

**2025 NEW  
MEXICO HIGH  
SCHOOL MOCK  
TRIAL CASE**

**STATE OF NEW MEXICO**

**VS.**

**ALEC BENAVIDEZ**



Artwork by Emma Aguirre



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FOR PUBLIC PARTICIPATION IN THE LAW

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## Questions and Contact Information

Questions concerning these case materials must be sent in writing to [mocktrial@civicvalues.org](mailto:mocktrial@civicvalues.org). Please be sure to include return contact information in the event we need to reach you to clarify a question.

You may begin submitting questions anytime. **The deadline for submitting questions is noon on February 1, 2025.** The final update will be posted no later than **February 9, 2025.**

Answers to questions will be posted on the mock trial website: <https://civicvalues.org/mock-trial/this-years-case/clarifications/>.

Please check the [website](#) to see if your question has been answered before sending an email.

## Introduction and Acknowledgments

Welcome to the 2025 New Mexico High School Mock Trial Competition. Mock Trial, which began in 1978 and is administered by the Center for Civic Values (CCV), is an academic activity set in a competitive environment. It gives students hands-on experience in the law as it helps them develop the skills necessary for the mastery of state content standards for language arts and social studies.

The cover page features artwork by Emma Aguirre, a student from Volcano Vista High School who competed in the 2024 mock trial competition.

This year's case, *State of New Mexico vs. Alec Benavidez*, is a criminal proceeding in which the State has charged the defendant with first degree murder and conspiracy to commit murder.

The original case was written by the State Bar of Georgia and further adapted by Jon Grode and Paul Kaufman from Pennsylvania. The New Mexico case adaptation was done by CCV Executive Director Kristen Leeds and board members Jack Sullivan, Heather Jaramillo, and Jessie Lundschen. The CCV Board and staff thank the hundreds of volunteers who annually contribute their time and energy to the organization and running of the program, including the teachers who sponsor and coach teams, the attorneys who coach those teams, the judges who preside over and score the trials, and the administrative volunteers who provide invaluable assistance in the actual hosting of the qualifier and final competitions.

In addition, CCV expresses its heartfelt gratitude to Chief Judge Joshua J. Sanchez, Bernalillo Metropolitan Court in Albuquerque, Chief Judge Marie Ward, Second Judicial District Court, and Alonzo Medina with the U.S. District Courts in Las Cruces and Albuquerque for their support of mock trial. We also express our gratitude to Camille Baca, Bernalillo County Metropolitan Court and all the esteemed judges and the dedicated staff of both courts for their support of our mock trial program.

We also extend special thanks to the New Mexico Legislature for the annual funding provided to the mock trial program, and the University of New Mexico School of Law for acting as the fiscal agent of those legislative funds. We hope you find these materials interesting and wish you all the best of luck!

## Case Summary

In this case, Geno Esparza, the owner of a Lincoln, New Meco taqueria, was killed execution-style in the restaurant, and Alec Benavidez, the owner of a nearby competing restaurant has been charged with first degree murder and conspiracy to commit murder. The State alleges that Benavidez conspired with Randy Sudo to commit the crime. In addition to denying any involvement in Esparza's death, Benavidez contends that the crime may have been committed by Sam Cordova, the owner of a neighboring cantina.

### **The witnesses for the State are:**

- *Emile Knight*, detective;
- *Robinette (Robin) Gusteau*, restaurant critic;
- *Sam Cordova*, owner of Sam's Old Town Cantina.

### **The witnesses for the defense are:**

- *Alec Benavidez*, defendant;
- *Phoenix West*, restaurant employee, musician, and promoter;
- *Pookey Thomas*, sales representative at El Conejo Brewery.

## Pleadings

STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL  
DISTRICT

No. D-1226-CR-2024-00499

STATE OF NEW MEXICO,

Plaintiff,

vs.

ALEC BENAVIDEZ,

Defendant.

## Criminal Information

Dwight Harris, Assistant District Attorney for the Twelfth Judicial District of the State of New Mexico, accuses Alec Benavidez of FIRST DEGREE MURDER and CONSPIRACY TO COMMIT MURDER and charges as follows:

### COUNT I: FIRST DEGREE MURDER

That on or about May 21, 2024, in Lincoln County, New Mexico, the above-named defendant did kill Geno Esparza, a human being, without lawful justification or excuse by any of the means with which death may be caused, and did so in a willful, deliberate and premeditated manner in violation of NMSA 1978, Section 30-2-1(A).

### COUNT II: CONSPIRACY TO COMMIT MURDER

That on or about May 21, 2024, in Lincoln County, New Mexico, the above-named defendant did combine with another for the purpose of committing a felony (to wit: MURDER IN THE FIRST DEGREE), within New Mexico, contrary to NMSA 1978, Sections 30-28-2 and 30-2-1(A).

Date: November 1, 2024

/s/ Dwight Harris  
(Signature of the complainant)

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**STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL DISTRICT**

**No. D-1226-CR-2024-00499**

**STATE OF NEW MEXICO,**

**Plaintiff,**

**vs.**

**ALEC BENAVIDEZ,**

**Defendant.**

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**Order On Preliminary Examination**

Per the Criminal Information, the charge of FIRST DEGREE MURDER and CONSPIRACY TO COMMIT MURDER in violation of NMSA 1978, Sections 30-2-1(A) and 30-28-2 appeared before me.

A preliminary examination on the offenses set forth in the Criminal Information having been waived, IT IS HEREBY ORDERED pursuant to Rule 5-302(D)(2) NMRA that Defendant Alec Benavidez is BOUND OVER FOR TRIAL in the District Court on the charges contained in the Criminal Information.

**IT IS SO ORDERED**

Date: November 9, 2024

/s/ Matea Santiago

District Judge

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**STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL DISTRICT**

**No. D-1226-CR-2024-00499**

**STATE OF NEW MEXICO,**

**Plaintiff,**

**vs.**

**ALEC BENAVIDEZ,**

**Defendant.**

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### **Arraignment and Plea Proceeding**

THIS MATTER having come before the Court on a Criminal Information charging Defendant Alec Benavidez with first degree murder and conspiracy to commit murder in violation of NMSA 1978, Sections 30-2-1(A) and 30-28-2; the Court finds as follows:

1. Defendant Alec Benavidez appeared in person accompanied by their attorney, Sydney Gonzales, and was formally arraigned in open court.
2. Defendant Alec Benavidez entered a plea of NOT GUILTY to the charges contained in the Criminal Information, which plea has been received by the Court and ordered of record herein.

THEREFORE, IT IS HEREBY ORDERED that Defendant Alec Benavidez is hereby released on their own recognizance on the following conditions: Defendant shall obey all laws, make all court appearances, stay in contact with their attorney once a week until trial or disposition of this matter, and remain in the jurisdiction of the State of New Mexico.

**IT IS SO ORDERED**

Date: November 9, 2024

/s/ Matea Santiago

District Judge



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**STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL DISTRICT**

**No. D-1226-CR-2024-00499**

**STATE OF NEW MEXICO,**

**Plaintiff,**

**vs.**

**ALEC BENAVIDEZ,**

**Defendant.**

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## **Pretrial Order**

THIS MATTER has come before the Court on the motion in limine of the State of New Mexico, by and through the District Attorney, to compel third-party witness Randy Sudo to testify in the above-captioned matter or, in the alternative, to declare that Sudo is unavailable as a witness in this matter for purposes of the rules regarding hearsay. The Court hereby grants the motion in part and determines that Sudo is unavailable as a witness in this matter for purposes of the hearsay rules. The motion is denied in all other respects.

More than being a possible witness, Sudo is accused of being a co-conspirator or solicited agent of defendant Benavidez. In the normal course of a criminal prosecution, the Court would expect these defendants to have been charged by the same grand jury in a single indictment or criminal complaint. However, the State has chosen to charge these individuals separately, which it is entitled to do. In any event, it is the substance of the situation and not its form that controls.

As the parties are undoubtedly aware, this matter is further complicated by the procedural posture in Sudo's case. The Court – by way of separate order in Sudo's matter – has suppressed all evidence of an alleged confession made by Sudo, because Sudo had invoked his right to counsel before the alleged confession was obtained. The State has appealed that ruling, and it is being briefed in the Court of Appeals. A decision is not expected for months. Meanwhile, the defendant in the instant matter, Alec Benavidez, demands a speedy trial, which in this case will mean a trial that occurs before the appeal in Sudo's case can be heard.

Understandably, Sudo asserts his right to be free from self-incrimination, a fundamental right found in the Bill of Rights included in the United States Constitution and the Constitution of the State of New Mexico. *See* U.S. Const., Amend. V; N.M. Const., art. II, § 15. Because of the right to be free from self-incrimination, a witness called during the prosecution of another person may refuse to answer questions when the witness has a reasonable fear the answer may be used in a prosecution against them. *See Ohio v. Reiner*, 532 U.S. 17, 21 (2001) (holding, on appeal of father’s involuntary manslaughter conviction in connection with the death of his infant son, that babysitter called as a witness at trial validly claimed Fifth Amendment privilege in refusing to answer questions). Here, Sudo has a reasonable fear that, if he answers to questions pertaining to the death of the decedent and the defendant’s involvement in it, those answers may be used in the prosecution brought against him. Indeed, it is hard to imagine a more reasonable fear than that of a person under indictment at the time of testimony for the same crime about which testimony would be taken.

The State nonetheless asserts that Sudo should be compelled to take the stand, because the Fifth Amendment must be invoked on a question-by-question basis, citing – among other cases – *Hoffman v. United States*, 341 U.S. 479, 486–87 (1951) and *United States v. Antelope*, 395 F.3d 1128, 1134 (9th Cir. 2005). However, that rule is more often followed in the context of civil matters. In criminal cases, the prejudice that would come from calling a witness just to have them invoke the Fifth Amendment in front of the jury is substantial, particularly if the prosecutor knew all along that the witness would invoke the constitutional right not to incriminate themselves. *See generally Namet v. United States*, 373 U.S. 179, 186 (1963). The mere invocation of the Fifth Amendment, in front of the jury, may cause substantial prejudice. *See Nezowy v. United States*, 723 F.2d 1120, 1124 (3d Cir. 1983). The prejudice here would be particularly acute, as jurors could conclude that Sudo’s invocation of the privilege means that Sudo is guilty of homicide, a critical element of proof for the State in this matter.

Accordingly, the Court will quash the subpoena for Sudo’s testimony at the trial of the above-captioned action. Sudo’s counsel has advised the Court that Sudo will take the Fifth as to all questions, and that suffices for present purposes.

However, the State is correct that a witness who is called for trial but invokes a privilege as to the relevant testimony is “unavailable” for purposes of Rule 804(a)(1) (“A declarant is... unavailable as a witness if the declarant... is exempted from testifying about the subject matter of the declarant’s statement because the court rules that a privilege applies...”). The right against self-incrimination is a paradigmatic example of a privilege that exempts a witness from testifying. *See United States v. Salerno*, 505 U.S. 317, 321 (1992); *United States v. Boyce*, 849 F.2d 833, 836 (3d Cir. 1988). And the U.S. Court of Appeals for the Tenth Circuit, which includes the District of New Mexico, has held that a witness’ valid invocation of the Fifth Amendment privilege is grounds for finding the witness “unavailable” for purposes of the hearsay rules. *United States v. Morrow*, 79 F.4th

1169, 1179 (10th Cir. 2023). Therefore, it follows from the ruling above (i.e., that Sudo has validly invoked his Fifth Amendment right to refuse to answer questions pertaining to the death of the decedent) that Sudo is “unavailable” to both the State and the defendant for purposes of Rule 801(A)(1).

To avoid prejudice, the Court acknowledges and enters as a part of this decision the stipulation of the parties that neither party may comment on Randy Sudo’s failure to testify or may attempt to have the jury draw any inference from Sudo’s choice not to testify in this action.

So Ordered.

BY THE COURT:

/s/ Matea Santiago

District Judge

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**STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL DISTRICT**

**No. D-1226-CR-2024-00499**

**STATE OF NEW MEXICO,**

**Plaintiff,**

**vs.**

**ALEC BENAVIDEZ,**

**Defendant.**

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### **Stipulations**

1. All documents, signatures, and exhibits, including pre-markings, included in the case materials are authentic and accurate in all respects; no objections to the authenticity of the documents will be entertained. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
2. Jurisdiction, venue, and chain of custody of the evidence are proper and may not be challenged.
3. All statements were notarized on the day on which they were signed.
4. All evidence was constitutionally recovered and all statements were constitutionally obtained. No objection will be entertained to the constitutionality of any evidence, nor will any motions to suppress on constitutional grounds be permitted.
5. Except as noted elsewhere, objections may be made to any exhibit or testimony pursuant to the Rules of Evidence. However, no objection may be made as to the constitutionality of the admission of any evidence. For example, the defendant may object that some testimony or exhibit is hearsay, but may not object that admission of the testimony or exhibit violates their Sixth Amendment right to confrontation under *Crawford v. Washington*, 541 US 36 (2004) or other constitutional precedent.

6. Whether Randy Sudo committed the murder of Geno Esparza is a contested fact. Neither the defense nor the prosecution may render evidence relating to that question irrelevant or otherwise inadmissible by removing it from dispute by stipulation or otherwise.
7. In accordance with the Court's decision on the question, Randy Sudo has properly invoked his right to be free from self-incrimination with respect to any testimony in this case. He is unavailable as a witness, and neither party may make any comment on his choice not to testify or to attempt to use that failure to testify in any manner, but particularly in any manner that suggests that Sudo is more likely to have killed Geno Esparza because he did not testify in this action or that Alec Benavidez is more likely to have participated in the killing of Geno Esparza because Randy Sudo did not testify in this action.
8. Alec Benavidez has elected to testify in their own defense and has made a knowing, voluntary waiver of their Fifth Amendment rights. Either party may comment on Benavidez's decision to testify in its opening statement.
9. Geno Esparza was a living human being on and before May 21, 2024. He was found dead on May 21, 2024, and the cause of his death was a single bullet to the back of the head.
10. Detective Emile Knight and Defendant Alec Benavidez are party representatives who are excepted from Rule 4.9 and are not sequestered constructively.
11. The bullet that killed Geno Esparza was a .38 caliber round fired from the pistol recovered from Randy Sudo's home, a photo of which is identified as Exhibit 5.
12. The same weapon fired two .38 caliber rounds into Esparza's dog, which was also found dead.
13. Exhibit 3 accurately depicts the locations of the businesses identified thereon. It is not to scale, but neither side may object to its admission for that reason.
14. Exhibit 4 was prepared by the Crime Scene Unit of the Lincoln Police Department.
15. Exhibit 5 is a picture of the firearm recovered from the home of Randy Sudo. That firearm was functional at the time of its recovery, and the defendant waives any right to have the actual firearm present in the courtroom.

16. Exhibit 6 is a flyer advertising La Buena Taqueria.
17. Exhibit 7 is a picture of the business card recovered from the home of Randy Sudo. The defendant waives any right to have the actual card present in the courtroom.
18. Exhibit 8 is a copy of a Yelp review for Geno's Taco Truck recovered by Det. Emile Knight. The defendant waives any right to have the digital source document present in the courtroom.
19. Exhibit 9 is a New Mexico Department of Public Safety Forensics Laboratory Bureau report. A copy of the report was shared with Det. Emile Knight. The report may be introduced by either party without further foundation, and both parties waive the right to object to it on hearsay or Confrontation grounds.
20. Exhibit 10 was obtained from the Lincoln Credit Union by the State during its investigation of the crime. It is a copy of the normal account statement kept by the Credit Union for all its customers, in the course of the bank's regular business activities, as required by law. It is not a statement generated for purposes of the investigation. Defendant has waived any right to confront the custodian of record.
21. Exhibit 11 was obtained from Cilantro Wireless by the State during its investigation of the crime. It is a copy of the transmission records kept by Cilantro for all its customers for a limited period, in the course of Cilantro's regular business providing text messaging services to its customers. It is not a statement generated for purposes of the investigation. Defendant has waived any right to confront the custodian of record.

/s/ Dwight Harris  
Assistant District Attorney

/s/ Sydney Gonzales  
Defendant's Attorney

## Applicable Law

### Applicable Statutes

#### NMSA 1978, Section 30-2-1. Murder.

A. Murder in the first degree is the killing of one human being by another without lawful justification or excuse, by any of the means with which death may be caused:

- (1) by any kind of willful, deliberate and premeditated killing;
- (2) in the commission of or attempt to commit any felony; or
- (3) by any act greatly dangerous to the lives of others, indicating a depraved mind regardless of human life.

Whoever commits murder in the first degree is guilty of a capital felony.

B. Unless the person is acting upon sufficient provocation, upon a sudden quarrel or in the heat of passion, a person who kills another human being without lawful justification or excuse commits murder in the second degree if in performing the acts which cause the death the person knows that such acts create a strong probability of death or great bodily harm to that individual or another. Murder in the second degree is a lesser included offense of the crime of murder in the first degree. Whoever commits murder in the second degree is guilty of a second degree felony resulting in the death of a human being.

#### NMSA 1978, Section 30-28-2. Conspiracy.

A. Conspiracy consists of knowingly combining with another for the purpose of committing a felony within or without this state.

B. Whoever commits conspiracy shall be punished as follows:

- (1) if the highest crime conspired to be committed is a capital or first degree felony, the person committing such conspiracy is guilty of a second degree felony;
- (2) if the highest crime conspired to be committed is a second degree felony, the person committing such conspiracy is guilty of a third degree felony; and
- (3) if the highest crime conspired to be committed is a third degree felony or a fourth degree felony, the person committing such conspiracy is guilty of a fourth degree felony.

## Jury Instructions

At the conclusion of a jury trial, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like the following:

*[Please note: A copy of these instructions may not be used as an exhibit during the mock trial competition; however, students may use these concepts in fashioning their case and making arguments to the jury.]*

### **1. Role of Jury.**

Members of the jury, you have seen and heard all the evidence and the arguments of the lawyers. Now I will instruct you on the law.

You have two duties as a jury. Your first duty is to decide the facts from the evidence that you have heard and seen in court during this trial. That is your job and yours alone. I play no part in finding the facts. You should not take anything I may have said or done during the trial as indicating what I think of the evidence or what I think about what your verdict should be.

Your second duty is to apply the law that I give you to the facts. My role now is to explain to you the legal principles that must guide you in your decisions. You must follow my instructions carefully. Each of the instructions is important, and you must apply all of them. You must not substitute or follow your own notion or opinion about what the law is or ought to be. You must apply the law that I have given to you, whether you agree with it or not.

Whatever your verdict, it will have to be unanimous. All of you will have to agree on it or there will be no verdict. In the jury room you will discuss the case among yourselves, but ultimately each of you will have to make up his or her own mind. This is a responsibility that each of you has and that you cannot avoid.

Perform these duties fairly and impartially. Do not allow sympathy, prejudice, fear, or public opinion to influence you. You should also not be influenced by any person's race, color, religion, national ancestry, or gender.

### **2. Jury sole judge of facts; sympathy or prejudice not to influence verdict.**

You are the sole judges of the facts in this case. It is your duty to determine the facts from the evidence produced here in court. Your verdict should not be based on speculation, guess, or conjecture. Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them, and in this way decide the case.

Although the lawyers may have called your attention to certain facts or factual conclusions that they thought were important, what the lawyers said is not evidence and is not binding on you. It is your own recollection and interpretation of the evidence that controls your decision in this case.



Also, do not assume from anything I may have done or said during the trial that I have any opinion about any of the issues in this case or about what your verdict should be.

### **3. Presumption of innocence; reasonable doubt; burden of proof.**

The defendant, Alec Benavidez, pleaded not guilty to the offenses charged. The Defendant is presumed to be innocent, and that presumption of innocence stays with Alec Benavidez unless and until the State has presented evidence that overcomes that presumption by convincing you that Alec Benavidez is guilty of the offense charged beyond a reasonable doubt. The presumption of innocence requires that you find Alec Benavidez not guilty, unless you are satisfied that the State has proved guilt beyond a reasonable doubt.

The presumption of innocence means that Alec Benavidez has no burden or obligation to present any evidence at all or to prove that they are not guilty. The burden or obligation of proof is on the State to prove that Benavidez is guilty, and this burden stays with the State throughout the trial.

In order for you to find Benavidez guilty of the offenses charged, the State must prove each and every element of the offense charged beyond a reasonable doubt. A defendant may not be convicted based on suspicion or conjecture, but only on evidence proving guilt beyond a reasonable doubt.

Proof beyond a reasonable doubt does not mean proof beyond all possible doubt or to a mathematical certainty. Possible doubts or doubts based on conjecture, speculation, or hunch are not reasonable doubts. A reasonable doubt is a fair doubt based on reason, logic, common sense, or experience. It is a doubt that an ordinary reasonable person has after carefully weighing all of the evidence and is a doubt of the sort that would cause that person to hesitate to act in matters of importance in that person's own life. It may arise from the evidence, or from the lack of evidence, or from the nature of the evidence.

If, having now heard all the evidence, you are convinced that the State proved each and every element of the offense charged beyond a reasonable doubt, you should return a verdict of guilty for that offense. However, if you have a reasonable doubt about one or more of the elements of the offense charged, then you must return a verdict of not guilty of that offense.

### **4. Direct and Circumstantial Evidence**

There are two types of evidence. One is direct evidence, such as the testimony of an eyewitness, which directly proves a fact. The other is circumstantial evidence. Circumstantial evidence means evidence that proves a fact from which you may infer the existence of another fact.

As a general rule, the law makes no distinction between direct and circumstantial evidence, but simply requires that, before convicting a defendant, the jury be satisfied of the defendant's guilt beyond a reasonable doubt from all the evidence in the case.

## 5. Nature of the Information

As you know the defendant, Alec Benevidez, is charged in the information with violation of state law, murder in the first degree and conspiracy to commit first degree murder. The information is just the formal way of specifying the exact crime the defendant is accused of committing. As the information is simply a description of the charge(s) against the defendant, it is an accusation only. The information is not evidence of anything, and you should not give any weight to the fact that Alec Benavidez has been charged in making your decision.

## 6. First Degree Murder.

For you to find the defendant guilty of first-degree murder by a deliberate killing, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant killed Geno Esparza;
2. The killing was with the deliberate intention to take away the life of Geno Esparza;
3. This happened in New Mexico on or about the 21<sup>st</sup> day of May, 2024.

A deliberate intention refers to the state of mind of the defendant. A deliberate intention may be inferred from all of the facts and circumstances of the killing. The word deliberate means arrived at or determined upon as a result of careful thought and the weighing of the consideration for and against the proposed course of action. A calculated judgment and decision may be arrived at in a short period of time. A mere unconsidered and rash impulse, even though it includes an intent to kill, is not a deliberate intention to kill. To constitute a deliberate killing, the slayer must weigh and consider the question of killing and his reasons for and against such a choice.

If you find that each of the elements has been proven beyond a reasonable doubt, the Defendant is guilty of this charge. If you find that any element has not been proven beyond a reasonable doubt, the Defendant is not guilty of this charge.

There are two basic ways that one defendant may be criminally responsible for conduct committed by another person or persons. These two ways may apply even if the defendant in question was not present at the time and place when the particular act occurred.

The first way is for the defendant to be a member of a conspiracy. In a few moments I will define for you what a conspiracy is and how it is proved. For our purposes now, it is enough to understand that a conspiracy exists when two or more people agree to commit a crime, or a series of crimes, and one commits an act to further the goal of that agreement.

As applied in this case, if it is proved beyond a reasonable doubt that the defendant was indeed a member of a conspiracy, they may be held responsible for the act or acts of another person or persons if each of the following elements is proved beyond a reasonable doubt:

- a. that the other person who committed a specific act was also a member of the same

conspiracy;

- b. that the crime in question was committed while the conspiracy was in existence; and
- c. that the crime in question was committed to further the goals of the conspiracy.

There is a second, and separate, way that one defendant can be proved liable for the conduct of another person or persons. That is when the defendant is an accomplice of the person who actually commits the crime at issue.

There is a basic difference between soliciting a crime and being a conspirator to that crime. In a conspiracy, people agree to act jointly. To solicit a crime, a person does not have to agree to help someone else; to solicit a crime means to procure it, encourage it, or induces it. Often this procurement or inducement involves a monetary payment to the other individual, but a monetary payment is not required for a defendant to be guilty of solicitation.

If a person solicits a crime, that person is guilty of the crime itself. If a person conspires to commit a crime, that person is guilty of conspiracy.

More specifically, the defendant is an accomplice of another for a particular crime if the defendant had the intent of procuring, encouraging, inducing, promoting or facilitating the commission of that crime or aids the other person in committing it.

It is important to understand that a person is not an accomplice merely because he or she is present when a crime is committed or knows that a crime is being committed. Correspondingly, it is not a defense to either conspiracy to commit murder or solicitation of murder that the defendant was not present when the contemplated killing occurred.

A person who is an accomplice will not be responsible for a crime if, and only if, the person, before the other person commits the crime, either stops his or her own efforts to promote or facilitate the commission of the crime and either wholly deprives his or her previous efforts of effectiveness in the commission of the crime or gives timely warning to the law enforcement authorities or otherwise makes a proper effort to prevent the commission of the crime.

I have just given you general rules of how one person can be responsible for a crime that was physically committed by another. Let me now explain that for the crime of first-degree murder there are special rules.

When two or more people are charged with the crime of first-degree murder, and one or more of the accused did not actually commit the murder, the person who did not actually cause the death may be guilty of first-degree murder only if either of two conditions is met.

The first condition is where the defendant was a member of a conspiracy that had, as its specific goal the commission of the first-degree murder at issue. In other words, and as applied to this

case, you may find the defendant guilty of murder in the first degree if you find beyond a reasonable doubt that, first, a goal of the conspiracy was to commit first-degree murder and second, the defendant knowingly entered into such a conspiratorial agreement. If the conspiracy does not have first-degree murder as its intended goal, but a member of the conspiracy other than the defendant commits such a murder, the defendant is not guilty of first-degree murder merely because they were part of a conspiracy to commit some other offense.

A person can also be guilty of first-degree murder when he or she did not cause the death personally when the State proves beyond a reasonable doubt that he or she was an accomplice in the murder or solicited the murder. To be an accomplice in a murder, the defendant must have himself or herself intended that a first-degree murder occur and the defendant then solicits the other person to commit it.

To sum up, a defendant may not be found guilty of the crime of first-degree murder where the death is caused by another unless the defendant themselves as a conspirator or an accomplice has the specific intent or goal of bringing about a murder in the first degree.

## **7. Conspiracy.**

For you to find the defendant guilty of conspiracy to commit first degree murder as charged in Count II of the Criminal Information, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant and another person by words or acts agreed together to commit first degree murder;
2. The other person was not a state or federal agent acting in the agent's official capacity at the time;
3. The conspiracy alleged must be separate, distinct, and not a continuation of Count I;
4. The defendant and the other person intended to commit first degree murder;
5. This happened in New Mexico on or about the 21st day of May, 2024.

It is not necessary in proving a conspiracy to show a meeting of the alleged conspirators or the making of an express or formal agreement. The formation and existence of a conspiracy may be inferred from all circumstances tending to show the common intent and may be proved in the same way as any other fact may be proved, either by direct testimony of the fact or by circumstantial evidence, or by both direct and circumstantial evidence. But it must be an agreement in the sense that two or more people have come to an understanding that they agree to act together to commit a crime or crimes. Their agreement does not have to cover the details of how the crime will be committed. Nor does it have to call for all of them to participate in actually committing the crime. They can agree that one of them will do the job. What is necessary is that the parties do agree--in other words, do come to a firm, common understanding--that a crime will be committed.

Evidence that a person was in the company of or associated with one or more other persons alleged or proved to have been members of a conspiracy is not, in itself, sufficient to prove that such person was a member of the alleged conspiracy.

Joining in a conspiracy, or creating a conspiracy, is itself a crime. Even if the crime the people are planning is not carried out, the members of a conspiracy are still responsible for the distinct crime of conspiracy.

Although the agreement itself is the essence of the conspiracy, a defendant cannot be convicted of conspiracy unless he or she or a fellow conspirator does something more--an overt act in furtherance of the conspiracy. This is the second element for a conspiracy. The overt act is an act by any member of the conspiracy that would serve to further the goal of the conspiracy. The overt act can be criminal or noncriminal in itself, as long as it is designed to put the conspiratorial agreement into effect. This is to show that the parties have a firm agreement and are not just thinking or talking about committing a crime. The overt act shows that the conspiracy has reached the action stage. If a conspirator actually commits or attempts to commit the agreed crime, that obviously would be an overt act in furtherance of the conspiracy. But a small act or step that is much more preliminary, and a lot less significant, can satisfy the overt act requirement.

**8. Jury must not consider penalty.**

You must not concern yourself with the consequences of your verdict.

**9. Role of Jury – Deliberations; Unanimous Verdict, Duty to consult.**

That concludes my instructions explaining the law regarding the testimony and other evidence, and the offense charged. Now let me explain some things about your deliberations in the jury room, and your possible verdicts.

You will be provided a copy of the jury instructions and the exhibits introduced as evidence will be made available to you.

Prior to beginning your deliberations you will need to select one of you to act as foreperson. That person will preside over your deliberations and will speak for the jury here in court.

Forms of verdict have been prepared for your use.

You will take these forms to the jury room; when you have reached unanimous agreement as to your verdict, the foreperson will sign the forms which express your verdict. You will then return all forms of verdict, these instructions and any exhibits to the courtroom.

Your verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agrees. Your verdict must be unanimous.

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**STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL DISTRICT**

**No. D-1226-CR-2024-00499**

**STATE OF NEW MEXICO,**

**Plaintiff,**

**vs.**

**ALEC BENAVIDEZ,**

**Defendant.**

---

**Verdict Form**

**To the jury:**

To further clarify instructions given to you by the trial judge, you are being provided with the following verdict form. At the conclusion of your deliberations, one copy of this form should be signed by your foreperson and handed to the court clerk. This will constitute your verdict.

**Question 1:**

Do you find that the State has proven beyond a reasonable doubt that defendant Alec Benavidez intentionally caused the death of Geno Esparza?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Question 2:**

Do you find that the State has proven beyond a reasonable doubt that defendant Alec Benavidez conspired to commit the crime of first degree murder?

Yes \_\_\_\_\_ No \_\_\_\_\_

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**Jury Foreperson**

## List of Witnesses

The prosecution and the defendant must call each of their respective witnesses. Alec Benavidez is permitted to sit at counsel table as the defendant.

### For the State of New Mexico:

- **Emile Knight:** detective;
- **Robinette (Robin) Gusteau:** restaurant critic;
- **Sam Cordova:** owner of Sam's Old Town Cantina.

### For the Defendant, Alec Benavidez:

- **Alec Benavidez:** Defendant;
- **Phoenix West:** restaurant employee, musician, and promoter;
- **Pookey Thomas:** sales representative at El Conejo Brewery.

## **WITNESS STATEMENTS**



1

## Statement of Emile Knight

2 My name is Emile Knight, and I am a Detective in the Lincoln Police Department. I am 36 years  
3 old and born and raised in Lincoln, New Mexico. I graduated from Lincoln High School in 2006  
4 and graduated from New Mexico State University in 2010 with a Bachelor of Science degree in  
5 Computer Science and a minor in Social Justice. Upon graduation, I worked for the Las Vegas,  
6 New Mexico Police Department as a uniformed patrol officer for 10 years. While with the Las  
7 Vegas P.D., I completed the full police academy and special weapons training module, a 20-week  
8 training program.

9 While a uniformed patrol officer, I responded to calls dispatched to me involving automobile  
10 accidents, robberies, shots fired, and other felony and misdemeanor offenses. At the scene of the  
11 offense, I would do whatever was needed: secure the area, administer first aid, conduct  
12 preliminary investigations, gather evidence, take witness statements, make arrests, and prepare  
13 reports. And, of course, I would testify in court. I learned a lot from my tenure in the Las Vegas  
14 P.D., but it wasn't all good times: I was reprimanded twice for not properly securing a crime  
15 scene and moving key evidence before forensics could sweep the location. The last incident was  
16 in 2013, and I have not had an issue since.

17 In 2020, I learned about a detective opening in the Lincoln Police Department. I was hired right  
18 away – barely an interview – but that made sense: I was that good at that point. The Lincoln P.D.  
19 sent me to the New Mexico Law Enforcement Academy in Santa Fe, where I learned more about  
20 criminal investigations; drug enforcement and drug recognition; constitutional rights; physical  
21 and digital forensics; traffic safety; physical fitness; and counterterrorism. I undergo at least 25  
22 hours of additional training every year and re-certify annually on firearms and crime scene  
23 management.

24 Being a detective in Lincoln isn't exactly Law and Order: Organized Crime. Serious crime here  
25 is rare, and the Department has only a couple dozen officers, total. Most of the work is community  
26 policing, avoiding crimes by talking people through things. But don't get it twisted; small towns  
27 have plenty of problems, too. A perfect example was the rivalry among taco places on Lincoln  
28 Plaza: Geno's Taco Truck and La Buena Taqueria. I guess maybe you'd say Sam's, too.  
29 Downtown Lincoln is eclectic, a real mix of students, older professionals, laborers, and aspiring  
30 artsy types. But while we're not poor, none of those folks are rich, either. So there isn't always  
31 enough pocket change to go around, especially once you account for the Olive Garden and the  
32 Friday's up by the interstate. So that competition was always gonna create issues. But these  
33 owners took competition to a whole different level. The worst were the owners of Geno's, Geno  
34 Esparza, and Alec Benavidez, who owned La Buena Taqueria. Everyone, and I mean everyone,  
35 in town knew they hated each other.

36 Worse, they constantly dragged the police into it. Benavidez called us in claiming that Esparza's  
37 sign violated the local ordinance; Esparza called us a week later to file a report that Benavidez's  
38 outside deck violated zoning code. They both complained that the other was responsible for poor  
39 reviews on Yelp and Google. Benavidez even demanded that we bring in State Police computer  
40 forensics!

41 They competed in more normal ways, too. Benavidez started a trivia hour, offering deeply

42 discounted booze, hoping to draw some customers from Geno's. We were over there at least once  
43 a week breaking up fights. Never thought I would charge a felony based on whether a battle was  
44 called "Manassas" or "Bull Run," but there's a first time for everything, I guess. Benavidez even  
45 had one of the Buena servers passing out fliers in front of Geno's. That led to another call, from  
46 Esparza, claiming "aggravated trespass" or some other internet nonsense, because the server had  
47 – allegedly – stepped off the sidewalk and onto the threshold of the dine-in part of Geno's.

48 Still, things got even nastier. In February 2024, someone tried to burn down La Buena Taqueria  
49 by setting fire to a stack of Buena fliers under a wooden bench from the deck. The fire was put  
50 out before it could reach the main building, but arson is arson, and a fireman broke an arm when  
51 part of the deck collapsed. Benavidez wanted us to charge Esparza, but there was no evidence.  
52 The bar had to close for several days, costing Benavidez business, and the deck was never rebuilt,  
53 costing more. Whether because of that or not, a couple weeks later, Benavidez's landlord put the  
54 place up for sale, and - wouldn't you know? – Esparza bought it. Ultimately, Esparza cancelled  
55 Benavidez's lease, and we served an eviction notice on La Buena Taqueria with Esparza on May  
56 13, 2024, with a move-out day of the end of the month.

57 All of which led to the mess at the Sabor. The Sabor on the Plaza is a big festival the weekend  
58 before Memorial Day. It brings in artists from around the State, live musical acts, and in addition  
59 to two stages at opposite ends of the Lincoln Plaza, the restaurants and bars in town are allowed  
60 to have a booth free of charge. It is also the one weekend a year where citizens were allowed to  
61 carry adult beverages outside in open containers (with a special exemption under New Mexico's  
62 Liquor Control Act), and it is a massive money-maker. Lincoln isn't much of a tourist destination,  
63 apart from the antique stores, so having tens of thousands of people passing through is a real big  
64 deal. The Lincoln P.D. turns out in force, all hands on deck, even though there have only been a  
65 handful of arrests in the history of the event. Smart police know when to put the handcuffs away,  
66 and the Mayor makes sure we know to be smart police that weekend.

67 In 2024, Sabor on the Plaza ran from May 17-20. I was monitoring the Plaza on May 17, and  
68 around 5pm, right after the Mayor gave her opening remarks and introduced the Bog Turtles, a  
69 bit of pandemonium broke out. When Esparza, a festival sponsor, showed up at the festival stage  
70 like Apollo Creed walking into the ring, Benavidez lost it. Benavidez ran up on stage, grabbed  
71 the mic from the lead singer of the Bog Turtles and screamed, "I am going to kill you! I am going  
72 to kill you! You ruined me! You couldn't let me have this weekend after all I have done for this  
73 community! You ruined me! I am going to kill you!" Benavidez then ran off the stage in tears.

74 Then, four days later, I got my first murder case as a detective. On Tuesday, May 21, 2024, I was  
75 tucking into bed when a call came in, and I was dispatched at 10:23 pm to the dine-in part of  
76 Geno's (435 Tunstall Street). The taco truck and the dine-in restaurant are closed on Tuesdays.  
77 When I arrived, the responding officer, Patrol Officer Florence Wehry, led me to Geno Esparza's  
78 body in the bar's office. Officer Wehry told me that she had spoken with Pookey Thomas from  
79 the El Conejo Brewery, who discovered the body. Thomas reported that they did not touch the  
80 body and immediately called 911.

81 I observed Mr. Esparza's body slumped over his desk; he had been shot execution-style through  
82 the back of the head. The body of a dog, Rags, was also found at the foot of the desk. The Office  
83 of the Medical Investigator, Dr. Oji, pronounced Esparza dead on the scene and transported the

84 body to the morgue.

85 I then led the Crime Scene Unit processing the premises. CSU investigators are forensic science  
86 technicians who collect and gather evidence at the crime scene. Together, we walked the scene,  
87 and I directed the search for potential evidence such as fingerprints, hairs, and fibers for later  
88 analysis at the State Forensics Laboratory in Las Cruces. The office did not appear to be in  
89 disarray, and there were no defensive wounds on Mr. Esparza, leading me to conclude that there  
90 was not a struggle. Robbery did not appear to be a motive; the office had not been ransacked.  
91 Esparza's widow, Vivian, confirmed later that nothing appeared to have been taken. There were  
92 receipts spread on the desk, a large-button calculator, and a pad with a series of numbers or  
93 calculations on it. The dine-in part of Geno's had a single security camera by the front door and  
94 one over the cash register at the bar. Only the register camera was working. It showed no  
95 movement at all on Tuesday, May 21.

96 All windows were intact, so I concluded that either someone had come in through a door or  
97 Esparza let that person in. But Esparza was at the desk, apparently in the middle of typing  
98 something and doing accounts for the week, so the door seemed more likely. The main door was  
99 locked and barred, but the back door was only locked, and there is a keypad in the alley allowing  
100 keyless entry, making that the killer's most likely entry point.

101 That was it for me that evening. The next day, I started interviews. Both Ms. Esparza and Pookey  
102 Thomas said that the feud between Esparza and Alec Benavidez had gotten bad. I thought it would  
103 be best to talk to Benavidez, and perhaps to clear them as a suspect, but Benavidez was nowhere  
104 to be found: not at their residence, not at the restaurant. In fact, no one had seen them since they  
105 ran off stage at the Bog Turtle concert. Alec had skipped town. That made Alec the primary  
106 suspect.

107 Still, every good detective always digs deeper. Over the next few days, I interviewed the current  
108 employees of Geno's and other witnesses. Restaurant columnist and online influencer Robin  
109 Gusteau had been there when Esparza revealed that he had bought the building in early May.  
110 Gusteau had observed Esparza coming into Buena waving a piece of paper and saying to  
111 Benavidez, "Now I've got you. Either you stop all these dirty tricks, or I am going to double your  
112 rent." Benavidez responded, "What's the matter, can't take a little competition?" Then Esparza  
113 said, "You either toe the line or I'll evict you!" Benavidez said, "I knew you were a dirtbag but I  
114 never thought you'd resort to extortion. What goes around comes around. Karma's a nasty  
115 mistress."

116 Gusteau also said that a couple of weeks later, while they were eating lunch at Carley's Coffee  
117 Shop, a man came in and met with Benavidez. Gusteau heard Benavidez say something to the  
118 effect of, "Yeah, I told you I'd take care of you and your family if it comes to that." The rest of  
119 what Gusteau told me is generally consistent with the statement Gusteau gave in this matter.

120 I also talked to Phoenix West, who was working at Sam Cordova's place at the time. Phoenix said  
121 that the fight between Benavidez and Esparza had been taken to the internet, specifically targeting  
122 each other's Yelp and Google pages. That afternoon, I visited the two restaurants' reviews online  
123 and printed them off to preserve them. I'd like to have captured them properly, in what the forensic  
124 folks call "native format," but we don't have that kind of budget.

125 The investigation was making progress, but I guess not quick enough for some people. The press  
126 was having a field day, and they were trying to get copies of my report and the autopsy. So I took  
127 everything I had to the judge to get a search warrant for Alec Benavidez's place. I was convinced  
128 it had to be Benavidez. The judge turned me down flat. The Chief was not pleased. Turns out I  
129 shouldn't have bothered. Benavidez got word of it somehow and offered us to search the place.  
130 We rolled it good, and we found nothing.

131 But then we caught a real break. A couple weeks after the warrant debacle, I heard about an  
132 altercation at Sam's involving Benavidez, and I went over to find out about it. Not only did Sam  
133 Cordova tell me what happened, Sam told me about a conversation the night before my visit with  
134 Randy Sudo. Cordova said that he met Sudo when Sudo was installing a new stove at Sam's. I  
135 checked to see if Sudo had a record, and he had one in spades: when he was sixteen, he stabbed  
136 another boy in a fight over a girl. He was tried as an adult and received ten years. In the four or  
137 five years since he was released, he had been arrested for public intoxication, possession of a  
138 controlled substance, and resisting arrest, but had not served any additional time. No steady  
139 employment. When I saw the picture, I knew the guy from around town. He does odd jobs for  
140 cash and drives an old Pontiac Firebird. We've spotted him sleeping in the back from time to  
141 time. It's a sad thing, but not a crime. We even try to knock on his window when the parking  
142 stops being free so he doesn't get ticketed.

143 Standard police practice in cases like this one is not to tell the public all the details of the crime,  
144 because that helps sort out the crank calls and conspiracy theorists from people who have real  
145 information. Cordova was able to provide two details that Sudo told him that were not released  
146 to the media: the perp shot Esparza with a .38 caliber revolver and how Esparza's dog was killed  
147 while laying at Esparza's feet. Nobody who had not talked to the killer or one of the crime scene  
148 techs or seen the police report would know those details. As the icing on the cake, Sudo told  
149 Cordova that Benavidez was the person who hired him to kill Esparza. Later, Cordova identified  
150 Sudo in a lineup.

151 That was PC for a warrant to search Sudo's apartment. Inside the apartment, I located a .38 caliber  
152 revolver and a box of ammunition; Exhibit 5 is a photo of the gun that was found. Ballistic tests  
153 confirmed that this .38 was the gun used to kill Esparza, and the ammunition found inside the  
154 apartment was consistent with the projectile the Medical Examiner recovered from the body of  
155 Esparza and the one the veterinarian recovered after the necropsy of Rags. In addition to the gun  
156 and ammunition, I found a La Buena Taqueria business card with a five-digit number written on  
157 the back: 27878. Or 21818. It was hard to tell. I had the Forensics Lab try to match the  
158 handwriting, but they said they couldn't do much with five characters, especially numbers. From  
159 my own observation of the samples, though, and based on the two or three hours of forensic  
160 handwriting courses I have taken over the years, I will say that Benavidez's "1s" and "7s" look  
161 pretty similar, and they look pretty similar to the ones on the business card. Sam Cordova's also  
162 looked similar to each other, but different from those on the card.

163 During the search, I also found a cell phone bill from Cilantro Mobile in Sudo's name, giving me  
164 his cell phone number as well as a chain of text messages. I then secured a warrant for Sudo's cell  
165 phone records to see if there had been any communication between Sudo and Benavidez. Sudo  
166 called Benavidez a little after 9pm on the night of May 21, for 3 minutes and 15 seconds, among  
167 other calls. There were also a few odd text messages between the two of them. I subpoenaed  
168 Benavidez's financial records, both personal and for the business. There were cash withdrawals

169 on May 15th for \$7,000 from the business account and \$5,000 from their personal account.

170 In early July, I located Sudo and brought him in for questioning. On the way into the police station,  
171 I had Officer Wehry and Gusteau sit in an undercover police car with tinted windows. I walked  
172 the handcuffed Sudo past the vehicle to see if Gusteau could identify Sudo. But after I Mirandized  
173 Sudo, he never said a word. In the hallway, I checked in with Gusteau, who told me straightaway  
174 that Sudo was almost certainly the same person they saw speaking to Benavidez at the café.

175 By this time, we had initial fingerprint results that showed Sudo's partial print on the code-box at  
176 the dine-in part of Geno's! That means Sudo was at Geno's on May 21! I went back into the  
177 interview room and confronted Sudo with the physical evidence retrieved from his apartment and  
178 Cordova's testimony; he did not budge. In fact, the only thing he said at first was that he wanted a  
179 lawyer. I didn't question him after that, but I told him that we had an eyewitness who overheard  
180 him talking to Benavidez. No response. I told him that Benavidez was using him and that once  
181 he's inside, Benavidez will act like they never even heard of him. I even tried to suggest that  
182 Benavidez was framing him and didn't he want to come clean and not take the rap for Benavidez.  
183 All to no avail, just sitting there steely-eyed and stoic.

184 Then I made him a cooperation offer to testify against Benavidez, and he started to open up a little,  
185 admitting to owning the firearm – which is a crime for a convicted felon – and to having been in  
186 Geno's that night, but to drink. That's when I knew I had him, because Geno's wasn't open on  
187 Tuesdays. As soon as I said that, he clammed up again.

188 Still, I had the confession we needed. Only, get this! The judge in Sudo's case is saying the  
189 confession is tainted, because Sudo asked for a lawyer first. The DA doesn't think so, because I  
190 didn't ask any questions, I just made statements. But that's on appeal, and in the meantime, the  
191 Judge called my Chief and the District Attorney and "suggested" that I take refresher training on  
192 the Sixth Amendment. While I stand by my interrogation, I definitely would do things differently  
193 now.

194 I secured warrants for the arrest of Benavidez and Sudo for the murder of Geno Esparza, and Sudo  
195 for aggravated cruelty to animals for the death of Rags. I thought it was going to be hard to get a  
196 hold of Benavidez, and I was ready to make a fugitive report, but Benavidez was back at home,  
197 elbow-deep in cilantro or something in their home garden. I asked why Benavidez skipped town,  
198 and Benavidez replied, "My father has been ill and after being embarrassed by Esparza at the  
199 festival, I went home to clear my head and spend time with my family." I asked Benavidez if they  
200 knew of Esparza's death – and the reply was chilling, "Good news travels fast." I asked Benavidez  
201 if they knew Sudo, and Benavidez replied with a bit of a surprise, "You mean the deck guy?!?"

202 Still, I could not shake the feeling that Cordova knew too many details and perhaps was involved  
203 as well. Cordova was having their own financial troubles, and with Benavidez in custody and  
204 Esparza dead, Cordova could control the bar scene. Word around town is that Cordova lost a lot  
205 of money on the 49ers in the 2024 Super Bowl in February. It's also been reported that Cordova  
206 has an alcohol problem, and I can tell you that Cordova was convicted of DUI in 2022, because I  
207 was the arresting officer. So I subpoenaed Cordova's financial records, too. There was nothing  
208 directly tying Sam to Esparza's death, so we closed the investigation. I still wonder, though.

209    Whatever. I completed my reports timely and fully, and my initial instinct was right, whatever that  
210    judge said about the evidence we had at the time. Benavidez is definitely guilty, and as soon as the  
211    jury reaches that obvious conclusion, I'll have my first murder conviction. Not bad, Detective. Not  
212    bad.

213    *Emile Knight*

214    Signature

## Statement of Robinette (Robin) Gusteau

1  
2  
3 My name is Robinette Gusteau, and I write Food Emoji, a restaurant review/food blog for the  
4 *Lincoln Reporter*. Most people call me Robin. I also am an Adjunct Instructor in the Culinary  
5 Arts program at Lincoln Vocational Tech, teaching restaurant management, without Gordon  
6 Ramsay's vocabulary! A lot of people think restaurant management is easy, just because they've  
7 eaten in them. But it's an immensely challenging form of small business, and many restaurant  
8 investments fail, even when the managers have been in the business for years.

9 In fact, being a customer of a restaurant can actually lead directly to bad decisions: too many  
10 would-be restaurateurs make the mistake of running a place the way they'd like to see it as a  
11 customer—the highest quality ingredients, extra staff to keep things running smoothly, tons of  
12 menu options. That's a nice idea, but hardly ever fiscally sound; you spend far too much to turn  
13 a profit (unless you're so high-end that you can charge whatever you like). The idea is to make  
14 the customers think you're running the place expensively, while keeping a gimlet eye on the  
15 bottom line.

16 Don't get me wrong: I love food! And I live the restaurant business. In fact, that's what I studied  
17 in school, at the world-renowned Nolan School of Hotel Administration at Cornell University.  
18 Not many Ivy League schools teach something as practical as hospitality, but Cornell does! Of  
19 course, I also really learned it in the school of hard knocks when my own best effort at a restaurant  
20 went belly-up in 2020, during COVID. Still, every student I can help learn that in a classroom is  
21 one more who doesn't learn it the hard way, as I did.

22 I guess I should say that it wasn't all academic learning for me. In 1992, when I was graduating  
23 Cornell, I'd had an epiphany—if not me, then who?—and I went to see my Navy recruiter. I first  
24 joined the Navy Reserves, which helped to pay down my loans, but when we went to war in the  
25 Middle East and Uncle Sam recognized that I had a degree that included hours of work in supply  
26 chain logistics, I was pulled onto active duty, coordinating hospitality services (food, housing,  
27 and recreation) in Afghanistan and Southeast Asia. I mustered out in 2017 as a Commander, USN  
28 (Ret.), having served my 'twenty,' entitling me to a full pension. Then I spent a couple years in  
29 school food service before opening my place in Santa Fe, NavSupper. (I don't mind a good pun.)  
30 We barely kept in the black through the first couple years, and I think we were turning a corner  
31 when COVID hit. That was the end of that, and nearly of me. I paid off the creditors I could in  
32 bankruptcy, but because I did the honorable thing and declared bankruptcy in late March rather  
33 than renewing a lease it did not look like we could pay, NavSupper wasn't eligible for a PPP or  
34 Restaurant Revitalization Fund grant. We closed our doors forever.

35 After licking my wounds during the quarantine times, I realized I didn't want to be tied down  
36 again. I figured with my background, I could offer a unique eye to the food scene in small,  
37 upcoming towns, so I headed to a more remote part of New Mexico, looked around, and settled  
38 on Lincoln as a base of operations. I was attracted by what was going on in Lincoln, especially  
39 around the historic Plaza. I was originally looking for a place to work as a sous-chef or where I  
40 might invest a little, but the *Reporter's* former columnist just retired. I hadn't considered writing  
41 before, but I submitted my resume and some quick one-off samples on a lark. Pretty quickly, I  
42 found my talents transferred to the media. Turns out Cornell taught me more than just how to staff

43 a registration desk!

44 So now I write about food, but I also try to give my readers something more: a look at how well  
45 the restaurant runs, not just what's on the plate. And while I'm not making or breaking places like  
46 Guy Fieri, I have been able to highlight some cool, neat spots and give some needed warnings  
47 about others. I like to be a writer of the people, so I don't mind being seen and recognized. I want  
48 to experience the spot as any diner would, not have a fuss made when I walk in. I've gotten to  
49 know a lot of restaurant owners and been able to highlight the neat things they're doing, both in  
50 the kitchen and in the community. Most of the restaurant folks in New Mexico are good people.  
51 Most. That said, the community is very small, so a place could get written up more than once,  
52 and I often spoke of special events and festivals. Weddings, for example, always get clicks, and  
53 to me catering is as much a craft as owning a restaurant.

54 I also learned to size-up people like Benavidez—blustering bad eggs—and not to be intimidated  
55 by them. That part came naturally to me; once you've stared down a 3-star in the E-Ring of the  
56 Pentagon, a local taco vendor isn't gonna have you quakin' in your boots. Still, I can understand  
57 the issue. I was unsparing in what I wrote about both the feud between La Buena Taqueria and  
58 Geno's Taco Truck – which was going to kill both places, I thought – and the choices Benavidez  
59 was making in the Buena business. Benavidez's business model was lousy, and I'd always had a  
60 sixth sense that Benavidez was trouble. Plus, Benavidez rubbed me the wrong way and refused  
61 to give any kind of samples. Unlike Benavidez, Esparza was always willing to provide a bit of  
62 free food and drink and – once – a little financial assistance on the side for me. I knew it was an  
63 effort to get me to write a favorable article about Geno's, but I am not going to pretend that I  
64 didn't appreciate the help, since I got paid for clicks, not a salary or whatever.

65 Even so, I didn't pull punches in blaming them both for the feud that could have killed both places.  
66 Benavidez seemed to feel like they were in constant competition with Esparza over the same  
67 customer base, even though Buena's menu and Geno's were different fares—standard New  
68 Mexican vs. craft tacos. Honestly, I felt Geno's had a better model for Lincoln and was in a better  
69 position to succeed. But the bigger issue was that they were fighting at all. The town actually is  
70 big enough for the both of them, but their relentless focus on each other detracted from the real  
71 fight they should have been having, which is against the chain restaurants around the rest of the  
72 area, particularly out by the interstate.

73 And boy did they fight. There had been a lot of public sniping between the two owners—a lot of  
74 trash talking on-line, including in the comment sections of my column. Things were kept to  
75 cyberspace until there was some kind of incident involving Benavidez's cut-rate beer fliers and a  
76 fire on Buena's deck that occurred in February 2024. After that, I started spending a lot more time  
77 covering the ins and outs of the fight, half as a food reporter, half covering the crime beat! Every  
78 article did better than the last, as I sort of became Lincoln's reporter-on-scene for the fight.

79 Of course, I wasn't just hanging at Geno's and La Buena. I was all over the Plaza, including at  
80 Sam's, which is what everyone calls Sam's Old Town Cantina, Sam Cordova's place. I've always  
81 considered Sam's to be more direct competition for Esparza and Geno's than Buena was. Both  
82 Sam's and Geno's are somewhat specialty vendors, and Sam tried to separate Sam's with unique  
83 food/drink pairings. While that seemed to limit the customer base, it also made Geno's seem like  
84 your basic food truck. The dine-in portion of Geno's had been the most popular place to buy



85 drinks, and they got away with selling beer out of the food truck notwithstanding the laws about  
86 dispensing alcohol for consumption outside.

87 It was obvious to me that the real competition for customers was between Sam's and Geno's, not  
88 Geno's and La Buena. But Esparza didn't see it that way, and neither did Benavidez. I don't know  
89 how Sam saw it, but I think Sam was just happy for those two to fight. And if one or both of them  
90 went out of business, all the better for Sam's.

91 Then the really crazy thing happened. You know those scratch-off games with the stupid prairie  
92 dog ads? The ones everyone always loses, especially people who can't afford to? Well, in early  
93 April, Esparza played one and hit! I know because the local convenience store put out one of  
94 those "Winner Sold Here" things. It's not like the PowerBall or whatever, but that's still hundreds  
95 of thousands of dollars, more money than Geno's was ever gonna make. I can't imagine Geno's  
96 cleared more than a thousand or two a week in profit.

97 So we all figured Esparza would let bygones be bygones and get out of the food and beverage  
98 business. That was the smart move. Instead, Esparza took it as a sign from heaven to screw  
99 Benavidez or something. On the first day of May, Esparza bought Benavidez's lease in the Clavin-  
100 Peterson Building. I heard from Pookey Thomas, who happened to be in La Buena when Esparza  
101 dropped the news, that Esparza held the lease over Benavidez's head like the wire of a cheese  
102 slicer over a wedge of Gouda. I think Esparza did the initial presentation of the lease purchase  
103 during the lunch hour so they'd have witnesses. Benavidez blustered and pugged and made some  
104 windy, vague threats—"Payback sucks, y'know," and that sort of thing—and cursed Esparza out.

105 As the month of May wore on, things got really tense. Everyone in the industry throughout town  
106 was trading gossip and speculating on what would happen. People would drop by both Geno's  
107 and La Buena Taqueria to "catch up" with Benavidez and Esparza and see if they could find a  
108 nugget of news. By this point, I was blogging it almost daily, and you can bet I was one of those  
109 people, although we'd publish whether there was news or not.

110 I worked all the rooms, including Sam's. Sam could always be counted on to talk, because Sam  
111 was usually drinking as much as the customers. Sam called it "SAMpling," but it looked like plain  
112 old alcoholism to me. Sam seemed giddy at the prospect of either—or both—of the restaurants  
113 closing. I also relied on Pookey Thomas, who was always in and out of restaurants pitching El  
114 Conejo Brewery products and merch. Pookey was helpful in keeping me up with the gossip and  
115 latest goings-on, especially on the financial side of things. So I always knew who was paying up  
116 and who was cash-poor.

117 It all came to a head on May 13th, when out of nowhere Esparza showed up with the Lincoln P.D.  
118 at La Buena Taqueria to serve eviction papers to Benavidez. Benavidez was shocked to say the  
119 least – I think it was the first time they were ever silent. Well, I wasn't there, but that is what I  
120 was told. It was that sort of moment when you realize that all hope is lost. You see, after Memorial  
121 Day, the town clears out, and the college kids are gone, so all Benavidez had was the Sabor on  
122 the Plaza event that weekend for any chance of income. I knew from Pookey that Benavidez was  
123 way overleveraged, so they would have to have a great weekend at the festival to get rid of all of  
124 the food stock and beer.

125 Then, on the 15th, I was sitting in a booth at Carley’s Coffee Shop—unfortunately for the Carleys,  
126 they’re situated right in the middle of the war, between the two bars—eating lunch with Crazy  
127 Legs Conti, the music columnist for the *Reporter*. We tend to collaborate on the blog, though his  
128 zealous affinity for Frank Zappa is lost on me.

129 I was sitting on the side facing the street, working on the day’s article-length blog entry about the  
130 drama with El Conejo Brewery, when Benavidez steps into the coffee shop and stops, looking  
131 around. This was unusual; Benavidez wasn’t the kind to eat lunch in a coffee shop. Carley’s is a  
132 quaint throwback, sort of like Nifty Fifties but real, even down to Mr. George wearing a white  
133 apron and soda jerk hat at the grill. So, Benavidez stands in the door, looking around, right through  
134 me, before focusing on someone at the end of the bar. But I couldn’t really see who it was since  
135 his back was to me, almost at the end of my seat, although it kinda looked like Randy Sudo, an  
136 infamous local degenerate. It definitely sounded like Randy. Anyway, I am just going to refer to  
137 this person as “the stranger.” Adds a bit more mystery, right?

138 Anyway, Benavidez stomps down the soda bar—not even a “Hey,” “How are ya’?” or “How ya’  
139 doin’?” to Miss Sandy along the way. I hear Benavidez say, “You ready?” with such impatience  
140 and venom that I paid attention. I didn’t dare look at them, but they were close enough where I  
141 could pretty easily catch the conversation. Now, I lost a bit of my hearing during my time on ship,  
142 but it was acute enough for me to discern their conversation despite the cacophony of dishes,  
143 conversation and “ready orders” from the restaurant. It’s strange how complacent they were about  
144 privacy.

145 The stranger didn’t say anything for a few moments, which made Benavidez sit down on the stool  
146 next to the guy and ask again, “Hey, you ready?,” albeit in a slightly rougher tone.

147 “I dunno,” the guy said.

148 “C’mon,” Benavidez replied, “It’s not like you haven’t done it before.”

149 There was a long silence. Then the stranger growled, “It’s just that, I don’t take personal checks...”

150 “Don’t worry about my credit,” retorted Benavidez. “That dirtbag Esparza’s going to get what’s  
151 coming!”

152 Benavidez unrolled a napkin from around some silverware and put it in their lap for a moment,  
153 before putting it back on the counter and sliding it towards the stranger with something inside.  
154 The stranger lifted the napkin, showing a stack of cash, the green contrasting against the white of  
155 the napkin. There were a lot of bills. “Fix this,” Benavidez said, “quickly.”

156 The stranger interrupted Benavidez, asking, “What about afterwards? What’s my insurance policy  
157 that I won’t get in a jam for all of this? It’s not like I have a license to do this.”

158 “I’ll take care of anything if it comes to it. You’re helping me in with a problem, I’ll help you,”  
159 replied Benavidez.

160 “Fair enough, I guess,” said the Stranger, smoothly. “Band-aids are band-aids, but some problems  
161 require full-on surgery. When you are sure, call me. Don’t send a text.” Then he wiped at his belly

162 area with the napkin with the cash in it, but when the napkin went onto the bar, it was limp, empty.  
163 He must have stashed the cash, smooth as a pillowcase, in a pocket or his waistband or something.

164 My reporter's intuition told me I didn't want to be seen listening to the conversation, so I left  
165 money with Crazy Legs Conti and retreated across the Plaza to Sam's, to get some space and a  
166 sake bomb.

167 As I was settling-in across the Plaza, I saw the stranger headed the same way. Now I could really  
168 get a look at him – and I am, like, 85% certain it was Sudo. He was probably in his mid-40s and  
169 looked like he worked out a good bit, but had a tremendous beer gut. He had shorter blond hair  
170 and wore round-framed sunglasses. I don't think he had a moustache or beard, but there was at  
171 least a day or two of growth on his face, and I didn't want to get caught staring at him. I tensed,  
172 figuring that he'd suppose I'd heard too much. I didn't want to get mixed up in whatever it was  
173 Benavidez and Sudo were talking about, so, before I even ordered, I hustled back to my office.

174 On the 17th, everyone was at the Plaza – and I mean everyone. It was the biggest event of the year!  
175 But more than that it really felt like a New Orleans style party in the middle of New Mexico. I was  
176 there, too, of course: everyone loves my person-on-the-street interviews with increasingly  
177 intoxicated folks from around the area. But on the evening of the 16th, Esparza made the final  
178 move, giving Pookey and El Conejo Brewery an offer they couldn't refuse: Esparza would be the  
179 only one selling Conejo products (at Geno's) during Sabor, or Geno's would cut the contract after  
180 Sabor, leaving El Conejo Brewery with no place on the Plaza once La Buena Tacqueria closed. (I  
181 mean, they still had Sam's, but Sam's isn't exactly a craft beer kind of place.) I was there for what  
182 Esparza called an "exclusive," but which I think was just Esparza's way of rubbing Benavidez's  
183 nose in it. Pookey really didn't have a choice, and Esparza only gave Pookey a few minutes to  
184 decide. Real hardball stuff. Pookey caved, and El Conejo Brewery pulled its products from La  
185 Buena Taqueria, leaving Benavidez with no good beer and only generic brands to sell, which Sam  
186 priced better. It was savage, but effective: there was no way Benavidez could get into the black.  
187 Benavidez was not only losing the taqueria, but they would be in debt.

188 When everyone's favorite band, the Bog Turtles, took the stage to kick off the festivities, suddenly  
189 Benavidez runs up on stage, grabs the mic and while what they said was a bit muddled, everyone  
190 caught the gist. It was directed at Esparza, and everyone heard Benavidez say over and over, "I'm  
191 going to kill you! I'm going to kill you!" Benavidez broke into tears, ran off the stage, and  
192 disappeared. No one saw Benavidez again all weekend. The party went on, though. People are like  
193 that.

194 Then, that next week, things really blew up when word leaked out that Esparza had been killed. I  
195 heard about it from Pookey and went live on the blog immediately. The incident sent the town  
196 over the edge. Everyone was talking and speculating. Sides were drawn pretty quickly about  
197 Benavidez's potential involvement; with most everyone thinking there was no way Alec could do  
198 something like that. I didn't know what to think, but Benavidez doing it made sense. I wanted to  
199 take point for the paper, but the news desk took it over and just used me for a background story on  
200 the long-running feud. Instead, I started working on it as a book.

201 I didn't hear anything more until Emile Knight contacted me to ask what I knew, sometime late  
202 the week that Geno was killed. I was glad to offer my part, of course.

203 In late June or early July, Knight asked me to sit in a police car and try to identify someone walking  
204 with the officers. It was definitely the guy I saw with Benavidez. Of course, by then I was even  
205 more sure that was an older Randy Sudo. I'd been reading archived stories in the *Reporter* from  
206 Sudo's first trial, and I grew more convinced that was the guy I saw with Benavidez with each one  
207 I read.

208 I'm really curious to see what will fill the empty La Buena Taqueria space and what comes of  
209 Geno's. Esparza's widow has kept it going as best she can, and it seems to be doing okay. I don't  
210 know how long the life insurance will last, but between that and owning the Old Clavin Building,  
211 she should do alright. I hope something nice and upscale will move in. We could use some new  
212 blood on the Plaza.

213

214

215

216

217

218 *Robinette Gusteau*

219 Signature

## Statement of Sam Cordova

1  
2  
3 My name is Sam Cordova, I am 53 years old, and I own, operate, and tend bar at Sam's Old Town  
4 Cantina here in Lincoln. Slinging drinks is a third career for me, after minding a soccer net  
5 professionally and selling sporting goods for a decade or two with Joe's Sporting Goods, before  
6 it got run out of business by Big 5s and Walmarts everywhere. When I was working my way  
7 through college, there were something like 10 Joe's locations, all around New Mexico, and most  
8 of them were loaded up with folks like me, former high school stars. That job taught me a lot  
9 about marketing/sales and that I am a people person. "Smilin' Sam," they called me.

10 Because I was in purchasing and marketing, I was on the road for long stretches of time every  
11 year. I found lots of pubs and local hang outs over the years of traveling and like the feeling of  
12 belonging that you get in a well-run bar.

13 So after a couple decades of buying and selling sporting equipment, I had to find another job. I  
14 decided that the best fit for me was to open a bar – 'cause sometimes you want to go where  
15 everybody knows your name! I love talking to people, and I found out I have a real talent for  
16 making new and flavorful food and drink combinations. It won't be long until my creations are  
17 standard fare in bars all over! Maybe you've heard of full-sized Hawaiian-style roasted pig served  
18 with Vodka Martini, Spaghetti with Tofu strips served with a Sake Beer Bomb, or my Long Island  
19 High Tea dish, which is an assortment of "high tea sandwiches" like cucumber or watercress  
20 sandwiches with the crusts cut off, served with long island iced tea. Our Sayonara Sushi and Pina  
21 Colada even got written up by Robin Gusteau in the *Lincoln Reporter* Good Eatin' Section! I  
22 have that article framed and posted on the wall of Sam's. I have some beers on tap but don't focus  
23 on those. Pookey Thomas is always trying to get me to put some El Conejo Brewery stuff on  
24 draft, but that's not what my customers want. My customers either have a refined palette for  
25 mixed drinks or they want Coors or Bud Light.

26 I think that Sam's is in the perfect location, too. The city council has spent a lot of time and money  
27 classing up the downtown area of Lincoln. They call it a "revitalization." Sam's is next-door to  
28 one of the parking lots just off-Plaza. There are only a few authentic buildings from the turn of  
29 the 20th century that survived over the years, but Sam's is one of them. It was the gym for Lincoln  
30 High for almost a hundred years. Then, in 1982, the high school moved to the outskirts of town,  
31 and all that was left on the Plaza was the courthouse. The economy took a nosedive, and a lot of  
32 the spaces were vacant.

33 I rent out the corner space that has stairs leading from the bar - Sam's Old Town Cantina - to the  
34 comedy club upstairs - R. Howe's. We get a lot of bar and restaurant business from folks before  
35 and after shows. But during the week, a regular crowd shuffles in most nights.

36 Sure, I knew Geno Esparza, owner of Geno's Taco Truck, which also has a dine-in restaurant and  
37 bar behind it. We've had our share of run-ins over parking issues. Esparza set up a "valet" parking  
38 station in front of Geno's, and this valet takes the cars and then drives them over to my side of  
39 the Plaza. Now, my customers have nowhere to park! It really hurts my business. Esparza  
40 basically took over the parking in the whole Plaza. I have complained to the police and at City  
41 Hall several times over the years, but no one will do anything to help me! I spent entire days

42 talking to lawyers trying to get someone to take my case. It's like my divorce all over again.

43 But man, my beef with Esparza is nothing compared to how he and Alec Benavidez got into it.  
44 Benavidez – who I called “Bennie,” because they hated it so much – owned La Buena Taqueria,  
45 a few doors down from Esparza. Benavidez has been on the Plaza for a long time, probably one  
46 of the oldest places around. As soon as Esparza opened up Geno's, he and Benavidez went to  
47 battle. It didn't take long for the gloves to come off. They went back and forth at each other,  
48 trying to get the city involved (which didn't work for them either) and messing with each other  
49 on the internet, on Yelp or Google, which a lot of the tourists check. I've looked at the Sam's  
50 Yelp page every now and then, but I've never really worried about it. Sam's had a reputation of  
51 its own and didn't need to have others sell the food and drinks. But, man, those two twits didn't  
52 like each other.

53 Sometime over the winter, Benavidez tried to undercut Esparza on beer specials and put up fliers  
54 all over town. They wanted to put something up in Sam's, but I wouldn't let them. To be honest  
55 with you, I was happy to sit back and let them knock each other around, maybe even take one of  
56 them out. Sam's runs on a tight margin, and a little extra business would have gone a long way  
57 for me.

58 Not long after, someone set Benavidez's deck on fire with a bunch of the fliers. No real structural  
59 damage was done, and I thought it was pretty funny, but the space was unusable and looked half  
60 destroyed, charred and unstable. It was not a good look for a restaurant trying to attract customers,  
61 especially ones who might have thought it was caused by a kitchen fire or something.

62 Still, it was just like two big wrestlers slamming against one another until Esparza won that prairie  
63 dog lotto thing. Word got out real fast that Esparza was putting on a full-court press. I own my  
64 building, which I bought by cashing out my Joe's stock. (Goalies don't make bank, and neither  
65 do regional sales managers, but then, the property wasn't worth much until the last five or ten  
66 years.) I don't have to worry about keeping landlords happy like Benavidez did.

67 Esparza must have really gotten inside Benavidez's head, because just a day or two after the sale,  
68 Benavidez came over to my bar to talk alliance against Esparza. Benavidez was ready to go  
69 nuclear on Esparza, but I talked them down. After all, anything rash that Benavidez did, Esparza  
70 would just close down the taqueria. And that place was Benavidez's life. I like Sam's, but if I  
71 have to go on the road again, I will. Benavidez's whole identity was running that restaurant. I told  
72 Benavidez to let me think about it and that I'd check back if I thought of something. Benavidez  
73 seemed happy enough with that and left. To be honest, I didn't do any thinking about it after that.  
74 Again, why not let them eat each other and leave me standing?

75 And I was 100% right! After Esparza decided to evict Benavidez, Benavidez came back to see if  
76 I had any ideas. Benavidez was talking about how unlucky it was, and that got me thinking of  
77 Lou Gehrig's famous “Luckiest Man on the Face of the Earth” speech. I told Benavidez the only  
78 way out was to take it directly to the people, see if they would pressure Esparza into changing his  
79 mind. After all, Esparza owned the note on the building, so that was that.

80 Somehow, that simple suggestion to make a heartfelt plea escalated into the “scream heard round  
81 the Plaza.” It was May 17, and I was putting the finishing touches on my booth at Sabor on the

82 Plaza. The Bog Turtles had just taken the stage, when a maniacal Benavidez runs up on stage,  
83 grabs the mic and goes off on Esparza like Travis Kelce talking about drubbing an opponent in the  
84 Super Bowl. It was you ruined this and you ruined that and if I ever see you again, I'm going to  
85 kill you! I tried to go to the stage and get Benavidez to calm down, but Benavidez rushed off,  
86 brushing past me in a fit of tears. I kinda felt bad. Kinda. Less than a week later, Esparza is dead.  
87 I mean, how dumb can you be, saying a thing like that and then doing it?

88 So I was real shocked when Benavidez had the guts to show up at my place not even a month after  
89 Esparza died, maybe in the second or third week of June. I know Sam's is for everyone, but maybe  
90 less for killers, you know?! My customers felt the same, I guess, because no one would even talk  
91 to Benavidez. Or they were just scared. Remember, back then we all thought maybe Bennie pulled  
92 the trigger, you know? The weapon hadn't been found or nothin'. Anyway, one of the regulars  
93 gets a little liquid courage from our Flaming Strawberry margarita and gets in Benavidez's face.  
94 Bennie starts back at him, and then Lenny – that's the regular – says, "We don't want you here!"  
95 Bennie fires back with, "What, 'cause my family is from Mexico?" which is dumb, because there  
96 are half a dozen people in the room who grew up in Mexico. And Lenny says, "No, 'cause of what  
97 you did to Esparza." And Bennie fires back with, "So what if I did?" and the whole room goes  
98 quiet. But Bennie is still going, non-stop, like it was one thought and says, "You're just a drunk  
99 idiot. I didn't do nothing, but if I had, everyone in this room knows Esparza had it coming. Buying  
100 up the parking, working the Mayor, tryin' to burn up my deck. That's just karma."

101 Lemme tell you, the place got real quiet, real fast. I figured I'd be hearing about it in the *Reporter*  
102 or the police would be by, but no one came.

103 Or at least no one came then. Detective Knight came by a few days later. But the real joke of it is  
104 that Knight must have a real nose for things, because it was the night before Knight came by when  
105 I broke the whole case wide open. So pull up a chair and let Sam tell you the story.

106 It was a regular evening and not too busy in the bar at that time, what with the college kids gone  
107 and folks starting to vacation. Then who comes in but Randy Sudo! Now, I've known Randy for  
108 a spell, mostly from some odd jobs Randy had done for me in the past. Randy was well-known  
109 around Lincoln, for the you know, stabbing thing. But I believe in second chances. He's paid his  
110 debt, that's what I say. Anyway, since then, all Randy did was drink and handyman-type stuff.  
111 Sort of the feel-sorry-for-yourself kinda guy. All of us around the Plaza used Randy to do some  
112 work from time to time – that included me, Benavidez, and even Esparza. You could call it charity,  
113 but the truth is, when sober, he was pretty good. Word was he had worked in the carpentry shop at  
114 the pen, but I don't know so far as whether that's true. If times were real tough, Randy would even  
115 work for food, but for some reason always refused a meal from my place. You can't teach a refined  
116 palette.

117 Anyway, that night in June, Randy looks more shaken up than usual. I asked him what was wrong  
118 and he sort of shrugged me off. I offered him a stiff drink, but he shook his head and looked down  
119 at his hands, which were folded on the top of the bar. I put a glass of water in front of him. As I  
120 walked to check on a few customers at tables, I noticed that his hand was shaking a bit when he  
121 lifted the glass of water to his lips. I decided to give him some space. Some folks need that, and  
122 I'm a bartender, not a judge. So, I left him alone for a bit. I told Phoenix, who was working the  
123 tables with me that night, to keep an eye on him and let me know if he needed anything.

124 A bit later, Randy orders the combination of Hot Borscht and dumplings served with a limoncello  
125 explosion. This is from my European collection of combinations, and I swear it was the first time  
126 Randy ever ordered food at my place. We talked off and on while Randy ate his food. Actually,  
127 he just sort of picked at the soup – again you can’t teach taste. But he downed several limoncello  
128 explosions. He even bought me a round or two and asked that I join him. That was a first as well!  
129 Randy had cash from somewhere, hundred-dollar bills. Part of me thought it was funny money,  
130 but then I said to myself, “Sam, you can’t go judging a man on his past like that.”

131 I guess that with hardly anything but some beet soup in his stomach, those limoncello explosions  
132 must have hit him hard. They are strong drinks, ‘cause I like strong drinks when I go out, too!  
133 Randy asked me where he could find a “high stakes game” going on that night. I told him that we  
134 don’t have action like that anymore on the Plaza. He kept asking about it since he was “no longer  
135 financially challenged.” Randy said that he had made 10-large by outfitting Esparza with a pair  
136 of cement shoes. Okay, to be honest, he didn’t use that phrase exactly. I don’t remember exactly  
137 what he said. The limoncellos were hitting me, too! But I got the gist.

138 Randy sat at my bar for about three hours and drank 6 or 7 limoncello explosions. I’m telling you,  
139 I barely touched the two or three that he bought for me. I was concerned about what Randy may  
140 have done. This is a quiet town, and we don’t need any bad PR driving away the families and  
141 regulars. Randy told me that during the week before the Sabor event, Benavidez contacted him  
142 and paid him to “take out” Esparza. Randy described Benavidez’s fragile emotional state pretty  
143 good, down to the New Mexico accent, and said that Benavidez pointed out the flaw at Esparza’s  
144 place - where the alley was behind the buildings. Randy was afraid all of Benavidez’s hand  
145 gesturing in the coffee shop where they met was going to cause attention, but no one seemed to  
146 notice them talking.

147 It seems to me that Randy said that he waited until Esparza went to his office located at the back  
148 of the bar, as it was a Tuesday, and Esparza always closed both the food truck and dine-in part of  
149 Geno’s on Tuesdays. Randy said that Benavidez gave him the alley door’s code. I don’t know  
150 how Benavidez got it. He opened the door with Benavidez’s code and was surprised it worked.  
151 Randy was going on about wearing sneakers, for sneaking, and I told him that he went to too  
152 much trouble. Esparza worked in bars and loud restaurants for 30+ years. His ears barely worked,  
153 especially if he wasn’t looking at you. Randy said that the dog either heard him or smelled him  
154 and started to bark like crazy, but Esparza didn’t pay any attention.

155 Randy then “tapped” Esparza while he sat at his desk with his inventory system open on his  
156 iPad. Since the dog was the only alarm the place seemed to have, Randy then “put two in the  
157 dog.” I was pretty disturbed that Randy had killed Rags. I mean, no one liked that dog, but even  
158 so. I guess that it was killing the dog that upset him more than killing Esparza. Randy was pretty  
159 messed up about the dog, blubbering and crying.

160 I know one of my former employees, Phoenix West, has been interviewed by the police about all  
161 of this. Phoenix was nice and all but a bit scattered. Phoenix bounced from bar-to-bar-to-  
162 restaurant, working different jobs in all of the places. Phoenix’s band, XenoKeys, wasn’t bad, and  
163 I’ve had them back a few times, even if they couldn’t hold a candle to the Bog Turtles. Phoenix  
164 quit working at Sam’s a few weeks after Esparza’s murder, supposedly to avoid all the drama.



165 I know what people say about me around town. I get it. I haven't had the typical life on the straight  
166 and narrow. Everyone knows about my DUI several years ago. But that changed me. I don't drink  
167 near as much as I did back then, and I've been going to AA meetings once in a while. I know  
168 people think I'm still a lush because they see me looking like I'm drinking all the time at the bar.  
169 It's an act. Customers like to share a drink with the bartender, to feel more at home. It's a friendly  
170 gesture, which works to keep them around longer and eating and drinking more. I've got mostly  
171 soda water or a soft drink in my glass. Throw a little food coloring in and it looks like a bourbon  
172 or a Jack-and-Coke.

173 Sure, I waited for a few weeks before I said anything to the police. That's 'cause nobody asked  
174 me! It's not like folks didn't know where I'd be! Once I came forward with this information, I  
175 did so freely, even picking Randy out of a lineup at the police station. I'm not to blame for what  
176 happened to Esparza or that the police took so long to ask me any questions.

177 I was definitely right about one thing, though. Business is definitely up with Benavidez gone and  
178 Esparza's wife only half-running Geno's. Another few months of this, and I might get my first  
179 vacation since the pandemic!

180

181 Sam Cordova

182 Signature

## Statement of Alec Benavidez

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2  
3 So, my name is Alec Benavidez. I owned La Buena Taqueria in Lincoln, until that scum Geno  
4 Esparza shut me down. I'm originally from southern New Mexico. My mom was from Mexico,  
5 and my dad was a student at New Mexico State University and has lots of family in Las Cruces.

6 Anyway, my folks worked for a friend in his restaurant in Las Cruces. They eventually bought  
7 the place in 1977, when I was 12, and I started working, bussing tables and washing dishes. Then  
8 I fell for my ex, Pat, who is from Lincoln, so we moved here. Even though we're no longer  
9 together, I stayed. I may not be from here, but I'm from here.

10 When I moved to Lincoln, Pat and I opened La Buena Taqueria on the historic Plaza. That was  
11 the late 90s, and it was downright downtrodden, but I loved the old historic bones of the Plaza  
12 and knew it could be something special with the right amount of people. My only and biggest  
13 mistake was not buying the building when I had the chance – and I had numerous chances. I just  
14 always saw myself as a restaurateur and not a landlord. La Buena grew into a go-to place for dates  
15 and whatnot in town. A few sandwich shops have come and gone; and recently a tapas bar came  
16 and went. I wasn't surprised. Who wants to spend eighteen bucks on a tiny plate of food when  
17 you're still hungry afterwards? Spend \$18 at La Buena Taqueria and you'll go home happy and  
18 full.

19 Next to us is Carley's, where George and Sandy serve breakfast and lunch. And then there's  
20 Geno's, which is what a lot of us call old man Esparza's food truck and dine-in bar and restaurant.  
21 Esparza opened up the place in 2013 on the other side of the coffee shop and started stirring things  
22 up right away. For a food and beverage business to succeed, you gotta have an identity people  
23 can follow. The Carleys have the coffee shop diner. Sam Cordova has the basic bar/tavern kind  
24 of thing (notwithstanding the "Cantina" name). That was good enough, but now Sam's tryin' too  
25 hard to stand out and it ain't workin'. The place is half empty every night and I heard Sam drinks  
26 away what little the place makes off the other half.

27 If you couldn't tell, I don't care that Esparza's dead. I hated that guy. I know I'm probably not  
28 supposed to say that kind of thing, but I did and frankly still do even though he's six feet under.  
29 He was a rotten, no good bozo. Everything he did in this town was for himself and he didn't care  
30 about anyone else around him. As soon as he opened that dump, the mood on the Plaza changed.  
31 Right away, he went after me and Sam's place, trying to undercut everything we did. He tried to  
32 play it like it was historic Casa Vega or something, as if Brad Pitt and Leonardo DiCaprio would  
33 be sitting in the back ordering a Tarantino margarita. He didn't get much of that though. Usually  
34 it was that a fight would start inside and wind up out on the street or in the back alley. I had to  
35 go out there to break it up a few times, just so it didn't spill over into my place. Yeah, we got loud  
36 sometimes when we had a band playing at night, but nothin' like that jerk had down the block.

37 When we started, we were the "true" Mexican-New Mexican fusion spot, serving dishes with  
38 authentic ingredients like Hatch green chile, Oaxaca cheese, and house-made chorizo. Many  
39 people assume that New Mexican and Mexican cuisines are identical, but they are actually quite  
40 distinct. My goal with La Buena was to blend the culinary wisdom of my mother, who was raised  
41 in Mexico, with the traditions of my father, who grew up in New Mexico, to create dishes that

42 truly feel like home.

43 All of our dishes had that special touch from being cooked in traditional clay pots and cast iron  
44 skillets. I got a wood-fired grill in the kitchen that gives our food a real, rustic flavor. Meanwhile,  
45 other places in town, like Nick and Nat's, were serving the mass-produced stuff that the college  
46 kids liked or you'd get for a snack at 1:00 a.m. We were more authentic and the only place in  
47 town like that.

48 Over the years, this "authentic," "farm to table" trend came along and people started copying us.  
49 El Forno Cantina opened up a few blocks away, trying to be another true-to-Mexican place. But  
50 their salsa is too watery. Abuela would roll in her grave if we served food like that.

51 Even so, much as I hated to have to be trendy, we added some new items to the menu, mainly  
52 "fusion dishes." Basically, it's adding ingredients you wouldn't normally find in traditional  
53 Mexican or New Mexican cuisine. Don't get me wrong, we still had abuela's recipes. We just  
54 added some new things to it... mango salsa, chipotle BBQ chicken, bacon-wrapped jalapeños,  
55 roasted corn... you get the idea. It brought in a new, younger crowd while it also kept the more  
56 traditional folks happy.

57 When you think of Mexican food, you think of tequila, and we have a great selection of that. But,  
58 again, the new thing in restaurants are the small breweries. Sure, we have the standard mass-  
59 produced American stuff that's more water than beer, but only because the college kids like it.  
60 However, I also got an account with El Conejo Brewery. They're local from Lincoln and do a lot  
61 of IPA stuff. Now, personally, I'll take a glass of mezcal. But that's just not what the college kids  
62 want, and I have to stock what sells. So, I was fine adding Conejo products to the menu. In fact,  
63 it became sort of a calling card for us. People get really brand loyal to beer, so a partnership is  
64 really a partnership.

65 Unfortunately, Pookey Thomas split the Conejo line between me and Esparza. I don't know how  
66 much that split customers between the two of us, but people seemed to like what they got here  
67 well enough, and Pookey did a good job of keeping me in stock with everything and was game  
68 for doing promotions. After the first time, though, I told them to knock off the bunny suit and just  
69 promote the beer. Pookey also serves at Geno's. I'd see Pookey over there doing promotions as  
70 well, more in the bunny suit than not. I guess the low-rent bar crowd liked a grown guy/gal in a  
71 rabbit costume, but that's what you'd expect from that dump.

72 Pookey also has a mouth, so I'd get tidbits of what was going on down there. Apparently, Esparza  
73 was trying to get info on my place from Pookey, always trying to convince them to pull the Conejo  
74 beers from here and put them all in Geno's. Pookey played it off but let me know. Pooks also let  
75 me know that Esparza was badmouthing us on the internet.

76 You know, back in the day, we competed on paper and in the papers. You had the Yellow Pages,  
77 newspaper ads, and coupon books to get your word out. Sometimes, you'd be able to post fliers  
78 around town, though they didn't like that much, and folks would take 'em down. But nowadays,  
79 folks go to Yelp to get "unbiased" reviews. A lot of business in Lincoln is tourists, so that stuff  
80 really hits your bottom line! We did alright. I didn't know how to work the game, but folks were  
81 honest for the most part. Then, late in 2023, we started getting a bunch of crappy reviews on our

82 Yelp page and our Google locations page. Coming out of the pandemic, times were tough. I had  
83 my fair share of relief money like everyone else, but that was a band-aid, and I needed surgery. I  
84 tried to get the website to take them down but they don't do that sort of thing apparently. These  
85 were things trashing everything from our health rating, which never dropped below a 91, to our  
86 service, to the quality of my food. Of course, none of this was true. I had a feeling Esparza was  
87 behind it, which was confirmed when Phoenix West said something about it one day.

88 Phoenix used to work for me, keeping inventory and running the front of the house for a while.  
89 Nice kid, but dumb. I let their band play here a few times, and they were alright. Anyways, Phoenix  
90 said our Yelp page was up on Sam Cordova's computer in the office one day. They asked Sam  
91 what was up, and Sam said a bunch of nasty comments had been posted to the page. Sam laughed  
92 and said it was kinda funny, and that, "That place should get slammed. Hopefully it'll knock  
93 Benavidez down a few pegs." They kept scrolling through and reading them, saying, "brilliant"  
94 and "Esparza's gotta love this" every now and then. It wouldn't surprise me if Sam was doing  
95 some of it!

96 This started to take its toll. The crowds that had barely come back thinned out and I started to get  
97 behind on some bills. Pookey was great in working with me on the beer tabs, but I had to cut back  
98 on some of the fancy stuff for some of the fusion dishes and refocus back on the traditional plates.  
99 That lost some of the new customers who liked the fancy stuff, so I had to cut costs even more to  
100 stay afloat. Any worse and I would have lost the business.

101 After what Esparza was doing, I realized I had to fight back to survive. I didn't get where I am by  
102 sitting back and letting life happen to me. Esparza liked the college crowd, so I did what I could  
103 to draw them in. On Thursday nights, I dropped the price on PBR and Miller Lite. I printed up a  
104 bunch of fliers and posted them throughout downtown. I even got one of my waiters to put a few  
105 up at Geno's. It started a new buzz about La Buena Taqueria and got under Esparza's skin. Win  
106 win. Esparza was livid and came stomping in one night, goin' off about it all.

107 A few nights later, sometime in February, I think Esparza snapped and set a bunch of them on fire  
108 on my deck. The fire department was able to put it out before the building went up and said they  
109 couldn't "officially" say that Esparza set the fire, but who else would it have been? My landlord  
110 didn't like having to replace the deck, and their insurance company didn't like the "risk" we were  
111 posing all of a sudden. The landlord gave me a part of the insurance money to hire someone, but  
112 he kept the rest, because I was behind on my rent. But I needed the deck for the summer – it was  
113 a massive money maker for me – and now it smelled like campfire out there and the beams were  
114 all charred. The pressure on me was insane. My parents were also not doing well. I had them move  
115 to Lincoln to be closer to me, but they refused to go to a home. They were living in a small ranch  
116 a few miles outside of town.

117 Well, apparently, Esparza wasn't done, and the good Lord wasn't done kicking at me. Somehow,  
118 Esparza wins the lottery at the end of April! Everyone couldn't stop talking about it. Now, a normal  
119 person, they buy a ranch or McMansion nonsense. Esparza goes to my landlord and buys the  
120 building for cash.

121 On May 1, he comes strolling into the restaurant at the height of lunch time and makes a grand  
122 show of telling me who my new landlord was. I was livid. Who the heck does he think he is? No

123 one comes into my place and shows me up like that. He even got that restaurant columnist, Robin  
124 Gusteau, to come along to report on it all. I wanted to rip Esparza's head off and shove the lease  
125 papers down his throat, but I kept my cool. Mostly. I told Esparza that he didn't want to start this  
126 with me and that "there's always payback" for stuff like this. Esparza just sneered and said, "Catch  
127 up on your rent or you're out at the end of the month." Everyone in the place was gawking and I  
128 did my best to smile and brush it off. Honestly, though, I was screwed. I knew Esparza wouldn't  
129 give me any slack on anything.

130 The next morning, I went across the Plaza to Sam's place. Sam had heard already, go figure. I  
131 don't know what I was expecting, trying to get Sam on my side, but I wanted to see if there was  
132 any way we could team up to fight Esparza off. Finally, Sam said he knew a guy, "Randy," who  
133 may be able to help. I asked Sam, "with what?" and Sam said, "He's a 'utility player', jack of all  
134 trades. Let me give him a call and you meet with him. He can help you, and me, out a bit." I played  
135 along, but it turns out "Randy" is Randy Sudo, the kid who killed that other kid over that girl when  
136 we were new here. I didn't know what Sam had in mind, but it turns out Sudo also does handyman  
137 stuff, and studied carpentry in the Pen. So maybe the deck could be running after all, maybe before  
138 Sabor on the Plaza, which is a huge money maker for me. I tricked myself into thinking I could  
139 thread the needle here and make it out with my hide still intact.

140 That Friday, I went down to Geno's and marched into Esparza's office to pay the rent for the  
141 month. He was sittin' at his desk and looked shocked I was in his little lair. His mangy little white  
142 dog was layin' on his bed next to the desk and started to growl at me when I came in, almost before  
143 Esparza saw me. I threw the rent check on the desk and told him that he better stay out of my  
144 business and just let me run my place. I said, "If you shut me down, You won't get paid. Think  
145 about that, you ..." He didn't say anything, just sat there looking at me. But I could tell from the  
146 look in his eyes that he was looking for an excuse to shut down my true home, La Buena Taqueria,  
147 and to hurt me.

148 I guess I was right about that Scrooge, because sure enough, right in the middle of the dinner rush  
149 on Monday the 13th, Esparza cancels my lease after all! He shows up and takes great pleasure in  
150 throwing me out, saying loudly enough for everyone to hear that he was going to be "gracious"  
151 and give me until the end of the month to clear out. I about had a stroke. I was in disbelief because  
152 I had just made a rent payment ten days before – but Esparza used some legalese on me about a  
153 new owner being able to cancel the lease for no reason at all. That sounded crazy to me, but I'm  
154 no lawyer.

155 On May 15th, I arranged to meet Randy over at Carley's coffee shop. Sam essentially set up the  
156 meeting. I knew I had to act quickly to get the deck rebuilt, so I pulled the remaining free cash I  
157 had from my accounts, and brought twelve grand with me to just pay for the deck up front. I figured  
158 if a lush like Randy saw all that cash in hand, he would be more inclined to act quickly and get the  
159 job done. I was still planning to fight the eviction. I mean, what kind of commercial lease can be  
160 canceled on two weeks' notice? But I was afraid a burnt, structurally unsound deck would be just  
161 the excuse that Esparza needed. I sure knew I couldn't afford a proper contractor and this was  
162 really my last chance to save that source of income for the summer. And I figured if the contractor  
163 isn't licensed, well, that's really the landlord's problem, isn't it?

164 So, I go. I walked into Carley's. Robin's sitting at a booth talking to Sandy, and there's a guy at

165 the bar picking at some eggs and bacon, looking like a guy who would be friends with a drunk like  
166 Sam. Of course, it was Randy. I felt odd just sitting there, so I ordered a cup of coffee and unrolled  
167 the napkin to use the spoon for my sugar. I told him, “Sam said you’d have some ideas on fighting  
168 Esparza.” Randy said, “Sam said you were close to filing bankruptcy?” I don’t know how Sam  
169 knew that, but I guess it was out there. I didn’t know what to say. I felt defeated. I said, “I’m not  
170 there yet. I’m trying not to but...” I asked, “I guess you heard about the fire with the fliers, huh?”  
171 He nodded and I asked, “So you got any ideas?” He nodded, and I was like, “So can you fix things  
172 for me?” And he said yes or nodded or something. I was up against it, so I figured I would pay  
173 him. Before I left I asked Randy when the job would be done, and he said, when the opportunity  
174 was right. That makes sense: rain can mess up the concrete, and then you can’t set deck struts  
175 properly.

176 At this point, all I could think about was making a little bit of cash at the Sabor on the Plaza to  
177 carry me through the summer and let me hire a lawyer to fight the eviction. I tried calling Randy  
178 a bunch of times to get my money back. Why fix a deck I couldn’t use? But he never returned my  
179 calls. I even sent text messages. The guy was nowhere to be found. Loser. But I also had to focus  
180 on having one last hurrah with the people that I served for decades. The weekend of the 17th was  
181 my swan song.

182 Then, just as I was setting up my booth that Friday morning, the 17th, Pookey comes over and  
183 says they can’t give me the beer I had ordered, because Esparza now had an exclusive contract for  
184 El Conejo Brewery products for all of Lincoln. I was ruined, and I just know that Esparza timed it  
185 to kick me while I was down. When I saw that jerk standing on the stage with the Mayor, I lost it.  
186 I ran up on the stage, and screamed, “You killed me – you really killed me! My life, my dreams,  
187 they are all over because of you!” But that might not be what I said. I couldn’t stand to be there –  
188 I couldn’t stand to be in Lincoln.

189 While I was away, I read about Esparza’s death, but it really didn’t even register, because I was  
190 dead too. When I was back in Lincoln a couple weeks later to collect what little things I had and  
191 to meet with a lawyer about declaring personal bankruptcy, a little birdie told me that a relatively  
192 new local cop called Knight was asking around about me. What can I say? A lot of cops and court  
193 staff love our food, and some of them are willing to make sure their favorite restaurateur is in the  
194 loop! So I called this Knight. They said that Esparza had been killed in his office and wanted to  
195 know if I knew anything about it. I was shocked. I hated the guy, but I’m not sinkin’ so low as to  
196 kill him! I told Knight I didn’t know anything, and I would be happy to help in any way I could.  
197 Then Knight asked to search my home! I figured, what the heck and let the cops knock themselves  
198 out. I had nothing to hide except an extraordinary collection of superhero movies.

199 Then things went quiet for a month or so, then out of nowhere, Knight’s back with three uniforms,  
200 and they’re arresting me... for murder?! The cops tell me they found a bunch of money and notes  
201 from Randy in my place, but I have no idea what they’re talking about. Now I know it’s a frame-  
202 job. So I did the smart thing: I asked for my lawyer and kept my mouth shut.

203 Look, I hated Esparza with everything I had. He was no good and probably got what he deserved.  
204 But I’m not the one to give it to him. Only God can judge. This was business. It ain’t worth goin’  
205 to jail or the chair over business.

206 I would have loved to have him shut down that dump and go away but that wasn't happening.  
207 Maybe he ticked off someone else in town, and that came back to bite him. Maybe this Randy guy  
208 took things too far and tried to rob him on accounts day. I don't know. All I know is I didn't want  
209 him dead enough to kill him, and I sure didn't hire Randy to do anything. The prosecutor tried to  
210 cut me a deal to testify about Randy, but this ain't being hung around my neck.

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214 Alec Benavidez

215 Signature

## Statement of Phoenix West

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My name is Phoenix West. I'm 32 years old, and until recently, I worked for Sam Cordova at Sam's Old Town Cantina. The truth is it was just making ends meet until my music business really takes off again. And Sam lets me take the stage and sing my original songs with what some people call quirky lyrics. I'm also a promoter, and on that side, I am really getting a foothold. My biggest-name band so far has been Lincoln's own Bog Turtles, who are touring nationally. You may or may not have heard of my other bands – The Fightin Phantoms, Immortal Henrietta, and XenKeys.

The music business is tough, and it was doubly-tough during the pandemic. I had to do some stuff during those years that I am not really proud of. No, I didn't commit any major crime or anything like that. No one considers shoplifting a major crime. But, since this is under oath, I do have to say that I may have overstated the number of employees I had on the books when applying for my PPP loan. I don't think the government really cared, but my little promotion business LLC did not have a staff of 10 in 2019. You should probably take away a zero if you want to be accurate about it. Ok, glad I got that off my chest.

I am also tired of people assuming I am flaky because of my interests in environmental issues. Creativity and love of the Earth do not equal flakiness. Just ask the Bog Turtles. I had some challenges growing up – I never had a father, and my mother left me alone to fend for myself at 14. I knew that to achieve my dreams I had to stay on the straight and narrow, work hard, and get educated. I finished high school, making mostly As and a few Bs. I even joined the chorus, because I wanted a broader musical experience. Anyway, after that I went to New Mexico State and got a degree in Communications with a Certificate from the Music and Entertainment Business Program of the College of Business.

When I finished school, I looked around for a place to move to start my career as a music promoter. Lincoln looked like the perfect place. There was some night life, with three primary bars/restaurants on the Plaza. In the downtown area you could see college students with blue and orange hair and plenty of tattoos having tacos and a beer with their professors, while at the next table you would see a well-dressed couple with their children out for burgers for the evening. I knew that once I established myself, I could build my business with such a diverse group of customers and a variety of venues. Crazy Legs Conti, the music columnist for the *Lincoln Reporter*, was really good at showing up to a lot of my acts' shows and giving reviews. He even did a few spots on the Bog Turtles, which helped us book some additional gigs in the early days. As long as the three restaurants maintained a friendly rivalry, the music business flourished.

Over the years, I worked side gigs for all three food vendors on the Plaza. I kept the books at Geno's, handled inventory at La Buena Taqueria, and handled all of the office functions at Sam's Old Town Cantina – not difficult, since it had the least business of the three. I also waited on customers and did whatever else was needed at all three places. And let me tell you, you can't trust any of the three – uh, now two – of those owners. That's why I kept changing side gigs: every time one of them would short me on pay or screw me on an agreement, I left. I told everyone it was because I needed to get to know the clientele of the three places, but the truth is, I cannot stand dishonesty. In hindsight though, even though he was a dirtbag, I think Geno Esparza was the best



43 of the lot – and I’m not just saying that out of respect for the dead. He was the only one with any  
44 sort of business sense, and he would tell you to your face he was breaking a deal, rather than  
45 pretending. Even that’s just the best among a bad bunch, though: all three of them got way too  
46 emotional for their own good and for the good of their businesses.

47 When Esparza was killed, I was mostly working for Sam Cordova, although I’d take a shift from  
48 time to time here or there. The fact that Geno was doing better than either of the other two is no  
49 secret. He would march around with that little rat-dog, Rags, walking the Plaza like the king of it.  
50 And Geno had a close relationship with the City Council and even with some of the police, if you  
51 know what I mean. I never saw anything directly, but his books had a whole line item for “grease,”  
52 in the hundreds of dollars each month, more around the holidays. There’s nobody who buys that  
53 much Crisco! While Alec Benavidez let their irritation at this fact show and took in-your-face  
54 action to try to fight it, Sam just stewed. I feel like Alec always had a chip on their shoulder because  
55 they were newer to town and not the kind of “life-long” resident of Lincoln that lots of people like  
56 to hold themselves out as.

57 The rivalry kind of made everyone in town a little crazy, and Rags was... well, Rags was just  
58 mean. He’d run at you, barking and crazy. He didn’t ever bite me, but he got close a few times!  
59 And I know he did bite others. One time, I was in the alleyway behind the dine-in part of Geno’s  
60 and La Buena Taqueria when I heard this awful banging noise and shouting. I stuck my head  
61 around the corner, and there was Randy Sudo, who was something of a legend around town, or a  
62 ghost story maybe, after he killed Pete Losh because Juli Lee stood him up to go to prom with Pete  
63 instead. Pete was a star basketball player, so it really made the news. I was more shocked it was  
64 over Juli, who was, like, just another goth. I guess Randy was really into mediocre emo poetry.

65 Anyway, back to my story. So I look around the corner, and there’s Randy, pounding on the back  
66 door to the dine-in part of Geno’s with something metal and wood, maybe even a gun! He’s  
67 bleeding from the ankle and screaming that he’s gonna kill that dog for biting him, the door won’t  
68 hold forever, and just nuts stuff like that. Well, lemme tell you, that door is heavy, so I figured that  
69 door would hold just fine. But Randy was a real angry drunk, and he was drunk often enough, so  
70 I got out of there just as quick as I’d come and went back to waiting tables, letting the Fightin’  
71 Phantoms on stage drown out the racket.

72 One of the things that made Sam the angriest and, therefore, the most dangerous one of them all,  
73 is that their food is, or could be, the best of any of the three restaurants. The problem, though, is  
74 that Sam drinks too much – I mean, Sam drinks all day. Sam can hold their liquor, but that whole  
75 “you gotta drink with your customers” routine really hurts the business. Nobody else seemed to  
76 notice that Sam was actually really angry, just stewing in loathing and self-medicating. But I’m a  
77 musician, so I know that! And I was the person around Sam the most, especially when Sam was  
78 doing the books or, really, watching me do the books. Sam even started forgetting things – would  
79 order the same ingredients twice and then wonder why the food went bad before it could get sold.  
80 Then they’d forget to pay a supplier and almost miss a shipment. I’d then hear the tirades about  
81 too much food one week and not enough the next. I could have really helped, and I did what I  
82 could, but restaurant management is not what I want to do. I keep my eye on MY goal. Besides,  
83 it’s hard working for a forgetful drunk.

84 Then there was the parking issue. Sam seethed and brooded about that and complained, but their

85 alcohol-soaked brain couldn't come up with a creative solution. Everything was somebody else's  
86 fault. After a while I got the impression Sam felt the other two, either together or separately, were  
87 even conspiring to mess up his inventory supply chain. It was getting crazy.

88 Sam started doing some strange things. Sam never got a PPP loan during COVID like the other  
89 two, and I knew he was hurting financially. Paying me in small bills was a good sign of someone  
90 stringing things together: money was coming to me straight from that day's register. One day in  
91 early April 2024, when I was working in the office trying to sort things out, Sam had left the  
92 computer open and was logged into Yelp as "dchambers". That's the password for our Sysco  
93 account, where we order food and supplies each week. On the computer, the pages for both La  
94 Buena Taqueria and Geno's were open. They both had a lot of negative reviews on them, and they  
95 each had reviews from "dchambers". This "dchambers" person posted really nasty stuff at about  
96 the same time on both pages a couple of times. Esparza replied to one, trying to do some damage  
97 control, but it didn't work. At this point, both places had fewer than three stars. The only people  
98 who are on the computer are me and Sam.

99 A few minutes after I saw it, I put the computer back just before Sam came in and started  
100 nonchalantly asking me about when I worked for Geno Esparza. Sam asked if I signed the checks  
101 for the business. I figured they were just thinking about having me sign checks for Sam's, so I  
102 explained it. Esparza trusted me and First National of Lincoln didn't really check signatures, so I  
103 would just sign Esparza's checks. Then it got weird. Sam asked me if I could write a couple of  
104 sentences in Esparza's handwriting. When I asked, "What for?," Sam got real nervous and said,  
105 "Never mind. I shouldn't get you involved." I didn't think anything more about it; I just chalked  
106 it up to Sam's general strangeness.

107 That's not all. I had also found a box of Alec's fliers in the office, under a box of those free menu  
108 magazines that Sam likes to advertise in. There were a couple dozen La Buena Taqueria business  
109 cards down there as well, some of which had staple or pin holes in them from where they'd been  
110 hung up on corkboards or whatever. I figured Sam was taking them down to hurt Alec's attempts  
111 to drum up business. Honestly, that wouldn't have been out of character for Sam. After that fire  
112 on Alec's deck, I got suspicious, and when I checked, the box of La Buena Taqueria fliers was  
113 gone. I didn't look for those business cards in particular; I had a real job to do!

114 Sam also started doing some things to raise money—not with the restaurant. They were quietly  
115 selling some things, mostly stuff I had never seen before, like paraphernalia from Sam's time in  
116 goal and other personal items. Again, I didn't think anything about it, because, let's face it, the  
117 income was getting slower and slower and the place needed some cash. One particular day, about  
118 May 16 or so, Randy came in, and he and Sam had a long conversation, most of which I didn't  
119 hear. I think Randy said he needed to build up his contracting business, and he said he wanted to  
120 pick Sam's brain for advice. HAH! What a joke! I did hear him say he was desperate for money  
121 and would even hire himself out as a hitman if that's what it took, after which both of them laughed.  
122 At the end of the conversation, Sam got serious and started thinking. I heard Sam say something  
123 about Alec Benavidez. At this point Sam had plenty of alcohol in the belly, and I made sure I could  
124 hear every word. Sam said, "Trust me. This is really going to work like a charm. Alec is getting  
125 desperate in this beef with Esparza. I'll set up a meeting with you and Alec so we can 'help' Alec  
126 with the Esparza problem. See if Alec takes the bait. Give Alec 10 or 12 as an asking price and see  
127 what Alec does. I'll make sure it's public enough to cause Alec some stress. This will be great!

128 Maybe it'll be enough to run Alec out of town. I can deal with Esparza later." I guess they were  
129 trying to get Alec to buy something or put Alec in a compromising position. The evil laugh I heard  
130 from Sam after Randy left was pretty bad – like out of a Disney movie from the '40s.

131 After that, Sam seemed to be doing much better: more energized, happier, although still drinking  
132 up a storm. I was glad Sam was feeling better, even though the cloak and dagger routine to sell off  
133 the property seemed extreme.

134 I saw this Randy guy two more times. One was the day he came directly over to Sam's from the  
135 coffee shop. This was maybe the 14th or the 15th? Probably the 15th. I happened to be looking out  
136 the window and watched him cross the Plaza in a hurry. He walked over to Sam's, came in and  
137 walked straight up to the bar. About that time, before either Sam or Randy could see him, Robin  
138 Gusteau, who had also just come in, got up and left, looking very nervous. It seems like everyone  
139 in town had started acting weird over these restaurant wars. I heard Randy tell Sam he had the  
140 money from Alec, or at least that's what it sounded like he said. Sam counted it and added some  
141 to it and handed it back to him, saying something about, "making sure he got the next part of the  
142 plan done quick." Then Sam shook Randy's hand, and there was something in Sam's when they  
143 did it. It looked like a business card, maybe one of Sam's, but it could be from La Buena Taqueria,  
144 since they look pretty similar.

145 Speaking of acting weird – man, everyone is still talking about what Alec did at the Sabor on the  
146 Plaza Festival. I guess if it was me, I would be pretty close to breaking down too! I mean this was  
147 right after Esparza served Alec eviction papers and the same day Alec lost his El Conejo Brewery  
148 account. But I could see it coming, because a little earlier in May, while I was picking up a shift  
149 at La Buena Taqueria, Alec called me into the back office. Alec wanted me to write a review of  
150 Geno's on Yelp and made me take dictation, while Alec paced back and forth. It started out kind  
151 of normal – at least for a fake review – but then it got really weird and threatening-y and also super  
152 obviously from Alec and I was like "Are you sure you want that?" and Alec got this really serious  
153 look and was, like, "Just send it."

154 So I knew Alec was feeling the pressure build up. And once Alec was ruined, I guess they had one  
155 last gasp of energy. The dead cat bounced. But, going up on stage and interrupting the Bog Turtles  
156 was practically sacrilegious. Right in the middle of the opening set of the biggest festival in the  
157 entire region while the only national band to come out of Lincoln was on stage. You gotta be  
158 kidding me. I was mad angry about that: this was my band! Security had to hold me back from  
159 rushing up there and giving Alec the what-for. But what Alec said? WOW – it was bananas. From  
160 what I could understand, it was something like. "You ruined me, you killed me, and now I am  
161 going to kill you!"

162 Look they say everyone has a breaking point, and some people say anyone would kill if pushed  
163 far enough, but there is no way Alec would do that. They were always more bark than bite. You  
164 can tell a person's true personality when they are drunk, and I've seen Alec drunk many times.  
165 Alec was a crier. When Alec got really emotional, they became a morose, cry-in-the-wine type.  
166 That alone should be enough proof.

167 Randy didn't come back to the bar for a while after that, which was a bit of a surprise. He was  
168 around once or twice a week, most weeks. Of course, I wasn't there every night, so I might have

169 just missed him. But the next time I remember seeing him was a few weeks later, in June. It was  
170 definitely later in the evening, after the dinner rush. This time, Randy went up to the bar and after  
171 throwing back a shot of liquor demanded to speak to Sam in an almost crazed tone. Sam came out  
172 from his office and sat with him at the bar. I was up at the counter, rolling silverware, so I could  
173 hear them talking. I heard Sam ask Randy if he had “taken care of everything.” Randy just nodded  
174 and slammed back a drink, maybe one of those lemon ones, real hard. Those are sipping drinks!  
175 And they’re not even that good, if we’re being honest.

176 I didn’t get to hear much after that because we had an eight-top come in, and I got distracted. I did  
177 look over a few times though and Randy just looked really sweaty, red faced, and agitated. It  
178 looked to me that the two were having a pretty heated discussion. I didn’t know what it was about  
179 at the time, but it just stuck with me because it seemed pretty out of the ordinary. Anyway, I quit  
180 not long after that just because I was tired of Sam’s alcoholic ways. It’s an awful disease, and it  
181 makes people act in ways that even they wish they hadn’t, but that doesn’t make it easier on those  
182 around them.

183 I am really bummed that Esparza is dead. I am. For all of Esparza’s flaws, it was the best venue in  
184 town, and I really do believe he had the right idea on how to continue to grow the music scene  
185 even if he was a bit rough around the edges. But the thing that upsets me most about that murder  
186 is that the killer took out the dog too. I mean c’mon, that’s the one and only true victim in this  
187 thing.

188

189

190 Phoenix West

191 Signature

## Statement of Pookey Thomas

1  
2  
3 My name is Pookey Thomas, and I'm head of the promotions department for El Conejo Brewery  
4 in Lincoln. Well, I'm also the entire promotions department, for now. But if I can help grow the  
5 business, my hope is to have staff someday. For now, this has to be the best job ever. Most days  
6 it's a cross between being Santa Claus and the Easter Bunny. Really! I double-majored at Acari  
7 University – marketing in the business school, and public relations in the journalism school—and  
8 I never thought I would wind up with a job that is just plain fun. But I did! My parents wanted  
9 me to go straight to Wall Street, but my freshman microeconomics teacher taught me the first rule  
10 of business is to get into an industry you love – and I love craft beer. Not drinking it, although I  
11 do drink it. It's more the thought and process that goes into making a unique taste, brand, and  
12 marketing campaign. These beers have an identity – a fan base – a life of their own. I am simply  
13 their steward.

14 It all started with the internship/senior project for my Marketing class three years ago. The  
15 professor formed alliances with various regional businesses willing to give students an  
16 opportunity to create mock advertising, promotions, and marketing campaigns for their products  
17 as class projects. I hit the jackpot when I got teamed up with the founders of El Conejo Brewery.  
18 Back then it was a brand-new brewery just starting out in the old mill located at the hairpin turn  
19 on Highway 14. The founders, Tito and Tatiana, had been working, respectively, for brewpubs in  
20 Albuquerque and Santa Fe. At the first ever New Mexico Craft Beer Competition, Tito took top  
21 honors in the category for American IPA (India Pale Ale), while Tatiana won the category for  
22 American DIPA (double IPA). After the awards ceremony, they bonded over a mutual interest in  
23 producing beer using the varieties of hops that grow well in the southern climate. It also just so  
24 happened that both were alumni of Acari University and had long dreamed of returning to  
25 Lincoln. It didn't take long for Tito and Tatiana to decide they should join forces to create a craft  
26 brewery in Lincoln. The old mill at the hairpin turn was vacant, and they bought it. The name  
27 comes from that, and the fact that Conejo has very hoppy microbrews. I came on the scene just  
28 as they were getting ready to introduce a variety six-pack of highly hopped brews that they also  
29 planned to have available as draft beers in bars.

30 By now you are getting the picture that it's all about the hops, which are that little something,  
31 something that gives a good craft beer balance, depth, and often bitterness. If you just brew up  
32 beer's three essential ingredients—malted barley, yeast, and water—all you have is a sweet,  
33 boring glass of carbonated alcohol. Hops flowers come from climbing vines—vines without  
34 tendrils—and add a bitterness to beer when used early in the brewing process. They also add  
35 aroma, when added at the end of the process. The best thing about hops is they act as a natural  
36 preservative, extending the shelf life of our craft brews. Thanks to hybridization and  
37 crossbreeding, hops come in a wide variety of characters—some are bitter; others are piney,  
38 grassy, even floral. Others are citrusy. Much like vineyard grapes, where hops are grown affects  
39 their characteristics.

40 Anyway, back to my origin story: Tito and Tatiana loved my pun-based names for the brews,  
41 and we really hit it off more generally. They launched in 2018, just as I was finishing up at  
42 Acari University, and they offered me the promotions director job, to start as soon as I  
43 graduated.

44 In keeping with traditional beer promotion practices, I get to play Santa, handing out swag like  
45 presents—pint glasses and coasters with the Conejo logo for the bartenders to use when serving  
46 customers, along with logo patio umbrellas, and neon signs for the windows. Setting up  
47 promotions for customers—such as awarding Conejo beach towels as trivia night prizes, or giving  
48 away t-shirts and stickers when customers decide to spring for a pitcher of one of El Conejo  
49 Brewery’s brews for their table—also makes me feel like Santa.

50 And the Easter Bunny aspect? Well, I tend to do all this in a rabbit suit—wearing a big head, with  
51 stand up bunny ears and buck teeth, and a furry body suit with a bow tie. We decided to name the  
52 mascot Jimmie Hopps. The funny thing about wearing a rabbit costume is that as weirdly obvious  
53 as you feel in the suit, in some ways it’s like wearing a cloak of invisibility. You become just a  
54 prop, and people forget there’s a human individual behind the disguise. So they will say almost  
55 anything in front of you, like they think you can’t even hear what they are saying. And they will  
56 do almost anything in front of you, like they think you can’t see through the bunny head eyes.  
57 And when the customer doesn’t want the bunny, I’ll show up in a company polo and khakis/shorts  
58 and do everything. Honestly, that suit is hot. I don’t mind not having to wear it.

59 Actually, there was this one regular at Geno’s that made me just feel unsafe and uncomfortable,  
60 this guy called Randy. He was at Geno’s bar often and each time I was there in the bunny suit, he  
61 would push it further and further. Grabbing my ears and pulling my tail – that sort of stuff. One  
62 rather loud night just before the pandemic in February 2020, after the Phoenix West’s band  
63 XenoKeys had just gotten off stage, Randy literally pushed me over into a tempered glass table  
64 when I refused to give him another 4 oz sample of Hops to It. Esparza came running over and  
65 issued him a lifetime ban. Randy was shaking mad and said, “I am going to kill you – and when  
66 I do you will not be expecting it – it might not be tomorrow or next week or even next month, but  
67 when it happens, you will know – and I am going to kill your dog too – that is how much I hate  
68 you.” I didn’t think much of it at the time, chalking it up to the mad ramblings of a viciously  
69 drunk individual. Oh, and I don’t want you to think that Esparza was doing this just because he  
70 was a good guy – there was always an alternative motive. No sooner had I dusted off the bunny  
71 suit, Esparza says, “Now that I saved your life, how about a discount.” C’mon man, don’t give  
72 me that – if you didn’t promote people grabbing me, none of this would’ve happened in the first  
73 place!

74 Doing these promotions and servicing the accounts is how I came to see and hear the building  
75 rivalry between Geno Esparza, the owner of Geno’s Taco Truck, and Alec Benavidez, the owner  
76 of La Buena Taqueria. These were Conejo’s biggest clients in Lincoln, so we did a lot of  
77 promotions at both locations. We’d set up a tent and do radio broadcasts or have cornhole  
78 tournaments in front of the bar or restaurant. Due to the rivalry between them, we divided the  
79 drafts that were sold and promoted at each. It was Hops to It, and High Hops at Geno’s, and  
80 Bunny Hops, Hip Hops Hooray, and Let’s Go to the Hops at La Buena Taqueria. It helped  
81 diversify our drafts and give each place a bit of exclusive access.

82 I also tried to develop Sam’s Old Town Cantina as a client, but Sam Cordova always seemed  
83 more interested in promoting mixed drink specials using hard liquor, rather than craft beers, to  
84 pair with various food specials. Their beer was mostly cheap stuff. I’d call and drop in to touch  
85 base from time to time, but given that Sam was serving a Sake Beer Bomb alongside Spaghetti  
86 with Tofu strips, I didn’t hold out too much hope.

87 Meanwhile, I always kept a close eye on Twitter – I know it is now called X, but it will always  
88 be Twitter to me – and Google and Yelp. Because Esparza and Benavidez were trashing each  
89 other’s establishments on both of those platforms, I was concerned that if their posts got out of  
90 hand, any downturn in business at Geno’s and/or La Buena Taqueria could lead to reduced sales  
91 of Conejo products. Also, because only part of our line was sold at either of these establishments,  
92 I didn’t want the trash talk about one to bleed over to the specialty beers we were selling there.  
93 Don’t they know that a rising tide lifts all ships? Instead, this was a constant barrage of shots  
94 across the bow.

95 I had some sympathy for Benavidez. Serving authentic Mexican-New Mexican food has some  
96 similarities with selling craft beers: for every aficionado willing to pay extra for quality, there are  
97 always the families of six who need the coupon price for Taco Bell or Chipotle. I wanted La  
98 Buena Taqueria’s clientele to grow so that we could sell more Conejo beer. The trash talk coming  
99 from Geno’s may have driven off some of La Buena Taqueria’s customers. But there was more  
100 to the nastiness from Esparza than that. Esparza also made zoning complaints about Benavidez’s  
101 signs and parking facilities.

102 While fighting Esparza on so many fronts, I know Benavidez was falling behind on the rent. Alec  
103 mentioned it nonstop – it was more than an excuse; it was now Benavidez’s way of life. And  
104 while I never made an issue of it, La Buena Taqueria also ran behind on the Conejo tab, and  
105 seeking more and more promotional discounts to offset costs and pull in customers. I didn’t mind  
106 working with Benavidez; they’ve been a part of Lincoln for a long time and had been one of our  
107 founding customers. Benavidez runs La Buena Taqueria the way we try to run Conejo and has  
108 been a really good person to work with. They’re just in a tough business. There’s sort of a  
109 downward spiral that can take over in the restaurant business when an undercapitalized owner’s  
110 cash reserves get low. When there’s not enough money to bring in the supplies to keep a full menu  
111 going, more and more regular items become unavailable. That causes the customer base to start  
112 going elsewhere when they can’t get their favorite menu item, and then there’s even less money  
113 coming in. Which, of course, leads to further reductions in the menu.

114 It seemed like La Buena Taqueria was starting to head into that kind of death spiral. Benavidez  
115 tried handing out flyers to promote the business, even going as far as putting some around Geno’s  
116 to draw customers. And Benavidez tried to regain some customer base by offering cheap beer  
117 nights. With the price point of our beer, they couldn’t do it with Conejo, so Benavidez had to  
118 settle on running it with cheaper stuff, more like what Sam’s was pouring. I don’t know if it  
119 helped anything or not, but it seemed to inject a little life back into La Buena Taqueria.

120 Even though Sam Cordova wasn’t a customer, I popped in every now and then to see how things  
121 were going and if I could catch Sam on a good day – or a slightly more “flexible” one where Sam  
122 had been drinking – to talk about Conejo getting behind the counter. One day, in early 2024, right  
123 before the fire over at Benavidez’s, I saw a stack of Benavidez’s fliers on the bar at Sam’s. Sam  
124 saw me notice them and chuckled, saying that this fight was “good for business,” even though I  
125 didn’t see any more customers in there than usual. I asked Sam where all the fliers came from and  
126 Sam said they were ones they took down on their side of the Plaza. When I popped in the week  
127 of the fire, Sam was grinning from ear to ear and said, “Those fliers came in handy after all!”  
128 Sam’s just sleazy.

129 A few weeks after the deck fire at La Buena Taqueria, the word got out that the building was for  
130 sale. Benavidez sure didn't have the dough to buy the place, and before anyone else even had  
131 time to work up a business plan, in early April, Esparza went under contract to buy the building.  
132 Turns out that Esparza hit one of those scratch ticket things. Buying that building was a dumb use  
133 of the money, but whatever. Rich gonna rich, and the deal went through at the end of April.  
134 Benavidez was devastated but determined to make it work. Benavidez told me how much they  
135 needed me more than ever because all of their money would have to go to getting caught up on  
136 rent. But I guess it was not good enough, because Esparza figured out a way to evict Benavidez  
137 anyway a couple weeks later. That left Benavidez only a couple weeks – and one event – to get  
138 out of the red before La Buena Taqueria shut down forever.

139 The Sabor on the Plaza event emerged as the pandemic was waning. Stroke of genius by our City  
140 government – brought in folks from around the area and from Texas and Arizona. And because  
141 we were the local beer of choice and only one being produced in the area, we cleaned up nicely.  
142 In addition to having our own booth where we would limit our sales to just seasonal fare – Hops  
143 into Spring and Summer Hopper – both Esparza and Benavidez did quite well as well. In fact,  
144 that one festival accounted for 7% of our annual income in 2022 and 9% in 2023. But by 2024,  
145 word was out we were losing La Buena Taqueria. The whole community was, I mean.

146 On the evening of May 18, just the night before the festival started, Esparza called me in for an  
147 “emergency meeting.” I had to run halfway across Lincoln County! Esparza told me that he was  
148 going to be the only game in town soon and that Conejo would have to play ball with him. He  
149 finally had the upper hand, he said, which was really bizarre, since he always did fine by us. And  
150 then he reminded me that he'd “saved my life.” What a jerk.

151 Then the other shoe dropped. Esparza made me – and us – an offer (really, a demand) we could  
152 not refuse. He offered us a significant premium to become the exclusive Conejo tap seller in  
153 Lincoln. That was the carrot. The stick was that if we didn't agree, on the spot, he was going to  
154 terminate Geno's contract with Conejo. He literally told me the offer expired in fifteen minutes,  
155 and the new deal had to go into effect at midnight. That's when I knew exactly what Esparza was  
156 doing: they wanted us to pull Benavidez's entire selection of craft beers right before Sabor, so  
157 late in the game that Benavidez had no hope of adjusting. Buying the building and closing La  
158 Buena Taqueria wasn't enough; he wanted to ruin Benavidez's last chance to make any money.  
159 It was awful, and I felt awful. So did Tito and Tatiana when I reached them with a few minutes  
160 to spare. But Esparza had played his nasty cards right, and we had no choice. We shook hands on  
161 the deal, and I agreed not to deliver the beer we'd promised Benavidez.

162 Telling Alec that we would not be delivering the beer La Buena Taqueria had ordered was one of  
163 the worst things I'd ever done. And, worse, Tino and Tat made me say it was for non-payment,  
164 to keep our new exclusive customer, Geno Esparza, happy. Alec took it just how I thought they  
165 would. They went dead silent. I kept talking, but Alec was staring off into the distance. I slunk  
166 away to tend to our booth, but I really felt bad. Esparza had left us no choice. I knew that, as a  
167 businessperson. But as a human I felt like we had really stabbed Benavidez in the back. Benavidez  
168 had been a lousy customer, objectively, but La Buena Taqueria was one of the places we got our  
169 start. And I knew that Esparza waited to jam us up, which is not a good thing to allow your  
170 customers to do for the long-term health of the business. At the time, though, it looked like there  
171 was going to be only one place left standing. Monopolists gonna monopolist.



172 So I guess I was not surprised when Benavidez snapped. They rushed the stage at the first sight  
173 of Esparza and went off into the microphone for the entire town of Lincoln to hear. It was cringy.  
174 Benavidez said, “I am dead! You killed me! You took away what mattered most to me. Now I  
175 have nothing. I will not rest until I take what you care most about!!” Benavidez left the stage in a  
176 fit of tears. Fortunately, nothing can keep a good party down and the rest of the weekend was a  
177 huge success as the perfect weather made for easy drinking and terrific vibes. We sold as much  
178 as we had the year before and with only one booth running!

179 That’s why I thought Tuesday, May 21, was gonna be the best day, rather than the worst: Conejo  
180 gets paid for the previous week’s sales at Geno’s on Tuesday evenings, when Geno’s is closed  
181 and Esparza settles the week’s books. That day, he texted me to come late, because there was a  
182 lot of accounting to do after the Sabor weekend. Whatever I thought of Esparza as a human, he  
183 was meticulous when it came to his business records. Never missed a payment! Honestly, it felt  
184 like Esparza liked doing the money part – the boring, management stuff – better than he liked  
185 actually serving food. But there was a downside to that focus: Esparza would get so lost in thought  
186 that he would not hear me knocking and didn’t answer his cell. One day, after I’d been left in the  
187 pouring rain for the better part of a half hour, Esparza felt so bad he gave me the code to the alley  
188 entrance, so I could just let myself in. Esparza wrote the code for me on a scrap of paper and I  
189 kept it in his account portfolio. Good thing I have a strong memory, because I left the portfolio  
190 somewhere during the pandemic, and our transition to digital receipts made it irrelevant anyway.  
191 Could be somewhere at the office, or my house, or one of my regular stops like La Buena Taqueria  
192 or Sam’s place. Heck, it could be anywhere in seven counties. I get around!

193 On that fateful night, I let myself in using the code per usual, sometime around 9:30 or 10. But  
194 instead of finding Esparza nose-deep in the books, I found his body and the body of Rags, still at  
195 his feet. I had been a Scout, so I checked for a pulse, but the amount of blood and the mess of his  
196 head made it kind of obvious there was no hope. I called 911 and waited for the cops to arrive.  
197 And boy did they arrive! Seemed like half Lincoln P.D. was there, along with State Police and  
198 who knows who else. The lead person was named “Night” or something like that. Apparently,  
199 they’re a detective or something? Anyway, they took my statement about the scene and let me  
200 go, but I couldn’t leave the area. I was too much in shock. I kind of collapsed in the alley, just  
201 half-zombie.

202 While I was out there, “Night” or whoever came back out and asked me whether I knew the code,  
203 and I repeated it to them. Again. It was in my statement already. Duh. The cop punched the code  
204 in, and the door unlocked again.

205 It is terrible that Esparza is dead and Benavidez is off the Plaza. Sure, we got new accounts in  
206 town and those spaces will eventually be filled with new bars and restaurants, but the Plaza will  
207 never be the same again. None of us will.

208 Pookey Thomas  
209 Signature

## **Exhibit List**

- Exhibit 1: Incident Report**
- Exhibit 2: Incident Report | Supplement**
- Exhibit 3: Map of the Plaza**
- Exhibit 4: Diagram of Office**
- Exhibit 5: Photo of Gun**
- Exhibit 6: Flyer**
- Exhibit 7: Business Card with Code**
- Exhibit 8: Yelp Review**
- Exhibit 9: Fingerprint Report**
- Exhibit 10: Bank Account Summary**
- Exhibit 11: Text Exchange Report**

**Exhibit 1**

**LINCOLN POLICE DEPARTMENT  
INCIDENT REPORT**

<b>CASE NUMBER:</b> 104-01262013-A		<b>DATE OF REPORT:</b> 5/24/2024 <b>TIME:</b> 14:05		<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT	
<b>DATE OF OCCURRENCE:</b> 5/21/2024		<b>TIME OF OCCURRENCE:</b> Approx 21:35		DOW: <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input checked="" type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thur <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Unk	
INCIDENT LOCATION: 435 Tunstall Street, Lincoln, NM					
<b>COMMON/BUSINESS NAME:</b> Geno's Taco Truck		<b>BEAT:</b>		<b>MAPR:</b>	
<b>DISTRICT:</b>		<b>ALCOHOL:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK		<b>DRUG:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK	
<b>CASE STATUS:</b> <input type="checkbox"/> cleared by arrest <input type="checkbox"/> exceptionally cleared <input type="checkbox"/> unfounded <input type="checkbox"/> inactive <input type="checkbox"/> pending arrest <input checked="" type="checkbox"/> pending inv. results <input type="checkbox"/> informational only <input type="checkbox"/> administratively cleared				<b>DATE:</b>	
<b>ATTEMPTED/COMMITTED:</b> <input checked="" type="checkbox"/> Committed <input type="checkbox"/> Accessory After <input type="checkbox"/> Accessory Before <input type="checkbox"/> Aid/Abet <input type="checkbox"/> Assault To <input type="checkbox"/> Attempt to <input type="checkbox"/> Conspiracy To <input type="checkbox"/> Facilitation Of <input type="checkbox"/> Solicitation To <input type="checkbox"/> Threat To <input type="checkbox"/> Unfounded					
<b>ATTACK REASON:</b> <input type="checkbox"/> Assault <input type="checkbox"/> Theft <input type="checkbox"/> Menace <input type="checkbox"/> Concerned Citizen <input type="checkbox"/> Mental			<b>WEAPON TYPE:</b> <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife/Cutting Instrument <input type="checkbox"/> Hands/Fists/Feet, etc. <input type="checkbox"/> Other Weapon		
<b># ENTERED:</b>		<b>STRUCTURE OCCUPANCY:</b> 1 (plus one canine)		<b>EVIDENCE OBTAINED:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
<b>LOCATION TYPE:</b> Restaurant office					
<b>JUVENILE DISPOSITION:</b> <input type="checkbox"/> Handled w/in Dept. <input type="checkbox"/> Referred to Juvenile Court <input type="checkbox"/> Referred to Welfare Agency <input type="checkbox"/> Referred to Other Police <input type="checkbox"/> Referred to Adult Court					
<b>UCR DISPOSITION:</b> <input type="checkbox"/> Cleared by Arrest – Adult <input type="checkbox"/> Cleared by Arrest - JUV <input type="checkbox"/> Exceptionally Cleared – Adult <input type="checkbox"/> Exception Cleared – JUV <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Active					
<b>EX CLEARED TYPE:</b> <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Arrest on Primary Offense <input type="checkbox"/> Death of Offender <input type="checkbox"/> Vict/Witn Refused Cooperate <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Juvenile/No Custody					
<b>THEFT BY COMPUTER?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		<b>FORCED ENTRY?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		<b>DATE CLEARED:</b>	
<b># ARRESTED:</b> 0					
<b>DRUG ACTIVITY:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Buy <input type="checkbox"/> Deliver <input type="checkbox"/> Use <input type="checkbox"/> Distribute <input type="checkbox"/> Manufacture <input type="checkbox"/> Produce <input type="checkbox"/> Cultivate <input type="checkbox"/> Possess <input type="checkbox"/> Smuggle <input type="checkbox"/> Sell <input type="checkbox"/> Traffic <input type="checkbox"/> Other					
<b>DRUG TYPE:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Amphetamine <input type="checkbox"/> Barbiturate <input type="checkbox"/> Cocaine <input type="checkbox"/> Heroin					

<input type="checkbox"/> Hallucinogen <input type="checkbox"/> Marijuana <input type="checkbox"/> Opium/Derivative <input type="checkbox"/> Paraphernalia <input type="checkbox"/> Synthetic			
<b>QUANTITY:</b>	<b>UNITS:</b> <input type="checkbox"/> Gram <input type="checkbox"/> Milligram <input type="checkbox"/> Kilogram <input type="checkbox"/> Ounce <input type="checkbox"/> Pound <input type="checkbox"/> Ton <input type="checkbox"/> Liter <input type="checkbox"/> Milliliter <input type="checkbox"/> Dose	<b>VALUE</b> \$ _____	
<b>VICTIM/OFFENDER RELATIONSHIP:</b> Unknown			
<b>ASSAULT/HOMICIDE CIRCUMSTANCES:</b> Refer to narrative			
<b>CHILDREN WERE...</b>		<b>OFFICER ACTION:</b>	
<input type="checkbox"/> Involved <input type="checkbox"/> Present <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Both		<input type="checkbox"/> Arrest Family Violence <input type="checkbox"/> Arrest Other Offence <input type="checkbox"/> Summons <input type="checkbox"/> Separation <input type="checkbox"/> Unfounded <input type="checkbox"/> Referred to Social	
<b>PRIOR COURT ORDERS:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	<b>ALCOHOL USED BY:</b> <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input type="checkbox"/> Neither Used	<b>DRUGS USED BY:</b> <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input type="checkbox"/> Neither Used	
<b>PREVIOUS COMPLAINTS:</b> <input type="checkbox"/> None <input type="checkbox"/> One-Five <input type="checkbox"/> Six-Ten <input checked="" type="checkbox"/> More than 10 <input type="checkbox"/> Unknown	<b>SERVICES:</b> <input type="checkbox"/> Advised <input type="checkbox"/> Not Advised		<b>AGGRESSOR IDENTIFIED BY:</b> <input type="checkbox"/> Physical Evidence <input type="checkbox"/> Testimonial <input type="checkbox"/> Both

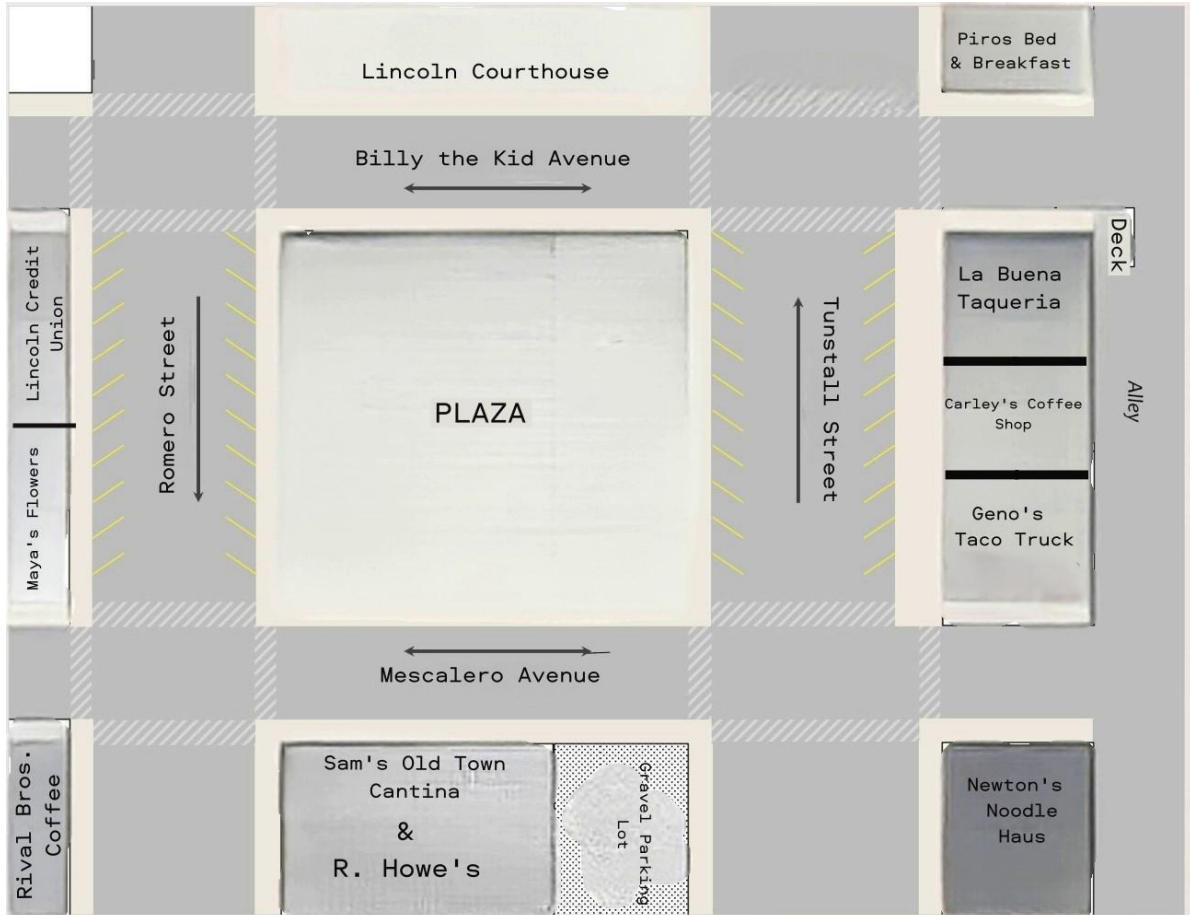
<b>CASE NUMBER:</b> 104-01262013-A	<b>DATE OF REPORT:</b> 5/24/2024 <b>TIME:</b> 14:05	<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT
<b>BRIEF DESCRIPTION:</b>		
<p>On May 21, 2024 I was dispatched to the dine-in restaurant/bar portion of Geno’s Taco Truck at 435 Tunstall Street in the City of Lincoln in reference to a person shot call. After meeting the responding officer, Florence Wehry, I was led to the bar's office, located at the back of the restaurant. The office was accessible by a door from the interior of the restaurant, leading from the hallway, and by a door leading directly to the alley behind the building. The office has two windows, one facing the alley and the other facing Mescalero Apache Avenue.</p> <p>I observed a body at the desk, later identified as Geno Esparza. Mr. Esparza had been shot in the back of his head. There was also a dog at the foot of the desk that had been shot.</p> <p>Officer Mooney advised that she spoke with Pookey Thomas. Thomas had gone to the bar looking for Mr. Esparza as they often did on Tuesdays to discuss business matters. Thomas is the lead distributor for Conejo Brewery. Both the taco truck and the restaurant/bar part of Geno’s were closed on Tuesdays. Thomas used a code to gain entry to the building. She walked through the dining room down the hallway to enter the office from the interior door. Upon entering the office, Thomas discovered his body. Thomas assured me that the scene’s integrity had not been compromised and she called 911 immediately from her cell phone. Officer Wehry was the first respondent. Off. Wehry secured the scene and informed dispatch of the scene, where I was dispatched to investigate. When I arrived, Off. Wehry was interviewing Thomas on the sidewalk in front of the address. After taking Thomas’ contact information, Off. Wehry released Thomas and then assisted me in setting up crime scene tape. Additional units were dispatched to secure the alley behind the building.</p> <p>After my initial inspection of the office, I called for Dr. Oji from the Office of the Medical Investigator. The OMI arrived, declared Esparza dead at the scene, and removed the body. I then authorized the Crime Scene Unit to process the scene. The door to the office from the alley and door from the hallway to the alley were both locked, preventing any entry from the outside without use of the code. I confirmed that the keypad was operational, using a code provided by Thomas.</p> <p>I made contact with Vivian Esparza, Mr. Esparza's wife and asked her to come to the scene to see if anything had been taken. Ms. Esparza arrived by 23:50 and confirmed that nothing appeared to have been taken. I secured Mr. Esparza's iPad which had been lying under his body; the screen contained Yelp! reviews for La Buena Taqueria. Geno’s did not have any functional security cameras outside the building.</p> <p>Based on discussions with Thomas and Ms. Esparza, and based on previous complaints filed by Mr. Esparza, Alec Benavidez is a person of interest. I was unable to locate Benavidez for immediate interview.</p>		
<b>ATTACHMENTS:</b> <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Offenses <input type="checkbox"/> Narrative	<b>GCIC ENTRY</b> <input type="checkbox"/> Warrant <input type="checkbox"/> Vehicle <input type="checkbox"/> Article <input type="checkbox"/> Boat <input checked="" type="checkbox"/> Gun	
<b>REPORTING OFFICER:</b> Det. Knight	<b>BADGE:</b> 4322	<b>DATE:</b> 5/24/2024
<b>SUPERVISOR:</b>	<b>BADGE:</b>	<b>DATE:</b>
<b>DATA ENTRY:</b>	<b>BADGE:</b>	<b>DATE:</b>
<b>GCIC OPERATOR:</b>	<b>BADGE:</b>	<b>DATE:</b>

**Exhibit 2**

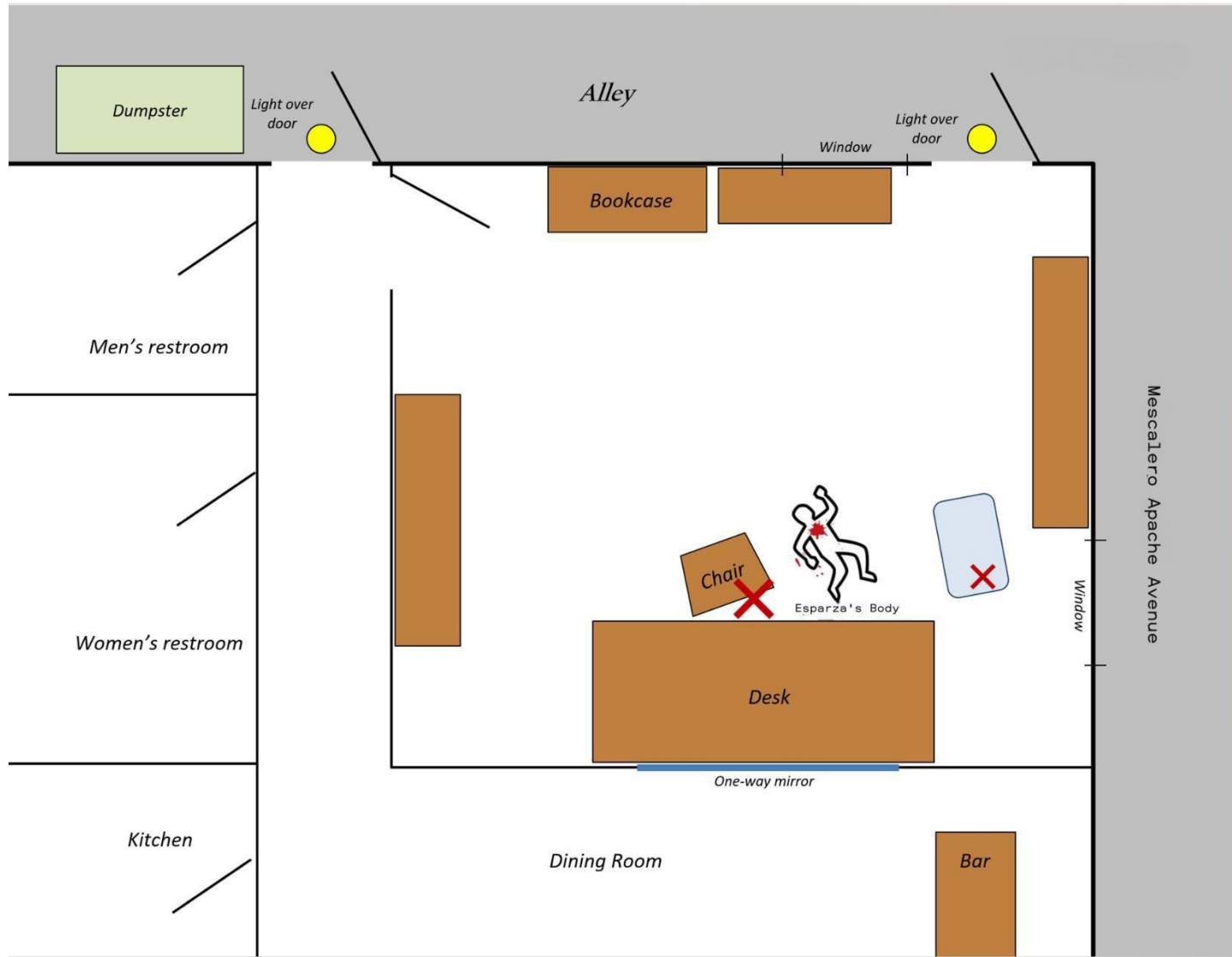
**LINCOLN POLICE DEPARTMENT  
INCIDENT REPORT**

<b>PREVIOUS COMPLAINTS:</b> <input type="checkbox"/> None <input type="checkbox"/> One-Five <input type="checkbox"/> Six-Ten <input checked="" type="checkbox"/> More than 10 <input type="checkbox"/> Unknown		<b>SERVICES:</b> <input type="checkbox"/> Advised <input type="checkbox"/> Not Advised		<b>AGGRESSOR IDENTIFIED BY:</b> <input type="checkbox"/> Physical Evidence <input type="checkbox"/> Testimonial <input checked="" type="checkbox"/> Both	
<b>CASE NUMBER:</b> 104-01262013-A		<b>DATE OF REPORT:</b> 9/1/2024 <b>TIME:</b> 17:54		<input type="checkbox"/> ORIGINAL REPORT <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT	
<b>BRIEF DESCRIPTION:</b>  Based on additional information gathered from witnesses Robinette (Robin) Gusteau and Sam Cordova, Randy Sudo emerged as an additional suspect. Cordova even related a confession made by Sudo, which implicated Benavidez as a co-conspirator. With this evidence, I secured a search warrant for Sudo's apartment. That search yielded a .38 caliber revolver and a box of ammunition. Ballistic tests confirmed that the .38 was the gun used to kill Esparza and Rags (the deceased canine). Arrest warrants were issued for Sudo and Benavidez.					
<b>ATTACHMENTS:</b> <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Offenses <input type="checkbox"/> Narrative			<b>GCIC ENTRY</b> <input type="checkbox"/> Warrant <input type="checkbox"/> Vehicle <input type="checkbox"/> Article <input type="checkbox"/> Boat <input checked="" type="checkbox"/> Gun		
<b>REPORTING OFFICER:</b> Det. Knight		<b>BADGE:</b> 4322		<b>DATE:</b> 9/1/2024	
<b>SUPERVISOR:</b>		<b>BADGE:</b>		<b>DATE:</b>	
<b>DATA ENTRY:</b>		<b>BADGE:</b>		<b>DATE:</b>	
<b>GCIC OPERATOR:</b>		<b>BADGE:</b>		<b>DATE:</b>	

**Exhibit 3**

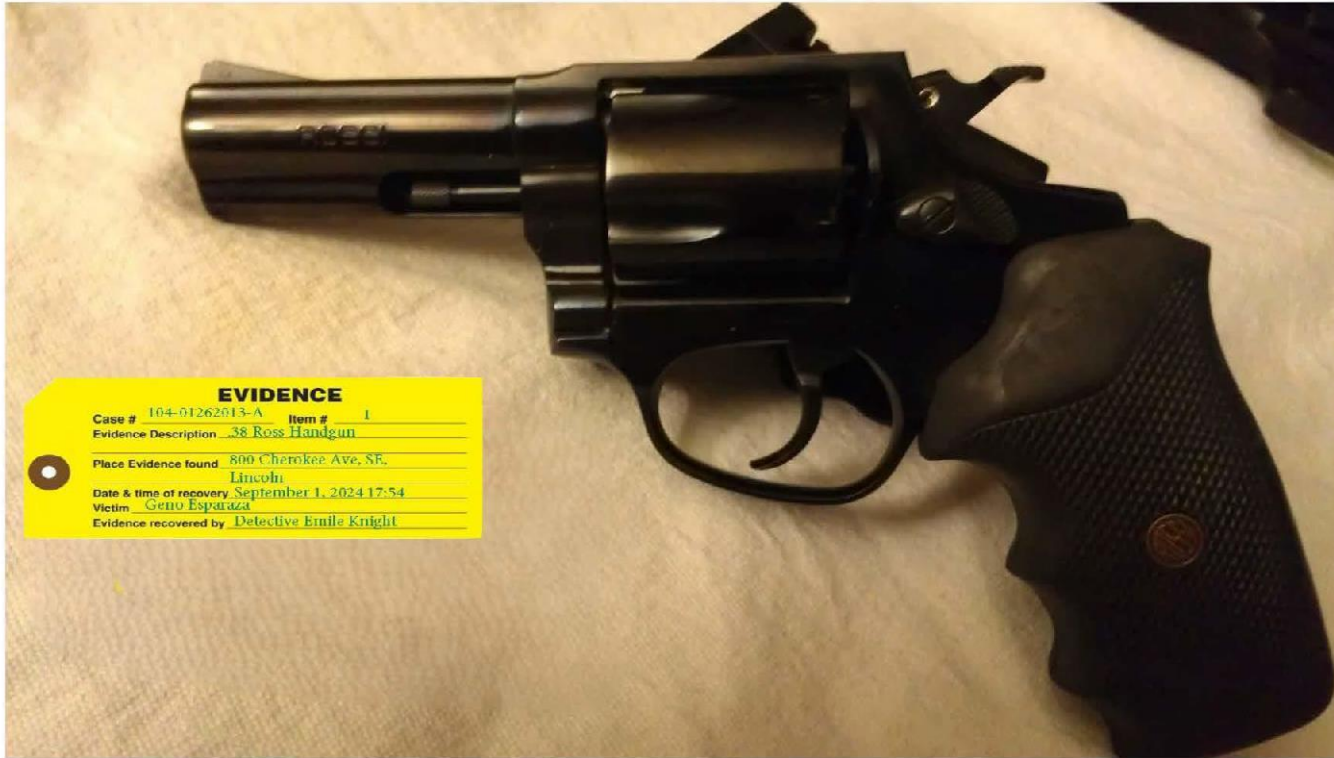


**Exhibit 4**





**Exhibit 5**



## Exhibit 6

*¡Bienvenidos a La Buena Taqueria!*

**Join Us for a Taste Sensation!**



**ACROSS FROM LINCOLN PLAZA ON TUNSTALL STREET**

Hours:  
Monday - Friday: 11 AM - 9 PM  
Saturday - Sunday: 10 AM - 10 PM

**Featured Tacos:**

- Tacos al Pastor: Marinated pork, pineapple, onions, and cilantro
- Birria: Braised beef, Oaxacan cheese, cilantro, lime, onion
- Carne Asada: Skirt steak, lime, cilantro, onion, salsa, guacamole
- Salsa Verde Chicken: Chicken, salsa verde, jalapeno, lime cilantro



**Follow Us!**

- Facebook: LaBuenaTaqueria
- Instagram: @LaBuenaTaqueria
- Twitter: @LaBuenaTacos

***\$3 Modelo on Tuesdays!***



*La Buena Taqueria – Where Every Bite Feels Like a Fiesta!*

**Exhibit 7**

*La Buena Taqueria*  
*Where Every Bite Feels Like a Fiesta!*



431 Tunstall Street  
Lincoln, NM

@LaBuenaTaqueria

27878

**Exhibit 8**

The screenshot shows a Yelp mobile interface. At the top, the Yelp logo and URL 'https://m.yelp.com > Food > Food Trucks' are visible. The main heading is 'TOP 10 BEST Food Trucks near Lincoln, NM - Updated 2024'. Below this, a list of food trucks is partially visible, including 'Top 10 Best Fo', 'Y Mas, Flash Ja', and 'MissIng: truck'. The main focus is on 'Geno's Taco Truck and Taqueria' in Lincoln, NM, which has a 3.5-star rating and 417 Google reviews. A 'Write a review' button is present. Below the restaurant name, two reviews are shown. The first review is from 'Real Tacos', a Local Guide with 12 reviews and 2 photos, who gave a 1-star rating 3 weeks ago. The review text is: 'This place is absolute garbage. The food is bad, and when I mean bad, you would only eat it if you are trying to lose weight because it is not edible. The clientele - let's just call them subhuman. But moreover, the owner is the worst type of person - who is willing to cheat, lie, claw, and steal his way to the top. Buy a building out from under your competition - LOW BLOW. If you want a fight - fight fair. But, for me, I'm ready to fight and I am going to take it to the next level. Expect to feel pain worse than my pain. I'm not hiding anymore. If you don't know who I am, it doesn't matter - what you do need to know is that this will be over soon - once and for all. Ciao amico mio!'. The second review is from 'Brandon Na', a Local Guide with 334 reviews and 4,585 photos, who gave a 2-star rating 3 weeks ago. The review text is: 'Note that this was hyped a bit before I went. So, it was a matter of meeting the "high expectations." However, the meat was a bit dry today and even my friend who loved it felt like it was not as good as last time...'. A 'Like' button is visible below the first review.

**Exhibit 9**NEW MEXICO DEPARTMENT OF PUBLIC SAFETY  
FORENSICS LABORATORY BUREAU REPORT

Laboratory: Las Cruces Regional Laboratory  
 Sample No.: 3  
 Examiner: Nathan Handwerker, CCFS

Case No.: 2023-76485  
 Evidence Type: Fingerprint

Analysis Date: May 27, 2024  
 Updated Analysis: June 29, 2024

<u>Sample</u>	<u>Location</u>	<u>Identity</u>	<u>Confidence</u>
3a	Sample 1 ("2" Key)	Knight, Det. E	Conclusive (Full Print, R Index, 21 pts)
3b	Sample 1 ("2" Key)	Esparza, G.L.	Low (Full Print, L Index, 11 pts)
3c	Sample 1 ("2" Key)	Thomas, P.	Conclusive (Full Print, R Index, 16 pts)
3d	Sample 1 ("2" Key)	None (Sudo, R.)	(Partial, > 1000 matches) (Partial, R Index, 6 pts)
3e	Sample 1 ("8" Key)	Knight, Det. E	Conclusive (Full Print, R Index, 23 pts)
3f	Sample 1 ("8" Key)	Esparza, G.L.	Low (Full Print, L Index, 10 pts)
3g	Sample 1 ("8" Key)	Thomas, P.	Conclusive (Full Print, R Index, 18 pts)
3h	Sample 1 ("8" Key)	None Sudo, R.	(Partial, > 1000 matches) (Partial, R Index, 8 pts)
3i	Sample 1 ("7" Key)	Knight, Det. E	Conclusive (Full Print, R Index, 27 pts)
3j	Sample 1 ("7" Key)	Esparza, G.L.	High (Full Print, L Index, 14 pts)
3k	Sample 1 ("7" Key)	Thomas, P.	High (Full Print, R Index, 15 pts)
3l	Sample 1 ("7" Key)	None Sudo, R.	(Partial, > 1000 matches) (Partial, R Index, 7 pts)
3m	Sample 1 ("1" Key)	None	(Partial, > 1000 matches)
3n	Sample 1 ("1" Key)	Sudo, R.	Low (Partial, R Index, 10 pts.)

Narrative Report - May 28, 2024

Fingerprints in Sample 1 are taken from keypad in alley outside restaurant in Lincoln, NM. Weather dry on date of collection but varies. Plastic surface is considered Moderate to Good for collection, environment Poor to Moderate. Moderate to High traffic area, Moderate to High use. Overall likelihood of capture: Poor to Moderate.

Initial print match identifies three individuals: G.L. Esparza, P. Thomas, and Det. E. Knight. Each positive match is > 12 pts., therefore High confidence. Several exceed 16 pts, therefore Conclusive. Esparza identified as bar owner, Thomas identified in interviews as present. Knight no known prior contact. Most reasonable conclusion is that Det. Knight interacted with crime scene prior to evidence capture while not wearing gloves. Recommend notice letter to Department and additional training for Det. Knight.

Multiple partial prints on pad, largely obscured by prints from Thomas and Knight. Exception is pad "1," which has partial print of right index finger for "R Sudo." Ten-point match falls below forensic standard for High confidence. Other keys have no prints or prints so partial or poorly preserved as to make analysis impossible/unhelpful.

/s/ Nathan Handwerker

Nathan Handwerker

Certified Civilian Forensic Scientist

STANDARD PASP BFS DISCLOSURE ON FINGERPRINT MATCHING:

THERE IS NO UNIFORM OR UNIVERSAL STANDARD FOR HOW MANY "POINTS" OF MATCH ARE REQUIRED FOR IDENTIFICATION. MOST COURTS REQUIRE TWELVE POINTS, AND FEW - IF ANY - REJECT FINGERPRINTS MEETING THAT STANDARD. SOME COURTS MAY PERMIT EVIDENCE BASED ON FEWER THAN TWELVE POINTS, PARTICULARLY IF SUPPORTED BY OTHER DIRECT OR CIRCUMSTANTIAL EVIDENCE. SIXTEEN POINTS IS CONSIDERED CONCLUSIVE. RECEIVING DEPARTMENT SHOULD NOTIFY ATTORNEY GENERAL IF ANY COURT REJECTS EVIDENCE AT OR ABOVE A FOURTEEN-POINT STANDARD, SO AN APPEAL MAY BE CONSIDERED. INDIVIDUAL OFFICERS OR DEPARTMENTS MAY CONSIDER EVIDENCE FALLING BELOW THE TWELVE-POINT STANDARD AS MEANINGFUL FOR INVESTIGATIVE PURPOSES.

Supplemental Narrative Report - June 30, 2024:

*At the request of Lincoln PD (Det. E. Knight, requesting), the "2," "7," and "8" keys of Sample 3 have been re-examined for any evidence of prints from R. Sudo. Although no High or Conclusive prints are identified, there are partial prints on these keys that could match those of R. Sudo. Collectively, these prints with print 3n suggest that Sudo was present and used the pad, but no single print meets the standard to identify Sudo. No additional conclusions can be drawn; these partial prints might have been fuller but for the prints overlaid on them, partially destroying them for purposes of analysis. These overlaying prints including those of R. Thomas and E. Knight. The 6.29.2024 analysis is identified in the revised report in italics.*

*/s/ Nathan Handwerker, CCFS*

## Exhibit 10

### Business Prime Checking

Account Number: 155201125 • May 1, 2024 to May 31, 2024 ♦ Page 1 of 1

La Buena Taqueria



Lincoln Credit Union  
 1259 Romero Street  
 Lincoln, NM 88338

#### Transaction History

#### Account Summary

Opening Balance \$7,843.34  
 Withdrawals \$12,705.76  
 Deposits \$4,862.45  
 Closing Balance on May 31, 2024 \$0.03

#### Transaction History

Date	Description	Withdrawals	Deposits	Balance
May 1	Sysco Foodservices	\$575.50		\$7,267.84
May 2	Deposit		\$2,125.75	\$9,393.59
May 3	Payroll with Late Fee	\$1,537.50		\$7,856.09
May 7	Online Bill Pay: Lincoln Water	\$128.95		\$7,727.14
May 7	Online Bill Pay: PNM	\$462.33		\$7,264.81
May 7	Online Bill Pay: NM Gas	\$224.48		\$7,040.33
May 10	Deposit		\$1,120.02	\$8,160.35
May 14	Payroll with Late Fee	\$1,102.10		\$7,058.25
May 15	Deposit		\$958.07	\$8,016.32
May 15	El Conejo Brewery	\$524.45		\$7,491.87
May 15	Payroll	\$1,150.45		\$6,341.42
May 15	Deposit		\$658.58	\$7,000.00
May 15	Cash Withdrawal	\$7,000.00		\$0.00
May 31	Interest		\$0.03	\$0.03
May 31	ACCOUNT CLOSED			\$0.00
<b>Closing Balance</b>				<b>\$0.00</b>

**Exhibit 11**



**TEXT EXCHANGE REPORT**

Requestor: Lincoln Police Department  
 Date of Request: 06.03.2024  
 Date Fulfilled: 06.04.2024  
 Date Range of Request: 05.02.2024 – 05.31.2024  
 Numbers Requested: 575.555.7755  
 575.555.0233  
 Number Association: 575.555.7755 | Alec Benavidez  
 575.555.0233 | Randy Sudo

Date and Time	Sender	Message
05.02.24   10:16	A. Benavidez	Randy, I've missed you. Wanna meet up for a coffee. I could use a favor.
05.02.24   11:47	R. Sudo	New phone, who dis?
05.02.24   11:48	A Benavidez	It's Alec – remember I had you paint my restaurant a few months ago.
05.02.24   11:55	R. Sudo	No bells ringing.
05.02.24   11:57	R. Sudo	Oh – wait – the place with the crappy New Mexican food. Yeah, I remember yah. What's up?
05.02.24   11:58	A. Benavidez	I need a problem taken care of - can you meet me at my place later today.
05.02.24   12:05	R. Sudo	You got \$\$\$? I need cash up front.
05.02.24   12:06	A. Benavidez	You don't even know what I need?
05.02.24   12:48	R. Sudo	Do you have money or not?
05.02.24   12:55	A. Benavidez	Yes
05.02.24   13:17	R. Sudo	See you in 10. I'm at Sam's. Be there soon.
05.14.24   10:48	A. Benavidez	You good for the job we discussed?
05.14.24   10:55	A. Benavidez	You there? Bueller?
05.14.24   11:24	R. Sudo	Yeah. I got you. Meet me at Carly's tomorrow round 3. Cash only. \$12000. No negotiating. Sam warned me about you. Says u r broke.
05.14.24   11:26	A. Benavidez	I got the \$\$\$. Tell Sam they suck as much as their stupid pickle sushi rolls.



<b>05.14.24   11:27</b>	R. Sudo	Yeah, those things are gross. C U tom.
<b>05.18.23   15:24</b>	A. Benavidez	Hey... not sure if you saw/heard, but things have changed. I don't need you to fix that problem anymore.
<b>05.18.24   15:51</b>	R. Sudo	Sam was right – you are a cheap. BTW great speech at the party LOL
<b>05.18.24   16:32</b>	A. Benavidez	Whatever. Look, I've left town for good probably. Everyone thinks I'm a fool. There's no way I can rebuild it all now. I'm old and tired. I lost.
<b>05.18.24   16:33</b>	R. Sudo	Like I said. Pay upfront. No refunds. Do you want the job done or not?
<b>05.18.24   17:55</b>	A. Benavidez	It's just not worth it.
<b>05.18.24   17:57</b>	R. Sudo	Let me be clear. YOU R NOT GETTING YOU'RE MONEY BACK!
<b>05.18.24   18:24</b>	A. Benavidez	Fine, just do it then.
<b>05.18.24   18:25</b>	R. Sudo	Plaza too busy now.
<b>05:21.24   20:34</b>	R. Sudo	It's done. I made quite a mess. But, it's all sorted now.
<b>05.21.24   20:44</b>	A. Benavidez	Ok. I'll be back in town soon to check it out. Thx. Might call you.