

1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,)

4 Plaintiff,)

5 -vs-)

6 THOMAS ROSCO MENDIOLA)
7 #2660033,)

8 Defendant.)

CASE NO: 11F01530X

DEPT NO: 3

CRIMINAL COMPLAINT

9 The Defendant above named having committed the crimes of DISPOSAL OF
10 FIREARM TO PROHIBITED PERSON (NRS 202.362), in the manner following, to-wit:
11 That the said Defendant, on or between July 15, 2010 and August 19, 2010, at and within the
12 County of Clark, State of Nevada, did then and there willfully and unlawfully sell or
13 otherwise dispose of a firearm, to-wit: a Sturm Ruger handgun, bearing Serial Number 16-
14 81033, to another person, to-wit: ROBERT JUSTICE, the Defendant having actual
15 knowledge that the said ROBERT JUSTICE was under indictment for, or had been
16 convicted of a felony; the said ROBERT JUSTICE having previously convicted of the
17 felonies of Theft by Control and/or Misrepresentation and/or by Controlling Stolen Property
18 with a Value of \$3,000.00 or More, but Less Than \$25,000.00, Theft of Means of
19 Transportation by Control and/or by Controlling Stolen Property, and Fleeing from Law
20 Enforcement Vehicle, Pima County, Arizona Superior Court, 2002.

21 All of which is contrary to the form, force and effect of Statutes in such cases made
22 and provided and against the peace and dignity of the State of Nevada. Said Complainant
23 makes this declaration subject to the penalty of perjury.

24
25
26 _____
1/27/2011

27 11F01530X/jah
28 LVMPD EV# 1009143009
(TK3)

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

EVENT: 100914-3009

STATE OF NEVADA)
) **ss:** Thomas Rosco Mendiola
COUNTY OF CLARK) LVMPD ID# 2660033

A. Stanton, 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 16 ½ years, assigned to investigate the crime of Sale or Disposal of Firearm or Ammunition to Prohibited Person committed between July 15th, 2010 and August 19th, 2010, which investigation has developed THOMAS ROSCO MENDIOLA as the perpetrator thereof.

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

1. During a long term undercover operation, Las Vegas Metropolitan Police Department undercover employee (UCE) # 048 had several undercover contacts with a male who was identified as Robert A. Justice DOB 01/18/1966. I learned through a criminal history inquiry that Justice has been convicted for two felony offenses.

2. On August 19th, 2010, UCE # 048 made contact with Justice in an undercover capacity. Justice stated that he had recently become acquaintances with a Metro officer who he identified as "Tom" during a future conversation. He said that "Tom" had recently given him a handgun. Justice further stated that he told "Tom" that he was prohibited from having firearms due to his status as a convicted felon.

3. On September 8th, 2010, UCE # 048 made contact with Justice in an undercover capacity. Justice talked about a .357 handgun that he was willing to sell to UCE # 048 for approximately \$300.00. Justice also stated that he had a Ruger .22 caliber handgun that had been given to him by "Tom". He said that "Tom" told him that it was purchased at an estate sale. Justice told UCE # 048 that he would possibly be willing to sell the Ruger handgun as well.

4. On September 14th, 2010, UCE # 048 made contact with Justice in an undercover capacity. UCE # 048 asked Justice if he was still willing to sell the handguns that they had previously spoken about. Justice stated that he would sell the .357 but he wanted to keep the Ruger handgun. UCE #048 asked Justice how much he wanted for the .357 and Justice stated that he was looking to get \$350.00 or \$400.00 for it. UCE # 048 told Justice that he would also like to buy the Ruger handgun. Justice placed a phone call and had both of these firearms brought to the location that he and UCE # 048 were located.

5. Justice and UCE # 048 walked out to a vehicle parked in the parking lot and UCE # 048 was provided a brown colored cloth case. UCE # 048 unzipped the case and observed a Sturm Ruger .22 caliber, semi automatic handgun bearing serial number 16-81033. Also in the case were two, .22 caliber ammunition magazines for the handgun that were loaded with .22 long rifle ammunition and a small box of CCI Blazer .22 long rifle caliber ammunition. UCE # 048 was also shown a brown colored hard case containing a Dan Wesson .357 caliber, six shot revolver bearing serial number 218593. The case also contained three additional barrels for the revolver, some miscellaneous firearms tools, and an additional

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set of wooden grips for the firearm. UCE# 048 offered Justice \$500.00 for both of the firearms and Justice agreed to the deal. UCE # 048 took possession of the firearms and paid Justice \$500.00.

6. I conducted a records inquiry on both firearms. Neither firearm was stolen and neither firearm had ever been registered in Clark County. Both firearms and the related ammunition, cases and accessories were photographed by myself and impounded as evidence by UCE # 048.

7. During the undercover operation, I obtained Justice's cellular telephone records. During a review of the phone records it was learned that Justice had been communicating with Thomas Mendiola, LVMPD ID# 2660033. I learned through LVMPD records that Mendiola is employed with the LVMPD as a police officer.

8. On December 28th, 2010, Detective M. Gregory P# 4112 and your I contacted Justice and interviewed him regarding the firearms that were obtained by UCE #048. Justice stated that he has been convicted of two separate felony offenses. He said that during the summer of 2010 he was contacted by a male who he knows as Tom Mendiola. Justice said that Mendiola requested that Justice perform some work on one of his vehicles at his residence which Justice said was located in Las Vegas in the area of Windmill, west of Paradise. Justice indicated that the first time he went to Mendiola's residence was after July 10th, 2010. Justice stated that during this contact with Mendiola he talked to Mendiola about the fact that he had been incarcerated in prison and what he had been charged with. Justice told Mendiola that he has always been a gun enthusiast and that he had several firearms prior to his arrests/ convictions. Mendiola also told Justice that he was a police officer with LVMPD.

Justice Stated that although he was not sure of the date, he estimated that approximately two months later Mendiola contacted him to perform additional mechanic work at the same residence. Justice stated that he went to Mendiola's residence and completed a small auto repair job. Justice stated that he did not charge Mendiola and Mendiola said that he had a gift for Justice. Justice stated that Mendiola briefly went into his residence and returned with a small cloth case containing a .22 caliber pistol, an extra magazine and a box of ammunition which he gave to Justice. Justice said that he ended up selling this .22 caliber handgun and a .357 handgun for \$500.00 to a person he later learned was an undercover detective while the detective was acting in an undercover capacity. Justice further indicated that Mendiola knew that Justice was prohibited from possessing firearms because the two of them had discussed it.

9. On January 6th, 2011, Detective Gregory and your I contacted Thomas Mendiola, LVMPD ID# 2660033. Mendiola stated that he knew Robert Justice as Justice had performed some mechanic work for him at his previous residence near Windmill and Bermuda. Mendiola acknowledged knowing that Justice had been in prison. I asked Mendiola if he had ever given Justice any guns and he said, "Uh, Ruger .22, a beat up one." Mendiola stated that his aunt who had moved out of town had given him a box of items and that the .22 caliber handgun was among those items. He further stated that, "it wasn't even working, it was just beat up."

Mendiola stated that during this contact, which he believed was in September of 2010, Justice had showed him a ".357 black Python." that he brought over. Mendiola described it as "a big gun" that it had "the barrels that screw on and off." Mendiola said, "it looked like it was in a caliper case, is what it looked like, all cut out for it." Mendiola also stated that there were three different barrels for it. Mendiola said

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that he told Justice, "dude you're not supposed to have that, but you already know that, so" and that Justice replied, "yeah, no one will know."

I asked Mendiola if he knew what Justice ended up doing with either of those guns and Mendiola said, "I don't know. He said he was collecting em'. The Ruger wasn't for shit, I mean, it was rusted, it had no sights, it didn't fire, course I never tried it. It just didn't look like it even fired to me at all." Mendiola further stated that the Ruger handgun had a magazine in it and a fuzzy case that it was kept in.

10. I found through Mendiola's cellular telephone subscriber record that his previous address was 741 Autumn Moon Dr. Las Vegas, NV. This residence is located near Windmill Lane, west of Paradise Road as Justice had described it.

11. Justice stated that he first went to Mendiola's residence to perform work after July 10th, 2010. Justice first told UCE #048 that he had the .22 caliber handgun on August 19th, 2010. Due to these time references, I believe that the transfer of the Sturm Ruger .22 caliber firearm occurred on an unknown date between July, 10th, 2010 and August 19th, 2010.

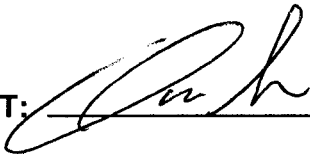
12. According to the information from the interviews with Robert Justice and Thomas Mendiola as well as the information learned in the undercover operation, Mendiola transferred the Sturm Ruger .22 caliber handgun bearing serial number 16-81033 to Robert Justice with the knowledge that Justice is prohibited by law from possessing firearms in violation of Nevada Revised Statute 202.362.

Wherefore, declarant prays that a Warrant of Arrest be issued for suspect THOMAS ROSCO MENDIOLA on a charge of Sale or Disposal of Firearm or Ammunition to Prohibited Person.

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

Executed on this 24th day of January, 2011.

DECLARANT: _____



WITNESS: _____

 4112

DATE: _____

01/24/2011