

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**DECLARATION OF WARRANT/SUMMONS**  
(N.R.S. 171.106)  
(N.R.S. 53 amended 07/13/93)

**EVENT: 090607-0128**

STATE OF NEVADA                    )  
  ) ss:     Larry Johnson  
COUNTY OF CLARK                )     DOB: 02-21-61

J. Gagliardi, being first duly sworn, deposes and says:

That he is a police officer with the Las Vegas Metropolitan Police Department, being so employed for a period of 10 years, assigned to investigate the crime(s) of Attempt Murder to Promote a Criminal Gang (2 Counts), Conspiracy to Commit Murder to Promote a Criminal Gang (2 counts), Battery with a Deadly Weapon to Promote a Criminal Gang (2 counts), Conspiracy to Commit Battery with a Deadly Weapon to Promote a Criminal Gang, Robbery with a Deadly Weapon to Promote a Criminal Gang (2 counts), Conspiracy to Commit Robbery to Promote a Criminal Gang (2 counts) committed on or about June 7<sup>th</sup>, 2009, which investigation has developed LARRY JOHNSON as the perpetrator thereof.

**THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME TO WIT:**

1). On June 7<sup>th</sup>, 2009 at approximately 12:30am, a violent altercation took place at the establishment known as Mr D's Bar located at 1810 S. Rainbow, Las Vegas, Clark County, Nevada, 89117. The altercation involved two members of the Flaming Knights Motorcycle Club, and numerous members of both the Bandidos Outlaw Motorcycle Gang and the Down and Dirty Outlaw Motorcycle Gang. The Down and Dirty Outlaw Motorcycle Gang is a documented support Gang for the larger, more well established Bandidos Outlaw Motorcycle Gang.

2). During this incident Kadell McCloud, a member of the Flaming Knights MC, was stabbed multiple times in the upper torso, hit with a large metal "Mag-lite" flashlight in the head, and punched and kicked by numerous members of the Bandidos and Down and Dirty Outlaw Motorcycle Gangs. McCloud was transported via ambulance and underwent immediate emergency surgery as a result of his wounds. Upon detectives arrival at the scene at Mr. D's located at 1810 S. Rainbow, the crime scene was already contained/preserved by responding marked patrol units. Inside the crime scene was a substantial amount of apparent blood from victim McCloud, one back portion/torn black leather vest with yellow patches and red embroidery containing the phrases/patches "Bound by Honor", "Flaming Knights MC Las Vegas, NV", "Sand Castle" and "Silver Back" embroidered in white under the bottom patch. There was also apparent blood stains on the vest. This torn black leather vest was recovered under a 2007 Jeep, white in color bearing Nevada license plate KLAJO. Also contained within the crime scene were three motorcycles: 1). 2001 Harley Davidson Motorcycle, black in color, NV/057774, VIN#1HD1FHW141Y651876, R/O Thomas Manderfeld (Documented Member of the Bandido's Outlaw Motorcycle Gang), 2). 1992 Harley Davidson Motorcycle, blue in color, NV/082987, VIN# 1HD1FAL13NY505695, R/O Timothy Koich (Documented Member of the Down and Dirty Outlaw Motorcycle Gang), 3). 2000 American Motorcycle, black in color, NV/86C86, VIN# 1A9SSRED1YB428103, R/O Timothy Koich. These three motorcycles were parked a few feet north of the 2007 white Jeep where the torn Flaming Knights motorcycle vest was recovered.

3). After examining the crime scene, detectives read a written statement provided by independent witness Torrell Huber. Huber reported that he was outside Mr. D's sports bar when he observed at least

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ten members of the Bandido's's motorcycle gang beating victims Kadell McCloud and Andrew Rodriguez. Huber observed McCloud get "pinned to the ground and beaten by ten or more members of the Bandido's." One Bandido, who Huber described as a white male, 6'1", 240lbs, with a medium to athletic build, battered McCloud with a "mag-lite" style flashlight and later fled with a passenger on his motorcycle upon police arrival. The second victim, Andrew Rodriguez, was chased northbound from Mr. D's by three to four members of the Bandido's. Huber also added that all of the Bandido's present at Mr. D's had "mag-lite" flashlights as "part of their uniform."

4). Detectives made contact with the owner of Mr. D's, Dennis Haecke. Haecke acknowledged that he witnessed a portion of the incident in the parking lot of Mr. D's and that he did in fact have video surveillance. Detective Gagliardi, along with Detective A. McDermott and Sergeant K. Delzer proceeded inside Mr. D's into the office to interview Haecke and to review video surveillance. Haecke reported that several members of the Bandido's and the Down and Dirty were involved in a fight with at least one member from the Flaming Knights. Of the members present from the Bandido's the evening of the incident, Haecke recalled "Rick" (Richard Allen), "Bumper" (Aaron Freeman), "Thug" (John Stewart), "Tomcat" (Thomas Manderfeld) and "Rich" (Richard Novicelli). All of these individuals are documented members of the Bandido's motorcycle gang. Haecke indicated that he knows many of the names of the Bandido's due to the fact that they come to Mr. D's at least once per week. Haecke did not know the names of the Down and Dirty that were present the evening of the incident, except for an individual who goes by the moniker "Doc". Haecke continued by reporting that on June 7<sup>th</sup>, 2009 at approximately 0030 hours, he was inside tending bar when he was retrieved by an unknown patron indicating that there was a large fight occurring in the parking lot. Haecke immediately ran outside and observed several Bandido's and Down and Dirty gang members beating a black male from the Flaming Knights who was laying on the ground. Upon observing the altercation, Haecke was able to recover a small black folding knife that was laying on the ground, and a Ruger .357 revolver which was being wrestled over by John Stewart and Kadell McCloud. Of the Bandido's Haecke recalls actively beating McCloud were Aaron Freeman and John Stewart. After the altercation, the police arrived as all involved parties fled the scene. Haecke also added that he believed the motivation for the attack was because the Flaming Knights did not have permission to wear the colors "red and gold" from the Bandido's or the Down and Dirty. This information about the altercation being caused over the dispute over whether the Flaming Knights had permission to wear the colors "red and gold" were later corroborated by statements from James Healey, Timothy Koich and Kadell McCloud.

5). Detective Gagliardi, along with Detective A. McDermott reviewed the video surveillance provide by Haecke. During the surveillance, detectives were able to observe two individuals arrive on motorcycles (McCloud and Rodriguez) in the north parking lot of Mr. D's. McCloud and Rodriguez are immediately confronted by members from the Bandido's and Down and Dirty as several other members from the Bandido's and Down and Dirty rush outside and surround McCloud and Rodriguez. McCloud goes to the ground quickly as numerous members from the Bandido's and Down and Dirty are observed punching, kicking and beating McCloud as he is on the ground. While McCloud is fighting for his life, Rodriguez is observed running northbound from Mr. D's, being chased by several members of the Bandido's and the Down and Dirty.

6). On June 7<sup>th</sup>, 2009, at approximately 1500 hours, Detectives J. Gagliardi and D. Fieselman went to UMC Trauma, Intensive Care Unit, to interview victim McCloud. McCloud was observed to have a stab

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wound to his abdomen, two stab wounds to his right shoulder, a knife wound/slice to the back of his head approximately four inches in length, swelling and two cuts (possibly knife wounds or blunt trauma) beside his right eye and a small cut/defensive wound to his right index finger. McCloud reported that at approximately 0030 hours, he and Rodriguez arrived at Mr. D's and parked in the north portion of the west parking lot. As McCloud parked his motorcycle he observed approximately twenty members of the Bandido's standing by the north doors of Mr. D's with large flashlights attached to their belts. As McCloud got off his motorcycle, he was immediately surrounded by approximately ten Bandido's and confronted by a Bandido who McCloud described as a white male, forty five years of age, dark shoulder length hair, thin build with a goatee. This Bandido grabbed McCloud by his Flaming Knights motorcycle vest and stated "why the fuck are you wearing the same colors as the Bandido's". At this point McCloud stated that he was in fear for his life as he observed approximately ten Bandido's surround him. McCloud was attempting to retrieve a firearm which was concealed in his waistband but was unsuccessful due to the overwhelming attack by the Bandido's. McCloud was then thrown to the ground as the Bandido's began to punch, kick and stab him utilizing at least one knife. McCloud described the knife that a Bandido used to stab him in the abdomen as an eight inch "ginsu" knife with a black handle and a silver blade (semi-serrated) with a small hook or curve at the end of the knife. McCloud did believe that more than one knife was being used as he was also being stabbed in the right shoulder and the back of his head. While on the ground, McCloud observed a Bandido swing a large "mag-lite" style flashlight and strike him beside his right eye. McCloud was temporarily able to make it to his feet to punch a larger member of the Bandido's, but after punching this Bandido, the beating continued again knocking McCloud to the ground as other members of the Bandido's cut, stabbed, and punched McCloud and at one point he was held by his neck and a blade was shoved into his abdomen. McCloud indicated that he punched this Bandido due to the fact that this Bandido was actually choking and grabbing previously. McCloud described this Bandido as a WMA, 6'1", larger, brownish, short curly hair, beard in his late 40's and resembled Bob Villa. While McCloud was on the ground, on his stomach, being held down by a knee on his neck, somebody shouted "if we cant' get them off, just cut them off...". His colors were grabbed from the back and a blade was then used to cut the colors from his body. McCloud was able to escape the Bandido's and reach his motorcycle where he fled the scene with Rodriguez and had a citizen call for an ambulance due to his injuries. McCloud believes the motivation for the attack is because the Flaming Knights wear the same colors as the Bandido's and the Down and Dirty and that they did not have permission to wear the colors.

7). On 06-18-09, Det. Gagliardi and Det. Hancock met with victim Andrew Rodriguez (aka: Frost, President of the Flaming Knights) at his residence located at 7264 Scotts Moor Ct. Rodriguez provided a taped statement to detectives and corroborated the statements given by McCloud, Haecke and Huber. Rodriguez reported that on May 30<sup>th</sup>, 2009 at approximately 1600 hours, Rodriguez, McCloud and "Jew" were riding on US 95/Charleston when a biker approached them from behind. As is customary, the group slowed to allow the solo rider into their pack to ride together. When the solo rider engaged, he indicated to Rodriguez to pull off so that they could speak. Upon pulling over into a nearby gas station, Rodriguez observed that this solo rider was a member of the Down and Dirty Motorcycle gang as he was wearing the appropriate three piece patch. The solo rider immediately identified himself to Rodriguez as "Hawk" the vice president of Down and Dirty (Timothy Koich). "Hawk" informed Rodriguez and his crew, of which, he and McCloud were wearing Flaming Knights "cuts", that the Down and Dirty are a support gang for the Bandido's and that he was informed by the Bandido's that the Flaming Knights were forbidden to wear their "colors" in town due to the fact that they are the same colors as the Bandido's.

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"Hawk" continued by saying that he was "under orders to take the cuts" of any Flaming Knight flying their colors. Rodriguez understood what "Hawk" was saying as this is a re-occurring problem with the Bandido's. Rodriguez informed "Hawk" that this matter had already been settled with the Bandido's and that "Hawk" needed to check his information. "Hawk" told Rodriguez that he would call the president at which time "Hawk" called an individual which Rodriguez over heard as "Thug." "Thug" (Bandido John Stewart) was unable to provide "Hawk" with a concrete answer and informed "Hawk" to tell Rodriguez that he would look into the matter and that maybe the two sides should meet to speak of the issue. Rodriguez told "Hawk" that he was willing to meet with the Bandido's and the Down and Dirty at a later date to discuss the issue at which time "Hawk" provided Rodriguez with a Down and Dirty business card that stated "To: Frost; From: Hawk-Vice Prez; Phone: (702) 809-9947." All parties shook hands and parted ways.

After parting ways, Rodriguez called Bandido "Guido" (Richard Novicelli), to inform him of what had just transpired. "Guido" told Rodriguez that he would be seeing the Bandido's shortly for "poker" and would bring up the issue and get back to him when he got an answer.

On June 6<sup>th</sup>, 2009, Rodriguez, McCloud, "Pops" and "Rockstar" were all riding together stopping at local establishments representing their respective motorcycle clubs. "Rockstar" told the others that there is a club called "RPM" that specializes in repairing motorcycles and that it would be good for the Flaming Knights to meet them to possibly get discounts on motorcycle repairs. All parties agreed and "Rockstar" was able to get in touch with an "RPM" member that goes by the moniker "A-Star" who told "Rockstar" that they were at Mr. D's. The four men agreed to go to Mr. D's and subsequently departed their location. As the four arrived, they all parked their motorcycles in the north parking lot of Mr. D's. Rodriguez, parked his motorcycle "nose-in" and because of this he noticed a large amount of Bandido's in the area as he was getting off his motorcycle. As Rodriguez stepped off his motorcycle, he was approached by a white male, dark hair, moustache, thin build, approximately forty years of age. This white male immediately introduced himself as "Bandido Bill" (WMA 5'9", 165-170lbs., black hair, moustache) and questioned Rodriguez why he was wearing his colors. At this time, Rodriguez noticed that McCloud was also being confronted by at least one Bandido and being questioned for wearing his colors. A second Bandido then approached Rodriguez and stated "I'm Revolver" (Bandido Vice President-Larry Johnson) and slapped Rodriguez in the chest, also questioning why Rodriguez was wearing his colors without the permission of the Bandido's. Rodriguez described "Revolver" as a white male, mid to late 40's, glasses, dark hair, moustache with a goatee, longer hair in the back and the only Bandido observed wearing denim cuts. Rodriguez reported it is at this time that he was in fear for his life and the life of McCloud as he noticed a large amount of Bandido's and Down and Dirty surround he and McCloud. Rodriguez was then struck in the back of the head by a beer bottle by either "Revolver" or the Bandido standing next to him. Rodriguez was then attacked by approximately five Bandido's, one of which was "Revolver." The five Bandido's were wielding knives and flashlights and were punching and kicking and slashing at Rodriguez. Rodriguez described the knife being used as a "box-cutter" but the attacker was never able to slash Rodriguez as he kept throwing a separate Bandido in between himself and the Bandido wielding the knife. A second Bandido began striking Rodriguez in the lower left ankle with a large black mag-lite flashlight. All Bandido's and Down and Dirty continued beating Rodriguez until one of the attackers was able to rip Rodriguez' Flaming Knights "cut" from his body. Along with Rodriguez "cuts", they took his phone and keys which were inside his cuts. At this time, the attack stopped, and Rodriguez' attackers re-focused on McCloud who was fighting for his life on the ground in the parking lot of Mr. D's. Rodriguez observed McCloud on the ground with several Bandido's and Down and Dirty stabbing, bludgeoning and beating him. Rodriguez described a Bandido that was tall, utilizing

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a "kitchen knife or a steak knife", to stab McCloud in the torso. Rodriguez described one of the individuals stabbing McCloud as a WMA that was taller than 5'10". Rodriguez was then re-engaged by the individual who identified himself as "Bandido Bill." The only other Bandido that Rodriguez recognized being present during the attack was "Tomcat" (Bandido-Thomas Manderfeld).

When the parties involved heard police sirens, they began to scatter as the Bandido's were observed fleeing towards their motorcycles. Rodriguez and McCloud rode to a nearby gas station where an ambulance was summoned for McCloud's life threatening injuries. Rodriguez' medical reports indicate that Rodriguez suffered a broken left ankle and a cut to his lower lip. Rodriguez was treated for his injuries at Nellis AFB.

8). On 06-07-09, Det. J. Gagliardi conducted a taped statement with Mr. D's bar owner Dennis Haecke. Haecke reported that between 2130 and 2200 hours, approximately ten Bandido's and four Down and Dirty arrived at Mr. D's. Of the ten Bandido's, Matt, Larry, Rick, Bumper, Richard, Tomcat, John Stewart and Powers were present. Possibly Doc, the president of the Down and Dirty, was present with three other members.

Haecke reported that he was told that two Flaming Knights were backing their motorcycles up and it appeared that the Bandido's were preparing to leave for the evening. The Bandido's then surrounded the Flaming Knights at which time one of the Flaming Knights fled across Rainbow and the other Flaming Knight was "grabbed," at which time the altercation began. Haecke was informed that the altercation stemmed from the Flaming Knights wearing the same colors as the Bandido's. Haecke stated that he was advised of the problem while he was inside tending bar. Haecke then ran outside and observed Bumper, John Stewart, Powers, Doc and several other Down and Dirty members that were kicking, punching and grabbing the Flaming Knight. Towards the end, members were yelling that the Flaming Knight had a gun, at which time John Stewart was attempting to grab the firearm. Stewart and the Flaming Knight wrestled over the firearm which was in the hand of the Flaming Knight. Stewart ultimately grabbed the firearm from the Flaming Knight. Haecke then took the firearm (revolver) from John Stewart and secured it in his back pocket. Haecke then gave it Sgt. Delzer upon police arrival. Haecke reported that when the Flaming Knight got up from the bottom of the pile, his "cuts" were still on. Haecke believes that it was possibly Bumper who ripped them off from his back. The Flaming Knight then fled on his motorcycle. Haecke observed the Flaming Knight to have blood on his face. Haecke then asked a cook to wash away the blood with a bucket of water. Haecke then reported that the Bandido's and the Down and Dirty are not welcome at his bar ever again.

9). Det. Gagliardi and Det. Fieselman made contact with and re-interviewed Dennis Haecke at his residence. Haecke reported that he is familiar with several of the Bandido's and Down and Dirty as they come to Mr. D's on a fairly regular basis. An updated Bandido's roster and Down and Dirty roster was shown to Haecke with the names and monikers of the individuals/suspects covered. Haecke was able to name and/or identify numerous Bandido's by updated and current photographs. Haecke immediately pointed out an individual detectives have identified as Thomas Powers, as a suspect who utilized his large mag-lite to hold McCloud's face down against the asphalt as he was beaten by fellow Bandido members. Next, Haecke identified a picture of Matthew Bonelli. Haecke did not know his name but reported that he observed him standing over the victim as he was beaten. Haecke believed that both Powers and Bonelli are relatively new full patch holders for the Bandido's.

Haecke next pointed out "Matt" (Bandido Mathew Marlow). Haecke reports that "Matt" was present but left prior to the incident. Haecke next pointed to a picture of Larry Johnson. Haecke did not know him

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by name or moniker but states that he comes to Mr. D's on a regular basis. He knows Johnson to be the only Bandido who wears a denim motorcycle vest/Bandido "cut" and that Johnson has long brown hair to the middle/upper back, possibly in a pony tail. Haecke did not observe Johnson beating McCloud and believes that Johnson may have left early.

Haecke then pointed out a Bandido he knows as "Rick" (Richard Allen). Haecke reports that "Rick" wears a brown "cut" and was in on the pile that was beating McCloud. Next, Haecke pointed out a Bandido he knows as "Texas" (Michael Crouse). He reports that Crouse may have been there but he definitely left early. Next, Haecke pointed out Bandido Aaron Freeman. Haecke did not know him by name but described his actions as kicking and punching the victim while he was down on the ground. Haecke then pointed out a Bandido known to him as "Tom" or "Tomcat" (Thomas Manderfeld). Haecke described "Tomcat" as wearing brown/tan "cuts" and that he may have left prior to the fight taking place. Haecke next pointed out a Bandido that goes by Eric Palmer. Haecke reports that Palmer was not present that evening.

Haecke next pointed out a Bandido known to Haecke as "John" (John Stewart). Haecke reported that while McCloud was down on the ground, face down, "John" was lying down next to the victim reaching for a handgun that was possibly concealed in McCloud's front waistband. "John" yelled to Haecke "I've got the hammer" as a Bandido with a Washington bottom rocker was yelling "stick him if he doesn't let go of the gun." "John" was lying on the victims right side according to Haecke. Haecke described the Bandido with the Washington bottom rocker as a white male, 45 years of age, 5'10", 160, long sandy brown hair with a beard. After the gun was handed over to Haecke, McCloud was able to make it to his feet and at that time one of suspects ripped the vest from McCloud's body. Haecke described this suspect as the individual who owns the tow truck service, "Stu" (Stuart Cantara).

Haecke next pointed out a Bandido he knows as "Rich". Haecke reports that he doesn't recall if "Rich" (Richard Novicelli) showed up that evening. Possible Bandido's/ Bandido supporters Jesse Wicketts and Rocky Hollenbeck were not recognized by Haecke.

Haecke was then shown photographs/rosters of the Down and Dirty motorcycle gang. Haecke pointed out Down and Dirty members James Healey and Eric Childers who were standing around "the pile" during the altercation. Haecke did not see either take action and reported that Healey was closer to the pile than Childers. Haecke was later showed a photograph of Timothy Koich who Haecke knows as a Down and Dirty but did not recall if he was present during the altercation.

Haecke also reported that after the Bandido's and Down and Dirty finished beating the victim, McCloud attempted to run away at which time a Bandido supporter that Haecke identified as "Stu," grabbed McCloud by the top middle portion of McCloud's vest and ripped it from his body (Horse Collar). Haecke described "Stu" as a white male, 45 years of age, 5'9" 260lbs, with short brown hair. "Stu" was wearing a black vest with only "supporter" flash on his front breast written in red and gold. "Stu" owns a towing company and provided Haecke with a business card in the past. The office number for the company is 263-1344 and "Stu's" cell phone number is 806-3406.

The name of the company was determined to be "Stu's Motorcycle Towing" as detectives called the office number. The answering machine stated that the caller had reached Stu and Donna's home and also "Stu's Motorcycle Towing." "Stu" has been identified utilizing databases as Stuart Cantara, DOB 10-16-61.

10). On 07-07-09, Det. Gagliardi and Det. Fieselman met with Aaron Landerman, aka A-Star, the President of RPM motorcycle club at 1521 Ruby Cliffs. Landerman reported that he arrived at Mr. D's and observed numerous Bandido's and Down and Dirty members present. He later received a phone

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call from Rockstar of Mixed Breed. Landerman invited Rockstar to come meet him over at Mr. D's. According to Landerman, Rockstar did not tell him that he would be accompanied by Rodriguez and McCloud. At approximately 0030 hours, Landerman observed Rockstar arrive, accompanied by "Pops", Rodriguez and McCloud. Landerman immediately noticed that Rodriguez and McCloud were flying their colors and knew that would cause a problem with the Bandido's and the Down and Dirty. As the group pulled in, they were instantly confronted by "Bandido Rick" (Richard Allen). Allen spoke to McCloud in a relatively calm manner regarding the colors issue. As this conversation was taking place, "Red" went inside Mr. D's to notify the Bandido's and the Down and Dirty that the Flaming Knights have arrived. McCloud and Rodriguez quickly became surrounded by 10-15 Bandido's and Down and Dirty at which time, Revolver, "shoulder checked" McCloud and became extreme confrontational with him, escalating the situation. Bandido Tomcat then arrived and "bike blocked" the Flaming Knights. This maneuver was used to prevent the Flaming Knights from leaving. Landerman believes that when a "bike block" is done, something serious was going to happen. Revolver and other surrounding Bandido's became increasingly confrontational with McCloud and began pushing him and threatening. This caused McCloud to become nervous and he placed his hand in his pocket. Bandido Thug believed that McCloud may have a gun in his possession although Landerman never saw one. As Thug reacted, Bandido Wizard struck McCloud two times in the head with a large mag-lite flashlight. At this time, the fight broke up into two groups as one small group of Bandido's and Down and Dirty chased Rodriguez to the intersection of Rainbow/Oakey, while the larger contingency proceeded to beat McCloud. Landerman did not observe who chased Rodriguez, but did observe Rodriguez return to Mr. D's parking lot, without his Flaming Knights' "cuts."

McCloud quickly got knocked to the ground at which time Landerman observed Red, Bumper, Revolver and Breaker severely beating/punching and kicking McCloud. Thug was observed in the altercation as well, struggling with McCloud on the ground. A gun was ultimately removed from McCloud and passed off. McCloud was then able to get to his feet and appeared extremely unstable. McCloud was also bleeding badly from his head. McCloud then punched Revolver approximately three times in the head, at which time someone yelled "now you've done it, and grab that niggers colors." Thug then grabbed McCloud and all involved parties began beating McCloud for a second time. Landerman then observed 4-5 Bandido's grab McCloud and rip his cuts from his body.

After the beatings, a marked patrol unit arrived at the scene and the officer contacted Revolver. This officer immediately identified Revolver as the vice president and ordered him off of his motorcycle. Revolver refused and rode off. The same officer then contacted Thug as Thug was on his motorcycle. Thug complied and got off his motorcycle and was speaking with this officer. An employee from Mr. D's then began to throw buckets of water on the puddles of blood in the parking lot, which distracted this officer. As the officer addressed the water issue, Thug escaped from Mr. D's. Thug then went to a McDonalds/ gas station on Torrey Pines, when he called Landerman from a payphone asking Landerman to pick him up approximately one hour later. Landerman and RPM Secretary Treasurer "Oz", Mike Oswald picked up Thug at the Torrey Pines location. Thug was covered in blood when Landerman picked him up. Thug began asking Landerman about the status of other Bandido's, at which time Landerman told Thug that they are all okay. Thug was then driven to the RPM clubhouse at which time, Bandido Guido was called to pick up Thug. Landerman then gave him a water and had him wash up to get the blood off of his clothing/body.

11). At approximately 0700 hours, Det Gagliardi and Det McDermott made contact with Rutan to interview him at the Everett Police Department Detective Bureau. At 0714 hours, Det Gagliardi



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Mirandized Rutan at which time he waived his rights. Post Miranda, Rutan provided his recollection of the events as they transpired at Mr. D's on June 7<sup>th</sup>. Rutan reported that he and Jill Kahn rode into Las Vegas together during the early evening on June 7<sup>th</sup>. Rutan stated that while in town he and Kahn were staying with friends of Kahn. Prior to Rutan's arrival, Rutan reached out to Bandido president Matt Marlow, as a courtesy, to advise him that he would be in town. Rutan and Kahn proceeded to Mr. D's bar at approximately 2200 hours to drink and socialize. Upon their arrival Rutan noticed several members of the Bandido's along with various other motorcycle clubs. At approximately 0030 hours, Rutan was inside the bar with Bandido's Revolver, Bumper and Rick when an unknown female came inside to advise them of the arrival of a rival motorcycle club in the parking lot (The Flaming Knights). The four Bandido's quickly went outside at which time Rutan positioned himself behind Flaming Knight McCloud. Bandido's Rick and Revolver confronted Flaming Knight Rodriguez at which time he heard Revolver state, "My name is Revolver" and Rutan recalls somebody grabbing a hold of Revolver's cuts. It was at approximately this time that Rutan observed Bandido Tomcat quickly ride up and position his motorcycle behind the motorcycle of Rodriguez causing a bike block. McCloud then looked back at Rutan at which time Rutan stated, "where the fuck are you going and who the fuck are you" at which time McCloud began to reach towards his waistband and Rutan heard somebody say "gun." McCloud began to back pedal towards Rutan at which time Bandido's Thug and Wizard engaged McCloud. Rutan then observed Wizard attempting to rip McCloud's cuts from his body. As McCloud cleared Rutan's line of sight, Rutan heard the distinct sound of McCloud getting hit in the head with a large D-Cell Mag-lite. Rutan was not in the position to see who struck McCloud but believed that it was either Thug or Wizard.

McCloud was then tackled by Thug, Bumper and Wizard at which time several members of the Bandido's and Down and Dirty jumped into the dog pile on McCloud. Of the Bandido's involved in the dog pile were Thug, Wizard and Rutan with Bandido's Bumper and Breaker being present around the fight. Rutan also observed at least one Down and Dirty member in the dog pile. During the dog pile, Rutan was yelling "Choke him out, be done with it" so that McCloud would drop the gun. While McCloud was down on the ground Rutan kicked McCloud at least two times between the legs. Rutan then proceeded to go inside the bar to find his girlfriend as McCloud was on the ground bleeding heavily from his head. None of the Bandido's appeared to be injured according to Rutan. While inside, an unknown Bandido "Ole Lady," possibly Natalie, said that the Flaming Knights would not give up their colors. Rutan and his girlfriend walked outside the bar at which time Rutan noticed a large amount of blood in the parking lot, as it was pouring down a drain in the parking lot. Rutan also noticed that McCloud was still on the ground being beaten by several members of the Bandido's and the Down and Dirty. Rutan and his girlfriend then got on his motorcycle and departed to Fremont Street to have more drinks.

Rutan remained in Las Vegas but did not fly his colors due to fear of detection by police. When Rutan ultimately made it to northern California, he donned his colors believing that he was in the clear. Since arriving home in Everett Washington, Rutan reports that he has only been in contact with Bandido Bumper, where the two parties spoke of the altercation stemming from an issue regarding the Flaming Knights colors. Rutan advised that he believed that the Nevada Bandido's behavior was not appropriate due to the fact that they had a guest from out of town (Rutan) present and that politics, such as color issues, should be discussed privately. Rutan heard later that the altercation stemmed from the fact that the Flaming Knights had a patch that was similar to that of the Bandido's.

Detective McDermott questioned Rutan about the "Expect No Mercy" patch that Bandido's wear on their cuts. Rutan explained that the Expect No Mercy patch signifies that the member who is wearing this patch has committed a "harsh deed" or an act of violence in furtherance of the gang. Rutan stated that he has not received an expect no mercy patch, nor has he heard of any member from Las Vegas



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receiving this patch as a result of this incident. However, this incident would be considered a harsh deed, according to Rutan.

12). During the investigation into this incident on 06-07-09, Detective D. Fieselman, along with Detective A. McDermott, interviewed several witnesses to the incident. Detective McDermott and Detective Fieselman spoke with James Healey at separate times. Healey is a member of the Down and Dirty Outlaw Motorcycle Gang, and was contacted along with Timothy Koich as they returned to Mr D's to obtain their motorcycles.

Detective McDermott has been assigned to the Criminal Intelligence Section for the last five years and has been assigned to investigate the illegal activities of outlaw motorcycle gangs for the last four years. Healey told Detective McDermott that he was involved in the assault on the Flaming Knights MC member. Detective McDermott noticed that Healey had a small cut on his knuckle and that his jeans pant leg had what appeared to be a large blood stain on it. Healey admitted to Detective McDermott that he punched and kicked a Flaming Knights MC member during the altercation. James Healey agreed to accompany detectives to the Investigative Services Division building near Oakey and Decatur to avoid the public appearance of cooperation. James Healey agreed to be transported in handcuffs, in a marked police car, so that people watching from Mr. D's Bar would believe that he was being arrested. James Healey was subsequently frisked for weapons prior to transport by Detective Fieselman. During that frisk Detective Fieselman took possession of James Healey's cellular telephone and a folding pocket knife. Detective Fieselman knows through his training, experience, and viewing law enforcement safety bulletins, that small caliber firearms, and electronic weapons, commonly called stun guns, are manufactured to resemble cellular telephones. When Detective Fieselman determined that the cellular phone was not one of these weapons, Detective Fieselman retained the cellular telephone to prevent Healey from summoning other members of his gang. Later, during the interview, James Healey offered detectives consent to search his cellular telephone. Healey's cellular telephone is a Nokia brand, model 6086, serial/IMEI number 353274/01/085643/7.

Upon arrival at the Investigative Services building, Healey was Mirandized for the second time by Det. Fieselman at which time Healey waived his rights and acknowledged that he wished to speak with detectives. Post Miranda, Detective McDermott questioned Healey as to the nature of the altercation between the Flaming Knights and the Bandidos/Down and Dirty. Healey told Detective McDermott that the Bandidos and, by way of support and close association, the Down and Dirty motorcycle gangs were offended by the Flaming Knights because of the color scheme used in their patch and identifying insignia. Detective McDermott knows from his training and experience that outlaw motorcycle gangs identify themselves by an insignia or "patch" and a common color scheme. Each gang claims the rights to a different color scheme, and the ownership of those colors is held in the highest regard. Any disrespect shown toward a member's "colors," "patch," or "cut" is seen as a serious violation and may be met with extreme violence.

Healey further confirmed that as members of the Down and Dirty Outlaw Motorcycle Gang both he and Koich were instructed to be ready for an altercation with the Flaming Knights and that they should be ready to "take a patch." Healey explained that the reference to taking a patch had to do with the fact that the Flaming Knights MC color scheme was considered to be too closely related to the colors claimed by the Bandidos and the Down and Dirty. Healey stated that this instruction came via a text message that he received on his cellular phone from an officer of the Down and Dirty. Healey told Detective McDermott that he believed all Down and Dirty members received the same text message.

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Between the dates of 06-09-09 and 06-12-09, Det. Larry Smith #3571 served a search warrant on James Healey's Nokia cell phone. On 06-05-09 at 02:31:04 PM, Healey received an incoming text from Eric at phone number (417) 343-9730 stating "Flamer knights are coming in from arizona they are coming looking for D&D just a heads up to watch your back but don't be afraid to take a cut." On 06-07-09, during an interview with your affiant, Det. McDermott and Det. Fieselman, Healey stated "I had a text message...from... Red, he was a Down and Dirty...Secretary/Treasurer...It was something to the effect that, Flaming Knights, watch your back, don't be afraid to take a cut, which is a vest...this would have been uh, Thursday or Friday." Red/Eric has since been identified as Eric Childers, DOB 01/19/80. During the interview with Healey at the Investigative Services building, Healey reported that approximately six Bandido's were holding McCloud down in the parking lot of Mr. D's while Bandido "Revolver" and Bandido "Rick" were squaring up with victim Rodriguez in the street. Healey believes that the entire chapter of the Nevada Bandido's were present at Mr. D's at some point during the evening, and that Healey did physically observe Bandido's "Wizard, Breaker, Thug, Tomcat, Rick and Revolver" actually taking part in the beating of victims McCloud and Rodriguez. Healey did not recall if "Bumper" was actually present during the altercation. After hearing the sirens, Healey and "Hawk" took off and rolled up their Down and Dirty "cuts" and gave them to an unknown female as they went back inside the bar. Healey continued by saying that "Hawk" may be the president for the Down and Dirty due to some changes in office and that Healey observed "Hawk" taking part in the beating "in some way or another." Healey was also able to corroborate that it was "Hawk" had a prior confrontation with the Flaming Knights prior to the incident at Mr. D's. Finally, Healey reported to detectives that he and others believed that one of the Bandido's (Thug) had been arrested by police because his motorcycle, referring to: 2001 Harley Davidson Motorcycle, black in color, NV/057774, VIN#1HD1FHW141Y651876, R/O Thomas Manderfeld ; was still present in the parking lot of Mr. D's and that they were unable to reach him via cell phone.

13). On 06-24-09, Healey was re-contacted by Det. Gagliardi and Det. McDermott. Det. McDermott read Healey Miranda at 0648 hours at which time he waived his rights. Post Miranda, Healey reported that after the altercation took place, Healey and Hawk rolled-up their cuts and gave them to a female acquaintance of "Hawk." The unknown female has since returned the cuts to "Hawk" and the cuts are currently at "Hawk's" residence located at 171 Emden.

Healey also gave a more detailed recollection of the incident. Upon arrival of the Flaming Knights MC at Mr. D's, "Red" came and retrieved Healey along with other Down and Dirty and Bandido members. As Healey arrived in the area of the altercation, he heard a member of the Flaming Knights tell a Bandido that they had permission to wear their colors. Healey observed Allen, Powers, Johnson, Stewart and Manderfeld make initial contact with the Flaming Knights. Healey remembered a Bandido throwing the first punch as the fight broke off into two groups. Healey initially followed Rodriguez into the intersection of Oakey/Rainbow and threw a beer bottle at him but missed. Healey stated that he was a distance of approximately 30 yards from the Flaming Knight in the intersection of Oakey/Rainbow, when he threw the beer bottle. Healey observed Richard Allen and Thomas Manderfeld engaging Rodriguez. Healey then engaged in the main altercation in the parking lot of Mr. D's. As Healey walked over to assist, he observed McCloud on the ground with Childers pulling McCloud's arm, Stewart pulling the gun away from McCloud, Powers in the pile and striking McCloud with a flashlight and possibly Johnson in the pile as well. Healey recalls McCloud stating at one point "okay, I'll give the gun up! I'll give the gun up!" Healey also recalled a Washington Bandido being present during the altercation. Healey described the Washington Bandido as a wma, mid 30's, 5'11", 180 with long dark hair. This Bandido was accompanied

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by a wfa, pretty, early 30's, 5'7", dark hair, black tank top with blue jeans. Healey could not remember the Bandido's name or moniker but believes that he rode his motorcycle to Las Vegas from Washington and that his motorcycle was present in the parking lot of Mr. D's. His motorcycle was described as a soft-tail American motorcycle possibly 2006-2007 and that it was parked in the northwest portion of Mr. D's parking lot. Healey described the Washington Bandido's actions as that "he came running up to the fight."

A question was posed to Healey of what his reaction might be if the roles were reversed and he was a Flaming Knight and Healey responded that he would have felt threatened and if he had a gun he might have needed to use it.

After McCloud is able to make it to his feet, McCloud takes a swing at Revolver and walks towards Healey. Healey then engages McCloud and recalls kicking McCloud in the shoulder one time and threw him down on the ground, and that is how Healey believes he got a large amount of blood on his pants. When Healey was questioned about Stuart Cantara's involvement, Healey remembered that Cantara was present during the incident and that Cantara is a Bandido supporter. Cantara was wearing a black shirt and Healey remembers Cantara yelling about getting the Flaming Knights cuts. Healey did not observe anybody physically take McCloud's cuts but did hear from Red, that Hawk is the one who took McCloud's cuts and threw them under a car.

14). On 6-19-09, detectives Hancock and Fieselman made contact with David Wilkens aka Rockstar from the Mixed Breed MC. Wilkens was interviewed at his place of employment Towbin Dodge 265 Auto Mall Drive, Henderson Nevada. During the interview Wilkens said the approximately one week before the Mr. D's incident that A-star from RPM had a conversation with him stating that he had heard the Flaming Knights had their cuts removed from them by a D&D Member. The night of the incident Wilkens said that Crew and Frost asked about the RPM MC and Wilkens said they could ride to RPM's clubhouse. Wilkens said that he text messaged A-star and upon him replying found that RPM's clubhouse was closed. However, A-star said that they should come to Mr.D's. All four agreed and they proceeded to Mr.D's. Upon arriving Wilkens said Frost was confronted by two Bandidos. Wilkens did say that he believed one of the Bandidos to be the VP of the Club. Wilkens said that more Bandidos and Down & Dirty emptied out of the bar and he observed Bandido Tomcat ride from behind the bar to block in Frost and Crew. Wilkens said that he knew Tomcat from purchasing MC parts at his store on Boulder Highway. He then observed Crew get "surrounded" and the fighting started. He observed Frost get backed up to Rainbow and Oakey where one Bandido was beating him with a club or a big flashlight. It was shortly after that Frost got up off the ground without his cut. It appeared to Wilkens that the Bandido's had taken his cuts. Frost later returned to the parking lot at which time he was re-engaged by the Bandido's who backed him up again into the street. Wilkens said there was a large group (eight to twelve) of Bandido's surrounding Crew and he observed weapons such as large Mag lights being used to beat him. Crew was grabbed from behind around the back of the chest and throat area at which time he was taken to the ground and beaten. He also observed punching, kicking, and stabbing motions but did not see a knife being used. Crew was able to make it to his feet once or twice but was taken back down to the ground. Wilkens also added that both Frost and Crew were both acting in self defense only, as they tried to protect themselves from the large amount of Bandidos. Wilkens reported to Detective Fieselman, that when "Crew was getting back up, uh...somebody kicked him as he was trying to get up. He was on his hands and knees, they kicked him in the head. He stumbled and then got back up and then another member, it was either Bandidos or Down and Dirty, couldn't tell cause all I seen was their front patch, grab his vest and...and proceeded to ripping it off. I don't' know if they got his whole vest.

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I know they got part of it. It looked like his vest ripped in half." Upon police arrival Wilkens said the he overheard the conversation that Sgt. Delzer had with the Bandidos VP, where Delzer identified the suspect as the Vice President of the Bandidos. The Bandidos VP disregarded Sgt. Delzer's order to remain at Mr. D's and rode off. During the interview Wilkens consented to a search of his phone and signed the consent to search card. Det. Fieselman reviewed the phone however it appeared all the outgoing text messages had been deleted.

15). On 7-1-09, detectives Gagliardi and Fieselman interviewed Richard West, aka Pops, the founder of the Mixed Breed MC. West reported that the Mixed Breed held a meeting at Hoops bar to go over club business and after the meeting, Flaming Knights McCloud and Rodriguez arrived as planned. West, Wilkens (Rockstar), McCloud and Rodriguez rode to other friendly clubhouses nearby and ultimately ended up at the Las Vegas Convicts clubhouse at I15/Craig. Wilkens was then contacted by RPM MC president "A-Star" who told Wilkens that he had heard that the Flaming Knights had gotten their colors pulled. Wilkens relayed the information to Rodriguez at which time Rodriguez wanted to meet with A-Star to discuss the matter. Wilkens told Rodriguez that A-Star was at Mr. D's at which time they all decided to ride to Mr. D's.

Upon arrival at Mr. D's, West observed numerous Bandido's immediately confront McCloud and Rodriguez. West estimated approximately 20 Bandido's. As West walks over to see what the problem was, one of the Bandido's told West to "get the fuck out of here, this ain't your business." West described this Bandido as the Vice President of the Bandido's as it was the same person that Sgt. Delzer attempted to stop upon his arrival. As the Flaming Knights were surrounded, he heard loud arguing about the "colors" issue. An unknown Bandido then pushed Rodriguez and the fight broke up into two groups. While McCloud was down on the ground he observed a Bandido punching him several times in the head causing McCloud's head to strike the asphalt. West also heard at least one of the Bandido's yelling, "I'm gonna kill you nigger, I'm gonna kill you," as the Bandido's were "pounding" his head. Approximately five Bandido's chased Rodriguez into the intersection, while approximately fifteen Bandido's proceeded to beat McCloud in the parking lot. West reported that the Bandido's were responsible for taking the Flaming Knights cuts. When Rodriguez returned to the parking lot after being beaten, he was limping and was not wearing his Flaming Knights cuts. After the Bandido's finished beating McCloud, McCloud was only wearing half of his vest as it appeared to West that it had been cut from his body. West continued by stating that he believes the motive for the altercation was to take the vests from the Flaming Knights. West stated that he never saw any weapons (knives, guns or flashlights) introduced but it was apparent to him that McCloud had been stabbed. After the beating took place, West and Wilkens received text messages from A-Star stating that the RPM Clubhouse is open. This translated to West that RPM wanted to drink with the Mixed Breed after the altercation.

16). On 7-28-09, Det. Gagliardi, Det. Hancock and Det. Fieselman later interviewed Joshua Cowart, RPM Vice President, aka "Squishy", at his residence located at 410 Ash Street, Henderson. Cowart reported that two weeks prior to June 7<sup>th</sup>, he had heard that the Flaming Knights had been confronted by the Bandido's regarding the "color issue." On June 7<sup>th</sup>, Cowart arrives at Mr. D's and observes approximately 13-15 Bandido's and Down and Dirty members. Of the Bandido's Cowart recognizes being present are "Thug" and "Wizard" and from the Down and Dirty Cowart recognizes "Red" and "Rocky." After being at Mr. D's for a reasonable amount of time, Cowart observes Mixed Breed members "Pops" and "Rockstar" arrive accompanied by Flaming Knights "Crew" and "Frost." The Flaming Knights are immediately "swarmed" by all members of the Bandido's and the Down and Dirty at which time

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Cowart knew it was due to the "colors issue." Cowart was standing about 25-30 feet from the confrontation and heard the Bandido's tell the Flaming Knights to "take off their colors." Cowart then observed a motorcycle driven by an unknown Bandido, possibly not wearing a helmet, arrive and do a "bike block", preventing the Flaming Knights from leaving. It appeared to Cowart that the Bandido's "had a plan." It also appeared to Cowart the Bandido's were trying to take the Flaming Knights colors. A few members of the Bandido's chased "Frost" out into the street throwing bottles at him, while 6-8 Bandido's tackled "Crew" to the ground. Cowart believed that the Bandido's chasing Frost chased him in order to remove his cuts. During this altercation, Cowart heard an individual yell that there was a gun. As the altercation unfolded and they were rolling around it appeared to Cowart that the Bandido's were trying to remove Crew's cuts as they were still yelling gun. Cowart believes that the "color issue" is the cause of this entire altercation. The fight was going on for several minutes at which time "Crew" was able to make it to his feet. Cowart heard from another party, that as Crew stood up, Cowart believes his cuts had already been forcibly removed by the Bandido's. Crew then took a swing at the Bandido's vice president at which time the fight went to the ground for a second time. The first arriving patrol officer stopped and identified a Bandido who was attempting to depart on his motorcycle as the Vice President of the Bandido's. This individual subsequently ignored the officers commands and departed. After all involved parties had fled, Cowart observed Bandido "Thug" standing in the parking lot. Later, Cowart noticed that "Thug" was no longer present.

Cowart reports that he left Mr. D's after at least one hour following the incident as officers checked his identification. Cowart and other members of RPM then proceeded back to their clubhouse in the area of Western/Sahara. Upon arrival at the clubhouse, Cowart received a phone call from Bandido "Thug," who advised that he was calling from a payphone and that he needed a ride. Cowart believes that "Thug" had his phone number from an RPM business card that he provided him with earlier that evening. Cowart then had RPM President A-Star and RPM Member Oz, go pick up "Thug." After several minutes, all parties arrived back at the clubhouse and Cowart noticed that "Thug" was wearing a dark t-shirt with his Bandido cuts rolled up underneath his shirt. "Thug" did not speak much about the incident but asked to use the cell phone of an RPM member, possibly Cowart, to call a Bandido brother to pick him up. "Thug" sat between the door and the bar and was served a drink by Hardin/ Country Punk. Shortly thereafter, Bandido "Guido" arrived, accompanied by two additional Bandido's in an unknown truck. "Thug" walked outside and departed with "Guido."

17). On 6-24-09, during service of a search warrant on Johnson's residence, detectives recovered Johnson's denim Bandido cuts, on black mag-lite flashlight, a set of PBOL cuts, Bandido paraphernalia and Bandido patches including a "Revolver" patch and a "Sec-Tres" patch. Also observed and photographed during the service of the search warrant was one motorcycle registered to Johnson with Bandido support paraphernalia.

18). Video surveillance captures Johnson present and confronting the Flaming Knights at their motorcycles. While McCloud is being beaten, Johnson is observed with Stuart Cantara approach McCloud.

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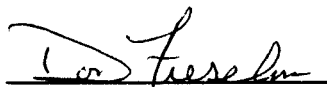
19). Sgt. Delzer completed an officers report detailing how he stopped the vice president of the Bandidos (Larry Johnson) as he fled Mr.D's. Johnson did not comply with Sgt. Delzer's lawful order and stated to Sgt. Delzer, "No way, I'm not staying....."Good I'm glad you know who I am. I am still leaving."

Wherefore, declarant prays that a Warrant of Arrest be issued for suspect LARRY JOHNSON on a charge(s) of Attempt Murder to Promote a Criminal Gang (2 Counts), Conspiracy to Commit Murder to Promote a Criminal Gang (2 counts), Battery with a Deadly Weapon to Promote a Criminal Gang, Robbery with a Deadly Weapon to Promote a Criminal Gang (2 counts), Conspiracy to Commit Robbery to Promote a Criminal Gang (2 counts) .

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

**Executed on this 2nd day of March, 2010.**

**DECLARANT:** 

**WITNESS:**  5257 **DATE:** 3.2.10