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June 4, 2018

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
Attn: Adam Paul Laxalt,
Attorney General

HAND-DELIVERED

Re: **REQUEST FOR INVESTIGATION**

Dear Mr. Laxalt:

This letter is a follow up to the letter dated on or about April 5, 2018 to your office from Don Roger Norman of Tahoe-Reno Industrial Center (TRI) requesting an immediate investigation of Gerald Antinoro. Chief of Investigations, Rod Swanson, discussed this letter with our office on May 7, 2018 and invited us through email to draft a letter detailing evidence of any crimes that may have been committed. To that end, we would appreciate your consideration of the following issues.

The Importance of fully investigating the Antinoro incidents regardless of the statutes of limitations.

A. The expiration of the statute of limitations on some of the incidents does not mean Antinoro did not commit a crime.

Mr. Swanson mentioned on the phone with our office that any criminal issues your office found in the depositions forwarded to you with the April 5, 2018 letter were outside the statute of limitations. However, this is not a bar to any investigation by your office or any subsequent prosecution, as set forth below.

We request you fully investigate those incidents, as the statutes of limitation are non-jurisdictional, affirmative defenses. The failure to raise the statute of limitation in the trial court waives the defense.¹ The running of the statute does not mean there was no crime, nor should it operate to hide from the public whether the conduct occurred or not. Since the statute is not a jurisdictional bar to the prosecution of a crime combined with the public's interest in awareness of crimes committed by the senior law enforcement official in a jurisdiction, it would be beneficial to the public and a necessary use of state resources to investigate all credible allegations of such crimes by a sitting Sheriff, regardless of the statute of limitations.

¹ *Hubbard v State* 112 Nev. 946, 993 (1996).

Further, if the victim of a crime perpetrated by Antinoro did not report the incident because of intimidation or fear of retaliation because Antinoro was wearing a badge as a deputy at the time, or was a County Sheriff at the time, that should toll the running of the limitations period. We request your office investigate whether the victims here stayed silent from making an official report because of fear of what Antinoro might do to them.

B. The public has a vital interest in knowing whether Antinoro has committed a crime, regardless of the statute of limitations.

As the senior enforcement official in the State of Nevada, you hold a very special position regarding oversight of local law enforcement across the state. In essence, you are the shepherd of the public interest in the fidelity and the good conduct of County Sheriffs. This is a key role because, as illustrated in the Antinoro case, there is no one else who can or will hold a rogue sheriff accountable. The Ethics Commission is restricted by statute to specific ethical issues. The District Attorney's office is very limited in personnel and resources in Storey County and would likely have a conflict in any event on investigating the County Sheriff. Last, you've seen in the depositions Mr. Norman sent to your office that because the incidents described in the depositions regarding the horrific abuse of women involved Antinoro himself, there was absolutely no investigation by Antinoro's office. He never recused himself or appointed someone to independently investigate (nor given his attitude of no remorse whatsoever would he ever do so). He ignored the reports on his own conduct and quickly stifled any investigation.

You are the only hope for all the women Antinoro has inflicted harm on to hold him accountable.

The only and last hope.

Please ask your staff to review and report to you on whether Antinoro did in fact commit criminal acts against women (the rape reported to the Sparks PD, etc.), regardless of the statute of limitations, and let the public know your thoughts on this conduct.

Request for Investigation of Perjury by Antinoro

Sheriff Antinoro has violated NRS 199.120 (criminal perjury) in depositions taken in various lawsuits in which he is a party. Since these depositions were taken within the last year, they are well within the statute of limitations.

As you know, *Brady v. Maryland*, 373 U.S. 83 (1963) requires disclosure of all potentially exculpatory information in the hands of the state to the defense in a criminal case.

Under *Giglio v United States*, 405 U.S. 150 (1972) that duty was expanded to include evidence which might tend to impeach any witness for the state. If a law enforcement officer has offered

false information in the past, that is required to be disclosed. (Rothlein, *Brady v. Maryland: Do you Understand your Obligations?* (Public Agency Training Council, <http://www.patc.com/weeklyarticles/bradyvmaryland.shtml>.)

The public has a strong interest in ensuring criminal prosecutions remain strong and credible. If Sheriff Antinoro, while a sitting Sheriff, has a disregard for the truth under oath, juries would use that information to conclude that his testimony in a criminal case, like the Judy Black case as an example, is not credible. It is crucial to establish whether Antinoro testified truthfully or not. This could lead to criminal prosecutions falling apart because of lack of faith that the senior law enforcement official is honest and credible. This should be determined and remedied now, before more prosecutions are put in jeopardy.

If, however, it was positively concluded that Sheriff Antinoro was in fact accurate, and not false at all, then the concern would vanish as no logical rationale would support using the conduct to support impeachment of Sheriff Antinoro and/or his deputies at trial. Accordingly, we believe that an investigation by your office into Sheriff Antinoro's potential perjury is vital and in the public interest, regardless of the outcome.

Request #1 – Perjury regarding whether Antinoro attempted to have his lover sleep with three other men.

In the *Keener v Antinoro* lawsuit, Sheriff Antinoro testifies that he never attempted to have his lover, Ms. Enlow, sleep with three other men:

Q: Is it true that you took her -- you've already told me you've gone on a couple of out of town trips with Miss Enlow, right?

A: Yes.

Q: Is it true that you tried to get her to sleep with three black guys

A: No.

Q: Is it true that you tried to get her to sleep with other guys so you could watch or hear about it?

A: No.

(Antinoro deposition, p. 168, lines 4-16.)

But in his deposition for the same case, Kenneth Quirk, Antinoro's longtime friend, veteran law enforcement officer, and Antinoro's former Lieutenant, testified as follows:

Q: Did Mr. Antinoro ever tell you that he dated April Enloe?

A: He did.

Q: Did he ever tell you he had sex with April Enloe?

A: He did.

Q: Did he ever tell you that he tried to have April Enloe engage in sex with other men?

A: He did.

(Quirk Deposition, p. 38, lines 1-9.)

Later, in the same deposition, Quirk testified:

Q” "I was later advised by former Sergeant Guthrie that April went with Antinoro out of town and he had tried to get her to sleep with three black guys." Did you ever hear that?

THE WITNESS: I had heard that.

BY MR. FLANGAS: Q: Who did you hear it from? Mr. Antinoro?

A: Yes, but it was conveyed a little differently then. It wasn't three black guys.

Q: It was -- what was it?

A: I think it was just one...

(Quirk Deposition, p. 83, line 15 – p. 84, line 3; objections removed from excerpt)

Antinoro therefore admits to Quirk an incident did occur. Was it three other men or one? Did he try to get her to sleep with other men so he could watch or hear it? If either answer is yes, then he testified falsely in deposition.

Further, former Undersheriff and 16-year law enforcement veteran Melanie Keener prepared a contemporaneous statement regarding a statement made to her by the victim, who was scared to death at the time. This statement was sent to your office. The statement is reproduced below:

April proceeded to tell me that she has been approached to come forward regarding something that happened to her but she is terrified about Jerry (Antinoro) or one of his “cronies” coming after her. She said she saw the look in his eyes at the hotel that day when she was away with him and it scared her very badly. She said that she is single and lives alone in Reno and Jerry (Antinoro) and John Michael Mendoza know where she lives. She said she is afraid to tell anyone because she remembers the look in Jerry’s eyes. April also told me that Jerry told her he has a “mole” at the courthouse, someone on the inside. This adds to her fear and although she was supposed to meet with Pat Whitten, County Manager, to discuss what Jerry did to her, she is worried about her safety if she comes forward.

On March 15, 2016 I met with April Enloe at the Senior Center to discuss panic alarms and surveillance cameras at the facility. April began telling me about her past relationship with the Sheriff. She advised in June of 2015 she went to bed with him. She explained that they were in bed after making love and he told her that he was a voyeur. He told her that he is getting help for it and maybe she could help him. April said she really didn’t know what that was but figured he was getting help for it. She had then started sky diving with him. She had injured her elbow and had called him to cancel plans to go to Lodi, California where they were going to get their sky diving licenses. He told her he had made plans for them to go to dinner and he wanted her to go. She said she could not even bend her elbow and would have to take a day off work but agreed to go.

She told me that while they were there in Lodi she didn’t have to drive anywhere as they went in the Sheriff’s personal vehicle, she wasn’t sky diving the next day so she had a few drinks and later had a few more. She said she and the Sheriff were sitting at a table alone (I believe near the pool) and three large black men came to the table and sat down with them. The Sheriff knew them and introduced her to them. The Sheriff then told April that he “...wanted them to fill up all of her holes...” that night. April said she became very afraid and very angry. She told the Sheriff that was not going to happen and told him to get them the fuck out of there. She said the Sheriff’s eyes became angry and he would not tell the men to leave. She then told the men to “get the fuck out” of there or she was going to call the police. April said she did not have the room key as the Sheriff had it and she did not have her cell phone. The men left and she and the Sheriff went back to the room. She said the room had two beds “Thank God” and when they got back the Sheriff acted as if nothing had happened. She said the next day he took her back home. She said she didn’t call her son or her brother because they would have killed him. She said she only told a few people including Anna Greene. She then had to see him at National Night Out because she had already committed to it and the Sheriff “was a complete ass” to her.

(Keener, 1-page statement, on file with the Office of the Attorney General.)

There is ample evidence here that Antinoro gave a knowingly false answer at deposition.

Also, please take note of the intense fear and intimidation this victim felt from Antinoro’s behavior.

This contradiction rises to the level of criminal perjury. This is a violation of NRS 199.120 (2).

The conduct of intimidating a potential witness in an effort to prevent her from reporting a crime also constitutes an independent violation of NRS 199.305(1)(a). If such intimidation is continuous, then the statute of limitations on such a crime has not even begun to run.

Request #2 – Perjury regarding whether Antinoro knew he was fired for misconduct from the Nevada Transportation Services Authority.

In the lawsuit *Gilman v. Antinoro*, Sheriff Antinoro testifies that he does not know why his services were no longer needed at the Transportation Services Authority. (Deposition page 36-7). Kenneth Quirk, in deposition for the *Keener v Antinoro* lawsuit, testifies that Sheriff Antinoro told him that Antinoro believes he was let go for "something about differences in philosophy in running the organization."

Antinoro's knowledge, or lack thereof, of the reasons for his firing by the TSA is a fact easy to establish. Quirk's testimony indicates Antinoro claims he did in fact have some knowledge of the reason for his termination.

More importantly, however, we ask you to interview Ms. Kimberly Rushton and Keith Sakelhide, formerly of the TSA. We are informed and believe they will provide information directly contrary to Antinoro's testimony. Specifically, Antinoro totally mishandled a matter while regulating limousine drivers that garnered so much negative public attention, the then governor himself called the TSA to complain. We request you ask Ms. Rushton and Mr. Sakelhide regarding the incident, and the dealings with Antinoro by their staff at the agency regarding this incident, and whether Antinoro knew he was being fired for misconduct.

Request #3 – Perjury regarding no sexual innuendo in Antinoro's text messages to his female undersheriff.

Finally, we believe that Sheriff Antinoro testified falsely in the *Keener v Antinoro* lawsuit on page 91 where he denies intending any sexual innuendo while being questioned about his text message correspondence with Ms. Keener while on a trip to Ely, Nevada.

The messages in question are on their face sexual innuendo and the investigation which came as a result of the complaint about those messages concluded that they were, indeed, innuendo. Assuming that a person intends to say what they in fact say, the only reasonable conclusion is that Sheriff Antinoro did intend for those messages to be sexual innuendo when sent. Because he denies any such intent in his deposition, he testified falsely, in violation of NRS 199.120(2).

Request for full investigation regarding Undersheriff Tony Dosen's testimony that he was told about a gang rape perpetrated by Antinoro.

Finally, as we understand your office has absolute investigative and prosecutorial discretion, we would like to offer you another incident which deserves a full investigation by your office. During his recent deposition, Antinoro's longtime friend, and undersheriff testified:

"Q: Now, second paragraph says: "When Adrianna left Antinoro" -- let me rephrase again. It says, second paragraph says: "When Adrianna left Antinoro, Misty had

informed me that Adrianna was angry with Antinoro because he allowed her to be gang raped by a group of guys that he set up." Misty ever tell you this?

A: I had heard it, but I don't believe that it actually happened.

Q: Where did you hear this from?

A: From Misty.

Q: Okay. Misty was your fiancée at the time?

A: Correct.

Q: Did you ever have any type of investigation instigated to determine whether or not Mr. Antinoro had allowed Adrianna to be gang raped by a group of guys that he set up?

A: Did I have an investigation?

Q: Yes.

A: No, I did not.

Q: Was Mr. Antinoro the sheriff at this time?

A: I believe so.

(Dosen deposition, p. 67.)

There is no statute of limitations here to use as a reason not to investigate, as this incident, if it occurred, happened in the last couple years.

Further, the report by Dosen's fiancé is consistent with a contemporaneous statement prepared and filed by Melanie Keener, displayed below:

After the election I was promoted permanently to the chief deputy position (Jan. 12, 2015). In April/March/June time frame, Antinoro's long-term girlfriend ended their relationship. Sergeant Tony Dosen is close friends with Antinoro and his also the fiancé to a childhood friend of mine, Misty. Misty had been very good friends with Antinoro's girlfriend, Adrianna. Misty had told me about Antinoro making sexual passes at her and that he had tried to get her and Adrianna to have a sexual encounter. Misty disclosed some comments with me regarding her sexual life with Dosen which included three-somes. This had caused some issues with her employer as one of the women was her supervisor. Misty also disclosed to me that Antinoro would watch Adrianna have sex with other men. I was surprised at this however; knew that Dosen had been involved

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MELANIE KEENER

with swinging and spouse swapping based on his own admissions. I had brought up to him in the past that some individuals in the county are wife swappers and it was sick as you never knew who was in whose bed and favors were based on the wife swap.

When Adrianna left Antinoro, Misty had informed me that Adrianna was angry with Antinoro because he had allowed her to be gang raped by a group of guys that he set up. Evidentially, Antinoro would post Craig's List ads and he would follow Adrianna to a hotel room while he watched her have sex with men, sometimes multiple men. Antinoro got to the point where he would quit going to the hotel rooms and would have Adrianna call him then leave the line open so he could hear her having sex with other men.

(Keener, 8-page statement, on file with the Office of the Attorney General.)

Sheriff Antinoro's good friend and second-in-command chose to bury this report of a sexual assault masterminded by Sheriff Antinoro.

How can it be that this report of incident about a gang rape of a female by a sitting Sheriff will pass right by law enforcement without anyone investigating it?

Has he posted ads on Craig's List procuring sexual partners for his girlfriend to feed his voyeurism, as reported?

We believe that your office would serve the public good by conducting an in-depth investigation into this report this of wrongdoing.

Request for full investigation of Antinoro perpetrating lewdness and sex in a strip club

Dosen also testified as follows:

Q: And did Mr. Antinoro ever tell you that he liked going to strip clubs with his ex-girlfriend, where she would sit at the, at the bar near the stage and show her tits to guys?

A: He told me they went to the strip club.

Q: Did he also tell you that he liked to have his girlfriend showing her tits to guys?

A: He may have said that.

Q: Did he also tell you that this ex-girlfriend would let guys fondle her under her skirt while he watched from the bar?

A: I believe he said that.

Q: Did he also tell you, then, that he would -- that his ex-girlfriend would then take these guys to a place somewhere on the premises and have sex with them so he could watch?

A: I do believe so.

(Dosen deposition, p. 45, line 20 – p. 46, line 11.) (emphasis added.)

There is no statute of limitations issue here, as this incident, if Dosen's testimony is true, occurred recently as well.

We request an investigation as to whether Antinoro instigated or perpetrated open or gross lewdness (NRS 201.210) or engaged in other criminal activity with this behavior.

It is notable to consider the great lengths codes and permits go to in order to prohibit sex acts in Nevada strip clubs. Here we have a report of a sitting sheriff engaging in sex acts, sexual behavior, and instigating others to engage in sex or illegal exposure of private parts in a strip club, and there apparently is no investigation, nor repercussions, no consequences. These laws should be applied equally to all. We request you take action on this report.

Conclusion

Sheriff Antinoro has thrived on the fact that he believes no one has legal authority over his conduct, that he can treat women however he wants without being held to account. He believes he can abuse, mistreat, and prey on women all he wants without fear of reprisal.

We believe that he has made a habit of holding himself above the law and getting away with it by being the highest law-enforcement official in his county.

The badge he wears gives him the ultimate power and control over other people, especially women. We respectfully ask you to ensure this power has not been abused nor misused by Gerald Antinoro and to call him to account if he has abused this sacred trust.

We hope you least contact Melanie Keener, Adriana Kovacevich, and April Enloe and conduct detailed interviews of Antinoro, Dosen, and Quirk.


Even if you decide Antinoro has not violated the law in any way, shape, or form, please issue a report to the public on his conduct, and at least make a statement condemning his treatment of women and that it is below, far below, what is expected of a senior law enforcement official. Please at least take a stand. That would provide at least some amount of accountability for his wrongful conduct. Otherwise, it means that Antinoro's conduct is being condoned at the very highest levels of law enforcement in Nevada, and the fear of many people in Storey County, especially women, that he can get away with treating people however he wants without any consequences, is in fact true.

We hope and pray this is not the case. We are placing our trust in you and your office to "do the right thing" on this for the women he has injured, and for those he may injure in the future.

Thank you for your consideration. Please let us know if there is anything else we can do to assist your investigation into these matters.

Sincerely,

JOEY GILBERT LAW



JOSEPH S. GILBERT, ESQ.
Attorney at Law

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