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CLERK OF THE LYON COUNTY DISTRICT COURT
CASE NUMBER: 2021-CR-000389

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS CRIMINAL DIVISION

THE STATE OF KANSAS, Plaintiff

Case No. 2021-CR-000389

ARMANDO NUNEZ, Defendant.

COMPLAINT/INFORMATION

COMES NOW, Amy L Aranda, First Assistant County Attorney of Lyon County, Kansas, and for and on behalf of the State of Kansas, gives the Court to understand and be informed:

Count 1 - Conspiracy murder in the 1st degree; Intentional and premeditated

That on, about, or between the 1st day of August, 2017 and the 5th day of September, 2017, in Lyon County, Kansas, Armando Nunez, then and there being present did unlawfully, feloniously, intentionally and with premeditation agree with another person, to-wit: Samuel Garcia. and/or Jovan Pecina and/or Alan Alanis and/or Andrew John Granado and/or Jordy Cornejo Campoverde, to commit or assist in the commission of the crime of First Degree Murder, to-wit: killing a human being, to-wit: Jesus Avila Jr, and an overt act, to-wit: Samuel Garcia obtained a .22 caliber pistol; Andrew John Granado, Samuel Garcia, Jovan Pecina, Alan Alanis, Armando Nunez and Jordy Cornejo Campoverde communicated through social media applications and/or electronic devices to aid in the commission of the crime; Andrew John Granado, Samuel Garcia, Jovan Pecina, Alan Alanis, Armando Nunez. and Jordy Cornejo Campoverde skipped school and met at Cornejo Campoverde's house; Samuel Garcia contacted Jesus Avila, Jr.; Samuel Garcia and Jovan Pecina left with Jesus Avila, Jr. in Avila's vehicle; Samuel Garcia shot and killed Jesus Avila, Jr.; Andrew John Granado drove himself, Alan Alanis, Armando Nunez and Jordy Cornejo Campoverde and took gasoline to a predesignated location where they met Samuel Garcia and Jovan Pecina, with Avila's vehicle and body; Andrew John Granado and/or Samuel Garcia and/or Jovan Pecina and/or Alan Alanis and/or Armando Nunez and/or Jordy Cornejo Campoverde removed U.S. currency, a speaker, and an AK47 rifle from Avila's vehicle, Andrew John Granado and/or Samuel Garcia and/or Jovan Pecina and/or Alan Alanis and/or Armando Nunez and/or Jordy Cornejo Campoverde burned Avila's vehicle and body using the gasoline provided; Andrew John Granado drove Samuel Garcia, Alan Alanis, Armando Nunez, Jovan Pecina. and Jordy Cornejo Campoverde back to Cornejo Campoverde's house; Samuel Garcia, Alan Alanis and Jordy Cornejo Campoverde disposed of the .22 caliber pistol; Andrew John Granado and/or Samuel Garcia. and/or Jovan Pecina and/or Alan Alanis and/or Armando Nunez and/or Jordy Cornejo Campoverde distributed the U.S. currency amongst themselves and concealed the speaker and AK47 rifle, in furtherance of the conspiracy was committed by Andrew John Granado and/or Samuel Garcia and/or Jovan Pecina and/or Alan Alanis and/or Armando Nunez, and/or Jordy Cornejo-Campoverde. In violation of K.S.A. 21-5302 and K.S.A. 21-5402 (a) (1), and against the peace and dignity of the State of Kansas (Severity Level 2 Person Felony) [21.5402.a.1/con]

Count 2 - Murder in the 1st degree; Intentional and premeditated

That on or about the 5th day of September, 2017, in Lyon County, Kansas, Armando Nunez, then and there being present did unlawfully, feloniously, intentionally and with premeditation, kill a human being, to wit: Jesus Avila Jr. In violation of K.S.A. 21-5402, and against the peace and dignity of the State of Kansas. (First Degree Murder, an off-grid person felony) [21.5402.a.1]

OR IN THE ALTERNATIVE

Count 2 - Murder in the 1st degree; In the commission of a felony

That on about the 5th day of September, 2017, in Lyon County, Kansas, Armando Nunez, then and there being present did unlawfully and feloniously kill a human being, to-wit: Jesus Avila Jr, during the commission of, attempt to commit, or flight from the commission of an inherently dangerous felony, to-wit: aggravated robbery, as defined in K.S.A. 21-5420(b) and amendments thereto. In violation of K.S.A. 21-5402, and against the peace and dignity of the State of Kansas. (Off-grid Person Felony) [21.5402.a.2]

Count 2 - Murder in the 1st degree; In the commission of a felony

That on or about the 5th day of September, 2017, in Lyon County, Kansas, Armando Nunez, then and there being present did unlawfully and feloniously kill a human being, to wit: Jesus Avila Jr, during the commission of, attempt to commit, or flight from the commission of an inherently dangerous felony, to-wit: a felony offense as provided in K.S.A. 21-5703, 21-5705 or 21-5706, and amendments thereto, to-wit: distribution of marijuana. In violation of K.S.A. 21-5402, and against the peace and dignity of the State of Kansas. (Off-grid Person Felony) [21.5402.a.2]

Count 3 - Conspiracy aggravated robbery; Armed w/ dangerous weapon

That on or between the 1st day of August, 2017 and the 5th day of September, 2017, in Lyon County, Kansas, Armando Nunez, then and there being present did unlawfully, feloniously and knowingly, agree with another person, to-wit: Samuel Garcia and/or Jovan Pecina and/or Alan Alanis and/or Andrew John Granado, and/or Jordy Cornejo-Campoverde, to commit or assist in the commission of the crime of Aggravated Robbery, while armed with a dangerous weapon, to-wit: a .22 caliber pistol, to take property, to-wit: US currency, AK47 rifle, speaker, and Nissan Altima vehicle, from the person or presence of Jesus Avila Jr, by force, or by threat of bodily harm to any person, and an overt act, to-wit: Samuel Garcia obtained a .22 caliber pistol; Andrew John Granado, Samuel Garcia, Jovan Pecina, Alan Alanis, Armando Nunez and Jordy Cornejo Campoverde communicated through social media applications and/or electronic devices to aid in the commission of the crime; Andrew John Granado, Samuel Garcia, Jovan Pecina, Alan Alanis, Armando Nunez and Jordy Cornejo Campoverde skipped school and met at Cornejo Campoverde's house; Samuel Garcia contacted Jesus Avila, Jr.; Samuel Garcia and Jovan Pecina left with Jesus

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Avila, Jr. in Avila's vehicle; Samuel Garcia shot and killed Jesus Avila, Jr.; Andrew John Granado drove himself, Alan Alanis, Armando Nunez and Jordy Cornejo Campoverde and took gasoline to a predesignated location where they met Samuel Garcia and Jovan Pecina with Avila's vehicle and body; Andrew John Granado and/or Samuel Garcia and/or Jovan Pecina and/or Alan Alanis and/or Armando Nunez and/or Jordy Cornejo Campoverde removed U.S. currency, a speaker, and an AK47 rifle from Avila's vehicle, Andrew John Granado and/or Samuel Garcia and/or Jovan.Pecina and/or Alan Alanis and/or Armando Nunez and/or Jordy Cornejo Campoverde burned Avila's vehicle and body using the gasoline provided; Andrew John Granado drove Samuel Garcia, Alan Alanis, Armando Nunez, Jovan Pecina and Jordy Cornejo Campoverde back to Cornejo Campoverde's house; Samuel Garcia, Alan Alanis and Jordy Cornejo Campoverde disposed of the .22 caliber pistol; Andre John Granado and/or Samuel Garcia and/or Jovan Pecina and/or Alan Alanis and/or Armando Nunez and/or Jordy Cornejo Campoverde distributed the U.S. currency amongst themselves and concealed the speaker and AK47 rifle, in furtherance of the conspiracy was committed by Andrew John Granado and/or Samuel Garcia and/or Jovan Pecina and/or Alan Alanis and/or Armando Nunez and/or Jordy Cornejo-Campoverde. In violation of K.S.A. 21-5420(b)(1), and against the peace and dignity of the State of Kansas. (Severity Level 5 Person Felony) [21.5420.b.1/con]

Count 4 - Aggravated robbery; Inflicts bodily harm

That on or about the 5th day of September, 2017, in Lyon County, Kansas, Armando Nunez, then and there being present did unlawfully, feloniously and knowingly take property, to-wit: US Currency, AK47 rifle, speaker, Nissan Altima vehicle, from the person or presence of Jesus Avila Jr, by force, or by threat of bodily harm to any person, and during the course of such robbery, bodily harm was inflicted upon Jesus Avila Jr. In violation of K.S.A. 21-5420(b), and against the peace and dignity of the State of Kansas. (Severity Level 3 Person Felony) [21.5420.b.2]

OR IN THE ALTERNATIVE

Count 4 - Theft of property or services; Value less than \$1,500

That on or about the 5th day of September, 2017, in Lyon County, Kansas, Armando Nunez, then and there being present did unlawfully obtain or exert unauthorized control over property or services worth less than \$1,500.00, to-wit: US currency, AK47 rifle, and speaker, with the intent to permanently deprive the owner, to-wit: Jesus Avila Jr, of the possession, use or benefit of such property or services. In violation of K.S.A. 21-5801(a)(1) & (b)(4), and against the peace and dignity of the State of Kansas. (Class A Nonperson Misdemeanor) [21.5801.a.1.b4]

Count 5 - Arson; Intentional to non-dwelling of another without consent

That on or about the 5th day of September, 2017, in Lyon County, Kansas, Armando Nunez then and there being present did unlawfully, feloniously, and knowingly damage by means of fire or explosive, property which is not a dwelling, to-wit: Nissan Altima vehicle, in which Jesus Avila Sr and/or Jesus Avila Jr have an interest and who did not consent to said damage. In violation of K.S.A. 21-5812(a)(1)(C), and against the peace and dignity of the State of Kansas. (Severity Level 7 Non-person Felony) [21.5812.a.1.C]

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Count 6 - Interference with LEO; Conceal/alter/destroy evidence

That on, about, or between the 5th day of September, 2017 and the 3rd day of March, 2018, in Lyon County, Kansas, Armando Nunez, then and there being present did unlawfully, feloniously and knowingly conceal, destroy or materially alter evidence with the intent to prevent or hinder the apprehension or prosecution of any person, and further said act was committed in the case of a felony. In violation of K.S.A. 21-5904(a)(2) & (b)(4)(B), and against the peace and dignity of the State of Kansas. (Severity Level 8 Non-person Felony) [21.5904.a2.b4.B]

AMY LARANDA, # 17426
First Assistant County Attorney
Lyon County Courthouse
Emporia, KS 66801
620 341 3263; Fax 620 341 3442
aaranda@lyoncounty.org
Attorney for Plaintiff

SUBSCRIBED AND SWORN TO before me this 23rd day of September, 2021.

SUE E. STEPHENS
Notary Public - State of Kansas
My Appt. Expires 7-26.2024

Sue E. Stephens, Notary Public

STATE OF KANSAS, COUNTY OF LYON, ss:

Amy L Aranda, for and on behalf of said county, within and for said State, being by me first duly sworn says that she has read the above and foregoing Complaint/Information and knows the contents thereof, and that the same is true in substance and in fact to her best information and belief.

Amy L Aranda

First Assistant County Attorney

SUBSCRIBED AND SWORN TO before me this 23rd day of September, 2021.

A. SUE E. STEPHENS
Notary Public - State of Kansas
My Appt. Expires 7. 26. 20 24

Sue E. Stephens, Notary Public

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WITNESSES:

LEO Witnesses:

Agha, Jaffar [EPD]

Alwes, Brian [ATF]

Arb, Dan [LYSO]

Arnold, Harley [EPD]

Baker, James [LYSO]

Bauman, Kevin [Anderson Co. Search & Rescue]

Bautel, Courtney [Frontier Forensics]

Bell, Shelby [Frontier Forensics]

Blanton, Karen [KBI SA]

Bover, Ryan [KBI SSA]

Bradford, Reason [Fire Marshall/EFD]

Brede, David [KBI SSA]

Bridges, James [KBI SAC]

Brinkmeyer, Mick [Anderson Co. Search & Rescue]

Brock, Clint [KBI SA]

Brockman, Jim [LYSO]

Brooks, Tera [Franklin CO SO]

Broyles, Danny [LYSO]

Buck, Samantha [KBI Forensic Scientist]

Buell, Vikki [KBI CIA Unit]

Bundy, Steven [KBI SSA]

Burk, Ronnie [KBI SSA]

Byrd, Jon [Ron Smith & Assoc]

Carr, Justin [LYSO]

Celeste, Anthony [KSFM]

Chavez, Arnold [LYSO Detention Offr]

Clay, Larry [USD 253 Security]

Cole, Amber [KBI CFO]

Cope, Jeff [LYSO]

Crow, Brad [KBI Forensic Scientist]

Dall, Steve [LYSO]

Davis, Kelly [EPD]

Decker, Paul [Anderson Co. Search & Rescue]

Dekat, Nicole [KBI Forensic Scientist]

Delgadillo, Daniel [EPD/KHP]

Delmott, Dennis [LYCA Investigator]

Diaz, Jason [KBI SSA]

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Doty, Lane [EPD]

Dougherty, Casey [USSS]

Early, Brandon [LYSO]

Edgecomb, Lonnie [Anderson Co. Search & Rescue]

Evans, Daniel [LYSO]

Fell, Jarrod [Lyon Co. Emergency Mgmt.]

Fishburn, Callie [Community Corrections - juvenile probation]

Fisher, Rex [EFD]

Flohrshutz, Tim [FBI]

Fournier, Jemiah [EPD]

Frederickson, Laura [Frontier Forensics investigator]

Garcia, Mackenzie [KBI - Forensic Scientist Firearms & Toolmarks]

Gifford, Jason [LYSO]

Gill, Jarrod [KBI SA]

Gillespie, Steve [KBI SA]

Gladding, Taylor KBI IA Unit

Goldsby, Tyler, KBI SA

Hachmeister, Aaron [KBI SA]

Hayworth, Jacqueline [KBI Forensic Scientist Latents]

Hendrickson, Garland [LYSO]

Hermanson, Arnold DDS [Forensic Odontologist]

Hernandez, Marcial [EPD]

Herrera, Andy [KBI SA]

Hockett, Lance [KDWP]

Holmes, David [EPD]

Hornseth, Crystal [KBI SA]

Horst, Kayla [KBI Forensic Scientist/CSRT]

Illk, Jeff [USD 253 Security]

Johnson, Randi [KBI CIA Unit]

Keathley, FNU [Osceola Co. SO Michigan]

Kehres, Nolan [LYSO]

King, Verla [KBI CIA Unit]

Koelsh, John [LYSO]

Ladd, Patrick [Topeka PD]

Latham, Cory [KBI SSA]

Lawson, Terri [Coffey Co. dive team]

Leakey, Tim [KBI SSA]

Logsdon, Brad [LYSO]

Magana, Ronald [EPD]

Malick, Mark [KBI SSA]

May, Makenzie [LYSO Detention]

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Mercer, Chris [KSFM]

Meyers, Jody [LYSO]

Michels, Roger [KBI Forensic Scientist Firearms & Toolmarks]

Miller, Pamela [KBI CIA Unit]

Mishler, Travis [LYSO]

Mitchell, Eric Dr. [ME/Frontier Forensics]

Moore, Chuck [LYSO]

Moore, Eric [KBI Forensic Scientist]

Moser, Matthew [KDOR OSI]

Muckenthaler, Jeff [KBI CIA Unit]

Nance, Zachary [LYSO Detention]

National Domestic Communications Assistance Center [NDCAC]

Nicholson, Tim [KBI Forensic Scientist]

Nicolet, Cory [LYSO]

O'Neal, Jerry [Bulter County Detention Center Intelligence Analyst/records custodian]

Ohlemeier, Cay [LYSO/Community Corrections]

Olson, Spenser [EFD investigator]

Pipkin, Nick [KBI SA]

Pitsenbarger, Kelsie [Frontier Forensics]

Podrebarac, Damien [EPD]

Pratt, George Det. [Oseola Co. SO, Michigan]

Raiston, Kelly [KBI SAC]

Rankin, Nathan [LYSO]

Rantz, Mickey [KBI SA]

Reed, Toby [USMS]

Rhodes, Troy [KBI SSA]

Roberts, Wally [KSFM Chief]

Rodriguez, Erin [Community Corrections juvenile probation]

Rodriguez, Jeff [LYSO]

Rodriguez, Oscar [Rio Grande Detention Ctr]

Rohr, Desiree [KBI Forensic Scientist]

Rogers, Tasha [Coffey Co. dive team]

Rogers, Zach [Coffey Co. dive team]

Roney, Kenny [Coffey Co dive team]

Roney, Mike [Coffey Co SO/Coffey Co dive team]

Ross, Clinton [LYCA Investigator]

Santa, Ivonne [KBI SA]

Scheve, Aaron [KDWP]

Seabolt, Eric [Anderson Co Search & Rescue]

Seabolt, Kenneth [Anderson Co. Search & Rescue]

Shafer, Zach [LYSO]

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Sharp, Terry [KSFM] Shireman, Kevin [EPD] Sisco, Sheri KBI Forensic Scientist/CSRT] Smith. William [KBI SAC] Spade, Stephanie [KBI SA] Sparling, Jena [KBI Forensic Scientist] Stephens, Paul [Anderson Co. Search & Rescue] Stirling, John [Shawnee PD] Stokes, Jeff [KBI SA] Stump, Doug [LYSO] Teem, Denice M. [Toxicologist NMS Labs] Titus Gifford, Tera [LYSO] Turner, Chris [KBI ASAC] Underwood, Jared [KBI SA] Vaden, Courtney [KBI CIA Unit] Valdivia, Hayley [KBI Lab Technician] Vortherms, Dominick [EPD] Ward, Willy [EFD Investigator] Warkentine, William [Coffey Co. dive team] Waters, Steven [ATF] Welsh, Jacob [LYSO] Wessel, Jay [KBI Forensic Scientist - Latents] Wilber, Joe [Anderson Co. Search & Rescue] Williams, Jason [LYSO] Winkel, Jaime [KBI Evidence Admin Spec.] Woodward, Kelly [KBI Forensic Scientist/CSRT] Young, Amanda [KBI SSA] Younger, Doug [KBI SAC] Zornes, Ryan [EFD]

Lay Witnesses:

Alanis Cornejo, Silvia Alanis, Alan Alanis, Erica Alanis, Guadalupe Alanis, Lyrissa Aldrete, Esmerelda Aldrete, Maria Isabel Arteaga, Daniel AT&T, Rec. custodian

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Avila, Jesus Sr.

Avila, Maria Virginia

Avila, Marilu

Bahena, Erick

Baker, Antonio

Baray, Enrique

Barrett, Nate

Beadles, Paul

Benson, Jadena

Brewer, Jerica

Caballero, Leslie

Calderon, Karina

Caldwell, Leon

Campoverde, Maria

Carson, Shelby

Casey's General Store, Manager

Castillo, Jocelyn

Castillo, Jonathan

Cecenas, Osiel

Chaparro, Alexis

Chaparro, Cesar

Chaparro, Miguel

Chaparro, Victor

Coleman, Matt

Community National Bank - surveillance video custodian

Community National Bank records custodian

Consumer Cellular, records custodian

Cornejo-Campoverde, Jordy

Couch, Alex

Cricket Communications, records custodian

D'Angelo, Quentin

De La Luz, Oscar

Dingman, Garrett

Doktor, Alexander

Durler, Lukas

Ellis, Trisha

Emporia Orthodontics, records custodian

Facebook, rec custodian

Flint Hills Learning Center records custodian

Flint Hills Community Health Center, records custodian

Foster, Keith

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Fowler, Larry

Fruit, Dan

Garcia Lopez, Isabel

Garcia Nunez, Martina

Garcia, Daniel

Garcia, Joshua

Garcia, Maximo

Garcia, Sammy

Garcia, Sandy

Garcia, Simon

Geifer, Danny

Gerry's Pawn, rep. of

Gomez, Kevin

Gomez. Henry

Google, rep. of

Goulden, Karly

Granado, AJ

Granado, Eluterio

Granado, Eluterio III

Granado, Nichole

Granado, Olivia

Guevara, Kevin

Guevara, Maria

Guidino, Miguel

Hamlin, Olivia

Harrison, Cathryn

Hartman, Maryann

Haught, Steven Dr.

Hernandez, Alberto

Hernandez, Alex

Hernandez, Daniel

Hernandez, Danny

Hernandez, Francisco Javier

Hernandez, Roel

Hernandez, Selena

Herrera, Daniel

Herrera, Rebecca

Hills Pet Foods, video surveillance custodian

Hopkins Mfg., records custodian

Hostetler & Associates

Ibarra, Victor

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Instagram, records custodian

Jenson, Allyson

Jerez, Carlos

Kirby, Eric

KVOE Radio Stations, rep. of

Landaverde, Bryan

Latta, Terrence

Lemus, Angel

Lyon County Road & Bridge records custodian

Magana, Fabiola

Manzano, Jonathan

Marchand, Kim

Matthews, Trevor

Maynez, Adela

McClellan, Kadon

Meyers, John

Milward, Kenneth

Morales-Rose, Carlos

Murillo, Guadalupe

Nonoal, Efigenia

Nonoal, Juan

Nunez, Armando

Padrone, Jennifer

Pahuamba, Melchor

Palomares, Efren

Pecina, Jovan

Pecina, Leticia

Pfantz, Karrie

Price, Alan

Pruitt, Shane

Pruitt, Trinity

Q-Link Wireless, records custodian

Ramirez, Jose

Renteria, Carlos

Renteria, Marilynn

Rethman, Randy

Risley, Carolyn

Roberts Blue Barnett

Robinson, Tony

Rodriguez, Jennifer

Rugel, Diego

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Salas, Alonso Sandoval, Kevin Sandoval, Wilver Schuler, Braden Slater-Figueroa, Jacob Snapchat, Rec. custodian Soto, Diveli Sprint, Rec. custodian Stevens, Shea T-Mobile, Rec. custodian Trujillo, Tomasa US Cellular, records custodian USD 253, records custodian Velazquez, Adilene Velazquez, Marcos Velazquez, Nelsy Velazquez, Omar Velez, Lloyd Verizon, rec. custodian Viveros, Adolfo White, Kagen William Allen White, rep of Williams, Elijah Wilson, Taylor Wise, Alan Zapata, Bryan Zepeda, Jesus

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS CRIMINAL DIVISION

THE STATE OF KANSAS, Plaintiff

Case No. 2021-CR-000389

ARMANDO NUNEZ, Defendant.

SUPERVISOR'S APPROVAL FOR LEGAL INTERN TO APPEAR PURSUANT TO SUPREME COURT RULE 719

The State of Kansas, by and through Marc Goodman, Lyon County Attorney, and pursuant to Supreme Court Rule 719, indicates that legal intern, Tyler Hellenbrand, appears with the approval of his supervising attorney, Marc Goodman.

Submitted by:

v. .

Marc Goodman, #08673

Lyon County Attorney

430 Commercial St

Emporia, KS 66801

620 341 3263; Fax 620 341 3442

mgoodman@lyoncounty.org