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Assistant General Counsel
Nevada Bar No. 9337
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106
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Attorneys for Respondent

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Feb 06 2026 03:34 PM
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROY FRANZ TRIGUEROS,

Appellant,

vs.

THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT,

Respondent.

Case No.: 91223

MOTION TO DISMISS

I. RELEVANT FACTS AND PROCEDUREAL HISTORY

Appellant was arrested on drug charges. At the time of his arrest, officers seized $2,214.00[1]. On December 18, 2024, Appellant was convicted for Possession of Drugs not to be Introduced in Interstate Commerce and as part of the plea negotiations forfeited the money seized[2]. Exh. A. The Supreme Court upheld this conviction in Case No. 89951. Exh. B.

[1] Officers also seized 20 pounds of marijuana and a cell phone.
[2] The cell phone was explicitly left out of the forfeiture in the criminal case. The District Attorney's office was unaware of the status of the civil forfeiture action.

Prior to the plea in the criminal case, Respondent filed a civil forfeiture action, as required, regarding the seized cash. Exh. C. A default judgment was entered in the civil forfeiture action on July 27, 2023, with notice of entry of judgment served the same day. Exh. D. Then on May 12, 2025, almost two years after the final judgment was entered, Roy Trigueros filed a Motion to Set Aside Default Judgment. Exh. E. The District Court reviewed the motion on its merits regardless of the late filing. On June 26, 2025, the Court issued its order and opined that Appellant had not provided sufficient evidence to warrant the Motion to Set Aside to be granted. Exh. F. On July 19, 2025, Appellant filed a Motion to Reconsider the order on the motion to reconsider the default judgment. Exh. G. On August 20, 2025, the court issued its order denying the motion to reconsider. Exh. H. On August 28, 2025, Appellant filed his notice of appeal.

II. THE APPEAL WAS NOT TIMELY FILED

1. The Appeal of the Default Judgment is untimely.

A notice of appeal must be filed "no later than 30 days after the date that written notice of entry of the judgment or order appealed from is served." NRAP 4(a)(1). An untimely notice of appeal fails to vest this Court with jurisdiction. *Morrell v. Edwards*, 98 Nev. 91, 92, 640 P.2d 1322, 1324 (1982). "If respondent believes there is a jurisdictional defect, respondent should file a motion to dismiss." NRAP 14(f).

Here, Respondent provided Notice of Entry of the final judgment on July 27, 2023. Exh. D. It was mailed to Appellant the same day. *Id.* Appellant filed his Appeal on August 28, 2025. This was almost 2 years after the Notice of Entry. Thus, the Notice of Appeal was untimely. NRAP 26(c).

2. The Appeal of the Motion to Alter or Amend a Judgment is Untimely.

NRCP 59(e) allows a party to move the district court to alter or amend a "judgment." This Court has held that "judgment includes any appealable order, a motion to alter or amend is permitted as to any appealable order, not just final judgments. And, as a result, a motion to alter or amend any appealable order will generally toll the time to appeal from that order." *Lytle v. Rosemere Estates Property Owners Association*, 314 P.3d 946, 947 (Nev. 2013). The denial of a motion for reconsideration is not appealable. *AA Primo Builder, LLC v. Washington*, 245 P.3d 1190, 1193, (Nev. 2010).

Appellant filed his Motion to Set Aside Default Judgment on May 12, 2025. Exh. E. The court issued its order on June 26, 2025. Exh. F. Defendant then filed his motion to reconsider the denial of the motion to set aside judgment. Exh. G. Essentially, that became a motion for reconsideration of the motion to reconsideration and is not an appealable motion. Defendant did file his notice of appeal on August 28, 2025. That is 32 days after the Notice of Entry. Accordingly, his appeal is untimely.

III. CONCLUSION

Appellant did not file his notice of appeal within 30 days of notice of entry of the final judgment in this case. Appellant did not file his notice of appeal within 30 days of notice of entry of the motion to alter or amend the judgment. As such, this Court is without jurisdiction and the appeal must be dismissed.

DATED this 6th day of February, 2026.

Respectfully submitted,

By: *Martina Bauhaus*

MARTINA BAUHAUS
Assistant General Counsel
Nevada Bar No. 9337
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the forgoing Motion to Dismiss with the Clerk of the Supreme Court of Nevada by using the Supreme Court of Nevada's E-filing system on the 6th day of February, 2026.

I further certify that on the 6th day of February, 2026, I deposited in the United States Mail, postage prepaid, at Las Vegas, Nevada, enclosed in a sealed envelope, a copy of the above and foregoing Motion to Dismiss addressed as follows:

ROY FRANZ TRIGUEROS
16230 ¾ Bellflower Blvd.
Bellflower, California 90706
Appellant

By: */s/ Jessica Anaya*
An employee of the Las Vegas
Metropolitan Police Department

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	December 18, 2024
C-24-382017-1	State of Nevada vs Roy Trigueros	Department 18

December 18, 2024 **09:30 AM** **Defendant's Motion for Reargument**

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Bianca Pucci	**Attorney for Plaintiff**
Roy Franz Trigueros	**Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Marco Luna, Esq. present on behalf of the Public Defender's Office as standby counsel only.

Mr. Luna informed the Court there was a negotiation offered by the State which Deft. was considering; however, he may need some time to think about it. Further, Mr. Luna indicated the State may request the stay of any arguments. Deft. noted he was considering the plea offer; however, did file two more Motions. Deft. argued they were still missing evidence. Upon Court's inquiry, Ms. Pucci placed the offer on the record: one count of Possession (M), and one count of Doing Business Without a License (M); adding, it was a one time deal for the instant day, and to close out case. Ms. Pucci noted Deft. could plead no contest. Arguments by Deft. as to not taking mentioned charges. Colloquy regarding negotiations. Following colloquy, Deft. agreed to proceed. Not Guilty Plea WITHDRAWN to the Felony charges, and DEFT. PLED NO CONTEST TO the Amended Information POSSESSION OF DRUGS WHICH MAY NOT BE INTRODUCED IN INTERSTATE COMMERCE (M). Mr. Luna requested that the Court sit as Magistrate. Court ACCEPTED plea, ADJUDGED Deft. GUILTY thereof and ORDERED, in addition to fees being WAIVED, DEFT. SENTENCED to CREDIT FOR TIME SERVED. Parties stipulated to the Forfeiture with the exception of the cell phone. COURT ORDERED, calendar call and jury trial VACATED; Defendant's Motion for Reargument was hereby MOOT.

BOND, if any, EXONERATED.

12/23/24 9:30 AM STATUS CHECK: FILED AMENDED INFORMATION

CLERK'S NOTE: Following court proceedings, it was determined that an Amended Information needed to be filed. COURT ORDERED, status check SET on Monday, December 23, 2024, to make sure it was filed. //12-18-24/ dy

EXHIBIT "A"

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROY FRANZ TRIGUEROS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 89951
District Court Case No. C382017

FILED
NOV 24 2025
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:

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 30th day of October, 2025.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this November 20, 2025.

Elizabeth A. Brown, Supreme Court Clerk

By: Ashley A Alexander
Deputy Clerk

EXHIBIT "B"

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROY FRANZ TRIGUEROS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89951-COA

FILED

OCT 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Roy Franz Trigueros appeals from a judgment of conviction, entered pursuant to a no contest plea,[1] of possession of drugs which may not be introduced in interstate commerce. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.[2]

On appeal, Trigueros argues he did not validly enter a plea and that both the district court's plea canvass and *Faretta*[3] canvass were insufficient, and therefore his judgment of conviction should be reversed.

Trigueros was initially charged with three felony counts: transport of a controlled substance, possession of a controlled substance with intent to sell, and possession of a controlled substance. At his initial

[1]We note that a no contest plea is equivalent to a guilty plea insofar as how the court treats a defendant. *State v. Lewis*, 124 Nev. 132, 133 n.1, 178 P.3d 146, 147 n.1 (2008), *overruled on other grounds by State v. Harris*, 131 Nev. 551, 556, 355 P.3d 791, 793-94 (2015).

[2]The Honorable Deborah L. Westbrook did not participate in the decision in this matter. The Honorable Michael L. Douglas, Senior Justice, participated in the decision of this matter under the order of assignment entered on September 30, 2025.

[3]*Faretta v. California*, 422 U.S. 806 (1975).

arraignment, he indicated that he wanted to represent himself, and the district court encouraged him to avail himself of the representation provided by the public defender's office, but the court also allowed him 30 days to decide. At the next status check, Trigueros maintained that he wanted to represent himself, and the court conducted a *Faretta* canvass. During the canvass, the State requested the opportunity to make a record of the charges and the potential sentences for each offense, which the court permitted. Ultimately, the court granted Trigueros' request to represent himself and appointed standby counsel, who was present during plea negotiations.

At a hearing to address several of Trigueros' pretrial motions, the State offered a "one-time deal" which would allow Trigueros to plead no contest to two misdemeanors, instead of proceeding to a jury trial on the three felony counts. With respect to the proposed plea deal, Trigueros expressed concern about the charge of doing business without a license because he "wasn't doing any business." After further negotiations, the State agreed to allow Trigueros to plead guilty to a single count of possession of drugs which may not be introduced into interstate commerce—a misdemeanor—and to exclude Trigueros' cell phone from the forfeiture. Trigueros also expressed concern about being charged with trafficking, and the State confirmed that he would not be pleading to a trafficking charge. The plea offer was made orally at the hearing, and Trigueros did not enter into a written plea agreement.[4] Following

[4]Although a written plea agreement is not required for a misdemeanor offense, *see* NRS 174.035(8), we take this opportunity to underscore for the State and the district court the overall benefit of using a written plea agreement versus accepting an oral one when a defendant is

negotiations, he agreed to plead to one misdemeanor count. The district court asked Trigueros, and he confirmed for the court, that he was making the plea "freely and voluntarily."

Standby counsel requested that the district court accept the plea to avoid remanding the case to justice court for acceptance of the misdemeanor plea. Trigueros agreed, and the court accepted his plea, gave him credit for time served, and closed the case. Trigueros filed his direct appeal from the judgment of conviction on the misdemeanor charge, challenging the validity of both the plea canvass and the *Faretta* canvass. We address Trigueros' challenges below.

As a preliminary matter, Trigueros does not claim that he previously raised a challenge to the validity of his plea in the district court and was denied relief.[5] Further, this court generally will not consider a

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charged with a felony in district court but pleads to a non-felony offense, because a written agreement helps protect a defendant's rights and the record by requiring a written acknowledgement from the defendant that they are making their plea voluntarily and with the understanding of the nature of the charge or charges, the consequences of the plea, and a waiver of constitutional rights, as prescribed in NRS 174.063.

[5]To the extent Trigueros contends he could not challenge his plea by filing a postconviction habeas petition because he is not in custody in this matter, he does not dispute the State's argument that he could pursue his claims by filing a motion to withdraw plea pursuant to NRS 34.724(3). *See Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (stating, "a defendant must raise a challenge to the validity of his or her guilty plea in the district court in the first instance, either by bringing a motion to withdraw the guilty plea, or by initiating a post-conviction proceeding . . ."). Therefore, Trigueros effectively concedes this point on appeal. *See Colton v. Murphy*, 71 Nev. 71, 72, 279 P.2d 1036, 1036 (1955) (concluding that when respondents' argument was not addressed in appellants' opening brief, and appellants declined to address the argument in a reply brief, "such lack of

challenge to the validity of a guilty plea on direct appeal from a judgment of conviction, unless an error appears clear from the record. *See Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 367-68 (1986), *as limited by Smith v. State*, 110 Nev. 1009, 1010 n.1, 879 P.2d 60, 61 n.1 (1994) (providing an exception to the rule announced in *Bryant* where the error clearly appears from the record). We also note that Trigueros did not request in his opening brief that we engage in plain error review of the validity of his plea on appeal.[6] *See Jeremias v. State*, 134 Nev. 46, 52, 412 P.3d 43, 49 (2018) (recognizing "the decision whether to correct a forfeited error is discretionary"). Even if we were to review the record for plain error, the validity of a plea is determined from the record as a whole. *See Heffley v. Warden*, 89 Nev. 573, 574-75, 516 P.2d 1403, 1404 (1973) (recognizing the validity of a guilty plea is not determined from the plea canvass alone but from the record as a whole). For these reasons, we decline to address this claim on appeal in the first instance.

Trigueros next argues he did not validly waive his right to counsel because the district court's *Faretta* canvass was insufficient. The Sixth Amendment provides a criminal defendant with the right to counsel, but a defendant may waive this right and represent himself if this waiver is knowing, intelligent, and voluntary. *Miles v. State*, 137 Nev. 747, 749-50, 500 P.3d 1263, 1268 (2021); *Faretta v. California*, 422 U.S. 806, 834-35 (1975). For the waiver to be knowing and intelligent, the defendant must

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challenge cannot be regarded as unwitting and in our view constitutes a clear concession by appellants that there is merit in respondents' position").

[6]To the extent Trigueros argues plain error for the first time in his reply brief, we need not consider it. *See LaChance v. State*, 130 Nev. 263, 277 n.7, 321 P.3d 919, 929 n.7 (2014).

"be made aware of the dangers and disadvantages of self-representation." *Faretta*, 422 U.S. at 835. The record must "establish that he knows what he is doing and his choice is made with eyes open." *Id.* (internal quotation marks omitted). A defendant may waive his right to counsel even if he lacks legal skills and experience, and a district court may not deny a defendant his right to self-representation because he may ultimately conduct his own defense to his own detriment. *Id.* at 834-36. This court gives "deference to the district court's decision to allow the defendant to waive his right to counsel." *Hooks v. State*, 124 Nev. 48, 55, 176 P.3d 1081, 1085 (2008).

The district court canvassed Trigueros twice: once at Trigueros' initial arraignment hearing, and once at a status check approximately 30 days later. During these hearings, the district court inquired into the areas suggested under Supreme Court Rule (SCR) 253. In particular, the district court informed Trigueros that (1) it is "almost always" unwise for a defendant to represent himself and that doing so may be to his "severe" detriment; (2) he must know and comply with the same procedural rules as the lawyers and the court would not help him with these rules; (3) if he is convicted, he cannot complain thereafter that he was ineffective in representing himself; (4) the State would be represented by an experienced, professional attorney who would give him no breaks because he does not have the skills and experience of a professional; (5) he would not be given any special privileges in court or special library privileges in jail should he end up in jail; (6) criminal trials can present difficult choices as to strategy and tactics that he was not trained to make; and (7) the effectiveness of his defense may be diminished by his dual role as attorney and accused. *See* SCR 253(2).

The district court also canvassed Trigueros regarding his age (34-35 years old); his education (high school); his literacy (can read, write, and understand English); his prior experience and familiarity with legal proceedings (none);[7] whether any medical or mental health conditions affected his ability to represent himself (no); whether he had been coerced or threatened by anyone to waive his right to counsel (no); whether he understood he had a right to representation at no cost if he was unable to pay (yes); whether he understood the elements of the crimes (no); whether he understood the possible penalties (no); whether he understood the defenses he may have (yes); whether he understood standby counsel would be appointed to represent him in the event he chooses to abandon his right to self-representation (yes); and the time to file an appeal (thirty days). *See* SCR 253(3).

Although Trigueros stated he did not know the elements of the crimes charged or the potential penalties he faced, the district court permitted the State to make a record of this information.[8] Thereafter, the district court asked Trigueros if he understood, and Trigueros stated he did. *Cf. Miles*, 137 Nev. at 753, 500 P.3d at 1270 ("We stress that the trial court was not obligated to delve into the elements of the charged crimes, but once it did, that inquiry revealed that [the defendant] did not understand the sex trafficking charge and thus may not have appreciated the disadvantages of

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[7]We note that Trigueros represented himself at his preliminary hearing and participated in the cross-examination of two witnesses.

[8]We caution the district court that, although it need not educate a defendant on how to effectively represent themself, it must ensure the defendant makes their decision "with eyes open as to [the] disadvantages" and that they do not "act[ ] on incorrect information." *Miles*, 137 Nev. at 752-53, 500 P.3d at 1270.

self-representation." (internal citation omitted)); *Hooks*, 124 Nev. at 57, 176 P.3d at 1086 ("And of particular significance in this case, it does not appear that [the defendant] understood the potential sentence when he chose to represent himself.").

After review, we conclude the district court made a "specific, penetrating and comprehensive inquiry of the defendant to determine whether the defendant understands the consequences of his . . . decision to proceed without counsel," *see* SCR 253(1), and reasonably concluded Trigueros' waiver was knowingly, intelligently, and voluntarily made. Although Trigueros asserts that his answers or the record indicate he did not have certain foundational knowledge or fully understand aspects of trial proceedings, those issues reflect upon his *ability* to represent himself, not his *right* to represent himself. *See Miles*, 137 Nev. at 752, 500 P.3d at 1270 ("A *Faretta* canvass is not a law school exam that the defendant must pass or be denied the right to represent oneself . . . ."). Accordingly, we conclude the district court did not err by allowing Trigueros to represent himself, and we

ORDER the judgment of conviction AFFIRMED.



_____, C.J.
Bulla



_____, J.
Gibbons



_____, Sr. J.
Douglas

cc: Hon. Mary Kay Holthus, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROY FRANZ TRIGUEROS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 89951
District Court Case No. C382017

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: November 20, 2025

Elizabeth A. Brown, Clerk of Court

By: Ashley A Alexander
Deputy Clerk

cc (without enclosures):
Hon. Mary Kay Holthus, District Judge
Clark County District Attorney \ Alexander G. Chen\ Karen L. Mishler\ Shanon Clowers
Clark County Public Defender \ Kelsey L. Bernstein

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 November 24, 2025.

Heather Ungermann
Deputy District Court Clerk

RECEIVED
APPEALS
Nov 21, 2025
CLERK OF THE COURT

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4/5/2023 1:35 PM
Steven D. Grierson
CLERK OF THE COURT

COMP
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Email: s18083g@lvmpd.com
Attorneys for Plaintiff Las Vegas Metropolitan Police Department

CASE NO: A-23-868446-C
Department 6

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY $2,214.00,

Defendant.

CASE NO:

DEPT NO:

Priority Civil NRS 179.1173

Arbitration Exempt:
Declaratory and Equitable Relief

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, Nevada 89106
(702) 828-3310

COMPLAINT FOR FORFEITURE

Plaintiff alleges as follows:

GENERAL ALLEGATIONS

1. This is a civil action for the forfeiture of $2,214.00 in U.S. Currency ("Defendant Assets") pursuant to the provisions of NRS 179.1156, *et seq.*, NRS 453.301(9).

2. Plaintiff is the Las Vegas Metropolitan Police Department ("Plaintiff" or "LVMPD"), a metropolitan police department duly-organized under NRS Chapter 280.

3. Officers of Plaintiff seized Defendant Assets sought to be forfeited herein.

4. The only known prospective claimant to Defendant Assets is ROY FRANZ TRIGUEROS ("TRIGUEROS"), referred to as POTENTIAL CLAIMANT herein.

EVENTS LEADING TO THE SEIZURE

5. "Pop-up" events are organized at locations where narcotics are sold. These events are announced by promoters through various ways including flyers and/or on social media platforms.

Case Number: A-23-868446-C

EXHIBIT "C"

6. On or about December 13, 2022, LVMPD officer(s) investigated a believed pop-up event. As officer(s) approached the location, a person that had been seen stopping and patting-down persons before entering began to walk away and persons began to run from the location exiting the front and back of the building.

7. An Audi vehicle was observed pulling up to the front of the building and persons loading a large storage container into the vehicle before it left the location. The vehicle was subsequently stopped by officer(s). TRIGUEROS was a passenger in the vehicle and one of the persons that loaded the container into the vehicle.

8. TRIGUEROS was in possession of believed THC concentrate in a glass jar on his person.

9. Located in the vehicle were items including but not limited to over 20 pounds of believed marijuana and/or marijuana products.

10. Defendant Assets were located on TRIGUEROS.

FIRST CAUSE OF ACTION

(Civil Forfeiture Pursuant to NRS 179.1156, *et seq.* and NRS 453.301)

11. Plaintiff repeats and realleges all of the allegations contained in the preceding paragraphs, as though fully set forth herein.

12. Defendant Assets were seized from the actual and/or constructive possession of POTENTIAL CLAIMANT.

13. POTENTIAL CLAIMANT committed or attempted to commit felonies.

14. Particularly, POTENTIAL CLAIMANT engaged in conduct in violation of the Uniform Controlled Substances Act, NRS Chapter 453 and/or Defendant Assets are the proceeds from violations of said Act.

15. Defendant Assets are proceeds attributable to or derived directly or indirectly from the commission or attempted commission of said felonies.

16. Defendant Assets represent value furnished or intended to be furnished in exchange for a controlled substance, in violation of the provisions of NRS 453.011 to 453.552, inclusive, and/or Defendant Assets represent proceeds traceable to such an exchange and/or

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, Nevada 89106
(702) 828-3310

constitute money and/or property which was used or intended to be used to facilitate a violation of the provisions of NRS 453.011 to 453.552 inclusive.

17. Defendant Assets are property or proceeds subject to forfeiture.

18. Because Defendant Assets include cash exceeding the sum of $300.00, there is a rebuttable presumption that Defendant Assets are traceable to an exchange for a controlled substance and are therefore subject to forfeiture pursuant to the provisions of NRS 453.301(9).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. That this Honorable Court declare that Plaintiff, the LAS VEGAS METROPOLITAN POLICE DEPARTMENT, is the legal owner of Defendant Assets;

2. That this Honorable Court decree the forfeiture of Defendant Assets, free of all claims of all persons;

3. That this Honorable Court order said Defendant Assets to be distributed in the manner set forth under Nevada law;

4. That Plaintiff recovers its costs and attorney's fees against any party, person, or entity opposing the forfeiture of Defendant Assets as set forth herein; and

5. That Plaintiff has such other and further relief as the Court deems just and proper.

DATED this 5th day of April, 2023.

Respectfully submitted,

/s/ S. Scott Greenberg
S. SCOTT GREENBERG
Assistant General Counsel
Nevada Bar No. 4622
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106
Attorneys for Plaintiff

LVMPD EV#221200052387/ja

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Steven D. Grierson
CLERK OF THE COURT

NEDJ
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Attorneys for Plaintiff Las Vegas Metropolitan Police Department

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Plaintiff, vs. U.S. CURRENCY $2,214.00, Defendant.	Case No. A-23-868446-C Dept No. VI

NOTICE OF ENTRY OF JUDGMENT BY DEFAULT

TO: ROY FRANZ TRIGUEROS
4511 Verona Street
Los Angeles, California 90022

YOU WILL PLEASE TAKE NOTICE that a Judgment by Default was entered on the 27th day of July, 2023, in the above-entitled action, a copy of which is attached hereto.

DATED this 27th day of July, 2023.

Respectfully submitted,

/s/ S. Scott Greenberg
S. SCOTT GREENBERG
Assistant General Counsel
Nevada Bar No. 4622
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, Nevada 89106
(702) 828-3310

Case Number: A-23-868446-C

EXHIBIT "D"

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of July, 2023, I served a true and correct copy of the foregoing document entitled: NOTICE OF ENTRY OF JUDGMENT BY DEFAULT as indicated below:

_____ sending a copy via facsimile to the parties herein, as follows; and/or

_____ sending a copy via electronic mail; and/or

__x__ placing a copy in a sealed envelope, first-class, postage fully pre-paid thereon and depositing the envelope in the U.S. mail at Las Vegas, Nevada, addressed as follows:

ROY FRANZ TRIGUEROS
4511 Verona Street
Los Angeles, California 90022

/s/ Jessica Anaya
An Employee of the Las Vegas Metropolitan
Police Department – Office of General Counsel

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, Nevada 89106
(702) 828-3310

LVMPD EV#221200052387/ja

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7/27/2023 11:49 AM

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07/27/2023 11:46 AM
CLERK OF THE COURT

DFJD
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DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Plaintiff, vs. U.S. CURRENCY $2,214.00, Defendant.	Case No. A-23-868446-C Dept No. VI

JUDGMENT BY DEFAULT

That a Complaint for Forfeiture of Defendant U.S. CURRENCY $2,214.00 having been filed on April 5, 2023, and potential claimant ROY FRANZ TRIGUEROS, having been served on May 11, 2023, and having failed to appear and answer Plaintiff's Complaint filed herein, the legal time for answering having expired, and no answer or defense by motion having been filed, and no other claimant having come forward as it pertains to the Defendant U.S. CURRENCY $2,214.00, and the Default pertaining to the Defendant U.S. CURRENCY $2,214.00 having been fully entered according to law upon application of plaintiff to the Clerk of Court on July 6, 2023, Judgment is hereby entered against Defendant U.S. CURRENCY $2,214.00 as against potential claimant ROY FRANZ TRIGUEROS, and any other claimants to said Defendant U.S. CURRENCY $2,214.00 pursuant to the prayer of said Complaint.

///

Case Number: A-23-868446-C

WHEREFORE, by virtue of the law and reason of the premises aforesaid, it is Ordered, Adjudged, and Decreed that Defendant U.S. CURRENCY $2,214.00, impounded under LVMPD EV# 221200052387, be forfeited free of all claims of all persons to the Las Vegas Metropolitan Police Department pursuant to the provisions of NRS 453.301(9) and to be disposed of pursuant to NRS 179.1185 and 179.118.

Dated this 27th day of July, 2023

DISTRICT JUDGE

kj

293 CEC 65D7 1A4E
Jacqueline M. Bluth
District Court Judge

Respectfully submitted,

S. SCOTT GREENBERG
Assistant General Counsel
Nevada Bar No. 4622
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106
Attorney for Plaintiff

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, Nevada 89106
(702) 828-3310

LVMPD EV#221200052387/ja

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5/12/2025 2:45 PM
Steven D. Grierson
CLERK OF THE COURT

Roy Trigueros

16230 ¾ Bellflower Blvd.

Bellflower, CA 90706

DISTRICT COURT
CLARK COUNTY, NEVADA

ROY TRIGUEROS,
Claimant,
v.

Case No.: A-23-868446-C

Dept. No.: 6

LAS VEGAS METROPOLITAN

POLICE DEPARTMENT,
Plaintiff.

MOTION TO SET ASIDE DEFAULT JUDGMENT AND FOR RETURN OF THE SEIZED PROPERTY

COMES NOW Claimant, Roy Trigueros, in proper person, and respectfully moves this Honorable Court to set aside the Default Judgment entered on July 27, 2023, under Nevada Rules of Civil Procedure 60(b)(1), (4), (5), and (6), and for an order returning $2,214.00 U.S. Currency seized by the Las Vegas Metropolitan Police Department. This motion is based on the following Memorandum of Points and Authorities, the court record, the attached affidavit, and any oral argument permitted.

RECEIVED
MAY 05 2025
CLERK OF THE COURT

EXHIBIT "E"

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

In late 2022, Mr. Trigueros was arrested during a traffic stop in Clark County, Nevada. At the time of the arrest, officers seized $2,214.00 in U.S. Currency from his person.

The related criminal matter was filed under Las Vegas Justice Court Case No. 22-CR-054762 and was bound over to District Court as Case No. C-24-382017-1 on April 8, 2024.

On December 18, 2024, Mr. Trigueros was sentenced to a misdemeanor offense for Possession of Drugs Which May Not Be Introduced in Interstate Commerce. At that sentencing, he inquired about the return of the seized currency and was informed, for the first time, that a civil forfeiture case had already resulted in a default judgment on July 27, 2023.

Mr. Trigueros had no knowledge of the civil forfeiture proceedings until that date and was never personally served with any complaint or related documents.

At the time the civil case was filed, Mr. Trigueros had moved from 4511 Verona Street, Los Angeles, CA 90022, and had stopped receiving mail there as of February 2023. If service was attempted at that address, he did not and could not receive it.

Mr. Trigueros was unrepresented and unaware of the civil forfeiture proceedings at any time prior to the entry of default.

II. LEGAL ARGUMENT AND AUTHORITIES

A. Judgment is Void Due to Lack of Proper Service and Notice (NRCP 60(b)(4))

A judgment obtained without proper personal service is void. In *FMR Corp. v. Boyce*, 125 Nev. 469, 480 (2009), the Nevada Supreme Court held that a judgment entered without proper service is void. In *Price v. Dunn*, 106 Nev. 100, 103 (1990), the court emphasized the need for diligent and effective service. The U.S. Supreme Court in *Mullane v. Central Hanover Bank*, 339 U.S. 306, 314 (1950), held that notice must be "reasonably calculated" to inform the parties. Mr. Trigueros was never personally served, and any attempted service to his prior residence (from which he had moved) was constitutionally insufficient.

B. Excusable Neglect Due to Lack of Counsel and Notice (NRCP 60(b)(1))

Nevada law favors deciding cases on their merits. In *Yochum v. Davis*, 98 Nev. 484, 487 (1982), the Court reaffirmed that defaults should be set aside when the failure to respond is due to mistake, inadvertence, or excusable neglect. In *Hotel Last Frontier v. Frontier Props., Inc.*, 79 Nev. 150, 156 (1963), excusable neglect was found where the defendant's failure to act was not willful. The Ninth Circuit in *United States v. Signed Personal Check No. 730 of Yubran S. Mesle*, 615 F.3d 1085 (9th Cir. 2010), emphasized leniency for pro se litigants. Mr. Trigueros' lack of notice and absence of counsel meet this standard.

C. Due Process Violated — No Meaningful Opportunity to Contest Forfeiture

Civil forfeiture without notice and a hearing is unconstitutional. In *In re $317,201.00 in U.S. Currency*, 131 Nev. 447, 451 (2015), the Nevada Supreme Court stated that forfeiture statutes must be strictly construed. In *United States v. James Daniel Good Real Property*, 510 U.S. 43, 53 (1993), the Court held that due process requires meaningful notice and an opportunity to be heard. Similarly, in *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972), the Court emphasized the importance of prior opportunity to contest a deprivation of property.

D. Enforcement Would Result in Manifest Injustice (NRCP 60(b)(5))

A judgment may be set aside if enforcing it would be inequitable. In *Kahn v. Orme*, 108 Nev. 510, 512 (1992), the court held that NRCP 60(b)(5) permits setting aside a default when its enforcement would be unjust. In *Daugherty v. Wabash Life Ins. Co.*, 87 Nev. 32, 33–34 (1971), the court found that justice outweighed procedural technicalities. The Ninth Circuit in *Bateman v. U.S. Postal Serv.*, 231 F.3d 1220 (9th Cir. 2000), reversed denial of a motion to set aside a default, citing fairness concerns.

E. Extraordinary Circumstances Warrant Relief (NRCP 60(b)(6))

Rule 60(b)(6) permits relief for "any other reason justifying relief." In *Nevada Indus. Dev. v. Benedetti*, 103 Nev. 360, 362 (1987), the Court held that extraordinary or unique circumstances justify setting aside judgment. The U.S. Supreme Court in *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380 (1993), recognized the flexibility of this rule. Lack of notice, lack of legal understanding, and absence of any opportunity to contest the forfeiture support relief.

F. Meritorious Defense to Forfeiture Exists

Courts require only a prima facie showing of a defense. In *Estate of Adams v. Fallini*, 132 Nev. 814 (2016), the Nevada Supreme Court held that a plausible claim is sufficient to set aside a default. In *Schwab v. Bullock's Inc.*, 85 Nev. 683, 684 (1969), the court stated that a showing the outcome could change merits relief. Mr. Trigueros' criminal conviction was for a misdemeanor, not a forfeitable offense. The funds were lawfully owned and not connected to any illegal use.

III. PRAYER FOR RELIEF

Claimant respectfully requests that this Court:

1. Set aside the Default Judgment entered July 27, 2023;
2. Order return of the $2,214.00 U.S. Currency to Claimant; and
3. Grant any other relief deemed just and proper.

DATED on ~~April 17,~~ 2025. RT April 29, 2025

Roy Trigueros

16230 ¾ Bellflower Blvd.

Bellflower, CA 90706

Claimant, In Proper Person

AFFIDAVIT OF ROY TRIGUEROS

IN SUPPORT OF MOTION TO SET ASIDE DEFAULT JUDGMENT

AND ASSERTING OWNERSHIP OF SEIZED CURRENCY

I, Roy Trigueros, declare under penalty of perjury:

1. I am the Claimant in this matter and the rightful owner of the $2,214.00 in U.S. Currency seized during my arrest.
2. The money was lawfully obtained and intended for personal use and was not derived from or intended for criminal activity.
3. I was arrested during a traffic stop in late 2022 in Clark County, Nevada, and the money was seized at that time.
4. I was charged in case number 22-CR-054762, which was later bound over to C-24-382017-1. On December 18, 2024, I was sentenced to a misdemeanor drug possession charge.
5. At sentencing, I inquired about the return of the seized currency and was informed for the first time that a civil forfeiture proceeding had occurred. I reviewed the docket and discovered that a default judgment had been entered on July 27, 2023.
6. I was never personally served with any pleadings related to the civil forfeiture and had no knowledge of its existence prior to my sentencing.
7. I lived at 4511 Verona Street, Los Angeles, CA, until February 2023 and stopped receiving mail there. If Plaintiff attempted service at that address, I never received it.
8. I was unrepresented and unaware of the civil proceedings until they had concluded.

9. I respectfully request that the Court set aside the default judgment and allow me to assert my claim to the seized currency.

Executed on ~~April 17, 2025.~~ RT April 29, 2025

Roy Trigueros
16230 ¾ Bellflower Blvd.

Bellflower, CA 90706

Claimant, In Proper Person

NOTARY ACKNOWLEDGMENT

State of _____
County of _____

Subscribed and sworn to (or affirmed) before me on this ___ day of _____, 2025, by Roy Trigueros, who is personally known to me or has produced satisfactory identification.

_____
Notary Public Signature
[Seal]
My Commission Expires: _____

See Attached
CA Acknowledgment
E.F.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On April 29, 2025 before me, Everardo Flores, notary public
(insert name and title of the officer)

personally appeared Roy Franz Trigueros ~~———~~ ONLY,
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

EVERARDO FLORES
COMM. # 2413360
NOTARY PUBLIC CALIFORNIA
LOS ANGELES COUNTY
My comm. expires Aug. 20, 2026

Signature _____ (Seal)

CERTIFICATE OF SERVICE

I certify that on April 17, 2025, I served a true and correct copy of the foregoing Motion to Set Aside Default Judgment and for Return of Seized Currency, including the Affidavit of Roy Trigueros and this Certificate of Service, upon:

Scott Greenberg, Esq., Attorney for
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.

Las Vegas, Nevada 89106

District Court Clerk
200 Lewis Ave., 2nd Floor
Las Vegas, NV 89101

DATED on ~~April 17, 2025~~. April 29, 2025

Roy Trigueros

16230 ¾ Bellflower Blvd.

Bellflower, CA 90706

Claimant, In Proper Person

Case No A-23-868446-C

FROM:
Roy Trigueros
16230 3/4 Bellflower blvd
Bellflower CA, 90706

9589 0710 5270 2801 3241 39

CERTIFIED MAIL

9589 0710 5270 2801 3241 39

U.S. POSTAGE PAID
FCM LG ENV
BELLFLOWER, CA 90706
APR 29, 2025
$7.16
S2325A500326-12

89101

Retail

RDC 99

TO:
District Court CLERK
200 Lewis Ave, 2nd Floor
LAS VEGAS NV, 89101

Utility Mailer
10 1/2" x 16"

Ready Post.

Electronically Filed
06/26/2025 3:32 PM
CLERK OF THE COURT

ODM
LIESL FREEDMAN
General Counsel
Nevada Bar No. 5309
S. SCOTT GREENBERG
Assistant General Counsel
Nevada Bar No. 4622
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106
Tel: (702) 828-4970/Fax: (702) 828-4973
Email: s18083g@lvmpd.com
Attorneys for Plaintiff LVMPD

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Plaintiff, vs. US CURRENCY $2,214.00, Defendant.	CASE NO. A-23-868446-C DEPT NO. 6

ORDER DENYING MOTION TO SET ASIDE DEFAULT JUDGMENT

The Court having considered the Motion to Set Aside Default Judgment filed May 12, 2025, by Roy Trigueros, along with Plaintiff's opposition to said motion, and finding the motion can be decided without the need for oral argument, finds as follows:

A default judgment was entered in this matter on July 27, 2023, with notice of entry judgment served the same date.

While Trigueros asserts he moved from the address where the summons and complaint were served as evidenced by the Affidavit of Service before service occurred, he fails to present any evidence to support his denial of living at the address when service occurred. The affidavit of service is prima facie evidence of proper service. See SEC v Solutions for Bus., Inc., 509 F.3d 1161, 1163 (9th Cir. 2007). A proper affidavit of service "can be overcome only by strong and convincing evidence." Id. Generally, "bare" denials are insufficient to overcome a presumptive

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd
Las Vegas, Nevada 89106
(702) 828-3310

EXHIBIT "F"

affidavit of service. Freeman v ABC Legal Servs., Inc., 827 F.Supp.2d 1065, 1075 (N.D. Cal. 2011). In addition to the Affidavit of Service, Trigueros' district court criminal case to which he was bound over, Case No. C-24-382017-1, lists for him the address where service in this matter occurred even after he asserts he moved. The Court finds Trigueros has failed to provide sufficient evidence to support his assertion that service of process was defective.

Furthermore, the Court finds Trigueros agreed as part of his plea in his criminal case to forfeit Defendant Assets. The court minutes and judgment of conviction in Case No. C-24-382017-1 provide for the forfeiture of property seized in his criminal case except for a cellular telephone. The transcript of his plea on December 18, 2024, clearly shows the seized money, i.e. Defendant Assets, was part of the forfeiture in his criminal case. Pleas in criminal proceedings may include forfeiture of seized property. NRS 179.1173(9). An agreed forfeiture in a criminal case is binding. NRS 179.1173(10). Therefore, even if Trigueros could validly attack the default judgment, Defendant Assets would still be forfeited pursuant to his agreement to forfeit those seized funds as part of the plea negotiations in Case No. C-24-382017-1.

THEREFORE, the Motion to Set Aside Default Judgment is **DENIED.**

IT IS SO ORDERED.

Dated this 26th day of June, 2025

DISTRICT COURT JUDGE

72B 576 9900 0D41
Jacqueline M. Bluth
District Court Judge

kj

Submitted by:

/s/ S. Scott Greenberg
S. SCOTT GREENBERG (NVB 4622)
Las Vegas Metropolitan Police Department
Attorneys for Plaintiff

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, Nevada 89106
(702) 828-3310

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DISTRICT COURT
CLARK COUNTY, NEVADA

Las Vegas Metropolitan Police Department, Plaintiff(s) vs. U.S. Currency $2,214.00, Defendant(s)	CASE NO: A-23-868446-C DEPT. NO. Department 6

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 6/26/2025

S. Scott Greenberg	s18083g@lvmpd.com
Jessica Anaya	j16092a@lvmpd.com

Electronically Filed
7/19/2025 10:31 PM
Steven D. Grierson
CLERK OF THE COURT

Roy Trigueros
16230 ¾ Bellflower Blvd.
Bellflower, CA 90706

DISTRICT COURT

CLARK COUNTY, NEVADA

ROY TRIGUEROS, Clamiant, v. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Plaintiff.	Case No.: A-23-868446-C Dept. No.: 6

MOTION TO RECONSIDER ORDER DENYING MOTION TO SET ASIDE DEFAULT JUDGMENT AND FOR RETURN OF SEIZED PROPERTY

(Based on Newly Presented Bank Records Showing Change of Address)

(Hearing Requested)

COMES NOW the Claimant, Roy Trigueros, in proper person, and respectfully moves this Honorable Court to reconsider its June 24, 2025 order denying Claimant's Motion to Set Aside Default Judgment. This Motion is brought pursuant to EDCR 2.24(b) and this Court's inherent authority to reconsider its rulings where newly submitted evidence would alter the result. This Motion is supported by the attached bank statement from Wells Fargo dated March 23, 2023, showing that Claimant had updated his address to 15325 Bellflower Blvd Apt 8, Bellflower, CA ,90706, prior to the date of service in this civil forfeiture case. This documentary evidence constitutes the "strong and convincing" proof the Court previously found lacking, and supports setting aside the default judgment as void under NRCP 60(b)(4).

EXHIBIT "G"

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On June 24, 2025, the Court issued a Minute Order denying Claimant's Motion to Set Aside the Default Judgment, concluding that his prior declaration did not constitute strong and convincing evidence sufficient to rebut the affidavit of service. However, Claimant now submits newly located, dated, and verified Wells Fargo bank records showing that prior to the date of service, he had established residence at a different address in Bellflower, California.

This new evidence is attached hereto as Exhibit A, and directly contradicts LVMPD's assertion that service was proper at the Verona Street address in Los Angeles. Claimant respectfully submits that this new documentation warrants reconsideration of the Court's prior denial and satisfies the legal standard for setting aside a void default judgment.

II. LEGAL STANDARD

Under EDCR 2.24(b), this Court may reconsider a prior ruling where a party presents new evidence or points of law that were overlooked or misapprehended. See also Morales v. Aria Resort & Casino, LLC, 130 Nev. 1237 (Table) (2014). Additionally, NRCP 60(b)(4) mandates that a void judgment must be set aside, and a judgment entered without valid service of process is void. FMR Corp. v. Boyce, 125 Nev. 469, 480 (2009).

III. ARGUMENT

A. New Documentary Evidence Rebuts the Presumption of Valid Service

The Court previously ruled that Claimant's declaration alone did not rebut the affidavit of service. However, the attached Wells Fargo statement dated March 23, 2023, reflects that Claimant

had already updated his residential address to 15325 Bellflower Blvd, Apt 8, Bellflower, CA 90706, well before the attempted service in this matter.

Under SEC v. Internet Solutions for Business Inc., 509 F.3d 1161, 1163 (9th Cir. 2007), an affidavit of service may be rebutted by strong and convincing evidence. This bank record is independent, contemporaneous, and issued by a third party, and constitutes precisely the type of documentary proof required to overcome the presumption of valid service.

B. Lack of Proper Service Renders the Judgment Void

As the Nevada Supreme Court held in Price v. Dunn, 106 Nev. 100, 103 (1990), service must be reasonably calculated to provide notice. Here, LVMPD served the forfeiture complaint at an address where Claimant demonstrably no longer resided. This violates due process under Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950) and compels setting aside the judgment under NRCP 60(b)(4).

C. Additional Relief Is Warranted Under NRCP 60(b)(1), (5), and (6)

If the Court does not find service constitutionally defective, it may still grant relief based on:

- NRCP 60(b)(1): Excusable neglect, as Claimant could not respond to a complaint he never received.

- NRCP 60(b)(5): Equity, as it would be fundamentally unfair to allow forfeiture based on a default entered without notice.

- NRCP 60(b)(6): Extraordinary circumstances, given the overlapping criminal and civil timelines, the complete lack of notice, and the substantial property interest at stake.

CONCLUSION

Claimant respectfully requests that the Court reconsider its prior ruling based on newly submitted bank records showing that he did not reside at the address where service was attempted. The attached Wells Fargo statement proves Claimant had moved to a new residence by March 2023, rendering service improper and the judgment void.

RELIEF REQUESTED

Claimant respectfully requests that this Court:

1. GRANT this Motion to Reconsider;
2. VACATE the June 24, 2025 Order denying Claimant's Motion to Set Aside Default Judgment;
3. GRANT the underlying Motion to Set Aside the Default Judgment under NRCP 60(b)(4); and
4. ORDER return of the $2,214.00 or its equivalent to Claimant.

DATED this 29 day of June, 2025

Respectfully submitted,

Kory Trigueros

16230 ¾ Bellflower Blvd.

Bellflower, CA 90706

CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of June, 2025, I served a true and correct copy of the foregoing Motion to Reconsider Order Denying Motion to Set Aside Default Judgment and for Return of Seized Property, including all exhibits, upon the following parties by U.S. Mail or Hand Delivery to.

Scott Greenberg, Esq.

Las Vegas Metropolitan Police Department

400 S. Martin Luther King Blvd.

Las Vegas, NV 89106

Clerk of the Court

Eighth Judicial District Court

Regional Justice Center

200 Lewis Avenue

Las Vegas, Nevada 89101

EXHIBIT A

Wells Fargo Everyday Checking

June 26, 2023 ■ Page 1 of 8

ROY TRIGUEROS
15325 BELLFLOWER BLVD APT B
BELLFLOWER CA 90706-3763

Questions?

Available by phone 24 hours a day, 7 days a week.
We accept all relay calls, including 711
1-800-TO-WELLS (1-800-869-3557)
En español: 1-877-727-2932

Online: wellsfargo.com

Write: Wells Fargo Bank, N.A. (116)
P.O. Box 6995
Portland, OR 97228-6995

You and Wells Fargo

Thank you for being a loyal Wells Fargo customer. We value your trust in our company and look forward to continuing to serve you in your financial future.

Account options

Activate most of the services you have. Some require agreements. Go to wellsfargo.com or call the number above if you have questions or if you would like to add new services.

Online Banking	✓	Direct Deposit	
Online Bill Pay	✓	Auto Transfer/Payment	
Online Statements	✓	Overdraft Protection	
Mobile Banking	✓	Debit Card	
My Spending Report	✓	Overdraft Service	

Statement period activity summary

Beginning balance on 5/27
Deposits/Additions
Other Withdrawals/Subtractions
Ending balance on 6/26

[redacted]

Account number: [redacted]
ROY TRIGUEROS

Daily balance activity and Overdraft/Return Item Fee(s) summary

Direct Deposit activity
Pending transactions [redacted]

Overdraft Protection

This account is not currently covered by Overdraft Protection. If you would like more information regarding Overdraft Protection or to apply for consideration, please see your store associate or visit any Wells Fargo branch.

Wells Fargo Everyday Checking

March 23, 2023 ■ Page 1 of 8

ROY TRIGUEROS
15325 BELLFLOWER BLVD APT 8
BELLFLOWER CA 90706-3763

Questions?

Available by phone 24 hours a day, 7 days a week. We accept all relay calls, including 711.

1-800-TO-WELLS 1 800 869 3557

En español: 1-877 727-2932

Online: wellsfargo.com

Write: Wells Fargo Bank, N.A. 1141
P.O. Box 6995
Portland, OR 97228-6995

You and Wells Fargo

Don't forget to go to a convenient location and enjoy extended hours. Visit a banking center or ATM. Find one at wellsfargo.com/findus

Account options

Sign up for online banking at wellsfargo.com/enroll to view your account online, pay bills, transfer funds, and more.

Online Banking	✓	Direct Deposit
Online Bill Pay	✓	Auto Transfer Payments
Online Statements	✓	Overdraft Protection
Mobile Banking	✓	Text Alerts
My Spending Report	✓	Debit Card

Statement period activity summary

[redacted]

Ending balance on 3/23 [redacted]

Account number: [redacted]
ROY TRIGUEROS

For Direct Deposit use Routing Number (RTN): [redacted]

Overdraft Protection

You elected to have us decline transactions that would overdraw your account. Therefore, we may decline your debit card transactions and ATM withdrawals when you don't have enough money in your account.

Utility Mailer
10 1/2" x 16"
RECEIVED
JUL 07 2025
CLERK OF THE COURT
FROM:
Roy Trigueros
16230 3/4 Bellflower Blvd
Bellflower CA 90706
TO:
Clerk of the court
200 Lewis Ave
Las Vegas NV 89101
9589 0710 5270 2801 3655 90
CERTIFIED MAIL
9589 0710 5270 2801 3655 90
Retail
U.S. POSTAGE PAID
FCM LG ENV
BELLFLOWER, CA 90706
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$7.16
88101
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08/20/2025 7:35 PM
CLERK OF THE COURT

ODM
LIESL FREEDMAN
General Counsel
Nevada Bar No. 5309
S. SCOTT GREENBERG
Assistant General Counsel
Nevada Bar No. 4622
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106
Tel: (702) 828-4970/Fax: (702) 828-4973
Email: sl8083g@lvmpd.com
Attorneys for Plaintiff LVMPD

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Plaintiff, vs. US CURRENCY $2,214.00, Defendant.	CASE NO. A-23-868446-C DEPT NO. 6

ORDER DENYING MOTION TO RECONSIDER

The Court having considered the pending Motion to Reconsider and Plaintiff's opposition to said motion hereby concludes the motion can be ruled upon without oral argument pursuant to EDCR 2.23, and therefore, vacates the scheduled hearing on the motion. The Court, having considered the pending motion and timely filed opposition, finds as follows:

EDCR 2.24 provides for reconsideration of already decided motions if requested within fourteen days of notice of the order. A motion for reconsideration is appropriate on only rare occasions should a court commit clear error, new evidence is available, or there is a change in applicable law. See Moore v City of Las Vegas, 92 Nev. 402, 405, 551 P.2d 244 (1976); Masonry & Tile Contractors Ass'n v Jolley, Urga, & Wirth, 113 Nev. 737, 741, 941 P.2d 486 (1997). Reconsideration is not appropriate to present arguments already considered by the court or to introduce evidence previously available to the moving party. Thyssen Mining v Placer

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, Nevada 89106
(702) 828-3310

EXHIBIT "H"

Turquoise Ridge, 2006 U.S. Distr. LEXIS 113168 (D. Nev. 12/4/06) (*citing* Christie v Iopa, 176 F.3d 1231, 1239 n.5 (9th Cir. 1999). A prior ruling is "clearly erroneous," and therefore subject to reconsideration, when the judge is "left with the definite and firm conviction that a mistake has been committed." Unionamerica Mortgage & Equity Trs. v McDonald, 97 Nev. 210, 212, 626 P.2d 1272-73 (1981) (*citing* United States v Gypsum Co., 333 U.S. 364, 395 (1948)).

Trigueros fails to meet the strict burden for reconsideration. The bank statement submitted with the motion to support Trigueros' assertion he had moved before he was served was clearly available to him before he filed his motion to set aside the default judgment. Such documentation cannot be "new" evidence for a motion for reconsideration; therefore, there is no basis for reconsideration of the order denying the motion to set aside default judgment. Furthermore, the motion does not address the fact that Trigueros agreed to forfeit Defendant Assets as part of the plea negotiations resolving his criminal case which was an alternative basis for denying the motion to set aside the default judgment.

Additionally, the Court denies Plaintiff's request for sanctions. However, the Court cautions Trigueros against continuing to file meritless motions and will consider possible sanctions if further motions are filed without a reasonable legal basis.

THEREFORE, the Motion to Reconsider Order Denying Motion to Set Aside Default Judgment and Return Seized Property is **DENIED.**

IT IS SO ORDERED.

Dated this 20th day of August, 2025

DISTRICT JUDGE

CB3 163 30FD 5A40
Jacqueline M. Bluth
District Court Judge

Submitted by:

/s/ S. Scott Greenberg
S. SCOTT GREENBERG (NVB 4622)
Las Vegas Metropolitan Police Department
Attorneys for Plaintiff

kj

LVMPD EV#221200052387

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
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(702) 828-3310

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Las Vegas Metropolitan Police Department, Plaintiff(s) vs. U.S. Currency $2,214.00, Defendant(s)	CASE NO: A-23-868446-C DEPT. NO. Department 6

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 8/20/2025

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