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8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 * * *

12 THE STATE OF NEVADA,

13 Plaintiff,

Case No.: CR19-1821

14 v.

Dept. No.: D09

15 MICHAEL DURAND SCHNEIDER (A)
16 and
17 LEILANI TAU-SCHNEIDER (B),

18 Defendants.

19 /

20 **MOTION TO DISMISS THE CASE**

21 COMES NOW, the State of Nevada, by and through CHRISTOPHER J.
22 HICKS, Washoe County District Attorney and JEFF HOPPE, Deputy
23 District Attorney and hereby files this Motion to Dismiss the Case.

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1 On August 28, 2019, a Washoe County Grand Jury determined that
2 probable cause existed to return an Indictment against the Defendants
3 for the following charges:

4 Counts I-V: Practicing Veterinary Medicine without a License, a
5 violation of NRS 638.090 and NRS 638.170(2), a category D
6 felony;

7 Count VI: Torturing and/or Killing an Animal, a violation of
8 NRS 574.100(1), NRS 574.100(6)(a) and NRS 195.020, a category D
9 felony.

10 However, after careful consideration and thorough analysis of
11 the evidence, additional investigative efforts, collection of further
12 discovery, and examination of the evidence as applied to the law, the
13 State has determined that the charged offenses cannot be proven at
14 trial.

15 First, as the instant case developed, it became apparent that
16 the State cannot prove that the Defendants were not statutorily
17 exempt from prosecution as to Counts I, II, and V under NRS
18 638.015(5) as "the owner" or "full-time regular employees of the
19 owner" of their former business, "Puppies Plus, Inc." Furthermore,
20 review of additional evidence received since the initial filing of
21 this case, including reports and documents, further prevents the
22 State from proving all six counts within the Indictment beyond a
23 reasonable doubt. Moreover, the undersigned, in the exercise of due
24 diligence, engaged in discussion with and reviewed reports from
25 licensed veterinarians in good-standing about the facts and

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1 circumstances of the case. The information and opinions conveyed
2 from these individuals further justify dismissal.

3 Long-standing and well-established case law makes clear that
4 "[t]he district attorney in our criminal justice system has a special
5 and awesome responsibility, for he represents not just an ordinary
6 party to a controversy; rather, he represents a democratic government
7 which must govern impartially and which have as its predominant
8 interest in criminal cases not that it should win a case, but that
9 justice should be done." Yates v. State, 103 Nev. 200, 202
10 (1987) (citing Berger v. United States, 295 U.S. 78, 88 (1935)).
11 Prosecutors have a continuing obligation to see that justice is done,
12 even after a case is initially charged. A continuation of the
13 instant prosecution with the aforementioned provability issues, would
14 not amount to justice being done.

15 Therefore, the State respectfully moves this Honorable Court to
16 dismiss this case in the interests of justice for the reasons stated
17 above.

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1 AFFIRMATION PURSUANT TO NRS 239B.030

2 The undersigned does hereby affirm that the preceding
3 document does not contain the social security number of any person.

4 DATED this 15th day of February, 2023.

5 CHRISTOPHER J. HICKS
6 District Attorney
7 Washoe County, Nevada

8 By: /s/ Jeff Hoppe
9 JEFF HOPPE
10 11993
11 Deputy District Attorney

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13 CERTIFICATE OF SERVICE BY E-FILING

14 I certify that I am an employee of the Washoe County
15 District Attorney's Office and that, on this date, I electronically
16 filed the foregoing with the Clerk of the Court by using the ECF
17 system which will send a notice of electronic filing to the
18 following:

19 Kenneth Lyon, Esq.

20 DATED this 15th day of February, 2023.

21
22 /s/ Kaitlin Snyder
23 KAITLIN SNYDER
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