

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Respondent.

Docket 73674 Document 2018-16717

INDEX
MELVYN SPROWSON
Case No. 73674

	<u>PAGE NO.</u>
Affidavit of Defense's Investigator filed 03/21/17.....	1118-1119
Affidavit of The Honorable Stefany A. Miley filed 01/23/17	1005-1010
Affidavit to Disqualify Judge Stefany A. Miley for Bias and Misconduct filed 01/31/17	993-997
Affidavit to Disqualify Judge Stefany A. Miley for Bias and Misconduct filed 02/07/17	998-1004
Affidavit to Reconsider Disqualifying Judge Stefany A. Miley for Bias and Misconduct Date of Hrg: 02/24/17	1016-1022
Affidavit to Reconsider Disqualifying Judge Stefany A. Miley for Bias and Misconduct filed 02/28/17	1023-1028
Amended Criminal Complaint filed 12/09/13	3-4
Application for Ex Parte Order to Extend Time in which to File the Pre-Trial Writ of Habeas Corpus filed 02/18/14	257-263
Bail Bond filed 05/05/14	360-364
Clerk's Certificate and Order Dismissing Appeal filed 12/02/15	751-754
Court's Exhibit 12 dated 03/30/17.....	3277-3325
Criminal Complaint filed 11/05/13.....	1-2
Decision and Order filed 08/28/15	597-610
Defendant's Motion to Continue Jury Trial Date of Hrg: 06/02/14.....	387-390
Defendant's Motion to Continue Trial Date filed 09/08/14	515-518
Defendant's Motion to Continue Trial Date filed 07/06/15	611-615
Defendant's Motion to Continue Trial Date Date of Hrg:: 06/06/16.....	844-849
Defendant's Proposed Exhibit B	32583-3259
Defendant's Proposed Jury Instructions Not Used at Trial filed 03/30/17.....	1124-1127
Defendant's Second Pro Se Motion to Continue Trial Date of Hrg: 04/10/17	1087-1095
District Court Minutes from 01/15/14 through 06/26/17	1175-1250

1	Ex Parte Application for Court Approval of Payment of Specific Categories of Ancillary Defense Costs	
2	Date of Hrg: 06/01/15.....	568-575
3	Ex Parte Application for Expert Witness and Investigator And Funding Therefor filed 12/09/16	964a-964f
4	Ex Parte Motion and Order for Release of Records filed 05/22/14.....	381-383
5	Ex Parte Motion and Order for Release of Records filed 05/22/14.....	384-386
6	Ex Parte Motion and Order for Release of Records filed 09/10/14.....	519-520
7	Ex Parte Motion and Order for Release of Records filed 09/10/14.....	521-522
8	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	525-526
9	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	527-528
10	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	529-530
11	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	531-532
12	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	533-534
13	Ex Parte Motion and Order for Release of Records filed 09/17/15.....	663-664
14	Fifth Supplemental Notice of Witnesses and/or Expert Witnesses filed 02/27/17.....	1081-1086
15	Fourth Supplemental Notice of Witnesses and/or Expert Witnesses filed 05/09/16.....	831-843
16	Information filed 01/13/14.....	251-254
17	Instructions to the Jury filed 03/31/17	1130-1161
18	Judgment of Conviction (Jury Trial) filed 07/05/17.....	1167-1169
19	Jury List filed 03/23/17.....	1123
20	Jury List filed 03/30/17.....	1129
21	Justice Court Minutes from 11/06/13 through 01/08/14	9-20
22	Media Request & Order Allowing Camera Access to Court Proceedings filed 11/05/13.....	21-35
23	Media Request & Order Allowing Camera Access to Court Proceedings filed 01/30/14.....	255-256
24	Media Request & Order Allowing Camera Access to Court Proceedings filed 02/18/14.....	264-266
25	Media Request & Order Allowing Camera Access to Court Proceedings filed 02/18/14.....	267-269
26		
27		
28		

1	Media Request & Order Allowing Camera	
2	Access to Court Proceedings filed 08/13/15.....	627-628
3	Media Request & Order Allowing Camera	
4	Access to Court Proceedings filed 10/07/15.....	701-702
5	Media Request & Order Allowing Camera	
6	Access to Court Proceedings filed 03/21/17.....	1103-1104
7	Minute Order filed 05/27/15.....	576-577
8	Motion for Bail Reduction	
9	Date of Hrg: 11/14/13.....	48-54
10	Motion for Bail Reduction	
11	Date of Hrg: 04/14/14.....	322-344
12	Motion for Disclosure of Non-Public Information filed 11/05/13	36-39
13	Motion for Disclosure of Non-Public Information filed 11/08/13	40-43
14	Motion for Disclosure of Non-Public Information filed 11/14/13	44-45
15	Motion for Disclosure of Non-Public Information filed 12/06/13	59-60
16	Motion for Disclosure of Non-Public Information filed 12/09/13	92-95
17	Motion for Disclosure of Non-Public Information filed 12/23/13	96-97
18	Motion for Discovery filed 12/12/13.....	62-91
19	Motion for Discovery filed 08/26/14.....	391-420
20	Motion for Discovery filed 09/20/16.....	859-871
21	Motion to Dismiss Misdemeanor Charges for Lack of Original Jurisdiction	
22	Date of Hrg: 11/28/16.....	896-903
23	Motion to Proceed on Appeal in Forma Pauperis	
24	Date of Hrg: 10/12/15.....	658-662
25	Motion to Proceed Pro Se filed 08/19/15	629-634
26	Motion to Suppress Evidence	
27	Date of Hrg: 06/01/15.....	548-567
28	Motion to Suppress Evidence	
	Date of Hrg: 10/05/15.....	638-644
	Motion to Withdraw as Counsel of Record filed 07/21/15	622-626
	Motion to Withdraw the Original Record of Search	
	and Seizure Warrants on File with the District Court	
	Date of Hrg: 01/04/17.....	912-964

1	Notice of Appeal filed 09/08/15	635-637
2	Notice of Appeal filed 08/01/17	1171-1174
3	Notice of Change of Hearing filed 04/07/14	321
4	Notice of Change of Hearing filed 09/05/14	491
5	Notice of Change of Hearing filed 09/18/14	523
6	Notice of Change of Hearing filed 10/14/14	524
7	Notice of Change of Hearing filed 10/02/15	700
8	Notice of Change of Hearing filed 10/11/16	895
9	Notice of Contempt of Court and Brady Violation filed 03/21/17	1105-1117
10	Notice of Motion and Motion for Clarification Regarding	
11	State's Previously Filed Motion in Limine to Preclude	
12	Evidence of Victim's Prior Sexual Abuse at Trial	
13	Date of Hrg: 10/05/15	671-699
14	Notice of Motion and Motion for Independent	
15	Psychological/Psychiatric Examination of the Complaining Witness	
16	Date of Hrg: 09/08/14	438-460
17	Notice of Motion and Motion in Limine to Preclude	
18	Evidence of Victim's Prior Sexual Abuse at Trial	
19	Date of Hrg: 09/15/14	492-506
20	Notice of Motion and Motion to Admit Evidence of Other Bad Acts	
21	Date of Hrg: 10/26/15	
22	Notice of Motion and Motion to Continue	
23	Date of Hrg: 11/21/13	55-58
24	Notice of Motion and Motion to Set Conditions of	
25	Defendant's Release Upon Defendant Posting Bail	
26	Date of Hrg: 05/12/14	365-380
27	Notice of Motion and State's Motion to Revoke Defendant's Bail	
28	Date of Hrg: 02/04/15	535-543
	Notice of Request to Withdraw Original Record	
	of Search and Seizure Warrants filed 12/09/16	909-911
	Notice of Witnesses and/or Expert Witnesses filed 10/08/15	703-714
	Notice Resetting Date and Time of Hearing filed 05/19/17	1165
	Notice Resetting Time of Hearing filed 03/27/14	320
	Opposition to Defendant's Motion for Defendant's Motion for Bail Reduction	
	Date of Hrg: 04/14/14	345-359

1	Opposition to State's Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial filed 10/14/14.....	507-514
2		
3	Order filed 03/13/14	305
4	Order filed 03/22/17	1120-1122
5	Order filed 06/19/17	1166
6	Order filed 07/05/17	1170
7	Order Denying Defendant's Third Motion to Suppress Evidence Date of Hrg: 04/13/16.....	829-830
8	Order Denying Motion to Disqualify filed 01/24/17.....	1011-1015
9	Order Granting State's Motion to Admit Evidence of Other Bad Acts Date of Hrg: 12/10/15.....	727-729
10	Order Scheduling Status Check RE: Trial Readiness filed 11/23/16.....	908
11		
12	Petition for Writ of Habeas Corpus, Motion to Dismiss, and Memorandum of Points and Authorities Date of Hrg: 03/24/14.....	270-304
13		
14	Receipt of Copy of Documents Pertaining to Protected Information and Records from Wells Fargo Bank filed 12/11/15.....	756-757
15	Receipt of Copy of Protected Information and Records from Montevista Hospital, Willow Springs Center, Hope Counseling, Desert Behavioral Health, Doctor Robin Donaldson, and Doctor Eugene Ronsenman filed 07/13/15.....	616-617
16		
17	Receipt of Copy of Protected Information and Records from Montevista Hospital, Willow Springs Center, Hope Counseling, Desert Behavioral Health, Doctor Robin Donaldson, and Doctor Eugene Ronsenman filed 07/14/15.....	618-619
18		
19	Receipt of Copy of Protected Information and Records from Montevista Hospital, Willow Springs Center, Hope Counseling, Desert Behavioral Health, Doctor Robin Donaldson, and Doctor Eugene Ronsenman (Amended) filed 07/17/15.....	620-621
20		
21	Receipt of Copy of Protected Information and Records from Vena M. Davis, Mojave Adult, Child & Family Services filed 11/05/15	749-750
22		
23	Remittitur filed 12/02/15	755
24	Reply to Return to Writ of Habeas Corpus and Opposition to Motion to Dismiss Date of Hrg: 04/30/14.....	309-319
25		
26	Reply to State's Opposition to Defendant's Motion for Independent Psychological/Psychiatric Examination of the Complaining Witness and Discovery Request for Her Medical/Mental Health Treatment Records filed 10/13/14.....	481-490
27		
28		

1	Response to State's Motion to Revoke Defendant's Bail Date of Hrg: 02/04/15.....	544-547
2		
3	Response to State's Opposition to Defendant's Motion for Discovery Date of Hrg: 11/02/16.....	884-894
4	Response to State's Opposition to Defendant's Motion to Withdraw the Original Record of Search and Seizure Warrants in the District Court	
5	Date of Hrg: 01/04/17	972-986
6	Response to State's Opposition to Defendant's Third Motion to Suppress Evidence Date of Hrg: 04/13/16.....	828i-828bb
7		
8	Request for Rough Draft Transcript filed 09/23/15.....	667-670
9	Second Amended Criminal Complaint filed 12/19/13	5-8
10	Second Request for Rough Draft Transcript filed 02/26/16.....	758-760
11	Second Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/26/15.....	735-742
12	State's Exhibit 4 dated 12/10/15.....	3260-3276
13	State's Opposition to Defendant's Motion for Discovery Date of Hrg: 09/22/14.....	421-437
14	State's Opposition to Defendant's Motion for Discovery Date of Hrg: 11/02/16.....	872-883
15		
16	State's Opposition to Defendant's Motion for Independent Psychological/Psychiatric Examination of the Complaining Witness Date of Hrg: 09/10/14.....	461-480
17		
18	State's Opposition to Defendant's Motion to Dismiss Misdemeanor Charges for Lack of Jurisdiction Date of Hrg: 11/28/16.....	904-907
19		
20	State's Opposition to Defendant's Motion to Suppress Evidence Date of Hrg: 07/01/15.....	578-596
21	State's Opposition to Defendant's Notice of Request to Withdraw Original Record of Search and Seizure Warrants and Defendant's Ex-Parte Application for Expert Witness and Funding Therefor	
22	Date of Hrg: 01/04/17	965-971
23		
24	State's Opposition to Defendant's Second Motion to Suppress Evidence Date of Hrg: 10/05/15.....	645-657
25	State's Opposition to Defendant's Sixth Motion to Continue Trial Date of Hrg: 05/16/16.....	850-858
26		
27	State's Opposition to Defendant's Seventh Motion to Continue Trial Date of Hrg: 03/21/17	1096-1102
28		

1	State's Opposition to Defendant's Third Motion to Suppress Evidence	
2	Date of Hrg: 04/06/16.....	828a-828h
3	State's Proposed Exhibit 10.....	3260-3276
4	State's Proposed Jury Instructions Not Used at Trial filed 03/30/17	1127-1128
5	Stipulation and Order Regarding Discovery of Child Pornographic Materials filed 09/21/15	665-666
6	Substitution of Attorneys filed 11/08/13	46-47
7	Supplemental Affidavit of The Honorable Stefany A. Miley filed 02/17/17	1070-1080
8	Supplemental Motion to Affidavit to Reconsider Disqualifying Judge Stefany A. Miley for Bias and Misconduct filed 03/06/17	1029-1069
9	Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/19/15	730-734
10	Third Motion to Suppress Evidence	
11	Date of Hrg: 04/06/16.....	761-828
12	Third Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/23/15	743-748
13	Verdict filed 03/31/17.....	1162-1164
14	Writ of Habeas Corpus filed 03/14/14.....	306-307
15	Writ of Habeas Corpus filed 03/17/14.....	308

TRANSCRIPTS

17	Recorder's Transcript	
18	JURY TRIAL DAY 1	
19	Date of Hrg: 03/21/17	1646-1841
20	Recorder's Transcript	
21	JURY TRIAL DAY 2	
22	Date of Hrg: 03/22/17	1842-2005
23	Recorder's Transcript	
24	JURY TRIAL DAY 3	
25	Date of Hrg: 03/23/17	2006-2109
26	Recorder's Transcript	
27	JURY TRIAL DAY 4	
28	Date of Hrg: 03/24/17	2110-2442
	Recorder's Transcript	
	JURY TRIAL DAY 5	
	Date of Hrg: 03/27/17	2443-2626

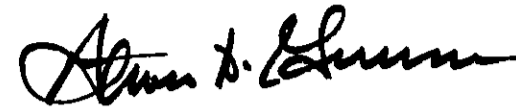
1	Recorder's Transcript JURY TRIAL DAY 6	
2	Date of Hrg: 03/28/17	2627-2770
3	Recorder's Transcript JURY TRIAL DAY 7	
4	Date of Hrg: 03/29/17	2771-2981
5	Recorder's Transcript JURY TRIAL DAY 8	
6	Date of Hrg: 03/30/17	2982-3111
7	Recorder's Transcript JURY TRIAL DAY 9	
8	Date of Hrg: 03/31/17	3112-3117
9	Recorder's Transcript Arraignment Continued	
10	Date of Hrg: 01/29/14	1253-1255
11	Recorder's Transcript Calendar Call	
12	Date of Hrg: 03/19/14	1256-1260
13	Recorder's Transcript Calendar Call	
14	Date of Hrg: 10/28/15	1428-1439
15	Recorder's Transcript Calendar Call	
16	Date of Hrg: 03/08/17	1605-1608
17	Recorder's Transcript Calendar Call	
18	Date of Hrg: 03/15/17	1609-1612
19	Recorder's Transcript Defendant's Motion for Discovery...Defendant's Motion for Independent	
20	Psychological/Psychiatric Examination of the Complaining Witness	
21	Date of Hrg: 09/10/14	1314-1323
22	Recorder's Transcript Defendant's Motion to Continue Jury Trial	
23	Date of Hrg: 05/28/14	1311-1313
24	Recorder's Transcript Defendant's Motion to Continue Jury Trial Date	
25	Date of Hrg: 07/20/15	1349-1358
26	Recorder's Transcript Defendant's Proper Person Motion for Discovery	
27	Date of Hrg: 11/16/16	1543-1569
28		

1	Recorder's Transcript	
2	Defendant's Pro Per Motion to Withdraw the Original Record of	
3	Search and Seizure Warrants on File with the District Court	
4	Date of Hrg: 01/04/17	1579-1582
5	Recorder's Transcript	
6	Defendant's Pro Se Motion for Discovery	
7	Date of Hrg: 11/02/16	1527-1542
8	Recorder's Transcript	
9	Defendant's Pro Se Motion to Proceed on Appeal in Forma Pauperis...	
10	Defendant's Pro Se Motion to Suppress Evidence... State's Motion for	
11	Clarification Regarding State's Previously Filed Motion in Limine to	
12	Preclude Evidence of Victim's Prior Sexual Abuse at Trial... Status Check	
13	Date of Hrg: 10/12/15	1395-1403
14	Recorder's Transcript	
15	Defendant's Pro Se Motion to Proceed on Appeal in Forma Pauperis...	
16	Defendant's Pro Se Motion to Suppress Evidence... State's Motion for	
17	Clarification Regarding State's Previously Filed Motion in Limine to	
18	Preclude Evidence of Victim's Prior Sexual Abuse at Trial... Status Check	
19	Date of Hrg: 10/19/15	1404-1427
20	Recorder's Transcript	
21	Defendant's Second Pro Se Motion to Continue Trial	
22	Date of Hrg: 03/21/17	1613-1645
23	Recorder's Transcript	
24	Evidentiary Hearing; Defendant's Motion to Suppress Evidence	
25	Date of Hrg: 07/01/15	3156-3257
26	Recorder's Transcript	
27	Initial Arraignment	
28	Date of Hrg: 01/15/14	1251-1252
	Recorder's Transcript	
	Motion	
	Date of Hrg: 04/13/16	1504-1518
	Recorder's Transcript	
	Motion for Bail Reduction	
	Date of Hrg: 04/14/14	1261-1263
	Recorder's Transcript	
	Motion for Bail Reduction	
	Date of Hrg: 04/21/14	1264-1274
	Recorder's Transcript	
	Petition for Writ of Habeas Corpus	
	Date of Hrg: 04/30/14	1275-1301

1	Recorder's Transcript	
2	Petrocelli Hearing	
3	State's Motion to Admit Evidence of Other Bad Acts	
4	Date of Hrg: 12/10/15	1443-1503
5	Recorder's Transcript	
6	Sentencing	
7	Date of Hrg: 05/24/17	3118-3125
8	Recorder's Transcript	
9	Sentencing	
10	Date of Hrg: 06/26/17	3134-3155
11	Recorder's Transcript	
12	State's Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial;	
13	Defendant's Motion for Discovery; Defendant's Motion for Independent	
14	Psychological/Psychiatric Examination of the Complaining Witness	
15	Date of Hrg: 11/05/14	1324-1342
16	Recorder's Transcript	
17	State's Motion to Revoke Defendant's Bail	
18	Date of Hrg: 02/04/15	1343-1348
19	Recorder's Transcript	
20	State's Motion to Set Conditions of Defendant's	
21	Release upon Defendant Posting Bail	
22	Date of Hrg: 05/12/14	1302-1310
23	Recorder's Transcript	
24	State's Opposition to Defendant's Sixth Motion to Continue Trial	
25	Date of Hrg: 05/16/16	1519-1526
26	Recorder's Transcript	
27	Status Check: Discovery	
28	Date of Hrg: 08/31/15	1380-1384
29	Recorder's Transcript	
30	Status Check: Discovery	
31	Date of Hrg: 09/21/15	1385-1394
32	Recorder's Transcript	
33	Status Check: Faretta Canvass, Resetting of Trial	
34	and Defendant's Motion to Proceed Pro Se	
35	Date of Hrg: 08/24/15	1367-1379
36	Recorder's Transcript	
37	Status Check: New Counsel/Resetting of Trial	
38	Date of Hrg: 08/19/15	1364-1366
39	Recorder's Transcript	
40	Status Check: PSI Corrections	
41	Date of Hrg: 05/31/17	3126-3133

1	Recorder's Transcript	
2	Status Check: Resetting of Trial	
3	Date of Hrg: 07/22/15	1359-1363
4	Recorder's Transcript	
5	Status Check: Resetting of Trial	
6	Date of Hrg: 11/02/15	1440-1442
7	Recorder's Transcript	
8	Status Check: Trial Readiness	
9	Date of Hrg: 11/28/16	1570-1578
10	Recorder's Transcript	
11	Status Check: Trial Readiness	
12	Date of Hrg: 02/06/17	1598-1604
13	Recorder's Transcript	
14	Status Check: Trial Readiness	
15	Status Check: Investigator	
16	Defendant's Pro Per Motion to Withdraw the Original Record of	
17	Search and Seizure Warrants on File with District Court	
18	Date of Hrg: 01/09/17	1583-1597
19	Reporter's Transcript	
20	Motion to Continue Preliminary Hearing	
21	Date of Hrg: 11/21/13	98-107
22	Reporter's Transcript	
23	Preliminary Hearing	
24	Date of Hrg: 12/30/13	108-197
25	Reporter's Transcript	
26	Preliminary Hearing Volume II	
27	Date of Hrg: 01/08/14	198-250
28		

1 MTN
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 JACQUELINE BLUTH
Chief Deputy District Attorney
4 Nevada Bar #010625
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff



CLERK OF THE COURT

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13
14 MELVYN PERRY SPROWSON, JR.,
#5996049

15 Defendant.
16

CASE NO: C-14-295158-1

DEPT NO: XXIII

17
18 **NOTICE OF MOTION AND MOTION FOR CLARIFICATION REGARDING**
19 **STATE'S PREVIOUSLY FILED MOTION IN LIMINE TO PRECLUDE EVIDENCE**
20 **OF VICTIM'S PRIOR SEXUAL ABUSE AT TRIAL**

21 DATE OF HEARING: OCTOBER 5, 2015
TIME OF HEARING: 9:30 A.M.

22 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
23 through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby files this Notice
24 of Motion and Motion for Clarification Regarding State's Previously Filed Motion in Limine
25 to Preclude Evidence of Victim's Prior Sexual Abuse at Trial.

26 This motion is made and based upon all the papers and pleadings on file herein, the
27 attached points and authorities in support hereof, and oral argument at the time of hearing, if
28 deemed necessary by this Honorable Court.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5

6

7
8

9
10

11

13

14

15
16
17
18
19
20
21

22
23

24

25
26
27
28

1 PHT, p. 14. Defendant had an ad on Craigslist that said, "Lonely millionaire" and stated a
2 fake age of 30. J.T. responded to the ad by saying "hi". Defendant responded back by saying
3 "hello" and then J.T. told Defendant that she was 16. PHT, pp. 15-16.

4 For a few days J.T. and Defendant communicated through Craigslist e-mail, where
5 they exchanged photos. Later, they communicated through Kik, which is a texting application,
6 because it was easier than e-mailing. J.T. testified that in the beginning she and Defendant
7 were just friends and then on August 1 [2013], Defendant asked her out and she said yes. PHT,
8 p. 18. J.T. testified that from August 1st forward, she and Defendant were boyfriend and
9 girlfriend. J.T. further testified that Defendant told her that his real age was 44; and, that after
10 they became boyfriend and girlfriend she sent Defendant more photographs. PHT, pp. 17-19.
11 J.T. testified that she sent Defendant pictures because he asked her to send them and because
12 she wanted to send them. J.T. further testified that when she sent the pictures she knew what
13 to do because Defendant told her what to do. PHT, p. 20.

14 Defendant told J.T. different poses to do and she did them because she wanted to. The
15 first place J.T. actually saw Defendant was at the Omelet House, where she was working at
16 the time. J.T. testified that they did not speak, they just looked at each other. J.T. actually
17 physically met with Defendant at a roller skating rink. J.T. was with her friend Jessica but
18 Jessica did not know who J.T. was meeting. Jessica thought J.T. was meeting an old teacher
19 of J.T.'s. PHT, pp. 21-22.

20 J.T. testified that she did not tell her mom that she was meeting the defendant. J.T.
21 testified that she and Defendant communicated through Kik for 27 days before she actually
22 went to his home. J.T. never told her mom that she was communicating with
23 Defendant. J.T. told Defendant that she could not tell her mom because she would not be
24 happy at all. PHT, pp. 23-24. J.T. testified that she made sure that Defendant did not call when
25 her mom was home and they did not video chat when she was anywhere near. Defendant
26 would only call when she asked him to. J.T. and Defendant came up with a plan if their
27 relationship was found out which was that she would just keep going back to him. PHT, p. 24

28 J.T. testified that the first time she went to Defendant's house she asked him to go there.

1 J.T. told her mom that she was Jessica's house. J.T. told Jessica that she had to do something
2 else and Defendant picked her up and drove her to his house. J.T. stayed at Defendant's house
3 for two nights. J.T. testified that she asked her mom if she could spend a second night at
4 Jessica's because they were having a lot of fun and her mom said yes. PHT, pp. 25-26. J.T.
5 testified that during the two night period at Defendant's house, they had sexual intercourse
6 once or twice. J.T. testified that they did not use a condom because Defendant told her that he
7 could not have kids. J.T. testified that Defendant gave her a promise ring that looked like a
8 wedding ring the night she slept over, which she wore around her neck. J.T. testified that her
9 mom saw the ring and she first told her mom that she had found it and then told her mom that
10 a boy named Joshua had given it to her. J.T.'s mom did not believe her and found out that J.T.
11 had not been sleeping over a Jessica's. J.T.'s mom got J.T.'s phone records and then took
12 away the ring, J.T.'s phone and J.T.'s computer. PHT, 27-29. J.T. told her mom that she
13 needed to do a project and e-mailed the Defendant asking him to come and pick her up, because
14 if he didn't she wouldn't be able to be with him. Defendant agreed to come and get J.T. and
15 told her to bring her birth certificate and social security card, because she would need them to
16 get a job and other things when she got older. J.T. and Defendant had a plan for her to stick it
17 out, in the house, until she was 17 and a half, and then they were going to get married and she
18 was going to go to school. PHT, pp. 30-31.

19 J.T. took her birth certificate and social security card and Defendant picked her up at
20 3:00 or 4:00 in the morning, while her mom was asleep. J.T. snuck out the front door and told
21 the Defendant that he could leave her there if he wanted to. Defendant told J.T. it was ok and
22 took her to his house, in Henderson, Clark County. PHT, pp. 32-33.

23 J.T. testified that Defendant changed his telephone number because she told him that
24 her mom had his other number. J.T. lived with Defendant for two months, from August 28th
25 until November 1st. J.T. testified that Defendant was a teacher and while he was at work, she
26 would watch TV, play video games or read a book. J.T. testified that before she lived with
27 Defendant, she attended school at A-Tech. J.T. did not go to school while living with
28 Defendant. PHT, pp. 33-34.

1 J.T. testified that Defendant felt bad about her not going to school but they had made
2 an agreement because she would be found if she did go. J.T. testified that it was her and
3 Defendant's plan, together, that she would go undetected until she was 17 and a half, when
4 she would be old enough to get married and go to school. PHT, p. 35. While J.T. was at
5 Defendant he gave her things to do and books to read to continue her education; and, he gave
6 her board games. J.T. testified that she had rules when she lived with Defendant that included
7 having no guys in the house and for her not to go outside because she could be found. J.T.
8 would sometimes ask Defendant to take her out of the house but he would be tired. J.T. and
9 Defendant sometimes went out of the house at night, but she would dress like a boy with hat
10 and glasses and baggier clothing. PHT, pp. 35-37.

11 J.T. testified that she considered Defendant to be a little bit of a jealous person because
12 he would accuse J.T. of cheating on him. Defendant would tell J.T. that he knew she was a
13 cheater; that he should not have trusted her; that his brother was right; and, for her to pack her
14 bags he was taking her home. J.T. would pack her bags and Defendant would become sad and
15 cry. PHT, pp. 37-38. Defendant would ask J.T. to stay because he loved her. J.T. testified
16 that Defendant cried twice; and, that three or four times they just weren't communicating right
17 or something, so she would pack her bags and he would apologize and ask her to stay. During
18 the eight or nine weeks that J.T. was with Defendant she and Defendant stumbled upon her
19 family on Twitter, looking for her. PHT, p. 39.

20 J.T. discovered that her mom was looking for her after a post her aunt made on Twitter
21 indicating that she was missing and to please repost. J.T. also saw posts on Facebook. J.T.
22 testified that when Defendant saw those things he told her that her mom wanted control over
23 her. J.T. further testified that she missed her mom and her family and she told the Defendant
24 that; but, she felt it was worth it and she would see them in two years. J.T. testified that she
25 ask Defendant to drive her by her family's house at night, which he did. When J.T. asked
26 Defendant if she could call her family he would tell her that they would call the following
27 week, but she never called her family. PHT, pp. 41-43.

28 In the nine weeks that she was with the Defendant, they were intimate once a week.

1 J.T. testified that Defendant did not mistreat her, but he was picky about some things, telling
2 her that her letters weren't right, she couldn't wash a dish right, and she could not sing. PHT,
3 pp. 43-44.

4 Defendant told J.T. that her mom did not care about her and they wrote a story that
5 Defendant was Prince Charming and J.T. was a princess and Defendant saved J.T. from her
6 mom. J.T. put the story in a closet at Defendant's house. J.T. testified that she drank alcohol
7 on two occasions after Defendant bought it. J.T. During one of those occasions, J.T. got a
8 little buzzed and had problems walking. J.T. testified that she and Defendant were intimate
9 on that occasion. PHT, p. 45-47.

10 J.T. testified that their plan if she got caught living with him was for her to keep coming
11 back. They planned for her to tell the police that he was looking for a roommate and she found
12 him on Craigslist. J.T. was not to discuss their relationship and it was supposed to look like
13 they were just roommates. Once while she was living with Defendant, a private investigator
14 came to the door looking for J.T. She could hear Defendant talking to them but could not
15 hear what he was saying. After he left, Defendant told J.T. that they were fine and they
16 believed what he told them. PHT, pp. 48-49.

17 On November 1st, the police came to the door while J.T. was home alone. J.T. spoke
18 with them but she was not honest with them, with regard to whether they had sex and that they
19 were just roommate. J.T. testified that she stuck to the plan. J.T. testified that Defendant did
20 not stick to the plan and J.T. was going to be going home. J.T. taken to West Care for a few
21 hours before being taken home to her mom's house. J.T. stayed at her mom's house for a few
22 days and then went to Montevista, a behavioral health center, after trying to leave the house
23 and go back to Defendant's. J.T. stayed in Montevista for ten days. PHT, p. 49-52. J.T.
24 testified that after she returned home to her mom, she felt okay, but later tried to commit
25 suicide by jumping off their house balcony. J.T. testified that she did that because "it was too
26 much." J.T. went back to Montevista for a month and was currently in treatment at a different
27 facility four months. J.T. testified she has nightmares. PHT, pp. 53-54.

28

1 **The Preliminary Hearing Testimony of Kathryn Smith**

2 **Pertinent to this Motion**

3 Kathryn Smith is the mother of J.T. Kathryn testified that J.T. is 16 years of age and
4 her birthday is June 6, 1997. During the summer, 2013, around June or July, Kathryn began
5 to recognize a change in J.T.'s behavior. In July J.T. began staying in her room more. When
6 Kathryn would walk into the room, she would notice the screen change on the computer which
7 made her suspect. Kathryn took the computer periodically and checked in but found nothing.
8 PHT, pp. 172-173.

9 Kathryn testified that J.T. came home with a ring that looked like a wedding band. J.T.
10 told Kathryn that she found the ring on the ground in front of Target. Kathryn thought it was
11 strange for J.T. to keep the ring because it was out of character for J.T., who would normally
12 take it to customer service or return it. J.T. gave Kathryn numerous conflicting stories about
13 the ring that made her uncomfortable and suspicious. Kathryn took the ring from J.T. Kathryn
14 also noticed that J.T. was making all kinds of telephone calls to a number that Kathryn did not
15 recognize. Kathryn confronted J.T. about the calls. Kathryn told J.T. she would have to come
16 up with the truth and they would figure out what the consequences would be. Kathryn took
17 J.T.'s computer and phone away from her on August 28th. The following day, Kathryn woke
18 up and J.T. was not there. PHT, pp. 173-175. Kathryn testified that the residence was located
19 in Henderson, Clark County. PHT, p. 176.

20 Kathryn testified that she kept J.T.'s Social Security card in her wallet and J.T.'s birth
21 certificate was in a drawer of Kathryn's. PHT, p. 176. When Kathryn woke up and J.T. was
22 not home, she called the phone number that she had seen on the phone records and it was
23 disconnected. Kathryn testified that it had been on the night before when J.T. was home,
24 because Kathryn had called the number several times trying to get someone to answer the
25 phone so that she could have a conversation with them and tell them that they were talking to
26 a 16 year-old, in case they didn't know. PHT, p. 177.

27 //

28 //

1 Kathryn testified that she had never met Defendant and she had never given Defendant
2 permission to take her daughter from her home. Kathryn testified that she had given J.T.
3 permission to stay a couple nights with her best friend, Jessica, a couple weeks before that.
4 Kathryn testified that she did not give J.T. permission to be with Defendant during that
5 weekend. PHT, pp. 178-179.

6 The day that J.T. went missing, Kathryn contacted the Henderson Police Department,
7 who took a report and told her that someone would get back to her. Kathryn did not receive
8 much help there and hired a private detective. Kathryn also looked at J.T.'s bank account and
9 came across the Defendant's name, which she provided to the police. When Kathryn
10 researched the name of Defendant she came across message that said, "Welcome Clark County
11 School District teachers; years 2013-2014." PHT, pp. 179-180. Kathryn gave the Henderson
12 Police the Defendant's name, the name of the school she believed he worked at, as well as an
13 IP address that J.T. had logged onto from her computer. Kathryn testified that she used
14 Facebook, Twitter and Instagram in order to find J.T. and put out word that she was missing,
15 at which time an organization stepped in to help her find J.T. PHT, pp. 181-182.

16 Kathryn noticed that some of J.T.'s personal belongings were missing which included
17 her backpack, three pairs of shoes, almost all of her jeans and clothes, as well as her birth
18 certificate and Social Security card. PHT, p. 182. Kathryn testified that Nevada Child Seekers,
19 Close Kids, The National Center for Missing and Exploited Children and Human Trafficking
20 were all involved in helping to find J.T. Kathryn continued to ask the Henderson Police to go
21 to Defendant's house, but they did not go. PHT, p. 183. Kathryn testified that one of the
22 counselor's at her youngest daughter's school worked closely with an officer for the Clark
23 County School District Police Department. Kathryn gave him the information that she had
24 and J.T. was found at Defendant's address within 24 hours. PHT, p. 184.

25 When J.T. was returned home it did not go well. Kathryn first slept in front of the door
26 so that J.T. would not be able to leave; and, then took to sleeping with J.T. in the car so as not
27 to disturb the others in the house. J.T. was threatening to kill herself at this time and told
28 Kathryn she would rather die than live with her. Kathryn took J.T. to Montevista Hospital,

1 where she stayed for ten days. PHT, p. 185-186.

2 When J.T. returned home she attempted to jump off a second story balcony because she
3 could not use the phone. After the suicide attempt, J.T. went back to Montevista where she
4 stayed for a period of time before being placed into a long term treatment for approximately
5 six months. Kathryn testified that mentally and behaviorally, J.T. remained unstable and
6 erratic. Kathryn testified that it is much more so than it was before J.T. met Defendant. PHT,
7 p. 187-190.

8 After J.T. was found and returned home, Kathryn became aware that J.T. had sent
9 Defendant nude photos. Kathryn notified the prosecutor of that information. PHT, p. 211.

10 **Statement of the Case Regarding J.T.'s Prior Victimization Pertinent to this Motion**

11 On June 29, 2012, Defendant, DAVID SCHLOMANN, was charged by way of
12 Criminal Complaint with the crimes of Luring Children or Mentally Ill Persons with the Use
13 of Technology with the Intent to Engage in Sexual Conduct (Category B Felony – NRS
14 201.560); Burglary (Category B Felony – NRS 205.060); First Degree Kidnapping (Category
15 A Felony – NRS 200.310, 200.320); Statutory Sexual Seduction (Category C Felony – NRS
16 200.364, 200.366); and Sexual Assault with a Minor Under Sixteen (Category A Felony –
17 NRS 200.364, 200.366). The crimes occurred on or between April 6, 2012 and April 15, 2012.
18 The victim is J.T., then age 14. Defendant was 41 years of age, married, with three children,
19 when he committed the crimes against J.T. Defendant was living in Albuquerque, New
20 Mexico, but traveled to Las Vegas to commit the crimes against J.T. SCHLOMANN knew
21 that the victim was fourteen years of age, yet, on two separate occasions he drove the victim
22 to his hotel room, without the victim's mother's knowledge, and engaged in sexual misconduct
23 with her.

24 On September 25, 2013, Defendant pled guilty to Count 1 – Luring Children or
25 Mentally Ill Persons with Use of Technology with the Intent to Engage in Sexual Assault
26 (Category B Felony) and Count 2 – Attempt Sexual Assault (Category B Felony). The State
27 retained the right to argue at the rendition of sentence.

1 On March 13, 2014, Defendant was sentenced, in addition to \$25.00 Administrative
2 Assessment Fee, \$150.00 DNA Analysis Fee including testifying to determine genetic
3 markers, \$760.00 Psychosexual Evaluation fee, and \$2,394.76 in Restitution, to Count 1 – a
4 MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED
5 EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), and in Count 2
6 – to a MINIMUM of NINETY-SIX (96) MONTHS with a MAXIMUM of TWO HUNDRED
7 FORTY (240) MONTHS in the NDC, CONSECUTIVE TO COUNT 1; SUSPENDED; placed
8 on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. The Court
9 further imposed all of the conditions as required by NRS 176A.410. The Court further ordered
10 a special SENTENCE OF LIFETIME SUPERVISION to commence upon release from any
11 term or probation parole or imprisonment; and, Defendant register as a sex offender within
12 forty-eight hours of sentencing or release from custody.

13 LEGAL ARGUMENT

14 Due to the amount of motions in this case coupled with the fact that Defendant now
15 represents himself, the State is seeking to clarify what will be admissible in the upcoming
16 trial on November 2, 2015. Specifically, the State is asking this Court to make a ruling on
17 whether or not Victim's prior victimization under C292589 is admissible and whether or not
18 Victim's medical records prior to the inception of this case are admissible. Pursuant to the
19 previous motion in limine filed by the State, it is the State's position that neither the Victim's
20 prior victimization nor her previous medical records are relevant or are admissible at trial.
21 To see a full argument on that issue please see State's previously filed Motion in Limine
22 (attached as "EXHIBIT 1"). In looking at the previous minutes found on Odyssey for
23 November 5, 2014 (attached as "EXHIBIT 2"), it seems as though the Court agreed with the
24 State's Motion. In fact the minutes clearly state:

25 **State's Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse**
26 **at Trial: State argued the Rape Shield and noted parties cannot bring in other**
27 **case nor get into any sexual conduct. Counsel argued Rape Shield did not**
28 **apply in this case and believed State's motion to be premature. Court noted**

1 level of conflict with teenagers. State inquired how two traumas were to be
2 separated and noted incidents have effected how family treats the victim.
3 State then inquired of how to get around previous mental health treatment and
4 noted traumas were not intertwined. Arguments by counsel. State suggested
5 after Court releases medical records, parties could come up with appropriate
6 Jury Instructions. Court stated the why is not important, believes previous
7 history is relevant to the defense and defense should be allowed to get into
8 history. Colloquy regarding prior medical records for in-camera review. Court
9 agreed, however, it did not want to get into prior evidence and ORDERED,
10 motion GRANTED IN PART

11 Based upon the above reading of the minutes it seems as though the Court's order was
12 that the Victim's prior victimization would NOT be admissible at trial. However, the fact that
13 the Victim has previously been to therapy and had received treatment was admissible, and that
14 any misunderstandings on the issue could be clarified by a jury instruction. The court even
15 clarified that the "why" was not important, meaning "why" Victim had received previous
16 medical/psychiatric treatment was not important, just that she had received it. The State is
17 now seeking clarification to make sure that it as well as the Defense conforms with the order.

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 **CONCLUSION**


2 Based upon the above and foregoing Points and Authorities, the State respectfully
3 requests this Court grant its Motion in Limine to Preclude Evidence of Victim's Prior Sexual
4 Abuse at Trial in its entirety and provides clarification on the issue.

5 DATED this ^{25th} 4th day of September, 2015.

6 Respectfully submitted,

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY


11 JACQUELINE BLUTH
12 Chief Deputy District Attorney
13 Nevada Bar #010625
14

15 **CERTIFICATE OF SERVICE**

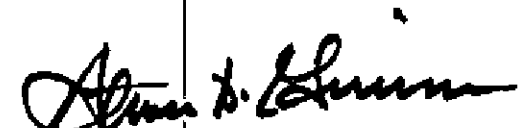
16 I, hereby certify that service of the above and foregoing, was made this 25th day of
17 September, 2015, by e-mail to:

18 MICHAEL YOHAY, Dep. Public Defender
19 (Standby Counsel)
20 E-mail: yohaymr@clarkcountynv.gov

21 MELVYN SPROWSON, ID #5996049
22 Clark County Detention Center
23 330 S. Casino Center Blvd., LVNV 89101
24 (hand delivery)


25 Secretary for the District Attorney's Office
26 Special Victims Unit
27
28

28 tgdc/MVU


CLERK OF THE COURT

1 MTN
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 JACQUELINE BLUTH
Chief Deputy District Attorney
4 Nevada Bar #010625
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13
14 MELVYN PERRY SPROWSON, JR.,
#5996049

15 Defendant.
16

CASE NO: C-14-295158-1

DEPT NO: XXIII

17
18 **NOTICE OF MOTION AND MOTION IN LIMINE TO PRECLUDE**
19 **EVIDENCE OF VICTIM'S PRIOR SEXUAL ABUSE AT TRIAL**

20 DATE OF HEARING: SEPTEMBER 15, 2014
TIME OF HEARING: 9:30 A.M.

21 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
22 through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby files this Notice
23 of Motion and Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial.

24 This motion is made and based upon all the papers and pleadings on file herein, the
25 attached points and authorities in support hereof, and oral argument at the time of hearing, if
26 deemed necessary by this Honorable Court.

27 //

28
EXHIBIT "/"

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

DATED this 4th day of September, 2011.

BY /s/ JACQUELINE BLUTH	
JACQUELINE BLUTH	
Chief Deputy District Attorney	
Nevada Bar #10625	

STATEMENT OF FACTS

The Preliminary Hearing Testimony of J.T. Pertinent to this Motion

At the preliminary hearing of this matter, J.T. testified that she was 16 years old and her birthday is June 6, 1997. In June or July of 2013, J.T. lived with her mom, grandmother and two sisters. PHT, p. 13. In July of 2013, J.T. began speaking with Defendant over the Internet. J.T. was 16 when she began speaking with Defendant and she met him on Craigslist. PHT, p. 14. Defendant had an ad on Craigslist that said, "Lonely millionaire" and stated a fake age of 30. J.T. responded to the ad by saying "hi". Defendant responded back by saying

1 "hello" and then J.T. told Defendant that she was 16. PHT, pp. 15-16.

2 For a few days J.T. and Defendant communicated through Craigslist e-mail, where
3 they exchanged photos. Later, they communicated through Kik, which is a texting application,
4 because it was easier than e-mailing. J.T. testified that in the beginning she and Defendant
5 were just friends and then on August 1 [2013], Defendant asked her out and she said yes. PHT,
6 p. 18. J.T. testified that from August 1st forward, she and Defendant were boyfriend and
7 girlfriend. J.T. further testified that Defendant told her that his real age was 44; and, that after
8 they became boyfriend and girlfriend she sent Defendant more photographs. PHT, pp. 17-19.
9 J.T. testified that she sent Defendant pictures because he asked her to send them and because
10 she wanted to send them. J.T. further testified that when she sent the pictures she knew what
11 to do because Defendant told her what to do. PHT, p. 20.

12 Defendant told J.T. different poses to do and she did them because she wanted to. The
13 first place J.T. actually saw Defendant was at the Omelet House, where she was working at
14 the time. J.T. testified that they did not speak, they just looked at each other. J.T. actually
15 physically met with Defendant at a roller skating rink. J.T. was with her friend Jessica but
16 Jessica did not know who J.T. was meeting. Jessica thought J.T. was meeting an old teacher
17 of J.T.'s. PHT, pp. 21-22.

18 J.T. testified that she did not tell her mom that she was meeting the defendant. J.T.
19 testified that she and Defendant communicated through Kik for 27 days before she actually
20 went to his home. J.T. never told her mom that she was communicating with
21 Defendant. J.T. told Defendant that she could not tell her mom because she would not be
22 happy at all. PHT, pp. 23-24. J.T. testified that she made sure that Defendant did not call when
23 her mom was home and they did not video chat when she was anywhere near. Defendant
24 would only call when she asked him to. J.T. and Defendant came up with a plan if their
25 relationship was found out which was that she would just keep going back to him. PHT, p. 24

26 J.T. testified that the first time she went to Defendant's house she asked him to go there.
27 J.T. told her mom that she was Jessica's house. J.T. told Jessica that she had to do something
28 else and Defendant picked her up and drove her to his house. J.T. stayed at Defendant's house

1 for two nights. J.T. testified that she asked her mom if she could spend a second night at
2 Jessica's because they were having a lot of fun and her mom said yes. PHT, pp. 25-26. J.T.
3 testified that during the two night period at Defendant's house, they had sexual intercourse
4 once or twice. J.T. testified that they did not use a condom because Defendant told her that he
5 could not have kids. J.T. testified that Defendant gave her a promise ring that looked like a
6 wedding ring the night she slept over, which she wore around her neck. J.T. testified that her
7 mom saw the ring and she first told her mom that she had found it and then told her mom that
8 a boy named Joshua had given it to her. J.T.'s mom did not believe her and found out that J.T.
9 had not been sleeping over a Jessica's. J.T.'s mom got J.T.'s phone records and then took
10 away the ring, J.T.'s phone and J.T.'s computer. PHT, 27-29. J.T. told her mom that she
11 needed to do a project and e-mailed the Defendant asking him to come and pick her up, because
12 if he didn't she wouldn't be able to be with him. Defendant agreed to come and get J.T. and
13 told her to bring her birth certificate and social security card, because she would need them to
14 get a job and other things when she got older. J.T. and Defendant had a plan for her to stick it
15 out, in the house, until she was 17 and a half, and then they were going to get married and she
16 was going to go to school. PHT, pp. 30-31.

17 J.T. took her birth certificate and social security card and Defendant picked her up at
18 3:00 or 4:00 in the morning, while her mom was asleep. J.T. snuck out the front door and told
19 the Defendant that he could leave her there if he wanted to. Defendant told J.T. it was ok and
20 took her to his house, in Henderson, Clark County. PHT, pp. 32-33.

21 J.T. testified that Defendant changed his telephone number because she told him that
22 her mom had his other number. J.T. lived with Defendant for two months, from August 28th
23 until November 1st. J.T. testified that Defendant was a teacher and while he was at work, she
24 would watch TV, play video games or read a book. J.T. testified that before she lived with
25 Defendant, she attended school at A-Tech. J.T. did not go to school while living with
26 Defendant. PHT, pp. 33-34.

27 //

28 //

1 J.T. testified that Defendant felt bad about her not going to school but they had made
2 an agreement because she would be found if she did go. J.T. testified that it was her and
3 Defendant's plan, together, that she would go undetected until she was 17 and a half, when
4 she would be old enough to get married and go to school. PHT, p. 35. While J.T. was at
5 Defendant he gave her things to do and books to read to continue her education; and, he gave
6 her board games. J.T. testified that she had rules when she lived with Defendant that included
7 having no guys in the house and for her not to go outside because she could be found. J.T.
8 would sometimes ask Defendant to take her out of the house but he would be tired. J.T. and
9 Defendant sometimes went out of the house at night, but she would dress like a boy with hat
10 and glasses and baggier clothing. PHT, pp. 35-37.

11 J.T. testified that she considered Defendant to be a little bit of a jealous person because
12 he would accuse J.T. of cheating on him. Defendant would tell J.T. that he knew she was a
13 cheater; that he should not have trusted her; that his brother was right; and, for her to pack her
14 bags he was taking her home. J.T. would pack her bags and Defendant would become sad and
15 cry. PHT, pp. 37-38. Defendant would ask J.T. to stay because he loved her. J.T. testified
16 that Defendant cried twice; and, that three or four times they just weren't communicating right
17 or something, so she would pack her bags and he would apologize and ask her to stay. During
18 the eight or nine weeks that J.T. was with Defendant she and Defendant stumbled upon her
19 family on Twitter, looking for her. PHT, p. 39.

20 J.T. discovered that her mom was looking for her after a post her aunt made on Twitter
21 indicating that she was missing and to please repost. J.T. also saw posts on Facebook. J.T.
22 testified that when Defendant saw those things he told her that her mom wanted control over
23 her. J.T. further testified that she missed her mom and her family and she told the Defendant
24 that; but, she felt it was worth it and she would see them in two years. J.T. testified that she
25 ask Defendant to drive her by her family's house at night, which he did. When J.T. asked
26 Defendant if she could call her family he would tell her that they would call the following
27 week, but she never called her family. PHT, pp. 41-43.

28 //

1 In the nine weeks that she was with the Defendant, they were intimate once a week.
2 J.T. testified that Defendant did not mistreat her, but he was picky about some things, telling
3 her that her letters weren't right, she couldn't wash a dish right, and she could not sing. PHT,
4 pp. 43-44.

5 Defendant told J.T. that her mom did not care about her and they wrote a story that
6 Defendant was Prince Charming and J.T. was a princess and Defendant saved J.T. from her
7 mom. J.T. put the story in a closet at Defendant's house. J.T. testified that she drank alcohol
8 on two occasions after Defendant bought it. J.T. During one of those occasions, J.T. got a
9 little buzzed and had problems walking. J.T. testified that she and Defendant were intimate
10 on that occasion. PHT, p. 45-47.

11 J.T. testified that their plan if she got caught living with him was for her to keep coming
12 back. They planned for her to tell the police that he was looking for a roommate and she found
13 him on Craigslist. J.T. was not to discuss their relationship and it was supposed to look like
14 they were just roommates. Once while she was living with Defendant, a private investigator
15 came to the door looking for J.T. She could hear Defendant talking to them but could not
16 hear what he was saying. After he left, Defendant told J.T. that they were fine and they
17 believed what he told them. PHT, pp. 48-49.

18 On November 1st, the police came to the door while J.T. was home alone. J.T. spoke
19 with them but she was not honest with them, with regard to whether they had sex and that they
20 were just roommate. J.T. testified that she stuck to the plan. J.T. testified that Defendant did
21 not stick to the plan and J.T. was going to be going home. J.T. taken to West Care for a few
22 hours before being taken home to her mom's house. J.T. stayed at her mom's house for a few
23 days and then went to Montevista, a behavioral health center, after trying to leave the house
24 and go back to Defendant's. J.T. stayed in Montevista for ten days. PHT, p. 49-52. J.T.
25 testified that after she returned home to her mom, she felt okay, but later tried to commit
26 suicide by jumping off their house balcony. J.T. testified that she did that because "it was too
27 much." J.T. went back to Montevista for a month and was currently in treatment at a different
28 facility four months. J.T. testified she has nightmares. PHT, pp. 53-54.

1 **The Preliminary Hearing Testimony of Kathryn Smith**

2 **Pertinent to this Motion**

3 Kathryn Smith is the mother of J.T. Kathryn testified that J.T. is 16 years of age and
4 her birthday is June 6, 1997. During the summer, 2013, around June or July, Kathryn began
5 to recognize a change in J.T.'s behavior. In July J.T. began staying in her room more. When
6 Kathryn would walk into the room, she would notice the screen change on the computer which
7 made her suspect. Kathryn took the computer periodically and checked in but found nothing.
8 PHT, pp. 172-173.

9 Kathryn testified that J.T. came home with a ring that looked like a wedding band. J.T.
10 told Kathryn that she found the ring on the ground in front of Target. Kathryn thought it was
11 strange for J.T. to keep the ring because it was out of character for J.T., who would normally
12 take it to customer service or return it. J.T. gave Kathryn numerous conflicting stories about
13 the ring that made her uncomfortable and suspicious. Kathryn took the ring from J.T. Kathryn
14 also noticed that J.T. was making all kinds of telephone calls to a number that Kathryn did not
15 recognize. Kathryn confronted J.T. about the calls. Kathryn told J.T. she would have to come
16 up with the truth and they would figure out what the consequences would be. Kathryn took
17 J.T.'s computer and phone away from her on August 28th. The following day, Kathryn woke
18 up and J.T. was not there. PHT, pp. 173-175. Kathryn testified that the residence was located
19 in Henderson, Clark County. PHT, p. 176.

20 Kathryn testified that she kept J.T.'s Social Security card in her wallet and J.T.'s birth
21 certificate was in a drawer of Kathryn's. PHT, p. 176. When Kathryn woke up and J.T. was
22 not home, she called the phone number that she had seen on the phone records and it was
23 disconnected. Kathryn testified that it had been on the night before when J.T. was home,
24 because Kathryn had called the number several times trying to get someone to answer the
25 phone so that she could have a conversation with them and tell them that they were talking to
26 a 16 year-old, in case they didn't know. PHT, p. 177.

27 //

28 //

1 Kathryn testified that she had never met Defendant and she had never given Defendant
2 permission to take her daughter from her home. Kathryn testified that she had given J.T.
3 permission to stay a couple nights with her best friend, Jessica, a couple weeks before that.
4 Kathryn testified that she did not give J.T. permission to be with Defendant during that
5 weekend. PHT, pp. 178-179.

6 The day that J.T. went missing, Kathryn contacted the Henderson Police Department,
7 who took a report and told her that someone would get back to her. Kathryn did not receive
8 much help there and hired a private detective. Kathryn also looked at J.T.'s bank account and
9 came across the Defendant's name, which she provided to the police. When Kathryn
10 researched the name of Defendant she came across message that said, "Welcome Clark County
11 School District teachers; years 2013-2014." PHT, pp. 179-180. Kathryn gave the Henderson
12 Police the Defendant's name, the name of the school she believed he worked at, as well as an
13 IP address that J.T. had logged onto from her computer. Kathryn testified that she used
14 Facebook, Twitter and Instagram in order to find J.T. and put out word that she was missing,
15 at which time an organization stepped in to help her find J.T. PHT, pp. 181-182.

16 Kathryn noticed that some of J.T.'s personal belongings were missing which included
17 her backpack, three pairs of shoes, almost all of her jeans and clothes, as well as her birth
18 certificate and Social Security card. PHT, p. 182. Kathryn testified that Nevada Child Seekers,
19 Close Kids, The National Center for Missing and Exploited Children and Human Trafficking
20 were all involved in helping to find J.T. Kathryn continued to ask the Henderson Police to go
21 to Defendant's house, but they did not go. PHT, p. 183. Kathryn testified that one of the
22 counselor's at her youngest daughter's school worked closely with an officer for the Clark
23 County School District Police Department. Kathryn gave him the information that she had
24 and J.T. was found at Defendant's address within 24 hours. PHT, p. 184.

25 When J.T. was returned home it did not go well. Kathryn first slept in front of the door
26 so that J.T. would not be able to leave; and, then took to sleeping with J.T. in the car so as not
27 to disturb the others in the house. J.T. was threatening to kill herself at this time and told
28 Kathryn she would rather die than live with her. Kathryn took J.T. to Montevista Hospital,

1 where she stayed for ten days. PHT, p. 185-186.

2 When J.T. returned home she attempted to jump off a second story balcony because she
3 could not use the phone. After the suicide attempt, J.T. went back to Montevista where she
4 stayed for a period of time before being placed into a long term treatment for approximately
5 six months. Kathryn testified that mentally and behaviorally, J.T. remained unstable and
6 erratic. Kathryn testified that it is much more so than it was before J.T. met Defendant. PHT,
7 p. 187-190.

8 After J.T. was found and returned home, Kathryn became aware that J.T. had sent
9 Defendant nude photos. Kathryn notified the prosecutor of that information. PHT, p. 211.

10 **Statement of the Case Regarding J.T.'s Prior Victimization Pertinent to this Motion**

11 On June 29, 2012, Defendant, DAVID SCHLOMANN, was charged by way of
12 Criminal Complaint with the crimes of Luring Children or Mentally Ill Persons with the Use
13 of Technology with the Intent to Engage in Sexual Conduct (Category B Felony – NRS
14 201.560); Burglary (Category B Felony – NRS 205.060); First Degree Kidnapping (Category
15 A Felony – NRS 200.310, 200.320); Statutory Sexual Seduction (Category C Felony – NRS
16 200.364, 200.366); and Sexual Assault with a Minor Under Sixteen (Category A Felony –
17 NRS 200.364, 200.366). The crimes occurred on or between April 6, 2012 and April 15, 2012.
18 The victim is J.T., then age 14. Defendant was 41 years of age, married, with three children,
19 when he committed the crimes against J.T. Defendant was living in Albuquerque, New
20 Mexico, but traveled to Las Vegas to commit the crimes against J.T. SCHLOMANN knew
21 that the victim was fourteen years of age, yet, on two separate occasions he drove the victim
22 to his hotel room, without the victim's mother's knowledge, and engaged in sexual misconduct
23 with her.

24 On September 25, 2013, Defendant pled guilty to Count 1 – Luring Children or
25 Mentally Ill Persons with Use of Technology with the Intent to Engage in Sexual Assault
26 (Category B Felony) and Count 2 – Attempt Sexual Assault (Category B Felony). The State
27 retained the right to argue at the rendition of sentence.

28 //

1 On March 13, 2014, Defendant was sentenced, in addition to \$25.00 Administrative
2 Assessment Fee, \$150.00 DNA Analysis Fee including testifying to determine genetic
3 markers, \$760.00 Psychosexual Evaluation fee, and \$2,394.76 in Restitution, to Count 1 – a
4 MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED
5 EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), and in Count 2
6 – to a MINIMUM of NINETY-SIX (96) MONTHS with a MAXIMUM of TWO HUNDRED
7 FORTY (240) MONTHS in the NDC, CONSECUTIVE TO COUNT 1; SUSPENDED; placed
8 on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. The Court
9 further imposed all of the conditions as required by NRS 176A.410. The Court further ordered
10 a special SENTENCE OF LIFETIME SUPERVISION to commence upon release from any
11 term or probation parole or imprisonment; and, Defendant register as a sex offender within
12 forty-eight hours of sentencing or release from custody.

13 **LEGAL ARGUMENT**

14 **I. EVIDENCE OF J.T.'S PRIOR VICTIMIZATION IS IRRELEVANT AND** 15 **THEREFORE INADMISSIBLE**

16 The threshold question for the admissibility of evidence is relevance. Brown v. State,
17 107 Nev. 164, 168, 807 P.2d 1379, 1382 (1991). NRS 48.025(1) provides “all relevant
18 evidence is admissible.” NRS 48.015 states “‘relevant evidence’ means evidence having any
19 tendency to make the existence of any fact that is of consequence to the determination of the
20 action more or less probable than it would be without the evidence.” Such determinations of
21 relevancy are within the discretion of the trial court. Brown v. State, 107 Nev. 164, 168, 807
22 P.2d 1379, 1382 (1991).

23 In the instant case, evidence regarding J.T. having previously been a victim of crime
24 and the circumstances surrounding that case is irrelevant and therefore inadmissible. J.T.'s
25 previous victimization has no bearing with regard to any issue in this case. Certainly, J.T.
26 having previously been victimized by DAVID SCHLOMANN does nothing to prove or
27 disprove the crimes committed by Defendant in this case. As such, the evidence is inadmissible
28 and should be excluded as the basis for examination at trial.

1 **II. NRS 50.090 AND 48.069 PRECLUDE EXAMINATION REGARDING**
2 **J.T'S PRIOR VICTIMIZATION**

3 Nevada, joining a vast majority of jurisdictions, passed statutes limiting the
4 admissibility at trial of evidence concerning the sexual history of a complaining witness in a
5 rape or sexual assault case. To this end, NRS 50.090 prohibits the accused from impeaching
6 a rape victim's credibility with evidence of her prior sexual conduct, unless the victim has
7 testified regarding her sexual history or the prosecution has presented evidence regarding the
8 victim's prior sexual conduct. In addition, NRS 48.069 provides:

9 In any prosecution for sexual assault or for attempt to commit or
10 conspiracy to commit a sexual assault, if the accused desires to
11 present evidence of any previous sexual conduct of the victim of
 the crime to prove the victim's consent:

12 1. The accused must first submit to the court a written offer of
13 proof, accompanied by a sworn statement of the specific facts that
 he expects to prove and pointing out the relevance of the facts to
 the issue of the victim's consent.

14 2. If the court finds that the offer of proof is sufficient, the court
15 shall order a hearing out of the presence of the jury, if any, and at
16 the hearing allow the questioning of the victim regarding the offer
 of proof.

17 3. At the conclusion of the hearing, if the court determines that the
 offered evidence:

18 (a) Is relevant to the issue of consent; and

19 (b) Is not required to be excluded under NRS 48.035, the court
20 shall make an order stating what evidence may be introduced by
21 the accused and the nature of the questions which he is permitted
 to ask. The accused may then present evidence or question the
 victim pursuant to the order.

22 In Summit v. State, 101 Nev. 159, 697 P.2d 1374 (1985), the Nevada Supreme Court
23 explained that the general policy behind rape victim shield laws is to (1) reverse the common
24 law rule that use of evidence of a female complainant's general reputation for morality and
25 chastity is admissible to infer consent and to attack credibility, (2) protect rape victims from
26 degrading and embarrassing disclosure of intimate details about their private lives, and (3)
27 encourage rape victims to come forward and report crimes and testify in court protected from
28 unnecessary indignities and needless probing into their respective sexual histories. See also,

1 Drake v. State, 108 Nev. 523, 836 P.2d 52 (1992); Brown v. State, 107 Nev. 164, 807 P.2d
2 1370 (1991); Lane v. Second Judicial Dist. Court, 104 Nev. 427, 760 P.2d 1245 (1988).

3 In the instant case, any examination by the defense regarding J.T.'S prior victimization
4 constitutes a thinly veiled attempt to introduce evidence of the victim's prior sexual history,
5 which has absolutely no relevance to this Defendant or this case. Rather, any questions
6 concerning the prior victimization of J.T. and the circumstances surrounding it, would simply
7 be an attempt to assault her character in front of the jury, in contradiction to the letter and
8 policy of Nevada's rape shield statute. This is precisely the type of improper motive for
9 examination that NRS 59.090 and 48.069 seek to preclude.

10 **III. EVIDENCE OF J.T.'S PRIOR VICTIMIZATION IS NOT ADMISSIBLE**
11 **PURSUANT TO NRS 48.035**

12 NRS 48.035 states in relevant part:

- 13 1. Although relevant, evidence is not admissible if its probative
14 value is substantially outweighed by the danger of unfair
15 prejudice, of confusion of the issues or of misleading the jury.
16 2. Although relevant, evidence may be excluded if its probative
17 value is substantially outweighed by considerations of undue
18 delay, waste of time or needless presentation of cumulative
19 evidence.

20 From the foregoing it is clear that evidence of J.T.'S prior victimization and prior sexual
21 history in that respect have no probative value in this case. Beyond that, the danger of unfair
22 prejudice from such evidence is great. In addition, such evidence would add nothing to the
23 Defendant's case and would unjustifiably delay the proceedings; and, mislead the jury as to
24 the real issue in the case, which is whether this Defendant kidnapped J.T., used her to produce
25 pornography, and, committed the crime of child abuse, neglect, or endangerment with
26 substantial bodily and/or mental harm, by keeping her isolated from her family, engaging in
27 sexual intercourse with her, keeping her from going to school; and, engaging in demeaning
28 and controlling behaviors toward her.

//

//

1 **IV. ADMISSION OF J.T'S PRIOR VICTIMIZATION WOULD CONSTITUTE**
2 **IMPROPER CHARACTER EVIDENCE**

3 NRS 50.085 states:

4 1. Opinion evidence as to the character of a witness is admissible
5 to attack or support his credibility but subject to these limitations:

6 (a) Opinions are limited to truthfulness or untruthfulness; and

7 (b) Opinions of truthful character are admissible only after the
8 introduction of opinion evidence of untruthfulness or other
9 evidence impugning his character for truthfulness.

10 2. Evidence of the reputation of a witness for truthfulness or
11 untruthfulness is inadmissible.

12 3. Specific instances of the conduct of a witness, for the purpose
13 of attacking or supporting his credibility, other than conviction of
14 crime, may not be proved by extrinsic evidence. They may,
however, if relevant to truthfulness, be inquired into on cross-
examination of the witness himself or on cross-examination of a
witness who testifies to an opinion of his character for truthfulness
or untruthfulness, subject to the general limitations upon relevant
evidence and the limitations upon interrogation and subject to the
provisions of NRS 50.090.

15 In Lobato v. State, 120 Nev. 512, 96 P.3d 765 (2004), the Nevada Supreme Court
16 addressed the issue of the admissibility of extrinsic evidence and determined, in that case, the
17 evidence was admissible because it was relevant to a mode of impeachment that does not
18 implicate the collateral-fact rule-motivation to give false testimony.

19 In distinguishing the district court's error in not permitting Lobato to introduce extrinsic
20 evidence to impeach the witness on the issue of her motive to testify, the Court noted:

21 **FN 16. The present matter is distinct from prior cases in which**
22 **we ruled that extrinsic evidence was inadmissible and**
23 **therefore collateral. Those cases dealt with evidence of a**
24 **witness's prior bad acts, not inquiry into a witness's bias or**
25 **interest, and we ruled that the use of extrinsic evidence in such**
26 **situations was impermissible. See, e.g., Collman v. State, 116**
27 **Nev. 687, 7 P.3d 426 (2000) (district court properly precluded**
28 **questioning a state witness regarding an abortion; such evidence**
was immaterial to the question of whether the defendant
committed homicide and therefore inadmissible); McKee v. State,
112 Nev. 642, 917 P.2d 940 (1996) (error for prosecutor to
impeach defendant with extrinsic evidence regarding drug use on
a specific day; such evidence was irrelevant to whether defendant
trafficked drugs on another day and was therefore inadmissible
collateral evidence); Rowbottom v. State, 105 Nev. 472, 779 P.2d

1 934 (1989) (error to admit extrinsic evidence of prior bad act to
2 impeach defendant's credibility; prosecutor could only impeach by
3 questioning defendant about the act during defendant's own
4 testimony, not by introducing extrinsic evidence); Rembert v.
5 State, 104 Nev. 680, 766 P.2d 890 (1988) (error to allow State to
introduce immaterial extrinsic evidence of defendant's termination
from employment; the issue at trial was whether defendant had the
opportunity to commit sexual assault; therefore, the extrinsic
evidence was collateral).

6 Pursuant to NRS 50.085, evidence of a witness' character is admissible only if it goes
7 to truthfulness or untruthfulness. Moreover, extrinsic evidence, other than a prior criminal
8 conviction, may not be used for the purpose of attacking the credibility of a witness.

9 **CONCLUSION**

10 Based upon the above and foregoing Points and Authorities, the State respectfully
11 requests this Court grant its Motion in Limine to Preclude Evidence of Victim's Prior Sexual
12 Abuse at Trial.

13 DATED this 4th day of September, 2014.

14 Respectfully submitted,

15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17
18 BY /s/ JACQUELINE BLUTH
19 JACQUELINE BLUTH
20 Chief Deputy District Attorney
21 Nevada Bar #010625
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF E-MAIL

I, hereby certify that service of the above and foregoing, was made this 4th day of
September, 2014, by e-mail to:

JOHN J. MOMOT, ESQ.
e-mail: momotlawfirm@gmail.com

/s/ HOWARD CONRAD
Secretary for the District Attorney's Office
Special Victims Unit

hjc/SVU

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 05, 2014**

C-14-295158-1

State of Nevada

vs

Melvyn Sprowson, Jr.

November 05, 2014**9:30 AM****All Pending Motions**

**Defendant's Notice of
Motion and Motion
for Independent
Psychological/Psychi
atric Examination of
the Complaining
Witness; State's
Motion in Limine to
Preclude Evidence of
Victim's Prior Sexual
Abuse at Trial; Deft's
Motion for Discovery**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Bluth, Jacqueline
Sprowson, Melvyn Perry, Jr.

District Attorney
Defendant

Sweetin, James R
Zheng, Yi Lin

District Attorney
Attorney for Defendant

JOURNAL ENTRIES

- Deft's Motion for Independent Psychological Psychiatric Examination of the Complaining Witness:
Court pointed out State had not hired psychiatrist to testified. Counsel argued Abbott v. State case

PRINT DATE: 11/07/2014

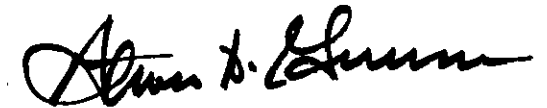
Page 1 of 2

Minutes Date:November 05,
2014

EXHIBIT "2"

and further argued substantial bodily harm. State advised they had chosen to use testimony of mother and child at Preliminary Hearing and noted they would bring in doctor who had seen child which is different from bringing in an expert. Court inquired whether the State would be turning over treatment records to the defense. State advised they could not turn them over. Counsel stated Koerschner had been satisfied and believed victim is being coached, therefore they should be allowed to have an independent examination. Court pointed out defense had requested an interview with the victim. Counsel agreed they had, however, victim's mother said no at the time. State argued Koerschner, noted kidnapping evidence being overwhelming, believed defense had not met their prongs and pointed out Court could not order victim to speak with anyone which would go against the mother's wishes. Counsel requested contact information and noted victim is 17 years of age and is getting ready to turn 18 to which victim could make her own decision. Court FINDS more than enough evidence outside testimony and ORDERED, motion DENIED. FURTHER, State to provide contact information; Colloquy regarding victim taking mood altering medications. State's Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial: State argued the Rape Shield and noted parties cannot bring in other case nor get into any sexual conduct. Counsel argued Rape Shield did not apply in this case and believed State's motion to be premature. Court noted level of conflict with teenagers. State inquired how two traumas were to be separated and noted incidents have effected how family treats the victim. State then inquired of how to get around previous mental health treatment and noted traumas were not intertwined. Arguments by counsel. State suggested after Court releases medical records, parties could come up with appropriate Jury Instructions. Court stated the why is not important, believes previous history is relevant to the defense and defense should be allowed to get into history. Colloquy regarding prior medical records for in-camera review. Court agreed, however, it did not want to get into prior evidence and ORDERED, motion GRANTED IN PART; Deft's Motion for Discovery: Counsel advised they had received audios of interviews, noted transcripts of said recordings had not been received and requested motion be taken off calendar. COURT ORDERED, motion OFF CALENDAR. Colloquy regarding trial setting. Parties advised they would contact Court's Judicial Executive Assistant to discuss trial stacks and schedules.

BOND



CLERK OF THE COURT

1 NOCH

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 STATE OF NEVADA

7 Plaintiff,

8 CASE NO. C295158
9 DEPT NO. XXIII

10 MELVIN SPROWSON, JR.,
11 Defendant

12 **NOTICE OF CHANGE OF HEARING**

13 PLEASE TAKE NOTICE that the above matter has been reset on Department 23's
14 calendar from October 5, 2015 at 9:30 a.m. to October 12, 2015 at 9:30 a.m. for a Status
15 Check hearing Re: Discussion Regarding Victim's Prior Case Before Judge Silver, and State's
16 Notice of Motion and Motion for Clarification Regarding State's Previously Filed Motion In
17 Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial.

18
19 DATED: October 2, 2015.

20 HONORABLE STEFANY A. MILEY

21
22 By:


23 Carmen Alper
24 Judicial Executive Assistant

25 **CERTIFICATE OF SERVICE**

26 I hereby certify that on the date filed, I caused to be placed a copy of the foregoing Notice of Change of Hearing
27 In the folder(s) in the Clerk's Office or mailed to the following:

28 Jacqueline Bluth, Esq., Melvyn Perry Sprowson, Jr., Defendant in Proper Person, id# 5996049, CCDC, 330 S.
Casino Center Blvd., Las Vegas, NV 89101, and to Michael R. Yohay, Esq., Standby Counsel.

By:


Carmen Alper
Judicial Executive Assistant

STEFANY A. MILEY
DISTRICT JUDGE

RECEIVED

SEP 24 2015

DISTRICT COURT ADMIN

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Alan D. Quinn

CLERK OF THE COURT

State of Nevada

PLAINTIFF

-VS-

Melvin Spradson

DEFENDANT

CASE NO: C-14-295158DEPT. NO: 23MEDIA REQUEST AND ORDER ALLOWING
CAMERA ACCESS TO COURT PROCEEDINGS* Please fax to (702) 671-4548 to ensure that
the request will be processed as quickly as possible.*Casey K. Lewis* (name), of *MY ENTERTAINMENT* (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

Dept. No. 23, the Honorable Judge *Stefany A. Miley* Presiding, on the 2nd day ofNovember 2015

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-246, inclusive. If this request is being submitted less than twenty-four (24) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 23 day of September, 2015.SIGNATURE: *[Signature]*PHONE: (702) 219-5571

IT IS HEREBY ORDERED THAT:

- ☐ The media request is denied because it was submitted less than 24 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.
- ☐ The media request is denied for the following reasons: _____

X

The media request is granted. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.

☐ OTHER: _____

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.

Dated this 2nd day of Oct, 2015.*Stefany A. Miley*
DISTRICT COURT JUDGE

JUDGE STEFANY A. MILEY

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

State of Nevada

PLAINTIFF

-VS-

Melvyn Sprowson

DEFENDANT

CASE NO: C-14-295158-1

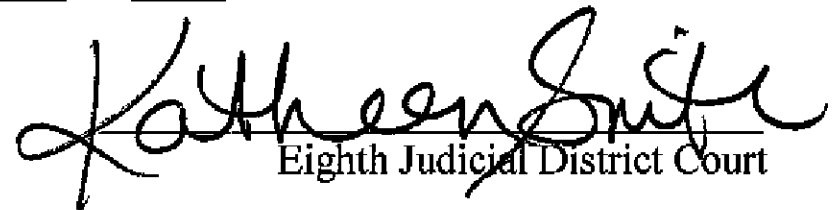
DEPT. NO: 23

NOTIFICATION OF
MEDIA REQUEST

TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:

You are hereby notified pursuant to Supreme Court Rules 229-246, inclusive, that media representatives from My Entertainment have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be filed at least 24 hours prior to the subject hearing.

DATED this 24 day of September, 20 15.


Eighth Judicial District Court

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 24 day of September, 20 15, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff

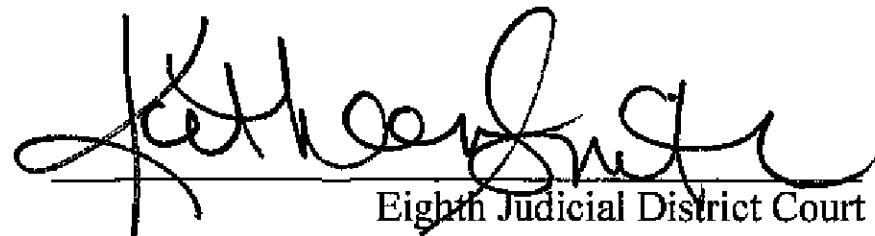
District Attorney

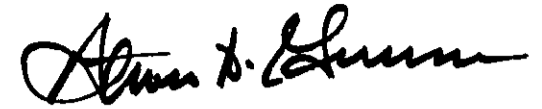
(702) 455-2294

Defendant

Pro Se

Unknown


Eighth Judicial District Court



CLERK OF THE COURT

1 NWEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 MELVYN PERRY SPROWSON, JR.,
13 #5996049

14 Defendant.

CASE NO: C-14-295158-1

DEPT NO: XXIII

15 NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
16 [NRS 174.234]

17 TO: MELVYN PERRY SPROWSON, JR., Defendant; and

18 TO: MICHAEL YOHAY, Deputy Public Defender, as Standby Counsel:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

21 ABBOTT, GARY CCSDPD#0199

22 CALDWELL, MATT CCSDPD#0368

23 COR, or Designee CCSD Records

24 COR, or Designee CCSDPD Records

25 COR, or Designee Cingular Wireless

26 COR, or Designee Facebook/Instagram
1601 Willow Road, Menlo Park, CA 94025

1	COR, or Designee	Fidelity Communications
2	COR, or Designee	HPD Records
3	COR, or Designee	Los Angeles Police Dept. 150 N. Los Angeles, Los Angeles, CA 90012
4	COR, or Designee	Los Angeles Police Dept. Records 150 N. Los Angeles, Los Angeles, CA 90012
5		
6	COR, or Designee	MSN/Hotmail
7	COR, or Designee	Red Rock Jewelers, 1325 W. Warm Springs, Henderson, NV89014
8	COR, or Designee	Sprint
9	COR, or Designee	Wells Fargo
10	COX, TROY	CCSDPD #UNK (Forensics)
11	FISCHER, MICHELLE	CAC
12	GATES, (Volunteer) #1503	Henderson PD
13	HARRIS, KATHY	c/o Clark County DA's Office
14	LEAVA, CHANTEL, or Designee	Fidelity Communications
15	LINDSEY, GILBERT	c/o Clark County DA's Office
16	LOGIUDICE, Detective	HPD #983
17	LOMBARDO, NANCY	Lawton Police Department, Oklahoma
18	MACISZAK, MITCHELL	CCSDPD #0308
19	MALONE, Officer	HPD #1456
20	PATEL, BOB	Deluxe Inn 1709 NW Cache Rd., Lawton, OK 73507
21		
22	PATEL, USHA	Deluxe Inn 1709 NW Cache Rd., Lawton, OK 73507
23	PLATT, DAVID	CCSDPD #0217
24	SAVASPANO, DENISE	CFSI, 8815 Barton St., Riverside, CA 92508
25	SCHELL, JEFFREY	CCSDPD #0295
26	SMITH, CHERYL	c/o Clark County DA's Office
27	SMITH, KATHRYN	c/o Clark County DA's Office
28	SWARTWOOD, AMBER	HPD #1148

1 TORRES, JAYSENIA

c/o Clark County DA's Office

2 STRANGE, DR. MAYA - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will
3 testify as to his/her practice and practice methods within his/her field of expertise.
4 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
5 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

6 SILSBY, MS, PA-C - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will testify
7 as to his/her practice and practice methods within his/her field of expertise. Additionally, will
8 testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the
9 Victim in this case, Jaysenia Torres, including any plans for continued care.

10 CRUMP, DANIEL, LCSW - Willow Springs, 690 Edison Way, Reno, NV 89502 –
11 Will testify as to his/her practice and practice methods within his/her field of expertise.
12 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
13 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

14 DONALDSON, ROBYN, Psychologist – 2410 W. Horizon Ridge, #100, Henderson,
15 NV, 89052 - Will testify as to his/her practice and practice methods within his/her field of
16 expertise. Additionally, will testify to the examination, observations, counseling/therapy,
17 treatment, and diagnosis of the Victim in this case, Jaysenia Torres, including any plans for
18 continued care.

19 ROSENMAN, DR. EUGENE – 2775 S. Jones Blvd., #101, Las Vegas, NV 89146 -
20 Will testify as to his/her practice and practice methods within his/her field of expertise.
21 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
22 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

23 CHELLI, FRANCES, CSW Intern, H.O.P.E. Counseling - Will testify as to his/her
24 practice and practice methods within his/her field of expertise. Additionally, will testify to the
25 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
26 case, Jaysenia Torres, including any plans for continued care.

27 REID, NOEL, CSW Intern, H.O.P.E. Counseling – (702) - Will testify as to his/her
28 practice and practice methods within his/her field of expertise. Additionally, will testify to the

1 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
2 case, Jaysenia Torres, including any plans for continued care.

3 NWAPA, DR. EMMANUEL, Monte Vista Hospital - Will testify as to his/her practice
4 and practice methods within his/her field of expertise. Additionally, will testify to the
5 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
6 case, Jaysenia Torres, including any plans for continued care.

7 BRENNAN GARCIA, LYNDSEY, LCSW, Monte Vista Hospital - Will testify as to
8 his/her practice and practice methods within his/her field of expertise. Additionally, will
9 testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the
10 Victim in this case, Jaysenia Torres, including any plans for continued care.

11 RODRIGUEZ, DR. BRYN, LCSW, Monte Vista Hospital - Will testify as to his/her
12 practice and practice methods within his/her field of expertise. Additionally, will testify to the
13 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
14 case, Jaysenia Torres, including any plans for continued care.

15 DAVIS, VENA, LCSW, Mojave Adult/Family Services - Will testify as to his/her
16 practice and practice methods within his/her field of expertise. Additionally, will testify to the
17 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
18 case, Jaysenia Torres, including any plans for continued care.

19 These witnesses are in addition to those witnesses endorsed on the Information or
20 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
21 Witnesses has been filed.

22 //

23 //

24 //

25 //

26 //

27 //

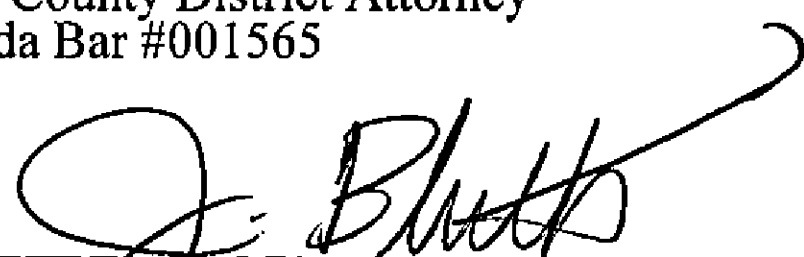
28 //

1 The substance of each expert witness' testimony and copy of all reports made by or at
2 the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.
4

5 STEVEN B. WOLFSON
6 Clark County District Attorney
Nevada Bar #001565

7
8 BY


9 JACQUELINE BLUTH
10 Chief Deputy District Attorney
11 Nevada Bar #010625
12
13
14
15

16 **CERTIFICATE OF SERVICE**

17 I, hereby certify that service of the above and foregoing, was made this 8th day of
18 October, 2015, by e-mail to:

19 MICHAEL YOHAY, Dep. Public Defender
20 (Standby Counsel)
E-mail: yohaymr@clarkcountynv.gov

21 MELVYN SPROWSON, ID #5996049
22 Clark County Detention Center
23 330 S. Casino Center Blvd., LVNV 89101
(hand delivery)

24
25 
26 Secretary for the District Attorney's Office
27 Special Victims Unit
28

tgD/MVU

Contact Information

Vena M. Davis

6375 West Charleston Blvd., A-100

Las Vegas, Nevada 89146

702-253-0818 (Primary)

vmDavis@medicine.nevada.edu

Employment History

July 2011- Present	<u>Licensed Clinical Social Worker</u>	<u>Mojave Mental Health</u>
	Responsibilities: Provide direct clinical needs to individuals, groups, and families who identify a need in receiving mental health assistance, which includes one-on-one therapy, targeted case management and linking/referring to Medicaid agencies in Nevada.	
April 2010- September 2011	<u>Clinical Reviewer</u>	<u>Magellan Medicaid</u>
	Responsibilities: Review of service requests against established and approved clinical criteria for medical necessity. Complete suitability assessments, functional assessments, evaluations, and attend mandatory meetings related to Medicaid policies and procedures.	
July 2011-September 2008	<u>Clinical Social Work Intern</u>	<u>Mojave Mental Health</u>
	Responsibilities: Provide direct clinical needs to individuals, groups, and families who identify a need in receiving mental health assistance, which includes one-on-one therapy, targeted case management and linking/referring to Medicaid agencies in Nevada with supervision from a licensed clinical social worker.	
September 2008-May 2007	<u>Social Worker II</u>	<u>Clark County Social Service</u>
	Responsibilities: Identifies social, economic, and physical needs of clients; assess client support systems, available community resources and other factors to plan, develop, and implement an appropriate service plan. Refer clients to	

appropriate community medical, emotional, economic, and social support organizations; advocate for or assist client in obtaining such services.

April 2007-June 2005

Social Worker II

Division for Aging Services

Responsibilities: Responsible for proper and efficient service delivery to the population served. Provide intensive case management as well as resources to disenfranchised individuals on caseload. Generate various protection reports in the event of neglect, abuse, or exploitation to the proper authorities. Responsible for proper documentation of events that take place, as well as maintaining and reporting an accurate account of time spent on managing caseload to fiscal analysts.

May 2005 –October 2004

Safari Guide (Waitress)

Rainforest Café

Responsibilities: Take customers orders and execute their requests promptly and accurately. Ensure customer satisfaction throughout their visit at the restaurant.

October 2004-April 2004

Jungle Runner (Food Runner)Rainforest Café

Responsibilities: Responsible for making sure that the customers' food is received and presented in a timely manner.

April 2004 -August 2003

Tour Guide (Hostess)

Rainforest Café

Responsibilities: Responsible for taking reservations, customer service and directing the flow of restaurant traffic and instructing hosts to tables.

August 2003 -January 2002

Customer Service Representative

Ultimate Electronics

Responsibilities: Handling cash, balancing bankbooks, and customer service. Generate service work orders and order necessary business materials for the staff.

August 2001 -March 2001

Barista

Jitters Coffee

Responsibilities: Cash handling, made sure that areas were well stocked and kept clean.

May 2000 -March 1999

Crewmember

Wendy's

Responsibilities: Cash handling, took orders and ensured that order was correct. Also handled food preparation used for the next business day.

Education History

2005-2008 Major: Master of Social Work (Accredited by C.S.W.E.)

Degree: Master of Social Work

Educational Institution: University of Nevada Las Vegas, Las Vegas, Nevada

2005-2002 Major: Bachelor of Social Work (Accredited by C.S.W.E.)

Degree: Bachelor of Social Work

Educational Institution: University of Nevada Las Vegas, Las Vegas, Nevada

Honors: National Dean's List

2002-2001 Major: Biology

Degree: No Degree Obtained

Educational Institution: Grambling State University, Grambling, Louisiana

Honors: Honor Roll

2001-1999 Major: Psychology

Degree: Associate of Arts: General Studies

Educational Institution: Community College of Southern Nevada, Las Vegas, Nevada

2001-1997 Major: General Education Curriculum

Certification: Diploma

Educational Institution: Community College High School of Southern Nevada

Educational Experiences

August 2007-April 2008	<u>Social Work Practicum Student</u>	<u>Mojave Mental Health</u>
Oriented to therapeutic processes/approaches that provides optimal effective outcomes with children and adults while in a clinical setting. Knowledge in completing various batteries such as CASII as well as assessing the results of the battery. Successfully facilitated a group for young adults in a therapeutic setting to identify their strengths and build on current limitations that obstruct the client's ability to achieve desired quality of life.		
January 2005- April 2005	<u>Social Work Practicum Student</u>	<u>Public Defenders Office</u>
Responsibilities: Facilitated entrance into the drug treatment program. Facilitated transportation for clients to enter inpatient drug treatment. Specifically worked with clients that are at low risk socio-economic standing who could not afford an attorney. Worked with individuals at C.C.D.C., families, court system, and inpatient facilities throughout the semester.		
August 2004-December 2004	<u>Social Work Practicum Student</u>	<u>Creekside Hospice</u>
Responsibilities: Observed client interviews at client's homes and/or nursing facilities. Initiate monthly follow-ups with bereaved clients. Participate in weekly follow-ups with clients who have been diagnosed as terminally ill. Advocate for clients who were in need of medical assistance by completing required paperwork. Administer and Research national hospice requirements provided by the United States Government. Assess clients' psychosocial standings while in hospice care.		
January 2004-June 2004	<u>Social Work Practicum Student</u> <u>(Safe Nest)</u>	<u>Protection Order Office</u>
Responsibilities: Interview clients in search of temporary protection from the court of law. Actively listened to prospective clients individual interpretations of events that led to the pursuit of a protection order. Coordinated files of clients who received services from the office. Accessed and utilized state information regarding sentencing and "minutes" from courts pertinent to the person who had a charge against them and whether or not their order was approved.		

June 2003-December 2003 Volunteer Safe Nest Against Domestic Violence

Responsibilities: Establish rapport with occupants in the shelter. Actively listened to clients who were in need of counsel. Administered medication to clients with various ailments. Participated in weekly phone conversations with potential victims of domestic violence.

Professional Trainings

February 2015	Trauma, PTSD, and Traumatic Grief
November 2014	Dialectical Behavior Therapy with Families, Parents, and Couples (Pt. II)
August 2014	Sexual Health Educator Program
April 2014	Dialectical Behavior Therapy with Families, Parents, and Couples
February 2014	Advanced Ethics: Malpractice and Liability in Helping Professions
December 2013	Collaborative Assessment and Management of Suicidality
November 2013	Arts of Mindfulness and Counseling Conference
October 2013	Stage II Treatment in Dialectical Behavioral Therapy
September 2013	Stage II Treatment in Dialectical Behavioral Therapy
August 2013	Trauma Informed Care for Professionals
February 2013	Ethics in Action
December 2012	Dialectical Behavioral Therapy (Part Four)
October 2012	Dialectical Behavioral Therapy (Part Three)
August 2012	Together Facing the Challenge, Foster Care Supervisor Training
August 2012	Dialectical Behavioral Therapy (Part Two)
June 2012	Dialectical Behavioral Therapy (Part One)
May 2011	3-5-7 Model Training
April 2011	Overview: Dialectical Behavior Therapy
April 2011	Independent Living Advanced Training Part One and Part Two
February 2011	Child on Child Sexual Abuse
August 2010	Recognizing and Reporting Child Abuse and Neglect
January 2010	Dialectical Behavior Therapy (Basic and Advanced)
October 2009	Attachment Issues of Childhood-An Overview

June 2009	Client Rights
April 2009	Ethics: Professional Relationships and Boundary Issues
February 2009	P.T.S.D.: Making Sense of Trauma
January 2009	Trauma Focused Cognitive Behavioral Therapy
October 2008	Adoptcare Network Training: Serving Adoptive Families
September 2007	Adoption Transplants
August 2007	Member of National Association of Social Workers

Licensure

July 2011	Licensed Clinical Social Worker (State of Nevada)
January 2011	C.P.R. Certified (Red Cross)
August 2008	Licensed Intermediate Social Worker (State of Nevada)
May 2005	Licensed Social Worker (State of Nevada)
April 2003	C.P.R. Certified (Medic First Aid)

Awards

April 2015	National Association for Social Workers: Rising Star Award
March 2006	Star Fish Award/Employee of the Month (Division of Aging Services)
May 2005	Phi Alpha (Social Work Honor Society, Inactive Member)

Interests

My interests are broad and various surrounding my career in Social Work; one of the endeavors that I would like to begin is independent contract employment for individuals who receive varying insurance coverage in the State of Nevada and are in need of additional therapeutic support to

enhance harmony in their lives. I am hardworking and committed to providing effective service delivery to promote my clients well-being and self-sufficiency. I received my Bachelor's and Master's degree in Social Work from the University of Nevada, Las Vegas. I am currently a Licensed Clinical Social Worker and I am looking forward to furthering my formal education in the future.

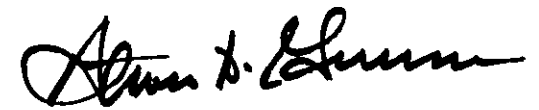
Various experiences that I have encountered while in my profession as well as previous field practicum experiences that I have successfully completed have provided well-rounded exposure to a variety of individuals with various socio-economic statuses and various social classes. I have a good working knowledge of life issues that affect adults, children, and families. I believe the skills that I have would be helpful to individuals with mental health issues.

I consistently strive towards improving my skills and abilities; I am open to constructive criticism, as it is critical and necessary for growth in this profession. My resume is enclosed for observation and consideration of being added to the open panel provided through Harmony Health Care. The resume reflects my accomplishments, which includes a National Dean's List Honor, field experience working with a variety of individuals from various backgrounds and a concentration of coursework related to working with individuals from an interpersonal level to an organizational level.

Thank you for your consideration. I look forward to hearing from you.

Respectfully,

Vena M. Davis, L.C.S.W.



CLERK OF THE COURT

MOT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

-vs-

MELVYN PERRY SPROWSON, JR.
#5996049
Defendant.

CASE NO: C-14-295158-1

DEPT NO: XXIII

**NOTICE OF MOTION AND MOTION TO ADMIT EVIDENCE
OF OTHER BAD ACTS**

DATE OF HEARING:
TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and submits this Notice of Motion and Motion to Admit Evidence of Other Bad Acts.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

///

///

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED this 9th day of October, 5.

BY Jacqueline Bluth
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

During the month of October 2013, Clark County School District Police Officer, Gary Abbot, was contacted by the victim's mother, Kathryn Smith, who requested help from Officer Abbott because the victim had run away from home. Kathryn advised that she had filed a runaway report with the Henderson Police Department on August 30, 2013. Officer Abbot contacted HPD and was informed that the victim had been communicating with Defendant based on emails and messages on craigslist.com. Proof of that communication was provided to the Henderson Police Department.

Officer Abbott conducted a records check and learned that Defendant was a kindergarten teacher at Wengert Elementary School, Las Vegas, Nevada. Officer Abbott and Detective Platt met with Defendant at Wengert Elementary School on October 31, 2013. Defendant agreed to speak with them and admitted to knowing the 16-year-old victim, stating that he had communicated with her via text messages, craigslist.com and phone calls. Defendant indicated that he chats with several people at one time and the messages sometimes run together. Defendant denied knowing the victim's whereabouts but did admit to wiring the victim \$150.00, one time, in the past.

1 On November 1, 2013, Officer Abbott went to Defendant's apartment to conduct a
2 knock and talk. Officer Abbott knocked on the door of Defendant's apartment and recognized
3 the juvenile female that opened the door as being the victim in this case. Officer Abbott then
4 contacted Sgt. Maciszak and informed him that the victim was at Defendant's residence.

5 Sgt. Maciszak and Detective Schell went to Defendant's residence and met with the
6 victim. The Defendant had posted an ad that stated, "Lonely Millionaire" and listed a fake
7 age of 30 years old. The victim replied that she was 16 years old and the two continued talking
8 online and getting to know each other on Craigslist and then moved to a program called "Kik",
9 they also exchanged photographs.

10 In the beginning of their communication, the two were just friends but that changed
11 around August 1st when Defendant asked the victim to "go out" and they became official
12 boyfriend and girlfriend. Later on in the relationship the Victim actually found out Defendant
13 was 44 years old. During the course of their relationship Defendant asked Victim to send him
14 pictures and would direct her poses in the pictures.

15 The first time the Victim and the Defendant actually physically met each other was at
16 the roller skating rink where Victim was hanging out with her friend Jessica. The Victim told
17 her friend that Defendant was an old teacher of hers; the Victim later testified that she knew
18 she had to keep the relationship a secret because her mom would not approve. The Victim
19 even told the Defendant that she couldn't tell her mom because her mom "wouldn't be happy
20 at all" with this type of situation. Therefore, the Victim and the Defendant used precautionary
21 methods so that her mom would not find out about the relationship. The Victim would make
22 sure that the Defendant wouldn't call and they wouldn't video chat when her mom was home.
23 The two even devised a plan that if anybody ever found out about their relationship she "would
24 just keep coming back to him."

25 About a month or so after meeting the Defendant the Victim told her mom that she was
26 going to be staying the night at her friend's house. Instead of going to her friend's house, the
27 Victim was picked up by the Defendant and they went to his house. After the first night at the
28 Defendant's home, the Victim called her mom and told her that she wanted to spend another

1 night at her friend's home and her mother said that was fine. During these two nights J.T. and
2 the Defendant were intimate once or twice. The Defendant did not wear a condom and told
3 the victim that he could not have kids so they didn't need to use a condom. After they spent
4 those nights together the Defendant gave her a promise ring and promised they would be
5 together. When Victim returned home her mom saw the ring that the Defendant had given
6 her. After the Victim gave her mother several conflicting stories of how she got the ring, her
7 mother figured out that she had not been honest with her and had not been staying over at her
8 friend's house. The Victim's mother then went through the Victim's phone records and saw
9 there had been an overload of communication with a certain number. The Victim's mother
10 then took away the victim's phone and computer. Later that same evening, the Victim snuck
11 into her mother's room and e-mailed the Defendant asking him to come and pick her up,
12 because if he didn't she wouldn't be able to be with him. Defendant agreed to come and get
13 the Victim and told her to bring her birth certificate and social security card, because she would
14 need them to get a job and other things when she got older. They then devised a plan for her
15 to stick it out, in the house, until she was 17 and a half, and then they were going to get married
16 and she was going to go to school.

17 When the two got to the Defendant's house he changed his telephone number because
18 the Victim had told him her mother had figured everything out. The Victim lived with
19 Defendant for two months, from August 28th until November 1st.

20 While living with the Defendant, they made an agreement for her not to attend school
21 because she would be found if she did go. They also agreed that she should go undetected
22 until she was 17 and a half, when she would be old enough to get married and go to school.
23 During the period that Victim lived with Defendant there were rules; these rules included
24 having no guys in the house and for her not to go outside because she could be found. The
25 Victim would sometimes ask Defendant to take her out of the house but he would be too tired.
26 When Defendant did take her out of the house it would always be at night, and she would dress
27 like a boy with a hat, glasses, and baggier clothing.

28 During the eight or nine weeks that the Victim was with Defendant she and Defendant

1 stumbled upon her family on Twitter, looking for her. The Victim discovered that her mom
2 was looking for her after her aunt posted on Twitter indicating that she was missing and to
3 please repost. Victim and Defendant also saw posts on Facebook as well. Defendant told her
4 that her mom wanted control over her and that is why her family was posting.

5 The Victim and Defendant put a plan in place if they ever got into a position where they
6 were found. The plan was that she would just keep coming back; if they had to communicate
7 they could do so by using a name that they intended to name their first child and use
8 Defendant's birthdate. The Victim later told her mother that Defendant told her that if they
9 were discovered not to worry because he had \$30,000 and he would come and get her. They
10 also planned for her to tell the police that he was looking for a roommate and she found him
11 on Craigslist. The Victim was not to discuss their relationship and it was supposed to look
12 like they were just roommates.

13 On November 1st, the police came to the door while she was home alone. She spoke
14 with them but she was not honest with them, in regards to her and the Defendant having sex.
15 She also told the police that they were just roommates, in her mind she was sticking to their
16 plan. After speaking with the Victim, police again encountered Defendant at the school in
17 which he worked. He again denied knowing the Victim specifically or knowing where she
18 was at. He was then arrested.

19
20 **FACTS RELATED TO INFORMATION STATE IS SEEKING TO ADMIT**
21 **INTO EVIDENCE**

22 On January 2, 2015, Officer Malone with Henderson Police Department was dispatched
23 to the Victim's home where he met the Victim's mother, K.S.

24 K.S. explained that her daughter is a current victim in an active court case wherein
25 Melvyn Sprowson is the suspect.

26 K.S. told the officer that she heard her daughter scream "he found me." The Victim
27 then showed K.S. her iPod in which she had received several Instagram messages from
28 username "audrey_6697".

1 The Victim told her mom she recently accepted a friend request from "audrey_6697",
2 without having knowledge of who the person was. The conversation went as follows:

- 3 • Victim to "audrey_6697" a message, "your name is the name I wanted to name
4 my daughter and my birthday!!!"
- 5 • "audrey_6697" responded with, "is it or do we know someone in common;)."
- 6 • The Victim then responded by asking if "audrey_6697" was "Mel?"
- 7 • "audrey_6697" responded with " :)"
- 8 • In the following message "audrey_6697" stated "it's me" and "11/19/68",
9 which is the Defendant's birthday.
- 10 • Later "audrey_6697" admits "It's me Mel", " I'll get in trouble if they find out
11 I'm talking to you", "Please don't say anything to anyone."
- 12 • "audrey_6697" then makes mention of the fact he is in Oklahoma.
- 13 • "audrey_6697" sent several other messages about private issues, to include an
14 argument about him giving her an STD.

15 While Officer Malone was at the home taking the report he noted that "audrey_6697"
16 changer his username several times to the following "lisa_thomas04" and
17 "nowwaydude555".

18 The Victim emailed screen shots of the messages to Officer Malone, which were
19 booked into evidence.

20 On January 14, 2014 the Henderson Police Department records were forwarded to
21 Detective Caldwell with Clark County School District Police. An investigation was then
22 started and conducted. Detectives then served Instagram and Facebook with a search warrant
23 for the aforementioned user names.

24 On 1/20/15, Detective Caldwell received a response from Facebook that showed the
25 user accounts "nowaydude555", "lisa_thomas04" and "audrey_6697" were all accessed using
26 the following IP (24.139.36.19) and email address (sequence580@hotmail.com). The IP
27 (24.139.36.19) address was using an internet based application called "Who Is", it showed the
28 IP address was owned by Fidelity Communications.

1 On 1/20/15 Detective Caldwell faxed an administrative subpoena to Fidelity
2 Communications requesting user information for the aforementioned IP address. Fidelity
3 responded identifying the owner of IP address 24.139.36.19 as Delux Inn, 1709 NW Cache
4 Road, Lawton OK 73507. Detectives then called the Delux Inn and spoke with Bob Patel,
5 Manager. Mr. Patel confirmed that anyone could access the internet from the hotel.

6 Detectives then checked the address of the Delux Inn using google maps and found it
7 to be approximately 3.8 miles from the listed address of Melvyn Sprowson Jr.

8 Detectives then called the Lawton Police Department and asked to speak with Detective
9 Lombardo who is a SVU detective in Oklahoma.

10 On 1/27/15, Det. Lombardo went to the Deluxe Inn at 1709 NW Cache Rd and Spoke
11 to owners Bob and Usha Patel. The owners allowed the Detective to look through the
12 registrations cards where she found a registration for "Mel Sprowson" which also gave an
13 address listed. The owners stated that Sprowson checked in to their motel on 12-28-14 and
14 stayed for seven consecutive days. Sprowson further listed a Ford Mustang with a license
15 number ***KWC OK as the vehicle he was driving. Detective further showed a photo of
16 Sprowson to the owners who did identified this individual as the person who rented room
17 #107.

18 STATEMENT OF THE LAW

19 20 **I. DEFENDANT'S POST-RELEASE CONDUCT IS ADMISSIBLE BECAUSE IT IS 21 RELEVANT TO SHOW HIS INTENT, MOTIVE, PLAN, AND PREPARATION.**

22 Evidence that Defendant Sprowson violated the no-contact order is relevant in this case
23 to prove Defendant's intent, motive, plan, and preparation. NRS 48.045(2) provides:

24 Evidence of other crimes, wrongs or acts is not admissible to prove
25 the character of a person in order to show that he acted in
26 conformity therewith. It may, however, be admissible for other
purposes, such as proof of motive, opportunity, intent, preparation,
plan, knowledge, identity, or absence of mistake or accident.

27 In order to admit such evidence, the State must establish that (1) the incident is relevant
28 to the crime charged; (2) the act is proven by clear and convincing evidence; and (3) the

1 probative value of the evidence is not substantially outweighed by the danger of unfair
2 prejudice. Tinch v. State, 113 Nev. 1170, 1176 (1997); Walker v. State, 112 Nev. 819, 824,
3 921 P.2d 923, 926 (1996); Petrocelli v. State, 101 Nev. 46, 52, 692 P.2d 503, 508 (1985).
4 However, the decision to admit or exclude such evidence lies within the discretion of the court.
5 A decision will not be reversed absent manifest error. Kazalyn v. State, 108 Nev. 67, 825 P.2d
6 578 (1992); Halbower v. State, 93 Nev. 212, 562 P.2d 485 (1977).

7 The landmark case discussed in all motions to admit evidence of other bad acts is
8 Petrocelli v. State, 101 Nev. 46, 692 P.2d 503 (1985). In that case, Petrocelli was charged
9 with shooting a car salesman in the head with a .22 caliber handgun. Petrocelli claimed that
10 the shooting was an accident that occurred during an argument with the car dealer. Id. at 49.
11 During the trial, the court allowed the State to present evidence that Petrocelli had previously
12 become embroiled in an argument with a female, that he dragged her out of her place of
13 employment, and killed her with a .22 caliber handgun. Id. at 52. Petrocelli had claimed her
14 death was also an accident. Id. The Nevada Supreme Court upheld the trial court's decision
15 to allow such evidence to establish the absence of mistake or accident. Id. The Court reasoned
16 that:

17 . . . that the "two killings with the same gun involving the same
18 person, Mr. Petrocelli, who within a short period of time
[committed the killings]" bore sufficient similarity to admit the
evidence at trial.

19 The Nevada Courts have recognized the value of evidence of
other crimes and have upheld its admissibility in sex cases.

20 The State is requesting the Court to look at each of the following sections of this motion
21 in order to assess whether this evidence is admissible. The State submits that the evidence the
22 State is seeking to admit is relevant; it can be proven by clear and convincing evidence, and
23 its probative value is not substantially outweighed by the danger of unfair prejudice.

24 The State submits this evidence is admissible under NRS 48.045 in the following areas:

25 **Motive and Intent**

26 Defendant's motive and intent have become a material issue in this case. In every
27 argument, whether it is justice or district court, the Defense has stated that it was the victim's
28 idea to "run away" and that her mother made her so miserable that she was the one who was

1 so desperate to get out of her house. Previous defense counsel as well as the Defendant have
2 stated that the Defendant had no motive or intent in any of this, but it was actually the child
3 who basically moved herself in. Defense has painted Defendant as an innocuous bystander,
4 rather than the mastermind behind this entire crime.

5 In every court appearance since this case began there has been discussion of the victim's
6 mental state, her current treatment, and her well-being. Defendant sat through each and every
7 one of those arguments and heard that the victim was struggling. In fact when Defendant was
8 released from custody the State made clear that they were requesting he have absolutely no
9 contact with the Victim in this case. This Honorable Court agreed and clearly told Defendant
10 that he was prohibited from contacting the Victim in any way.

11 Knowing about the Victim's condition and being strictly informed by this Court of the
12 no contact order, Defendant still could not abide by those rules and reached out to Victim.
13 This could not be any clearer or indicative of Defendant's motive and intent. In interviews
14 with police the Victim has stated that the two of them made a plan if they got caught, "she
15 would just keep coming back to him" and he had saved \$30,000 they could use to get away.
16 Furthermore, if they needed to contact one another without anybody knowing who they were
17 they planned to use the name they were going to name their first child, and use the Defendant's
18 birthdate. When Defendant reached out to her, he used both of these clues. Defendant
19 reaching out to her once they were both free from constraint illustrates his motive and intent
20 was to continue on with their plan, reunite, and keep her from her mother.

21 **Plan and Preparation**

22 As aforementioned, there was a plan to keep reuniting if they were separated between
23 the Defendant and the Victim in this case. The plan was unsuccessful for a few reasons, mainly
24 due to Defendant being incarcerated and Victim being in an inpatient mental facility. Since,
25 neither of them were free to do what they wished, neither could follow through with their plan
26 to keep going back to one another and/or run away. The first chance that Defendant had once
27 he got out of custody and J.T. got out of the facility he contacted her. The State believes this
28 is just further evidence of his plan and preparation to put his plan in action to be with J.T. and

1 keep her away from her guardians.

2 The State submits that it has proven which areas of 48.045 are applicable in this
3 situation. However, in order for this evidence to be admissible, three prongs need to be met.
4 The three prongs are discussed below.

5 **Relevance**

6 This is incredibly relevant when taking into consideration the fact that Defendant has
7 completely absolved himself from any blame. The defense has always been and will be that
8 Defendant had nothing to do with this and it was all driven by J.T. The law says that consent
9 by a minor can never be a defense to kidnapping, while that is true, acting like you had nothing
10 to do with any of this, and it was completely planned and carried out by J.T. would be a
11 defense. The jury is entitled to know the complete story of what happened, Defendant's
12 actions before, during, and after are all relevant to this case.

13 **Clear and Convincing Evidence**

14 The State submits with a hearing the State could prove that Defendant's conduct could
15 be proven by clear and convincing evidence. Defendant used information that he would only
16 know, the IP address comes back to a hotel he was staying at, and the Instagram account is
17 associated with his personal information.

18 **Prejudice v. Probative**

19 In this case, the probative value far exceeds any prejudice. Really there is little to no
20 prejudice handed to Defendant if the jury knows that he contacted the Victim after he was told
21 not to. The State does not intend to present evidence that this action wound him back in
22 custody. So, in regards to "other bad act" evidence, it doesn't get much more innocuous than
23 this. That doesn't mean it's not relevant though, it is completely relevant because it shows
24 Defendant's motive, intent, and plan to reunite with J.T.

25 The State believes this evidence to have great probative value because it shows
26 Defendant's true intentions and motives. Not only did Defendant violate the no contact order
27 but when he did so, he used tactics that he and J.T. had come up with if they ran into the
28 situation where they were forced apart.

1 This is not a situation where the State is attempting to bring in prior sexual bad acts, of
2 which the Defendant has been investigated for previously. The State is merely trying to show
3 that Defendant is not a complete bystander in this entire situation, but an active participant in
4 keeping J.T. from her mother. At trial the State is responsible for proving this case beyond a
5 reasonable doubt, this evidence is completely probative and relevant and not the type of
6 behavior that would prejudice Defendant.

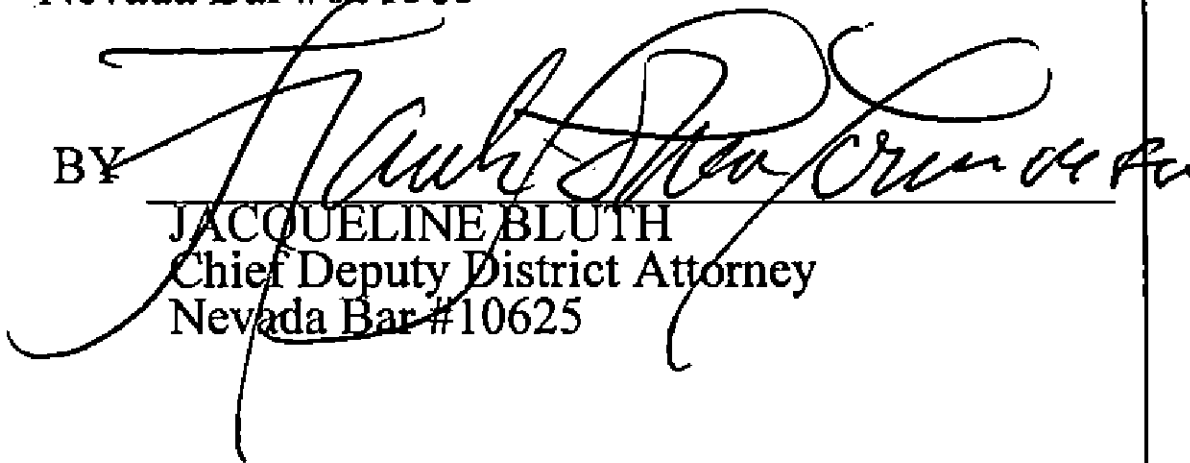
7
8 **CONCLUSION**

9 Based on all of the foregoing reasons, the State respectfully this motion be granted.

10
11 DATED this ¹²9th day of October, 201⁵.

12 STEVEN B. WOLFSON
13 Clark County District Attorney
Nevada Bar #001565

14
15 BY


16 JACQUELINE BLUTH
17 Chief Deputy District Attorney
Nevada Bar #10625

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //


28 //

1 **CERTIFICATE OF SERVICE**

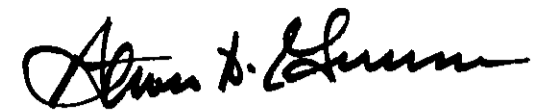
2 I, hereby certify that service of the above and foregoing, was made this 12th day of
3 October, 2015, by e-mail to:

4 MICHAEL YOHAY, Dep. Public Defender
5 (Standby Counsel)
6 E-mail: yohaymr@clarkcountynv.gov

7 MELVYN SPROWSON, ID #5996049
8 Clark County Detention Center
9 330 S. Casino Center Blvd., LVNV 89101
10 (hand delivery)

11 
12 Secretary for the District Attorney's Office
13 Special Victims Unit
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 tgd/MVU



CLERK OF THE COURT

1 **ORDR**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #002698
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 MELVYN PERRY SPROWSON, JR.,
14 #5996049

15 Defendant.

CASE NO: C-14-295158-1

DEPT NO: XXIII

16 ORDER GRANTING STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD
17 ACTS

18 DATE OF HEARING: 12/10/15
19 TIME OF HEARING: 9:30 A.M.

20 THIS MATTER having come on for hearing before the above entitled Court on the
21 10th day of December, 2015, the Defendant being present, in Proper Person, the Plaintiff
22 being represented by STEVEN B. WOLFSON, District Attorney, through JACQUELINE
23 BLUTH, Chief Deputy District Attorney, and the Court having heard the arguments of
24 counsel and Defendant and good cause appearing therefor,

25 THE STATE'S MOTION to Admit Evidence of Other Bad Acts is granted under the
26 three prongs of *Petrocielli v. State*, 101 Nev. 46, (1985). The Court's findings are as follows:

27 The Court finds the evidence presented to be clear and convincing. The Court finds
28 the testimony of Detective Matt Caldwell to be credible. Through Detective Caldwell's
investigation he found that the usernames associated with the Instagram account came back

1 to Defendant, as well as the email account associated with the Instagram account.
2 Additionally, his investigation revealed that the IP address associated with these accounts
3 came from a hotel where Defendant was staying during that time period. This hotel was also
4 found to be 3.8 miles from Defendant's home. Hotel records show Defendant to be staying
5 at that hotel on a registration card which has Defendant's personal information, including his
6 driver's license number, which was also presented at the hearing. Also, the Court finds the
7 testimony of the Victim, J.T., to be credible regarding this act. The information in the
8 Instagram conversation is information that only the Victim and Defendant knew; such as the
9 name they planned on naming their first daughter, as well as the dates of birth for both the
10 Victim and the Defendant.

11 The Court finds the probative value of this evidence is not substantially outweighed
12 by the danger of unfair prejudice.

13 The Court finds this evidence to be relevant for the purposes of showing Defendant's
14 motive and intent. This conduct illustrates Defendant's continuous attempt to be with the
15 Victim even after being admonished by the Court to have no contact with the Victim. The
16 Instagram records show Defendant to have been communicating with the Victim such things
17 as "I love you," "Does this mean we are breaking up" and "Do not tell anyone."

18
19 DATED this _____ day of December, 2015. 1-6-16

20
21
22 STEVEN B. WOLFSON
23 Clark County District Attorney
Nevada Bar #001565

24
25
26
27
28
DISTRICT JUDGE

JUDGE STEFANY A. MILEY

BY

JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #002698

CERTIFICATE OF SERVICE

I certify that on the 8th day of Jan, ²⁰¹⁶~~2015~~, I mailed a copy of the foregoing Order

to:

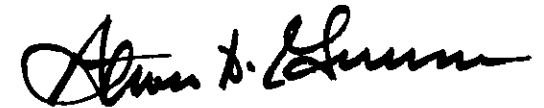
MELVYN SPROWSON, #295158
Defendant in Proper Person
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas, NV 89101

BY



T. DRIVER
Secretary for the District Attorney's Office

tgd/MVU



CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #010625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

MELVYN PERRY SPROWSON, JR.,
#5996049

Defendant.

CASE NO: **C-14-295158-1**

DEPT NO: **XXIII**

SUPPLEMENTAL NOTICE OF WITNESSES

AND/OR EXPERT WITNESSES
[NRS 174.234]

TO: MELVYN PERRY SPROWSON, JR., Defendant; and

TO: MICHAEL YOHAY, Deputy Public Defender, as Standby Counsel:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

*indicates additional witness(es) and/or modification(s)

ABBOTT, GARY CCSDPD#0199

*BERRERA, BERTNA 1509 MAGNOLIA AVE, LA, CA 90006

CALDWELL, MATT CCSDPD#0368

COR, or Designee CCSD Records

COR, or Designee CCSDPD Records

1	COR, or Designee	Cingular Wireless
2	COR, or Designee	Facebook/Instagram
3		1601 Willow Road, Menlo Park, CA 94025
4	COR, or Designee	Fidelity Communications
5	COR, or Designee	HPD Records
6	COR, or Designee	Los Angeles Police Dept.
7		150 N. Los Angeles, Los Angeles, CA 90012
8	COR, or Designee	Los Angeles Police Dept. Records
9		150 N. Los Angeles, Los Angeles, CA 90012
10	COR, or Designee	MSN/Hotmail
11	COR, or Designee	Red Rock Jewelers, 1325 W. Warm Springs,
12		Henderson, NV89014
13	COR, or Designee	Sprint
14	COR, or Designee	Wells Fargo
15	COX, TROY	CCSDPD #UNK (Forensics)
16	FISCHER, MICHELLE	CAC
17	GATES, (Volunteer) #1503	Henderson PD
18	HARRIS, KATHY	c/o Clark County DA's Office
19	LEAVA, CHANTEL, or Designee	Fidelity Communications
20	LINDSEY, GILBERT	c/o Clark County DA's Office
21	LOGIUDICE, Detective	HPD #983
22	LOMBARDO, NANCY	Lawton Police Department, Oklahoma
23	MACISZAK, MITCHELL	CCSDPD #0308
24	MALONE, Officer	HPD #1456
25	*MARROQUIN, KENNY	1932 ORCHARD AVE, LA, CA 90007
26	PATEL, BOB	Deluxe Inn
27		1709 NW Cache Rd., Lawton, OK 73507
28	PATEL, USHA	Deluxe Inn
		1709 NW Cache Rd., Lawton, OK 73507

*PEREZ, EMILYANN	1809 MAGNOLIA AVE, LA, CA 90006
PLATT, DAVID	CCSDPD #0217
*RODRIGUEZ, JENNIFER	1832 S WEST MORELAND #5, LA, CA 90006
*RODRIGUEZ, VERNICE	1411 Menco AVE #1, LA, CA 90006
SAVASPANO, DENISE	CFSI, 8815 Barton St., Riverside, CA 92508
SCHELL, JEFFREY	CCSDPD #0295
SMITH, CHERYL	c/o Clark County DA's Office
SMITH, KATHRYN	c/o Clark County DA's Office
SWARTWOOD, AMBER	HPD #1148
TORRES, JAYSENIA	c/o Clark County DA's Office

STRANGE, DR. MAYA - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will testify as to his/her practice and practice methods within his/her field of expertise. Additionally, will testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

SILSBY, MS, PA-C - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will testify as to his/her practice and practice methods within his/her field of expertise. Additionally, will testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

CRUMP, DANIEL, LCSW - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will testify as to his/her practice and practice methods within his/her field of expertise. Additionally, will testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

DONALDSON, ROBYN, Psychologist – 2410 W. Horizon Ridge, #100, Henderson, NV, 89052 - Will testify as to his/her practice and practice methods within his/her field of expertise. Additionally, will testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

//

1 ROSENMAN, DR. EUGENE – 2775 S. Jones Blvd., #101, Las Vegas, NV 89146 -
2 Will testify as to his/her practice and practice methods within his/her field of expertise.
3 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
4 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

5 CHELLI, FRANCES, CSW Intern, H.O.P.E. Counseling - Will testify as to his/her
6 practice and practice methods within his/her field of expertise. Additionally, will testify to the
7 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
8 case, Jaysenia Torres, including any plans for continued care.

9 REID, NOEL, CSW Intern, H.O.P.E. Counseling – (702) - Will testify as to his/her
10 practice and practice methods within his/her field of expertise. Additionally, will testify to the
11 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
12 case, Jaysenia Torres, including any plans for continued care.

13 NWAPA, DR. EMMANUEL, Monte Vista Hospital - Will testify as to his/her practice
14 and practice methods within his/her field of expertise. Additionally, will testify to the
15 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
16 case, Jaysenia Torres, including any plans for continued care.

17 BRENNAN GARCIA, LYNDSEY, LCSW, Monte Vista Hospital - Will testify as to
18 his/her practice and practice methods within his/her field of expertise. Additionally, will
19 testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the
20 Victim in this case, Jaysenia Torres, including any plans for continued care.

21 RODRIGUEZ, DR. BRYN, LCSW, Monte Vista Hospital - Will testify as to his/her
22 practice and practice methods within his/her field of expertise. Additionally, will testify to the
23 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
24 case, Jaysenia Torres, including any plans for continued care.

25 DAVIS, VENA, LCSW, Mojave Adult/Family Services - Will testify as to his/her
26 practice and practice methods within his/her field of expertise. Additionally, will testify to the
27 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
28 case, Jaysenia Torres, including any plans for continued care.

1 These witnesses are in addition to those witnesses endorsed on the Information or
2 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
3 Witnesses has been filed.

4 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY /s/ JAMES R. SWEETIN for
9 JACQUELINE BLUTH
10 Chief Deputy District Attorney
11 Nevada Bar #010625

12
13
14
15
16 **CERTIFICATE OF SERVICE**

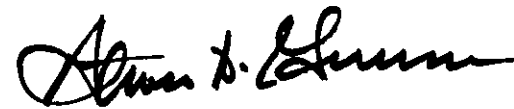
17 I, hereby certify that service of the above and foregoing, was made this 19th day of
18 October, 2015, by e-mail to:

19 MICHAEL YOHAY, Dep. Public Defender
20 (Standby Counsel)
21 E-mail: yohaymr@clarkcountynv.gov

22 MELVYN SPROWSON, ID #5996049
23 Clark County Detention Center
24 330 S. Casino Center Blvd., LVNV 89101
25 (hand delivery)

26 /s/ HOWARD CONRAD
27 Secretary for the District Attorney's Office
28 Special Victims Unit

hjc/SVU:MVU



CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #010625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

-vs-

MELVYN PERRY SPROWSON, JR.,
#5996049

Defendant.

CASE NO: **C-14-295158-1**

DEPT NO: **XXIII**

**SECOND SUPPLEMENTAL NOTICE OF WITNESSES
AND/OR EXPERT WITNESSES**
[NRS 174.234]

TO: MELVYN PERRY SPROWSON, JR., Defendant; and

TO: MICHAEL YOHAY, Deputy Public Defender, as Standby Counsel:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

*indicates additional witness(es) and/or modification(s)

ABBOTT, GARY	CCSDPD#0199
BERRERA, BERTNA	1509 MAGNOLIA AVE, LA, CA 90006
COR, or Designee	AT&T
CALDWELL, MATT	CCSDPD#0368
COR, or Designee	CCSD Records

1	COR, or Designee	CCSDPD Records
2	COR, or Designee	Cingular Wireless
3	COR, or Designee	Facebook/Instagram
4		1601 Willow Road, Menlo Park, CA 94025
5	COR, or Designee	Fidelity Communications
6	COR, or Designee	HPD Records
7	COR, or Designee	Los Angeles Police Dept.
8		150 N. Los Angeles, Los Angeles, CA 90012
9	COR, or Designee	Los Angeles Police Dept. Records
10		150 N. Los Angeles, Los Angeles, CA 90012
11	COR, or Designee	MSN/Hotmail
12	COR, or Designee	Red Rock Jewelers, 1325 W. Warm Springs,
13		Henderson, NV89014
14	COR, or Designee	Sprint
15	COR, or Designee	Wells Fargo
16	COX, TROY	CCSDPD #UNK (Forensics)
17	FISCHER, MICHELLE	CAC
18	GATES, (Volunteer) #1503	Henderson PD
19	HARRIS, KATHY	c/o Clark County DA's Office
20	LEAVA, CHANTEL, or Designee	Fidelity Communications
21	LINDSEY, GILBERT	c/o Clark County DA's Office
22	LOGIUDICE, Detective	HPD #983
23	LOMBARDO, NANCY	Lawton Police Department, Oklahoma
24	MACISZAK, MITCHELL	CCSDPD #0308
25	MALONE, Officer	HPD #1456
26	MARROQUIN, KENNY	1932 ORCHARD AVE, LA, CA 90007
27	MARSHALL, MIKE	CCSDPD
28	O'LEARY, HEATHER	5401 WELLS CATHEDRAL AVE, LVN 89130

1	O'LEARY, LISA	5401 WELLS CATHEDRAL AVE, LVN 89130
2	PARENT/GUARDIAN of	UNK
3	Patterson, Jessica	
4	PATEL, BOB	Deluxe Inn 1709 NW Cache Rd., Lawton, OK 73507
5	PATEL, USHA	Deluxe Inn 1709 NW Cache Rd., Lawton, OK 73507
6		
7	PATTERSON, JESSICA	UNK
8	PEREZ, EMILYANN	1809 MAGNOLIA AVE, LA, CA 90006
9	PLATT, DAVID	CCSDPD #0217
10	RODRIGUEZ, JENNIFER	1832 S WEST MORELAND #5, LA, CA 90006
11	RODRIGUEZ, VERNICE	1411 Menco AVE #1, LA, CA 90006
12	SAVASPANO, DENISE	CFSI, 8815 Barton St., Riverside, CA 92508
13	SCHELL, JEFFREY	CCSDPD #0295
14	SMITH, CHERYL	c/o Clark County DA's Office
15	SMITH, KATHRYN	c/o Clark County DA's Office
16	SWARTWOOD, AMBER	HPD #1148
17	TORRES, JAYSENIA	c/o Clark County DA's Office

18 STRANGE, DR. MAYA - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will
19 testify as to his/her practice and practice methods within his/her field of expertise.
20 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
21 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

22 SILSBY, MS, PA-C - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will testify
23 as to his/her practice and practice methods within his/her field of expertise. Additionally, will
24 testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the
25 Victim in this case, Jaysenia Torres, including any plans for continued care.

26 CRUMP, DANIEL, LCSW - Willow Springs, 690 Edison Way, Reno, NV 89502 –
27 Will testify as to his/her practice and practice methods within his/her field of expertise.
28 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and

1 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

2 DONALDSON, ROBYN, Psychologist – 2410 W. Horizon Ridge, #100, Henderson,
3 NV, 89052 - Will testify as to his/her practice and practice methods within his/her field of
4 expertise. Additionally, will testify to the examination, observations, counseling/therapy,
5 treatment, and diagnosis of the Victim in this case, Jaysenia Torres, including any plans for
6 continued care.

7 ROSENMAN, DR. EUGENE – 2775 S. Jones Blvd., #101, Las Vegas, NV 89146 -
8 Will testify as to his/her practice and practice methods within his/her field of expertise.
9 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
10 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

11 CHELLI, FRANCES, CSW Intern, H.O.P.E. Counseling - Will testify as to his/her
12 practice and practice methods within his/her field of expertise. Additionally, will testify to the
13 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
14 case, Jaysenia Torres, including any plans for continued care.

15 REID, NOEL, CSW Intern, H.O.P.E. Counseling – (702) - Will testify as to his/her
16 practice and practice methods within his/her field of expertise. Additionally, will testify to the
17 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
18 case, Jaysenia Torres, including any plans for continued care.

19 NWAPA, DR. EMMANUEL, Monte Vista Hospital - Will testify as to his/her practice
20 and practice methods within his/her field of expertise. Additionally, will testify to the
21 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
22 case, Jaysenia Torres, including any plans for continued care.

23 BRENNAN GARCIA, LYNDSEY, LCSW, Monte Vista Hospital - Will testify as to
24 his/her practice and practice methods within his/her field of expertise. Additionally, will
25 testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the
26 Victim in this case, Jaysenia Torres, including any plans for continued care.

27 //

28 //

1 *RODRIGUEZ, DR. BRYN, LCSW, Monte Vista Hospital - Will testify as to his/her
2 practice and practice methods within his/her field of expertise. Additionally, will testify to the
3 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
4 case, Jaysenia Torres, including any plans for continued care. *(CV attached)

5 DAVIS, VENA, LCSW, Mojave Adult/Family Services - Will testify as to his/her
6 practice and practice methods within his/her field of expertise. Additionally, will testify to the
7 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
8 case, Jaysenia Torres, including any plans for continued care.

9 These witnesses are in addition to those witnesses endorsed on the Information or
10 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
11 Witnesses has been filed.

12 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

13 STEVEN B. WOLFSON
14 Clark County District Attorney
15 Nevada Bar #001565

16 BY /s/ JAMES R. SWEETIN for
17 JACQUELINE BLUTH
18 Chief Deputy District Attorney
19 Nevada Bar #010625
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

MICHAEL YOHAY, Dep. Public Defender
(Standby Counsel)
E-mail: yohaymr@clarkcountynv.gov

/s/ T. DRIVER

tgd/SVU: MVU

Bryn Rodriguez

9712 Cameo Rose Lane, Las Vegas, NV 89134

Mobile: (323) 213-5884

E-mail: 2BrynRodriguez@gmail.com

Work Experience:

Internal Medicine and Pediatrics: Bryn Rodriguez Medical Services P.C. 8/12-present
Cared for both adult and pediatrics patients in a variety of inpatient settings including inpatient acute hospitalization, acute and subacute rehabilitation centers, psychiatric hospitals and nursing homes in Las Vegas, Nevada.

Hospitalist: IPC The Hospitalist Company 10/2011-7/2013
Attended patients in the inpatient and rehab settings to achieve the best care possible for my adult patients while residing in the hospital mainly at Southern Hills Hospital and Summerlin Hospital.

House Physician: Monrovia Medical Center 8/2008-11/2010
Responded to emergent patient needs overnight and performed pre-operative evaluations of patients undergoing mostly orthopedic procedures.

Leadership Positions Held:

Director of Quality and Medical Executive Committee Member - elected position
Associate Medical Director of Health South Desert Canyon 2015-present
Medical Director of Las Vegas Post Acute Pediatric Unit 2014-present
Associate Medical Director of Harmony Hospice 2013-present
Co-Chair of the Antimicrobial Stewardship Committee 2013-present
Chair of the Pharmacy & Therapeutics Committee, Southern Hills Hospital 2012-present
Medical Director of Torrey Pines Subacute Rehabilitation Hospital 2013-2014
Physician Representative, Ethics Committee, Southern Hills Hospital 2012-present
Physician Advisory Group, Southern Hills Hospital 2012-present

Education:

Residency: LAC+USC (Los Angeles, CA) 2007-2011
Specialty: Internal Medicine and Pediatrics

Medical Doctorate: Emory University (Atlanta, GA) 2007
Away Rotations: Pediatric Infectious Disease at the Hospital de Ninos in San Juan, Costa Rica (11/06) and General Med-Peds at Children's Hospital #2 and Victoria Healthcare International Clinic in Ho Chi Minh City, Vietnam

Master of Arts: University of Virginia (Charlottesville, VA) 2003
Bioethics Thesis: Physician Responsibility and Health Promotion – A Doctor's Role in Preventing Obesity

Bachelor of Science: Duke University (Durham, NC) 2002

Major: The Bio-Psycho-Social Human Experience. Foreign Exchange Experience:
Introduction to Field Ethnobiology, Organization for Tropical Studies, Costa Rica

Secondary Diploma: Bexley High School (Bexley, OH) 1999
Valedictorian

Certifications:

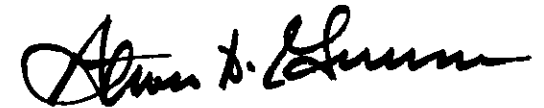
Board Certified in Internal Medicine 8/2011
Board Certified in Pediatrics 10/2011
Nevada Medical License 7/2015
BLS and ACLS completed 4/2015

Research Publications:

Tschannen-Moran BM, Lewis E, Farrell SP. Childhood Obesity: Policy Issues in 2003.
Journal of Pediatric Nursing. 2003 Dec; 18(6): 416-420

Blaxall BC, Tschannen-Moran BM, Milano CA, Koch WJ. Differential Gene Expression and
Genomic Patient Stratification Following Left Ventricular Assist Device (LVAD)
Support. Journal of the American College of Cardiology. 2003 Apr 2; 41(7): 1096-106.

Blaxall, Tschannen-Moran, Milano and Koch. Heart Failure Society of America Abstracts, 2001.



CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #010625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-VS-

MELVYN PERRY SPROWSON, JR.,
#5996049

Defendant.

CASE NO: **C-14-295158-1**

DEPT NO: **XXIII**

**THIRD SUPPLEMENTAL NOTICE OF WITNESSES
AND/OR EXPERT WITNESSES**
[NRS 174.234]

TO: MELVYN PERRY SPROWSON, JR., Defendant; and

TO: MICHAEL YOHAY, Deputy Public Defender, as Standby Counsel:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

*indicates additional witness(es) and/or modification(s)

ABBOTT, GARY CCSDPD#0199

BERRERA, BERTNA 1509 MAGNOLIA AVE, LA, CA 90006

*COR, or Designee AT&T

CALDWELL, MATT CCSDPD#0368

COR, or Designee CCSD Records

1	COR, or Designee	CCSDPD Records
2	COR, or Designee	Cingular Wireless
3	COR, or Designee	Facebook/Instagram
4		1601 Willow Road, Menlo Park, CA 94025
5	COR, or Designee	Fidelity Communications
6	COR, or Designee	HPD Records
7	COR, or Designee	Los Angeles Police Dept.
8		150 N. Los Angeles, Los Angeles, CA 90012
9	COR, or Designee	Los Angeles Police Dept. Records
10		150 N. Los Angeles, Los Angeles, CA 90012
11	COR, or Designee	MSN/Hotmail
12	COR, or Designee	Red Rock Jewelers, 1325 W. Warm Springs,
13		Henderson, NV89014
14	COR, or Designee	Sprint
15	COR, or Designee	Wells Fargo
16	COX, TROY	CCSDPD #UNK (Forensics)
17	FISCHER, MICHELLE	CAC
18	GATES, (Volunteer) #1503	Henderson PD
19	HARRIS, KATHY	c/o Clark County DA's Office
20	LEAVA, CHANTEL, or Designee	Fidelity Communications
21	LINDSEY, GILBERT	c/o Clark County DA's Office
22	LOGIUDICE, Detective	HPD #983
23	LOMBARDO, NANCY	Lawton Police Department, Oklahoma
24	MACISZAK, MITCHELL	CCSDPD #0308
25	MALONE, Officer	HPD #1456
26	MARROQUIN, KENNY	1932 ORCHARD AVE, LA, CA 90007
27	*MARSHALL, MIKE	CCSDPD
28	*O'LEARY, HEATHER	5401 WELLS CATHEDRAL AVE, LVN 89130

1	*O'LEARY, LISA	5401 WELLS CATHEDRAL AVE, LVN 89130
2	*PARENT/GUARDIAN of	UNK
3	Patterson, Jessica	
4	PATEL, BOB	Deluxe Inn
5		1709 NW Cache Rd., Lawton, OK 73507
6	PATEL, USHA	Deluxe Inn
7		1709 NW Cache Rd., Lawton, OK 73507
8	*PATTERSON, JESSICA	UNK
9	PEREZ, EMILYANN	1809 MAGNOLIA AVE, LA, CA 90006
10	PLATT, DAVID	CCSDPD #0217
11	RODRIGUEZ, JENNIFER	1832 S WEST MORELAND #5, LA, CA 90006
12	RODRIGUEZ, VERNICE	1411 Menco Ave #1, LA, CA 90006
13	SAVASPANO, DENISE	CFSI, 8815 Barton St., Riverside, CA 92508
14	SCHELL, JEFFREY	CCSDPD #0295
15	SMITH, CHERYL	c/o Clark County DA's Office
16	SMITH, KATHRYN	c/o Clark County DA's Office
17	SWARTWOOD, AMBER	HPD #1148
18	TORRES, JAYSENIA	c/o Clark County DA's Office

18 STRANGE, DR. MAYA - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will
19 testify as to his/her practice and practice methods within his/her field of expertise.
20 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
21 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

22 SILSBY, MS, PA-C - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will testify
23 as to his/her practice and practice methods within his/her field of expertise. Additionally, will
24 testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the
25 Victim in this case, Jaysenia Torres, including any plans for continued care.

26 CRUMP, DANIEL, LCSW - Willow Springs, 690 Edison Way, Reno, NV 89502 –
27 Will testify as to his/her practice and practice methods within his/her field of expertise.
28 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and

1 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

2 DONALDSON, ROBYN, Psychologist – 2410 W. Horizon Ridge, #100, Henderson,
3 NV, 89052 - Will testify as to his/her practice and practice methods within his/her field of
4 expertise. Additionally, will testify to the examination, observations, counseling/therapy,
5 treatment, and diagnosis of the Victim in this case, Jaysenia Torres, including any plans for
6 continued care.

7 ROSENMAN, DR. EUGENE – 2775 S. Jones Blvd., #101, Las Vegas, NV 89146 -
8 Will testify as to his/her practice and practice methods within his/her field of expertise.
9 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
10 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.

11 CHELLI, FRANCES, CSW Intern, H.O.P.E. Counseling - Will testify as to his/her
12 practice and practice methods within his/her field of expertise. Additionally, will testify to the
13 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
14 case, Jaysenia Torres, including any plans for continued care.

15 REID, NOEL, CSW Intern, H.O.P.E. Counseling – (702) - Will testify as to his/her
16 practice and practice methods within his/her field of expertise. Additionally, will testify to the
17 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
18 case, Jaysenia Torres, including any plans for continued care.

19 NWAPA, DR. EMMANUEL, Monte Vista Hospital - Will testify as to his/her practice
20 and practice methods within his/her field of expertise. Additionally, will testify to the
21 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
22 case, Jaysenia Torres, including any plans for continued care.

23 BRENNAN GARCIA, LYNDSEY, LCSW, Monte Vista Hospital - Will testify as to
24 his/her practice and practice methods within his/her field of expertise. Additionally, will
25 testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the
26 Victim in this case, Jaysenia Torres, including any plans for continued care.

27 //

28 //

1 RODRIGUEZ, DR. BRYN, LCSW, Monte Vista Hospital - Will testify as to his/her
2 practice and practice methods within his/her field of expertise. Additionally, will testify to the
3 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
4 case, Jaysenia Torres, including any plans for continued care.

5 DAVIS, VENA, LCSW, Mojave Adult/Family Services - Will testify as to his/her
6 practice and practice methods within his/her field of expertise. Additionally, will testify to the
7 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
8 case, Jaysenia Torres, including any plans for continued care.

9 These witnesses are in addition to those witnesses endorsed on the Information or
10 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
11 Witnesses has been filed.

12 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

13 STEVEN B. WOLFSON
14 Clark County District Attorney
15 Nevada Bar #001565

16 BY /s/ JAMES R. SWEETIN for
17 JACQUELINE BLUTH
18 Chief Deputy District Attorney
19 Nevada Bar #010625
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

4
5
6
7
8
9

6
7
8
9
0
1

01

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

28

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,
PLAINTIFF,

CASE NO: C-14-295158-1

vs.

DEPARTMENT 23

MELVYN SPROWSON, JR.
DEFENDANT.

**Receipt of Copy of Protected Information and Records from Vena M. Davis,
Mojave Adult, Child & Family Services**

Received from Carmen Alper, Judicial Executive Assistant to Honorable
Stefany A. Miley, District Court Judge, Department XXIII, a true and correct copy
of the following documents: **Court Exhibit #1**, Filed Under Seal – protected
information being held by Vena M. Davis, Mojave Adult, Child & Family Services,
6375 W. Charleston Blvd., #100, Las Vegas, NV 89146, consisting of any and all
mental health and/or medical records for patient: Jaysenia Torres, DOB:
[REDACTED] including, but not limited to any/all intake paperwork, therapy notes,
diagnosis, prescription(s), methods of treatment and physical examinations given or
provided on or about August 2013 to the present.

The parties are not to disclose and/or disseminate the contents of the records
to anyone as these documents will remain under seal.

Receipt acknowledged by:


Michael Yohay, Esq./Public Defender's Office

Dated: 10/28/15

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,
PLAINTIFF,

CASE NO: C-14-295158-1

vs.

DEPARTMENT 23

MELVYN SPROWSON, JR.
DEFENDANT.

**Receipt of Copy of Protected Information and Records from Vena M. Davis,
Mojave Adult, Child & Family Services**

Received from Carmen Alper, Judicial Executive Assistant to Honorable
Stefany A. Miley, District Court Judge, Department XXIII, a true and correct copy
of the following documents: **Court Exhibit #1**, Filed Under Seal – protected
information being held by Vena M. Davis, Mojave Adult, Child & Family Services,
6375 W. Charleston Blvd., #100, Las Vegas, NV 89146, consisting of any and all
mental health and/or medical records for patient: Jaysenia Torres, DOB:

including, but not limited to any/all intake paperwork, therapy notes,
diagnosis, prescription(s), methods of treatment and physical examinations given or
provided on or about August 2013 to the present.

The parties are not to disclose and/or disseminate the contents of the records
to anyone as these documents will remain under seal.

Receipt acknowledged by:


Jacqueline Bluth, Esq./District Attorney's Office

Dated: 10/28/15

STEFANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408

IN THE SUPREME COURT OF THE STATE OF NEVADA

MELVYN P. SPROWSON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 68797
District Court Case No. C295158

FILED

DEC 02 2015

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 this appeal DISMISSED."

Judgment, as quoted above, entered this 3rd day of November, 2015.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
November 30, 2015.

Tracie Lindeman, Supreme Court Clerk

By: Sally Williams
Deputy Clerk

C-14-295158-1
CCJD
NV Supreme Court Clerks Certificate/Judgn
4506175



IN THE SUPREME COURT OF THE STATE OF NEVADA

MELVYN P. SPROWSON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68797

FILED

NOV 03 2015

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a pretrial motion to suppress evidence. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

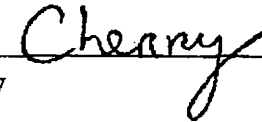
Our initial review of this appeal revealed a jurisdictional defect. Specifically, it appeared that no statute or court rule allows a defendant to appeal from an order denying a pretrial motion to suppress evidence. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1135, 1135 (1990); NRS 177.015(2). Accordingly, on September 24, 2015, we ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

To date, appellant's counsel has not responded to the order to show cause. Nevertheless, having reviewed the documents filed with the notice of appeal, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.¹


Parraguirre


Douglas, J.


Cherry, J.

cc: Hon. Stefany Miley, District Judge
Law Office of John J. Momot
Melvyn P. Sprowson, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We deny as moot the motion to withdraw as counsel of record filed on September 23, 2015.

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office.

DATE: November 30th, 2015

Supreme Court Clerk, State of Nevada

By Deputy Clerk Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

MELVYN P. SPROWSON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 68797
District Court Case No. C295158

REMITTITUR

TO: Steven D. Grierson, Eighth 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: November 30, 2015

Tracie Lindeman, Clerk of Court

By: Sally Williams
Deputy Clerk

cc (without enclosures):

Hon. Stefany Miley, District Judge
Melvyn P. Sprowson, Jr.
Attorney General/Carson City
Clark County District Attorney
Law Office of John J. Momot

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 02 2015.

HEATHER UNGERMANN
Deputy District Court Clerk

RECEIVED

DEC 02 2015

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,
PLAINTIFF,

CASE NO: C-14-295158-1

vs.

DEPARTMENT 23

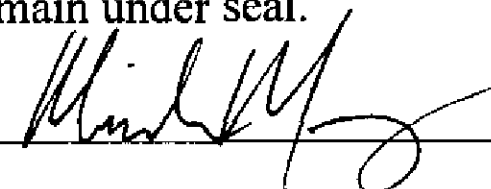
MELVYN SPROWSON, JR.
DEFENDANT.

**RECEIPT OF COPY OF DOCUMENTS PERTAINING TO PROTECTED
INFORMATION AND RECORDS FROM WELLS FARGO BANK**

Received from Carmen Alper, Judicial Executive Assistant to Honorable
Stefany A. Miley, District Court Judge, Department XXIII, a true and correct copy
of the following documents: **Court Exhibit 1**, Filed Under Seal – protected
information and records from Wells Fargo Bank.

The parties are not to disclose and/or disseminate the contents of the records
to anyone, as these documents will remain under seal.

Receipt acknowledged by:



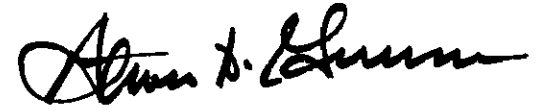
Michael R. Yohai, Esq. on behalf of
Melvyn Sprowson, Jr.

Dated: December 10, 2015

STEFANY A. MILEY
DISTRICT JUDGE

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
12/11/2015 03:50:31 PM



THE STATE OF NEVADA,
PLAINTIFF,

CASE NO: C-14-295150-1
CLERK OF THE COURT

DEPARTMENT 23

vs.

MELVYN SPROWSON, JR.
DEFENDANT.

**RECEIPT OF COPY OF DOCUMENTS PERTAINING TO PROTECTED
INFORMATION AND RECORDS FROM WELLS FARGO BANK**

Received from Carmen Alper, Judicial Executive Assistant to Honorable
Stefany A. Miley, District Court Judge, Department XXIII, a true and correct copy
of the following documents: **Court Exhibit 1**, Filed Under Seal – protected
information and records from Wells Fargo Bank.

The parties are not to disclose and/or disseminate the contents of the records
to anyone, as these documents will remain under seal.

Receipt acknowledged by:


Jacqueline Bluth, Esq.

Dated: December 10, 2015

FEB 26 2016

CLERK OF COURT

1 REQ T
2 MELVYN P. SPROWSON, JR.

3 CCDC

4 330 S. Casino Center Blvd.

5 Las Vegas, NV 89101

6 Defendant - Pro Se

C-14-295158-1
REQ T
Request
4526874



60

7
8 EIGHTH JUDICIAL DISTRICT COURT
9 CLARK COUNTY, NEVADA

10
11 THE STATE OF NEVADA,
12 Plaintiff,

Case NO. C-14-295158-1
Dept. No. XXIII

13 VS.

14 MELVYN P. SPROWSON, JR.,
15 (5996049)

16 Defendant

17 SECOND REQUEST FOR ROUGH DRAFT
18 TRANSCRIPT

19
20 TO: MARIA GARIBAY

21
22 MELVYN P. SPROWSON, JR., Defendant,
23 requests preparation of a rough draft (7-1=15)
24 transcript of the Evidentiary Hearing
25 proceedings before the District Court,
26 as follows:

27

28

RECEIVED

FEB 26 2016

CLERK OF THE COURT

1 Judge hearing the proceedings:

2

3 Honorable Judge Stefany A. Miley

4

5 Specific individual date of proceeding:

6

7 July 01, 2015 at 11:00am

8

9 Transcript requested:

10

11 Motion to Suppress evidence hearing;
12 entire hearing (NRAP Rule 9)

13

14 Number of copies:

15

16 (2) TWO

17

18 I hereby certify that on the
19 22nd day of February, 2016, I
20 ordered the transcript listed
21 above from the court recorder
22 named above, and the required
23 deposit and fee is waived, because
24 I am proceeding forma pauperis,
25 granted, October 19, 2015, by Judge
26 Stefany A. Miley.

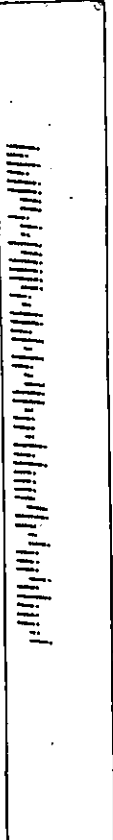
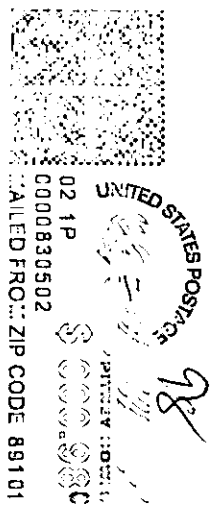
27 Dated this 22nd day of February, 2016.

28 M. Spruison

29 Defendant - Pro se 759

Melvyn Sprouson (5996049)
CCDL
330 S. Casino Center Blvd.
Las Vegas, NV 89101

Steven D. Grierson,
Clerk of the District Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155-1160



Ann D. Lamm
CLERK OF THE COURT

MC
DA
PP
PD

1 MOT
2 MELVYN P. SPROWSON, JR.
3 CC DC
4 330 S. Casino Center Blvd.
5 Las Vegas, NV 89101
6 Defendant - Proper Person

8 EIGHTH JUDICIAL DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,
12 vs.

Case No. C-14-295158-1
Dept. No. XXIII

13 MELVYN P. SPROWSON, JR.,
14 #5996049
15 Defendant

16 THIRD MOTION TO SUPPRESS
EVIDENCE

RECEIVED

MAR 16 2016

CLERK OF THE COURT

17 COMES NOW, the Defendant, MELVYN P.
18 SPROWSON, JR., by proper person, and hereby
19 moves this Honorable Court for an order
20 suppressing all tangible evidence seized
21 and the fruits thereof, as a result of the
22 unlawful seizing and search, of the Defendant's
23 Apple Iphone 4 Serial #88123FJSA4T, the Unlawful
24 seizing and search of the Defendant's HP Pavilion
25 Laptop computer serial # CNF004B4JT, and
26
27
28

1 IBM/58U Computer Serial # KCLV82D on the
2 grounds that the seizure and search violated
3 the United States and Nevada Constitution
4 and Nevada Statutory Law NRS 179.085. In
5 addition to the suppression order, the Defendant
6 moves this Honorable Court, to DISMISS any
7 and all charges that are the fruit of the
8 unlawfully seized and searched evidence,
9 namely, the charges of NRS 200.700, 200.710(A)(B),
10 and 200.750 with prejudice. This Motion is
11 made based upon all papers and pleadings on
12 file herein, the attached Memorandum of
13 Points and Authorities in support hereof, and
14 oral argument at the time of the hearing on
15 this matter, if deemed necessary by this Honorable
16 Court.

17 DATED this 11th day of March, 2016.

18 
19

20 MELVYN P. SPROWSON, JR.

21
22 Notice of Motion

23
24 You and each of you, will please take
25 notice that the undersigned will bring the
26 foregoing Motion on for hearing in the above
27 entitled Court on the 6th day of April,
28 2016, at the hour of 9:30 AM A.M./P.M., or as soon as

1 the Defendant by way of Proper Person may be
2 heard by this Honorable Court.

3 
4

5 MELVYN P. SPROWSON, JR.
6

7 MEMORANDUM OF POINTS AND AUTHORITIES
8

9 I. HISTORY AND BACKGROUND

10 On November 01, 2013, the Defendant was arrested
11 for 1st Degree Kidnapping (NRS 200.310, 200.320) Child Abuse
12 and Neglect (NRS 200.508), Contributing to the Delinquency of
13 a Minor (NRS 201.110), and Obstructing a Public Officer
14 (NRS 197.190). The Defendant was then booked and
15 detained at Clark County Detention Center. The
16 Defendant's iPhone 4 serial # 88123FJSA4T was
17 seized and booked into evidence during the arrest.

18 The Defendant's home at 4915 Russell Road, #143,
19 Las Vegas, Nevada, was searched on December 06, 2013,
20 and the Defendant's property was seized. The following
21 Tuesday, December 10, 2013, a preliminary hearing was
22 continued until December 30, 2013, and four (4)
23 Counts of Unlawful Use of a Minor in the
24 Production of Pornography (NRS 200.700, 200.710(A)(B),
25 200.750) were added and amended to the charges.

26 The Defendant made bail and was released on
27 May 02, 2014. The Defendant was then remanded
28 back into custody on February 04, 2015, allegedly

1 for violating a condition of the bail, which
2 was not to contact the alleged victim.

3 Next, an evidentiary hearing was heard on
4 July 01, 2015 in regards to the unlawful entries
5 into the Defendant's home on November 01, 2013
6 at 4915 Russel Road #143, Las Vegas, Nevada, by
7 Ofc. Abbott of the Clark County School District
8 Police Department (CCSOPD) and the maintenance
9 staff of Mesa Ridge Townhomes. During the end of
10 the hearing, an issue was raised as to the
11 December 06, 2013 search and seizure warrants,
12 and that they could not be located. The "State"
13 did not have them in their possession at the hearing
14 either. As a result of this, the Defendant inquired
15 with the Courts, to locate whether there were any
16 search and seizure warrants on file under
17 event/OR # 1311-05723, and none could be found
18 by the Courts.

19 Coincidentally, on July 22, 2015, the Defendant's
20 then attorney, John J. Momot, withdraws as
21 attorney on record. The Defendant then proceeded
22 Pro Se on August 24, 2015 and filed a second
23 Motion to Suppress evidence, heard on October
24 19, 2015, based upon the seemingly Unfiled
25 Search and seizure warrants. According to NRS
26 179.095, if there are no search and seizure warrants,
27 affidavits, search and seizure returns, or any
28 other papers in connection, filed by the issuing

1 Judge, then there is no authority to
2 search and seize property. In addition,
3 any evidence seized would be unlawfully
4 done so, and eligible to be suppressed according
5 to NRS 179.085(1) a-d. The "State" claims that
6 the search and seizure warrants are on file in
7 another court. The "State" simply could have
8 resolved the issue by providing copies with their
9 Opposition filed September 25, 2015, as an exhibit,
10 but did not do so. The "State" claims they provided
11 the Defendant with copies on September 09, 2015,
12 during a discovery hearing. The Defendant was
13 not able to validate the paperwork at the
14 discovery hearing, and still questions the issue,
15 because in the "States" Opposition, filed on
16 September 25, 2015, they mistakenly include
17 facts in their Opposition that are not stated
18 in the affidavit of exhibit A provided to the
19 Defendant by the "State" (Exhibits A, G, H).

20 Finally, upon examination of the documents that
21 the "State" provided to the Defendant on
22 September 09, 2015, as search and seizure warrants
23 (Exhibits A and B), it appears to be issued by
24 Judge Suzan Baucum's Justice Court, and if
25 truly filed with the Justice Court, would be
26 under event/DR# 1311-05723 SW2013 1957 and
27 SW2013 1958. Though the Defendant still
28 questions whether or not, the (2) two search

1 and seizure warrants are on file with
2 Judge Suzan Baucum's Justice Court, let's
3 assume as the "State" purports, the
4 documents are filed, only because they have
5 a signed certified stamped seal on them
6 (Exhibits A and B). There now appears to
7 be several problems with the documents,
8 relating to the United States and Nevada
9 Constitution, NRS 179.045, and 179.085(1)a-d,
10 and when put to the light of scrutiny, a
11 clear-cut due process violation of the
12 Defendant's 14th amendment rights.

13 14 II. LAW AND ANALYSIS

15
16 According to the United States and Nevada
17 Constitutions:

18 "The right of the people to be secure
19 in their persons, houses, papers, and
20 effects against unreasonable seizures
21 and searches shall not be violated;
22 and no warrant shall issue but on
23 probable cause, supported by Oath
24 or Affirmation, particularly describing
25 the place or places to be searched, and
26 the person or persons, and thing or things
27 to be seized."

28 US Const. Amend IV, Nev Const. Art. I Sec. 18.

1 To uphold the legal protections of the 4th
2 amendment, the Supreme Court has ruled
3 that evidence seized during an unlawful search
4 and seizure may not be considered proof against
5 the victim of the illegal search and seizure.
6 Mapp v. Ohio, 367 U.S. 643, 6 L.Ed. 2d 1081
7 (1961); Wong Sun v. United States, 371 U.S. 471,
8 484 (1963); Davis v. Mississippi, 394 U.S. 721 22. L.
9 Ed. 2d 676 (1969).

10 Also, the exclusionary rule "Prohibits the
11 introduction of tangible materials seized during
12 an unlawful search and seizure and any
13 testimony regarding knowledge acquired during
14 and unlawful search and seizure." Murray v. United
15 States, 487 U.S. 533, 536 (1988). In addition,
16 "The exclusionary rule also prohibits the introduction
17 of derivative evidence both tangible and
18 testimonial, that is the primary evidence, or that
19 is otherwise acquired as an indirect result of
20 the unlawful search and seizure." Id.

21 Nevada Statutory Law, NRS 179.085 1., States:

22 "A person aggrieved by an unlawful
23 search and seizure may move the
24 Court having Jurisdiction where the
25 property was seized for the return
26 of the property and to suppress
27 for use as evidence anything so
28 obtained on the ground that:

(a) The property was illegally seized without warrant;

(b) The warrant is insufficient on its face;

(c) There was not probable cause for believing the existence of the grounds on which the warrant was issued; or

(d) The warrant was illegally executed."

In the instant case, any evidence (Tangible, derivative, or testimonial) from the unlawful seizing of the Defendant's Apple iPhone 4 serial # 88123EJSA4T, on November 01, 2013, must be suppressed and excluded, including the Apple iPhone 4 itself, as evidence against the Defendant.

1. DURING THE DEFENDANT'S ARREST

ON NOVEMBER 01, 2013, THE DEFENDANT'S APPLE IPHONE 4 WAS UNLAWFULLY SEIZED

WITHOUT SUFFICIENT PROBABLE CAUSE

THAT EVIDENCE OF A CRIME EXISTED

ON THE DEFENDANT'S APPLE IPHONE 4

On November 01, 2013, the Defendant was arrested for the following charges: 1st Degree Kidnapping, Child Abuse and Neglect, Contributing to the Delinquency of a Minor, and Obstructing a Public Officer.

According to Det. Schell of the Clark

1 County School District Police Department
2 (CCSDPD), in his affidavit of exhibit B, he
3 states, "Due to the fact Torres told us their
4 relationship began through text messaging,
5 Sprowson's black iPhone [4] bearing Serial #
6 88123EJSA4T was booked into CCSDPD evidence."
7 (Exhibit B, pg. 3 para. 2).

8 Also, Det. Schell states, "Torres told us she
9 began exchanging text messages with Sprowson
10 and a relationship started. Torres told us on
11 August 29, 2013, she was fed up with living
12 with her mom and text messaged Sprowson
13 telling him she did not want to stay at
14 her mom's house. Sprowson then picked her
15 up from the house and without the consent
16 of Torres' parents took Torres to his
17 apartment" (Exhibit B, pg. 2 para. 6, lines 4-7).
18 It is important to note, that this is the only
19 testimony in regards to specific text content,
20 Torres text, not the Defendant's. It is Torres
21 (the alleged victim) that testifies about her
22 text, on her phone, and this does not
23 constitute the fruits, instrumentality, or
24 evidence of a crime. The officer whom seized
25 the Defendant's Apple iPhone 4, still needs to
26 connect sufficiently the alleged victim's text, to
27 the actual activity of picking her up. The placement
28 of the underlined two sentences above from the

1 affidavit, give a false impression of cause
2 and effect, which is dispelled upon
3 further examination of other testimony
4 by the alleged victim.

5 A fatal flaw arises in Def. Schell's
6 theory when considering the testimony of
7 the alleged victim, as stated to Michelle
8 Fischer of Child Haven. On November 01, 2013,
9 the alleged victim was taken from the
10 Defendant's home and brought to Child Haven,
11 by Ofc. Abbott, whom was present, when the
12 alleged victim was interviewed by
13 Michelle Fischer. The interview took
14 place prior to the Defendant's arrest and
15 subsequent seizing of his Apple iPhone 4.
16 In the interview, the alleged victim
17 states, "It was more I made him take
18 me . . . or I'm going to kill myself kind
19 of thing" (Exhibit I, pg. 1 lines 21-25, pg. 2
20 lines 1-6). Notice, there is no criminal intent
21 by the Defendant in his responding action,
22 but a lawful concern for the well-being
23 of someone for whom he cares. If the
24 alleged victim never threatened the previous,
25 it is highly unlikely that the Defendant would
26 have picked her up at all. The text which states,
27 "The alleged victim did not want to stay at home
28 or her mom's house, is not criminal either, and is

1 doubtful, why the Defendant did what he did,
2 in light of the alleged victim's testimony to
3 Michelle Fischer of Child Haven.

4 Next, a relationship beginning through text
5 messaging is not sufficient enough to
6 establish probable cause of criminal activity
7 on the Defendant's Apple iPhone 4. In order
8 to determine probable cause that the items
9 constitute the fruit, instrumentality, or
10 evidence of a crime, it is necessary that
11 there be established a sufficient nexus
12 between (1) criminal activity, (2) the things
13 to be seized, and (3) the place to be
14 searched. U.S. Const. Amend IV, Nev. Const.
15 Art. 1 sec. 18.

16 In other words, testimony or phone/text
17 records about specific text content is needed,
18 that is indicative or supportive of criminal
19 activity, and the specific text content is
20 even on the Apple iPhone 4 in question. The
21 Officer failed to meet this most basic criteria,
22 when seizing the Defendant's Apple iPhone 4
23 unlawfully. Illustrative of this, is Kellen v. State,
24 where the affidavit said a truckload of lumber
25 had been unloaded at the Defendant's residence
26 at night. This made it probable, that the lumber
27 would be found there, but the Court properly held
28 that the warrant was invalid, because the

1 affidavit failed to connect the lumber
2 with any criminal offense. Kellen v. State,
3 49 Ala. App. 475, 273 So. 2d 235 (1972).

4 The officer in order to obtain sufficient
5 probable cause, in the instant case, that is,
6 that the text of the Defendant's Apple iPhone 4
7 constitutes, the fruit, instrumentality, or
8 evidence of a crime, should have obtained a
9 Subpoena Duces Tecum, to get the Defendant's
10 iPhone 4 text records. This due process was
11 both practical and in no way threatened the
12 damaging of potential evidence, if any at
13 all, of the Defendant's Apple iPhone 4. The
14 Defendant was incarcerated after his arrest,
15 and the Apple iPhone 4, could have been placed
16 in his property, until probable cause of
17 actual criminal evidence was obtained,
18 if any, via the subpoena of the Apple
19 iPhone 4 text records, which would have
20 given the necessary support and connection
21 for probable cause. State v. Allen, 119
22 Nev. 169, 69 P. 3d 232 (2003).

23 Yet further, in the instant case, any evidence
24 (tangible, derivative, and testimonial) derived
25 from the unlawful search, if any, of the
26 Defendant's Apple iPhone 4 serial #881235A4T,
27 on December 06, 2013, or any date thereafter,
28 must be suppressed and excluded from evidence

1 against the Defendant.

2
3 2. ON DECEMBER 06, 2013 A
4 SEARCH WARRANT WAS ISSUED
5 TO SEARCH THE DEFENDANT'S
6 APPLE IPHONE 4 SERIAL #88123JSA4T
7 WITHOUT SUFFICIENT
8 PROBABLE CAUSE THAT EVIDENCE
9 OF A CRIME EXISTED
10

11 On December 06, 2013 a search and
12 seizure warrant was issued to search
13 the Defendant's Apple iPhone 4, Seeking
14 evidence for the following Charges:
15 1st Degree Kidnapping, Child Abuse and Neglect,
16 and Contributing to the Delinquency of a
17 Minor. Note, that there is no charge of
18 Unlawful Use of a Minor in the Production
19 of Pornography, listed in the scope of the
20 Charges.

21 Again, the same argument that was set
22 forth earlier in reference to the unlawful
23 Seizing of the Defendant's Apple iPhone 4,
24 applies to searching the Defendant's
25 same iPhone 4. The search and seizure
26 warrant lacks sufficient probable cause
27 that there constitutes, the fruits, instrumentality,
28 or evidence of a crime, specifically the

1 charges mentioned above on the Defendant's
2 Apple iPhone 4. The affidavit is invalid and
3 the fruit of an unlawful seizure. Not
4 to mention, any supposed authority to
5 search the Defendant's Apple iPhone 4,
6 would be difficult and not possible
7 without the aid of Apple Inc.

8 The Apple iPhone 4's password
9 protection and software encryption are
10 accessible only by Apple Inc. engineers
11 and forensics experts. Only Apple Inc.
12 can bypass the passcode and do an
13 intrinsic examination of the SSD harddrive
14 content. The Federal government has
15 complained continuously about this aspect
16 of Apple Inc.'s privacy protection
17 policy. Therefore, any claims by the
18 Clark County School District Police Department,
19 that they obtained any evidence from a
20 search of the Defendant's Apple iPhone 4,
21 would be unsubstantiated without an
22 official certified forensics report
23 attached to the search and seizure return,
24 and filed with the Court, specifically done
25 by Apple Inc.'s forensics department.

26 In addition, during the preliminary hearing
27 testimony, Det. Schell of the Clark County
28 School District Police Department, gave

1 conflicting testimony about the "chain
2 of custody" of the Defendant's Apple
3 Iphone 4. Det. Schell, when first questioned
4 by the "State", in regards to how the
5 Defendant's Iphone 4 got from the evidence
6 vault of (CCSDPD) to the alleged forensics
7 technician, Troy Cox, states that he
8 personally gave the Defendant's Iphone 4,
9 to Mr. Cox (PHT, 251/15 - 252/8 Exhibit F
10 pg. 1). Then, when further questioned by
11 the "State", Det. Schell states that he
12 sent an email to the alleged evidence
13 technician (name unknown), whom then
14 gave the Defendant's Iphone 4 to the
15 alleged forensics technician, Tray Cox
16 (PHT, 252/22 - 253/5, Exhibit F pgs. 1-2).

17 Several problems arise as a result of the
18 previous conflicting testimony of Det.
19 Schell. First, neither the unknown evidence
20 technician nor the alleged forensics
21 technician, Tray Cox, testified to the
22 truth of the matter or were available
23 for cross-examining by the Defense. Therefore,
24 any testimony about what happened in relation
25 to the Defendant's Iphone 4 is inadmissible
26 as evidence by Det. Schell. Second, if
27 Det. Schell had given the Defendant's
28 Iphone 4 to the alleged forensics technician,

1 Troy Cox, this leaves open the possibility
2 that the Defendant's iPhone 4 may have
3 been tampered with, and Det. Schell could
4 have placed the photos he testified about,
5 on the Defendant's iPhone 4. This raises
6 serious issues with his testimony, and also
7 makes it inadmissible as evidence, not to
8 mention, hearsay at best. Third, does
9 Clark County School District Police Department
10 even have a forensics facility?

11 The main issue for the "State" now,
12 is that there is no foundation laid for the
13 "Chain of custody," for the Defendant's
14 iPhone 4, and any testimony given by
15 CCSDPD's Det. Schell is highly suspect,
16 and leaves no credible testimony as to the
17 content of the Defendant's iPhone 4.

18 Also, the Defendant has made a sworn
19 affidavit in regards to the content of
20 the Apple iPhone 4 (Exhibit J). Since, the
21 Defendant has offered the only credible
22 testimony about the specific content of
23 the iPhone 4, the issue as to sufficient
24 probable cause that any evidence exists
25 of any crime on the Defendant's Apple
26 iPhone 4 is now moot.

27 Undoubtedly, the "State" will claim that
28 the alleged victim testified about alleged

1 nude/semi-nude photos of the alleged victim
2 that were allegedly on the Defendant's Apple
3 iPhone 4. But, if the direct-examination
4 during the preliminary hearing testimony
5 is looked into, the alleged victim, J.T.,
6 mentions a computer, but totally avoids
7 acknowledging anything about the Defendant's
8 iPhone 4 (Exhibit E, PHT, 150/15-19). It
9 is important to keep in mind, the actual
10 criminal charges (scope) of the affidavit and
11 that nothing is stated about nude/semi-nude
12 photos or the charge of the Unlawful use of a
13 Minor in the Production of Pornography (Exhibit B).

14 Next, in the instant case, any evidence
15 (tangible, derivative, or testimonial) derived
16 from the unlawful seizing of the Defendant's
17 HP Pavilion Laptop computer serial# CNF00484JT
18 and IBM/58u Desktop Computer serial# KCLV82D,
19 on December 06, 2013, must be suppressed
20 and excluded from evidence against the
21 Defendant.

22 3. ON DECEMBER 06, 2013, THE DEFENDANT'S
23 COMPUTERS WERE UNLAWFULLY SEIZED
24 WITHOUT SUFFICIENT PROBABLE CAUSE
25 THAT EVIDENCE OF A CRIME EXISTED
26 ON THE DEFENDANT'S COMPUTERS OR
27 THAT THE COMPUTERS WERE THE
28 INSTRUMENT THEREOF.

1 On December 06, 2013, a search and seizure
2 warrant was issued, seeking evidence of
3 the following charge: 1st Degree Kidnapping
4 (NRS 200.310, 200.320). The search and seizure
5 warrant did not include a charge of Unlawful
6 Use of a Minor in the Production of Pornography
7 (NRS 200.700, 200.710(ARB), 200.750) or any other
8 charges in its scope of charges.

9 According to Det. Schell of the Clark County
10 School District Police Department, in his
11 affidavit (Exhibit A, pg. 2), ^{states,} that the
12 following property constitutes evidence
13 which tends to demonstrate the
14 criminal offense of 1st Degree
15 Kidnapping (NRS 200.310):

16 "1. Any and all computers or devices
17 capable of accessing the internet
18 or sending and receiving messages
19 or downloading and storing data."

20 The first problem with the scenario
21 as described above, is that computers or
22 devices in and of themselves can not constitute
23 evidence of 1st Degree Kidnapping in any
24 way, unless specific content has been
25 saved to the harddrive (permanent memory).
26 It is a well known fact that documents,
27 pictures, and anything else has to be
28 physically saved and this does not happen

1 automatically, without special software
2 programmed to do this.

3 Also, anything accessed by the computer
4 through the internet is not permanently
5 on the computer or traceable, it is in
6 temporary memory called RAM memory,
7 and disappears once you leave the internet
8 or power down, and does not leave a history
9 on your computer. In order to save anything,
10 such as pictures, emails, or documents,
11 accessed on the internet, you physically
12 have to copy and save them to the
13 hard drive (permanent, traceable memory). When
14 you access the internet, your internet
15 service provider keeps a record of
16 the websites and webpages you have
17 accessed, not the computer. Your email
18 service provider keeps your emails on a
19 database, that you access, nothing you
20 access on the internet is stored on
21 the computer, unless you copy and save
22 it to the hard drive (permanent memory).

23 The second problem with the above scenario,
24 in order to seize the computers or devices
25 you need sufficient probable cause that the
26 computers or devices constitute, the fruit,
27 instrumentality, or evidence of a crime, and
28 it is necessary that there be established a

1 sufficient nexus between (1) criminal activity,
2 (2) the things to be seized, and (3) the place
3 to be searched. U.S. Const. Amend. IV Nev.
4 Const. Art. I sec. 18.

5 In other words, there would have to be
6 specific testimony or records that indicate
7 or support that the computers or devices were
8 the instrument of the crime of 1st Degree
9 Kidnapping, and then you would need to
10 have testimony or records that indicate
11 or support that the actual specific content
12 was even saved on the harddrive (permanent memory)
13 of the computer or devices in question. Kellen
14 V. State, 49 Ala. App. 475, 273 So. 2d 235 (1972).

15 The main problem is that there are computers
16 at a person's work, the library, Cafes, and
17 hotels. How does one determine, without
18 internet service provider records, or direct
19 eye witness testimony, that a specific
20 computer or device is the instrument of a
21 crime or that it actually has evidence stored
22 on its harddrive? The biggest question is,
23 how does a computer or device as described
24 above by the affidavit, tend to demonstrate
25 the criminal offense of 1st Degree Kidnapping,
26 especially since it was unknown at the time
27 of the affidavit, whether the Defendant even
28 had internet access at home?

1 In the affidavit of Det. Schell (Exhibit A),
2 the only probable cause indicated or offered
3 as support, is that the Defendant and alleged
4 victim communicated lawfully. This is
5 important, because communication in and of
6 itself is not unlawful or a legitimate
7 reason to believe that the communication
8 is indicative or supportive of evidence
9 for 1st Degree Kidnapping, but is a fundamental
10 1st amendment constitutional right to
11 freedom of speech. This communication was
12 through email and craigslist.com, which
13 is data that is stored on a data base by
14 the internet/Email service provider, not
15 on a personal computer or device, unless
16 saved to the harddrive as discussed
17 earlier.

18 Once again, as with the Defendant's
19 Apple Iphone 4, the officer could have
20 obtained a Subpoena Duces Tecum, to
21 obtain the Defendant's email or internet
22 service provider records, if any, to gain
23 sufficient probable cause, if any, that
24 the computers or devices were the
25 instrument of the crime of 1st Degree
26 Kidnapping. The Defendant was arrested
27 on November 01, 2013, and the search and
28 seizure warrant was executed on

1 December 06, 2013, 35 days is more than
2 enough time to get a subpoena,
3 which is a minimum of what due
4 process requires in the instant case.
5 The Defendant was in custody at Clark
6 County Detention Center, so a Subpoena
7 was both practical and in no way, put
8 potential evidence in danger of being
9 destroyed. It is now March 2016, as of
10 the writing of this Motion, and there is
11 still no evidence that the Defendant's
12 computers or devices were the fruit,
13 instrumentality, or stored evidence of the
14 crime of 1st Degree Kidnapping, though the
15 "State" has unlawfully searched and
16 seized the Defendant's computers
17 mentioned previously.

18 No doubt the "State" will claim
19 that the officers had sufficient
20 probable cause based upon nude/semi-
21 nude photos of the alleged victim,
22 but the photos themselves would be beyond
23 the scope of the affidavit (Exhibit A)
24 and will be discussed more in detail,
25 hereafter.

1 4. THE "STATES" CLAIM THAT PROBABLE
2 CAUSE EXISTED IN THE FORM
3 OF ALLEGED SEMI-NUDE/NUDE
4 PHOTOS OF THE ALLEGED
5 VICTIM ON THE DEFENDANT'S
6 COMPUTER AT THE TIME OF
7 THE EXECUTION OF THE DECEMBER
8 06, 2013 SEARCH AND SEIZURE
9 WARRANT IS AN ATTEMPT TO
10 "REHABILITATE" THE AFFIDAVIT
11 OF "EXHIBIT A".
12

13 On December 06, 2013 the Defendant's home
14 at 4915 Russell Road #143, Las Vegas, Nevada was
15 searched and property was unlawfully seized,
16 namely two (2) computers, (1) HP Pavilion Laptop,
17 Serial # CNE004B4JT, and (1) IBM/58u Desktop
18 Computer, serial # KCLV820. As discussed
19 earlier, the computers were seized unlawfully
20 without sufficient probable cause that
21 connected the lawful 1st amendment protected
22 communication between the alleged victim
23 and Defendant, through email and Craigslist.com,
24 to the seized computers, but further, failed
25 to connect the computers, to the charge of
26 1st Degree Kidnapping (NRS 200.310, 200.320),
27 which is the entire scope of the affidavit
28 (Exhibit A). Probable cause is the cornerstone

1 requirement of a search and seizure warrant.
2 State v. Allen, 119 Nev. 169 69 P. 3d 232 (2003).
3 Without hesitation the "State" will claim
4 they had probable cause in the form of
5 testimony about alleged semi-nude/nude
6 photos on the Defendant's computer, which,
7 one is unknown, at the time of the execution
8 of the search and seizure warrant on
9 December 06, 2013. But, if we put this
10 claim under the microscope, several
11 discrepancies rise to the surface.

12 After the search and seizure warrant was
13 executed on December 06, 2013, the computers
14 and other seized property, was inventoried
15 and the warrant completed at 14:20 (2:20pm) on
16 December 06, 2013 (Exhibit C page 1, Date and time
17 of report), and signed by Det. Schell of (CCSOPD),
18 the same officer whom wrote the affidavits
19 of Exhibits A and B, executed the search
20 and seizure warrants, and finally inventories
21 the property seized. Then, one hour after,
22 at 15:25 (3:25pm) on December 06, 2013,
23 Det. Schell also witnesses a signed statement
24 by the alleged victim's mother, Kathryn Smith,
25 about alleged nude photos on the Defendant's
26 already seized computer (Exhibit D). A red
27 flag should be coming to mind, why have
28 the mother write a statement one hour

1 after the computers had already been seized
2 unlawfully, and in reference to alleged
3 nude photos of the alleged victim? (Exhibit D)

4 The problem with the "States" claim is
5 evident, not only are the alleged nude photos
6 beyond the scope of the affidavit, but
7 are not included at all (Exhibit A). Also, the
8 alleged victim's mother's statement, never
9 went before a magistrate, nor could have,
10 because the search and seizure warrant had
11 already been executed (Exhibit C). It is
12 very apparent from the facts, that
13 Det. Schell, knew he had no sufficient
14 probable cause to seize the Defendants'
15 computers, and his actions manifestly
16 disarm any possible claim about acting in
17 "Good Faith", when seizing the Defendants'
18 computers. He knew his actions were
19 unlawful, which is the touchstone to
20 determine "good faith" police activity.

21 The most likely scenario, that
22 fits the facts, is that Det. Schell,
23 seized the computers of the Defendant
24 unlawfully, went on a "fishing expedition,"
25 and possibly came across potential probable
26 cause, in the form of photos, which
27 at this point, are the fruit of an
28 unlawful government search, as he had

1 no authority to seize the Defendant's
2 HP Pavilion Laptop computer serial # CNF004B4UT,
3 let alone search it, then had the alleged
4 victim's mother endorse a statement
5 to try to "rehabilitate" the affidavit
6 (Exhibit A and D). After the fact
7 testimony can not rehabilitate an
8 affidavit and is unlawful. *Whitely v.*
9 *Warden*, 401 U.S. 560, 91 S. Ct 1031, 28 L. Ed.
10 2d 306 (1971); *State v. Anderson*, 286 Ark.
11 58, 688 S.W. 2d 947 (1985); *State v. Hendrickson*,
12 217 Mont. 1, 701 P. 2d 1368 (1985); *United States*
13 *v. Clyburn*, 24 F. 3d 613 (4th cir. 1994);
14 *State v. Barrileaux*, 620 So. 2d 1317 (La. 1993);
15 *Campbell v. Minnesota*, 487 F. 2d 1 (8th cir. 1973).
16 The mother of the alleged victim now
17 having knowledge of the possible semi-nude/
18 nude photos, by way of Det. Schell's
19 unlawful search, confronts the alleged
20 victim, whom is now being placed in an
21 awkward position, is forced to
22 acknowledge the alleged semi-nude/
23 nude photos, after learning the
24 Defendant's computer had been seized
25 and searched (Exhibit E, PHT, 150/18-19).
26 The "state" then in their Opposition motions
27 to the Defenses 1st and 2nd Motion to
28 suppress evidence, claim that they had

1 this information about the nude/semi-nude
2 photos of the alleged victim on or before
3 December 05, 2013, at least one day prior
4 to the writing of the affidavit of Exhibit
5 A and B by Det. Schell (Exhibit G and H).
6 In the mother of the alleged victim, Kathryn
7 Smith's statement, about the alleged nude/
8 semi-nude photos, she explicitly tries
9 to date the knowing of the information,
10 one week prior (Exhibit D). This is a
11 critical point, because if true, reason
12 has it, that the information about the
13 alleged nude/semi-nude photos would have
14 been most certainly included in the search
15 and seizure warrant affidavit of Exhibit A.
16 Once again, why did the alleged victim's
17 mother, Kathryn Smith, write and sign
18 a statement one-hour, after, the
19 execution of the search and seizure
20 warrant, and unlawful seizing of the
21 Defendant's computers?

22 What stammers the mind about all this
23 activity, is that one person seems to be at the
24 center of it all, namely, Det. Schell of the
25 Clark County School District Police Department.
26 He arrested the Defendant, unlawfully seized
27 the Defendant's iPhone 4 and booked it into
28 evidence, writes an insufficient affidavit

1 to search and seize the Defendant's home,
2 and unlawfully seizes the Defendant's
3 computers, inventories the Defendant's
4 seized property, returns some of the
5 property to the alleged victim, witnesses
6 and has the mother of the alleged victim,
7 Kathryn Smith, sign a statement about
8 nude/semi-nude photos of the alleged victim,
9 allegedly on the Defendant's computer, one
10 hour after the execution of the search
11 and seizure warrant, and finally testifies
12 at the preliminary hearing about the
13 "Chain of custody", that clearly lacks
14 testimony by the only two alleged
15 technicians whom allegedly found the
16 alleged nude/semi-nude photos of the
17 alleged victim on the Defendant's iPhone 4
18 and computer.

19 The motive and intent has arisen like the
20 early morning sun. The "state" gets to unlawfully
21 charge the Defendant with (4) four counts of
22 Unlawful Use of a Minor in the Production of
23 Pornography (CRS 200.700, 200.710(A)(B), and 200.750)
24 and Def. Schell's unlawful actions are unnoticed.
25 Unlawful government activity, remains unlawful,
26 no matter how you try to make it lawful. You
27 can call a dog's tail a leg, as many times
28 as you want, it never makes it one.

III. Conclusion

Based upon the above and foregoing, Mr. Sprowson respectfully requests this Honorable Court to grant the Defendant's Motion to Suppress evidence and to enter an order suppressing all the tangible, derivative, and testimonial evidence derived from the Unlawful search and seizure of his Apple Iphone 4, HP Pavilion Laptop computer, and IBM/584 Desktop computer, as violations of his Fourth Amendment Constitutional rights, as fruit of the poisonous tree, his protections against unlawful seizures and searches under Article I, Section 18, of the Nevada Constitution, and a violation of NRS 179.085(1) a-d. In addition, Mr. Sprowson also respectfully requests this Honorable Court to dismiss the charges of NRS 200.700, 200.710(A)(B), and 200.750 with prejudice, because the charges are a direct result of the Unlawfully seized evidence, that must be suppressed and excluded from evidence against the Defendant, Mr. Sprowson, whom is entitled to the requested relief above. Wherefore, Defendant prays for relief against the Plaintiff, as it is based upon law.

Respectfully Submitted,
Mr. Sprowson
MELVYN P. SPROWSON, JR.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT

A

7 pages

3 Affidavit

2 Search warrant

2 Search and seizure return

Exhibit A (1)

SW2013

1457

FILED

13F178514
C.A.W.C
bluty

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

Dec 10 3 26 PM '13

STATE OF NEVADA)

ss: Melvyn Perry Sprowson Jr.

JUSTICE COURT
LAS VEGAS NEVADA
DEPUTY

COUNTY OF CLARK)

Detective **JEFF SCHELL**, P# 295, being first duly sworn, deposes and states that he is the affiant herein, and that he is a Police Officer with the Clark County School District Police Department, currently assigned to the Investigation Bureau, having been employed by the Department for 11 years.

There is probable cause to believe that certain property hereinafter described will be found at the following described premises, to-wit:

Melvyn Sprowson Jr.'s residence located at 4915 Russell Road, Apartment #143, Las Vegas Nevada 89120. Further described as; multifamily apartment complex, light brown color with dark brown and gray trim, commonly known as Mesa Ridge Village. The number 143 is posted next to the door at about eye level. The front door faces in an eastward direction and is accessible from the ground floor.

The property referred to and sought to be seized consists of the following:

1. Any and all computers or devices capable of accessing the internet or sending and receiving messages or downloading and storing data.
2. Any and all female clothing and or personal hygiene products.
3. And articles of personal property which would tend to establish the identity of persons in control of said premises, which items of property would consist in part of and include, but not limited to papers, documents and effects which tend to show possession, dominion and control over said premises, including but not limited to keys, canceled mail envelopes, rental agreements and receipts, utility and telephone bills, prescription bottles, vehicle registration, vehicle repairs and gas receipts. Items which tend to show evidence of motive and/or the identity of the perpetrator such as photographs and undeveloped film, insurance policies and letters, address and telephone records, diaries, governmental notices, whether such items are written, typed or stored on computer disc. Objects which bear a person's name, phone number or address.

4. The property hereinbefore described constitutes evidence which tends to demonstrate that the criminal offense of 200.310 - 1st Degree Kidnap has been committed.

In support of your affiant's assertion to constitute the existence of probable cause, the following facts are offered:

During the month of October 2013, Officer Gary Abbott # 199 was contacted by Kathryn Smith, mother of 16 year old Jaysenia D. Torres. Smith requested help from Officer Abbott because Torres had run away from home. She informed Officer Abbott she had filed a runaway report with the Henderson Police Department (HPD) on August 30, 2013 HPD event # 13-13994.

Officer Abbott contacted HPD who informed Abbott that Torres was communicating with an individual named Melvyn Perry Sprowson Jr. based on emails and Craigslist.com information Smith (Torres' mother) provided HPD.

Officer Abbott conducted a records check of Sprowson and learned Sprowson was a kindergarten teacher at Wengert Elementary School, Las Vegas, Nevada. Officer Abbott and Det. Platt met with Sprowson at Wengert Elementary on October 31, 2013. Sprowson agreed to speak them and during their conversation Sprowson admitted to knowing 16 year old Torres via text messages, craigslist.com and phone calls. Sprowson stated he never met Torres in person and only had a messaging relationship. Sprowson stated he chats with several people at one time and the messages sometimes runs together. Sprowson also advised that he has no knowledge of Torres whereabouts, but did admit to wiring Torres \$150.00 one time in the past.

On November 1, 2013, Officer Abbott went to Melvyn Sprowson's apartment located at 4915 E. Russell Road, Las Vegas, Nevada 89120 for a knock and talk. Abbott knocked on the door and Torres answered the door. Officer Abbott recognized the missing juvenile as Torres. Officer Abbott then contacted Sergeant Mitch Maciszak # 308 and informed him the runaway juvenile was at Sprowson's residence.

Sgt. Maciszak and I went to Sprowson's residence and met with Torres. We conducted an audio recorded interview with Torres where she told us she ran away from home because she did not like her mom's attitude. Torres told us she began looking for roommates on Craigslist.com and came across an advertisement posted by Sprowson. Torres told us she began exchanging text messages with Sprowson and a relationship started. Torres told us on August 28, 2013, she was fed up with living with her mom and text messaged Sprowson telling him she did not want to stay at her mom's house. Sprowson then picked her up from her house and without the consent of Torres' parents took Torres to his apartment. Torres stated she had been living with Sprowson ever since. Torres said she was not attending school because she knew if she went to school she would be taken back home because she was listed as a runaway. Torres stated she and Sprowson had talked about her going back to school when she was 18 years of age. Torres stated they also discussed the idea of her becoming emancipated. Torres further stated that their relationship had developed into a dating relationship and they both told each other "I love you." Torres also told us they both shared a bedroom and slept in

the same bed. Torres also told us she and Sprowson were the only people living in the apartment.

Det. Matt Caldwell # 368 and Det. David Platt # 217 went to Wengert Elementary School to see if Sprowson showed up for work. The school principal, Ms. Mustafa, advised Sprowson was at work. Det. Platt asked to have Sprowson brought to the front office so he could speak with him. Det. Platt told me Sprowson was very evasive stating that he was not going to answer any questions and he had already answered them the day before. Sprowson did advise he had never had contact with Torres' family or friends. The interview was audio recorded.


On December 5, 2013, I went back to the Mesa Ridge Village apartments located at 4915 Russell Road and spoke with an employee in the rental office. The employee told me that Sprowson was still a resident and his rent was current. The employee also told me they went into Sprowson's apartment to remove trash to prevent damage to the property and obnoxious odors.

Sprowson was arrested for Kidnapping, Contributing to the delinquency of a minor, Child abuse and Obstructing. Sprowson was transported to the Clark County Detention Center by Det. Platt where he was booked accordingly. Due to the fact Torres told us their relationship began through text messaging Sprowson's black iPhone bearing serial # 88123FJSA4T was booked into CCSDPD evidence.

WHEREFORE, Affiant requests that a Search Warrant be issued directing a search for and seizure of the aforementioned items at the location set forth herein.

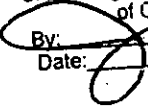

AFFIANT JEFF SCHELL

SUBSCRIBED and SWORN to before me this 6th day of December, 2013.


JUDGE

Reviewed by:

Deputy District Attorney

CERTIFIED COPY
The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegas Township, in and for the County of Clark, State of Nevada
By:  Deputy
Date: 12/13/13

"Exhibit A (4)"

SW2013

1957
FILED

SEARCH WARRANT
NRS 179.045

Dec 10 3 26 PM '13

JUSTICE COURT
LAS VEGAS NEVADA
BY _____ DEPUTY

STATE OF NEVADA)
) SS. Melvyn Perry Sprowson Jr.
COUNTY OF CLARK)

The State of Nevada, to any Peace Officer in the County of Clark. Proof having been made before me by Det. Jeff Schell, P#295, by Affidavit, incorporated by reference, that there is probable cause to believe that certain evidence, to wit:

1. Any and all computers or devices capable of accessing the internet or sending and receiving messages or downloading and storing data.
2. And articles of personal property which would tend to establish the identity of persons in control of said premises, which items of property would consist in part of and include, but not limited to papers, documents and effects which tend to show possession, dominion and control over said premises, including but not limited to keys, canceled mail envelopes, rental agreements and receipts, utility and telephone bills, prescription bottles, vehicle registration, vehicle repairs and gas receipts. Items which tend to show evidence of motive and/or the identity of the perpetrator such as photographs and undeveloped film, insurance policies and letters, address and telephone records, diaries, governmental notices, whether such items are written, typed or stored on computer disc. Objects which bear a person's name, phone number or address.
3. Any and all female clothing and or personal hygiene products.

The property hereinbefore described constitutes evidence which tends to demonstrate that the criminal offense of 200.310 - 1st Degree Kidnap has been committed.

is presently located at: (1)

Melvyn Sprowson Jr.'s residence located at 4915 Russell Road, Apartment #143, Las Vegas Nevada 89120.

Page 1 of 2

CCSDPD DR# 1311-05723

"Exhibit A (5)"

As I am satisfied that there is probable cause to believe that said evidence is located as set forth above and based upon the Affidavit of Det. Jeff Schell # 295 there are sufficient grounds for the issuance of this Search Warrant. You are hereby commanded to search said premises for said property, serving this warrant **(between the hours of 7:00am and 7:00 pm)** and if the property is there to seize it and leave a written inventory and make a return before me within 10 days.

Endorsed this 6th day of December, 20 13.



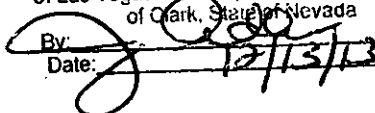
JUDGE

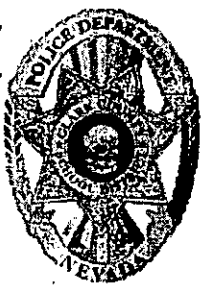
Page 1 of 2

CCSDPD DR# 1311-05723

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegas Township, in and for the County of Clark, State of Nevada

By:  Deputy
Date: 12/13/13



"Exhibit A(6)"

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

Page ____ of ____

SEARCH & SEIZURE RETURN

(Must be made within 10-days of issuance of warrant)

DR# 1311-05723

DEC 10 3 26 PM '13

The search and seizure warrant authorizing a search and seizure at the following described location(s):

JUSTICE COURT
LAS VEGAS, NEVADA

4915 E. WILKIN ROAD APARTMENT # 143 BY LAS VEGAS NV.
DEPUTY

was executed on: 12-6-13

A copy of this inventory was left with: (Name of person or place of search)

AT RESIDENCE

The following is an inventory of property taken pursuant to the warrant:

1. PAIR OF WOMAN'S SUNGLASSES, LOCATED ON BACK SIDE OF 1ST FLOOR.
1. LETTER/STORY TITLED "CIRCUSE LOVE", LOCATED 1ST FLOOR STAIR CLOSET.
1. HP REVOLUTION ENTERTAINMENT LAPTOP COMPUTER. S/N CNF00184 ST. LOCATED 1ST FLOOR LIVING ROOM, WITH POWER CORD.
1. PAIR OF WOMAN'S SILVER IN COLOR SHOES, LOCATED IN 1ST FLOOR STAIR CLOSET.
1. LETTER TITLED "MEL + JAY" LOCATED 1ST FLOOR KITCHEN COUNTER.
1. LETTER TITLED "HAPPY TWO MONTHS" WRITTEN TO "MEL". 1ST FLOOR KITCHEN COUNTER.
1. LETTER TITLED "DEAR MEL" 1ST FLOOR KITCHEN COUNTER.
1. CCSD I.D. CARD WITH PICTURE OF MELVYN SPRAWSON, 1ST FLOOR KITCHEN COUNTER.
- FIRST FLOOR RESTROOM, ALWAYS MAXI PPDs, BOB WITH HAIR CLIPS, 2 COMBS, CONAIR NANO HAIR IRON, HAND MIRROR, CONAIR BRUSH, 1 GRAY/RED ARMY ROTC T-SHIRT, HAIR BRUSH + HAIR TIES, HOLLISTER LOTION, BEYOND THE ZONE PINK AND BLACK HAIR SPRAY, TRESEMME HAIR SPRAY.
1. RED/WHITE HOODED SWEAT SHIRT "LIFE GUARD", LOCATED 1ST FLOOR LIVING ROOM, SIZE XS.
1. IBM COMPUTER WITH S/N KCLV 2D, MODEL # 58U, LOCATED IN 2ND FLOOR BEDROOM/OFFICE.

Inventory completed by: (Include officers, affiant and person from whom property is taken, if present)

OFFICER / AFFIANT DET. J. SCHILL # 295

OFFICER DET. A. PLATT # 217

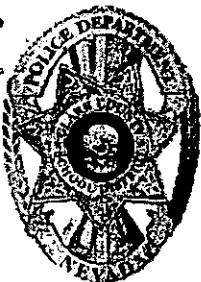
OFFICER SGT. M. MACISZAK # 308

OWNER

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegas Township, in and for the County of Clark, State of Nevada

By: [Signature] Deputy
Date: 12/13/13



"Exhibit A (7)"

SW2013

1957

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

Page ____ of ____

SEARCH & SEIZURE RETURN

FILED

(Must be made within 10-days of issuance of warrant)

DR# 1311-05723

DEC 10 3 26 PM '13

The search and seizure warrant authorizing a search and seizure at the following described location(s):

4915 E. RUSSELL ROAD, APARTMENTS # 143, BLVD, NV, 89120

JUSTICE COURT

LAS VEGAS, NEVADA

DEPUTY

was executed on: DECEMBER 6, 2013

A copy of this inventory was left with: (Name of person or place of search)

RESIDENCE

The following is an inventory of property taken pursuant to the warrant:

1. NV ENERGY BILL ADDRESSED TO MELVYN P. SPRAWSON JR. 4915 E. RUSSELL ROAD #143, LV, NV 89120.
1. SOUTHWEST GAS BILL, ISSUED TO MELVYN P. SPRAWSON JR., 4915 E. RUSSELL ROAD #143, LV, NV. 89120
1. RENTAL AGREEMENT, LOCATED IN BEDROOM/OFFICE ON BOOK SHELF.
1. MISC. WOMANS CLOTHING, FOUND IN MASTER BEDROOM CLOSET.
1. PAIR OF BLACK WOMANS PANTS LOCATED ON RIGHT SIDE OF BED.
1. DENTAL RETAINER- FOUND IN MASTER BATHROOM.
1. BLACK BOIL POOL WITH WHITE TRIM, LOCATED IN MASTER BEDROOM CLOSET.

Inventory completed by: (Include officers, affiant and person from whom property is taken, if present)

DET. J. SUTHER #295
OFFICER / AFFIANT

DET. A. PLATT # 217
OFFICER

DET. G. HIBNER # 243
OFFICER

OWNER

SPD-1432 (Rev. 06-12)

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegas Township, in and for the County of Clark, State of Nevada

By: [Signature]
Date: 12/13/13

Deputy

797

EXHIBIT

B

6 pages

4 Affidavit

1 Search warrant

1 Search and seizure return

Exhibit B" (1)

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

SW2013

1458 blufj
FILED
13F17841X

DEC 10 3 26 PM '13

JUSTICE COURT
LAS VEGAS NEVADA
BY _____
DEPUTY

STATE OF NEVADA)

COUNTY OF CLARK)

ss: SPROWSON, Melvyn Perry Jr.

Detective Jeff Schell, being first duly sworn deposes and stated that he is the affiant herein and is a Detective with the Clark County School District Police Department (herein after referred to as CCSDPD). Your affiant has been in law enforcement for 11 years and is currently assigned to Investigation. Probable cause exists to believe that the items listed below will be found at the following premises, to-wit:

Digital Storage Devices, impounded under Clark County School District Police Department DR# 1311-05723, currently located in the CCSDPD Evidence Vault, 4260 Eucalyptus Las Vegas NV 89121, specifically:

Black in color Apple iPhone cell with serial # 88123FJSA4T.

The property referred to and sought to be seized consists of the following:

1. Digitally stored records, information and data, which may constitute evidence of 200.310 - 1st Degree Kidnap, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile, involvement in the planning or commission of the crime(s), between the dates of July 1, 2013 and November 1, 2013.

2. Digitally stored records, information and data which would tend to establish the identity of persons who were in sole or joint control of the aforementioned digital storage devices during the period of time between July 1, 2013 and November 1, 2013.

Definitions:

Electronic Storage Device - A device which accepts an incoming stream of data and stores that data by using an electronic, optical, magnetic, mechanical, or other mechanism. This includes computers, hard disk drives, cell phones, portable audio devices, thumb drives, magnetic stripe scanners and reencoders, memory cards and any other device meeting the definition. The persistence of that data storage may or may not be dependent on a continuous supply of electricity.

Digital Storage Media - A device or collection of devices upon which data is stored by an electronic storage device. This includes CD's, DVD's, floppy disks and any other device meeting the definition. Persistence of storage may or may not be dependent on a continuous supply of electricity.

Digital Storage Device - A device that meets the definition of an electronic storage device, digital storage media, or a combination of both.

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

Digitally Stored Records, Information and Data - Digitally stored records, information and data may be found on a digital storage device in the form of files, operating system metadata, residual fragments of data no longer tracked by the file system, data within Random Access Memory (RAM) or Read Only Memory (ROM), data within a file or area of disk designated as a backing store, or data within a file or area of disk intended to represent a complete or partial snapshot of system memory.

In support of your affiant's assertion to constitute the existence of probable cause, the following facts are offered:

During the month of October 2013, Officer Gary Abbott # 199 was contacted by Kathryn Smith, mother of 16 year old Jaysenia D. Torres. Smith requested help from Officer Abbott because Torres had run away from home. She informed Officer Abbott she had filed a runaway report with the Henderson Police Department (HPD) on August 30, 2013 HPD event # 13-13994.

Officer Abbott contacted HPD who informed Abbott that Torres was communicating with an individual named Melvyn Perry Sprowson Jr. based on emails and Craigslist.com information Smith (Torres' mother) provided HPD.

Officer Abbott conducted a records check of Sprowson and learned Sprowson was a kindergarten teacher at Wengert Elementary School, Las Vegas, Nevada. Officer Abbott and Det. Platt met with Sprowson at Wengert Elementary on October 31, 2013. Sprowson agreed to speak them and during their conversation Sprowson admitted to knowing 16 year old Torres via text messages, craigslist.com and phone calls. Sprowson stated he never met Torres in person and only had a messaging relationship. Sprowson stated he chats with several people at one time and the messages sometimes runs together. Sprowson also advised that he has no knowledge of Torres whereabouts, but did admit to wiring Torres \$150.00 one time in the past.

On November 1, 2013, Officer Abbott went to Melvyn Sprowson's apartment located at 4915 E. Russell Road, Las Vegas, Nevada 89120 for a knock and talk. Abbott knocked on the door and Torres answered the door. Officer Abbott recognized the missing juvenile as Torres. Officer Abbott then contacted Sergeant Mitch Maciszak # 308 and informed him the runaway juvenile was at Sprowson's residence.

Sgt. Maciszak and I went to Sprowson's residence and met with Torres. We conducted an audio recorded interview with Torres where she told us she ran away from home because she did not like her mom's attitude. Torres told us she began looking for roommates on Craigslist.com and came across an advertisement posted by Sprowson. Torres told us she began exchanging text messages with Sprowson and a relationship started. Torres told us on August 29, 2013, she was fed up with living with her mom and text messaged Sprowson telling him she did not want to stay at her mom's house. Sprowson then picked her up from her house and without the consent of Torres' parents took Torres to his apartment. Torres stated she had been living with Sprowson ever since. Torres said she was not attending school because she knew if she went to school she would be taken back home because she was listed as a runaway. Torres stated she and Sprowson had talked about her going back to school when she was 18 years of age. Torres stated they also discussed the idea of her becoming emancipated. Torres further stated that their relationship had developed into a dating relationship and they both told each other "I love you." Torres also told us they both slept in the same bed.

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

Det. Matt Caldwell # 368 and Det. David Platt # 217 went to Wengert Elementary School to see if Sprowson showed up for work. The school principal, Ms. Mustafa, advised Sprowson was at work. Det. Platt asked to have Sprowson brought to the front office so he could speak with him. Det. Platt told me Sprowson was very evasive stating that he was not going to answer any questions and he had already answered them the day before. Sprowson did advise he had never had contact with Torres' family or friends. The interview was audio recorded.

Sprowson was arrested for Kidnapping, Contributing to the delinquency of a minor, Child abuse and Obstructing. Sprowson was transported to the Clark County Detention Center by Det. Platt where he was booked accordingly. Due to the fact Torres told us their relationship began through text messaging Sprowson's black iPhone bearing serial # 88123FJSA4T was booked into CCSDPD evidence.

Authority to Duplicate Electronic Media

It is further requested that a forensic technician, sworn or non sworn, be granted authorization to examine; make duplicate images/copies of the digital content of the above mentioned digital storage device(s) and to determine if evidence of the offenses enumerated above are contained therein.

The master copy will be retained in evidence storage for later discovery and trial purposes.

**Authority to Detect and Circumvent Passwords, Encryption, and
Other Investigational Hindrances**

Parties engaged in illegal activity often attempt to hide or restrict access to the digitally stored evidence of their malfeasance through the use of passwords, encryption, or other methods of data obfuscation. They may also utilize hardware security devices to restrict access to the contents of a digital storage device.

It is therefore requested that a forensic technician be granted authorization to identify, circumvent, defeat, or bypass any password, encryption, security device or other mechanism that serves to impede or hinder the execution of this warrant.

Request for Off-Site Search Authorization

For the following reasons, the execution of this warrant may take a great deal of time and require a secure facility, special equipment, and software:

- a) It is unknown what operating system is running the computer(s) that is subject of this warrant and, therefore, it will take time to determine how the operating system permits access to data.
- b) The amount of data that may be stored in the hard drives and removable storage devices is enormous, and the number or size of the hard drives and removable storage devices that will have to be searched pursuant to this warrant is not known.
- c) The data to be seized may be located anywhere on the hard drives and removable storage devices, including hidden files, program files, and "deleted" files that have not been overwritten.

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

d) The data may be encrypted, or inaccessible without a password, and may be protected by self-destruct programming, all of which take time to bypass.

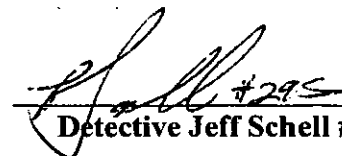
e) Because data stored on a computer can be destroyed or altered rather easily, either intentionally or accidentally, the search must be conducted carefully and in a secure environment.

f) To prevent alteration of data and insure the integrity of the search, clones (master copies) of all data storage devices will be made. The clones (master copies) will then be searched and this process will take time and special equipment.

For this reason, your affiant prays for the authorization to seize and examine the aforementioned items.

The property hereinbefore described constitutes evidence which tends to demonstrate that the criminal offense(s) of 200.310 - 1st Degree Kidnap, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile have been committed.

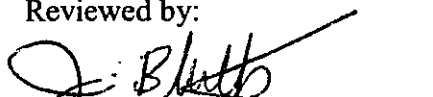
WHEREFORE, Affiant requests that a Search Warrant be issued directing a search for and seizure of the aforementioned items at the location set forth herein.


Detective Jeff Schell # 295

Subscribed and sworn to before me this 6th day of December, 2013.

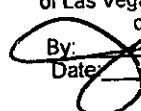

Judge

Reviewed by:


Deputy District Attorney

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegas Township, in and for the County of Clark, State of Nevada.

By:  Deputy
Date: 12/13/13

1958

"Exhibit B (5)"

SEARCH WARRANT
NRS 179.045

FILED

DEC 10 3 26 PM '13

STATE OF NEVADA)
) SS: Sprowson, Melvyn Perry Jr.
 COUNTY OF CLARK)

JUSTICE COURT
 LAS VEGAS NEVADA
 BY _____
 CLERK

The State of Nevada, to any Peace Officer in the County of Clark. Proof having been made before me by Det. Jeff Schell, P#295, by Affidavit, incorporated by reference, that there is probable cause to believe that certain evidence, to wit:

Black in color Apple iPhone cell with serial # 88123FJSA4T.

Digitally stored records, information and data, which may constitute evidence of 200.310 - 1st Degree Kidnap, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile, involvement in the planning or commission of the crime(s), between the dates of July 1, 2013 and November 1, 2013.

Digitally stored records, information and data which would tend to establish the identity of persons who were in sole or joint control of the aforementioned digital storage devices during the period of time between July 1, 2013 and November 1, 2013 and is presently located at:

The Clark County School District Police Department Evidence Vault, located at 4260 Eucalyptus Las Vegas NV 89121

As I am satisfied that there is probable cause to believe that said evidence is located as set forth above and based upon the Affidavit of Det. Jeff Schell # 295 there are sufficient grounds for the issuance of this Search Warrant. You are hereby commanded to search said premises/vehicle for said property, serving this warrant **(between the hours of 7:00am and 7:00 pm)** and if the property is there to seize it and leave a written inventory and make a return before me within 10 days.

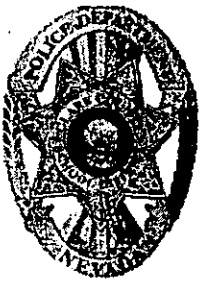
Endorsed this 6th day of December, 2013.



JUDGE

CERTIFIED COPY
 The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegas Township, in and for the County of Clark, State of Nevada

By: [Signature] Deputy
 Date: 12/13/13



"Exhibit B (6)"

SW2013

1758

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

Page ___ of ___

SEARCH & SEIZURE RETURN

(Must be made within 10-days of issuance of warrant)

DR# 1311-05723

Dec 10 3 26 PM '13

The search and seizure warrant authorizing a search and seizure at the following described location(s):

DIGITAL STORAGE DEVICES, IMPOUNDED UNDER CLARK COUNTY
SCHOOL DISTRICT POLICE DEPARTMENT DR# 1311-05723, CURRENTLY
LOCATED IN CCSDPD EVIDENCE VAULT, 4260 EUCALYPTUS, LV,
NV, 89121, SPECIFICALLY: BLACK IN COLOR APPLE IPHONE WITH
SERIAL # 88123FSSA4T.

was executed on: 12-6-13

A copy of this inventory was left with: (Name of person or place of search)

N/A

The following is an inventory of property taken pursuant to the warrant:

IPHONE 4 FORENSICS REPORT.

Inventory completed by: (Include officers, affiant and person from whom property is taken, if present)

DET. J. SCHALL # 295
OFFICER / AFFIANT

OFFICER

SPD-F432 (Rev. 06-12)

OFFICER

OWNER

CERTIFIED COPY

The document to which this certificate is
attached is a full, true and correct copy of the
original on file and of record in Justice Court
of Las Vegas Township, in and for the County
of Clark, State of Nevada

By:
Date:

Deputy

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT

C

3 pages

3 property report

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT PROPERTY REPORT

"Exhibit c" (1)

INCIDENT: KIDNAPPING

Page of
DR# 1311-05723

GENERAL INFORMATION

<input checked="" type="checkbox"/> Check appropriate box(es) <input checked="" type="checkbox"/> Recovered <input type="checkbox"/> Evidence <input type="checkbox"/> Found <input type="checkbox"/> Safekeeping <input type="checkbox"/> Seizure	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Gross <input type="checkbox"/> Misd. Date & Time of Report: 12-06-13 / 1920 Property Checked Through: <input type="checkbox"/> Pawn <input type="checkbox"/> NCIC <input type="checkbox"/> Scope <input type="checkbox"/> Other
<input checked="" type="checkbox"/> Custodial Arrest <input type="checkbox"/> Citation / Complaint #	
Reporting Officer's Name & P#: S. SCHELL #2915 Reporting Officer's Signature: [Signature]	

SUSPECT INFORMATION

Suspect #	Last Name	First	MI	DOB:	<input checked="" type="checkbox"/> Adult	<input type="checkbox"/> Juvenile
1	SPROWSON JR.	MELVYN	P	11-19-68	<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Street Address		City	State	Zip	Charge(s)	
4915 E. RUSSELL ROAD		LV	NV	89120	KIDNAPPING	

Suspect #	Last Name	First	MI	DOB:	<input type="checkbox"/> Adult	<input type="checkbox"/> Juvenile
					<input type="checkbox"/> Male	<input type="checkbox"/> Female
Street Address		City	State	Zip	Charge(s)	

Suspect #	Last Name	First	MI	DOB:	<input type="checkbox"/> Adult	<input type="checkbox"/> Juvenile
					<input type="checkbox"/> Male	<input type="checkbox"/> Female
Street Address		City	State	Zip	Charge(s)	

VICTIM INFORMATION

Victim Last Name or Entity Name	First	MI	DOB:	SSN:
TORRES, JAYSENIA				
Street Address	City	State	Zip	Home Phone:
				Business Phone:

RECOVERED BY (Officer / Owner / Finder)

Recovered By:	<input type="checkbox"/> Owner	Last Name	First Name	MI	DOB:	SSN:
<input checked="" type="checkbox"/> Officer	<input type="checkbox"/> Finder	SCHELL	JEFF			
Street Address		City	State	Zip	Home Phone:	Business Phone:

Owner Notified:	Notified By:	Date Notified:	Method Notified:	Released to Owner?	Complete chain of custody for items released to owner
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SCHELL	12-6-13	IN PERSON	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

PROPERTY LIST

Pkg. #	# of Items	Make / Brand / Model	Caliber Size	Barrel Length	Serial # / Misc.
1	1				
Description of Contents:			Location of Recovery:		
PAIR OF WOMAN'S SUNGLASSES			4915 E. RUSSELL RD. APT # 143		
1	1	MONTIGO BAY CLUB			
Description of Contents:			Location of Recovery:		
PAIR OF WOMAN'S SILVER IN COLOR SHOES			11		
1	1	ALWAYS / MAXI PADS			
Description of Contents:			Location of Recovery:		
FEMINE HYGIENE PADS			11		
1	7				
Description of Contents:			Location of Recovery:		
1 BAG WITH HAIR CLIPS			11		

Check here if property listing is continued on continuation page. ☒

**CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT
PROPERTY REPORT**

CONTINUATION PAGE

DR# 1311-05723

PROPERTY LIST					
Pkg. #	# of Items	Make / Brand / Model	Caliber Size	Barrel Length	Serial # / Misc.
1	2				
Description of Contents: 2 COMBS			Location of Recovery: 11		
1	1	CONAIR / NANO			
Description of Contents: HAIR IRON			Location of Recovery: 11		
1	1				
Description of Contents: HAND MIRROR			Location of Recovery: 11		
1	1	CONAIR			
Description of Contents: HAIR BRUSH			Location of Recovery: 11		
1	1				
Description of Contents: RED/GRAY ALPINE RACE T SHIRT			Location of Recovery: 11		
1	2				
Description of Contents: HAIR BRUSH + HAIR TIES			Location of Recovery: 11		
1	1	HOLLISTER			
Description of Contents: MILK BOTTLE LOTION			Location of Recovery: 11		
1	1	REXON THE ZONE			
Description of Contents: HAIR SPRAY			Location of Recovery: 11		
1	1	ESSENCE			
Description of Contents: HAIR SPRAY			Location of Recovery: 11		
1	1	LIFE GUARD			
Description of Contents: SIZE XS RED/WHITE HOODED SWEAT SHIRT			Location of Recovery: 11		
1	1	MISC.			
Description of Contents: MISC WOMANS CLOTHING			Location of Recovery: 11		
1	2				
Description of Contents: DENTAL ROPING BLACK BACK PACK WITH TUM			Location of Recovery: 11		

Exhibit c" (3)

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT PROPERTY REPORT

Page 1 of 1INCIDENT: KIDNAPPINGDR# 1311-05723

GENERAL INFORMATION

Check appropriate box(es)	<input checked="" type="checkbox"/> Recovered	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> Found	<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Gross	<input type="checkbox"/> Misd
	<input type="checkbox"/> Safekeeping	<input type="checkbox"/> Seizure		Date & Time of Report		
<input checked="" type="checkbox"/> Custodial Arrest				<input type="checkbox"/> Citation / Complaint #		
Reporting Officer's Name & P# <u>S. Schell 275</u>				Reporting Officer's Signature: <u>[Signature]</u>		
				Property Checked Through: <input type="checkbox"/> Pawn <input type="checkbox"/> NCIC <input type="checkbox"/> Scope <input type="checkbox"/> Other		

SUSPECT INFORMATION

Suspect # <u>1</u>	Last Name <u>SCHROEDER SR.</u>	First <u>MELVIN</u>	MI <u>C</u>	DOB: <u>11-17-68</u>	<input checked="" type="checkbox"/> Adult	<input type="checkbox"/> Juvenile
					<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Street Address <u>4715 E. RUSSELL RD. LV NV 89120</u>		City <u>LV</u>		State <u>NV</u>	Zip <u>89120</u>	Charge(s) <u>KIDNAPPING</u>
Suspect #	Last Name	First	MI	DOB:	<input type="checkbox"/> Adult	<input type="checkbox"/> Juvenile
					<input type="checkbox"/> Male	<input type="checkbox"/> Female
Street Address		City		State	Zip	Charge(s)
Suspect #	Last Name	First	MI	DOB:	<input type="checkbox"/> Adult	<input type="checkbox"/> Juvenile
					<input type="checkbox"/> Male	<input type="checkbox"/> Female
Street Address		City		State	Zip	Charge(s)

VICTIM INFORMATION

Victim Last Name or Entity Name	First	MI	DOB:	SSN:
<u>[Redacted]</u>	<u>[Redacted]</u>	<u>[Redacted]</u>	<u>[Redacted]</u>	<u>[Redacted]</u>
Street	City	State	Zip	Home Phone:
<u>[Redacted]</u>	<u>[Redacted]</u>	<u>[Redacted]</u>	<u>[Redacted]</u>	<u>[Redacted]</u>
				Business Phone:
<u>[Redacted]</u>				

RECOVERED BY (Officer / Owner / Finder)

Recovered By:	<input type="checkbox"/> Owner	Last Name	First Name	MI	DOB:	SSN:
<input checked="" type="checkbox"/> Officer	<input type="checkbox"/> Finder	<u>Schell</u>	<u>THOMAS</u>			
Street Address		City		State	Zip	Home Phone:
						Business Phone:
Owner Notified:	Notified By:	Date Notified:	Method Notified:	Released to Owner?	Complete chain of custody for items released to owner	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>SEARCH WARRANT</u>	<u>12-6-15</u>	<u>LEFT RETURN</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

PROPERTY LIST

Pkg. #	# of Items	Make / Brand / Model	Caliber Size	Barrel Length	Serial # / Misc.
<u>2</u>	<u>1</u>	<u>HP PAVILION</u>			<u>CNF 004 B 9 ST</u>
Description of Contents:			Location of Recovery:		
<u>LAPOTOP COMPUTER</u>			<u>4715 E. RUSSELL RD. APT # 143 LV NV 89120</u>		
Pkg. #	# of Items	Make / Brand / Model	Caliber Size	Barrel Length	Serial # / Misc.
<u>3</u>	<u>1</u>	<u>IBM / 540</u>			<u>KCLV 820</u>
Description of Contents:			Location of Recovery:		
<u>COMPUTER w/ power cord</u>			<u>11</u>		
Pkg. #	# of Items	Make / Brand / Model	Caliber Size	Barrel Length	Serial # / Misc.
<u>4</u>	<u>4</u>				
Description of Contents:			Location of Recovery:		
<u>4 LETTERS</u>			<u>11</u>		
Pkg. #	# of Items	Make / Brand / Model	Caliber Size	Barrel Length	Serial # / Misc.
<u>5</u>	<u>4</u>				
Description of Contents:			Location of Recovery:		
<u>1 RENTAL AGREEMENT 2 BILL, 1 CCSD I.D.</u>			<u>11</u>		

Check here if property listing is continued on continuation page. ☐

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT

D

1 page

1 Mother Kathryn Smith
Statement Report

Exhibit D

Page _____ of _____

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

DR# 1311-05723

STATEMENT REPORT
FOR OFFICIAL POLICE USE ONLY

CHECK ONE: ☐ VICTIM ☒ WITNESS ☐ SUSPECT (If checked, Warning & Waiver below must be completed.)

Location of Incident: (Number and Street) <u>4915 E. RUSSELL RD. LV</u>				City <u>LV</u>		State <u>NV</u>	Zip Code <u>89120</u>
Name (Last / First / Middle) <u>Smith Kathryn Joan</u>							
Date of Birth	Social Security #	Sex <u>F</u>	Ht. <u>5'4"</u>	Wt. <u>135</u>	Hair <u>Red</u>	Eyes <u>Gr</u>	Business / School Name
Residence Address (Number & Street) <u>1111 W. HENDERSON BLVD</u>			City <u>Henderson</u>	State <u>NV</u>	Zip Code <u>89014</u>	Res. Ph.	Ext.
Business / School Address: Number & Street			City	State	Zip Code	Occupation:	<input type="checkbox"/> CCSD Employee <input type="checkbox"/> Student

WARNING: BEFORE YOU ARE ASKED ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS

I am _____ of the Clark County School District Police Department and inform you that:

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to speak to any attorney and have him/her present with you while you are being questioned.
4. If you cannot afford to hire an attorney, one will be appointed to represent you before any questioning if you wish.
6. Anything you say can and will be used against you in Juvenile Court.
7. (If 16 years or older and accused of a felony) you may be certified as an adult and tried in Adult Criminal Court. Any statement you make can and will be used against you in Adult Court.

WAIVER: 1. I understand each of these rights as explained to me.
2. Having these rights in mind, I wish to make a statement to you now

(FOR JUVENILES, ALSO USE THE FOLLOWING JUVENILE MIRANDA PLUS)

5. You have the right to have your parent or guardian present during questioning.

Signature _____

Last week I spoke with my daughter and she told me about Melvin having pictures of her nude. She told me she was embarrassed about him having them. I am p.

Statement Taken	Location of Statement (Number & State) <u>120 CORPORATE PARK DR AND</u>	City <u>AND</u>	State <u>NV</u>	Zip Code <u>89074</u>	Month <u>12</u>	Day <u>6</u>	Year <u>13</u>	Time (24hr) <u>1525</u>
I have read this statement consisting of <u>1</u> page(s), and I affirm to the truth and accuracy of the facts contained herein. I understand that knowingly making false statements may subject me to appropriate criminal action as provided by law.								
Signature of person giving voluntary statement <u>[Signature]</u>				WITNESS: <u>[Signature]</u> # <u>2913</u>		TITLE <u>DET</u>		

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT

E

1 page

1 Preliminary Hearing Transcript
149-152

149

1 the witness. She doesn't like the answer.
 2 MS. BLUTH: Because she's completely
 3 inconsistent. I have a right to do that.
 4 THE COURT: Overruled. I'm going to let you
 5 get to that point.
 6 MS. BLUTH:
 7 Q. Part of the plan between the two of you was for
 8 you not to go to school?
 9 A. **It was my plan to not going to school. He wanted**
 10 **me to go to school.**
 11 Q. What would have happened if you went to school?
 12 A. **I would have been found.**
 13 Q. And so the --
 14 A. **He wanted me to stay home and go to school and**
 15 **wait until I was 18 to go with him.**
 16 Q. But at some point you didn't stay home; you went
 17 to his home?
 18 A. **Yeah, because I made him come get me.**
 19 Q. Okay. And as part of that plan you weren't going
 20 to go to school because you would get caught, correct?
 21 A. **Yes.**
 22 Q. The pictures that we've seen on the phone and on
 23 the computer, how did the police or the District
 24 Attorney's office end up knowing about those pictures?
 25 A. **Because -- what do you mean?**

150

1 Q. The pictures that we've seen today that came from
 2 the computer and the phone, how did those come to light?
 3 Like how did the police find out that they were there?
 4 MR. MOMOT: I'll object to that.
 5 MS. BLUTH: He's challenging the search
 6 warrant, so I have to lay a foundation.
 7 MR. MOMOT: I mean, that's got to be with
 8 the officers that are going to come here to testify.
 9 MS. BLUTH: No, I'm laying a foundation for
 10 it.
 11 THE COURT: If she knows. Do you know how
 12 the police found out about these photos?
 13 THE WITNESS: They had his computer.
 14 MS. BLUTH:
 15 Q. Did you -- I'm sorry, Judge. Did you ever tell
 16 me that there would be photos on the phone and the
 17 computer?
 18 A. **I told you about the computer after I found out**
 19 **that they took the computer.**
 20 Q. But did you tell me there would be photos?
 21 A. **Yes.**
 22 Q. What type of personal belongings did you have at
 23 the home?
 24 A. **My clothes. I had everything there.**
 25 Q. What type of things?

151

1 A. **My cell phone, my laptop, my retainer.**
 2 Q. And that was all at the home once you left on
 3 November 1st?
 4 A. **Yeah.**
 5 MR. MOMOT: Which home are we talking about?
 6 Melvyn's?
 7 MS. BLUTH: I'll specify.
 8 Q. Are we talking about Melvyn's home? The
 9 defendant's home?
 10 A. **Yeah.**
 11 Q. So today is it your testimony that you didn't try
 12 to commit suicide?
 13 A. **I did, but I didn't. Like I wouldn't have died.**
 14 **I know I wouldn't have died. My real goal was to get --**
 15 **my mom was blocking the stairs and I wanted to get**
 16 **around her. The only way to get around her was to jump**
 17 **off the balcony to get to the first floor. But I tried**
 18 **to kill myself.**
 19 Q. Okay. Those statements are completely
 20 conflicting. So you either tried to kill yourself or
 21 you didn't.
 22 A. **In the eyes of the hospital I'm saying that I**
 23 **tried to kill myself. But me personally, I know I**
 24 **wouldn't have died. I might have broken my leg at the**
 25 **least -- at the most. At the most I would have broken**

152

1 my let.
 2 Q. Would you rather die than live without Melvyn?
 3 A. **Yes.**
 4 MS. BLUTH: Nothing further.
 5 THE COURT: Anything further, Mr. Momot?
 6 RECROSS-EXAMINATION
 7 BY MR. MOMOT:
 8 Q. So in other words you still love Melvyn?
 9 A. **Yes.**
 10 Q. This Joshua -- I asked you a question about
 11 Joshua. That's a made up name?
 12 A. **No, Joshua is a boy that I used as an excuse for**
 13 **the ring and stuff. Like when my mom found the ring, I**
 14 **said Joshua gave it to me.**
 15 Q. I see. But on August 28th, the day before this,
 16 before you decided to leave and all, August 28th I
 17 think, you were having problems with your mom?
 18 A. **Yeah.**
 19 Q. You couldn't use the computer or your phone; she
 20 took it away from you?
 21 A. **Yeah, and she took the ring.**
 22 MR. MOMOT: I have nothing further.
 23 THE COURT: I have a couple questions.
 24 Okay?
 25 THE WITNESS: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT

E

2 pages

2 Preliminary Hearing Transcript
249-256

249

1 A. No.
2 Q. But did you, as part of your search warrant, list
3 any and all computer devices?
4 A. Yes, I did.
5 Q. And let me know if you need to see a copy of your
6 report, but what items were seized as part of this
7 initial search warrant of the home on December 6th?
8 A. There was two computers. There was the HP laptop
9 and there was an IBM tower. There was a bunch of female
10 personal effects that belonged to Jaysenia.
11 MR. MOMOT: Objection. That's a conclusion
12 on his part.
13 THE COURT: Sustained.
14 MS. BLUTH:
15 Q. Did you return those -- were any of those items
16 returned to Jaysenia or her mother?
17 A. Yes, they were.
18 Q. Were they identified as Jaysenia's?
19 A. Yes.
20 MR. MOMOT: Objection; hearsay.
21 THE COURT: You took items that later were
22 identified as belonging to Jaysenia and returned to her.
23 THE WITNESS: Yes, I did.
24 THE COURT: Mr. Momot?
25 MR. MOMOT: My objection was that it was a

250

1 hearsay statement. He seized items and they were
2 returned to the mother, but --
3 THE COURT: Overruled. Go ahead.
4 MR. MOMOT: It's still hearsay.
5 MS. BLUTH:
6 Q. So besides the computer, did you take into
7 evidence that letter that we saw pictures of?
8 A. Yes, I did.
9 Q. Did you take into evidence the missing persons
10 flyer?
11 A. We didn't take the missing persons flyers. We
12 just photographed it.
13 Q. I interrupted you. Actually Mr. Momot
14 interrupted you. Was there anything else within the
15 home?
16 A. There was a couple more letters, and I believe
17 there was another utility bill that we took.
18 Q. When you say letters, letters to whom from whom?
19 A. They were letters that said from J to Mel.
20 Q. At a later point in time did you do what's
21 sometimes referred to a piggyback warrant for that
22 computer?
23 A. Yes, we did.
24 Q. And what was the reason for that?
25 A. We had learned information that Jaysenia had

251

1 disclosed that she had taken some photographs of herself
2 in various states of undress. And she was concerned
3 about those photographs and we wanted to recover those.
4 Q. Okay. And did you get a search warrant for not
5 only his laptop or the computers, but also the cell
6 phone?
7 A. Yes, we did.
8 Q. And did you receive information that she had
9 actually sent those via text message?
10 A. I don't recall offhand how they were distributed.
11 Q. Or let me clarify. Did you have information that
12 Jaysenia and the defendant had been communicating both
13 via phone and via computer?
14 A. Yes, from our previous interview.
15 Q. And in regards to the pictures, you provided --
16 well, let me back up. So once you get the search
17 warrant for the phone and the computer, is there someone
18 within your department that is a forensic technician
19 that does those types of things with different items of
20 technology?
21 A. Yes.
22 Q. And what's that individual's name?
23 A. His name is Troy Cox.
24 Q. And did you give Mr. Cox the cell phone and the
25 computer to do the forensic examination that he needed

252

1 to do?
2 A. After obtaining the warrant for them, yes.
3 Q. And did he do those examinations?
4 A. He did.
5 Q. And are you then provided with the items that are
6 found?
7 A. Yes. He makes a - he prints out a report and he
8 provides me with the report.
9 Q. Okay. Now, showing you what's in evidence as
10 State's 4 through 15, which are all nude photographs of
11 Jaysenia Torres. If you would like to thumb through
12 them really quickly. Excuse me, semi nude. Different
13 various pictures of undress.
14 Do you recognize those?
15 A. I do.
16 Q. And are those photos that were obtained from the
17 search warrant on the defendant's cell phone as well as
18 his laptop?
19 A. Yeah or computer.
20 Q. And you then provided those to my office?
21 A. That's correct.
22 Q. Okay. Detective Platt testified before you and
23 testified that he had booked the iPhone -- that the
24 iPhone -- excuse me, the defendant's iPhone had been
25 booked into evidence. Are you the individual that

253

1 received the phone out of evidence so that it could go
 2 to Mr. Cox?
 3 **A. I believe the way it happened is we sent an**
 4 **e-mail to our evidence technician who then brought it to**
 5 **the computer forensics individual, yes.**
 6 **Q. And he then provided you with the information?**
 7 **A. That's correct.**
 8 **Q. And the report?**
 9 **A. That's correct.**
 10 **Q. Which was then forwarded to my office?**
 11 **A. That's correct.**
 12 MS. BLUTH: Nothing further.
 13 THE COURT: Cross?
 14 CROSS-EXAMINATION
 15 BY MR. MOMOT:
 16 **Q. I reviewed your search warrant, Officer. I see**
 17 **that you're -- you didn't find out all the information**
 18 **yourself. This information was provided to you by**
 19 **various officers?**
 20 **A. Which information are we talking about?**
 21 **Q. The information contained in your affidavit.**
 22 **A. You know, I don't really understand which**
 23 **information you're talking about.**
 24 **Q. Did you receive information from Sergeant**
 25 **Maciszak and you put that into your affidavit?**

254

1 **A. You know, to answer that accurately I would have**
 2 **to -- you would have to be a little more specific, sir.**
 3 **Q. I'm looking at your affidavit. Did you do an**
 4 **affidavit in this case? It's really a simple question.**
 5 **Did you do an affidavit in this case?**
 6 **A. Yes, I did.**
 7 **Q. And you based that information on the information**
 8 **that you received from various officers that you worked**
 9 **with?**
 10 **A. Yes.**
 11 **Q. And included in those officers are Sergeant**
 12 **Maciszak; is that correct?**
 13 **A. That's correct.**
 14 **Q. And Officer Abbott, correct?**
 15 **A. Correct.**
 16 **Q. And then you compile this information as the case**
 17 **agent and you submit it to a magistrate for the**
 18 **magistrate to sign off on to authorize a search warrant,**
 19 **correct?**
 20 **A. That's correct.**
 21 **Q. And you did that on December 6th, 2013, right?**
 22 **A. That's correct.**
 23 **Q. And you also relied on Detective Caldwell and**
 24 **Detective Platt, correct?**
 25 **A. Relied on them for what?**

255

1 **Q. For information contained in your affidavit.**
 2 **A. Without you being more specific, sir, I'm not**
 3 **sure.**
 4 **Q. Here. Page 2. It's your affidavit right, sir?**
 5 **A. Right.**
 6 **Q. Okay. So you relied on information from**
 7 **Detective Caldwell and Platt, correct?**
 8 **A. That would be correct.**
 9 **Q. Okay. Now, nowhere in this affidavit is it**
 10 **mentioned about a smoke alarm being checked out for the**
 11 **apartment, is there?**
 12 **A. No, there is not.**
 13 MR. MOMOT: Okay. No further questions.
 14 THE COURT: Anything further?
 15 MS. BLUTH: Nothing further.
 16 THE COURT: Okay. Detective Schell, I
 17 appreciate your testimony. You're free to leave.
 18 You're excused.
 19 THE WITNESS: Thank you, sir.
 20 THE COURT: Anything further?
 21 MS. BLUTH: The State has no further
 22 witnesses, Your Honor.
 23 THE COURT: Okay. At this point in time,
 24 State, are you resting your case?
 25 MS. BLUTH: I am.

256

1 THE COURT: The State has rested their case.
 2 Mr. Momot?
 3 MR. MOMOT: We're not going to present any
 4 evidence at this time nor is Mr. Sprowson going to
 5 testify on his behalf.
 6 THE COURT: Mr. Sprowson, you understand you
 7 have a constitutional right to give testimony at this
 8 proceeding today? Have you discussed that with
 9 Mr. Momot and your right to testify in this proceeding
 10 today?
 11 THE DEFENDANT: Yes, I have.
 12 THE COURT: Are you going to be waiving that
 13 right or are you going to be invoking that right?
 14 THE DEFENDANT: I'm going to waive it.
 15 THE COURT: So you have no intention of
 16 testifying here today?
 17 THE DEFENDANT: No, I do not.
 18 THE COURT: Mr. Sprowson, have you discussed
 19 with Mr. Momot any additional information that you would
 20 like him to provide today?
 21 THE DEFENDANT: No.
 22 THE COURT: Mr. Momot, you want to talk to
 23 him about that? Is there any additional information
 24 that -- do you have any additional information that you
 25 want him to provide today, Mr. Sprowson? Do you have

EXHIBIT

G

3 pages

3 "State's" Opposition motion
to Defense's 1st Motion to
Suppress Evidence
16-18

"EXHIBIT G (1)"

1 Additionally the court in Illinois v. Gates, 462 U.S. 213, 103 S.Ct. 2317 (1983), made it clear
2 that a magistrate's decision regarding probable cause should be given great deference.

3 "We have repeatedly said that after-the-fact scrutiny by courts of the sufficiency of an
4 affidavit should not take the form of de novo review. A magistrate's determination of probable
5 cause should be paid great deference by reviewing courts". Id. at 236.

6 The rationale of the U.S. Supreme Court has been adopted by the Nevada Supreme
7 Court in numerous cases including Wright v. State, 112 Nev. 391, 396, 916 P.2d 146, 149-150
8 (1996), in which the Nevada Supreme Court stated:

9 This court does not conduct a de novo review but merely decides
10 whether the evidence viewed as a whole provided a substantial
11 basis for the magistrate's finding of probable cause. There is a
12 preference for searches with warrants, and a reviewing court
13 should not adopt a grudging, hyper technical view of warrant
14 applications, but review them in a common sense, realistic
15 manner.

16 In 1983 the United States Supreme Court decided Illinois v. Gates, 462 U.S. 213, 103
17 S.Ct. 2317 (1983), which revolutionized the standards by which issued and executed search
18 warrants were to be judged by reviewing courts. In Gates, the Supreme Court did away with
19 the so called "two-prong" test which previously existed under Aguilar v. Texas, 378 U.S. 108,
20 84 S.Ct. 1509 (1964), and Spinelli v. United States, 393 U.S. 410, 89 S.Ct. 584 (1969). Instead,
21 the Gates decision set forth a new standard for probable cause which would support a Search
22 Warrant. The new rule established a "totality of the circumstances" approach.

23 "The task of the issuing magistrate is simply to make a practical, common-sense
24 decision whether, given all the circumstances set forth in the affidavit set before him, there is
25 a fair probability that contraband or evidence of a crime will be found in a particular place."
26 Gates, 462 U.S. at 213-14, 103 S.Ct. at 2319.

27 On November 1, 2013, the Defendant was arrested and taken into custody at his place
28 of employment after J.T. was discovered by Officer Abbott at Defendant's residence.

29 On December 5, 2013, CCSDPD Detective, Jeff Schell, was contacted by Chief Deputy
30 District Attorney Jacqueline Bluth, who informed him that J.T.'s mother had contacted her

EXHIBIT G (2)

1 and advised that J.T. had recently disclosed that to her that Defendant asked her to send him
2 nude photos and told her how to pose in the photos. DDA Bluth spoke to J.T. who confirmed
3 all of the information. J.T. further stated that the photos could be found on Defendant's
4 computer. Based upon the fact that J.T. had told CCSDPD that she had met Defendant online
5 through Craigslist.com which would be accessed via computer or smart phone and the fact that
6 the victim had recently disclosed to her mother the existence of nude pictures of her on
7 Defendant's computer; and, the fact that only she and Defendant were the only two occupants
8 of the apartment prior to her being recovered and his arrest, a search warrant was applied for
9 and obtained for Defendant's residence to recover;

10 1. Any and all computers or devices capable of accessing the
11 internet or sending and receiving messages or downloading and
12 storing data.

13 2. Any articles of personal property which would tend to
14 establish the identify of persons in control of said premise, which
15 items of property would consist in part of and include, but not
16 limited to papers, documents and effects which tend to show
17 possession, dominion and control over said premises, including
18 but not limited to keys, canceled mail envelopes, rental
19 agreements and receipts, utility and telephone bills, prescription
20 bottles, vehicle registration, vehicle repairs and gas receipts. Items
21 which tend to show evidence of motive and/or the identity of the
22 perpetrator such as photographs and undeveloped film, insurance
23 policies and letters, address and telephone records, diaries,
24 governmental notices, whether such items are written, typed or
25 stored on computer disk. Objects which bear a person's name,
26 phone number or address.

27 3. Any and all female clothing or personal hygiene products.

28 On December 6, 2013, the search warrant was served and two computers were
29 recovered from Sprowson's apartment: 1 HP Pavilion laptop computer with serial number
30 CNF004B4JT and 1 IBM 58 U computer bearing serial number KCLV8ZD. Also recovered
31 in the search warrant were articles of personal property which would tend to establish the

32 //

"EXHIBIT G(3)"

1 identity of persons in control of said premises along with female clothing and personal hygiene
2 products.

3 Based upon the above information probable cause existed that there would be emails
4 and other electronic evidence showing conversations between Melvyn Sprowson Jr., and J.T.
5 illustrating planning and/or enticing of Torres to leave her home. Furthermore, probable cause
6 existed that there would be images of 16 year old J.T. in various stages of undress to include
7 nude images on Melvyn Sprowson Jr.'s computer.

8 Notwithstanding Defendant's claim that Officer Abbott's conduct was illegal when he
9 discovered J.T. in the Defendant's apartment during the knock and talk in November 2013,
10 the facts in this case very clearly indicate that the search of Defendant's apartment one month
11 later, on December 6, 2013, was based on an entirely new set of facts provided by the victim
12 in this case which indicated that Defendant had photographs of her in various stages of undress,
13 on his computer. At that time law enforcement prepared a sufficiently legal and valid search
14 warrant based upon the new information; and in fact, were granted the authority to seize the
15 requested items by the court.

16 CONCLUSION


17 Based upon the above and foregoing Points and Authorities, Defendant's Motion to
18 Suppress Evidence must be denied.

19 DATED this 17th day of June, 2015.

20 Respectfully submitted,

21 STEVEN B. WOLFSON
22 Clark County District Attorney
23 Nevada Bar #001565

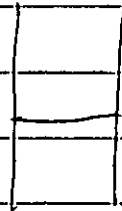
24 BY

25 
26 JACQUELINE BLUTH
27 Chief Deputy District Attorney
28 Nevada Bar #010625

//

//

EXHIBIT



2 pages

2 "State's" Opposition motion to
Defense's 2nd Motion to
Suppress evidence

11-12

1 the Gates decision set forth a new standard for probable cause which would support a Search
2 Warrant. The new rule established a "totality of the circumstances" approach.

3 "The task of the issuing magistrate is simply to make a practical, common-sense
4 decision whether, given all the circumstances set forth in the affidavit set before him, there is
5 a fair probability that contraband or evidence of a crime will be found in a particular place."
6 Gates, 462 U.S. at 213-14, 103 S.Ct. at 2319.

7 On November 1, 2013, the Defendant was arrested and taken into custody at his place
8 of employment after J.T. was discovered by Officer Abbott at Defendant's residence.

9 On December 5, 2013, CCSDPD Detective, Jeff Schell, was contacted by Chief Deputy
10 District Attorney Jacqueline Bluth, who informed him that J.T.'s mother had contacted her
11 and advised that J.T. had recently disclosed to her that Defendant asked her to send him nude
12 photos and told her how to pose in the photos. DDA Bluth spoke to J.T. who confirmed all of
13 the information. J.T. further stated that the photos could be found on Defendant's computer.
14 Based upon the fact that J.T. had told CCSDPD that she had met Defendant online through
15 Craigslist.com which would be accessed via computer or smart phone and the fact that the
16 victim had recently disclosed to her mother the existence of nude pictures of her on
17 Defendant's computer; and, the fact that only she and Defendant were the only two occupants
18 of the apartment prior to her being recovered and his arrest, a search warrant was applied for
19 and obtained for Defendant's residence to recover;

20 1. Any and all computers or devices capable of accessing the
21 internet or sending and receiving messages or downloading and
22 storing data.

23 2. Any articles of personal property which would tend to
24 establish the identify of persons in control of said premise, which
25 items of property would consist in part of and include, but not
26 limited to papers, documents and effects which tend to show
27 possession, dominion and control over said premises, including
28 but not limited to keys, canceled mail envelopes, rental
agreements and receipts, utility and telephone bills, prescription
bottles, vehicle registration, vehicle repairs and gas receipts. Items
which tend to show evidence of motive and/or the identity of the

perpetrator such as photographs and undeveloped film, insurance policies and letters, address and telephone records, diaries, governmental notices, whether such items are written, typed or stored on computer disk. Objects which bear a person's name, phone number or address.

3. Any and all female clothing or personal hygiene products.

On December 6, 2013, the search warrant was served and two computers were recovered from Sprowson's apartment: 1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58 U computer bearing serial number KCLV8ZD. Also recovered in the search warrant were articles of personal property which would tend to establish the identity of persons in control of said premises along with female clothing and personal hygiene products.

Based upon the above information probable cause existed that there would be emails and other electronic evidence showing conversations between Melvyn Sprowson Jr., and J.T. illustrating planning and/or enticing of Torres to leave her home. Furthermore, probable cause existed that there would be images of 16 year old J.T. in various stages of undress to include nude images on Melvyn Sprowson Jr.'s computer.

Notwithstanding Defendant's claim that Officer Abbott's conduct was illegal when he discovered J.T. in the Defendant's apartment during the knock and talk in November 2013, the facts in this case very clearly indicate that the search of Defendant's apartment one month later, on December 6, 2013, was based on an entirely new set of facts provided by the victim in this case which indicated that Defendant had photographs of her in various stages of undress, on his computer. At that time law enforcement prepared a sufficiently legal and valid search warrant based upon the new information; and in fact, were granted the authority to seize the requested items by the court.

//

//

//

//

1
2
3 EXHIBIT
4
5
6

7
8
9
10

11 2 pages
12

13 2 I write transcript of
14 interview by Michelle Fischer
15 of Child Haven of Jaysenia
16 Torres
17
18
19
20
21
22
23
24
25
26
27
28

1 A. And stuff like that.

2 Q. Oh. Okay. And so tell me how he takes care of you.

3 A. Like -- like -- I don't know. Like just everything. Like if I need
4 something.

5 Q. Uh-huh.

6 A. And he's got -- he -- he'll get it and all that kind of stuff. But he
7 cared. Like he wasn't like one of those people that just like they have an
8 ultimatum or whatever.

9 Q. Uh-huh.

10 A. To like go pimp me out or something. Like he was just like a
11 really good guy. And it's just -- (incomprehensible) so upset I had to get
12 him involved in something like this.

13 Q. Okay. So you -- you've been at Melvyn's house now since you
14 said August --

15 A. August 28th.

16 Q. -- 28th. And you started talking to him online --

17 A. In July.

18 Q. In July. Okay. And so when you were talking to him in July
19 online, did you guys ever talk about anything else besides the
20 emancipation?

21 A. No. Well, yeah. But we -- it was more about like getting
22 emancipated. It wasn't -- we never had like a pre-thing like, oh, you can
23 run away this day. No. It was more I just kind of made him take me. Like
24 I was kind of like -- didn't like to think about it. I was just like, yeah, I want
25 to leave now.

26 Q. Okay.

WB

1 A. Or I'm going to like kill myself kind of thing.

2 Q. Okay.

3 A. And he just was like, you know I just want the best for yourself.

4 Q. And so tell me more about how you made him take you.

5 A. I was just kind of like please, please, please, please, please.

6 And like, you know, all kinds of stuff. Just -- you know.

7 Q. Okay.

8 A. I need to get out of here.

9 Q. Okay.

10 A. And stuff like that.

11 Q. Okay. And so prior to you having him -- how did he -- how did
12 you get to Melvyn's house?

13 A. He picked me up.

14 Q. Okay. So prior to him picking you up, did you ever -- had you
15 ever seen Melvyn before?

16 A. I don't remember.

17 Q. Okay. So other than like you said you chat -- you would talk to
18 him online.

19 A. Yeah. We video-chatted, you know, talk. We were really good
20 friends. Yeah.

21 Q. Okay. So when you guys were video-chatting, did he
22 ever -- did -- did you guys ever do anything else besides like video chat?

23 A. No.

24 Q. Okay.

25 A. Like nothing. We never really did anything sexual or anything.

26 Q. Okay.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT

J

1 page

1 Affidavit of Defendant

AFFIDAVIT OF DEFENDANT

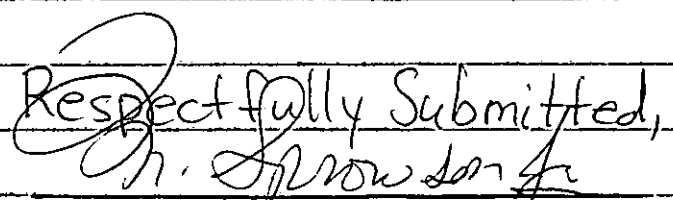
STATE OF NEVADA

COUNTY OF CLARK SS.

MELVYN P. SPROWSON, JR., being duly sworn, deposes and says:

That Affiant holds an Associate of Applied Science Degree, in Electronic Engineering Technology. That Affiant on September 09, 2015, did receive from the "State", Exhibits "A", containing: (3) affidavit, (2) search warrant, and (2) search and seizure return pages, and Exhibit "B", containing: (4) affidavit (1) search warrant, and (1) search and seizure return pages, now attached to Defendant's Third Motion to Suppress Evidence. That Affiant declares to the best of his knowledge that there are no photos or ever were photos of Jay senia Torres on Defendant's Apple Iphone 4 serial #88123FJSA4T.

DATED THIS 7th day of March, 2016. I, MELVYN P. SPROWSON, JR., do solemnly swear, under penalty of perjury, that the above statement is accurate, correct, and true to the best of my knowledge.
NRS 171.102 and NRS 208.165.

Respectfully Submitted,

MELVYN P. SPROWSON, JR.

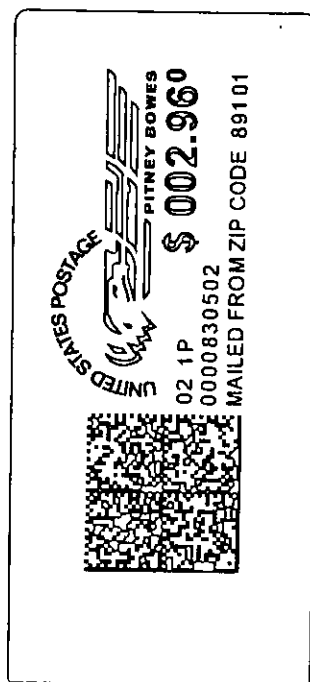
Melvyn P. Sprawson, Jr. (5996049)

CCDC

330 S. Casino center Blvd.

Las Vegas, NV 89101

42-910



Steven D. Grierson
Clerk of the District Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155-1160

FROM CDE

100

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

No. 73674

vi.

Respondent.

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

ADAM LAXALT
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

CERTIFICATE OF SERVICE

DEBORAH L. WESTBROOK
HOWARD S. BROOKS

MELVYN SPROWSON, #1180740
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Carrie M. Connolly
Employee, Clark County Public Defender's Office