

Methamphetamine arrests in Nevada

On January 24, 2003, members of the Consolidated Narcotics Unit (CNU), which is comprised of Reno Police Department, DEA and other law enforcement agencies, responded to an anonymous tip regarding a possible clandestine laboratory operating in Sparks, Nevada. Based on information from this source, the agents obtained a search warrant and raided a warehouse located on Pine Street. The successful operation led to a seizure of approximately 40 ounces of crystal methamphetamine (Ice), 30 pounds of marijuana, packaging materials and \$47,850.00 in cash.

On January 28, members of the CNU arrested James Bratt and Erik Burns after they were observed distributing one pound of the mentioned controlled substance at a well-known casino in Reno. Apparently the pair had been operating inside the casino for several months; authorities believe they were part of a major drug ring and are looking for more suspects, possibly employees of the establishment.

A search incident to the arrest revealed 9 pounds of “crystal meth” located inside Bratt’s vehicle. Enrique Perez, the alleged ring leader and main distributor of the methamphetamine, was subsequently arrested at his residence located in Sparks. Police confiscated several firearms, electronic scales, computers and records belonging to Perez.

All three defendants were booked into the Washoe County Jail on federal drug charges and appeared before a US Magistrate on January 29, 2003.

(225 words)

Consecutive: Direct Examination of a Witness

Good morning Mr. Lopez, please sit down.

Buenos días, gracias.

Sir, going back to June 15 of 2001, did you happen to go to The Gator Pub that night?

Sí señorita, fuimos varios a la cantina esa.

Do you recall who you went to the pub with and where it is located?

Sí como no. Fui con mi esposa y mi hermana, sé cómo llegar pero no sé la dirección exacta.

About what time did you go to The Gator Pub?

Como a las ocho y media o las nueve de la noche más o menos.

And was there a specific reason you happened to go to The Gator Pub that night?

Si señorita, mi amigo David, es como mi hermano y tenemos un grupo musical. Tocamos juntos y siempre andamos juntos. Por eso fuimos a la cantina...a escuchar música y echarnos un taco.

This fellow David, had you worked for him, or are you friends with him? What was your relationship?

Yo conozco a David desde que éramos chamacos. Hemos trabajado juntos y he tocado en su conjunto desde muy joven. Siempre ando con él de cacería, pescando, trabajando, o de parranda.

I see, and what kind of work do you do Mr. Lopez?

Pues trabajo en la construcción. Soy albañil, pero también le hago a la carpintería o colocando azulejos, en fin, todo lo que se hace en la construcción.

I see. So you get to The Gator Pub, and did there come a time that you decided to go outside the pub or leave the pub?

Bueno, pues nada más fui a checar, ver si las muchachas estaban bien, y ver dónde andaban. Yo siempre tengo la costumbre de vigilar a las muchachas porque tengo varias hermanas.

Tell us at what time you went and checked on the women, if you remember.

Pues yo creo que eran como las diez y media, algo así, en el primer descanso que tomaron los del conjunto. Yo creo que empezaron a tocar a las nueve, pero no estoy muy seguro de la hora exacta porque no cargo reloj.

So what happened after you went outside?

Una de las muchachas vino llorando y me dijo que afuera andaba un tipo con una pistola y que las había asaltado.

Let me stop you for a second here. These women you've been talking about, are you referring to your sister and your wife or someone else?

Bueno, yo salí a ver como estaba mi hermana, pero la que vino llorando era una conocida mía, se llama Lupe.

Are you referring to Guadalupe Mendoza, the victim in this case?

Si pues, se llama Guadalupe, pero todos le dicen Lupe y yo la conozco desde que ella estaba chica. Su hermano a veces trabaja con nosotros cuando tenemos construcciones grandes.

Okay, so let me bring you back to the story, you were telling the jury that Guadalupe, Lupe as you call her, came to you crying and said something about a robbery?

Sí, ella corrió para donde yo estaba y me dijo que un fulano las había asaltado a ella y a su amiga Rosaura. Que las había amenazado con una pistola y les había robado sus bolsas y sus relojes.

Go ahead, what happened next?

Les grité a los otros muchachos para que vinieran a ayudarme a ver si podíamos agarrar al ratero. En eso vi que alguien corría rumbo a la carretera y lo empecé a perseguir.

So after you called for the others to help you, did you start chasing the suspect?

Así es, vi al tipo que corría y traía una bolsa de mujer en la mano, me di cuenta que era el asaltante y lo seguí, pero como estaba oscuro, lo perdí de vista.

So when you were chasing this person, did there come a point in time when you actually lost sight of this person?

Sí, por unos segundos porque estaba bien oscuro, pero David me alcanzó y me dijo que lo había visto esconderse atrás de unos arbustos.

Now, before this person dove into the bushes, you said you were running.... What kind of surface were you running on? Do you remember?

Íbamos corriendo en un camino pavimentado.

So it was actually a paved road not a dirt road or anything like that.

Sí señorita es que ahí afuera del Gator hay un estacionamiento pavimentado y del otro lado si es terracería. Yo corrí de donde no hay pavimento hacia donde ya estaba pavimentado.

And at the point that the person you were chasing ran into the bushes, were you running after this person by yourself?

Bueno yo y David éramos los que íbamos más cerca, pero escuchamos a otras personas que nos gritaban desde el parqueo.

Now you mentioned some other people, when did they come into the picture?

Bueno, había gente. Yo los oía que nos gritaban, que gritaban desde el bar que nos regresáramos, porque traía pistola. David y yo seguimos corriendo. Finalmente otras personas nos siguieron.

So how long would you say, how much time had gone by between when you lost sight of the person that went into the bushes and when the person popped up out of the bushes again?

Menos de un minuto.

And what happened after the person popped out of the bushes?

Yo vi que nos apuntó con una pistola y oí un ruido seco, me di cuenta que la pistola se le había encasquillado. Se lo dije a David y empezamos a correr otra vez para alcanzarlo.

Let's talk about that a little bit. You start chasing the man, then he hid in the bushes and then he points the gun at you?

Exacto, primero lo perseguí yo, luego se escondió en los arbustos, después reapareció y los dos, David y yo, lo empezamos a perseguir. Entonces se detuvo, giró y nos apuntó con

la pistola.

Do you know if David had seen the gun at this point?

Pues no sé, pero cuando oí que se le encasquilló, se lo dije a mi amigo y lo seguimos persiguiendo rumbo a la carretera principal.

Can you estimate the distance between you and this person with the gun when it was pointed at you?

Yo diría que unos ocho o diez metros a lo sumo.

Do you believe that he was attempting to fire the gun at you?

No tengo ninguna duda de que estaba tirando, tratando de pegarme un balazo a mí, porque yo era el que iba más cerca.

This would be a good time to ask you about your background with firearms. Are you familiar with firearms?

Yo he tenido pistolas desde que tenía como cuatro o cinco años. A mi papá le gustaba mucho ir a cazar y siempre tenía armas en la casa.

What kind of firearms are you familiar with?

Conozco bastante de casi todas, escopetas, rifles, pistolas. Le digo, yo he tenido como cien y ni siquiera sé cuántas tengo en este momento. En mi familia a todo mundo le gusta ir a cazar o tirar al blanco.

So can we say that hunting is your main hobby?

Si señorita soy muy aficionado a la cacería.

And you mentioned you heard a click. Was it one click? And did you hear it with you own ears?

Si señorita un ruido seco. Y lo oí clarito porque por allá no hay mucho tráfico y ya de noche casi no hay ruido.

Okay so after the click what happened?

Pues tratamos de alcanzarlo, porque sabíamos que se le había encasquillado la pistola. Si le damos tiempo a que la destrabe, no estaríamos aquí para contarlo.

Okay. Well who actually caught up with this person?

David lo alcanzó primero y lo agarró de las piernas, luego llegué yo y me le eché encima para sujetarlo.

Thank you, no further questions.

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answers@dlmit.com
PO Box 677922 Orlando, Fl. 32867-7922**

Arraignments

Welcome to **arraignments**¹. The purpose of these proceedings is for you **to enter**² a plea to the **charge**³ that is pending against you. When you come to the podium, **the Court**⁴ will advise you of your charge, inform you whether it is a first or second-degree misdemeanor and you will need to enter your **plea**⁵.

Since⁶ these proceedings are being recorded, **please**⁷ do not say anything about your case until after you have entered your plea. Anything you say can be used against you **should you**⁸ proceed on a not guilty plea.

As you know you have three plea options: guilty, not guilty or **no contest**⁹. If you plead not guilty, you **deny**¹⁰ the charge against you and retain all **the rights**¹¹ listed on the front of the plea form that you have read. If you plead guilty, you admit the charge against you, **give up**¹² all the rights listed on the front of the **plea form**¹³ and the Court will pronounce a sentence. If you plead no contest, you neither admit nor deny the charge against you, give up all the rights listed on the front of the plea form and the Judge will sentence you **accordingly**¹⁴. If you enter a not guilty plea, your case will not be resolved today. In that case, you will be required to return to the courthouse for further proceedings.

If you have not already **retained**¹⁵ an attorney, or don't think you can afford to retain one, and you are requesting the Court **to appoint**¹⁶ the public defender, please have your **financial affidavit**¹⁷ completed and signed. The Court will review your affidavit and, if you qualify, appoint the **public defender**¹⁸ to represent you in this case.

If the public defender is appointed to represent you, it will be your responsibility to do the following:

First you will be required to pay an **application fee**¹⁹ within 7 days for the services of the public defender. You will also be required to contact the public defender's office **within 10 days**²⁰ to arrange a meeting with your attorney. The clerk will provide you with the information you will need to get in touch with the public defender's office. Finally, I must inform you that while a public defender may be less expensive than a private attorney, the services of the public defender are not free. **Therefore**²¹, you will be required to pay a reasonable fee for the **legal services**²² you receive as a defendant in these **proceedings**²³. This fee will be assessed at the conclusion of your case.

If you plead either guilty or no contest, your case will probably be resolved today and when you leave, you will know what your sentence will be. However, in some cases, it may be necessary **to postpone**²⁴ sentencing. If that were necessary, the Court will advise you when your next court appearance will take place.

The minimum and maximum sentences that **you face**²⁵ today depend on the charges:

If you are charged with a misdemeanor, you could be sentenced **as follows**²⁶:

- A minimum of zero days in the **county jail**²⁷ up to a maximum of one year.
- A minimum of zero days on county **probation**²⁸ up to a maximum of one year,
- A minimum fine of zero dollars up to a maximum of **one thousand**²⁹ dollars.

Also, if you enter a plea of guilty or no contest to the charge of possession of **20 grams**³⁰ or less of **cannabis**³¹ and the Court finds you guilty, your **driving privileges**³² in this state will be suspended for 2 years. Additionally, as part of any sentence, you will be assessed criminal **court costs**³³.

In order for you **to fulfill**³⁴ your financial obligations, the Judge will set a payment schedule for all **monetary amounts**³⁵ you are ordered to pay. Should you **fail to make**³⁶ your payment on

time and do not **appear**³⁷ at the next scheduled Collections Court date, the **presiding**³⁸ Judge can charge you with contempt of court, issue **a warrant**³⁹ for your arrest and **you could be sent**⁴⁰ to jail.

Because the cases in here today are **criminal cases**⁴¹, the Court can sentence you to jail if you plead guilty or no contest. Depending upon the charge, and any **prior criminal record**⁴² you may have, jail may be appropriate. If you are concerned about a possible jail sentence, please **don't hesitate**⁴³ to ask the Judge if you will go to jail should you enter a guilty or no contest plea.

When you are finished at the podium please **remain**⁴⁴ in the **courtroom**⁴⁵ until you receive your copy of the Judge's disposition. This is your record of today's proceedings.

If you are not a U. S. citizen, a plea of guilty or no contest could result in your **deportation**⁴⁶. If you are not a U. S. citizen, **you may wish**⁴⁷ to enter a plea of not guilty and consult with an attorney.

If you wish **to appeal**⁴⁸ your sentence, your appeal **must be filed**⁴⁹, in writing, within 30 days of **today's date**⁵⁰. If you wish to appeal and don't think you can afford to retain an attorney to represent you, you can request the Court to appoint the public defender. If you are going to request that a public defender be appointed to represent you, you must fill out an affidavit of insolvency. If you are interested in appealing your sentence, **the clerk**⁵¹ can provide you with more information.

Please make sure that all forms you will be using today are completely **filled out**⁵² and signed.

The clerk will call about 10 people **at a time**⁵³. Please respond **out loud**⁵⁴ when your name is called and then **line up**⁵⁵ in the center aisle where **the gates**⁵⁶ open. You will be called to the podium one at a time in the order in which your name was called.

Thank you.

PROVERB COMPLETION

1. God helps those _____
2. Between the hand and the lip, _____
3. A closed mouth _____
4. To make a mountain _____
5. He who is born to be hanged _____
6. Jack of all trades _____
7. No lock will hold _____
8. Brain is better _____
9. Live by the sword, _____
10. Better die with honor _____
11. Better to be king of the hill _____
12. A man is judged by _____
13. One bird in hand _____
14. Birds of the same feather _____
15. Between a rock _____
16. It cost an _____
17. It's the pot calling _____
18. You cannot make a silk purse _____
19. In the country of the blind _____
20. A stitch in time _____

1. God helps those who help themselves
2. Between the hand and the lip, the morsel may slip
3. A closed mouth catches no flies
4. To make a mountain out of a molehill
5. He that is born to be hanged shall be never drowned
6. Jack of all trades and master of none
7. No lock will hold against the power of gold
8. Brain is better than brawn
9. Live by the sword, die by the sword
10. Better die with honor than live with shame
11. Better to be king of the hill than prince of the mountain
12. A man is judged by the company he keeps
13. One bird in hand is better than two in the bush
14. Birds of the same feather flock together
15. Between a rock and a hard place
16. It cost an arm and a leg
17. It's the pot calling the kettle black
18. You cannot make a silk purse of a sow's ear
19. In the country of the blind the one-eyed man is king
20. A stitch in time saves nine

DO YOU SPEAK LEGALESE? PRACTICAL COURTROOM PHRASES

1. State your full name and spell the last name for the record.
2. Do you understand the charges I just read to you?
3. Do you swear to tell the truth, and nothing but the truth, so help you God?
4. Please introduce yourself to the jury.
5. Let me rephrase that question.
6. What, if anything, did the defendant say to you?
7. Going back to the night of....?
8. Are you now, or have you ever been, under psychiatric care?
9. Tell the members of the jury what he was wearing, if you remember.
10. On the day in question, were you questioned by law enforcement?
11. Would it refresh your recollection?
12. Please stand up, raise your right hand and face the clerk.
13. Are you under the influence of any drugs, medication or alcohol?
14. At this time the witness is excused.
15. Did your attorney explain to you the sentencing guidelines?
16. Did the defendant, at any time, point his weapon at you?
17. Objection, Your Honor, counsel is badgering the witness.
18. May I approach the witness?
19. Are you entering this plea freely and voluntarily?
20. Has anybody threatened or coerced you?
21. I withdraw my objection.
22. We move for a mistrial.
23. At this time we move for a Judgment of Acquittal.
24. Is the defense ready to proceed?
25. I am holding you in contempt of court.
26. The jury will disregard the previous statement.
27. We presented a motion to suppress.
28. How do you plea to the charges?
29. If you are indigent, The Court can appoint an attorney to represent you.
30. Counsel is leading the witness, Your Honor.
31. Are you disputing the results of the breathalyzer?
32. At this time, I am denying your motion without prejudice.
33. Are you a convicted felon?

