



# OUT OF THE WAY D.A.: OUT OF THE ORDINARY CASES

BY PATRICIA D. CAFFERATA, ESQ.

Having served as the district attorney of Lincoln, Lander and Esmeralda counties at different times over the years, I've prosecuted a wide range of cases. Some of them are unique to the rural counties, such as hunting and fishing violations, road and land ownership disputes, and one case of a foreign national using a camera with a telephoto lens to take pictures of Area 51, while standing right next to a sign reading, "No Photography."

At the same time, I also prosecuted matters similar to those familiar to most metropolitan district attorneys: driving under the influence and other traffic violations, possession of small amounts of drugs, domestic violence and sexual assault. Unlike the big cities, few burglary or theft crimes occur in smaller rural counties; everybody in town knows who owns what.

Thinking back, several odd cases come readily to mind. Brothers cut a rancher's water line in order to divert the water to their own marijuana crop; a driver ran a stop sign and claimed in his defense that, since he never saw the Nevada Highway Patrol trooper, the trooper couldn't possibly have seen him run the sign; and a hunter "wasted" an antelope (cut off the head and cape), but left his hunting tag attached to the carcass—no mystery who the culprit was. I prosecuted other strange cases, but one of the most remarkable matters to cross my desk started out with a simple speeding stop in Lincoln County.

One Friday night, a Lincoln County Sheriff's deputy stopped a woman exceeding the speed limit near Alamo on remote Highway 93. Following procedure, the deputy ran her name through the law enforcement database and found that she had an outstanding warrant in Idaho. He arrested her, placed her securely in his patrol car and headed for Pioche, the county seat housing the jail.

After a few miles, the woman said, "I'm worried about my children." "Why?" responded the deputy. She then explained that they were camping in the desert by themselves. Realizing he needed to find the kids, the deputy turned around and followed her directions off the highway, along a dirt road to a campsite hidden from the highway.

There, the deputy discovered the woman's blind 12-year-old daughter and her 10-year-old son, who was taking care of his sister. The woman explained to the officer that she took her kids camping

in the desert and left them there, from Monday to Friday, so she could go work her job about 90 miles away in Las Vegas. She left them with a tent, food, water, clothes and bedding, and she believed they were perfectly safe.

She had moved to Las Vegas for a job months prior, but didn't have the money for an apartment or room. The three of them slept in her car but, afraid this wasn't safe and warm weather approaching, she decided the best solution was to equip the kids with camping gear, food and water, and leave them in the desert, where they would be safe and sound while she worked all week. Though she meant well, this choice was not ideal for her children.

The deputy loaded his patrol car with the family and their camping gear, and again headed for Pioche, where he booked the woman into the jail and contacted social services to make arrangements for the children's care.

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My involvement as district attorney in this unusual case was minimal; the woman was extradited to Idaho, and the social worker kept in contact with the mother and with me. Fortunately, the story has a happy ending. The woman eventually resolved her legal issue in Idaho, and the social worker found a decent job for her in Nevada. In her new position, she was able to adequately provide for her children, and they were returned to her custody.

On other unusual matters, because I was the only attorney in the office, I relied on the district attorneys in Clark and Washoe counties for assistance and advice. For example, when a bus full of tourists rolled over in Esmeralda County, severely injuring several tourists, I asked then-Clark County-D.A. Stewart Bell to evaluate the case and recommend the charges I should file. His office of experienced attorneys was invaluable in helping me evaluate the case.

I enjoyed my stints as D.A. in some of Nevada's smallest (population-wise) counties. I learned a lot about prosecuting criminal cases, not just the kind the big city D.A.s prosecuted, but some off-beat cases, unique to the rural counties, too. **NL**



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