

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Respondent.

Docket 84724 Document 2023-04833

**INDEX**  
**MARIO BLADIMIR TREJO**  
**Case No. 84724**

**PAGE NO.**

Defendant's Motion for Setting of Reasonable Bail with House Arrest Based on the Changed Circumstances Brought About by the COVID-19 Crisis filed 03/31/20 Date of Hrg: 04//06/20.....	90-100
Defendant's Motion to Suppress Evidence filed 04/06/22 Date of Hrg: 04/11/22.....	738-758
Defendant's Response to State's Motion to Preclude Irrelevant Argument filed 04/13/22 Date of Hrg: 04/11/22.....	831-838
District Court Minutes from 10/04/18 through 06/15/22 .....	909-958
Indictment filed 10/04/18 .....	1-6
Indictment Warrant filed 10/04/18 .....	7-8
Indictment Warrant Return filed 10/05/18 .....	9-13
Instructions to the Jury filed 05/03/22.....	845-885
Judgment of Conviction (Plea of Guilty) filed 06/16/22.....	898-903
Jury List filed 04/21/22.....	844
Jury List filed 05/04/22.....	886
Media Request and Order Allowing Camera Access filed 10/10/18.....	14-15
Motion for Medical O.R. or to set Reasonable Bail (Pro Se) filed 04/20/21 Date of Hrg: 04/26/21 .....	130-150
Motion for Pro Per In-Court Disability Adjustment filed 09/23/21 .....	243-247
Motion for Setting of Reasonable Bail filed 11/28/18 Date of Hrg: 12/05/18.....	16-23
Motion for Setting of Reasonable Bail with Electronic Monitoring filed 01/14/19 Date of Hrg: 01/23/19.....	24-29
Motion to Appeal Decision on May 10 <sup>th</sup> , 2021 filed 06/17/21.....	185-224
Motion to Appeal to the Jan. 3 <sup>rd</sup> 2022 Decision on Dismissal of Case filed 01/21/22.....	490-536
Motion to Dismiss Case/Prosecutorial Misconduct and Perjury filed 12/13/22 Date of Hrg: 01/03/22.....	432-449
Motion to Dismiss Counsel filed 03/02/21 Date of Hrg: 03/24/21 .....	117-120

1	Motion to Dismiss Standby Counsel filed 09/23/21	
2	Date of Hrg: 10/18/21 .....	240-242
3	Motion to Dismiss State’s Motion of Opposition filed 05/11/21	
4	Date of Hrg: 06/02/21 .....	178-184
5	Motion to Suppress Digital Evidence filed 05/06/21	
6	Date of Hrg: 06/02/21 .....	171-177
7	Motion to Suppress Evidence filed 03/01/22 .....	538-549
8	Motion to Suppress Witness Testimony/Impeachment of Witnesses filed 11/19/21	
9	Date of Hrg: 12/13/21 .....	258-269
10	Motion to Withdraw as Attorney of Record filed 03/15/21	
11	Date of Hrg: 03/24/21 .....	121-128
12	Notice of Appeal filed 05/12/22 .....	892-894
13	Notice of Appeal filed 06/28/22 .....	904-908
14	Notice of Hearing filed 10/01/19.....	80
15	Notice of Hearing filed 04/01/20.....	101
16	Notice of Hearing filed 03/15/21 .....	129
17	Notice of Hearing filed 03/31/22.....	684
18	Notice of Hearing filed 04/07/22.....	159
19	Notice of Rescheduling Hearing filed 01/12/22 .....	487-489
20	Notice of Vacated Hearing filed 04/07/22.....	760-761
21	Order Denying Defendant’s Motion to Dismiss Case/Prosecutorial Misconduct and Perjury filed 01/04/22	
22	Date of Hrg: 01/03/22 .....	481-483
23	Order Denying Defendant’s Motion to Suppress Witness Testimony/Impeachment of Witnesses filed 01/04/22	
24	Date of Hrg: 12/13/21 .....	484-486
25	Order Denying Defendant’s Motion to Suppress Evidence filed 03/29/22	
26	Date of Hrg: 03/23/22.....	667-669
27	Order Denying Defendant’s Motion to Suppress Evidence filed 06/09/22	
28	Date of Hrg: 04/18/22.....	895-897
	Order Granting Defendant’s Expenditure Request for Expenditure Allowance filed 04/15/22.....	839-841
	Order to File Ex Parte Application for Order Under Seal filed 06/17/20.....	115
	Order to File Ex Parte Order under Seal filed 06/17/20 .....	116

1	Order to Show Cause: Contempt filed 04/19/22 .....	842-843
2	Pre-Trial Motion to Suppress Evidence filed 03/18/22 .....	652-662
3	Receipt of Copy filed 07/08/21 .....	225
4	Receipt of Copy filed 08/05/21 .....	226
5	Receipt of Copy filed 10/19/21 .....	253
6	Receipt of Copy filed 02/03/21 .....	537
7	State's Fourth Supplemental Notice of Witnesses and/or Expert Witnesses filed 04/05/22 .....	733-738
8		
9	State's Notice of Exhibits for Opposition to Defendant's Fifth Motion for Own Recognizance Release filed 04/22/21 Date of Hrg: 04/22/21 .....	170
10		
11	State's Notice of Exhibits for Opposition to Defendant's Motion to Suppress Evidence filed 03/07/22 .....	622-627
12	State's Notice of Expert Witnesses filed 03/06/19 .....	30-38
13	State's Notice of Motion and Motion in Limine to Preclude Defendant from Making Irrelevant Arguments filed 03/30/22 .....	670-683
14		
15	State's Notice of Motion and Motion to Admit Audiovisual Testimony at Trial on an Order Shortening Time filed 03/16/22 Date of Hrg: 03/21/22 .....	641-651
16		
17	State's Opposition to Defendant's Fifth Motion for Own Recognizance Release filed 04/22/21 Date of Hrg: 04/26/21 .....	151-169
18		
19	State's Opposition to Defendant's Motion for Setting of Reasonable Bail with House Arrest filed 04/02/20 Date of Hrg: 04/06/20 .....	102-114
20		
21	State's Opposition to Defendant's Motion to Suppress filed 04/01/22 Date of Hrg: 04/11/22 .....	685-732
22	State's Opposition to Defendant's Motion to Suppress Evidence filed 03/07/22 Date of Hrg: 03/23/22 .....	556-621
23		
24	State's Opposition to Defendant's Motion to Suppress Evidence filed 04/07/22 Date of Hrg: 04/27/22 .....	762-830
25	State's Opposition to Defendant's Supplemental Motion for Setting Reasonable Bail with House Arrest filed 10/07/19 Date of Hrg: 10/09/19 .....	81-89
26		
27	State's Response to Defendant's Motion to Dismiss Case/Prosecutorial Misconduct and Perjury filed 12/21/21 Date of Hrg: 01/03/21 .....	450-480
28		

1	State's Response to Defendant's Motion to Suppress Witness Testimony/Impeachment of Witnesses filed 12/02/21	
2	Date of Hrg: 12/13/21 .....	270-431
3	State's Second Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/07/21 .....	248-252
4	State's Supplemental Notice of Expert Witnesses filed 09/15/21 .....	227-239
5	State's Third Supplemental Notice of Witnesses and/or Expert Witnesses filed 03/15/22 .....	628-640
6	Supplemental Motion for Setting Reasonable Bail with House Arrest filed 10/01/19 Date of Hrg: 10/09/19 .....	40-79
7	Supreme Court Judgment filed 10/21/21 .....	254-257
8	Supreme Court Judgment filed 03/23/22 .....	663-666
9	Verdict filed 05/04/22 .....	887-891
10	Widdis/Expenditure Allowance Motion filed 03/01/21 Date of Hrg: 03/23/21 .....	550-555
11		
12		
13		

### **TRANSCRIPTS**

14	Recorder's Transcript <b>Jury Trial Day 1</b> Date of Hrg: 04/18/22 .....	1285-1452
15	Recorder's Transcript <b>Jury Trial Day 2</b> Date of Hrg: 04/19/22 .....	1453-1688
16	Recorder's Transcript <b>Jury Trial Day 3</b> Date of Hrg: 04/20/22 .....	1689-1925
17	Recorder's Transcript <b>Jury Trial Day 4</b> Date of Hrg: 04/21/22 .....	1926-2036
18	Recorder's Transcript <b>Jury Trial Day 5</b> Date of Hrg: 04/22/22 .....	2037-2234
19	Recorder's Transcript <b>Jury Trial Day 6</b> Date of Hrg: 04/25/22 .....	2235-2345
20	Recorder's Transcript <b>Jury Trial Day 7</b> Date of Hrg: 04/26/22 .....	2346-2502
21		
22		
23		
24		
25		
26		
27		
28		

1	Recorder's Transcript <b>Jury Trial Day 8</b>	
2	Date of Hrg: 04/27/22.....	2503-2611
3	Recorder's Transcript <b>Jury Trial Day 9</b>	
4	Date of Hrg: 04/28/22.....	2612-2771
5	Recorder's Transcript <b>Jury Trial Day 10</b>	
6	Date of Hrg: 04/29/22.....	2772-2918
7	Recorder's Transcript <b>Jury Trial Day 11</b>	
8	Date of Hrg: 05/02/22.....	2919-3029
9	Recorder's Transcript <b>Jury Trial Day 12</b>	
10	Date of Hrg: 05/03/22.....	3030-3142
11	Recorder's Transcript <b>Jury Trial Day 13</b>	
12	Date of Hrg: 05/04/22.....	3143-3170
13	Recorder's Transcript All Pending Motions	
14	Date of Hrg: 03/23/22.....	1256-1263
15	Recorder's Transcript All Pending Motions	
16	Date of Hrg: 04/11/22.....	1264-1268
17	Recorder's Transcript All Pending Motions	
18	Date of Hrg: 04/18/22.....	1272-1284
19	Recorder's Transcript Calendar Call	
20	Date of Hrg: 01/20/21.....	1100-1102
21	Recorder's Transcript Calendar Call	
22	Date of Hrg: 05/17/21.....	1168-1170
23	Recorder's Transcript Calendar Call	
24	Date of Hrg: 01/12/22.....	1192-1196
25	Recorder's Transcript Calendar Call	
26	Date of Hrg: 01/19/22.....	1197-1202
27	Recorder's Transcript Central Calendar Call	
28	Date of Hrg: 04/13/22.....	1269-1271

1	Recorder's Transcript Defendant's Motion for Setting of Reasonable Bail with Electronic Monitoring	
2	Date of Hrg: 01/23/19 .....	1097-1099
3	Recorder's Transcript Evidentiary Hearing	
4	Date of Hrg: 02/03/22 .....	1203-1233
5	Recorder's Transcript Evidentiary Hearing	
6	Date of Hrg: 02/04/22 .....	1234-1247
7	Recorder's Transcript Motion for Medical or to Set Reasonable Bail	
8	Date of Hrg: 04/26/21 .....	1140-1142
9	Recorder's Transcript Motion for Medical or to Set Reasonable Bail	
10	Date of Hrg: 04/28/21 .....	1143-1147
11	Recorder's Transcript Motion for Medical or to Set Reasonable Bail	
12	Date of Hrg: 05/05/21 .....	1148-1150
13	Recorder's Transcript Motion for Medical or to Set Reasonable Bail	
14	Date of Hrg: 05/10/21 .....	1151-1167
15	Recorder's Transcript Motion to Dismiss Counsel	
16	Date of Hrg: 03/24/21 .....	1103-1108
17	Recorder's Transcript Motion to Dismiss Standby Counsel; Motion for Proper in Court Disability; Calendar Call	
18	Date of Hrg: 10/11/21 .....	1174-1179
19	Recorder's Transcript Motion to Dismiss State's Motion of Opposition	
20	Date of Hrg: 06/02/21 .....	1171-1173
21	Recorder's Transcript Motion to Dismiss the Case for Prosecutorial Misconduct and Perjury	
22	Date of Hrg: 01/03/22 .....	1187-1191
23	Recorder's Transcript Motion to Suppress Witness Testimony/Impeachment	
24	Date of Hrg: 12/13/21 .....	1180-1186
25	Recorder's Transcript Motion to Withdraw as Counsel	
26	Date of Hrg: 03/31/21 .....	1109-1139
27	Recorder's Transcript Order to Show Cause	
28	Date of Hrg: 05/10/22 .....	3171-3173

1	Recorder's Transcript	
	Sentencing	
2	Date of Hrg: 06/15/22.....	3174-3197
3	Recorder's Transcript	
	State's Motion to Admit Audiovisual Testimony at Trial on OST; Calendar Call	
4	Date of Hrg: 03/21/22.....	1248-1255
5	Reporter's Transcript	
	Preliminary Hearing	
6	Date of Hrg: 10/03/18.....	959-1096
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
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26		
27		
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1 I'm sorry. Mr. Schwartzer, you should be going first. I'm  
2 losing my mind so, Mr. Schwartzer, go ahead.

3 MR. SCHWARTZER: Thank you, Your Honor. I do have Ms.  
4 Heap is here as well for the record. She was the co-counsel during trial.

5 THE COURT: Okay. [audio distortion]

6 MR. SCHWARTZER: I'm sorry, Your Honor, I didn't hear you.

7 THE COURT: I just said I'm sorry I didn't see you, Ms. Heap.

8 MS. HEAP: Good morning.

9 THE COURT: Good morning.

10 MR. SCHWARTZER: So, Your Honor, obviously this is a jury  
11 trial that you heard for three weeks so I'm not going to get too much into  
12 the details regarding this case, but right off the bat I do want to tell you  
13 the sentence that we're going to be asking for as we're going to ask for  
14 that life tail on the kidnapping as well as 15 years before he's eligible for  
15 parole. This is actually quite a bit of a break if you consider all of the  
16 details of this case and the fact that he could face over 80 plus, eighty,  
17 eight zero plus, years if we ran everything consecutive in this case.

18 Additionally, this would be also a break considering if he did  
19 this in Federal Court he'd be looking at at least 14 on minimum with just  
20 the robbery in all 9, and the kidnapping, or the assault of the police  
21 officer, or the burglaries. So we're going to ask for life with a parole  
22 eligibility of 15 years.

23 What was interesting in this case, Your Honor, is it did take a  
24 while to get to trial between Covid, the time between Mr. Trejo firing his  
25 attorney, and after being in Homicide for a couple years as well, I

1 haven't dealt with live victims for a period of time. Going to this trial and  
2 calling these witnesses and these victims again after four years of what  
3 they went through with what Mr. Trejo put them through, I got an  
4 education of what the long-term trauma that these types of cases do on  
5 these victims.

6 Almost every one of these victims at one point or another cried  
7 in my office with myself or Ms. Heap. Every one of these victims have  
8 expressed how much that this has permanently affected them based on  
9 Mr. Trejo's actions that day. Every one of these victims are still going  
10 through and still processing that trauma as to this day based on Mr.  
11 Trejo's actions.

12 What Mr. Trejo did was extremely violent, in broad daylight,  
13 with multiple firearms, and put nine to ten people in danger of their life.  
14 He's caught on video, he confesses, we have DNA on the guns, and as  
15 you can tell, we -- not only do we have video but we have very good  
16 video of every crime that occurred in this case regarding the actual  
17 robberies with uses.

18 Despite all that, Mr. Trejo refuses to take any responsibility in  
19 this case. First off, when it came to his defenses, it was procedural, like,  
20 I didn't watch that video so you can't play that video even though a video  
21 was produced in discovery. Then it was, oh, there was an inside person  
22 so I can't be held liable because there was someone working with me  
23 even though there was no evidence of an inside person.

24 Then, after all those defenses didn't work, then it turned into,  
25 oh, I don't remember anything that occurred except for one or two facts

1 that might help me. I don't remember anything from these incidents  
2 even though, again, he gives full confessions after this incident.

3 And then finally, as you read in his statement to Parole and  
4 Probation, now it's the Cartel made me do it, or I was forced to do it,  
5 even though he denied that on the stand when he took the stand during  
6 the trial when we asked him if he was physically coerced to do so.

7 So, again, taking no responsibility, his impact statement or  
8 defense statement to this Court shows no responsibility. Additionally, he  
9 said it was not his fault. First he blames the Cartel now. That was new  
10 information. Then he blames correction officers. Then he blames the  
11 District Attorney's Office. Then he blames at some point the victims  
12 themselves. Mr. Trejo has taken absolutely no responsibility for the  
13 terror he imposed that day. And it was terror.

14 Your Honor, you – I didn't bring the video because you  
15 watched it three or four times if not more during the trial as well as  
16 during the bail hearings, but this is an individual who came armed to the  
17 teeth with a motorcycle helmet, taking – robbing the store, holding  
18 people at gunpoint, trying to bring more people inside the store at  
19 gunpoint – luckily those two people were able to run off and call 911.  
20 And then when police got there, Mr. Trejo didn't give up. Instead he  
21 took Adriane, and you'll hear from Adriane again, took her hostage, held  
22 her at gunpoint, put a gun to her head, and dragged her out of that  
23 store, and used her as a human shield with Metro officers who were  
24 there with their firearms drawn.

25 He dragged her to a vehicle that has an AK47-like weapon

1 inside of it, ready to fire, with multiple magazines in the car. He's  
2 dragging her to that car at gunpoint. If Adriane doesn't fight for her life  
3 right there and Adriane isn't able to get away from this individual, this  
4 could have been a murder. We are actually very lucky, very lucky, that  
5 the only person who was shot during the exchange with police officers  
6 after Adriane courageously fights off this coward, is Mr. Trejo himself.

7 We should be – we quite frankly should probably be sitting  
8 here on a murder case, and it's only because of the good shooting from  
9 Metro, and you have one officer victim here as well, and Adriane's  
10 courageous behavior, are we here on a robbery and kidnapping.

11 Nothing Mr. Trejo has done since he's been put in custody in a  
12 case he's going to change his behavior. Nothing Mr. Trejo has done in  
13 custody should make you feel good that he'd be okay in the community  
14 without some type of supervision. None of that.

15 Your Honor, Mr. Trejo says he does not expect sympathy from  
16 myself or from Your Honor. He doesn't deserve sympathy. The victims  
17 here, and you'll hear from a lot of them today, they deserve sympathy.  
18 They're so undergoing trauma that's not their fault but Mr. Trejo's fault.  
19 He doesn't deserve sympathy. He had every ability to make things right  
20 and he didn't. Instead, we have victims that are traumatized, and we  
21 have an individual that's clearly a danger to our community.

22 I don't think anything less than a life sentence is appropriate,  
23 and I think 15 years is an appropriate amount of sentence. And with  
24 that, Your Honor, I will submit it to the Court.

25 THE COURT: Thank you, Mr. Schwartzer.

1                   Mr. Trejo, go ahead.

2                   THE DEFENDANT: Good morning, Your Honor. I would like  
3 to begin by relaying a bit of background. I feel it is necessary to properly  
4 gauge the situation even if I do believe nothing I say can sway the Court.

5                   Up until 2017 my past was compromised – I'm sorry, my path  
6 was comprised of hard work, growth, and passion. I was for all intense  
7 purposes a productive member of society and a family man. I had no  
8 drug habits, and everything I did was by the rule of law.

9                   I worked hard, the hardest of laborers, like roofing to white  
10 collar jobs as a manager for a telecommunications company. You can  
11 even find I worked for defense contractor, Iris Tech, in 2013 and 2014.  
12 This healthy, honest, and successful life took a turn for the worst on  
13 October 24<sup>th</sup>, 2017, when a would-be robber shot me five times and  
14 murdered my buddy, Christopher Carter, who was only 24 years old.

15                  After that shooting, I was left in a 14-day coma. Upon waking,  
16 I found I couldn't walk or even move my right arm, and pain was so  
17 intense I was started on a heavy drug regimen which included a variety  
18 of opiates, barbiturates, and psyche meds.

19                  In the wake of this event not only did I lose a friend, but I lost  
20 my ability to take care of my two baby girls and my wife who was five  
21 months pregnant. To make matters worse, I was – I had formed a  
22 heavy chemical dependence due to the pain I suffered. With this came  
23 a single visit to a psychiatrist which diagnosed me with a myriad of new  
24 psychological issues like PTSD, OCD, ADHD, hypervigilance, insomnia,  
25 and antisocial personality disorder.

1           Throughout this period I carried the burden of a broken body,  
2 the survival of my family and my new issues without the State's  
3 assistance because I didn't qualify.

4           Ten months after the 2017 shooting I was arrested for this  
5 matter. The State and its cohorts were made aware of the recent  
6 history. The jail and supposed doctors were made aware of my medical  
7 needs yet the entire system did their best to neglect and ignore these  
8 facts.

9           In our society the legal system is meant to provide real justice  
10 and to rehabilitate individuals who commit offenses so that they can  
11 rejoin society as productive people, yet it appears the only thing that  
12 matters are the numbers of egotistical prosecutors like Michael  
13 Schwartzer. At a basic level the legal system is supposed to guarantee  
14 proper healthcare and make for prisoners to survive in accordance with  
15 the Eggshell Doctrine, yet even at such a task your jail failed and did so  
16 miserably.

17           Since my arrest I requested proper medical attention and drug  
18 counseling, psychiatric help, and all these things were denied by either  
19 the DA or the jail.

20           In December of 2018, after being neglected medical access, I  
21 finally suffered a catastrophic medical emergency in which I was  
22 suffocating on a collapsed stent. How could the cops and nurses  
23 respond? The fools laughed and thought I was faking it. Eight hours  
24 later I finally died after fighting through that time to breathe. This gross  
25 and vile neglect cost me my voice. Another ten days in a coma and

1 months-worth of memory loss through severe oxygen deprivation.

2 I was also denied psyche treatment and counseling at the jail  
3 because I couldn't speak and policy wouldn't let me write stuff down and  
4 give it to the staff unless it was an official-type request. I requested drug  
5 classes but, again, because of my disability I was denied.

6 I deferred these issues to my former counsel. He brought it up  
7 to the DA and yet knowing the severity of my situation and my recent  
8 history, Mr. Schwartzer did everything to deny me freedom, mental care,  
9 drug counseling, and the necessary medical access I need. He went as  
10 far as lying to the Courts about imaginary explosives, and saying I was  
11 an illegal immigrant, therefore, a safety and flight risk.

12 The sad part is that the Courts have danced to the tune while  
13 ignoring the facts before them. Even my arguments have been silent.  
14 This all brings me here before this Court still without proper care after  
15 almost four years and about to have the rest of my days taken.

16 These aforementioned factors are but a few reasons why I am  
17 convinced this system is futilely broken. How can a man have faith in a  
18 system that allows a prosecutor to lie and cheat by giving witnesses  
19 information to bolster testimony? No justice will be found here today.  
20 I've seen murderers face less time than what I face.

21 These four years have been a living hell, an experience not  
22 suffered by the common detainee. With everything I've seen I cannot  
23 fall to my knees and beg for leniency much less mercy. I've been  
24 treated less than humanly and nothing you all can do will shock me.  
25 Nothing can be done to me that hasn't already been done.

1           Facing the 112 years before me feels like facing a firing  
2 squad. But yet I can do so without fear, and at this moment the only  
3 words that keep reverberating in my head are those of long dead  
4 revolutionaries who told my people, "it is preferably to die on your feet  
5 than to live on your knees."

6           This hasn't been a case with regular circumstances. I feel I've  
7 paid a heavy price already and, therefore, I couldn't in good faith find  
8 that decades-long sentence offered by the State.

9           I didn't wake one day and decided to quit my job, get addicted  
10 to drugs, and lose my damn mind. I was thrown into a violent path when  
11 – I was thrown into a violent path when a wanted man shot me five times  
12 and blew my friend's brains out next to me. This event scared me – oh,  
13 scarred me, and to this day I feel terrible guilt that I could have saved  
14 Chris even though with terrible wounds I tried.

15           Please tell me how many people can go through this. I get  
16 forced into drug dependency and not go terribly astray. Yet the  
17 egotistical Schwartzer asked that I be further punished. This man or  
18 none of his piers can empathize with me or even the victims in this  
19 matter because they cannot.

20           This brings me to the matter of addressing the victims. As a  
21 person who suffered a violent crime not just once but many times, I  
22 actually do empathize with you believe it or not. I am not a politician like  
23 the DA here nor will addressing and help me. I do so because it's  
24 appropriate.

25           I've been robbed, assaulted, battered, wounded, even killed a



1 couple times, yet I cannot stand to be called a victim. I hope that you all  
2 can shed that determination -- I hope that you all can shed that  
3 denomination given to you by the system. We are survivors. I've  
4 suffered every level of trauma you can muster yet I still stand, thanks to  
5 God, to serve a purpose.

6 I'm not a bad man, and I've never been -- I have never meant  
7 anyone harm without provocation. I'm a survivor and a man who has  
8 experienced both sides of this coin. All I can offer is advice that you find  
9 strength in this and the fact you can still enjoy life, that you move  
10 forward from this experience and grow. Otherwise, you have been  
11 beaten and will continue to fall before life's adversity.

12 I've never been a bully nor do I seek to harm innocents, and  
13 anybody who knows me can tell you that no one got hurt because I did  
14 myself. I can't turn my back so apologizing would be superficial as it  
15 does nothing to allay any damage caused. I can only face whatever  
16 may come and pray for all of us that we get [indiscernible] and our  
17 forthcoming tribulations.

18 Finally, I must note that the victims requesting \$9500 in  
19 restitution, I challenge the claim of Ms. Serrano as nothing of tangible  
20 value was lost nor were any injuries incurred. If this claim is because  
21 she switched from retail pawn to medical fields then it is not a loss but a  
22 gain. The pawn industry is not very lucrative for the employees and I  
23 can't imagine it being a lifelong career. A request for \$9500 is simply  
24 inappropriate as it would be a request to pay for something lost or  
25 damage that is an uptangled tangible value.

1           That concludes my statement, Your Honor. I stand to be to  
2 their judgment.

3           MR. SCHWARTZER: Your Honor, we do have several victim  
4 speakers. Do you want me to address – go ahead.

5           THE COURT: Mr. Schwartzer, yeah, I was going to say for  
6 the restitution, I actually did have questions about the restitution, so  
7 before the victim speakers start can you please just explain – I saw the  
8 Victims of Crimes paid \$180, but then there was \$9500 and it didn't say  
9 which victim that was or anything like that, and so I didn't know what that  
10 was about.

11           MR. SCHWARTZER: It was Ms. Serrano. It wasn't because  
12 she changed fields, it was because of the counseling she needed based  
13 on the trauma that Mr. Trejo put her through over the course of the  
14 years. Ms. Serrano just told me that she doesn't want Mr. Trejo's  
15 money, but it is a valid restitution claim and it's quite frankly offensive  
16 that he's asking not to have it.

17           THE COURT: Okay. I just needed to know what it was for  
18 because the PSI didn't give enough information, so thank you.

19           Okay, and so who is your first speaker, Mr. Schwartzer?

20           MR. SCHWARTZER: Jennifer Incera, Your Honor.

21           THE COURT: Thank you.

22           THE CLERK: Your Honor, do you want them sworn?

23           THE COURT: Mr. Trejo, would you like them sworn?

24           MR. SCHWARTZER: Do you want her sworn in Your Honor?  
25 I'm sorry.

1 THE COURT: I asked Mr. Trejo if he wanted her – if he  
2 wanted the victims sworn.

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Okay. So, Ms. Incera, please just state and  
5 spell your first and last name and then proceed.

6 THE VICTIM INCERA: Yes. My first name is Jennifer, my last  
7 name is Incera.

8 THE COURT: Can you spell those please?

9 THE VICTIM INCERA: Yes. The first name is Jennifer, J-E-  
10 N-N-I-F-E-R. The last name is Incera, I-N-C-E-R-A.

11 THE COURT: Thank you. And Mr. Schwartzer, excuse me –  
12 Ms. Heap, did you want to start her off?

13 MS. HEAP: Yes, Your Honor. If you could tell the Court how  
14 this has affected your life and how it will affect you going forward.

15 THE VICTIM INCERA: This has completely affected my life  
16 and I will never be the same again. And having to listen to his statement  
17 that he gave us, this man has shown no remorse at all. He wants to  
18 play a victim in this whole entire thing.

19 My life will never be the same, and there are several people  
20 that will speak after me that will never have a normal life again, all  
21 because of his actions.

22 All he is doing is sitting here and claiming it's poor me. Stop  
23 being a victim, be a man, grow a pair of balls, and take responsibility for  
24 what you did. That's what you need to do.

25 And I ask that he does not have parole at all because I'm

1 concerned that once he gets out that he's going to come after us. That  
2 is a very valid concern that I have, the fact now that he's bringing up that  
3 the Cartel forced him to do this, he has PTSD, he has all these  
4 psychological issues. My life should not have to be in fear about him  
5 getting out on parole in ten to fifteen years. He needs to be locked up  
6 for life.

7 And while you're there, I hope you finally take responsibility for  
8 what you did and what you put us through because you have not taken  
9 one ounce of responsibility at all. One ounce. So grow a pair of balls  
10 and a backbone, admit that you're sorry, admit you did wrong, but I  
11 know you're not going to do that, and apologize to people, because  
12 you've affected us and you'll continuously affect our life until I know the  
13 day that you're six feet under. And I hope God will forgive you.

14 MR. SCHWARTZER: Thank you.

15 THE COURT: Mr. Schwartzer, who's next?

16 MR. SCHWARTZER: Juliana Saldana.

17 THE COURT: I'm sorry. You were turned away from the mic,  
18 and I couldn't hear you.

19 MR. SCHWARTZER: Sorry. Juliana Saldana.

20 THE VICTIM SALDANA: Hi, Your Honor. This is Juliana, J-U-  
21 L-I-A-N-A, Saldana, S-A-L-D-A-N-A.

22 MR. SCHWARTZER: I apologize.

23 THE VICTIM SALDANA: Your Honor, --

24 THE COURT: Thank you, Ms. Saldana.

25 THE VICTIM SALDANA: Your Honor, Mario Trejo refers to

1 Michael here as egotistical, but I refer to him as a hero. He protected  
2 me through some of the very hard times that Mario has put me through.

3 I've been to therapy, I've been diagnosed just as he has with  
4 PTSD, except because of the emotional stress that he put me through.  
5 I'll never be the same, I have severe paranoia, I can't even work my  
6 daily job without thinking that someone's going to come in every day and  
7 rob me and point a gun at me, or that someone's going to follow me in  
8 my car like he did the month prior which still he fails to even  
9 acknowledge.

10 I have severe anxiety. It's hard for me to come up here, and I  
11 know that it's hard for some of them too, but I'm here because I don't  
12 want to – I'm just starting my life. I'm 22 and I don't want to have to  
13 worry about this man coming out and me not being able to live my life or  
14 raise children because I think that he or people like him in general are  
15 out here.

16 And that's all I wanted to say.

17 THE COURT: Thank you.

18 Mr. Schwartzer, who's next?

19 MR. SCHWARTZER: Officer Thomas Carrigy, Your Honor.

20 THE COURT: Thank you.

21 THE VICTIM CARRIGY: Hi, Your Honor, my name is  
22 Thomas, T-H-O-M-A-S, last name is Carrigy, C-A-R-R-I-G-Y.

23 THE COURT: Thank you.

24 Mr. Trejo's actions that day affected not only myself, the other  
25 victims that were in the Pawn Shop that day, but also affected the

1 community who I just stayed on the news in that neighborhood for days.  
2 It also affected our families.

3 I know heights. When I made the decision at 25 to join the  
4 police department, I knew it was going to be dangerous. I knew I put  
5 myself in danger. But what I did not at the time think about because, I  
6 mean, she definitely didn't exist was seeing my daughter cry while I  
7 would go to work and put on a uniform again after this incident. She  
8 was young, she was like 6 years old but obviously people talk about it,  
9 and unfortunately she overheard some things that she probably  
10 shouldn't have heard, and even to this day she still remembers and talks  
11 about it and brings it up every now and then.

12 And I know, specifically, there's not a day that has gone by  
13 where this incident hasn't come up in my – in either a day-to-day  
14 discussion or while I'm at work and thinking about different things.

15 I just ask that you impose the sentence that the District  
16 Attorney's Office has asked for.

17 Thank you, Your Honor.

18 THE COURT: Officer Carrigy, I want to thank you and all of  
19 your brother and sister officers for what you did that day. It was really,  
20 really heroic, especially, and I know I think it was Officer – I can't  
21 remember his name – who his body camera showed how he had to think  
22 so quickly when Ms. Serrano was running away from Mr. Trejo, that he  
23 had to bring his gun up, and that really affected me. You guys all did a  
24 fantastic job, and I do want to thank you for protecting the community  
25 every day.

1 THE VICTIM CARRIGY: Thank you, Your Honor. I  
2 appreciate it, and that actually reminded me of a little something else I  
3 wanted to say.

4 Mr. Trejo's actions that day, everything he did escalated the  
5 situation from picking a holiday weekend to commit the robbery, to  
6 picking a busy time of day, it was in the middle of the afternoon when  
7 the store would have a lot of patrons in it, to the point where he came  
8 out the first time he had every opportunity to just run to the car and try  
9 and get away if that's what he chose. Instead he went back into the  
10 store, found a hostage to protect himself from his further decisions.  
11 Then when he brought the hostage out he pointed the gun, brought it  
12 up, and then if it wasn't for Ms. Serrano's actions, I believe saved her  
13 life, saved my life by disarming him of that handgun, and even after that  
14 he could have at that point given up and nobody would have gotten hurt  
15 that day. Instead he decided to then attempt to get to the rifle that was  
16 on his back, and then even after having been shot still continued to not  
17 give up, and still attempted to try and get that rifle off of his back, until  
18 finally, I don't know if he decided he couldn't, what happened, but  
19 eventually disarmed himself and was able to let us try and get him in  
20 custody – I'm sorry, render aid and care and get him into custody.

21 Thank you, Your Honor.

22 THE COURT: Thank you Officer Carrigy.

23 Who's next, Mr. Schwartzer?

24 MR. SCHWARTZER: Melani Howard, Your Honor.

25 THE COURT: Thank you, Ms. Howard.

1 THE VICTIM HOWARD: My name's Melani Howard, M-E-L-  
2 A-N-I H-O-W-A-R-D.

3 THE COURT: Thank you. Please proceed.

4 THE VICTIM HOWARD: The only thing I want to say is that I  
5 think 12 to 15 years for him to get parole, it needs to be more like 25 to  
6 30. He don't need to get out again because I believe that if he gets out  
7 of jail he'll do the same thing.

8 He's a criminal. All the bad stuff that happened to him in the  
9 past, you made the decision to come in our store to rob us. We didn't  
10 call you and say, hey, come over here. You came in there on your own,  
11 you did what you did, so now you can take the responsibility and spend  
12 really the rest of his life in jail. But I'd like to see 30 and up.

13 Thank you.

14 THE COURT: Thank you.

15 MR. SCHWARTZER: And, Your Honor, we do have other  
16 people here that are not speaking, just – I know you can't, you might not  
17 be able to see the full Courtroom. There are other victims here watching  
18 but we're going to call our last speaker which is Adriane Serrano.

19 THE VICTIM SERRANO: Good morning, Your Honor. My  
20 name is Adriane Serrano.

21 THE COURT: Good morning.

22 THE VICTIM SERRANO: A-D-R-I-A-N-E S-E-R-R-A-N-O.

23 THE COURT: Thank you. Please proceed.

24 THE VICTIM SERRANO: I have had to deal with a large array  
25 of trauma left over because of what happened on September 3<sup>rd</sup> of



1 2018. I still deal with PTSD, anxiety, and insomnia, as the defendant  
2 has stated he has.

3           What I can't understand, Your Honor, is if he claims to have  
4 those things, what would make him put us through the same. We have  
5 the same background. We grew up in the same area, and I chose to  
6 make something of myself. And, yeah, I've gone to therapy for three  
7 and a half almost four years, and I have it tomorrow because of what he  
8 did, and I will keep pushing, and I am now in the medical field because it  
9 is my goal to help people so that maybe they can have a better life as  
10 well. I choose to go and better my life which is what he should have  
11 chosen.

12           We take responsibility for our actions, and we take the hand  
13 that we're dealt, but I am not holding hostage anybody. I go out of my  
14 way to make sure that they feel better, and in six years I will keep that  
15 promise. I will be a PA and I will be there for anyone who needs my  
16 help.

17           I have patients who just got out of jail for serving their time,  
18 and I don't treat them any different because they are people. But you  
19 made decisions, you put us through this, and I'm going to move forward.

20           I ask for life because clearly he didn't learn the first time from  
21 the first incident, and I mean I'm sorry for your friend Christopher. May  
22 he rest in peace. But atone for him because what you did to us is not  
23 fair, and I am grateful for everyone serving, the State, the Court, for you,  
24 Your Honor, Mike Schwartzer, and everyone who has stood behind me.  
25 I will move forward and make my own amends with the trauma that

1 you've inflicted.

2 You do not deserve my forgiveness and you will never have it.  
3 You took my voice, and for that you deserve life.

4 THE COURT: Thank you, Ms. Serrano.

5 And, Mr. Schwartzer, you know this. You know I'm terrible at  
6 math so I'm going to need your help on the aggregate when we're done,  
7 okay?

8 MR. SCHWARTZER: Yes, Your Honor.

9 THE COURT: So, Mr. Trejo, the thing that Ms. Serrano asked  
10 is the thing that I've been wondering the entire time. If you went through  
11 this, if you had yourself, you know, you yourself had been robbed, you  
12 yourself had been shot in a botched robbery. You had your friend  
13 murdered. Why would you do this to anyone else? You see what you  
14 went through and why would you want to perpetuate that to anyone?  
15 I've been saying this entire time with all of the motions you've been  
16 writing and all of the things you've been doing, you're a smart man, and,  
17 like, why wouldn't you just go into, like, educational debt, like Mr.  
18 Schwartzer and I chose to do. You could have been a great lawyer.  
19 You could have been.

20 If you had taken the State's offer of the 6-to-30 or the 8-to-20,  
21 you could have come out of here in another two or four years and gone  
22 to law school and had a whole Netflix series about what you had been  
23 able to go through and what you had been able to do, and you didn't.  
24 You chose to continue the cycle of trauma. All of these people have  
25 been traumatized.

1           And, Ms. Howard, I do want to also address you. What you  
2 did was the smartest thing that I think I've ever been a witness to. I  
3 don't know how you thought of that. I mean, that was just amazing, and  
4 thank you because you probably saved a lot of lives that day.

5           And again, Officer Carrigy, you and your fellow officers were  
6 amazing. Like, watching that was just amazing. The fact that you run to  
7 danger, I couldn't do it, and I thank you all for putting yourselves in  
8 harms way for the rest of us.

9           And, again, you made these decisions, Mr. Trejo, and it's  
10 heartbreaking because you are smart, and you could have been a  
11 fantastic lawyer. I mean, but you didn't. You chose to continue a cycle  
12 of trauma and a cycle of pain that you yourself know what happened  
13 with that, and I don't understand why you would do it, and it's all just, I  
14 mean, I've said it so many times that I'm sure everybody who hears me  
15 in Court all the time gets sick of me saying I root for everybody who  
16 comes through those doors, whether you're coming in from the outside  
17 or you're coming in from the sallyport in custody like you are today. I'm  
18 rooting for everybody. I don't want anybody to have this much trauma. I  
19 don't want anybody to not be well. I want everybody to do their best and  
20 live their best lives, and the fact that you having had terrible things  
21 happen to you would choose to put terrible things on other people is just,  
22 it's – I don't even have the words for how I feel about it.

23           And also the fact that you keep blaming Mr. Schwartzer and  
24 blaming other people for what you've been through. I really, I actually  
25 had come in here thinking that I didn't think that you needed a life tail,

1 and then listening to what you said and listening to what you've put all of  
2 these people through, that's, I mean, that's what's going to have to  
3 happen today. And so, I'm sorry, but you need to actually have  
4 somebody supervising you for the rest of your life.

5 And so in accordance with the laws of the State of Nevada,  
6 this Court assesses a \$25 administrative assessment fee, a \$150 DNA  
7 fee, a \$3 DNA administrative collection fee, restitution in the amount of  
8 \$9,500.00 to VC2288360, and \$180 to Victims of Crime.

9 You are hereby sentenced as to Count 1 to 24 to 60 months in  
10 the Nevada Department of Corrections.

11 As to Count 2 through 8, each of those are going to be 72 to  
12 180 months with a consecutive 12 to 30 months for the deadly weapon  
13 on each count. So that is Count 2, 72 to 180 months with a 12 to 30  
14 consecutive; Count 3, 72 to 180 with a 12 to 30 consecutive; Count 4,  
15 and so on, but those are all going to be run concurrent to one another  
16 and to Count 1.

17 As to Count 9, the first degree kidnapping with use of a deadly  
18 weapon, you are hereby sentenced to 120 months to life, so that is a 10  
19 to life, with a consecutive 60 to 240 months, so that is a five to 20 for the  
20 use of the deadly weapon. That is concurrent to Counts 1 through 8.

21 As to Count 10 through 11, the assault on the protected  
22 person with use of a deadly weapon, you are sentenced to 28 to 72 on  
23 each count. Those are all concurrent to one another and to Counts 1  
24 through 9.

25 Count 12, the conspiracy to commit robbery is 28 to 72

1 concurrent with Counts 1 through 11.

2 And Count 13, assault with use – I'm sorry, attempt robbery  
3 with use of a deadly weapon, 48 to 120 with a consecutive 12 to 30 for  
4 use of the deadly weapon. That is to run concurrent to Counts 1 through  
5 12.

6 And so, Mr. Schwartzer, what I intended to do was the 180 to  
7 life, the 15 to life, so that should have been the 120 on Count 9, the 120  
8 to life on Count 9, so the 10 to life on Count 9, and then the 15 to 20 on  
9 the deadly weapon, so that should be the aggregate sentence. Is that  
10 correct?

11 MR. SCHWARTZER: I agree with your analysis, Your Honor.

12 THE COURT: Okay. And I also have 1,382 days credit for  
13 time served.

14 In addition, Nevada Rules of Appellate Procedure 46 (a) (b) 1,  
15 a direct appeal from a judgment of conviction does not allow a defendant  
16 to appear without counsel, so I'm going to reappoint the Public  
17 Defender's Office for the purposes of appeal on this matter.

18 And good luck to you, sir. Again, I'm routing for you to take  
19 care of whatever it is in your mind that you need to take care of for this.  
20 You can take responsibility and understand what it is that you did.

21 MR. SCHWARTZER: Thank you, Your Honor.

22 THE CLERK: I'm sorry, Your Honor.

23 THE COURT: Yes.

24 THE CLERK: Can I get the aggregate total?

25 MR. SCHWARTZER: It would be 15 –

1 THE COURT: 180 months -- yes, 180 months, which is 15  
2 years to life.

3 THE CLERK: Thank you.

4 MR. SCHWARTZER: Thank you, Your Honor.

5 THE COURT: And, Mr. Schwartzer, I don't know if your  
6 victims are still there, but tell them all that I said good luck to them in  
7 their life. I can't see the door.

8 MR. SCHWARTZER: They are all here, Your Honor.

9 THE COURT: Okay. Again, all of you all, good luck to you.  
10 I hope you're able to get through your trauma, and I hope that this helps.

11 MR. SCHWARTZER: Thank you, Your Honor.

12 THE COURT: Thank you.

13 [Proceeding concluded at 11:12 A.M.]

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16 ATTEST: I do hereby certify that I have truly and correctly transcribed  
17 the audio/video proceedings in the above-entitled case to the best of  
18 my ability.

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SUSAN SCHOFIELD  
Court Recorder/Transcriber

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MARIO TREJO, ) No. 84724  
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 Appellant, )  
 )  
 v. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )  
 )

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