MT: Honestly I don't know.

JP: Do you know what color it was?

MT: White.

JP: So you borrowed Matt's white car?

MT: Yes.

JP: And when did you get that?

MT: About an hour before.

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EVENT#: 180903-1848
STATEMENT OF: MARIO TREJO (MT)

JP: Okay.

MT: Ah.

JP: So what happened when you got the car?

MT: Ah, I drove to my house.

JP: Okay, what did you do at your house?

MT: I got ready.

JP: How did you do that?

MT: Ah. I got ready just changed the plates on the car. Uh.

JP: Okay, so you changed the plates on the car. What else did you do?

MT: Put on some gear.

JP: Okay, what kind of gear did you put on?

MT: Shooting gear.

JP: What is that?

MT: It's like a belt.

JP: Like a - like a gun belt?

MT: Yeah.

JP: What color was it?

MT: Tan.

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STATEMENT OF: MARIO TREJO (MT)

JP: Okay, how long have you had that?

MT: A couple years or a year or somethin'.

JP: Okay, well, was it - did you get that just from like recreational stuff?

MT: Yes, sir.

JP: Okay.

MT: I've never committed any crimes. I've only shot for my own amusement.

JP: Okay, so like at a range?

MT: Yes.

JP: Okay, so you have a - you have a tan gun belt and do you have a - do you have a gun on that gun belt?

MT: Yeah.

JP: What kind of gun?

MT: It's a Glock.

JP: Is it registered to you or did you purchase it?

MT: I purchased it.

JP: Okay, how long ago did you purchase it?

MT: I don't remember.

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STATEMENT OF: MARIO TREJO (MT)

JP: That's no problem, that's okay. Did you have any other guns other than the - the Glock?

MT: Uh, I had a sub 2000.

JP: A what?

MT: A sub 2000.

JP: What's that?

MT: It's a firearm.

JP: Is it a handgun?

MT: No, it's a carbine.

JP: A carbine. It's like a rifle?

MT: Yeah.

JP: Okay, is it a normal sized rifle or...

MT: Ah, I don't...

JP: Or...

MT: ...I don't know what you was talking about.

JP: I mean, is it like a normal rifle like...

MT: Yeah.

JP: Yeah, or...

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STATEMENT OF: MARIO TREJO (MT)

MT: Hey, can I scoot up a little?

JP: Yeah, man, do whatever you can do to make your comfortable.

MT: It's kinda hard.

JP: Yeah, I can't take that handcuff off.

MT: Ah.

JP: Okay, let me get your pillow there.

MT: Ah.

JP: Is that better?

MT: Ah, a little bit.

JP: Okay.

MT: I'm just in excruciating pain.

JP: Oh, I imagine. You took a bullet right to the center of your chest.

MT: Uh-huh.

JP: And you have a chest tube in so. So you geared up. Did you have any - like a bullet proof vest on or anything?

MT: No, I didn't.

JP: No, what were you wearing today?

MT: Just dress shirt, jeans, some boots.

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STATEMENT OF: MARIO TREJO (MT)

JP: A dress shirt, jeans, and some boots.

MT: Yes.

JP: Okay, so you geared up at your house and you arrived at the Super Pawn in the white car?

MT: Yeah.

JP: Okay, what did you do when you parked?

MT: I walked into the store.

JP: Were you armed with the weapons?

MT: Yes, sir.

JP: Okay, and what was your intention when you walked in the store?

MT: Not to hurt anybody.

JP: Okay, so not hurting anybody.

MT: Yeah.

JP: What were you trying to do?

MT: I was just trying to get money.

JP: Okay, were you able to do that?

MT: Yes.

JP: Do you know how much money you got?

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STATEMENT OF: MARIO TREJO (MT)

MT: No.

JP: Did you - did you get anything else other than money?

MT: Jewelry.

JP: Okay, where did you get that from?

MT: From the girl.

JP: The girl that you know. Did she know it was you?

MT: I don't think she recognized me.

JP: Why is that?

MT: 'Cause I had a mask on.

JP: You had a mask. What kind of mask?

MT: I don't remember.

JP: Was it cloth or...

MT: Yeah.

JP: You had a cloth mask on when you went in the store. Okay, did you have anything else?

MT: And a helmet I think.

JP: You had a helmet on. What kind of helmet? Like a - like a motorcycle helmet or bicycle?

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STATEMENT OF: MARIO TREJO (MT)

MT: A motorcycle.

JP: Like a motorcycle helmet, okay.

MT: Ah.

JP: So you don't think she recognized you?

MT: No.

JP: So did you know where everything was in the store 'cause you already worked there?

MT: I mean, kind of. It's been so long.

JP: Okay, so you got some jewelry and some cash.

MT: Yes, sir.

JP: And where'd you put that?

MT: Inside of a back pack.

JP: Okay, then what happened after that?

MT: Everything just got out of control.

JP: How did it get out of control?

MT: I saw cops outside.

JP: So when you were inside the store you saw the cops had already arrived?

MT: Yes.

JP: Okay, so what did you do?

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STATEMENT OF: MARIO TREJO (MT)

MT: I got scared. I was just trying to make it to the car and get out of there.

JP: Okay.

MT: I didn't wanna shoot at anybody, I didn't wanna hurt anybody.

JP: Okay, when you were in the store did you point the gun at anyone?

MT: Uh, no, I just - I just waved it.

JP: You waved it around.

MT: Yeah, I wasn't trying to point the gun at anybody.

JP: Okay, did you threaten to use the gun to get the - the property?

MT: No, I told everybody that I wasn't gonna hurt them. I let them know, "I'm not here to hurt you."

JP: Do you know how many people were in the store?

MT: No.

JP: Okay, when you left the store was anyone with you or were you by yourself?

MT: The girl Adrian came out with me.

JP: She came out with you.

MT: Yeah. Ah.

JP: Okay, did she come out with you, um, voluntarily or did you force her out of the store?

MT: I just asked her to come with me.

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STATEMENT OF: MARIO TREJO (MT)

JP: Why is that?

MT: 'Cause I didn't wanna get shot.

JP: So you thought if you had her with you that she - that the cops wouldn't shoot you?

MT: Yeah.

JP: Okay.

MT: I just wanted to get to my car and leave.

JP: And when you - when you walked out with her did you have your arm around her, were you pointing the gun at her?

MT: I don't remember.

JP: Okay.

MT: My adrenalin was high.

JP: Sure, I understand that.

MT: I wasn't trying to hurt her or anybody.

JP: Okay.

MT: I just remember yelling at them to let me go.

JP: You were yelling at the cops to let you go, okay. Um, what happened out in the parking lot?

MT: She started fighting the gun off me.

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STATEMENT OF: MARIO TREJO (MT)

JP: Oh, so she was grabbing the gun.

MT: Mm-hm.

JP: Okay.

MT: And then when she grabbed it I guess it accidentally discharged.

JP: Okay, do you know where that round went?

MT: No.

JP: No, you don't know where the gun was pointed?

MT: I was one - trying to point it at the ground so I wouldn't hit anybody.

JP: Okay, and then after...

MT: Ah.

JP: ...after the gun discharged what happened?

MT: Well, after they started shooting I just let her go and then like I tried to run to the car and that's when I got shot.

JP: Okay, so you remember the cops shooting at you.

MT: I just remember getting hit.

JP: What were the cops yelling at you?

MT: I don't remember.

JP: Did you hear 'em yelling?

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STATEMENT OF: MARIO TREJO (MT)

MT: No.

JP: You didn't hear the cops yelling at you?

MT: Uh-uh.

JP: Okay.

MT: And my adrenalin was high. I think I had a helmet on.

JP: Okay, did you have keys to the car?

MT: Yes.

JP: Okay, so after you got shot what happened?

MT: I just hit the ground.

JP: Okay.

MT: And then it was over.

JP: And were you taken into custody eventually?

MT: Yeah, but they kept ordering me and I couldn't move. Ah.

JP: Okay, do you know where you got shot?

MT: My chest.

JP: Okay, do you know where you are right now?

MT: Yes.

JP: Where are you now?

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STATEMENT OF: MARIO TREJO (MT)

MT: In the hospital.

JP: Okay.

MT: I'm so sorry. I didn't wanna hurt anybody.

JP: No, I understand.

MT: I didn't hurt anybody, right?

JP: No, you didn't hurt anybody. I mean, not physically. You know, people are pretty shook up. You know, it's a pretty traumatic event.

MT: Yes, I'm sorry. I'm just desperate.

JP: So what happened in, uh, what happened in North Town earlier?

MT: North Town? I haven't been to North Town in weeks.

JP: You haven't been to North Town in weeks.

MT: No, sir.

JP: When was the last time you were there?

MT: Weeks.

JP: Were you trying to get money weeks ago in North Town?

MT: No, this is the first time I've ever done something like this.

JP: This is the first time.

?: Straighten that arm out, buddy.

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EVENT#: 180903-1848

STATEMENT OF: MARIO TREJO (MT)

MT: Ah.

?: You keep beeping otherwise. I'm sorry.

MT: Yes, sir.

JP: What about in Henderson?

MT: I never tried anything in Henderson.

JP: So you haven't committed any robberies or burglaries?

MT: This is my first time, sir.

JP: And this was just today. So you haven't committed any crimes before?

MT: No.

JP: Okay, so...

MT: The only reason I chose that location was 'cause it was close to my house.

JP: It's close to your house.

MT: Yes.

JP: Okay, and you've worked there before.

MT: Yes.

JP: So that makes sense, okay. Have you - have you ever done that, um, in any years past?

MT: No.

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EVENT#: 180903-1848

STATEMENT OF: MARIO TREJO (MT)

JP: You haven't tried to rob that store in years past?

MT: No, sir.

JP: Okay, what did you do before you were shot?

MT: I used to work for T-Mobile.

JP: Like in a store or like as a tech or...

MT: In a store.

JP: Like a salesman in a store?

MT: Yeah.

JP: How long did you work there?

MT: Um, like a year and a half, two years.

JP: Okay, so the - so back in October of last year is when you were shot?

MT: Yes, sir.

JP: And it was a robbery?

MT: Yes, sir.

JP: And where was that?

MT: I was parked, uh, in Desert Inn on Maryland, uh, and some guy jumped in the back of my truck and shot me.

JP: Oh, okay. And he killed your buddy.

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STATEMENT OF: MARIO TREJO (MT)

MT: Yes.

JP: On Maryland?

MT: Yes.

JP: Was that a random act of violence?

MT: Yes.

JP: Okay, so you didn't know the guy then?

MT: No.

JP: Okay.

MT: He tried to rob me.

JP: And you got shot five times in your truck?

MT: Yes.

JP: And were you working at T-Mobile at the time?

MT: No, sir.

JP: Straighten your arm out, bud.

MT: No.

JP: You gotta straighten it out or else it'll keep beeping. There you go.

?: It's like a garden hose.

JP: Yeah.

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EVENT#: 180903-1848

STATEMENT OF: MARIO TREJO (MT)

?: You're getting beeps.

MT: Ah.

JP: So I'm sorry I missed that. You were working at T-Mobile at the time or no?

MT: No.

JP: No. Okay, at the time you were shot back in October did you have a job?

MT: I had, uh, lost my job recently.

JP: And that was the T-Mobile job? No.

MT: The AT&T job.

JP: AT&T. So it was the same kind of career field.

MT: Yeah.

JP: Like cell - like cell phone sales.

MT: Yeah.

JP: Okay, so you've pretty much been unemployed since just before October last year.

MT: Uh-huh.

JP: Okay, so it kind of started going downhill then?

MT: Ah, yeah, I was in the process of getting another job.

JP: And where was that?

MT: At a bail bonds.

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STATEMENT OF: MARIO TREJO (MT)

JP: And that was recently?

MT: That was in October.

JP: Oh, before you got shot.

MT: Mm-hm.

JP: Okay, but since you've been shot you haven't been able to get a job?

MT: I've tried. Nobody wants - will hire me because of the way I sounded.

JP: Was that because you got shot?

MT: Yeah.

JP: Does it change how you talk?

MT: It did for a time. I just got a stint in my throat.

JP: Oh, okay, does that help?

MT: Yes, I don't sound the same any more.

JP: When did you get the stint?

MT: A couple weeks ago.

JP: Oh, okay. So - so just to recap, you've never committed a robbery before. Have you been arrested for?

MT: For doing normal shit like traffic.

JP: Oh, it's all traffic offense, stuff like that?

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STATEMENT OF: MARIO TREJO (MT)

MT: Uh-huh.

JP: Okay, so you never...

MT: Ac- actually one time I got charged with a crime that I didn't commit but I was able to prove that it wasn't me so they dropped it.

JP: Oh, okay - okay. Do you know why the cop shot you?

MT: Yes.

JP: You understand that?

MT: Yeah, I understand that they're trained that way.

JP: Okay.

MT: Ah, I wasn't trying to aim a weapon at him.

JP: You weren't trying to.

MT: No.

JP: It's just the way that it went down.

MT: The girl got the gun and started like trying to wrestle it out of my hand.

JP: Yeah, and then the shot went off?

MT: Yes.

JP: Okay, so if you were like putting yourself in their shoes was it - do you think that would have been confusing to them just arriving to an armed robbery?

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STATEMENT OF: MARIO TREJO (MT)

MT: I don't know, sir.

JP: Not sure?

MT: No.

JP: Okay.

MT: Ah.

JP: Detective Mendoza, any questions?

SM: I just have a few questions. Um, so you said you worked at the Super Pawn about a year and a half ago?

MT: No, it was five, six years ago.

SM: Five, six years ago, okay. And - and did Adrian work there, uh, back then as well?

MT: Uh-huh.

SM: Okay, how well do you know Adrian- uh, Adrian?

MT: I went to high school with her.

SM: Went to high school with her, okay.

JP: How do you know she worked there?

MT: I didn't.

JP: Oh, until you went in today?

MT: Yep.

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STATEMENT OF: MARIO TREJO (MT)

JP: And then you recognized her when you went in today?

MT: Yeah.

JP: What high school did you go to?

MT: Rancho.

JP: What year did you graduate?

MT: 2008.

JP: 2008 from Rancho. Rancho a tough school?

MT: Uh, not - not when I went there.

JP: Not when you went there. I heard it was - back in the day it was pretty rough.

MT: Yeah, back in the day...

JP: Oh.

MT: ..but not when I went there.

JP: Got any other questions?

MT: Ah.

SM: Yeah, um, so - so do you keep in touch with her, you know, through Facebook or anything?

MT: I haven't talked to this girl in years.

SM: You don't have her number or anything? You don't talk to her?

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EVENT#: 180903-1848

STATEMENT OF: MARIO TREJO (MT)

MT: No, I haven't talked to her in like - since I worked at Super Pawn.

SM: Okay, and that was five or six years ago the last time you talked to her?

MT: Probably.

SM: Okay, so no phone calls, no - no social media, nothin' like that (unintelligible)?

MT: Nah, no, not...

SM: Instagram, nothing like that?

MT: No.

SM: Okay, so when you went in there, um, were - were you talking to her? You had a mask on and a helmet on, were you talking to her at all? Were you instructing her to do things? And what were you telling her to do?

MT: Uh, just to get - get me the money.

SM: Yeah. Did she recognize your voice through the, uh, helmet?

MT: I don't know.

SM: You don't know. Did she act like she recognized you or was she scared?

MT: She wasn't scared.

SM: She wasn't scared.

MT: Ah.

SM: Why do you think that?

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EVENT#: 180903-1848
STATEMENT OF: MARIO TREJO (MT)

MT: Just the way she acted. Uh, she's a tough girl.

SM: She's a tough girl, okay. So when you asked her to go outside, I mean...

MT: Sir, can I get some more pain killers?

JP: Oh, I can't issue those but let me get the doctor for you.

MT: Ah.

JP: You know what I can do is I can get you some water here.

MT: Would you please.

JP: Yep.

SM: When you asked her outside, did you grab her or did she go outside with you willingly?

MT: She went with me.

SM: She went with you. Okay, and did you instruct her to do anything while you were outside?

MT: No. Ah.

JP: All right, Mario, is there anything else you'd like to tell us?

MT: I'm so sorry. I didn't mean for any of this to happen like this.

JP: So the rifle, where - where did you get the rifle?

MT: I bought it.

JP: How long ago?

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EVENT#: 180903-1848

STATEMENT OF: MARIO TREJO (MT)

MT: Ah, I don't remember, sir.

JP: You don't, okay.

MT: Ah.

JP: All right - all right, Operator, this will end the interview. Same persons are present.

Time is 1656.

THIS VOLUNTARY STATEMENT WAS COMPLETED UNIVERSITY MEDICAL CENTER, TRAUMA BED 1, 1800 W. CHARLESTON BOULEVARD, LAS VEGAS, NV 89102, ON THE 3RD DAY OF SEPTEMBER 2018 AT 1656 HOURS.

**JP: SM: (NET TRANSCRIPTS)
FIT2018-036**

**Reviewed by Det. J8289P
09/12/2018**



Exhibit 2

Exhibit 3

**Las Vegas Metropolitan Police Department
VOLUNTARY STATEMENT
PAGE 1**

EVENT #: LLV180804001158

SPECIFIC CRIME: ROBBERY WITH DEADLY WEAPON

DATE OCCURRED: 08-04-2018

TIME:

LOCATION OF OCCURRENCE:

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: MARIO TREJO

DOB: 12-02-90

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS:

PHONE 1: 702-927-6973

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE J. CLARK, P#13952, LVMPD ROBBERY DETAIL, on 09-06-18 at 1515 hours.

Q: Good afternoon operator, Detective Jeff Clark, P#13952, with the Las Vegas Metropolitan Police Department Commercial Robbery Section conducting a taped interview with Mario Trejo, it's spelled Tom-Robert-Easy-John-Ocean, date of birth 12-02 of '90. He's currently at University Medical Center he's got a former contact phone number of 702-927-6973. Uh, also present is Detective R. Rafferty, 8919. This interview is being conducted again like I said at University Medical Center in the MICU Room #24. The date is Thursday, September 6th, the current time is 1515 hours. This interview is being conducted as part of a continuing

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STATEMENT: MARIO TREJO

investigation involving the crime of Attempted Robbery, which occurred on 08-04-2018, at approximately 0819 hours under LVMPD Event #180804-1158. Mario, because I'm asking you questions about a crime that may or may not have occurred, um, and your involvement in it I'm gonna read you some other things. You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to an attorney. If you can't afford an attorney one will be provided to you at no cost. Do you understand each of those rights? Do you understand that this conversation's being recorded? Can ...you have to say yes or no cause she can't see you.

A: Yeah.

Q: Okay, so you heard what I say now, uh, operator one second the nurse has to step in time is 1516 I'm gonna pause the recorder. Operator, recording has been restarted time is 1517 hours. Um, Mario, you still remember the rights as I read them to you, correct?

A: Yes sir.

Q: Okay, and you still understand that we're being recorded?

A: Yes sir.

Q: Okay, so you heard what I said here's the thing, um, we came out, we were there with the incident on Monday, but, um, I have a bunch of evidence that proves it's not the first time you tried it there. Alright, so octo...or I'm sorry not October, August 4th, you were there when the manager came in tell me what happened that

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STATEMENT: MARIO TREJO

day, and tell me why back in, uh, in August because you did some crazy stuff when it didn't go right for ya'.

A: Well first, uh, I think I gotta start from like the beginning.

Q: Okay.

A: October, October 24th, I got shot.

(Background conversation)

A: I was mindin' my own business, I was actually at my friend's work and, uh, okay. Thank you. Uh, yes please I'm really dehydrated. Um, so pretty much I got shot and that time I had like four months, five months of recovery couldn't really walk or I could hardly do anything I could barely breathe right. Um, I just started being able to breathe right about two weeks ago. And, uh, pretty much, uh, so in this last ten months I've lost everything, I just had to sell everything of value that I own. You know, I have three little girls.

Q: You have two or three?

A: Three.

Q: Three wow.

A: I have, uh, one daughter from, uh, a previous relationship she's six years old. And I have two from this one. Um, and then I got, uh, the other two are two and four months. Two years and four months. Um, pretty much, uh, like it's been, it's just been really difficult for me. I've been tryin' to get a job nobody wanted to hire me cause my breathing is really deep and profound it sounded like, like I was breathing from a ventilator, you know.

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STATEMENT: MARIO TREJO

Q: Okay.

A: And so nobody wanted to hire me.

Q: Do you think that's, that was keeping you from gettin' a job?

A: It was.

Q: Okay.

A: Cause I had, I've never been...I've been denied before I got shot, I've been denied from a job like once or twice after interviewin' and, uh, you know every other time that I've applied I've always gotten a job. And, you know, getting desperate, havin' to sell all my stuff, I sold my motorcycle, I sold pretty much everything that was worth, you know, some kinda like monetary value...

Q: Okay.

A: ...that I could sell just to keep up and, uh...

Q: What kinda motorcycle did you have?

A: It was, uh, a Honda, uh, I'm sorry the drugs like...

Q: It's alright...

A: ...it's, uh...

Q: ...take your time.

A: ...a 1300 ...

RR: Cruiser?

A: Yes, what is it called damn, damn, damn so _____.

RR: _____ one of those?

A: Not the _____ the version of _____.

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Q: Yeah, Honda doesn't have a ____ that's, uh, Yamaha I believe.

A: No, no, no it is a 1300 it's like a Honda.

Q: Okay.

A: It was, uh, I think it was a B1300.

Q: Okay.

A: That's what they call it. And, uh, so pretty much ____ like I'd sell everything, get rid of all my valuables and like I'm getting...I was getting to the point where like pretty much, uh, pretty much like I just lost everything, you know.

Q: Okay.

A: Uh, I have no more resources I got, you know, three little girls I gotta take care of, my child support payments and, uh, I got no help from the State, uh, except my wife got food stamps, you know, and, uh, I had just recently applied for, for disability to see if they could help me out _____. Uh, ____ tryin' to help me out with, uh, fixing my truck just from the interior...

Q: Okay.

A: ...so it wasn't all bloody cause the inside of my truck was shot up and bloody and windows blown out and everything.

Q: Okay.

A: Uh...

Q: So they got that all fixed for ya'?

A: Well kinda like, like there's still a lot a details that I couldn't get fixed. I have bullet holes on the outside of the truck still, you know.

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Q: But it was driveable?

A: Right, right.

Q: Okay.

A: Uh, and, uh, just been a really tough year.

Q: So, on August 4th, you go to that same Super Pawn.

A: Well...

Q: There was another guy with ya' I know that, alright. So tell me were the same circumstances the reason you were there?

A: You got it.

Q: Okay, so tell me what happened that day.

A: Well pretty much like, um, we're in the car a worker saw us and they got scared and then we got scared and took off.

Q: So then why'd you chase 'em?

A: I didn't chase 'em. Like I got out of the vehicle and then I just started running.

Q: Okay.

A: I went back to the vehicle and then, uh, I started running back to the vehicle and we took off.

Q: Which gun did you have that day?

A: I don't remember sir.

Q: Was it the shotgun that's still at your house?

A: Uh, no, no it was one of the guns I had _____. Uh _____.

Q: There was one that you had so it was the, uh, rifle the Kel Tech?

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A: No, I think it was the AK.

Q: So the other guy had the other gun?

A: Yes sir.

Q: Okay, and, uh, who was the other guy _____?

A: I can't say, man, cause he's, uh, pretty much like I guilt tripped him into _____ help me out and he wasn't even gonna like go in the place.

Q: So it was your idea?

A: And he's the one that, yeah, he's the one that yelled at me to come back like he wasn't gonna do anything.

Q: Whose car was it?

A: It was his.

Q: Okay, what kinda car was it?

A: Uh, it's, uh, Acura, but I'm not sure what kind.

Q: Do you know what color it was?

A: Uh, it's, uh, black...

Q: Okay.

A: ...like dark blue.

Q: Okay, I just wanna make sure you're tellin' me the truth that's all.

A: Yeah.

Q: Cause I already know I've seen the video.

A: Yeah.

Q: Um, so you go you try to get it, but they see you.

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A: Yeah.

Q: So they get scared and start running.

A: Yeah, and then I, I take a few strides towards the door and then he yells at me to come back, he's not doin' this and then I go back and we go and then he tells me that...

Q: Which way did you drive off?

A: Uh, through the back.

Q: Okay, but then you end up right behind the victims.

A: Uh...

Q: Cause where did you go? So you...

A: We went behind...

Q: You went behind...

A: ...where we were at that point we were, we were, we were...

Q: Okay.

A: ...just heading back home.

Q: Which way did you go?

A: We went back to my house.

Q: Okay, so you went did you go east or west on Charleston, towards the Strip or away from the Strip?

A: East.

Q: Okay, and then where did you, did you do anything else, did you turn around, did you...

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A: No, no, no we went straight home and, uh...

Q: What happened...

A: ...I was just...

Q: ...Torrey Pines?

A: Uh...

Q: The Chevron station.

A: Nothin' he, uh, he waited the light didn't turn green so he kept goin' straight, turned into the Walmart, he turned and then went home.

Q: Okay.

A: And then we just, uh, like he just told me he's like, "Dude it's like I don't know why you talked me into this you're high and I _____ to it but I'm your friend and as your friend I'm tellin' you don't do this this is stupid." And I agreed that I wouldn't do it no more.

Q: So you go back to the same place again?

A: Yeah, I was just...

Q: You knew these people.

A: I was just not I didn't know them I used to work there a long, long time ago like by simple, uh, no what it is called, uh, _____ by coincidence I happened to know the, the, the girl that was MOD that day.

Q: Okay.

A: You know, cause I went to high school with her.

Q: Okay.

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A: And, uh, I didn't heed my friend's warning and I was just desperate like I, I really didn't wanna have to like I lost everything, my wife left me. I lost my kids, um, I babies are my _____. I was angry cause I hadn't been able to make, uh, child support payment in like two months, you know. And the last thing I mean stuff was pretty much I was sellin' it to pay rent and pay child support and pay for my kids' stuff, you know, and, uh, pay for medical bills, paid for stuff like that.

Q: The gun that you used that day or that your friend was using that day, um, can you describe that to me?

A: He used my...I, I gave him my Kel Tech.

Q: Your Kel Tech okay. And you were wearing the motorcycle helmet that day as well?

A: Yes.

Q: But he was wearin' a mask, can you tell me anything about that mask?

A: It was just a cloth mask.

Q: Just a cloth mask?

A: Yeah.

Q: Okay, and what, what color was it?

A: Uh, I think it was like black and white.

Q: Okay.

A: And I think it had like Viking on it.

Q: Alright, and where did that mask end up?

A: I believe I threw it away.

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- Q: Okay, is there anything else at your house from that day?
- A: Uh, the jacket I was wearing.
- Q: The jacket you were wearing from the previous, what kinda jacket were you wearin' on the previous one?
- A: Uh, from that day, from August I was wearing a black, a black leather jacket.
- Q: Okay, and where would that be in your house?
- A: Uh, I think it's hanging up in, uh, on, uh, on a coat hanger.
- Q: Would it be in the hall or in your bedroom or...
- A: Like right when you walk in.
- Q: Now you said your wife no longer lives there?
- A: No.
- Q: Okay, so...
- A: No, she had moved out a couple weeks prior.
- Q: Who would be in that house if I went over there right now?
- A: Nobody. That I know of nobody.
- Q: Does anyone else have access to that house?
- A: Just the landlord.
- Q: Okay, who's your...
- A: Maybe...
- Q: ...landlord?
- A: ...maybe, uh, well usually she goes back and forth between the son and the dad. But the one I usually deal with is Dallas.

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Q: Do you know his last name?

A: It's the son, uh, no I don't I haven't asked him his last name. I had talked to him, gave him the rent and that's it.

Q: Okay.

A: Yeah.

Q: Alright, um, how many weapons are in that house right now?

A: At the moment I think all there is left is the shotgun.

Q: And what else?

A: And that's it maybe a few knives, hunting knives.

Q: Okay.

A: You know.

Q: Um, anything else that shouldn't be in there?

A: Not that I know of sir.

Q: Okay, and any...no one else has access to your house that you're aware of?

A: No, not that I'm aware...maybe my wife, but I don't know if she took a key or not, but I mean I don't know what exactly she took that she moved out.

Q: Alright.

A: Cause I came home one day...

Q: Was your wife with you on the day ofon August 4th?

A: No.

Q: Who was the third...

A: I never...

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Q: ...person in the car?

A: There was no third person. I've never, I've never, I would never involve, involve my wife in something like that.

Q: So until she saw what happened on the news she had no idea?

A: Right, I don't even think...I wasn't even aware she knew what was going on, you know. My wife was no way involved.

Q: Okay.

A: That's why I was asking...

Q: So you...that you were not chasing my victims...

A: No.

Q: ...back on Aug...okay, because you happen to get in right behind them. When you guys pulled out from the back of, of the complex there you came right behind the victims' vehicle they thought you were chasing them. They were freaking out, the 911 call is crazy.

A: No, I wasn't chasing them sir. We were tryin' at that point we had changed our minds that we didn't wanna be there no more. We just...

Q: So what brought you back again this month?

A: Just desperation sir.

Q: Okay.

A: Like I even sold my wife's, uh, wedding ring like I had nothin', at that point I had nothin' left, you know, I had literally nothing left.

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Q: And is that why you went back to that store because you had worked there before and you knew the layout and all that?

A: It's just something I was familiar with so I figured it was the most the best bet for me. And I wasn't in the...I had no intention of hurting anybody, I had no intention of, you know, firing a round at all. I had no intention of every, you know, laying hands on everybody I just wanted to, you know, get enough to pay my bills and get out.

Q: And nobody in the store was aware that you were gonna do this any of the times?

A: No.

Q: Okay.

A: No, by, uh, just, just by pure, just by pure luck I happened to know the girl that tried to wrestle the gun out of my hand and when she wrestled the gun out of my hand the only reason shots were fired is cause she was doin' that. I was attempting to pull the gun down in order to not point at the cops and she was kinda like pulling it up and that's when two rounds were fired from what I remember and then at that point I just kinda like ____ the gun and I tried to run to the car but I got hit.

Q: Okay.

A: And I, and I...

Q: Well you understand the police thought you were shooting at them.

A: Yeah, yeah...

Q: Okay.

A: ...no I understand, but I just, uh, at that point like I thought I died, I honestly thought

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I was dead.

Q: Oh, like my partner said when we first walked in the room, dude, you've survived twice there's a reason for that so this nonsense of desperation and nonsense of going the wrong path...

A: I've never done anything like this.

Q: I know, I've...

A: No_____...

Q: ...I've seen your history you haven't that's why we're all very surprised.

A: I've always, I've always been a hard working guy I just wanted to take care of my family though.

Q: I can understand wantin' to take of family, you understand that I can't agree with the way you...

A: No, I know, I know.

Q: ...went about it, you know. Okay.

A: I'm not, I'm not makin' excuses I know that...

Q: No, you're, you're giving your reasoning.

A: ...I fucked up this was my mistake and I _____anybody but me, you know.

Q: What I wish is that after that scare on August 4th, that you hadn't gone cause you know none of us...

A: I wish..

Q: ...wanna see this.

A: ...I wish this too.

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Q: None of us wanna see you here, none of those guys wanted to do...cause think about that's gonna go through their minds for the rest of their lives too.

A: I know.

Q: So.

A: I'm just thinkin' about my kids like, you know.

Q: Detective Rafferty?

RR: Mario, how do we get a hold of your landlord phone number, address?

A: Uh, I'd have to look in my phone.

RR: Is it in here?

A: I don't know where my phone's at sir.

RR: Okay, okay.

A: I honestly don't know where anything's at I have no clothes, no...

RR: If I can find it let's say it's up at the nurse station or whatever...

A: Uh huh.

RR: ...do we have your permission to go and try to figure out how to get a hold of your landlord is that cool?

A: Yeah.

RR: Okay.

Q: And is it as Dallas in there or...

A: It should be done as Dallas or, um, or as ____.

Q: I'm sorry?

A: Or as ____.

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Q: Parcy?

A: Either one of those two numbers, but you know you could also try _____. I gave this info to your partner or to you're the other guy that came earlier.

Q: Yeah, Detective Chapman?

A: Uh, yeah, and, uh, they, uh, I'm sorry, uh...

Q: It's alright take your time.

A: And then, uh, they said they were gonna try to communicate with, with my wife to see if she had a key cause she might a had a key.

Q: Okay, we'll try to get a hold of somebody cause we don't, dude we don't wanna destroy your property obviously they wanna get the...

A: Uh, yeah, I know.

Q: ...gun and I wanna get the jacket, um...

A: And I don't mind and I don't wanna like have to make my landlord pay for like, yeah.

Q: Okay, there's no drugs or anything in there?

A: Nah.

Q: Okay.

A: I mean there might be a little bit of weed my wife...

Q: Okay.

A: ...smokes weed sometimes.

Q: What I'm worried about is I'm worried about heroin and...

A: Oh no.

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Q: ...fentanyl I...

A: No, no.

Q: ...don't want any of that.

A: I don't mess with any of that stuff sir.

Q: Okay.

RR: Uh, so walk me through what's goin' through your head when you're goin' into do this like what, what's...

A: I'm, I'm...

RR: ...goin' on?

A: ...I'm a nervous wreck sir.

RR: Yeah?

A: I was honestly I stop...I took...I stopped before I went in cause I was just like uncontrolled shaking. I honestly was just more nervous than anything. I think I was more nervous than they were.

RR: Alright.

A: And then, uh, when I stepped through the door they saw me and I just saw everybody scatter and that kinda like prompted me to like just rush in.

RR: Oh shit.

A: And, uh, I thought for a second of just turning around and leaving, but I just that moment in desperation I just ran in and, and started yelling stuff. I didn't even know what I was saying honestly. I just remember the first thing I said was, "You know I'm not here to hurt anybody I just need money." And then I remember the

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girl stepped up and she was like, "Okay, okay," and she started like I guess getting me whatever, you know.

Q: Okay, that was, that was on Monday go back to October 4, um, not October I keep...

A: I just...

Q: ...saying October...

A: ..._____...

Q: ...August 4th.

A: It never had, uh, I never had verbal...

Q: You never had any verbal with him, but when you're sitting in the car, cause you had to wait a little while cause it didn't open on time correct?

A: Right.

Q: So you guys are sittin' in there in the car what's goin' through your head?

A: I'm nervous as well and like, like the whole time my friend was pleading with me to like just let's go, let's not do this, like I'm just gonna go for ...a couple times he turned on the car and like I begged him to just like help me cause I really needed this, you know. I, and I should a listened to him.

Q: That's one hell of a friend dude.

A: And like he knows what I've been through he was, you know, he was with me when I was like in a coma so. I'm just sorry I drug him along with it, you know.

Q: Oh.

RR: So my next question do you have trade skills why not go to like a temp agency or

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something...

A: I did sir.

RR: ..._____ yeah?

A: I've been to, I've applied for places that do like conventions.

RR: Yeah.

A: But at the time like right now I sound normal.

RR: Yeah, yeah, yeah.

A: Cause I have a stent in my throat....

RR: Uh huh.

A: ...that keeps it open and I've had two surgeries, but back then like I say I've been so fucked up that nobody wanted to give me a job.

RR: People were just sketched out by...

A: Mm hmm.

RR: ...your heavy breathing or what?

A: Right, and then that and I could only like I could move like four minutes worth of time and then I would be out of breath cause my throat was closed this tight, like literally like centimeters open. Like the doctor told me I was getting ten percent of the regular oxygen I was supposed to be getting.

RR: Right.

A: And my second operation gave me like 40 percent.

RR: That's good.

A: And then, uh, you know I started applyin' at the last place, uh, by then was Little

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Darlings.

RR: Yeah, like security or somethin'?

A: Yeah, they weren't hiring as ____ security, uh, I've ____ applied at T Mobile several times. The first time that they interviewed me, ____ interviewed me, uh, they were sketched out because the friend that, you know, my other friend that suggested or like put in a word for me told him the whole story that happened to me and then they were kinda like lookin' at me like oh this guy's gonna need like a lot like assistance or you know whatever. So they didn't hire me. Um, I couldn't apply at any, uh, construction jobs anymore cause I couldn't do the work.

RR: Right.

A: Um, I've applied at, you know, I've reapplied at Starbucks, I've reapplied at a Coffee Bean. I've reapplied at like at all these small places that I could do....

RR: Yeah, yeah, yeah.

A: ...do the work without having to kill myself.

RR: What about like clerical stuff, you know what I mean, like your admin/office type stuff, you know...

A: I've never done...

RR: ...something...

A: ...I've never done administrative work.

RR: Well you're in a place in your life where, you know what I mean, that's something maybe, you know what I mean...

A: Yeah.

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RR: ...like lookin' back ____....

A: At the time, at the time ...

RR: ...you know.

A: ...I was applying everything I had experience in.

RR: Yeah.

A: You know sales, talkin' to people, um, you know, like stuff like that.

RR: Yeah, yeah, yeah.

A: _____ that I have, I have experience in.

RR: It's true.

A: I've been plannin' on all these kinda works I've had, you know, like 15 or 16 different applications or interviews I'm sorry.

RR: Right.

A: And like they've all been denied.

RR: It's cause of your breathing?

A: Because of that, mainly because of that. Uh, I applied at the dispensaries, I've applied at temp agencies and like, uh, a couple of dispensaries that I _____ were suggested to me to...through agencies.

RR: Yeah, yeah.

A: And even they tried to like, you know, give me like oh you know like if you, uh, come up with these _____ forms and this and that and I went there and did...do what I had to do I showed up in a tie, you know, a dress shirt.

RR: Okay.

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Q: You alright?

A: _____. It just hurts to like ...

RR: It hurts right there?

A: Yeah.

Q: Any more questions?

RR: Um, if you could _____ people to tell them you _____ whatever, you know what I mean, like if you had that opportunity ...

A: Yeah.

RR: ...would you take that opportunity you want me to give you some pen and paper?

A: I _____.

RR: Scratch 'em a little note a little, little apology letter...

A: I would like to take some...

RR: ..._____ do that?

A: ...I would like to take some time to just like truly, like truly _____ apologize for what I did.

RR: You, you know this is a chance for you to kind of talk to them, not that they were in the same circumstances, you know, but to just kinda give them, uh, a little piece of your mind here, right, so let me get you some paper, um, and see if we can figure out what's wrong this alarm and that's all I got, alright.

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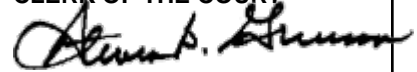
EVENT #: LLV180804001158

STATEMENT: MARIO TREJO

Q: Alright, operator, the same people present, same location, it's gonna be end of interview, time is now 1540 hours.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT UMC HOSPITAL ON THE 6TH DAY OF SEPTEMBER, 2018 AT 1540 HOURS.

JC/RR/cl
18-0494



NOTC
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Nevada Bar #001565
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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 NOTICE OF EXHIBITS
FOR STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS
EVIDENCE**

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 1:

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

3 DATED this 7th day of March, 2022.

4 STEVEN B. WOLFSON
5 Clark County 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 MAILING

12 I hereby certify that service of the above and foregoing was made this 7th day of March,
13 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

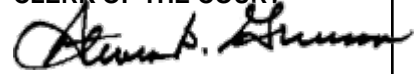
14 MARIO BLADIMIR TREJO, #2717641
15 CLARK COUNTY DETENTION CENTER
16 330 S. CASINO CENTER BLVD.
17 LAS VEGAS, NEVADA 89101

18 BY /s/ L.M.
19 Secretary for the District Attorney's Office
20
21
22
23
24
25
26
27

28 18F16522X/lm/GANG



Exhibit 2



NOTC
STEVEN B. WOLFSON
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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

**AMENDED STATE'S NOTICE OF EXHIBITS
FOR STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS
EVIDENCE**

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 2: CD CONTAINING AUDIO.

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

3 DATED this 7th day of March, 2022.

4 STEVEN B. WOLFSON
5 Clark County 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

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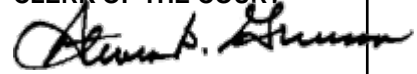
14 MARIO BLADIMIR TREJO, #2717641
15 CLARK COUNTY DETENTION CENTER
16 330 S. CASINO CENTER BLVD.
17 LAS VEGAS, NEVADA 89101

18 BY /s/ L.M.
19 Secretary for the District Attorney's Office
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Exhibit 2



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 THIRD 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:

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

COLON, M. – LVMPD P#7585

CORNELL, L. – LVMPD P#13576

1 CUSTODIAN OF RECORDS - CCDC
2 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS
3 CUSTODIAN OF RECORDS - LVMPD RECORDS
4 CUSTODIAN OF RECORDS – SUPER PAWN SURVEILLANCE, 1150 S.
5 RAINBOW BLVD., LAS VEGAS, NV
6 FARRINGTON, B. – LVMPD P#14808
7 FULWILER, M. – LVMPD P#13663
8 GALE, MALCOLM – 4954 ROYAL AVE., LAS VEGAS, NV
9 GALLEG0, HUGO - UNKNOWN ADDRESS
10 GRAHAM, K. – LVMPD P#16630
11 HOWARD, MELANI – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS,
12 NV
13 INCERRA, JENNIFER – 4111 N. RANCHO DR., LAS VEGAS, NV
14 JAQUEZ, IVAN – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS, NV
15 LEAVITT, J. – LVMPD P#5814
16 LEDOGAR, J. – LVMPD P#7411
17 LEE, C. – LVMPD P#10048
18 LEVASSEUR, B. – LVMPD P#14163
19 LINGO, EMILY – 6541 ALTA DR., LAS VEGAS, NV
20 LOEFFLER, M. – LVMPD P#9247
21 MALDONADO, J. – LVMPD P#6920
22 MELVIN, DWAYNE – 2177 WILBANKS CIR., HENDERSON, NV
23 MENDOZA, S. – LVMPD P#6878
24 MONGEAU, MATTHEW – 5424 LONGRIDGE AVE., LAS VEGAS, NV
25 MONT0BAN, NATACHA – 2177 WILBANKS CIR., HENDERSON, NV
26 NELSON, J. – LVMPD P#6825
27 PAINE, T. – LVMPD P#14793
28 PANDULLO, T. – LVMPD P#7884

1 PATTON, J. – LVMPD P#8289
2 PENNY, B. – LVMPD P#6042
3 RAFALOVICH, MARCO – DA INVESTIGATOR
4 QUINTEROS, P. – LVMPD P#9055
5 RAFFERTY, R. – LVMPD P#8919
6 RECK, CARLA – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS, NV
7 RIVERA-SANDOVAL, JONATHAN – c/o CCDA-VWAC, 200 LEWIS AVE., LVN
8 SALDANA, JULILANA – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS,
9 NV
10 SERRANO-BOJORQUEZ, ADRIANE – c/o CCDA-VWAC, 200 LEWIS AVE.,
11 LVN
12 SMITH, J. – LVMPD P#8177
13 SMITH, K. – LVMPD P#16897
14 TAPAY, G. – LVMPD P#15709
15 THOMAS, K. – LVMPD P#13574
16 UBBENS, A. – LVMPD P#13119
17 VANBUSKIRK, D. – LVMPD P#17017
18 VILLAFANE, M. – LVMPD P#17009
19 WOOLARD, B. – LVMPD P#7558

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

22 **DAVIDOVIC, M. – LVMPD P#14726** (or designee): will testify as an expert in the
23 science and technology underlying DNA testing, the processes and procedures performed in
24 DNA testing, the examinations done on any and all evidence in this case, the results of such
25 testing, and reports prepared in this regard.

26 **DAVIS, GLENN – LVMPD P#17031** (or designee): FIREARMS/TOOLMARK
27 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
28 expected to testify thereto, including, but not limited to, the forensic science underlying

1 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
2 microscopic comparison tools, technology, and findings, National Integrated Ballistic
3 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
4 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
5 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
6 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
7 homemade) examination, serial number restoration, and firearms modification or homemade
8 firearms examination).

9 **GROVEMAN, LEAH – LVMPD P#15822** (or designee): will testify as an expert in
10 the science and technology underlying DNA testing, the processes and procedures performed
11 in DNA testing, the examinations done on any and all evidence in this case, the results of such
12 testing, and reports prepared in this regard.

13 **JONES, BARRY – LVMPD P#9679** (or designee): Is a Digital Investigator with the
14 Las Vegas Metropolitan Police Department Digital Forensics Lab and is an expert in the field
15 of digital forensic analysis, which includes the collection of electronic and digital devices, the
16 download of information, it's interpretation, and preservation from all forms of electronic
17 devices, including but not limited to computers and cellular phones, and is expected to testify
18 thereto.

19 **KRJEU, ANDREW – LVMPD #9336** (or designee): Is a Digital Investigator with the
20 Las Vegas Metropolitan Police Department Digital Forensics Lab and is an expert in the field
21 of digital forensic analysis, which includes the collection of electronic and digital devices, the
22 download of information, it's interpretation, and preservation from all forms of electronic
23 devices, including but not limited to computers and cellular phones, and is expected to testify
24 thereto.

25 **WHITTLE, CHRISTINE – LVMPD P#15383** (or designee): Expert in the field of
26 DNA extractions, comparisons, analysis, and the identification of bodily fluids and is expected
27 to testify thereto.
28

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

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

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

7 STEVEN B. WOLFSON
8 DISTRICT ATTORNEY
 Nevada Bar #001565

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

12
13
14 CERTIFICATE OF ELECTRONIC MAIL & REGULAR MAIL

15 I hereby certify that service of the foregoing, was made this 15th day of March, 2022,
16 by Electronic Mail and by U.S. MAIL, postage pre-paid to:

17 MARIO TREJO, #2717641
18 CCDC
19 330 CASINO CENTER BLVD.
 LAS VEGAS, NV
20 dsdcourtservices@lvmpd.com

21 /s/ **E. Del Padre**
22 Secretary for the District Attorney's Office

23
24
25
26
27
28 ed/GU



Commissioned Supervisor Drew Krnjeu, P# 9336

Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106
Office (702) 828.1546
Email A9336K@LVMPD.COM

CURRICULUM VITAE

CURRENT EMPLOYMENT

- DFL Commissioned Supervisor, Las Vegas Metropolitan Police Department. Previously Detective / Computer Forensics Examiner, Las Vegas Metropolitan Police Department.
- Employed with LVMPD since July 2006
- Acquired over 3,275 hours of police specific training, of which, 890 hours are in areas relevant to conducting forensic recovery and examination of cellular phones, smart devices, computers, vehicle infotainment systems, networks, and video forensics.

EDUCATION CURRICULUM

Wilmington University, New Castle Delaware

- Master of Science: Cybersecurity, 2019

Miami University, Oxford Ohio

- Bachelor of Science: Systems Analysis, 2005

Nevada P.O.S.T. Certifications

- Supervisor – Las Vegas Metropolitan Police Department, 2019
- Advanced – Las Vegas Metropolitan Police Department, 2014
- Intermediate - Las Vegas Metropolitan Police Department, 2014
- Basic - Las Vegas Metropolitan Police Department, 2006

CERTIFICATIONS

MCFE – AXIOM – Magnet Certified Forensics Examiner, August 2018
CFVT – LEVA Certified Forensic Video Technician, May 2018
Cellular Master Technician Level 3 – Wild PCS, May 2018
iVe – BERLA Vehicle Systems Forensics, March 2018
CFCE – IACIS Certified Forensic Computer Examiner, October 2017
GNFA – GIAC Network Forensic Analyst, June 2017
DVR Examiner Certified User – DME Forensics, June 2017
MCFE – IEF - Magnet Certified Forensics Examiner, October 2016
CCPA – Cellebrite Certified Physical Analyst, October 2016
XRY – XRY Certified Examiner, September 2016
CCLO – Cellebrite Certified Logical Operator, September 2016
ACE – AccessData Certified Examiner, January 2016

HONORS / AWARDS

Medal of Honor

- Las Vegas Metropolitan Police Department – September 2018

RISE Award for Valor

- Axon Corporation – June 2018

Unit Medal of Valor

- Las Vegas Metropolitan Police Department – September 2014

COMPUTER FORENSIC TRAINING

- CCO+CCPA Recertification Course
Recertification course for Cellebrite Certified Operator and Cellebrite Certified Physical Analyst Certifications. 5 hours.
 - *Cellebrite, March 2019*
- Field Experience / Internship
 - *Wilmington University, December 2018*
- Cyberthreat Intelligence
Introduces students to fundamentals of cyberthreat intelligence. The cyberthreat intelligence fundamentals are covered from a tactical and strategic perspective.
 - *Wilmington University, August 2018*
- RFID Applied Systems
Discussion of RFID in context of solving business problems is examined and discussed. Research how RFID systems improve the security of assets.
 - *Wilmington University, August 2018*
- Information Assurance Integration
Combination of the three integration efforts towards a) integrating the enterprise, b) integrating the IS function, and c) integration IS technologies.
 - *Wilmington University, August 2018*

- Best Practices in Mac Forensics
Vendor neutral training that covers the process of examining a Macintosh computer from the first step to the last step in logical order. 40 hours.
 - *Sumuri LLC, May 2018*
- Level 2: Processing Digital Multimedia Evidence
Exposes students to more advanced theory and hands-on techniques that conform to the Best Practices for the Acquisition and Processing of Digital Multimedia Evidence. 40 hours.
 - *LEVA International, May 2018*
- Penetration Testing
Introduced ethical hacking principles at Graduate level with more advanced technical procedures used during enterprises level penetration testing audits while utilizing project management and preparing executive level reports.
 - *Wilmington University, May 2018*
- Sociology of Terrorism
Focus on terrorism with emphasis on contemporary issues relating to Homeland Security.
 - *Wilmington University, May 2018*
- Cellular Master Technician Level 3 Training Course
Provides students with an expert repair knowledge and advanced repair skills that incorporate classroom and hands-on real world repair scenarios. 40 hours.
 - *WildPCS, May 2018*
- Vehicle System Forensics
Provides necessary skills to identify, acquire, and analyze data from vehicle systems using iVe. 40 hours.
 - *BERLA, March 2018*
- Level 1: Forensic Video Analysis & the Law
Introduces and provides a fundamental understanding of Digital Media Evidence, the types of systems likely to be encountered, discusses legal issues related to Digital Media Evidence, and focuses on the proper recovery of DME. 40 hours.
 - *LEVA International Inc., March 2018*
- AXIOM Examinations (AX200)
Intermediate level course that covers cases involving smartphones, computers, or both. Utilizes Axiom to allow deep analysis and enables new looks at evidence. 40 hours.
 - *Magnet Forensics, February 2018*
- Intrusion Detection Systems and Intrusion Prevention Systems
Introduces students to intrusion detection and intrusion protection from both a tactical and strategic perspective. Students are introduced to intrusion detection and intrusion protection tools, techniques, and strategies.
 - *Wilmington University, December 2017*
- Incident Handling and Response

Foundation of Incident Response. Students will learn planning and preparation that includes: developing an effective incident response policy and plan, assigning roles and responsibilities, creating and using an effective incident response operation, and how to monitor its performance.

- *Wilmington University, December 2017*
- **Web and Data Security**
Help students build a security policy and SOP for an organization which is implementing a new network and infrastructure. Topics include: Security Education and Advisory, Risk Management, Threats to IT Assets, Encryption, Standards and Compliance, and Security Testing and Implementation.
 - *Wilmington University, August 2017*
- **Project and Change Management**
Focuses on managing projects within an organizational context, including the processes related to initiating, planning, executing, controlling, reporting, and closing a project. Project integration, scope, time, cost, quality control, and risk management are also explored.
 - *Wilmington University, August 2017*
- **DVR Examiner Certified User**
Classroom and Scenario-based exercises demonstrating the process to recover video from surveillance systems. 24 hours.
 - *DME Forensics, June 2017*
- **Advanced Network Forensics and Analysis**
Covers the tools, technology, and processes required to integrate network evidence sources into investigations. Covers the full spectrum of network evidence, including high-level NetFlow analysis, low-level pcap exploration, ancillary network log examination, encryption, and network protocol analysis. 36 CPE Credits.
 - *SANS Institute, June 2017*
- **Basic Computer Forensics Examiner Course**
Through lectures, instructor-led and independent hands-on practical exercises, and independent laboratory activities students will learn the vendor-neutral underlying principles of computer forensic examination and how to apply them in practice. 76 hours.
 - *International Association of Computer Investigative Specialists, May 2017*
- **Data Communications and Networking**
This course covers the telecommunications fundamentals, including data, voice, image, and video. The concepts, models, architectures, protocols, standards, and security for the design, implementation, and management of digital networks are covered.
 - *Wilmington University, May 2017*
- **Operating System and Computer Systems Security**
Basic network and operating system skills are expanded to include planning, implementation, and auditing of a system's security package.

- *Wilmington University, May 2017*
- Amped FIVE
Obtain the knowledge and skills required to properly analyze and process images and videos with a workflow compatible with forensic needs and constraints. 24 hours.
 - *Amped Software, March 2017*
- UFED Series Hardware and Software Methodology (CCPA)
Focuses on the analysis and advanced search techniques using UFED Physical Analyzer to explore recovered deleted data, database contents, advanced search and analysis techniques, verification and validation, and reporting. 14 hours.
 - *Cellebrite, October 2016*
- UFED Series Hardware and Software Methodology (CCLO)
Install and Configure UFED series devices, summarize basic searches, and identify the best practices for on-scene identification, collection and examination and storage of digital evidence data and devices. 8 hours.
 - NCFI, USSS September 2016
- Mobile Device Examiner Program
Gain experience with a wide array of mobile devices, forensics analysis tools, legal issues, and report generation for law enforcement. 64 hours.
 - *National Computer Forensics Institute, USSS September 2016*
- IEF Computer Essentials Training
Designed for participants who are familiar with the principles of digital forensics and seeking to use Magnet IEF for their investigations. 24 hours.
 - *Magnet Forensics, September 2016*
- Windows 10 Forensics
Provides the skills necessary to analyze the Microsoft Windows 10 operating system artifacts, user data, and file system mechanics. 21 hours.
 - *AccessData, August 2016*
- Advanced SQLite
Overview of SQLite, B-Tree page structure, logical data structures, query language, and recovery of deleted records. 21 Hours.
 - *AccessData, July 2016*
- Applied Decryption
Reviews encryption technology and the recovery of passwords using PRTK and DNA. Guided through basic cryptographic systems, including the elements used to create File Encryption Keys, passwords, hash functions, and salt. 21 hours.
 - *AccessData, June 2016*
- iOS Forensic Analysis
Multi-tool approach to iOS forensics to gain understanding of how iOS devices store data. 21 hours.
 - *AccessData, June 2016*
- Live RAM Analysis

RAM Analysis theory, captures, and data analysis that involves Processes, Files, Sockets, and Interrupts and Hooks. 21 hours.

- *AccessData, June 2016*
- Dead Box Analysis
Review of Registry Artifacts, System Configurations, Capture Files, Staging Areas, and System and Volatile Data. 7 hours.
 - *AccessData, May 2016*
- Windows 8 Forensics
Review of Windows 8 File Structure Changes including Bitlocker, GUID partition table schema, immersive applications and artifacts, Internet Explorer 10 and 11, File History and System Restore Points. 21 hours.
 - *AccessData, May 2016*
- Linux Forensics
Review of Common Linux Distributions, file structure, commands, applications, artifacts, profile information, and system-related Data in the User Profile. 7 hours.
 - *AccessData, May 2016*
- Mac Forensics
Examining HFS Drive Structure, examining Property Lists and SQLite databases, and recovering artifacts. 21 hours.
 - *AccessData, May 2016*
- Networking Incident Response
Review of OSI and TCP/IP Models, Network Flows, Devices, Addressing, and Packet Capture and Analysis. 35 hours.
 - *AccessData, April 2016*
- Internet Forensics
Review on locating evidence from Internet browsers, Instant Messenger clients, and social networking sites. 21 hours.
 - *AccessData, April 2016*
- Open Source Intelligence Techniques
Utilizing unconventional free resources to provide new investigative techniques including social networks, online search tools, and virtual machines. 24 hours.
 - *Presented by Michael Bazzell, February 2016*
- Advanced FTK
Review of advanced analysis features of AccessData FTK, FTK Imager, Password Recovery Toolkit, and Registry Viewer. 21 hours.
 - *AccessData, February 2016*
- Computer Forensics and the Cloud
Review of Microsoft Windows operating system artifacts to locate user data and file system artifacts related to the usage of cloud services. 14 hours.
 - *AccessData, February 2016*
- Windows Forensics Registry
Review of locating and identifying registry artifacts that are valuable to forensic investigations. 21 hours.

- *AccessData, January 2016*
- Windows OS Forensics
Review of artifacts that can be located on Windows XP, Vista, and Windows 7 operating systems. 21 hours.
 - *AccessData, January 2016*
- Advanced Forensics
Review of AccessData FTK, FTK Imager, Password Recovery Toolkit, and Registry Viewer and how to locate Windows system artifacts. 35 hours.
 - *AccessData, December 2015*
- AccessData Bootcamp
Provides knowledge and skills necessary to install, configure, and effectively use Forensic Toolkit (FTK), FTK Imager, PRTK, and Registry Viewer. 21 hours.
 - *AccessData, December 2015*
- Law Enforcement Digital Operators Course
Understanding of physical, digital, and cyber footprints left during investigations and where compromises can occur. Also advanced open source and social media investigations. 21 hours.
 - *Weathered Security, October 2015*
- Software Engineering
Project Identification and Justification, requirements analysis techniques, data modeling, process modeling, systems design and specification techniques, prototyping, systems architecture alternatives, hardware selection, software design and construction.
 - *Miami University, 2004*
- Network Security
Data networks and protocols and encryption.
 - *Miami University, 2004*
- Operating Systems
Introduction to operating systems concepts and principles for design and implementation of operating systems.
 - *Miami University, 2004*
- Stochastic Modeling
Survey of methods of stochastic operations research including reliability, queuing theory and decision theory.
 - *Miami University, 2004*
- Data Processing and File Design
Standard data processing techniques.
 - *Miami University, 2004*
- Client Server Systems
Hardware, software, and concepts necessary to design and implement enterprise-wide client server systems.
 - *Miami University, 2003*
- Analysis of Deterministic Systems

Deterministic models and computers to study and optimize systems.

- *Miami University, 2003*
- Database Systems
Overview of database management, database system architecture, and database modeling principles.
 - *Miami University, 2003*
- Data Communications and Networks
Introduction to data communications, computer networks, protocols, and distributed processing.
 - *Miami University, 2003*
- Computer Architecture
Data representation and computer arithmetic, assembly language programming, memory hierarchy, CPU structure and instruction sets.
 - *Miami University, 2002*
- Data Abstraction and Data Structures
Abstract data types and implementation as data structures using object-oriented programming.
 - *Miami University, 2002*
- Object Oriented Programming
Design and implementation of software using object-oriented programming techniques.
 - *Miami University, 2002*
- Introduction to Computer Science and Systems Analysis
Introduction to systems analysis.
 - *Miami University, 2001*

MOT

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 NOTICE OF MOTION
AND MOTION TO ADMIT AUDIOVISUAL TESTIMONY AT TRIAL ON AN
ORDER SHORTENING TIME**

DATE OF HEARING: March 21, 2022
TIME OF HEARING: 8:30 AM
HEARING REQUESTED

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 Motion And Motion To Admit Audiovisual Testimony At Trial.

This Motion 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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DATED this 16th day of March, 2022.

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

STATEMENT OF THE CASE

On October 15, 2018, Defendant was arraigned in District Court, entered a not guilty plea, and waived his right to a speedy trial within sixty (60) days. On November 28, 2018, Defendant filed a Motion for Setting of Reasonable Bail. On December 18, 2018, the Court denied the Motion. On January 14, 2019, Defendant filed a Motion for Setting Reasonable

1 Bail With Electronic Monitoring. On January 23, 2019, the Court granted the Motion and set
2 Defendant's bail at \$75,000 with a condition of house arrest.

3 On March 2, 2021, Defendant filed a Motion to Dismiss Counsel. On March 15, 2021,
4 Defendant's counsel filed a Motion to Withdraw as Attorney of Record. On March 31, 2021,
5 Defendant appeared at a special setting without the State present. The Court conducted a
6 Faretta canvas and granted Defendant's Motion. Based on Defendant's representations and
7 arguments, he was not appointed standby counsel.

8 On May 6, 2021, Defendant filed a Motion to Suppress Digital Evidence. On May 11,
9 2021, Defendant filed a Motion to Dismiss State's Motion of Opposition. On June 2, 2021,
10 the Court denied Defendant's Motion to Dismiss States Motion of Opposition. On September
11 23, 2021, Defendant filed a Motion to Dismiss Standby Counsel. On October 11, 2021, the
12 Court denied Defendant's Motion.

13 On November 19, 2021, Defendant filed a Motion Suppress Witness
14 Testimony/Impeachment. On December 2, 2021, the State filed its Response. On December
15 13, 2021, the Court denied Defendant's Motion.

16 On December 13, 2021, Defendant filed a Motion to Dismiss Case/Prosecutorial
17 Misconduct and Perjury. The State filed a Response on December 21, 2021. On January 4,
18 2022, the Court denied Defendant's motion.

19 On February 3rd and 4th, 2022, the Court recanvassed Defendant regarding self-
20 representation pursuant to Miles v. State, 137 Nev. Adv. Op. 78 (2021). After the two-day
21 hearing, the Court held that Defendant could represent himself in this matter.

22 Trial is currently scheduled for March 28, 2022.

23 **STATEMENT OF FACTS**

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

1 8-12. Defendant was armed with a shotgun and pumped it while going toward Jennifer. GJT,
2 p. 12-13. Jennifer yelled at her employees to run. GJT, p. 12-14. Eventually, Jennifer and her
3 employees made it to one of their vehicles and all three of them escaped in that vehicle. GJT,
4 p. 14-15. While driving away, Jennifer noticed Defendant started to follow the vehicle. GJT,
5 p. 16. Eventually, after some maneuvering, Defendant stopped following Jennifer and the
6 other employees. GJT, 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 and a rifle and entered the business. GJT, p. 43-46. Using the handgun,
10 Defendant ordered all the employees at gun point to move behind the counters and to sit on
11 the floor. GJT, p. 46-47. Defendant ordered an employee named Adriane Serrano-Bojoglez to
12 open two safes while taking money and placing it inside a backpack that he was carrying. GJT,
13 p. 47-50. Defendant then ordered Ms. Serrano-Bojoglez at gunpoint to open each of the cash
14 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 and transported to the hospital for medical care. Id.

1 Detective Joe Patton of the LVMPD Force Investigation Team went to UMC Trauma
2 to interview Defendant. GJT, p. 97. Detective Patton talked with Defendant's treating doctor
3 and got "clearance" from the doctor to talk with Defendant. GJT, p. 97. After getting clearance,
4 Detective Patton talked with Defendant at UMC. Detective Patton read Defendant his Miranda
5 rights and Defendant agreed to speak with detectives. GJT, p. 95. During the interview,
6 Defendant told Detective Patton that he was desperate for money due to previously being shot
7 in a robbery, so he decided to rob the Super Pawn because he used to work at that location.
8 GJT, p. 95. Defendant explained to Detective Patton that he "geared" up at his residence and
9 borrowed a car from his friend who did not know he was planning on doing a robbery. GJT,
10 p. 95. Defendant admitted to bringing a Glock handgun and a rifle to the pawn shop and
11 demanding money from the employees. GJT, p. 95-96. After he got the money and jewelry
12 from the store, he walked out with a woman employee, so the police "wouldn't shoot at him".
13 GJT, p. 96. As he was outside, the woman from the pawn store struggled with Defendant for
14 his firearm. GJT, p. 96. A shot went off and eventually Defendant was shot by the police. GJT,
15 p. 96-97.

16 On September 6, 2018, Detective Jeff Clark of LVMPD Commercial Robbery Section
17 interviewed Defendant at UMC. GJT, p. 88. This interview was also recorded. Defendant was
18 read his Miranda rights, which he agreed to waive in order to talk with detectives. GJT, p. 88.
19 During this interview, Defendant admitted to attempting to commit a robbery at the same pawn
20 store on August 4, 2018. Defendant explained to Detective Clark that after he was shot in a
21 robbery, he lost his job and sold all his valuables in order to support his family. On August 4,
22 2018, he talked a friend into helping him rob the Super Pawn. GJT, p. 90. Defendant brought
23 his "AK" to the robbery. Defendant used his friend's car which he described as a dark color
24 Acura, which was the same description the victims provided of the vehicle. GJT, p. 10. The
25 pawn store workers saw Defendant approaching with a firearm and ran away from the store.
26 GJT, p. 89. While trying to flee from the attempted robbery, Defendant claimed that the vehicle
27 he was in ended up right behind the victims' vehicle. This also matched with what the victims
28 of the robbery told police. GJT, p. 15-17.

1 **ARGUMENT**

2 **I.**

3 **The Audiovisual Testimony of Victims is Appropriate and Should be Allowed.**

4 The State respectfully requests that witnesses Dwayne Melvin and Natacha Montoban
5 be permitted to appear via audiovisual transmission equipment. The State talked with Mr.
6 Melvin late last week and he informed the undersigned and his investigator that he and Ms.
7 Montoban could not attend court without extreme financial repercussions. Specifically, Mr.
8 Melvin stated that he and Ms. Montoban own and are the sole employees of their small
9 Henderson BBQ restaurant. If they are forced to testify, Mr. Melvin stated that he would have
10 to shut down the restaurant and this would put him in a dire financial situation. However, Mr.
11 Melvin believes either himself or Ms. Montoban could testify via audiovisual transmission at
12 9:00 AM since their restaurant opens at 11:00 am. With notice, Mr. Melvin believes he can
13 prepare his restaurant before 9:00 AM on the day of his testimony. See Exhibit 1. At this point,
14 the State believes it will only call one of the two witnesses at trial.

15 The taking of audiovisual testimony is authorized by Supreme Court Rule. More
16 specifically, the applicable rule states:

17 **RULES OF THE NEVADA SUPREME COURT**

18 **PART IX. RULES GOVERNING APPEARANCE BY**
19 **AUDIOVISUAL TRANSMISSION EQUIPMENT**

20 **(B) RULES GOVERNING APPEARANCE BY**
21 **SIMULTANEOUS AUDIOVISUAL TRANSMISSION**
22 **EQUIPMENT FOR CRIMINAL PROCEEDINGS**

23 Rule 1. Definitions. In these rules, unless the context
24 or subject matter otherwise requires:

25 1. "Simultaneous audiovisual transmission
26 equipment" means transmission accomplished through the use of:

27 (a) One or more cameras at a location other than the
28 courtroom that depict the witness in real time so that the parties,
their counsel, the court, and the jury, if any, can see the witness to
the same or greater extent than they would see if the witness was
present in the courtroom; and

(b) One or more cameras in the courtroom that depict
the parties, their counsel, the court, and the jury, if any, in real time
on a screen visible to the witness who is at another location.

//

1 2. “Court” means a proceeding before a judicial
2 officer, magistrate, judge, or master for all criminal proceedings
in the State of Nevada.

3 3. “Party” shall include the plaintiff, defendant,
4 petitioner, respondent, applicant, and adverse party and also apply
to such party’s attorney of record.

5 4. “Witness” shall mean a party or other person
testifying in the court proceeding.

6 5. “Shall” is mandatory, and “may” is permissive.

7 Rule 2. Policy favoring simultaneous audiovisual
8 transmission equipment appearances. The intent of this rule is to
9 promote uniformity in the practices and procedures relating to
10 simultaneous audiovisual transmission appearances. **To improve
access to the courts and reduce litigation costs, courts shall
permit parties, to the extent feasible, to appear by
simultaneous audiovisual transmission equipment at
appropriate proceedings pursuant to these rules.**

11 Rule 3. Application. **These rules apply to all
12 criminal cases except juvenile and appellate proceedings.** A
court may follow the procedures set forth in these rules or in NRS
50.330 or NRS 171.1975.

13 Rule 4. Personal appearances; appearance by
14 simultaneous audiovisual transmission equipment.

15 1. Except as set forth in Rule 3 and Rule 4(2), a party
16 or witness may request to appear by simultaneous audiovisual
transmission equipment in all other criminal proceedings or
hearings where personal appearance is required. Parties may
stipulate to appearance by simultaneous audiovisual transmission
equipment, but the stipulation must be approved by the court.

17 2. Except as provided in NRS 50.330, **the personal
18 appearance of a party or a party’s witness is required at trial
unless:**

19 (a) The parties stipulate to allow the party or the party’s
20 witness to appear by simultaneous audiovisual transmission
equipment, the defendant expressly consents to the use of
simultaneous audiovisual transmission equipment, and the court
approves the stipulation; or

21 (b) **The court makes an individualized
22 determination, based on clear and convincing evidence, that
the use of simultaneous audiovisual transmission equipment
23 for a particular witness is necessary and that all of the other
elements of the right of confrontation are preserved.**

24 In this case, the questioning of the listed witnesses would not be improved in any way
25 by their physical appearances, nor could it be argued that questioning of them *via* audiovisual
26 means would degrade the ability to examine them as witnesses. Neither witness will be asked
27 to make an identification of Defendant. As such, there is no prejudice to the Defendant if the
28 witnesses are allowed to testify via audiovisual means because Defendant is afforded the

1 ability to cross-examine the witnesses during the course of the live testimony. As such, the
2 Confrontation Clause rights held by the Defendant would not be abridged in any way by
3 presenting testimony through audiovisual means. The State will work with District Court I.T.
4 to present the testimony through Skype, BlueJeans, or other audio video casting software.

5 **CONCLUSION**

6 In light of the foregoing, the State respectfully requests that the Court allow the use of
7 audiovisual testimony for witnesses at trial.

8 DATED this 16th day of March, 2022.

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

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

15 **CERTIFICATE OF MAILING**

16 I hereby certify that service of the above and foregoing was made this 16th day of
17 March, 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

18 MARIO BLADIMIR TREJO, #2717641
19 CLARK COUNTY DETENTION CENTER
20 330 S. CASINO CENTER BLVD.
LAS VEGAS, NEVADA 89101

21 BY /s/ L.M.
22 Secretary for the District Attorney's Office
23
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AFFIDAVIT OF ENTER DEPUTY DA NAME IN
SUPPORT OF ORDER SHORTENING TIME

STATE OF NEVADA)
COUNTY OF CLARK) ss:

MICHAEL J. SCHWARTZER, being first duly sworn, deposes and says:

1. I am currently employed as a Chief Deputy District Attorney at the Clark County District Attorney's Office and assigned to the HIDTA Unit;
2. I am currently assigned to the matter of Mario Trejo, Case Number C-18-335315;
3. On March 10, 2022, I talked with Dwayne Melvin over the phone;
4. During the phone call, Mr. Melvin informed me that he would be unable to attend court to testify without suffering a significant financial hardship;
5. Specifically, Mr. Melvin and Natacha Montoban are the sole owners and employees of their restaurant located in Henderson, they begin preparation early in the morning and open at 11:00 AM;
6. Mr. Melvin informed me that closing the restaurant for even one day would make it difficult for him to pay the bills associated with the restaurant due to ongoing financial hardships that he has endured due to the COVID pandemic and a recent commercial burglary.
7. Mr. Melvin informed me that he would be able to testify via audiovisual technology at 9:00 AM as long as we are able to provide him with advance notice.

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

Executed on March 16, 2022
(Date)

/s/ MICHAEL J. SCHWARTZER
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747

18F16522X/MJS/lm/GU

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-18-335315-1

7 vs

DEPT. NO. Department 24

8 Mario Trejo
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/16/2022

15 Public Defender's Office

pdclerk@clarkcountynv.gov

16 Alex Henry

Alexander.Henry@ClarkCountyNV.gov

17 DeLois Williams

Delois.Williams@clarkcountynv.gov

18 Michael Schwartz

Michael.Schwartz@clarkcountynyda.com

19 DC 24 Law Clerk DC 24

dept24lc@clarkcountycourts.us

20 CCDC Court Services

dsdcourtservices@lvmpd.com

Eight Judicial district Court
Clark County

FILED

MAR 18 2022

The state of Nevada
Plaintiff

Case No: C-18-335310

Dept No: 24

C-18-335315-1

VS.

Marlo B. Trejo #2717641
Defendant, pro-se

Hearing: 4/11/2022
Time: 8:30 AM

Pre-trial motion to suppress evidence

Comes now Marlo Trejo, Defendant in pro-se, respectfully moving this honorable court to suppress evidence related to this here telephonic search warrant applied for by detective Joe patton P#8289 and signed by Judge tierra Jones on sept. 3rd, 2018 at 9:26 pm.

This motion comes after reviewing alleged facts in discovery of evidence and the telephonic search warrant application, defense has found that det. patton while under oath and while informed of alleged case facts, made false claims during the probable cause section of the telephonic search warrant application which therefore breaks his oath thru perjury and therefore violates defendants 4th amendment rights. the following are details, facts and exhibits supporting this here motion

RECEIVED

MAR 15 2022

CLERK OF THE COURT

1 Argument: Proof and true facts of Claim

2 In the telephonic search warrant application
3 transcripts, in page 4 as shown in exhibit A,
4 Detective Patton claimed while under oath
5 that the defendant had manager "open one of
6 the two safes" and that defendant "placed all
7 the stolen property inside of a black Backpack."
8 However, according to manager (Adriane Serrano-
9 Bajarquez) allegedly the safe was never opened
10 and allegedly she was the one that placed items
11 in a black Backpack, this according to her
12 Voluntary witness statement. given prior to the
13 telephonic search warrant application.

14 Exhibit B presents a pic of the safe in
15 question, photographed by C.S.I. prior to det.
16 Patton's telephonic search warrant application.

17 It is shown to be closed and locked as opposed
18 by det. Patton's claims.

19 Because this false information supports the
20 probable cause for this search warrant app-
21 lication, and which helped produce evidence
22 the likes of which are listed in exhibit C,
23 the ensuing search warrant is in violation
24 of the defendant's 4th amendment rights, there-
25 fore all evidence produced should be suppressed.

26 This motion is also supported by NRS 179.085
27 and State v. Shade, 110 Nev. 57, 63, 867 P.2d
28 393, 396 (1994)). See Also Gathrite v. Eight

Jud. Dist. Ct. In & for Cty. of Clark,
135 Nev. 405, 411, 431 P.3d 891, 896 (fn. 7)
(2019).

Conclusion

Here stands the fact that deto Patton had
the alledged details of this case, yet he
gave false information as probable cause and
said false info supports the warrant in
question.

Hence the defense motions to suppress all
evidence found due to this illegal warrant
issued under perjured oath.

Defendant thanks this honorable court for
Audience, time and consideration.

Dated March 8th, 2022

Signed: Maria B. Trejo
Defendant, pro-se.

Page 4 of Det. Patton's Application
For telephonic search warrant

Exhibit A

**APPLICATION FOR TELEPHONIC SEARCH WARRANT
CONTINUATION**

Event# 180903-1848

entered the SuperPawn. Trejo was dressed in dark clothing, wearing a tan gun belt, and a black, full masked motorcycle helmet. Trejo was also armed with a handgun and a rifle.

Upon entering the store, Trejo demanded money from the manager. Trejo took the manager into the back room and had her open one of the two safes, as well as, uh, several cash registers. Trejo took cash and also jewelry from a wall display case. Trejo placed all the stolen property inside of a black backpack.

Just prior to exiting the store Trejo observed cops had arrived outside. Trejo grabbed the store manager and forced her out of the store against her will at gunpoint. As Trejo walked her toward the white Hyundai, the manager grabbed Trejo's gun and tried to get it away from him.

As the struggle for the gun occurred, Trejo discharged one round into the ground and let go of the gun. The manager ran back towards the store as officers gave Trejo verbal commands. Still armed with a rifle, Trejo ignored the officers' commands and approached his vehicle. Officers, uh, opened fired on Trejo, striking him once in the chest. Trejo was later taken into custody with the assistance of LVMPD K-9. As officers fired at Trejo, one officer fired three rounds into the white Hyundai, causing damage.

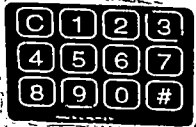
Photo taken by C.S.I. of the
Safe in question

Exhibit B



အဲဒီအခါမှာတော့ ကျွန်တို့က အဲဒီလိုမျိုး
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GATIFLEX 7010



LEGAL NC

KS: 177530

658

Search warrant detailing type of evidence
to be seized.

Exhibit C

DUPLICATE ORIGINAL SEARCH WARRANT
NRS 179.045

FILED

STATE OF NEVADA } Mario Trejo
} ss. DOB: 12/02/1990
} ID#: 2717641

2018 SEP 13 A 10:20

SW 18-1242

The State of Nevada, to any Peace Officer in the County of Clark. (Proof having been made before me by Detective Joe Patton, P# 8289 by oral statement given under oath) that there is probable cause to believe that certain evidence, to wit:

1. Paperwork such as proof of insurance, DMV registration showing the name(s) of persons owning or responsible for the vehicle(s).
2. Cellphones possibly belonging to the suspect Mario Trejo.
3. A thorough, microscopic examination and documentation of the vehicle to discover trace evidence to include but not limited to: fingerprints and/or DNA.
4. Epithelial cells from the mouth of Mario Trejo, ID# 2717641, to be collected via Buccal Swab.
5. Firearm related items to include but not limited to: Bullets, bullet fragments, magazines, holsters.

That are presently located at:

- 1) LVMPD CSI Crime Lab
- 2) UMC Trauma

and as I am satisfied that there is probable cause to believe that said evidence is located as set forth above and based upon the statement of Detective Joe Patton there are sufficient grounds for the issuance of the Search Warrant.

You are hereby commanded to search and examine said premise for said property and trace evidence, serving this warrant at any hour and if the property is there, to seize it and leave a written inventory and make a return before me within 10 days. The attached recorded oral statement upon which this warrant is based is hereby incorporated by this reference as though fully set forth herein.

Dated this 3rd day of SEPT., 20 18, at 2135 hours.

Print Judge's name: Judge TIERRA JONES

Signed by Detective Joe Patton, P# 82899

Acting upon oral authorization of the Honorable Judge Print Judges name here

TIERRA JONES

ENDORSED this 12th day of September, 20 18

Judge

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

CLERK OF THE COURT

SEP 13 2018

Trejo C-18-335315-1 18F16522X 6-7-2019 416

CLARK COUNTY DETENTION CENTER
LAS VEGAS, NEVADA

Mar. 13

Case No. [redacted]

330 S. Casino Center Blvd.

Las Vegas, N.V. 89101

4/56



LEGAL

Regional Justice Center

Attn: Clerk of Court

Eight Dist. Ct.

200 Lewis Ave. 3rd Floor

Las Vegas, N.V. 89155

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIO BLADIMIR TREJO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84188
District Court Case No. C335315

FILED

MAR 23 2022

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDERS this appeal DISMISSED."

Judgment, as quoted above, entered this 24th day of February, 2022.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
March 21, 2022.

Elizabeth A. Brown, Supreme Court Clerk

By: Andrew Lococo
Deputy Clerk

C-18-335315-1
CCJD
NV Supreme Court Clerks Certificate/Judgr
4986563



IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIO BLADIMIR TREJO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84188

FILED

FEB 24 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a pretrial "motion to dismiss case/prosecutorial misconduct and perjury." Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Because no statute or court rule provides for an appeal from an order denying a pretrial "motion to dismiss case/prosecutorial misconduct and perjury", this court lacks jurisdiction to consider this appeal. NRS 177.015(1)(b) (stating that State or defendant may appeal from an order *granting* a motion to dismiss); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, this court

ORDERS this appeal DISMISSED.

[Signature: Silver], J.
Silver

[Signature: Cadish], J.
Cadish

[Signature: Pickering], J.
Pickering

cc: Hon. Erika D. Ballou, District Judge
Mario Bladimir Trejo
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIO BLADIMIR TREJO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84188
District Court Case No. C335315

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: March 21, 2022

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo
Deputy Clerk

cc (without enclosures):

Mario Bladimir Trejo
Clark County District Attorney \ Alexander G. Chen
Hon. Erika D. Ballou, District Judge

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on MAR 23 2022.

Deputy HEATHER UNGERMANN
District Court Clerk

RECEIVED
APPEALS

MAR 22 2022

ORDR

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, NV 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

**ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS EVIDENCE
PURSUANT TO EDCR RULE 3.20**

DATE OF HEARING: March 23, 2022
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 23rd day of March, 2022, the Defendant being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, MICHAEL J. SCHWARTZER, Chief Deputy District Attorney, based on the pleadings and good cause appearing therefor,

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1 IT IS HEREBY ORDERED that the Defendant's Motion to Suppress Evidence
2 Pursuant to EDCR Rule 3.20, shall be, and it is DENIED.

3 Dated this 29th day of March, 2022

4 

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

21B 9BB 5772 FDFA
Erika Ballou
District Court Judge

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

13 CERTIFICATE OF MAILING

14 I hereby certify that service of the above and foregoing was made this ____ day of
15 March, 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

16 MARIO BLADIMIR TREJO, #2717641
17 CLARK COUNTY DETENTION CENTER
18 330 S. CASINO CENTER BLVD.
LAS VEGAS, NEVADA 89101

19 BY /s/ L.M.
20 Secretary for the District Attorney's Office
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18F16522X/lm/GU

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-18-335315-1

7 vs

DEPT. NO. Department 24

8 Mario Trejo
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/29/2022

15 Public Defender's Office

pdclerk@clarkcountynv.gov

16 Alex Henry

Alexander.Henry@ClarkCountyNV.gov

17 DeLois Williams

Delois.Williams@clarkcountynv.gov

18 Michael Schwartzer

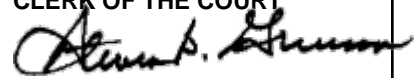
Michael.Schwartzer@clarkcountyda.com

19 DC 24 Law Clerk DC 24

dept24lc@clarkcountycourts.us

20 CCDC Court Services

dsdcourtservices@lvmpd.com



MOT
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 NOTICE OF MOTION
AND MOTION IN LIMINE TO PRECLUDE DEFENDANT FROM MAKING
IRRELEVANT ARGUMENTS**

DATE OF HEARING:
TIME OF HEARING:
HEARING REQUESTED

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 Motion And Motion In Limine To Preclude Defendant From Making Irrelevant Arguments.

This Motion 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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YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department XXIV thereof, on the ____ day of April, 2022, at the hour of 8:30 o'clock AM, or as soon thereafter as counsel may be heard.

DATED this 30th day of March, 2022.

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

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

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14

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15

On October 4, 2018, an Indictment was filed charging Mario Trejo (hereinafter “Defendant”) with one (1) count of Burglary While in Possession of a Firearm (Category B Felony – NRS 205.060 – NOC 50426); seven (7) counts of Robbery With Use of a Deadly Weapon (Category B Felony – NRS 200.380, 193.165 – NOC 50138); one (1) count of First Degree Kidnapping With Use of a Deadly Weapon (Category A Felony – NRS 200.310, 200.320, 193.165 – NOC 50055); two (2) counts of Assault on a Protected Person With Use of a Deadly Weapon (Category B Felony – NRS 200.471 – NOC 50205); one (1) count of Conspiracy to Commit Robbery (Category B Felony – NRS 200.380, 199.480), and one (1) count of Attempt Robbery With Use of a Deadly Weapon (Category B Felony – NRS 200.380, 193.330, 193.165 – NOC 50145).

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19 On February 3rd and 4th, 2022, the Court recanvassed Defendant regarding self-
20 representation pursuant to Miles v. State, 137 Nev. Adv. Op. 78 (2021). After the two-day
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22 Trial is currently scheduled for April 18, 2022.

23 **STATEMENT OF FACTS**

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26 ("GJT"), October 3, 3018, page 8. Jennifer Incera, a manager at Super Pawn, arrived at work
27 around 8 AM with two other employees and was about to unlock the store when Defendant
28 wearing a black motorcycle helmet, a leather jacket, gloves, and boots ran toward her. GJT, p.

1 8-12. Defendant was armed with a shotgun and pumped it while going toward Jennifer. GJT,
2 p. 12-13. Jennifer yelled at her employees to run. GJT, p. 12-14. Eventually, Jennifer and her
3 employees made it to one of their vehicles and all three of them escaped in that vehicle. GJT,
4 p. 14-15. While driving away, Jennifer noticed Defendant started to follow the vehicle. GJT,
5 p. 16. Eventually, after some maneuvering, Defendant stopped following Jennifer and the
6 other employees. GJT, p. 18. Defendant later confessed to the attempt robbery. GJT, p. 89.

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

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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 and transported to the hospital for medical care. Id.

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11 demanding money from the employees. GJT, p. 95-96. After he got the money and jewelry
12 from the store, he walked out with a woman employee, so the police "wouldn't shoot at him".
13 GJT, p. 96. As he was outside, the woman from the pawn store struggled with Defendant for
14 his firearm. GJT, p. 96. A shot went off and eventually Defendant was shot by the police. GJT,
15 p. 96-97.

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17 interviewed Defendant at UMC. GJT, p. 88. This interview was also recorded. Defendant was
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26 GJT, p. 89. While trying to flee from the attempted robbery, Defendant claimed that the vehicle
27 he was in ended up right behind the victims' vehicle. This also matched with what the victims
28 of the robbery told police. GJT, p. 15-17.

1 **ARGUMENT**

2 Defendant has advised this Court in a correspondence dated March 22, 2022, and
3 received by the State on March 29, 2022, that he intends to argue at trial that prosecutors
4 “violated the values which prosecutors and police should adhere to”. Defendant also made
5 several references to his medical condition in the same correspondence. See Exhibit 1. The
6 State respectfully request an order from this Court preventing Defendant from arguing and/or
7 cross-examining on these irrelevant topics.

8 EDCR Rule 3.28 states that motions in limine to exclude or admit evidence must be
9 made in writing and noticed for hearing not later than calendar call. Relevant evidence is
10 evidence that has “any tendency to make the existence of any fact that is of consequence to
11 the determination of the action more or less probable than it would be without the
12 evidence.” NRS 48.015. District courts are vested with considerable discretion when
13 determining the relevance and admissibility of evidence. Castillo v. State, 114 Nev. 271, 277,
14 956 P.2d 103, 107-108 (1998) *citing* Atkins v. State, 112 Nev. 1122, 1127, 923 P.2d 1119,
15 1123 (1996). A trial court’s decision to admit or exclude evidence rests within its sound
16 discretion and will not be disturbed unless it is manifestly wrong. Vallery v. State, 118 Nev.
17 357, 371, 46 P.3d 66, 76 (2002).

18 A trial court “may exclude relevant evidence where its probative value is substantially
19 outweighed by the danger of unfair prejudice, . . . confusion of the issues or . . . misleading
20 the jury.” Southern Pac. Transp. Co. v. Fitzgerald, 94 Nev. 241, 243, 577 P.2d 1234, 1235,
21 (1978)(internal quotations omitted); *quoting* NRS 48.035(1) also see Vipperman v. State, 614
22 P.2d 532, 534, 96 Nev. 592, 596 (1980) (trial court properly kept out certain character evidence
23 attempted to be presented by defendant at trial because it was “confusing, misleading, remote
24 and unduly time-consuming”). Determination as to whether probative value of relevant
25 evidence is substantially outweighed by danger of unfair prejudice, confusion of issues or
26 misleading the jury rests in the sound discretion of the trial court and will not be disturbed
27 unless manifestly wrong. Id.; see also Reese v. State, 596 P.2d 212, 95 Nev. 419 (1979).

28 //

1 The Confrontation Clause guarantees an opportunity for effective cross-examination.
2 Pantano v. State, 122 Nev. 782, 790, 138 P.3d 477, 482 (2006) *quoting* Delaware v. Van
3 Arsdall, 475 U.S. 673, 679, 106 S.Ct. 1431, 89 L.Ed.2d 674 (1986)(internal quotations
4 omitted). However, it does not guarantee the opportunity for cross-examination that is
5 effective in whatever way, and to whatever extent, the defense might wish. Id. “On the
6 contrary, trial judges retain wide latitude insofar as the Confrontation Clause is concerned to
7 impose reasonable limits on such cross-examination based upon concerns about, among other
8 things, *harassment*, prejudice, *confusion of the issue*, the witness’ safety, or interrogation that
9 is repetitive *or only marginally relevant.*” Van Arsdall, 475 U.S. at 679 (emphasis added).

10 When examining a witness at trial, a District Court may properly limit the content of
11 the examination to that evidence which is relevant. Vipperman, 614 P.2d at 534, 96 Nev. at
12 595 (1980). Specifically, evidence of a victim's character is a collateral matter and irrelevant
13 without proof that another person may have committed crime or that the defendant acted in
14 self-defense. McKenna v. State, 705 P.2d 614, 619, 101 Nev. 338, 346 (1985). Similarly, the
15 Nevada Supreme Court has held that evidence related to the character of a victim, in the form
16 of unrelated acts, is not relevant to the guilt of a defendant when the defense raised was one
17 of alibi and as such, is properly excluded at trial. Vipperman, 614 P.2d at 534, 96 Nev. at 595.

18 In this case, Defendant Trejo has expressed a desire to make arguments at the jury trial
19 regarding what he perceives to be prior prosecutorial misconduct by the State. Such arguments
20 to the jury, acting as the trier of the fact, is irrelevant and inappropriate. Unless Defendant can
21 show the so-called “prosecutorial misconduct” has a “tendency to make the existence of any
22 fact that is of consequence...more or less probable”, it is irrelevant and therefore must be
23 excluded from being presented and/or argued in front of the jury. The State is unaware of any
24 alleged claims of “prosecutorial misconduct” except in regard to bail, wherein Defendant
25 alleges the State made inappropriate remarks about his background. None of those issues
26 would be relevant to this pending robbery/kidnapping trial. Thus, Defendant should be ordered
27 to not to make inappropriate prosecutorial misconduct arguments in front of the jury.

28 //

Moreover, Defendant's medical difficulties that he has experienced while in Clark County Detention Center is also irrelevant to the charges Defendant faces at jury trial. Again, what has occurred to Defendant since he arrested and placed in custody does not have a tendency to make the existence of a fact that is of consequence more or less probable in regard to his multiple robbery and kidnapping charges. The only reason to present any such evidence and/or argument is to attempt to elicit sympathy from the jury, which is irrelevant and inappropriate. See NRS 48.015, People v. Lewis, 178 A.D.3d 952, 116 N.Y.S.3d 49 (2d Dep't 2019) (photographs introduced for the sole purpose of arouse the emotions of the jury were inappropriate).

CONCLUSION

The State respectfully request that this honorable court grant the above motion and issue an order preventing Defendant Trejo from presenting, arguing and/or cross-examining on any irrelevant matters in front of the jury. Specifically, any alleged post-arrest prosecutorial misconduct and/or medical issues.

DATED this 30th day of March, 2022.

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

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

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CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 30th day of March, 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

MARIO BLADIMIR TREJO, #2717641
CLARK COUNTY DETENTION CENTER
330 S. CASINO CENTER BLVD.
LAS VEGAS, NEVADA 89101

BY /s/ L.M.
Secretary for the District Attorney's Office

18F16522X/MJS/lm/GU

Exhibit 1

1
March 22nd, 2022

Honorable Judge Baller,

I'm writing this because i feel i must convey my position without taking up too much time in court, I do have empathy and i understand that as a Judge, your time is valuable.

This Case will not be settled in conferences or back room plea deals, it must be settled in trial, neither the state nor i will lose ground and stand firm in our positions.

This criminal matter does not scare me as to keep me from trial, i am actually eager as i want to show my peers, the way in which this matter was investigated and i prosecuted, that it violated the values which prosecutors and police should adhere to along with the constitutional protections that guard american society.

I write to ask that if anything else impedes us all from going to trial, that you grant me an O.R. release.

As you witnessed in november of 2021, i had partially recuperated my voice and after years had finally begun towards recovery. however through medical neglect and this

facilities inability to provide the specialized care i need i have again regressed in my medical condition to the point where my doctor fears i might be cannulated for life.

The issue lies that medical at CCDC cannot maintain medical appointments and surgery dates since my treatment can only be done at St. Rose Dominican, additionally i must add that i incurred this condition because of neglect at this Jail.

The fact is, i will Not get better in jail, thats is why i humbly and respectfully ask that we proceed with trial on April 18th and that failing to do so i may be granted an O.R. with whatever conditions are deemed necessary, I will motion for O.R. if trial is postponed again only because my health is in jeopardy.

Im not foolish enough as to go through trial without reason, i am confident that i will win. For God has preserved my life and still stands with me today. Blessings and thank you for your time.

Sincerely signed:
Mario Bladimir Trejo
0002717641, Def. pro-se.

330 S. Casino Center Blvd.
Las Vegas, NV 89101

#0002717641

ATTN: Judge Erika Ballou
Dept. 24

200 Lewis Ave. 3rd Floor

Las Vegas, NV 89101

FOREVER
USA



Barn Swallow

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SENT FROM THE
CLARK COUNTY DETENTION CENTER
LAS VEGAS, NEVADA

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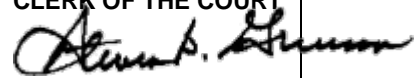


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DISTRICT COURT
CLARK COUNTY, NEVADA

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3/31/2022 4:09 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 State's Motion in Limine to Preclude Defendant from Making Irrelevant Arguments in the above-entitled matter is set for hearing as follows:

Date: April 11, 2022
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.

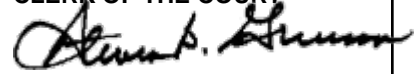
STEVEN D. GRIERSON, CEO/Clerk of the Court

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



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 BLADIMIR TREJO,
#2717641

Defendant.

CASE NO: C-18-335315-1

DEPT NO: XXIV

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS

DATE OF HEARING: April 11, 2022
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 To Suppress.

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**

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14 he was in ended up right behind the victims’ vehicle. This also matched with what the victims
15 of the robbery told police. *GJT*, p. 15-17.

16 ARGUMENT

17 Mr. Trejo (“Defendant”) asks this court to suppress all the evidence acquired in the
18 execution of a search warrant into the white Elantra he used during the September 2018
19 robbery and his buccal swab. *Defendant’s Pretrial Motion to Suppress Evidence*, March 18,
20 2022, pg. 2. To support this request, Defendant claims that Detective Patton committed perjury
21 to acquire the search warrant. *Id.* He highlights two statements made by Detective Patton; (1)
22 the defendant had the manager open one of the two safes and (2) that the defendant placed all
23 the stolen property inside of a black backpack. Defendant claims that these statements are not
24 true and points to Ms. Serrano-Bojoglez voluntary statement to highlight the discrepancies. *Id.*
25 Essentially, the Defendant is asking this court to grant him a *Franks* hearing. However, the
26 substance of the Defendant’s motion does not meet the standard the Supreme Court set in
27 *Franks*.

28 To have a *Franks* hearing the Defendant must show that (1) the false statement was
given knowingly and intentionally, or with the reckless disregard for the truth and (2) The

1 alleged false statement is **necessary** to finding of probable cause. *Franks v. Delaware*, 438
2 U.S. 154, 98 S. Ct. 2674, 57 (1978) (emphasis added). The Defendant's motion does not meet
3 either one of these standards and the State respectfully requests that this Court dismiss the
4 motion.

5 **Franks outlines how to determine the Veracity of a Statement**

6 Truthful information in a warrant does not mean that the information in the warrant
7 must be "correct." *Franks* at 165. But rather what the affiant believed or appropriately
8 accepted the information to be true. *Id.* The Court does acknowledge that sometimes the
9 information in a warrant must be "garnered hastily." *Id.* Finally the attack on the statement
10 must be more than conclusory and must be supported by more than a mere desire to cross
11 examine. *Id.* at 154.

12 The Defendant claims that Detective Patton perjured himself because he included two
13 allegedly false statements: (1) the defendant had the manager open one of two safes and (2)
14 that the defendant placed all the stolen property inside of a black Backpack. *Defendant's*
15 *Pretrial Motion to Suppress Evidence*, pg. 2. However, the record demonstrates that rather
16 than these being statements made with "reckless disregard" for the truth, they are minor
17 inaccuracies that do not invalidate the warrant.

18 The first statement, that the Defendant had the manager open of the two safes is not
19 "untruthful" as the Defendant claims. In her voluntary statement Ms. Serrano-Bajarquez, the
20 manager in question, informs the detectives that the defendant had her "set the safe." *See*
21 *Exhibit 1, Vol. Statement Serrano-Bojoglez*, pg.4. Setting the safe in this context means that
22 the Defendant wanted Ms. Serrano-Bojoglez to enter the code to open the time delayed safe.
23 *Id.* at 13. According to Ms. Serrano-Bojoglez's statement, the Defendant trained his gun on
24 her and ordered her to "open the safe, set the timer." The safe has a five-minute delay and
25 cannot be forced open. *Id.* at 5. So, the defendant did **order** the manager, Ms. Serrano-Bojoglez
26 to open the safe and she did enter in the code to open the safe. Given this information,
27 Detective Patton's statement could hardly be described as a "reckless disregard of the truth."

28 //

1 The second statement demonstrates much of the same. The Defendant claims that he
2 did not put the stolen jewelry and cash into the black backpack. He again relies on Ms. Serrano-
3 Bojoglez's statement, that she was the one who placed the items in the backpack. *Defendant's*
4 *Pretrial Motion to Suppress Evidence* at pg.2. But what Defendant fails to mention in his
5 motion is that he pointed a gun at the victim, forced her to open the tills and put the jewelry
6 inside the backpack. *Vol. Statement Serrano-Bojoglez*, pg. 5.

7 Defendant cites two cases to justify suppressing the evidence gained through the search
8 warrant, neither one of these cases apply to this situation. In *Gathrite v. Eighth Judicial District*
9 *Court*, it was a Miranda issue. *Gathrite v. Eighth Jud. Dist. Ct. In & For Cty. of Clark*, 135
10 Nev. 405, 409, 451 P.3d 891, 894 (2019). Likewise, *State v. Shade* concerns suppressing
11 evidence due to charging documents. Neither one of these cases involve a search warrant
12 application. *State v. Shade*, 111 Nev. 887, 889, 900 P.2d 327, 328 (1995). The minor
13 discrepancy between what Detective Patton stated in the warrant does not rise to the level
14 noted in *Franks*.

15 **Even if the Court finds that the Defendant meets the first prong of Franks, there is**
16 **enough probable cause to issue the warrant without those two statements**

17 The second prong for a Frank's analysis requires that the allegedly false information be
18 necessary to find probable cause. *Franks* at 154. Even when a search warrant affidavit includes
19 a false statement within the contemplation of Franks, an evidentiary hearing is not required if,
20 after the false statement is purged, the search warrant affidavit remains sufficient to support a
21 finding of probable cause. *Palmieri v. Clark Cty.*, 131 Nev. 1028, 367 P.3d 442 (Nev. App.
22 2015).

23 To establish probable cause in Nevada, that law enforcement officials must have
24 trustworthy facts and circumstances which would cause person of reasonable caution to
25 believe that it is more likely than not that specific items to be searched for are seizable and
26 will be found in place to be searched. *Keese v. State*, 110 Nev. 997, 879 P.2d 63 (1994). When
27 reviewing issuance of search warrant, court is not to conduct de novo probable cause

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1 determination but instead is merely to decide whether evidence viewed as whole provided
2 substantial basis for magistrate's finding of probable cause. *Id.*

3 The Defendant attempts to discredit the whole search warrant over two minor errors.
4 *Defendant's Pretrial Motion to Suppress Evidence* at pg. 2. But the Defendant does not
5 address the other facts in the warrant that gave Detective Patton more than enough probable
6 cause to procure a search warrant. The Defendant, in his motion, does not challenge most of
7 the facts presented in the warrant. He does not challenge the fact that he arrived the Super
8 Pawn located at 1150 S. Rainbow Boulevard in a white Hyundai Elantra bearing UT plate
9 E478WC on September 3, 2018 dressed in dark clothing, with a tan gun belt, and a black
10 motorcycle helmet. The Defendant does not challenge the fact that he entered the Super Pawn
11 with a handgun and a rifle. Nor does he challenge that he demanded money from the manager,
12 that money and jewelry was placed into his backpack, or that he forced Ms. Serrano-
13 Bojoglez's out of the store against her will at gunpoint. The Defendant does not deny or
14 challenge the fact that he walked Ms. Serrano-Bojoglez towards the white Hyundai. The
15 Defendant cannot deny these things because he was caught red handed at the scene. *See Exhibit*
16 *2, Search Warrant for Event Number 180903-1848.*

17 It is evident that the search warrant issued by the magistrate was indeed valid. While
18 the Defendant may attempt to quibble over small details that may have been left out of the
19 warrant, there are more than enough facts in warrant to establish probable cause.

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1 CONCLUSION

2 The Defendant's motion does not meet either one of the two prongs the Supreme Court
3 outlined in Franks. The statements given by Detective Patton cannot be construed as having
4 "reckless disregard for the truth." And even if those statements were purged from the warrant,
5 there are more than enough facts that the Defendant does not challenge to establish probable
6 cause. For these reasons, the State respectfully request that this honorable court deny
7 Defendant's motion.

8 DATED this 1st day of April, 2022.

9 Respectfully submitted,

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

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

17 CERTIFICATE OF MAILING

18 I hereby certify that service of the above and foregoing was made this 1st day of April,
19 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

20 MARIO BLADIMIR TREJO, #2717641
21 CLARK COUNTY DETENTION CENTER
22 330 S. CASINO CENTER BLVD.
23 LAS VEGAS, NEVADA 89101

24 BY /s/ L.M.
25 Secretary for the District Attorney's Office
26
27
28

18F16522X/MJS/lm/GU

Exhibit 1

VOLUNTARY STATEMENT

PAGE 1

EVENT#: 180903-1848

SPECIFIC CRIME: OFFICER-INVOLVED SHOOTING (NON-FATAL)**DATE OCCURRED:** 09-03-18**TIME OCCURRED:** 1315 HOURS**LOCATION OF OCCURRENCE:** SUPERPAWN
1150 S. RAINBOW BOULEVARD
LAS VEGAS, NV 89146**CITY OF LAS VEGAS****CLARK COUNTY**

NAME OF PERSON GIVING STATEMENT: ADRIANE SERRANO-BOJORQUEZ (AS)**DOB:** 04-28-91**SOCIAL SECURITY #:****RACE:****SEX:****HEIGHT:****WEIGHT:****HAIR:****EYES:****HOME ADDRESS:****PHONE 1:****PHONE 2:****WORK ADDRESS:** SuperPawn
1150 S. Rainbow Blvd.
Las Vegas, NV 89146

The following is the transcription of a tape-recorded interview conducted by DETECTIVE P. QUINTEROS (PQ), P# 9055, LVMPD FORCE INVESTIGATION TEAM, on 09-03-18 at 1605 hours.

PQ: Operator, this is Detective P. Quinteros P# 9055, with the Force Investigation Team, conducting a victim citizen interview reference an ongoing investigation under LVMPD Event# 180903-1848. The incident occurred on September 3, 2018 at approximately 1310 hours at 1150 South Rainbow Boulevard, Las Vegas, Nevada 89146. The interview is being conducted in my unmarked vehicle on the property of 1240 South Rainbow Boulevard, Las Vegas, Nevada 89146. Victim is Adriane Serrano-Bojorquez, that's Adam, David, Robert, Ida, Adam, Nora, Easy. Last name, Sam, Easy, Robert, Robert, Adam, Nora, Ocean-Baker, Ocean, John, Ocean, Robert, Queen, Union, Easy,

VOLUNTARY STATEMENT

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EVENT#: 180903-1848

STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

Zebra. Date of birth 04-28-91. Social Her Nevada OLN is 2103231295,
her current address

Her phone number She's currently employed with Super Pawn
as an assistant manager and has, ah, shift hours and days off that vary. Today's date
is September 3, 2018, and the time is 1605 hours.

AS: That's a lot to remember.

PQ: Um, do you know the interview's being recorded?

AS: Yes.

PQ: Okay and can I, is it okay if I call you Adriane?

AS: Yeah, that's fine.

PQ: Um, So we're here conducting an investigation of the incident that happened at Super
Pawn, but before we start with the details, can you tell us, what, um, if you were on
shift tonight, I'm sorry, today and what were your duties?

AS: So I was on shift from 9:00 am to 5:00 pm for the Labor Day our hours were varied.
Usually it's 8:00 am to 6:00 pm and typically my duties involve running the store on a
day to day basis. Whether it's approving things for associates to conduct pawns or
making sales, um, as well as batching, boxing, and shipping jewelry which was what I
was doing at the time that everything started to happen.

PQ: And as far as your duties are you - are you in one section of the store, or all over?

VOLUNTARY STATEMENT

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EVENT#: 180903-1848

STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: We're all over, we're never just on one section. Some people will be on the sales floor helping customers, directing traffic, um, others will be behind the counter assisting customer with loans or sales or extensions. Some people will be behind the jewelry counter, um, I was in the office with a different associate verifying some paperwork to jewelry.

PQ: Okay, so do you know how many employees were inside the Super Pawn today?

AS: Altogether we had seven employees...

PQ: Seven employees.

AS: ...including myself.

PQ: Okay, so let's go ahead and start with, um, how the incident unfolded, um, your actions, um, what you remember and then, ah, we'll go from there.

AS: Okay. So when it all started happening I was in the office with Giovanni and Dino, ah, checking all the jewelry to the paperwork verifying that everything was there so that we could properly ship it out and everything was accounted for. Um, suddenly Juliana Zaldonia came into the office and started screaming, "210 - 210 - 210". A code that we have to alert a manager that something's wrong. When I looked up at her face I noticed that she was frantic, she was scared, so I knew something had to be wrong. Immediately Gio and I stood up and I looked out of the office and saw the, ah, I don't know what to call him besides asshole. I'm sorry.

PQ: That's okay, ah, suspect.

VOLUNTARY STATEMENT

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EVENT#: 180903-1848

STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: The suspect...

PQ: Mm-hm.

AS: ...was, um, in the sales floor, pointing the gun at my associates, pointing the gun at the customers, telling everyone to get out of the office, to get on the floor, to get up front, in front of him so that we could do what he needed done and I grabbed the pendant that I wear, ah, panic button. I usually keep it in my pocket So I hit the button repeatedly over and over to alert the police that something was happening at the shop. And then I proceeded to put it back into my pocket and I exited the office with Giovanni and everyone started to get onto the floor to move towards him as he continued to point the gun at us. He started saying, "Get down - get down. Get on the floor, where I can see you. Is there anyone else in the shop?" And I told him, "No, this is everyone - this is everyone, we don't have anyone else in the back." He was like, "Who's the manager - who is the manager?" At that point I identified myself as the manager, with my keys and hands, arms up, everyone else was told to go onto the sales floor in front of the loan counter and to lay down. And he told me to go and set the safe, while he watched them so I grabbed some of the jewelry that I had on the counter and threw it underneath the desk, because I didn't want him to get it. You know, the least he took the better for us as a shop. And So I set the bottom of the safe, grabbed my phone, put it in my pocket and so he ordered me back out. He was like, "Give me the money from the tills." So I started opening up some of the tills and handing him all the money and he stopped me before I put it in the backpack. He said, "No, I don't want any of your track pack shit." Which is essentially a tracker that we hide in the money in order to track

VOLUNTARY STATEMENT

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

them once they leave the shop. He asked us, "Did you push any pendants? Did you push any panic codes, I don't want a hostage situation." And I told him, "No, no one's pressed anything, we haven't done anything, what do you want?" So he continued to collect the money that I was grabbing from the tills. And he asked me, "Is that everything?" And I told him, "Yes, it's everything." He said, "How long for the safe?" And I'm like, "The safe takes five minutes I can't do anything until it beeps." So he ushered me over to the case 10, which is our jewelry back wall, I tried to open the jewelry cases that have the trackers and the silent police alarms. He said, "No, I don't want anything from your cases, I want it all from the wall." So I don't often go into that case, I fumbled with the keys, I dropped a lot of them, I didn't know which one it was, and I told him that. He's like, "No, you're stalling. I know you know which key it is, get it open, you're taking too fucking long." So I finally figured out which key it was, 'cause I really didn't know which one and I opened it up. He's like, "Hurry up - hurry up." While pointing the gun at me. So I took all of the jewelry that I could and I stuffed it in the bag, backpack that he had. Um, along with all of the money that he had. So after he was content that we had enough money, he's like, "How long has it been?" And I told him, "I don't know, I have no idea how long it's been." So he put me back into the office and he told him, ah, he told everyone, "I'm still watching you, don't you fucking move. Ah, none of you better move, I don't wanna shoot you, I don't wanna kill you, I just need to get this and go." So I go back into the office, he's like, "Is it open yet?" And I said, "No, it's not time yet, it hasn't been five minutes, like I can't force it open." So he's like, "Fuck this is taking too long. He said, you're letting me out of the back."

VOLUNTARY STATEMENT

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

Because we have back doors in the warehouse. I told him, "I don't have the key for that." And So he's like, "Who has the key?" And I told him, "My store manager has it, she's not here today." He's like, "You better not be fucking lying to me." And I told him, "I don't have that key, there's nothing I can do." So at this point, I'm still in the office, he runs to the front door, while aiming the gun at the rest of the people who are on the floor, he looks, by lifting his visor on the helmet that he was wearing, it was a motorcycle helmet, black. And he notices that the cops are there. He cusses, aims the gun at me and says, "Come here now." So I walk over to where he is and he starts to grab me by my shirt, pulls my hair, pulls my shirt, pushes me outta the door."

PQ: Okay, let's - let's stop right there So we can clarify a couple things. Um, so when Julianne came in, ah, she said, "210 - 210." Is there a specific definition for a 210 or is it just trouble?

AS: 210 it can be either, there's two eyes on ten fingers, someone's trying to steal something from you.

PQ: Mm-hm.

AS: Or 210, there's someone in the store that you need to watch or we're in danger.

PQ: Okay.

AS: But the way that she said it, told me something really bad was happening.

PQ: So her demeanor was panic, or?

AS: She was petrified, she was so scared. And I just, I didn't know what to do.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

PQ: Did she say that how many people, or what was going on, or if the person had a gun or not?

AS: Ah, there she just said, "There's a guy with a gun."

PQ: Okay.

AS: So then I looked up and then I saw him and he was there by himself.

PQ: Okay and when you said, um, where'd you, so you were in the office. How'd you see him into the, did you see him through surveillance or?

AS: No, I stood up and I looked through the doorway.

PQ: Mm-hm.

AS: And I forgot to add also that he gave me zip ties while everyone else was laying down and he told me to zip tie the door.

PQ: Okay.

AS: But, the zip ties sucked really bad and he yelled at me for having the zip ties come off.

PQ: Okay, um, so when you look through a doorway then you can see him?

AS: Yes.

PQ: And he was by himself?

AS: Yes.

PQ: Did you know if it was a he or a she?

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: It was a male.

PQ: It was a male.

AS: You could tell by the build. About 5' 7", maybe 150 to 160 pounds.

PQ: Okay. Um, ah, and is that when you hit the panic button or was it?

AS: Once I saw him...

PQ: Mm-hm.

AS: ...ah, with the gun...

PQ: Mm-hm.

AS: ...I immediately started pressing the panic button, but also Johnathan hit his panic button.

PQ: And what did - what did you see when you looked down, you - you saw him with a gun, did he have it down, was it tucked in, or was he pointing it?

AS: He had it, he already had it out and he had it pointed at all of us, he would go from person to person, instructing what to do.

PQ: And how, can you estimate how many customers were in there?

AS: There were three customers.

PQ: Three customers.

AS: Seven employees.

PQ: So three customers, so he, did he point the gun at everybody?

VOLUNTARY STATEMENT

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EVENT#: 180903-1848

STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: Everyone.

PQ: Everyone and was he threatening?

AS: Yes, he said, "Get down. Get, well, he - he said, I don't wanna shoot you."

PQ: Okay. And then everybody got down?

AS: Then everyone complied - everyone complied.

PQ: Okay.

AS: I was the only one that didn't get down.

PQ: Okay and, um.

AS: Immediately I identified myself as the manager, I didn't want them to get hurt.

PQ: Okay. So ah, can you describe him for me, ah - ah, the clothing, I know you - you gave me his physical features, but his clothing.

AS: Yes. So he had a black helmet on.

PQ: Mm-hm.

AS: A motorcycle helmet with a tinted visor.

PQ: Okay.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: He had a long sleeve black shirt, and what - what looked like to be Kevlar or some type of protection over his chest.

PQ: Okay.

AS: On the pants, I don't remember what color they were, but he did have pants on, um, I know that sounds really dumb.

PQ: Mm-hm, no worries.

AS: But, he also had knives in the back of his oh, and his back, like on a belt of some sort they looked like either throwing knives or something of that nature.

PQ: And you can see this inside the store?

AS: Yes.

PQ: Okay.

AS: As soon he turned around I started taking mental notes of everything that I could.

PQ: Okay and then, um, do you remember how many knives?

AS: Ah, about four.

PQ: Did he ever pull 'em out?

AS: No.

PQ: Okay. Um, ah, did he speak English, Spanish?

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: English.

PQ: Okay, um, was it, ah, proficient in English?

AS: He was, but he sounded like he had a bit of an accent.

PQ: Okay.

AS: Almost like the Gypsy accent.

PQ: A Gypsy accent, okay.

AS: Mm-hm. And at one point he opened up his visor to look out of the door.

PQ: Mm-hm.

AS: And he had a paleish complexion with blue green eyes.

PQ: Okay, so when you identified yourself as the manager, is that when he directed his attention towards you?

AS: Yes.

PQ: Okay, so now at this point everybody's on the floor, and you're the one that...

AS: That's when yeah, and that's when he gave me the zip ties and told me to lock the door.

PQ: Okay and then when you, you used the zip ties, did they work or?

AS: No, they didn't zip like you would expect a zip tie to.

PQ: Mm-hm.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: Um, I did them as tight as I could, ah, but was hoping that no one would come in, unfortunately two people did try to come in.

PQ: Mm-hm.

AS: While we were still on the sales floor. So when they pulled on the door, they pulled relatively hard and the zip ties came off, they opened in and he started to come in but looked at me, looked at the, um, what did you call him again, the...

PQ: Suspect.

AS: ...suspect.

PQ: Mm-hm.

AS: He looked at the suspect and the suspects like, "Come here - come here, come inside."

PQ: Mm-hm.

AS: And I told him, "No, please leave."

PQ: Mm-hm.

AS: So they left they ran.

PQ: And that was a couple?

AS: It was a couple.

PQ: Okay.

AS: Ah, taller 6' 5" gentleman and a - a shorter black female.

VOLUNTARY STATEMENT

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

PQ: Okay. Um, so - So the dynamics in the store stayed the same. Seven employees, one suspect, three citizens?

AS: Yes.

PQ: Okay. Or customers, um, So when you said he dir- he directed you to the safe or to the office?

AS: He directed me into the office where we have a time delay safe.

PQ: Did he, how did he do that, did he grab you, did he have the gun on you, what?

AS: He just trained the gun on me...

PQ: Okay.

AS: ...and said, "Go open the safe, set the timer." Um, and at that point, I complied, I kept my hands up, I had my keys in my hands, to show him that I wasn't a threat. That I was willing to comply to get him out.

PQ: Described what trained the gun on you, ah, can you be specific?

AS: Trained the gun, is he aimed the gun at me.

PQ: Mm-hm.

AS: Specifically, in the chest area.

PQ: Okay. And then, um, so the safe, um, did you get were you ever able to get it open?

AS: The safe I entered in the code and it took five minutes to open.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

PQ: Mm-hm.

AS: We were gone before...

PQ: Okay.

AS: ...the safe even opened. By the time I came back inside to lock the doors, the safe was going off.

PQ: So when he said, "I don't want any of your track packs." I mean what - what do you think, I mean did he have knowledge of what.

AS: Typically, customers aren't aware that we have track packs...

PQ: Mm-hm.

AS: ...in our money.

PQ: Mm-hm.

AS: But, he - he examined the money in my hands...

PQ: Mm-hm.

AS: ...before I even put it in his backpack.

PQ: Mm-hm.

AS: He knew which jewelry cases had the silent alarms.

PQ: Mm-hm.

AS: He knew which tills would have had the money, ah, track packs, which track them.

PQ: Mm-hm.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: Or stain the most, um, color sometimes. Um, before he left, so he was fully aware of how we worked. Where he parked, also there's no cameras there that would have seen that.

PQ: Okay. So now with him having knowledge of having you walk him to the back door, I mean.

AS: He had to have a way of knowing there was a back door.

PQ: Okay.

AS: But, you can see the doors from the outside also.

PQ: Maybe an employee or someone that's been just did their homework?

AS: It's plausible at this point.

PQ: Okay.

AS: We have been scoped out by different people where they come to look at the placement...

PQ: Mm-hm.

AS: ...of the cameras, they'll drive around the building to see where the exits and entrances are.

PQ: Okay. And then, um, you actually put, do you know how much money, or?

AS: Ah, roughly about \$4,000 give or take. Um, that was in money for jewelry it might have been closer to \$10,000. So altogether roughly anywhere from \$14,000 to \$15,000.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

PQ: Approximately?

AS: All together.

PQ: Okay.

AS: Because we only keep about a \$1,000 to \$1200...

PQ: Mm-hm.

AS: ...in the tills. Someone calling me, I'm sorry. So I'm gonna put it on silent.

PQ: Thank you. Okay, so now and you - you stuffed that into his, um, backpack?

AS: To the backpack he had it open. He also made me close it before we left.

PQ: Okay and then the backpack, what color was it?

AS: It was a black backpack.

PQ: Okay.

AS: It had a ton of pockets on it.

PQ: Now when he went to leave. He was gonna go through the front doors. Um, ah, you said he cursed, do - do you remember what exactly he said, ah, that made you think that or made you aware that he knew the cops were outside?

AS: The fact that he grabbed me.

PQ: Mm-hm.

AS: Um, and he said, "Come here we're leaving."

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EVENT#: 180903-1848

STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

PQ: Mm-hm.

AS: I panicked, I realized I'm leaving the store and...

PQ: Mm-hm.

AS: ...I didn't want that to happen, a lot of the time once you go with them either you get hurt or they kill you, they don't want witnesses and I don't know if he understood that I had vision of his eyes or...

PQ: Mm-hm.

AS: I just, I panicked I didn't wanna leave the store. I had my phone on me, 'cause there's no way I'm going to leave the shop without some form of communication, a way to call you guys or...

PQ: Mm-hm.

AS: ...there's no way I was leaving without letting someone know I have to be helped.

PQ: Okay.

AS: So.

PQ: So now can you describe how he held you, ah, where he had the gun and how did you exit the - the business?

AS: So he grabbed me with his left hand...

PQ: Mm-hm.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: ...onto my left shoulder pulling my hair, scarring or just grazing my chest area and he pushed me with my shirt forward and then I realized that he had the gun on me. And he's like, "I have...

PQ: Could - could you feel it?

AS: Yes.

PQ: Mm-hm.

AS: I could feel it on shoulder.

PQ: Okay.

AS: And he was ushering me forward.

PQ: Mm-hm.

AS: Pushing me with the gun, pulling me from my shirt. And I started to hyperventilate.

PQ: Mm-hm.

AS: And just kind of panic, I was scared. And So I - I saw that there were cops everywhere...

PQ: Mm-hm.

AS: ...and I knew that they had their guns trained on him, but wouldn't shoot while I was there.

VOLUNTARY STATEMENT

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EVENT#: 180903-1848

STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

PQ: So let's go with that. So once he takes you as a hostage and you guys walk out of the store, when, how long do you, um, does it take you to realize that there are police officers out there?

AS: About a half a second.

PQ: A half, okay, so...

AS: I recognized the cars, I saw the lights, I heard...

PQ: Mm-hm.

AS: ...ah, just everything going on. And I heard the cocking of the guns.

PQ: Mm-hm.

AS: Saying they were ready to shoot.

PQ: Mm-hm.

AS: So then he started moving me towards the left or the south side of...

PQ: Okay.

AS: ...the parking lot.

PQ: Mm-hm.

AS: Where there was a white car...

PQ: Mm-hm.

AS: ...with Arizona plates. The only letter I got was E, which was the first one.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

PQ: Okay, um, can you be, ah, can you be a little more descriptive on the, um, the, um, the vehicle, was it a sedan, was it a SUV?

AS: It was a four-door sedan. Um, ah, I - I don't know if it was a Hyundai or a Honda, but it was - it was white and I just remember seeing Arizona plates. I tried my hardest to remember the license plate number, but I just couldn't.

PQ: Was there anybody inside the - the - the car?

AS: The windows were tinted I couldn't see anything inside. I just knew that if I got to that car, it was game over.

PQ: Okay, So now as you got closer to this car, what happened then?

AS: Well, he started to train the gun on the policeman after we passed the pillar, that's in front of the store.

PQ: And then just to clarify, um, did he point the gun at the officers?

AS: Once we passed the pillars, he aimed the gun towards the officers that were in front of us.

PQ: And how many officers do you recall, um, being there?

AS: I don't remember looking at the officers...

PQ: Mm-hm.

AS: ...to count how many, I just know that they were there.

PQ: Okay. And then, um, So ah, where is he, where are you in relations to, um, the suspect, you and the officers?

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: So it was the suspect that was behind me.

PQ: Mm-hm.

AS: The gun was to the left of my face, I could see it...

PQ: Mm-hm.

AS: ...and his hand.

PQ: Mm-hm.

AS: And he was aiming over my shoulder at this point, using me as a shield.

PQ: Okay.

AS: And the cops were in front of me.

PQ: Mm-hm.

AS: And they were behind their truck door...

PQ: Okay.

AS: ...almost using it as a shield in case they had to, um, and he was walking me towards the car.

PQ: Okay and then, um, were the officers yelling commands, were they telling him to stop, or drop the gun or anything like that?

AS: I honestly don't remember beforehand.

PQ: Mm-hm.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: I just remember thinking, I can take this gun. I can take it away from him and if I can get away they can shoot him.

PQ: Was that the position when he was pointing the gun?

AS: It was when he had the gun to the left of my face where his arm was over my shoulder.

PQ: Mm-hm.

AS: And the gun and his hand were clearly visible.

PQ: Okay. Now, can you describe the gun? Was it the same gun he had inside the store?

AS: It is the same gun that he had inside the store, it looked like it was a Glock, which I am familiar with. I have a...

PQ: Okay.

AS: ...Glock 23, gen four that I usually go shooting.

PQ: Mm-hm.

AS: So I was familiar with where the release was, the slide, everything about the gun.

PQ: Okay.

AS: It looked like it was a 9-millimeter.

PQ: Okay. And then So now he's pointing it at the officers, he's using you as a shield and he's walking towards the - towards the white car?

AS: Yes.

PQ: Ah, what happens then?

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: So at that point I start to panic, I'm afraid that if I get into that car that no one will see me again. I'm afraid that he's gonna shoot me or that he's gonna hurt me and I just wanted everyone to be safe. I was petrified. Ah.

PQ: Take your time.

AS: So I knew I had to get the gun away. Ah. I told myself if I get shot, I get shot, but at least they'll shoot him. So I pushed away from him abruptly and with both hands I grabbed the gun and aimed it down, so he wouldn't shoot the officers, 'cause I was scared for them. Ah, I was trying to get to the magazine release so that I could release the - the mag so he wouldn't have any more bullets. 'Cause usually they have about 15 per magazine. And So he started hitting me with his shoulder So I hit him back and he's like, "Let go - let go." And I'm like, "No, stop. Get away, go." And he's like, "No, you don't understand my daughters gonna die." So I managed to get the gun from him, I released the magazine, and I throw it on the ground and I look back at him and he's starting to grab the other gun and I don't know if he was gonna point it at me or the officers, but I ran - I ran back into the store. Ah.

PQ: We'll - we'll stop there right now give you a little break. Um, I appreciate your bravery. Um, So but.

AS: Ah. Go ahead. Ah.

PQ: So when you decided to grab onto that gun, 'cause it's over your shoulder and you can see the gun.

AS: Yes.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

PQ: You grab it, did you grab his arms or the - or the gun with both hands?

AS: I went under his hand.

PQ: Mm-hm.

AS: In between him and the gun trying to force it in.

PQ: Mm-hm.

AS: Or force it down.

PQ: Mm-hm.

AS: So that I could try to get to that release. And I pointed it downwards with my right hand over the slide of the gun and he fired once into the floor.

PQ: Okay, now and then at that point, is when there was the struggle for the gun?

AS: Yes.

PQ: Okay, and eventually you were able to strip the gun from him?

AS: Yes, I took the gun, stripped the magazine from the gun.

PQ: Mm-hm.

AS: I was not able to clear the chamber, but I threw it...

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PQ: Mm-hm.

AS: ...onto the floor.

PQ: Okay and then that's when you ran?

AS: And that's when I ran back into the shop.

PQ: But, ah, you know, let's - let's go back, um, we did miss that part. Um.

AS: Go ahead.

PQ: So the, when you stripped the gun, then you see him going for another gun?

AS: Yes, he had one slung over his shoulder, it looked like a rifle.

PQ: Did he, did you notice that gun inside the store?

AS: Yes.

PQ: Okay, so he had that the, mm-hm.

AS: The Glock, the rifle, the knives.

PQ: Okay. And then that rifle or what you describe as a rifle, can you just can you describe it for me, or what you know or?

AS: From the closest thing I could see it had a very harsh body almost like an AK.

PQ: Mm-hm.

AS: Um, assault rifle. Ah, it had like the holes that are bored over where...

PQ: Mm-hm.

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STATEMENT OF: ADRIANE SERRANO-BOJORQUEZ (AS)

AS: ...the barrel would be. And it was really short, um, so I didn't even know at first if it had a barrel but he went to reach for that and it looked like he got stuck. At one point, after I took the gun from him and threw it onto the floor.

PQ: Okay, so now you strip the gun away from him, and he, you can see that he's going for his rifle.

AS: Another gun. Mm-hm.

PQ: And somewhere between you throwing the gun on the floor, and running, his gun got stuck on his clothing, or do you know whether...

AS: I think it might have been the belt that had the - the knives.

PQ: Okay.

AS: And it was for a split second.

PQ: Mm-hm.

AS: But, once I saw he was going for the other gun, I freaked out and just started running and then I heard the gunshots, just pop, pop, pop in sequential order, just I didn't wanna look back after that, I figured if I can get out of here as long as I don't get shot, I can secure the door.

PQ: Mm-hm.

AS: And make sure that everyone inside the store is safe.

PQ: Okay and then so now, you're free, you run and you get in the store. You - you lock the door?

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AS: Once I get into the store, the doors have hydraulics that sometimes take awhile to close, I pulled it with all my might to...

PQ: Mm-hm.

AS: ...try to get it closed so that I could lock it.

PQ: Mm-hm.

AS: Once I locked the door, one of the someone from inside, I can't recall who was like, "Get away from the windows."

PQ: Mm-hm.

AS: "Get behind the counter, just get - get away from there." So I started hyperventilating and panicking and then my anxiety kicked in and I just started freaking out and crying and I couldn't breathe and everyone was safe and I was just happy that, you know, everyone was okay. I just, I didn't know if they had gotten him or not, so when I saw them release the dogs, I freaked out 'cause I thought they don't release the dogs unless they can't find them or I was worried he would get back into the shop to hurt me, 'cause he saw my face.

PQ: Um, did you get hurt?

AS: I couldn't tell at first.

PQ: Mm-hm.

AS: Um, but once the adrenaline started wearing off my left foot, ah, at this moment and then started hurting really bad. I have a bit of a limp, but I didn't want any medical

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attention, I just wanted it to be over. So I declined the medics and just kind of put up with it.

PQ: Okay, now when he had the visor and just and going back, I'm sorry.

AS: Mm-hm.

PQ: When he had the visor up, did you recognize him or ever see him as a maybe as a customer or an emp- or former employee or?

AS: His eyes looked familiar.

PQ: Mm-hm.

AS: But since I didn't get to see the rest of his face, I - I couldn't tell. Um, but they - they did look familiar.

PQ: So when you were wrestling, um, with him for the gun, ah, and with the top of the slide where it moves forward and back, did your hands get any small injuries or did it get caught on the gun, or?

AS: No, I knew not to grab it from directly over...

PQ: Mm-hm.

AS: ...where the bullet ejects.

PQ: Okay.

AS: Because if not it could have damaged my hand.

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PQ: Mm-hm.

AS: Um, I've pinched myself before during my shootings with my husband.

PQ: Mm-hm.

AS: Or my fiancée, um, and so I knew to keep my hand away from there, but I had to grip the top of the gun to aim it down.

PQ: Okay. You have anything else, um, that I may have forgotten, or any details that can help with the investigation?

AS: Not at this moment, aside from, you know, everything we've talked about. That's pretty much as much as I can remember, in as much detail as possible.

PQ: Did he and I know it was going fast, when he said, "You don't understand my daughters gonna die." Did he say anything else?

AS: No. He just said, "Let go - let go, you don't understand my daughter's gonna die." And I felt bad, but I just I had to get out of there. It - it was either him or me and I have too much to fight for.

PQ: Okay. All right. Operator, that's the end of the interview. Same date, the time is 1631 hours. Thank you.

THIS VOLUNTARY STATEMENT WAS COMPLETED INSIDE AN UNMARKED LVMPD VEHICLE PARKED IN AREA OF 1240 S. RAINBOW BOULEVARD, LAS VEGAS, NV 89146, ON THE 3RD DAY OF SEPTEMBER 2018 AT 1631 HOURS.

**PQ: (NET TRANSCRIPTS)
FIT2018-036
J5814L Reviewed**

Exhibit 2

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
APPLICATION FOR TELEPHONIC SEARCH WARRANT**

Event# 180903-1848

The following is the transcription of the recorded application for telephonic search warrant between Affiant, Detective Joe Patton (JP), and District Court Judge Tierra Jones (TJ).

JP: Uh, Judge Jones, do you understand that this phone call's being recorded?

TJ: I do.

JP: Uh, this is Detective Joe Patton, P# 8289, of the Las Vegas Metropolitan Police Department's Force Investigation Team. I am making an application for a telephonic search warrant pursuant to NRS 179.045 under LVMPD Event# 180903-1848. I am talking to Judge Jones. Uh, the date is September 3, 2018, and the time is approximately 2126 hours.

Uh, your Honor, would you please place me under oath? My right hh...hand is raised.

TJ: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

JP: I do.

TJ: Okay.

JP: As previously stated, my name is Detective Joe Patton, P# 8289. I'm employed by the Las Vegas Metropolitan Police Department and have been so employed for 14 years. I am currently assigned to the Force Investigation Team, and have been so, uh, for the last four years.

Judge, my application is as follows:

**APPLICATION FOR TELEPHONIC SEARCH WARRANT
CONTINUATION**

Event# 180903-1848

On September 3, 2018, I was called out and responded to the SuperPawn located at 1150 S. Rainbow Boulevard, Las Vegas, Clark County, Nevada and arrived at said location at approximately 1400 hours to assume [sic] the responsibility of investigating an officer-involved shooting of officers assigned to the Community Policing Division, Spring Valley Area Command.

FIT detectives and crime scene analysis were requested and have been, uh...responded to conduct the investigation, collect evidence, and document the crime scenes.

There is probable cause to believe that certain property herein, uh, after described will be found inside the following described vehicle, as well as inside the mouth of the suspect, uh, Mario Trejo: The vehicle is a 2015 Hyundai Elantra, white in color, with a VIN number of 5NPDH4AE7FH582587. Uh, it is bearing UT plate, uh, E478WC. The expiration on the plate is March of 2018. Now, the vehicle is cold plated. The plate that is supposed to be on the vehicle is 979E05. That's a NV plate. Uh, the UT plate, uh, returns on a white 2014 Hyundai Sonata, uh, different than the 2015, uh, white Hyundai Elantra. The vehicle's currently located at the LVMPD, uh, CSI Crime Lab, and the suspect, Mario Trejo, is currently located at UMC Trauma, uh, with a gunshot wound.

**APPLICATION FOR TELEPHONIC SEARCH WARRANT
CONTINUATION**

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The property referred to and sought to be seized consists of the following:

1. Paperwork such proof of insurance, DMV registration showing the name(s) and, uh, persons owning or responsible for the vehicle.
2. Cell phones possibly belonging to the suspect, Mario Trejo.
3. A thorough microscopic examination and documentation of the vehicle to discover evidence, to include but not limited to, fingerprints and/or DNA.
4. Epitss...epithelial cells from inside the mouth of Mario Trejo, ID# 2717641, to be collected via buccal swab.

And 5. Firearm related items, to include but not limited to, bullets, bullet fragments, magazines, and holsters.

In support of your Affiant's assertion to consis...uh, constitute the existence of probable cause, the following facts are offered:

On September 3, 2018, at approximately 1400 hours, your Affiant responded to the SuperPawn located at 1150 S. Rainbow Boulevard to investigate an officer-involved shooting. Upon your Affiant's arrival, he learned the following details:

On September 3, 2018, at approximately 1305 hours, the suspect, Mario Trejo, arrived at the SuperPawn located at 1150 S. Rainbow Boulevard in a white Hyundai Elantra bearing UT plate E478WC. Uh, Trejo exited the vehicle and

**APPLICATION FOR TELEPHONIC SEARCH WARRANT
CONTINUATION**

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entered the SuperPawn. Trejo was dressed in dark clothing, wearing a tan gun belt, and a black, full masked motorcycle helmet. Trejo was also armed with a handgun and a rifle.

Upon entering the store, Trejo demanded money from the manager. Trejo took the manager into the back room and had her open one of the two safes, as well as, uh, several cash registers. Trejo took cash and also jewelry from a wall display case. Trejo placed all the stolen property inside of a black backpack.

Just prior to exiting the store Trejo observed cops had arrived outside. Trejo grabbed the store manager and forced her out of the store against her will at gunpoint. As Trejo walked her toward the white Hyundai, the manager grabbed Trejo's gun and tried to get it away from him.

As the struggle for the gun occurred, Trejo discharged one round into the ground and let go of the gun. The manager ran back towards the store as officers gave Trejo verbal commands. Still armed with a rifle, Trejo ignored the officers' commands and approached his vehicle. Officers, uh, opened fired on Trejo, striking him once in the chest. Trejo was later taken into custody with the assistance of LVMPD K-9. As officers fired at Trejo, one officer fired three rounds into the white Hyundai, causing damage.

**APPLICATION FOR TELEPHONIC SEARCH WARRANT
CONTINUATION**

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Uh, through my training and experience I have learned that an examination of the crime scene and recovering of the above described property is necessary in providing the circumstances involved, uh, related to the officer-involved shooting, as well as the armed robbery and armed kidnapping, uh, to circumstantially identify the perpetrator(s) of the crime, and the overall, um, idea of what occurred during the incident.

A thorough forensic examination of the vehicle is necessary in order to establish, uh, location of officers' rounds, as well as other possible evidence related to the crime. This search may involve the damaging or removal of items such as carpeting, wallboard, um, or other interior or exterior surfaces of the vehicle.

Uh, your Affiant requests the collection of any cell phones, also referred to as electronic storage devices, uh, in the possession of or belonging to Mario, uh, Trejo, which when examined could show recent communications, to include text messages, phone calls or photographs, audio or video recordings, and could potentially disclose, um, any, uh, relationships and/or involvements in the crimes, uh, or premeditation in the crime being investigated.

Your Affiant believes that collection of epithelial cells, uh, via a buccal swab, sought to be obtained would, when submitted to a laboratory, um, disclose the presence of evidence tending to demonstrate or eliminate the described person's

**APPLICATION FOR TELEPHONIC SEARCH WARRANT
CONTINUATION**

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involvement in the criminal offenses of armed robbery and armed kidnapping. In the event Trejo refuses to cooperate with the collection of the sample, the use of reasonable force is authorized to the extent necessary to obtain these samples.

Now, the evidence of dominion and control, uh, as described is necessary in establishing the dominion and control over the vehicle, um, and often assists in identifying the perpetrator and/or owner of the vehicle. Uh, such evidence is normally left or maintained upon or within the vehicle.

Uh, nighttime service is necessary because my training and experience indicates that trace evidence is often small, sometimes invisible to the eye, and is easily eliminated by environmental changes. The investigation, uh, being conducted is currently within the hours between 7:00 PM and 7:00 AM, and therefore the nighttime service is being requested. The vehicle, uh, to be searched is currently unoccupied and secured by LVMPD personnel at the LVMPD Crime Lab, uh, during the nighttime service, uh, hours. There is no one that would be annoyed by the nighttime service of the search warrant.

Wherefore, your Affiant requests that the search warrant, uh, be issued directed the search for and seizure of the aforementioned items at the location, uh, set forth herein, executing this warrant any time during the day or night...uh, excu...uh, bb...anytime...excuse me during the day or night.

**APPLICATION FOR TELEPHONIC SEARCH WARRANT
CONTINUATION**

Event# 180903-1848

That will end the probable cause section, your Honor.

Uh, Judge, do you find that probable cause exists for the issuance of the search warrant?

TJ: I do.

JP: Do you authorized a nighttime search clause?

TJ: I do.

JP: And do I have permission to sign your name to both the duplicate original search warrants?

TJ: Yes.

JP: Okay. Your Honor, one duplicate original will remain with me and the, uh, search warrant packet, and the other copy of the duplicate original will be left, uh, inside the vehicle, as well as in the property of the suspect, Trejo.

For the record, I am now signing your name, your Honor, to the duplicate original search warrant, with the time being 2135 hours.

Uh, Judge Jones, this will end our conversation and conclude the recording, again at 2135 hours, on the 3rd day of September 2018. Thank you so much for your time, ma'am.

**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.

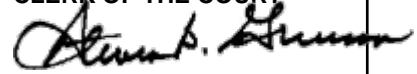
Detective Joe Patton, P# 8289

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



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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 FOURTH 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:

ALSUP, T. – LVMPD P#5782

ANDIINO, GIOVANNI – 3539 DUSTY CHAP CT., N. LAS VEGAS, NV

BALGAME, JEDDAH – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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

COLON, M. – LVMPD P#7585

1 CORNELL, L. – LVMPD P#13576
2 CUSTODIAN OF RECORDS - CCDC
3 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS
4 CUSTODIAN OF RECORDS - LVMPD RECORDS
5 CUSTODIAN OF RECORDS – SUPER PAWN SURVEILLANCE, 1150 S.
6 RAINBOW BLVD., LAS VEGAS, NV
7 FARRINGTON, B. – LVMPD P#14808
8 FULWILER, M. – LVMPD P#13663
9 GALE, MALCOLM – 4954 ROYAL AVE., LAS VEGAS, NV
10 GALLEGO, HUGO - UNKNOWN ADDRESS
11 GRAHAM, K. – LVMPD P#16630
12 HINER, TIM – REGIONAL INVESTIGATOR FOR SUPER PAWN – 1150 S.
13 RAINBOW BLVD., LVN
14 HOWARD, MELANI – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS,
15 NV
16 INCERRA, JENNIFER – 4111 N. RANCHO DR., LAS VEGAS, NV
17 JAQUEZ, IVAN – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS, NV
18 LEAVITT, J. – LVMPD P#5814
19 LEDOGAR, J. – LVMPD P#7411
20 LEE, C. – LVMPD P#10048
21 LEVASSEUR, B. – LVMPD P#14163
22 LINGO, EMILY – 6541 ALTA DR., LAS VEGAS, NV
23 LOEFFLER, M. – LVMPD P#9247
24 MALDONADO, J. – LVMPD P#6920
25 MELVIN, DWAYNE – 2177 WILBANKS CIR., HENDERSON, NV
26 MENDOZA, S. – LVMPD P#6878
27 MONGEAU, MATTHEW – 5424 LONGRIDGE AVE., LAS VEGAS, NV
28 MONTOBAN, NATACHA – 2177 WILBANKS CIR., HENDERSON, NV

1 NELSON, J. – LVMPD P#6825
2 PAINE, T. – LVMPD P#14793
3 PANDULLO, T. – LVMPD P#7884
4 PATTON, J. – LVMPD P#8289
5 PENNY, B. – LVMPD P#6042
6 RAFALOVICH, MARCO – DA INVESTIGATOR
7 QUINTEROS, P. – LVMPD P#9055
8 RAFFERTY, R. – LVMPD P#8919
9 RECK, CARLA – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS, NV
10 RIVERA-SANDOVAL, JONATHAN – c/o CCDA-VWAC, 200 LEWIS AVE., LVN
11 SALDANA, JULILANA – SUPERPAWN, 1150 S. RAINBOW BLVD., LAS VEGAS,
12 NV
13 SERRANO-BOJORQUEZ, ADRIANE – c/o CCDA-VWAC, 200 LEWIS AVE.,
14 LVN
15 SMITH, J. – LVMPD P#8177
16 SMITH, K. – LVMPD P#16897
17 TAPAY, G. – LVMPD P#15709
18 THOMAS, K. – LVMPD P#13574
19 UBBENS, A. – LVMPD P#13119
20 VANBUSKIRK, D. – LVMPD P#17017
21 VILLAFANE, M. – LVMPD P#17009
22 WOOLARD, B. – LVMPD P#7558

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

25 **DAVIDOVIC, M. – LVMPD P#14726** (or designee): will testify as an expert in the
26 science and technology underlying DNA testing, the processes and procedures performed in
27 DNA testing, the examinations done on any and all evidence in this case, the results of such
28 testing, and reports prepared in this regard.

1 **DAVIS, GLENN – LVMPD P#17031** (or designee): FIREARMS/TOOLMARK
2 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
3 expected to testify thereto, including, but not limited to, the forensic science underlying
4 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
5 microscopic comparison tools, technology, and findings, National Integrated Ballistic
6 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
7 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
8 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
9 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
10 homemade) examination, serial number restoration, and firearms modification or homemade
11 firearms examination).

12 **GROVEMAN, LEAH – LVMPD P#15822** (or designee): will testify as an expert in
13 the science and technology underlying DNA testing, the processes and procedures performed
14 in DNA testing, the examinations done on any and all evidence in this case, the results of such
15 testing, and reports prepared in this regard.

16 **JONES, BARRY – LVMPD P#9679** (or designee): Is a Digital Investigator with the
17 Las Vegas Metropolitan Police Department Digital Forensics Lab and is an expert in the field
18 of digital forensic analysis, which includes the collection of electronic and digital devices, the
19 download of information, it's interpretation, and preservation from all forms of electronic
20 devices, including but not limited to computers and cellular phones, and is expected to testify
21 thereto.

22 **KRJEU, ANDREW – LVMPD #9336** (or designee): Is a Digital Investigator with the
23 Las Vegas Metropolitan Police Department Digital Forensics Lab and is an expert in the field
24 of digital forensic analysis, which includes the collection of electronic and digital devices, the
25 download of information, it's interpretation, and preservation from all forms of electronic
26 devices, including but not limited to computers and cellular phones, and is expected to testify
27 thereto.

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

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

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

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

10 STEVEN B. WOLFSON
11 DISTRICT ATTORNEY
12 Nevada Bar #001565

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

17 CERTIFICATE OF ELECTRONIC MAIL & REGULAR MAIL

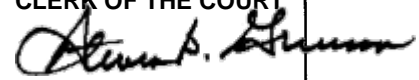
18 I hereby certify that service of the foregoing, was made this 5th day of April, 2022, by
19 Electronic Mail and by U.S. MAIL, postage pre-paid to:

20 MARIO TREJO, #2717641
21 CCDC
22 330 CASINO CENTER BLVD.
23 LAS VEGAS, NV

24 dsdcourtservices@lvmpd.com

25 /s/ **E. Del Padre**
26 Secretary for the District Attorney's Office

27
28 ed/GU



DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
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. XXIV

DATE: April 11, 2022
TIME: 8:30 AM

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE
(See Attached)

Eight Judicial District Court
Clark County

The State of Nevada
Plaintiff

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

vs.

Dept. No.: 24

Mario B. Trejo #2717641
Defendant, pro-se

Motion to suppress evidence

Comes now Mario Trejo, Defendant in pro-se, respectfully moving this honorable court with this motion to suppress evidence, pursuant to Jackson v. Denno the defense raises the rightfully due challenge to the voluntariness and admissibility of statements made on Sept. 3rd, 2018 at 4:39 P.M. and Sept. 6th, 2018 at 3:15 pm. along with a note collected by detectives Clark and Rafferty on Sept. 6th 2018. This challenge comes supported by new evidence hereby introduced in the form of medical records which prove that defendant, from Sept. 3rd, 2018 at 2:48 pm. until Sept. 10th, 2018 was under the "Legal 2000" hold which by law strips a patient of their rights to make decisions, legal or medical, including the waiver of miranda rights.

The following are the points, authorities, facts and exhibits supporting this motion and factors that satisfy defendants burden of proof.

Points and Authorities:

• Jackson V. Denno. 378 U.S. 368, 84 S.Ct. 1774 (1964) Before an accused statements are brought before a jury, if the voluntariness of a confession has been raised as an issue, there must be a hearing, at this hearing the court must hear evidence regarding statements told to police and the circumstances under which the defendant made the statements.

• In accordance with Grimaldi V. State, 90 Nev. 89, 518 P.2d 615 (1974) the defendant hereby request the Jackson V. Denno hearing.

• Mincey V. Arizona, 437 U.S. 385, 98 S.Ct. 2408 (1978) if the courts find the statement was involuntary, it ceases to exist legally and cannot be used for any purpose, in addition • Franklin V. State. 96 Nev. 417, 421, 610 P.2d 732, 734-35 (1980) states that in order for it to be considered voluntary, a confession must be the product of freewill and rational intellect.

• Colorado V. Connelly. 479 U.S. 157, 167, 107 S.Ct. 274, 280 (1986) coercive police conduct is a "necessary predicate" to a finding that a

1 defendant's statement is involuntary such
2 that its admission violates the defendant's
3 due process rights.

4 Argument: fact and proof of claim.

5 Exhibit 1 is pages 3, 7 and 8 of medical
6 records produced Sept. 3rd, 2018 at 2:48 pm
7 Page 3 indicates that on that day defendant
8 was combative to the point of needing to be
9 restrained in addition to refusing medical attention
10 which at the time was necessary to save his life.
11 A sure sign of mental instability and irrational
12 thought, the surgeon had to order the patient a
13 "Legal 2000" hold in order to begin the medical
14 emergency procedure which defendant refused yet
15 needed to live. For the procedure to take place
16 defendant had to be restrained by several nurses
17 and officers. Exhibit 1 states defendant was
18 positive for suicidal ideation/ideas and that
19 "psych" was contacted for further assessment, at
20 this point defendant was under "Legal 2000"
21 hold.

22 Exhibit 2 is page 18 of defendant's medical
23 records, produced Sept. 4th 2018 by psychiatry
24 team at UMC hospital diagnosing patient
25 patient with "unspecified depressive disorder"
26 and suspicion of anti-social personality disorder
27 In the plan outline it states "Legal 2000; yes,
28 continue for now, will re-evaluate"

1 this document proves that defendant was
2 already on and at that point continued on the
3 "Legal 2000" hold.

4 Exhibit 3 is page 23 of defendant's medical
5 records, produced on Sept. 10th, 2018 at
6 1:27 p.m. by the UMC psychiatry team
7 which states that defendant is "27 year old
8 male... here on an L2K (Legal 2000)" after
9 endorsing same SI (suicidal ideation)."
10 the plan outline states that defendant
11 was discontinued from the "Legal 2000" hold
12 on Sept 10th, 2018

13 These Exhibits show that:

14 1) defendant was under a "Legal 2000"
15 hold from Sept. 3rd, 2018 at 2:48 p.m. until
16 Sept 10th, 2018 at 3:18 p.m.

17 2) that defendant was not of rational
18 intellect during this "Legal 2000" hold and
19 had to be stripped of his right to make
20 decisions.

21 Being that statements to police were made
22 within the timeframe the "Legal 2000" hold was
23 in place, any waiver of miranda rights was
24 not legal and therefore making any alleged
25 confessions or statements involuntary because
26 at that time defendant was not of a sound
27 and rational mind.

28 The state will argue that detective patton

1 was given "medical clearance", however the
2 heart of this matter is not the defendants
3 medical status ~~to~~ but his psychological state
4 during his interviews.

5 During Detective Patton's interview on page 27
6 the defendant asks Patton for painkillers
7 on page 8. the defendant seems confused
8 and states he doesn't know what he was
9 just talking about.

10 This is obviously someone not mentally stable
11 under a protocol meant to protect them
12 from self-harm, legal or physical.

13 During statement recorded on Sept. 6th,
14 2018 by Detectives Clark and Rafferty,
15 defendant is confused by details of his life
16 such as the place he was shot in 2017, the
17 motorcycle he owned and who his landlord ~~is~~
18 was at the time. During interview defendant
19 even complains he can't remember because of
20 the drugs, all indicators to the defendants psy-
21 chological state, in addition to being under a
22 "Legal 2000" there is coercive behavior on the
23 behalf of detectives whom actually gave defendant
24 information while questioning him prior to
25 recording statement or reading his miranda rights
26 This is shown on page 6 when detectives ask
27 about a shotgun that allegedly was at defendant's
28 home, something defendant did not mention

1 prior to that in the recording, but was
2 allegedly suggested or stated off record, lastly
3 defendant does not recall a lot from this
4 interview much less it being recorded.

5
6 The state will probably argue that the
7 defendant was suicidal due to arrest and the
8 alleged circumstances and that because of this
9 the statements should be admitted at trial.

10 The defense presents Exhibit 4 which
11 are excerpts from a Cellebrite report
12 introduced by the state as evidence, showing
13 an argument between defendant and his spouse
14 hours prior to arrest. In this exchange allegedly
15 when texting his wife states "Text me again
16 and i will shoot myself" then after wife
17 returns text "Alright, then you want me dead."
18 This shows mental instability and irrational
19 thought prior to arrest and discredits this
20 desperate type of argument from state.

21 Conclusion:

22 These are the standing facts:

23
24 • Defendant was on a "Legal 2000" hold
25 from Sept. 3rd, 2018 at 2:48pm until
26 Sept. 10th, 2018 at 3:18pm

27
28 • The alleged confessions were produced

1 Within the time frame the "Legal 2000"
2 was in effect

3
4 • "Legal 2000" hold strips patients of rights
5 to make decisions both legal or medical
6 because of mental instability and to
7 protect patients from any self-harm, medical
8 legal or otherwise.

9
10 • While under the "Legal 2000" hold the
11 defendant cannot legally waive miranda
12 rights

13
14 • For a confession to be voluntary it
15 must from freewill and rational intellect
16 in accordance with Franklin v. State, which
17 someone under a "Legal 2000" hold is not.

18
19 • When detectives Clark and Rafferty made
20 initial contact with defendant they did not
21 read miranda rights, asked questions and
22 revealed info regarding an ongoing investigation
23 prior to beginning their recording and
24 the miranda waiver which is either way
25 not legally admissable due to the "Legal 2000"
26 hold in place at time.

27
28 • Evidence shows defendant was not of

1 rational intellect or mentally stable
2 prior or after arrest.

3
4 In accordance with the supreme courts rulings
5 the defendant meets the burden of proof
6 necessary to rule all alleged confessions
7 involuntary and inadmissible at trial

8 The defendant prays that this court finds
9 The evidence presented sufficient to satisfy
10 said burden so that all evidence in question
11 may be suppressed. If need be defendant
12 request respectfully that a Jackson V. Denno
13 hearing be set in order to lay this matter
14 to rest.

15 finally the defense request that this hearing
16 may be had at calendar call or prior to
17 trial.

18 The defendant thanks this honorable Judge
19 and her court for their time, consideration
20 and Audience

21 Dated March 30th of 2022

22
23
24 Signed: Mario B Trejo
25 Defendant, pro-se

26 

Exhibit 1



UMC Hospital
1800 W. Charleston Blvd.
Las Vegas NV 89102

Trejo, Mario
MRN: 0001594017, DOB: 12/2/1990, Sex: M
Adm: 9/3/2018, D/C: 9/11/2018

H&P by Elizabeth Sodomini, MD at 9/3/2018 2:48 PM (continued)

Level of Care: Full

Prior to Arrival:

Was combative, restrained and inducing desire to die

History:

The patient is a^[ES 1] 25 y.o.^[ES 2] year old Male who was involved in a robbery and altercation at which point he sustained a gun shot wound to the medial chest. He additionally suffered a dog bite to the left posterior thigh. He endorses prior gun shot wound 10 months ago which was managed with a chest tube and esophageal stent and no endorses desire to die. He states that he "lost everything" and "does not want to be resuscitated". He denies loss of consciousness.

Past Medical History

DM

Medications

Insulin

Allergies

Denies

Past Surgical History

Chest tube and esophageal stent for prior GSW 10 months ago

Social History

Denies smoking, en^[ES 1] dorses occasional EtOH, denies illegal drug use

Review of Systems

HENT: Negative for hoarse voice, sore throat and stridor.

Cardiovascular: Positive for chest pain. Negative for leg swelling and palpitations.

Respiratory: Positive for shortness of breath. Negative for cough.

Musculoskeletal: Negative for neck pain and stiffness.

Gastrointestinal: Negative for abdominal pain, bowel incontinence and heartburn.

Genitourinary: Negative for bladder incontinence, dysuria and frequency.

Neurological: Negative for brief paralysis, focal weakness, headaches and seizures.

Psychiatric/Behavioral: Positive for depression and suicidal ideas. Negative for altered mental status.^[ES 3]

Primary Survey

Airway:^[ES 1] Patent^[ES 3]

Breathing:^[ES 1] Clear Lungs

Symmetric chest rise^[ES 3]

Circulation:

Pulses: ^[ES 1] 2+ and symmetric^[ES 3]

Disability: GCS:^[ES 1] 15^[ES 3]

Eye:^[ES 1] 4^[ES 3] // Verbal:^[ES 1] 5^[ES 3] // Motor:^[ES 1] 6^[ES 3]

Exposure:^[ES 1] All clothing removed and surfaces examined^[ES 3]

Secondary Survey / Physical Exam

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Page 3



UMC Hospital
1800 W. Charleston Blvd.
Las Vegas NV 89102

Trejo, Mario
MRN: 0001594017, DOB: 12/2/1990, Sex: M
Adm: 9/3/2018, D/C: 9/11/2018

H&P by Elizabeth Sodomini, MD at 9/3/2018 2:48 PM (continued)

Final Result

IMPRESSION:

1. Interval placement of right-sided chest tube. There is tiny right apical pneumothorax which is estimated at less than 5%.

2. Decreased right-sided pleural effusion with improving aeration within the right lower lobe. Persistent right middle lobe pulmonary opacity.

XR Abdomen 1 view portable

Final Result

IMPRESSION:

Nonobstructive bowel gas pattern. No radiopaque foreign body seen.

CT Abdomen and Pelvis with IV contrast only (Results Pending)

XR Femur Left Complete (minimum 2 views) (Results Pending)

Echo Routine (Results Pending) [ES.2]

Interventions required: [ES.1]

chest tube right chest [ES.3]

Consultants:

Service:	Attending:	Recs/Notes
Cardiology		
Cardiovasc/Thoracic Sx		
Hand		
Neurology		
Neurosurgery		
OMFS		
Ophtho		
Orthopedics		
Otolaryngology		
Pediatric Surgery		
Plastics/Reconstructive Sx		
Replant		
Spine		
Urology		

Assessment/Plan (Problem list and management)

The patient is a [ES.1] 25 y.o. male [ES.2] s/p [ES.1] GSW to chest and dog bite to left leg [ES.3] who suffers the following traumatic injuries: [ES.1]

1. Bullet wound to sternum and ribs with disruption of the costochondral junction

Generated on 10/8/18 11:00 AM

Page 7



UMC Hospital
1800 W. Charleston Blvd.
Las Vegas NV 89102

Trejo, Mario
MRN: 0001594017, DOB: 12/2/1990, Sex: M
Adm: 9/3/2018, D/C: 9/11/2018

H&P by Elizabeth Sodomini, MD at 9/3/2018 2:48 PM (continued)

2. Right hemopneumothorax s/p right chest tube placement
 - Chest tube to water seal
 - Chest tube management
3. Right middle lobe pulmonary contusion and hemorrhage
 - Incentive spirometer, encourage deep breathing
4. Hepatic injury with intraparenchymal hematoma and contusion and gas bubbles throughout right and left lobe in mid upper liver with small free intraperitoneal air
 - Monitor abdominal exam
 - Monitor LFTs
5. Dog bite to left posterior thigh s/p wash out
 - Monitor for signs of infection
 - Augmentin^[ES.3]
6. Suicidal ideation
 - Called psych and left message^[ES.4]
7. Disposition: Admit to trauma ICU^[ES.3]

Resident:^[ES.1] SODOMINI, ELIZABETH, MD^[ES.2]

To reach the trauma surgery team please page 381-0155.

On Tuesdays between 0800 and 1200 please contact the attending provider directly^[ES.1]

Attribution Key

- ES.1 - Elizabeth Sodomini, MD on 9/3/2018 2:48 PM
- ES.2 - Elizabeth Sodomini, MD on 9/3/2018 2:49 PM
- ES.3 - Elizabeth Sodomini, MD on 9/3/2018 3:09 PM
- ES.4 - Elizabeth Sodomini, MD on 9/3/2018 3:43 PM

ED Notes by Jason Mc Kinney, RN at 9/3/2018 4:50 PM

Author: Jason Mc Kinney, RN	Service: (none)	Author Type: Registered Nurse
Filed: 9/3/2018 5:02 PM	Date of Service: 9/3/2018 4:50 PM	Status: Signed
Editor: Jason Mc Kinney, RN (Registered Nurse)		

Wound care: Cleaned and dressed pt's dog bite wound . Irrigated with 250 ml NS and betadine. Dr Sodomini applied kerlix dressing. Dr Sodomini also repositioned pt's left chest tube and a new dressing was applied. GSW wound to the chest was cleaned and a gauze dressing was applied. Pt given bedbath and clean bedding. Placed in hospital gown.^[JM.1]

Attribution Key

- JM.1 - Jason Mc Kinney, RN on 9/3/2018 4:50 PM

Consults by Ryan D Hafen, MD at 9/3/2018 5:47 PM

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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
--	--

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