



FENNEMORE CRAIG, P.C.
Richard I. Dreitzer, Esq., NV Bar No. 6626
9275 W. Russell Road, Suite 240
Las Vegas, Nevada 89148
Telephone: (702) 692-8000
Facsimile: (702) 692-8099
Email: rdreitzer@fclaw.com
Prosecuting Officer for the Nevada
Commission on Judicial Discipline

BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

IN THE MATTER OF THE HONORABLE
ELIAS GOICOECHEA, Former Justice of
the Peace, Elko Justice Court, Elko County,
State of Nevada,

Case No.: 2022-028-*P*

Respondent.

FORMAL STATEMENT OF CHARGES

COMES NOW, Richard I. Dreitzer, Prosecuting Officer for the Nevada Commission on Judicial Discipline ("Commission" or "NCJD"), established under Article 6, Section 21 of the Nevada Constitution whom, in the name and by the authority of the Commission, as found in NRS 1.425 – 1.4695, files this Formal Statement of Charges and informs the Respondent, the Honorable Elias Goicoechea, Former Justice of the Peace, Elko Justice Court, County of Clark, State of Nevada ("Respondent") that the following events occurred and acts were committed by Respondent and warrant disciplinary action by the Commission under the Revised Nevada Code of Judicial Conduct ("the Code").

FACTUAL ALLEGATIONS

1. Pursuant to Nevada law, Justice(s) of the Peace ("JP") in the State of Nevada are empowered to issue search warrants where sufficient factual showings are made by representatives of law enforcement.

2. Generally, responsibility for review and issuance of search warrants is handled on a rotational basis, with each JP in a given Court agreeing to serve as the "on-call" JP for a specified period of time. In such circumstances, the "on-call" JP is responsible to review and

1 evaluate requests for search warrants brought to them, with the understanding that such requests
2 may occur “round-the-clock” (i.e., well before or after normal work hours, as well as at night,
3 and on weekends and holidays.)

4 3. For the 2021/2022 New Year’s Eve holiday in Elko County, Nevada (i.e., from
5 December 31, 2021 through January 1, 2022), Respondent was appointed as “on-call” JP.

6 4. During New Year’s Eve (i.e., on the evening of December 31, 2021), Respondent
7 was observed frequenting two (2) different bars in the City of Elko, Nevada and consuming
8 alcoholic beverages – this, during Respondent’s period of obligation as the “on-call” JP for that
9 holiday period.

10 5. In the early morning hours of January 1, 2022, Respondent was presented with
11 two (2) affidavits seeking search warrants for blood samples in separate DUI investigations for
12 his review and approval. The first request was submitted by Nevada Highway Patrol, while the
13 second was submitted by an Elko Police Department Officer.

14 6. Despite having consumed alcoholic beverages on December 31, 2021 just prior to
15 the two (2) affidavits being presented to him for review, Respondent nevertheless approved these
16 search warrants for the respective officers.

17 ***First Search Warrant***

18 7. As to the first search warrant sought, in that instance, a Nevada Highway Patrol
19 Trooper (“Trooper”) arrested a subject for DUI at approximately 12:28 AM on January 1, 2022.
20 As part of this investigation, it became necessary for the Trooper to apply for a search warrant to
21 obtain a blood sample from the Defendant in that matter.

22 8. In Elko County, Nevada, law enforcement officers complete an affidavit in
23 support of a search warrant on computers within their patrol vehicles. Standard procedure then
24 calls for these officers to speak with dispatch and ascertain the identity of that day’s “on-call” JP.
25 Officers then proceed to call the “on-call” JP and advise that a warrant was being sought and that
26 the affidavit supporting the warrant was being transmitted to them via email. Finally, upon
27 review and analysis, the “on-call” JP then reaches back out to the officer seeing the search
28 warrant to communicate approval, if deemed appropriate.

9. As to this warrant, the Trooper in question followed the standard procedure for securing a search warrant, as outlined herein. After reaching out to the Respondent for word as to whether his search warrant had been approved, the Trooper spoke with the Respondent at 2:47 a.m., wherein the Respondent conveyed his approval to the Trooper. During this call, the Trooper heard loud noises and music in the background leading the Trooper to conclude that the Respondent was attending a party at the time of approval of his search warrant.

Second Search Warrant

10. As to the second search warrant sought, an Elko Police Officer (“Officer”) had arrested a subject for DUI on January 1, 2022 at 2:53 a.m., and as part of his investigation, reached out to the Respondent for its approval.

11. The Officer then spoke with Respondent at 4:03 a.m. and received approval of the search warrant he had sought. During this conversation, the Officer noted that the Respondent had sounded groggy.

Pertinent Facts

12. In terms of the Respondent's actions during his time as "On-Call" JP for New Year's Eve 2021/2022;

a. Respondent admits that he had been out with his girlfriend that night;

b. Respondent admits to having consumed at least three (3) alcoholic beverages between 7:30 p.m. on December 31, 2021 and approximately 4:00 a.m. on January 1, 2022.

c. Respondent admits authorizing the two (2) warrants in question during New Year's Eve 2021/2022, but mistakenly believed that both warrants were requested by the Elko Police Department, rather than one for Nevada Highway Patrol and the second for Elko Police Department.

d. Respondent was observed in possession of a drink at the “Duncan Little Creek” bar in Elko, Nevada during New Year’s Eve 2021/2022.

e. Respondent was observed in a bar at the Maverik Casino in Elko, Nevada after midnight on January 1, 2022.

1 f. During his conversation with the Trooper seeking the first search warrant,
2 the Trooper heard loud noises and music in the background leading him to conclude that the
3 Respondent was attending a party at the time of approval of his search warrant.

4 g. Respondent admitted to a District Court Judge that he had been out
5 drinking during New Year's Eve 2021/2022 and was, in fact, intoxicated when he issued at least
6 one of the two (2) search warrants described herein in the early morning hours of January 1,
7 2022.

8 h. Respondent admitted that he was the "On-Call" JP for New Year's Eve
9 2021/2022 when the two (2) requests for search warrants came in, in the early morning hours of
10 January 1, 2022, but also conceded that he could have had another JP handle the "On-Call" role
11 that day.

12 13. In addition to the above-referenced instances where the Respondent had been
13 observed consuming alcohol and/or was publicly intoxicated, the Respondent has also been, or
14 appeared to be, inebriated in the presence of others on occasions prior to New Year's Eve
15 2021/2022.

16 COUNT ONE

17 By engaging in the acts, or combinations of the acts described above and more
18 specifically, in Paragraphs 1 through 6, 7 through 9 and 12(a) through 12(h), engaging in the
19 consumption of alcohol to the point of intoxication while serving as "On-Call" JP on the night of
20 New Year's Eve 2021/2022 and approving a search warrant application submitted by the Nevada
21 Highway Patrol in a criminal proceeding while intoxicated, Respondent knowingly or
22 unknowingly, violated the Code, including Canon 1 of the Code, Rule 1.1 (requiring the
23 Respondent to comply with the law, including the Code itself); Rule 1.2, (requiring the
24 Respondent to act at all times in a manner that promotes public confidence in the "...integrity...
25 of the judiciary" and avoiding "...impropriety and the appearance of impropriety...") and Canon
26 3 of the Code, Rule 3.1(A) (providing that "...when engaging in extrajudicial activities, a judge
27 shall not... participate in activities that will interfere with the proper performance of the judge's
28 judicial duties...") and Rule 3.1(C) (providing that "...a judge shall not... participate in activities

1 that would appear to a reasonable person to undermine the judge's... integrity.”)

2 **COUNT TWO**

3 By engaging in the acts, or combinations of the acts described above and more
4 specifically, in Paragraphs 1 through 6, 10 through 11 and 12(a) through 12(h), engaging in the
5 consumption of alcohol to the point of intoxication while serving as “On-Call” JP on the night of
6 New Year’s Eve 2021/2022 and approving a search warrant application submitted by an Officer
7 of the Elko Police Department in a criminal proceeding while intoxicated, Respondent
8 knowingly or unknowingly, violated the Code, including Canon 1 of the Code, Rule 1.1
9 (requiring the Respondent to comply with the law, including the Code itself); Rule 1.2,
10 (requiring the Respondent to act at all times in a manner that promotes public confidence in the
11 “...integrity... of the judiciary” and avoiding “...impropriety and the appearance of
12 impropriety...”) and Canon 3 of the Code, Rule 3.1(A) (providing that “...when engaging in
13 extrajudicial activities, a judge shall not... participate in activities that will interfere with the
14 proper performance of the judge’s judicial duties...”) and Rule 3.1(C) (providing that “...a judge
15 shall not... participate in activities that would appear to a reasonable person to undermine the
16 judge's... integrity.”)

17 **COUNT THREE**

18 By engaging in the acts, or combinations of the acts described above and more
19 specifically, in Paragraphs 1 through 6, 9, 11, 12(a) through 12(h) and 13, wherein the
20 Respondent appeared to be publicly intoxicated on a number of occasions, Respondent
21 knowingly or unknowingly, violated the Code, including Canon 1 of the Code, Rule 1.1
22 (requiring the Respondent to comply with the law, including the Code itself); Rule 1.2,
23 (requiring the Respondent to act at all times in a manner that promotes public confidence in the
24 “...integrity... of the judiciary” and avoiding “...impropriety and the appearance of
25 impropriety...”) and Canon 3 of the Code, Rule 3.1(C) (providing that “...a judge shall not...
26 participate in activities that would appear to a reasonable person to undermine the judge's...
27 integrity.”)

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1 Based upon the information above, the Commission shall hold a public hearing on the
2 merits of these facts and Counts One, Two and Three pursuant to NRS 1.4673 and, if the
3 violations as alleged are found to be true, the Commission shall impose whatever sanctions
4 and/or discipline it deems appropriate pursuant to NRS 1.4677, and other Nevada Revised
5 Statutes governing the Commission.

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7 DATED: April, 18th 2023.

8 FENNEMORE CRAIG, P.C.

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11 RICHARD I. DREITZER, ESQ., #006626
12 FENNEMORE CRAIG, P.C.
13 9275 W. Russell Road, Suite 240
14 Las Vegas, Nevada 89148
15 (702) 692-8026
16 rdreitzer@fennemorelaw.com
17 Prosecuting Officer for the Nevada
18 Commission on Judicial Discipline
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1 STATE OF NEVADA)

2) ss:

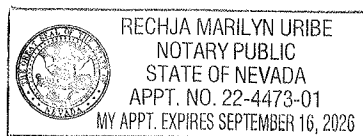
3 COUNTY OF CLARK)

4 RICHARD I. DREITZER, ESQ. being first duly sworn under oath, according to
5 Nevada law, and under penalty of perjury, hereby states:

6 1. I am an attorney licensed to practice law in the State of Nevada. I have been
7 retained by the Nevada Commission on Judicial Discipline to serve in the capacity of
8 Prosecuting Officer in the matter of Former Justice of the Peace Elias Goicoechea, Case
9 No. 2022-028.

10 2. I have prepared and reviewed this Formal Statement of Charges against
11 Former Justice of the Peace Elias Goicoechea, pursuant to the investigation conducted in
12 this matter, and based on the contents of that investigation and following reasonable
13 inquiry, I am informed and believe that the contents of this Formal Statement of Charges
14 are true and accurate.

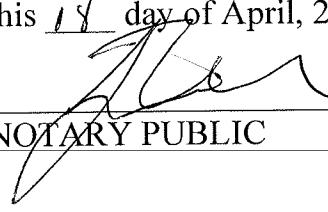
15
16 Dated this 18th day of April, 2023.



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RICHARD I. DREITZER, ESQ.

SUBSCRIBED and SWORN to before me
this 18 day of April, 2023.


NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES was sent via U.S. Postal Service (with sufficient postage affixed) and e-mail, on this 19th day of April, 2023 addressed to:

Hon. Elias Goicoechea

By: 
Richard Dreitzer, Esq.
Prosecuting Officer
Nevada Commission on Judicial Discipline