

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HECTOR HUGO RAMIREZ-DE LA  
TORRE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82891-COA

**FILED**

**APR 13 2022**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Hector Hugo Ramirez-De La Torre appeals from a judgment of conviction, entered pursuant to a jury verdict, of one count of possession of a firearm by a prohibited person, four counts of trafficking in a controlled substance, and ten counts each of unlawful killing or maiming of an animal kept for companionship or pleasure and possession of an animal with the intent to have it fight another animal. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Ramirez-De La Torre argues the district court erred by denying his pretrial motion to dismiss the charges against him. This court reviews a district court's denial of a motion to dismiss charges for an abuse of discretion. *Hill v. State*, 124 Nev. 546, 550, 188 P.3d 51, 54 (2008).

In his motion, Ramirez-De La Torre claimed the charges against him should be dismissed because his due process rights would be violated since he would be unable to present a duress defense at trial based on his fear of the Mexican cartel he worked for. The district court denied his motion stating,

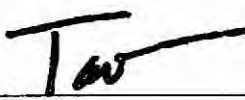
Hector has been provided all process he is due. This process does not include insuring his safety to the degree he feels is necessary for him to put on a particular defense. Hector has provided no cogent

argument or authority for the proposition that he is entitled to the dismissal of the charges against him because he fears suffering death or bodily harm if he presses the defense permitted by NRS 194.010(8).

On appeal, Ramirez-De La Torre admits he did not provide the district court with details of any specific threats to support his claim that he acted in duress or that he was prevented from presenting that defense at trial based on actual threats. Further, Ramirez-De La Torre did not cite to any case law in his motion to support his claim that alleged threats from actors outside of the judicial system would warrant dismissal of the charges.<sup>1</sup> Therefore, we conclude the district court did not abuse its discretion by denying the motion to dismiss the charges. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
Gibbons, C.J.

  
Tao, J.

  
Bulla, J.

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<sup>1</sup>On appeal, Ramirez-De La Torre cites to cases that deal with third parties—the press or a public mob—interfering with the due process rights of a defendant during trial. See *Rideau v. Louisiana*, 373 U.S. 723 (1963); *Estes v. Texas*, 381 U.S. 532 (1965); *Sheppard v. Maxwell*, 384 U.S. 333 (1966); *Moore v. Dempsey*, 261 U.S. 86 (1923). Ramirez-De La Torre did not cite to these cases or make argument relating to them below in support of his motion to dismiss. Therefore, we need not consider them on appeal. See *McNellon v. State*, 115 Nev. 396, 416, 99 P.3d 1263, 1276 (1999). We note, however, that the remedy in those cases was not dismissal of the charges; rather, the remedy was to retry the defendant in a way that protected the defendant's due process rights. *Rideau*, 373 U.S. at 727; *Estes*, 381 U.S. at 552; *Sheppard*, 384 U.S. at 363; *Moore*, 261 U.S. at 92.

cc: Hon. Alvin R. Kacin, District Judge  
Gary D. Woodbury  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk