

1 JACOB T. S. VALENTINE, ESQ. (16324)  
CHRISTOPHER M. PETERSON, ESQ. (13932)  
2 **AMERICAN CIVIL LIBERTIES**  
**UNION OF NEVADA**  
3 4362 W. Cheyenne Ave  
North Las Vegas, NV 89032  
4 Telephone: (702) 366-1226  
Facsimile: (702) 718-3123  
5 Emails: jvalentine@aclunv.org  
peterson@aclunv.org  
6 *Attorneys for Defendant*

7 **LAS VEGAS MUNICIPAL COURT**  
8 **CLARK COUNTY, NEVADA**

9 The City of Las Vegas,  
10  
11 Plaintiff,  
12  
13 v.  
14 Alexander Bellus,  
Defendant.

CASE NO. 25-032220

DEPT: 04

**Motion to Dismiss for Failing to State a  
Public Offense**

15 Alexander Bellus files this Motion to Dismiss the charge for violating CLVMC 13.36.080  
16 for allegedly causing a gathering of 75 or more people without a permit because the charging  
17 documents fails to allege facts which constitute a public offense. This Motion is supported by the  
18 following points and authorities and any attached exhibits.

19 Dated: December 19, 2025.

20 /s/ Jacob T. S. Valentine  
21 JACOB T. S. VALENTINE (16324)  
CHRISTOPHER M. PETERSON (13932)  
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26 *Attorneys for Defendant*

1 **Memorandum of Points and Authorities**

2 **I. Statement of Facts**

3 On May 21, 2025, Defendant was cited for violating CLVMC 13.36.080. The citation  
4 alleges that Defendant “did willfully and unlawfully hand out food at a park, causing a gathering  
5 of 75 people or more without a permit or written permission from the city of Las Vegas.” See  
6 Exhibit A, “Citation”. According to the citation, Defendant shared food with homeless people at  
7 Justice Leavitt Family Park. Officer Santiago, who issued the citation, alleges that he observed a  
8 group of people at the park and concluded that Defendant “caused” this gathering by distributing  
9 food. However, CLVMC 13.36.080 states that,

10 “Any person who desires to use any park, recreational facility or  
11 public plaza of the City for any demonstration or other organized  
12 assemblage of seventy-five or more participants shall first apply  
13 and obtain a permit from the Director. For purposes of this  
14 Subsection (A), ‘participant’ means any individual who, along with  
15 others, is gathered for a common purpose under the direction,  
16 control or invitation of a person or group of people.”

17 The sole charging document in this case is the citation issued by Officer Santiago. See Citation.

18 **II. Argument**

19 When the facts stated in a criminal complaint do not constitute a public offense, the  
20 complaint is insufficient and therefore should be dismissed. *Sardis v. Second Judicial Dist. Court*,  
21 85 Nev. 585, 589, 460 P.2d 163, 166 (1969) (the Nevada Supreme Court deemed a criminal  
22 complaint insufficient when the complaint merely claimed that a defendant practiced architecture  
23 without a license); see NRS 173.075(1)(3); see also NRS 189.007(3). When a complaint contains  
24 only the generic definition of an offense and not the particulars of an alleged offense, it is similarly  
25 insufficient. *Ex parte Rovnianek*, 41 Nev. 141, 149, 168 P. 327, 329 (1917); see also *Earlywine*  
26 *v. Sheriff, Esmeralda Cty.*, 94 Nev. 100, 101, 575 P.2d 599 (1978) (finding a charge of  
manslaughter insufficient because for a manslaughter claim to be sufficient “the information must  
specify the acts of criminal negligence upon which the state is relying to try to obtain a

1 conviction.”). The complaint must contain a “concise and definite written statement of the  
2 essential facts constituting the offense charged.” NRS 173.075(1)(3).

3 CLVMC 13.36.080 states that the person to be charged with violating this ordinance must  
4 direct, control, or invite over 75 other “participants.” *See* Citation. The ordinance expressly limits  
5 “participants” to individuals “gathered for a common purpose under the direction, control or  
6 invitation of a person or group of people.” The ordinance states that it only applies to groups of  
7 over 75 participants who are attending “a demonstration or other organized assemblage.” The  
8 ordinance therefore does not reach every large crowd in a park; it reaches only crowds that are  
9 (1) part of a demonstration or organized assembly, (2) larger than 75 people, (2) united in a  
10 common purpose and (3) assembled under the defendant’s direction, control, or invitation.

11 Therefore, to be a sufficient charging document for an alleged violation of CLVMC  
12 13.36.0 the City would need to describe facts, not mere legal conclusions, establishing each of  
13 those elements, which Officer Santiago’s citation fails to do. In regards to Mr. Bellus, it does not  
14 state what facts support the contention that Mr. Bellus “directed, controlled, or invited” the group  
15 Officer Santiago observed at the park. In regards to the group, it does not offer any facts  
16 establishing that the group at issue was “organized” in any way or shared a “common purpose”.  
17 It also fails to state how many people Officer Santiago actually observed.

18 **1. The City does not allege that Mr. Bellus intended to direct, control, or invite other**  
19 **“participants” to the park.**

20 The ordinance thus makes the defendant’s role in organizing or directing a group an  
21 essential element, separate and distinct from the act of being physically present or engaging in  
22 some other activity, like sharing food, in the park. However, the charging document does not  
23 claim that Mr. Bellus intended to do anything other than “hand out food at a park.” *See* Citation.  
24 The complaint does not allege that Mr. Bellus intended to “direct, control or invite” any  
25 “participants” to the park, even though CLVMC 13.36.080 defines “participants” as individuals  
26 “gathered for a common purpose under the direction, control or invitation of a person or group of

1 people.” The absence of any allegation of an intent to direct, control, or invite “participants”  
2 means one of the core elements identified in CLVMC 13.36.080 is missing entirely from the  
3 charging document, rendering it insufficient on its face.

4 **2. The charging document offers no facts to establish that the people present were**  
5 **a “demonstration,” organized assemblage, or shared a common purpose.**

6 Liability is only triggered under CLVMC 13.36.080 if the people that gathered in the park  
7 are a “demonstration or other organized assemblage.” However, the charging document does not  
8 offer any facts to establish that the group at the park was a “demonstration” or other “organized  
9 assemblage”. The charging document describes 75 people “gathering”, but it does not describe  
10 anything typically associated with demonstrating or organizing such as a common cause or  
11 activity that the 75 people engaged in. The charging document must provide something more to  
12 support this element.

13 **3. There is no reference to the actual number of “participants” Mr. Bellus is alleged**  
14 **to have directed, controlled, or invited to the park.**

15 The facts alleged in the citation issued by Officer Santiago also merely recite generic terms  
16 of the key elements of CLVMC 13.36.080 rather than including a specific allegation. The citation  
17 claims that Bellus caused “a gathering of 75 people or more without a permit.” *See* Citation. This  
18 is insufficient because it does not offer any actual facts, only a recitation of the law. Rather,  
19 Officer Santiago needed to state how many people he actually believed were present, and what  
20 was the common purpose those people shared to provide a viable complaint.<sup>1</sup>

21 Not only is this simply a recitation of the law rather than an actual claim, but also Officer  
22 Santiago does not even indicate that more than 75 individuals were in attendance in claiming only

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23  
24 <sup>1</sup> Then again, Officer Santiago may have chosen not to state an exact number of people because he did not have  
25 sufficient facts to satisfy these elements. The body-cam footage incident does not show over 75 people in attendance  
26 and upon review of the body-worn camera footage, counsel counted only 35 individuals. See Exhibit B, “Officer  
Santiago Body-Worn Camera Footage” at 0:01:00 – 0:03:00. Officer Santiago’s commentary which can be heard on  
the body-worn camera footage shows that he originally believed only 60-70 people were in attendance at the park.  
Id. at 0:00:45 – 0:01:00.

1 that there were “approximately” 75 people.<sup>2</sup> Since the City’s complaint does not allege a specific  
2 number of people at the park that day or even indicate that there were more than 75 individuals  
3 at the park the complaint is insufficient on its face.

4 **III. Conclusion**

5 The charging document in this case is insufficient in multiple regards. First, the charging  
6 document does not describe how Bellus intended to create a gathering in the park. Second, the  
7 charging document does not describe how many people Bellus is alleged to have intended to  
8 direct, control, or invite to the park the day he was cited. Third, the charging document does not  
9 describe how the individuals at the park that day had all been directed, controlled or invited to  
10 gather for a common purpose.

11  
12 Dated: December 19, 2025.

13 /s/ Jacob T. S. Valentine  
14 JACOB T. S. VALENTINE (16324)  
15 CHRISTOPHER M. PETERSON (13932)  
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23 jvalentine@aclunv.org  
24 *Attorneys for Defendant*

25 \_\_\_\_\_  
26 <sup>2</sup> Officer Santiago may be saying “approximately” and claiming that only 60-70 people were at the park originally because he does not want to perjure himself.

1 **Certificate of Electronic Service**

2 I hereby certify that service of the above and forgoing motion was served via electronic  
3 mail to the Las Vegas City Attorney’s Office at [lvcadonotreply@lasvegasnevada.gov](mailto:lvcadonotreply@lasvegasnevada.gov) and filed  
4 by electronic mail to the Las Vegas Municipal Court at [municourtmotions@lasvegasnevada.gov](mailto:municourtmotions@lasvegasnevada.gov).

5  
6 By: /s/ Jacob T. S. Valentine  
7 An employee of ACLU of Nevada  
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Exhibit A  
Charging Document

Violation Date/Time: 05/21/2025 1038

Issue Date/Time: 05/21/2025 1048

**CRIMINAL**

In the Justice/Municipal Court **LAS VEGAS MUNICIPAL COURT**

VIOLATION(S)		
1)	MUNI/NRS 13.36.080	NOC 57092

**CITATION : 5509 PERMITS-75 OR MORE PEOPLE**

TO WIT

**SAID PERSON DID WILLFULLY AND UNLAWFULLY HAND OUT FOOD AT A PARK, CAUSING A GATHERING OF 75 PEOPLE OR MORE WITHOUT A PERMIT OR WRITTEN PERMISSION FROM THE CITY OF LAS VEGAS**

TOTAL CONTACT COURT (MANDATORY COURT APPEARANCE)
--

Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense

Court: **LAS VEGAS MUNICIPAL COURT**

Address: **100 E. Clark Ave Las Vegas, NV 89101  
PO Box 3950; Las Vegas, NV 89127**

Phone: **702-382-6878**

Website: <http://www.LasVegasNevada.gov/MunicipalCourt>

Total Bail: **COURT**

You are hereby ordered to appear to answer the above charges on the day and time  
**07/21/2025 at 1300**

Court Mandatory     Interpreter needed    Language:

Juvenile: <b>No</b>	<input type="checkbox"/> School Zone	<input type="checkbox"/> Radar Confirm:
Type: <b>CRIMINAL</b>	Grant: <b>VEHICLE</b>	Mile Marker:

PEDESTRIAN									
LAST NAME <b>BELLUS</b>			FIRST <b>ALEXANDER</b>			MIDDLE <b>BERNARD</b>			
RESIDENCE ADDRESS <b>HOMELESS</b>						PHONE			
EMAIL						CELL <b>6192031800</b>			
CITY <b>LAS VEGAS</b>			STATE <b>NV</b>		ZIP CODE <b>89135</b>				
DRIVER LICENSE NUMBER <b>1605130716</b>			DL CLASS <b>C</b>		DL STATE <b>NV</b>		CDL <b>No</b>		
DOB <b>11/10/1987</b>	AGE <b>37</b>	SEX <b>M</b>	RACE <b>W</b>	HEIGHT <b>600</b>	WEIGHT <b>180</b>	EYE <b>HAZ</b>	HAIR <b>BRO</b>	RESTRICTIONS	
RESTRICTIONS			ENDORSEMENTS						

VEHICLE INFORMATION									
LICENSE PLATE		STATE		REG. EXP.		COLOR			
MAKE			MODEL			TYPE			
VIN			YEAR		CMV		HAZMAT		
TRAILER PLATE		TRAILER STATE		VEH IS TRAILER			US DOT#		
CURRENT PROOF OF INSURANCE?					INS. CARD EXP. DATE:				

<b>REGISTERED OWNER</b>	SAME AS SUS?: <b>NO</b>
NAME	
ADDRESS <b>NV</b>	

LOCATION
<b>2100 E ST LOUIS AVE AT AT JUSTICE LEAVITT FAMILY PARK</b>

CITED SPEED (MPH)	POSTED SPEED (MPH)	ACT. SPEED (MPH)	CASE NO. <b>25-26217</b>
CONSTR. ZONE <b>No</b>	SCHOOL ZONE <b>No</b>	ACCIDENT <b>No</b>	
DIR OF TRAV	BEAT/AREA <b>E2</b>	COND/WEATHER	TRAFFIC
SPEED DETERMINED			ROAD

ADDITIONAL INFORMATION		
NAME		
ADDRESS		PHONE
CITY	STATE <b>NV</b>	ZIP CODE

PARENT INFORMATION		
NAME		
ADDRESS		PHONE
CITY	STATE	ZIP CODE
E-MAIL		

OFFICER INFORMATION	
<b>S. SANTIAGO 1396</b>	UNIT: <b>2E2</b>
I certify (or Declare) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe that above named person committed the above offense(s) contrary to law.	
Officer Signature: 	
Complainant Signature: _____	

Without admitting having committed the above offense(s), I hereby promise to respond as directed on this notice and waive my right to be taken immediately before a magistrate (NRS 484.799 and NRS 484.803) **YOU MUST APPEAR IN COURT**

Defendant Signature: 

Officer Notes:  
POB COLORADO

Civil or Criminal: CRIMINAL

**Radar (Mov/Sta):**

Stop Type: CRIMINAL  
Trailer Tag:  
County: CLARK  
HazMat Vehicle: Yes  
Workers Present: No  
Suspension Date:  
Laser #:  
Phone:  
# of Occ:  
Hwy Type:  
Same as Vio: No  
Attitude:  
HBD:  
> 16 Pass: No  
Trailer State:  
Par Notified?: No  
SSN: 522653856  
Void Reason:  
Opt in for text message notifications from court? No

**Radar #:**

Have Insurance: No  
Insurance Exp:  
City: LAS VEGAS  
Insp Exp (MMYY):  
Accident: No  
Void Citation: No  
Evidence?: No  
Work Phone:  
DL Exp: 11/10/2030  
Wgt: 180  
Beat: VEHICLE  
Test Type:  
Drug Sus: No  
Ped Sfty Zn: No  
Reg Exempt: No  
Tint %:  
Result:

**Business Name:**

**Business Addr.:**

Address Type: Business

Business City:

State: NV

Zip:

**Compl. Name:**

**Compl. Phone:**

**Compl. Address:**

Compl. City:

State: NV

Zip:

**Stop Info**

Create Racial Profiling Info: Yes

Companion Case/Cite #:

Ethnicity: NH

Driver Search Conducted: \*NONE

Vehicle Search Conducted: \*NONE

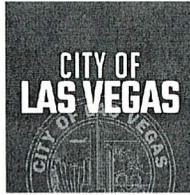
Contraband: . . .

Arrest: No

Arrest Due to Contraband: No

**Picture:**





## Case Report

### Administrative

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Case Report Number	25-26217-001	Assisted By	
Subject	D448DU-PARK RULES - OTHER UNHOUSED	Occurred On (Date and Time)	Wednesday 5/21/2025 10:38:00 AM
Reported On	5/21/2025	Location	2100 E ST LOUIS AVE
Reporting Officer	Santiago, Steve		

### Narrative

\*\*\*Body Worn Camera Activated\*\*\*

On 5/21/2025 at about 1038 hours, I, Officer S. Santiago P#1396, was operating as marked patrol unit 2 Easy 2. I was conducting a property check of Justice Leavitt Family Park, located at 2100 E St Louis Ave Las Vegas, Nevada 89104, when I observed a large gathering of approximately 75 or more people under/around one of the park's gazebos (gazebo B). The people/participants were gathered by a few individuals who had hot food out on the gazebo tables and distributed to the area's homeless population.

Justice Leavitt Family Park has signs posted advising the following:

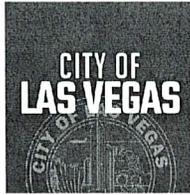
Permits are required to use reservable group picnic areas and athletic fields for event gatherings of 75 people or more and for music that is audible from 50 feet.

The post sign has a phone number to contact to apply for use permits.

I made contact with the group's organizer, who was later identified and verified through SCOPE as Bellus, Alexander (DOB 11/10/1987) by his Nevada ID. I identified myself as a Police Officer and explained the reason for contact. I recognized Bellus from a previous encounter for the same violation (gatherings of 75 people or more without a permit). I asked Bellus if he had a permit. Bellus said (not verbatim) that he attempted to get a permit and had technical issues obtaining one, acknowledging he knew a permit was required. I told Bellus I already warned him of the required permit, and there is a phone number to call for any questions/issues on the posted sign. He can also attempt to get a permit at City Hall in person.

PERMITS-75 OR MORE PEOPLE – Bellus willfully and unlawfully handed out food at a park, causing a gathering of 75 people or more without a permit from the City of Las Vegas. A violation of CLVMC 13.36.080.

I issued Bellus a citation for the above-mentioned offense with a court date of 7/21/2025 at 1:00 pm. Bellus signed the citation, was given a copy, and was cleared from the scene without incident.



A picture of the violation/gathering was taken and uploaded into the citation.

End of Report.

**Offense**

Offense PERMITS-75 OR MORE PEOPLE -M

**Offenders**

Arrestee Name: **Bellus, Alexander Bernard**

Aliases

Alias	Alias DOB	Alias SSN

Addresses

Address Type	Address	CSZ	County	Country
H - Home	10501 Cloud Whisper Dr	Las Vegas, NV 89135	Clark	USA - United States of America

Phones

Phone Type	Phone Number
M - Mobile	(619) 203-1800

Emails

Email Address

Languages Spoken

Fluency	Language

Sex	Male	Hair Color	Brown
Race	White	Height	6' 0"
Ethnicity	Not Hispanic or Latino	Weight	180
DOB	11/10/1987	Resident	Resident
Age	37	POB	Colorado
Eye Color	Hazel	SSN	522-65-3856



Arrest Information

Arrest For	5509 - PERMITS-75 OR MORE PEOPLE -M - 13.36.080	Arrest Type	Cited
		Armed With	Unarmed
Arrest Number	25-26217		

Notes

Victims

Name:

Victim Type	Society/Public
Victim of	5509 - PERMITS-75 OR MORE PEOPLE -M - 13.36.080

Aliases

Alias	Alias DOB	Alias SSN
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Addresses

Address Type	Address	CSZ	County	Country
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Phones

Phone Type	Phone Number
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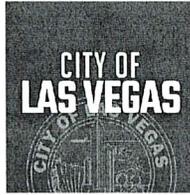
Emails

Email Address
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Languages Spoken

Fluency	Language
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Sex	Weight
Race	Resident
Ethnicity	DLN
DOB	DL State
Age	SSN
Eye Color	Employer/School
Hair Color	Occupation/Grade
Height	Injury



Offender Relationships

Offender	Relationship
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Witnesses \_\_\_\_\_

Other Entities \_\_\_\_\_

**Exhibit B**

**Officer Santiago Body Worn Camera Footage  
(Available for review upon the Court's request)**