

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed  
Mar 24 2014 11:32 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

RONALD ROSS,  
Appellant,

v.  
THE STATE OF NEVADA,  
Respondent.

Case No. 63624

**RESPONDENT'S APPENDIX**

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State of Nevada

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Counsel for Appellant

Counsel for Respondent

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on March 24, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO  
Nevada Attorney General

MATTHEW D. CARLING, ESQ.  
Counsel for Appellant

STEVEN S. OWENS  
Chief Deputy District Attorney

BY /s/ eileen davis  
Employee, District Attorney's Office

SSO/William Flinn/ed

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
DECLARATION OF ARREST

I.D. #: 1970026

True Name: Ross, Ronno

Date of Arrest: 6/6/07

Time of Arrest: \_\_\_\_\_

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with LVMPD (Department), Clark County, Nevada, being so employed for a period of 9 years (months). That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the offense of WARRANT at the location of CCDC (ADDRESS / CITY / STATE / ZIP) and that the offense occurred at approximately \_\_\_\_\_ hours on the 6 day of JUNE, 2007, in the county of ☐ Clark or ☐ City of Las Vegas, NV.

DETAILS FOR PROBABLE CAUSE:

ON 6/6/07, I, DET J. HALL WAS MADE AWARE THAT SEVERAL ARREST WARRANTS THAT WERE FILED BY MYSELF AND D. FLENNER HAD BEEN ISSUED, ON ROSS, RONNO ID# 1970026. ROSS IS CURRENTLY HOUSED AT CCDC AND WAS BOOKED ACCORDINGLY.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

Declarant must sign second page with original signature.

Declarant's Signature

Print Declarant's Name

RA 000001

P#

# Justice Court, Las Vegas Township

STATE VS. ROSS, RONALD

CASE NO. 07F09465X

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

PAGE THREE

APPEARANCES — HEARING

CONTINUED TO:

AUGUST 8, 2007  
T. ABBATANGELO  
J. WALSH, DA  
C. JORGENSEN, PD  
D. MCCORD, CR  
S. ROBINSON, CLK

TIME SET FOR PRELIMINARY HEARING  
DEFENDANT PRESENT IN COURT \*IN CUSTODY\*  
STATE MOTION TO CONTINUE HILL MOTION FILED (BERTHA LUNDQUIST, NOT  
PRESENT) - OBJECTION BY DEFENSE - GRANTED  
CONTINUED PRELIMINARY HEARING DATE  
COURT SET BAIL \$5000/5000 PER COUNTS 1,3,7,9 & 11  
COURT SET BAIL O/R RELEASE ON COUNTS 2,4,5,6,8,10,12 - 20

8-17-07 9 AM #3

REMANDED TO THE CUSTODY OF THE SHERIFF - COUNTS 1,3,7,9 & 11  
O/R RELEASE ON COUNTS 2,4,5,6,8,10, 12-20

SR

AUGUST 17, 2007  
T. ABBATANGELO  
J. WALSH, DA  
C. JORGENSEN, PD  
R. SILVAGGIO, CR  
S. ROBINSON, CLK

CONTINUATION PRELIMINARY HEARING  
DEFENDANT PRESENT IN COURT \*IN CUSTODY\*  
MOTION BY STATE TO FILE AMENDED COMPLAINT IN COURT - GRANTED  
COUNTS 1, 3, 7, 9 & 11 - BURGLARY  
COUNT 2 - LARCENY FROM THE PERSON  
COUNTS 4, 12 & 15 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT  
CARDHOLDER'S CONSENT  
COUNT 5, 13 & 16 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

9-5-07 10:30 DC  
ARRAIGNMENT

COUNTS 6, 14 & 17 - THEFT

COUNTS 18- 20 - CONSPIRACY TO COMMIT LARCENY  
STATE MOTION TO DISMISS COUNTS 9 - 17 & 20 - GRANTED  
STATE MOTION TO STRIKE TESTIMONY OF DARREL FLENNER ON PAGE 96 AND  
PAGE 104 LINE 7 THROUGH PAGE 105 THROUGH LINE 4 - GRANTED  
STATE WITNESSES

PAUL SIMELN  
CHARLES CAUWELL

STATE RESTS

DEFENDANT WAIVES RIGHT TO MAKE SWORN OR UNSWORN STATEMENT  
DEFENSE RESTS

MOTION TO DISMISS BY DEFENSE - ARGUMENT BY STATE - DENIED  
DEFENDANT BOUND OVER TO DISTRICT COURT 17 AS CHARGED  
DEFENDANT TO APPEAR IN THE LOWER LEVEL ARRAIGNMENT  
COURTROOM A

DEFENSE MOTION FOR O/R - OBJECTION BY STATE - DENIED  
COURT RESET BAIL: \$5000/5000 PER COUNTS 1,3 & 7

\$3000/3000 PER COUNTS 2,4,5,6 & 8  
\$1000/1000 PER COUNTS 18 & 19

REMANDED TO THE CUSTODY OF THE SHERIFF

CASE FORWARDED TO

SR

AUG 21 2007

JUDGEMENT ENTERED

*Tony Abbatangelo*

COUNTY CLERK'S OFFICE

RA 000002

# Justice Court, Las Vegas Township

STATE VS. ROSS, RONALD

CASE NO. 07F09465X

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

PAGE TWO

APPEARANCES — HEARING

CONTINUED TO:

<p>JUNE 19, 2007 T. ABBATANGELO J. SWEETIN, DA AND J. WALSH, DA C. JORGENSEN, PD R. SILVAGGIO, CR S. ROBINSON, CLK</p>	<p>TIME SET FOR PRELIMINARY HEARING DEFENDANT PRESENT IN COURT *IN CUSTODY* STATE WITNESSES GEORGIA STAHOPOULOS - WITNESS IDENTIFIES DEFENDANT DEJA JARMON - WITNESS IDENTIFIES DEFENDANT JAMES VIOLETTE - WITNESS IDENTIFIES DEFENDANT DENNIS MCCANN DETECTIVE JULIE HOLL - WITNESS IDENTIFIES DEFENDANT</p>	<p>7-23-07 9 AM #3</p>
	<p>(SIDE BAR CONFERENCE HELD) DEFENSE MOTION TO EXCLUDE TESTIMONY OF JULIE HOLL - OBJECTION BY STATE - DENIED LES SILVA DETECTIVE DARREL FLENNER - WITNESS IDENTIFIES DEFENDANT DEFENSE OBJECTS TO PRELIMINARY HEARING BEING BIFURCATED - ARGUMENT BY STATE - GRANTED CONTINUATION PRELIMINARY HEARING DATE SET</p>	<p>SR</p>
	<p>REMANDED TO THE CUSTODY OF THE SHERIFF</p>	
<p>JULY 23, 2007 T. ABBATANGELO J. SWEETIN, DA AND J. WALSH, DA C. JORGENSEN, PD R. SILVAGGIO, CR S. ROBINSON, CLK</p>	<p>TIME SET FOR PRELIMINARY HEARING DEFENDANT NOT PRESENT IN COURT *IN CUSTODY OTHER CHARGES NSP* STATE MOTION TO CONTINUE - GRANTED CONTINUED PRELIMINARY HEARING DATE DEFENDANT AT NSP  REMANDED TO THE CUSTODY OF THE SHERIFF</p>	<p>7-24-07 10 AM #3  SR</p>
<p>JULY 24, 2007 T. ABBATANGELO N. KEENAN, DA C. JORGENSEN, PD R. SILVAGGIO, CR S. ROBINSON, CLK</p>	<p>TIME SET FOR PRELIMINARY HEARING DEFENDANT PRESENT IN COURT *IN CUSTODY* CONTINUED BY STIPULATION OF COUNSEL OVER DEFENDANTS OBJECTION CONTINUED PRELIMINARY HEARING DATE COURT ORDERED DEFENDANT TO STAY IN CCDC TO TALK TO HIS ATTORNEY.  REMANDED TO THE CUSTODY OF THE SHERIFF</p>	<p>8-8-07 9 AM #3  SR</p>
<p>JULY 24, 2007</p>	<p>COPY OF REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING FILED  CASE FORWARDED TO  AUG 2 1 2007  COUNTY CLERK'S OFFICE</p>	

RA 000003

# Justice Court, Las Vegas Township

STATE VS. ROSS, RONALD

CASE NO. 07F09465X

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

MAY 29, 2007	<p>CRIMINAL COMPLAINT FILED:  COUNTS 1, 3, 7, 9, 11- BURGLARY  COUNT 2 – LARCENY FROM THE PERSON  COUNTS 4, 12, 15 – POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDERS' CONSENT  COUNTS 5, 13, 16 – FAUDULENT USE OF CREDIT OR DEBIT CARD  COUNTS 6, 14, 17 – THEFT  <del>COUNT 8 – GRAND LARCENY</del>  COUNT 10 – LARCENY FROM A PERSON, VICTIM 60 YEARS OF AGE OR OLDER  COUNTS 18, 19, 20 – CONSPIRACY TO COMMIT LARCENY</p>	
MAY 31, 2007 T. ABBATANGELO S. ROBINSON, CLK	<p>DEFENDANT NOT PRESENT IN COURT  ARREST WARRANT ISSUED:  COUNTS 1, 3, 7, 9, 11 - \$5,000/5,000 PER COUNT  COUNTS 2, 4, 5, 6, 8, 10, 12, 13, 14, 15, 16, 17 - \$3,000/3,000 PER COUNT  COUNTS 18, 19, 20 - \$1,000/1,000 PER COUNT</p>	JCC
JUNE 01, 2007	NOTICE TO PLACE ON CALENDAR FILED	CH
JUNE 07, 2007 T. ABBATANGELO C. PANDELIS, DA C. JORGENSEN, PD R. SILVAGGIO, CR S. ROBINSON, CLK	<p>DEFENDANT PRESENT IN COURT IN CUSTODY  DEFENDANT ADVISED OF CHARGES/ WAIVES READING OF COMPLAINT  COURT APPOINTED PUBLIC DEFENDER TO REPRESENT DEFENDANT  PRELIMINARY HEARING DATE SET</p> <p>DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF</p>	06/19/07 9AM #3  CH
	<p style="text-align: right;">CASE FORWARDED TO  AUG 21 2007  COUNTY CLERK'S OFFICE</p>	

RA 000004

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ROSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 52921  
District Court Case No. C236169

FILED

DEC 09 2010

*Tracie Lindeman*  
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Tracie Lindeman, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of conviction AFFIRMED."

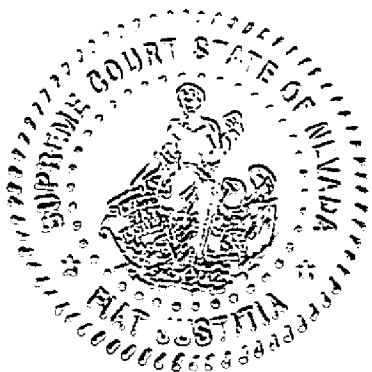
Judgment, as quoted above, entered this 8th day of November, 2010.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
December 03, 2010.

Tracie Lindeman, Supreme Court Clerk

By: Amanda Ingersoll  
Deputy Clerk

07C236169  
CCJA  
NV Supreme Court Clerks Certificate/Judgn  
1093543



*251210*  
*7*



IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ROSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52921

**FILED**

NOV 08 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of larceny from the person, possession of a credit card without the cardholder's consent, fraudulent use of a credit card, theft, conspiracy to commit larceny, and two counts of burglary. Eighth Judicial District Court, Clark County; Michael Villani, Judge. Appellant Ronald Ross raises five issues.

First, Ross contends that his statutory and constitutional rights to a speedy trial were violated. Ross' trial began fourteen months after his arraignment. The record shows that Ross invoked his speedy-trial right at his arraignment but that further proceedings were continued at the State's and Ross' joint request to await the disposition of two pretrial appeals. After the appeals were decided eight months later, a new trial date was set. That date was further delayed because of the court's schedule. Ross fails to prove that the delay prejudiced him. Further, the record reveals no evidence that the State caused the delay or otherwise failed to make good-faith efforts to bring Ross to trial and his speedy-trial claims therefore lack merit. See Furbay v. State, 116 Nev. 481, 484-85, 998 P.2d 553, 555 (2000); see also Anderson v. State, 86 Nev. 829, 833, 477

P.2d 595, 598 (1970) (constitutional deprivation of right to speedy trial requires proof of prejudice attributable to delay).

Second, Ross claims that it was plain error for the district court to allow witnesses to testify about a surveillance video without producing that video for trial, in contravention of the best-evidence rule. Ross concedes that he failed to make a best-evidence objection to this video at trial. Several witnesses testified that they viewed the recording just after the victim's report of the fraudulent transaction and immediately recognized Ross as the individual purchasing merchandise with the victim's stolen credit card. The video was later recorded over because none of the store employees had the technological ability to preserve it. Under these circumstances, we conclude that NRS 52.255(1) was satisfied and there was no violation of Ross' substantial rights. See Valdez v. State, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008).

Third, Ross argues that the district court committed reversible error when it allowed a detective to testify about "distract crimes" without having been noticed as an expert under NRS 174.234(2). We disagree. Because Ross did not object to the detective's testimony on this basis and has failed to articulate how notice of this purportedly expert testimony would have changed the course of his trial, we conclude that he has failed to demonstrate plain error by showing that his substantial rights were prejudiced. See Grey v. State, 124 Nev. 110, 117, 178 P.3d 154, 159 (2008).

Fourth, Ross asserts that insufficient evidence supports his conviction for larceny from the person. The victim testified that the strap of the purse from which Ross took her wallet was over her left shoulder, while the purse itself was resting on her chair next to her left leg. Based

on that testimony, we conclude that a rational juror could have found beyond a reasonable doubt that the taking was from the victim's person. See Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); Jackson v. Virginia, 443 U.S. 307, 319 (1979); NRS 205.270; see also DePasquale v. State, 104 Nev. 338, 341, 757 P.2d 367, 369 (1988) (concluding that sufficient evidence supported conviction for larceny from the person where defendant removed money from victim's purse).

Fifth, Ross argues that the district court violated his Sixth Amendment Confrontation Clause rights when it found a witness unavailable and allowed the witness's preliminary hearing testimony to be read to the jury. On the first day of Ross' trial, the State informed the district court that a key witness had been hospitalized in California and made a motion to use the transcript in lieu of live testimony. The court heard sworn testimony from the State's investigator and ruled that the State's efforts had been reasonable in attempting to procure the witness for trial. We disagree with Ross' contention that this ruling was erroneous, particularly in light of his concession at trial that the State had indeed done all it could to procure the witness's presence. Instead, Ross contended, as he does now, that the opportunity for cross-examination at the preliminary hearing was so limited that the transcript's entry into evidence at trial violated his constitutional right to confront the witness.

Again, we disagree, while preliminary hearings can provide an adequate opportunity for confrontation, determinations are made on a case-by-case basis. See Chavez v. State, 125 Nev. \_\_\_, \_\_\_, 213 P.3d 476, 483-84 (2009). In this case, the magistrate allowed Ross an unrestricted opportunity to question the witness: Ross asked him over 50 questions, probing his recollection of his interaction with Ross and whether he had

any independent memory of the credit transaction he processed. Additionally, Ross does not specify what discovery had not been made available to him by the time of the preliminary hearing, aside from the video that was unintentionally destroyed and other videos that were collateral to the percipience of that witness. Accordingly, we conclude that Ross was afforded an adequate opportunity to examine the witness and his Confrontation Clause rights were not violated by the admission of the witness's preliminary hearing testimony. See Chavez, 125 Nev. at \_\_\_, 213 P.3d at 485-86. Finally, we note that because the testimony was duplicative of another witness—who testified at trial that Ross was a regular patron of the store and that he recognized Ross as the individual who was captured on video making the fraudulent transaction—any error was harmless beyond a reasonable doubt. See Hernandez v. State, 124 Nev. 639, 652, 188 P.3d 1126, 1135-36 (2008).

Having considered Ross' claims and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Michael Villani, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Public Defender  
Eighth District Court Clerk





**IN THE SUPREME COURT OF THE STATE OF NEVADA**

RONALD ROSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 52921**  
District Court Case No. C236169

**REMITTITUR**

TO: Steven Grierson, District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: December 03, 2010

Tracie Lindeman, Clerk of Court

By: Amanda Ingersoll  
Deputy Clerk

cc (without enclosures):

Hon. Michael Villani, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney

**RECEIPT FOR REMITTITUR**

Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on DEC 09 2010.

Deputy

HEATHER LOFQUIST  
District Court Clerk