

- 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 2018-16718

**INDEX**  
**MELVYN SPROWSON**  
**Case No. 73674**

	<b><u>PAGE NO.</u></b>
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	
2	Specific Categories of Ancillary Defense Costs	
	Date of Hrg: 06/01/15.....	568-575
3	Ex Parte Application for Expert Witness and	
4	Investigator And Funding Therefor filed 12/09/16 .....	964a-964f
5	Ex Parte Motion and Order for Release of Records filed 05/22/14.....	381-383
6	Ex Parte Motion and Order for Release of Records filed 05/22/14.....	384-386
7	Ex Parte Motion and Order for Release of Records filed 09/10/14.....	519-520
8	Ex Parte Motion and Order for Release of Records filed 09/10/14.....	521-522
9	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	525-526
10	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	527-528
11	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	529-530
12	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	531-532
13	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	533-534
14	Ex Parte Motion and Order for Release of Records filed 09/17/15.....	663-664
15	Fifth Supplemental Notice of Witnesses and/or Expert Witnesses filed 02/27/17.....	1081-1086
16	Fourth Supplemental Notice of Witnesses and/or Expert Witnesses filed 05/09/16.....	831-843
17	Information filed 01/13/14.....	251-254
18	Instructions to the Jury filed 03/31/17 .....	1130-1161
19	Judgment of Conviction (Jury Trial) filed 07/05/17.....	1167-1169
20	Jury List filed 03/23/17.....	1123
21	Jury List filed 03/30/17.....	1129
22	Justice Court Minutes from 11/06/13 through 01/08/14 .....	9-20
23	Media Request & Order Allowing Camera	
	Access to Court Proceedings filed 11/05/13.....	21-35
24	Media Request & Order Allowing Camera	
25	Access to Court Proceedings filed 01/30/14.....	255-256
26	Media Request & Order Allowing Camera	
	Access to Court Proceedings filed 02/18/14.....	264-266
27	Media Request & Order Allowing Camera	
28	Access to Court Proceedings filed 02/18/14.....	267-269

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

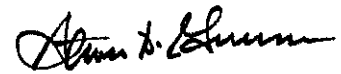


1	Recorder's Transcript <b>JURY TRIAL DAY 6</b>	
2	Date of Hrg: 03/28/17 .....	2627-2770
3	Recorder's Transcript <b>JURY TRIAL DAY 7</b>	
4	Date of Hrg: 03/29/17 .....	2771-2981
5	Recorder's Transcript <b>JURY TRIAL DAY 8</b>	
6	Date of Hrg: 03/30/17 .....	2982-3111
7	Recorder's Transcript <b>JURY TRIAL DAY 9</b>	
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	
	Date of Hrg: 01/04/17 .....	1579-1582
4	Recorder's Transcript	
5	Defendant's Pro Se Motion for Discovery	
	Date of Hrg: 11/02/16 .....	1527-1542
6	Recorder's Transcript	
7	Defendant's Pro Se Motion to Proceed on Appeal in Forma Pauperis...	
8	Defendant's Pro Se Motion to Suppress Evidence... State's Motion for	
9	Clarification Regarding State's Previously Filed Motion in Limine to	
	Preclude Evidence of Victim's Prior Sexual Abuse at Trial... Status Check	
	Date of Hrg: 10/12/15 .....	1395-1403
10	Recorder's Transcript	
11	Defendant's Pro Se Motion to Proceed on Appeal in Forma Pauperis...	
12	Defendant's Pro Se Motion to Suppress Evidence... State's Motion for	
	Clarification Regarding State's Previously Filed Motion in Limine to	
	Preclude Evidence of Victim's Prior Sexual Abuse at Trial... Status Check	
	Date of Hrg: 10/19/15 .....	1404-1427
13	Recorder's Transcript	
14	Defendant's Second Pro Se Motion to Continue Trial	
	Date of Hrg: 03/21/17 .....	1613-1645
15	Recorder's Transcript	
16	Evidentiary Hearing; Defendant's Motion to Suppress Evidence	
	Date of Hrg: 07/01/15 .....	3156-3257
17	Recorder's Transcript	
18	Initial Arraignment	
	Date of Hrg: 01/15/14 .....	1251-1252
19	Recorder's Transcript	
20	Motion	
	Date of Hrg: 04/13/16 .....	1504-1518
21	Recorder's Transcript	
22	Motion for Bail Reduction	
	Date of Hrg: 04/14/14 .....	1261-1263
23	Recorder's Transcript	
24	Motion for Bail Reduction	
	Date of Hrg: 04/21/14 .....	1264-1274
25	Recorder's Transcript	
26	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		



CLERK OF THE COURT

**OPPS**

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

**STATE'S OPPOSITION TO DEFENDANT'S THIRD MOTION  
TO SUPPRESS EVIDENCE**

DATE OF HEARING: April 6, 2016  
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in opposition to Defendant's Motion to Suppress Evidence.

This opposition 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 POINTS AND AUTHORITIES

2 STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION

3 Defendant, MELVYN SPROWSON, is charged by way of Criminal Information with  
4 the crimes of First Degree Kidnapping (Category A Felony – NRS 200.310, 200.320); Child  
5 Abuse, Neglect, or Endangerment with Substantial Bodily and/or Mental Harm (Category B  
6 Felony – NRS 200.508(1)) and Unlawful Use of a Minor in the Production of Pornography  
7 (Category A Felony – NRS 200.700, 200.710(A)(B), 200.750). The crime occurred on or about  
8 July 1, 2013 and November 1, 2013.

9 On May 6, 2015, Defendant filed a Motion to Suppress Evidence. The basis of that  
10 motion was that police and apartment complex personnel had “conspired” to enter into  
11 Defendant’s apartment illegally. An evidentiary hearing was held by this Honorable Court,  
12 and Defendant’s motion was denied.

13 On September 11, 2015, Defendant filed a Second Motion to Suppress. The basis of  
14 this motion was that no search warrant ever existed and that the State was refusing to produce  
15 a copy of the valid search warrant to Defendant. Argument was heard, Defendant’s motion  
16 was again denied.

17 Defendant now files a Third Motion to Suppress Evidence. Below the State has  
18 included the applicable dates so that the Court has the proper chronological order. The State’s  
19 Opposition follows.

20 **August 29, 2013: Victim, J.T. goes missing.**

21 **November 1, 2013: Victim, J.T. is found at Defendant’s home. J.T. was then**  
22 **interviewed by police. During the interview with J.T., and subsequent conversations**  
23 **with J.T., she stated that she and Defendant had met on Craigslist months before and**  
24 **had communicated through text messaging and their computers. Also on November 1,**  
25 **2013, Defendant was arrested. At the time of arrest Defendant had his Black Iphone on**  
26 **his person. That item was booked when Defendant was placed at CCDC.**

27 **On December 5, 2013, CCSDPD Detective, Jeff Schell, was contacted by Chief**  
28 **Deputy District Attorney Jacqueline Bluth, who informed him that J.T.’s mother had**

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

- 11 1. Any and all computers or devises capable of accessing the internet or
- 12 sending and receiving messages or downloading and storing data
- 13 2. Any and all female clothing and/or personal hygiene products
- 14 3. Articles of personal property which would tend to establish the identity
- 15 of persons in control of said premises

16 Detectives executed that search warrant on December 6, 2013 and found several  
17 items of both the Defendant and Victim. The only items relevant to this motion were a  
18 HP Pavilion Entertainment Laptop and IBM Computer. After a forensic analysis was  
19 done, several nude photos of the Victim were found on these devices.

20 December 10, 2013 a search warrant was also applied for and granted pertaining  
21 to Defendant Black Iphone. The property being sought was:

- 22 1. Digitally Stored Records, information, and data, which may constitute
- 23 evidence of First Degree Kidnapping, Child Endangerment, and
- 24 Contributing to the Delinquency of a Minor
- 25 2. Digitally stored records, information and data which would tend to
- 26 establish the identity of persons who were in sole or joint control of the
- 27 aforementioned digital storage devised during the period of time Victim
- 28 and Defendant were in a relationship.

1 A complete forensic analysis was also done on Defendant Iphone.

2  
3 LEGAL ARGUMENT

4 I. PROBABLE CAUSE EXISTED FOR THE SEARCH AND SEIZURE OF  
5 DEFENDANT'S APPLE IPHONE

6 Defendant now claims that Detectives did not have the requisite probable cause to search  
7 and seize his Iphone.

8 The Fourth Amendment protects "the right of the people to be secure in their persons, houses,  
9 papers, and effects against unreasonable searches and seizures." U.S. Const. amend. IV. "To  
10 invoke the protections of the Fourth Amendment, a person must . . . demonstrate a subjective  
11 expectation that his activities would be private, and he must show that his expectation was one  
12 that society is prepared to recognize as reasonable." United States v. Bautista, 362 F.3d 584, 589  
13 (9th Cir. 2004) (quotation omitted). Absent a reasonable expectation of privacy, the defendant  
14 lacks standing to challenge a search under the Fourth Amendment. United States v. Dorais, 241  
15 F.3d 1124, 1128 (9th Cir. 2001).

16 Similarly, Article 1, Section 18 of the Nevada Constitution states:

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

21 It should be initially noted that the burden of proving that a search warrant is invalid is on  
22 the defendant by a preponderance of the evidence. United States v. Richardson, 943 F.2d 547,  
23 548 (5th Cir. 1991) and United States v. Wapnick, 60 F.3d 948, 955 (2nd Cir. 1995).  
24 Additionally the court in Illinois v. Gates, 462 U.S. 213, 103 S.Ct. 2317 (1983), made it clear  
25 that a magistrate's decision regarding probable cause should be given great deference.

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



1 It is well settled law that arrests and searches must be based upon probable cause.  
2 "Probable cause requires that law enforcement officials have trustworthy facts and  
3 circumstances which would cause a person of reasonable caution to believe that it is more  
4 likely than not that the specific items to be searched are seizable and will be found in the place  
5 to be searched. Carrolle v. United States, 267 U.S. 132, 45 S. Ct. 280, 69 L. Ed. 543 (1925).

6 Furthermore, in Illinois v. Gates, 462 U.S. 213 (1983), the United States Supreme  
7 Court discussed what probable cause actually is, stating, "...the totality of the circumstances  
8 approach is far more consistent with our prior treatment of probable cause... and probable  
9 cause is a fluid concept – turning on the assessment of probabilities in particular factual  
10 contexts – not readily, or even usefully, reduced to a neat set of legal rules." Id at 213.

11 Detectives had more than enough evidence to establish probable cause for the search  
12 and seizure of Defendant's Apple Iphone. Factually, they had already established that 1) J.T.  
13 was a missing minor for ten weeks; 2) She was found at Defendant's apartment; 3) She told  
14 police that in the months leading up to her kidnapping she had communicated and started a  
15 relationship with Defendant via cell phone and computer; and 4) On the day Defendant  
16 actually picked her up and took her she had communicated with Defendant. Thus, Detectives  
17 had ample evidence straight from the victim's mouth in regards to probable cause that  
18 evidence could be recovered from Defendant's Iphone.

19 Defendant's claim that police should have gotten this evidence by use of a subpoena is  
20 not legally supported and lacks merit. Furthermore, Defendant's claim that only Apple  
21 employees can access contents on an Apple product is completely false.

## 22 **II. PROPER CHAIN OF CUSTODY WAS ESTABLISHED FOR DEFENDANT'S** 23 **APPLE IPHONE**

24 Defendant's next claim is that there was a break in the chain of custody and thus the  
25 nude images found on Defendant's property, precisely where the Victim said they would be  
26 found, should be inadmissible.

27 Defendant is now merely grasping at straws. Defendant's assertion that there is a  
28 conspiracy against him and Detective Schell placed these images on Defendant's computer is

1 asinine. Detective Schell explained the process by which a phone is retrieved, taken to the  
2 forensic lab, analyzed, and returned. This process is much like any other forensic process  
3 within police departments. At preliminary hearing, Detective Schell explained that when a  
4 forensic analysis is needed he contacts the evidence vault and an evidence technician then  
5 takes the piece of evidence to the forensic individual who will be doing the analysis. Should  
6 the Defendant have any more questions or false allegations on this issue he can surely take it  
7 up with the Detectives on the stand during cross-examination.

8 Defendant's bold assertion that there was a break in the chain of custody and Detective  
9 Schell then had the opportunity to place these images on Defendant's phone is implausible.  
10 Furthermore, Defendant then asks this Court to suppress this evidence because the Defendant  
11 asserts there were not any photos on his Iphone of the Victim. So, that being said Defendant  
12 would have this Court believe that Detective Schell is lying and Defendant is telling the truth.  
13 At some point these meritless and ridiculous claims must be stopped.

14 Detectives had more than enough probable cause when they searched and seized  
15 Defendant's Apple Iphone and thus all evidence taken from the Apple Iphone should be  
16 admissible at trial.

17 **III. THERE WAS SUFFICIENT PROBABLE CAUSE TO SEARCH AND**  
18 **SEIZE DEFENDANT'S COMPUTER**

19 Pursuant to the Victim's interview and statements, police would find emails between  
20 Defendant and Victim as well as nude photos of the Victim on Defendant's computer.

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

26 Defendant also asserts that computers, in and of themselves, cannot constitute evidence  
27 of first degree kidnapping unless specific content is saved. The State has no idea what this has  
28 to do with probable cause and will not address this argument.

1 Defendant then argues that not only would police have to have probable cause that the  
2 computers were the instrument of the crime you would also have to have testimony or records  
3 that indicate that the actual specific content was saved to the hard drive. This argument is not  
4 supported by case law in any way, shape, or form.

5 Lastly, Defendant is claiming yet another conspiracy. This time, the conspiracy is  
6 between Detective Schell and the Victim's mother, K.T. Defendant's last ditch argument is  
7 that Detective Schell illegally obtained Defendant's computer, searched it, came across the  
8 photos, and then contacted K.T. to have her write a statement that photos could be found on  
9 the computer. These arguments have become so far-fetched the State will not dignify them  
10 with a response.

### 11 CONCLUSION


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

14 DATED this 4th day of April, 2016.

15 Respectfully submitted,

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

18  
19 BY

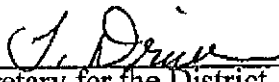
  
20 JACQUELINE BLUTH  
21 Chief Deputy District Attorney  
22 Nevada Bar #10625  
23  
24  
25  
26  
27  
28

1 CERTIFICATE OF SERVICE

2 I, hereby certify that service of the above and foregoing, was made this 4th day of  
3 April, 2016, 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 JB/tgd/SVU

PP  
DA

*Ann L. Blum*  
CLERK OF THE COURT

1 RSPN  
2 MELVYN P. SPROWSON, JR.

3 CCDC

4 330 S. Casino Center Blvd.

5 Las Vegas, NV 89101

6 Defendant - Proper Person

7

8

DISTRICT COURT

9

CLARK COUNTY, NEVADA

10

11

THE STATE OF NEVADA,  
Plaintiff,

Case NO. C-14-295158-1

12

VS.

Dept. No. XX111

13

MELVYN P. SPROWSON, JR.,

14

#5996049

15

Defendant.

16

17

RESPONSE TO STATE'S OPPOSITION

18

TO DEFENDANT'S THIRD MOTION TO

19

SUPPRESS EVIDENCE

20

DATE OF HEARING: APRIL 13, 2016

21

TIME OF HEARING: 9:30 AM.

RECEIVED

APR 11 2016

CLERK OF THE COURT

22 COMES NOW, the Defendant, MELVYN P.

23 SPROWSON, JR., by Proper Person, and hereby

24 submits the attached MEMORANDUM OF

25 POINTS AND AUTHORITIES in response

26 to the STATE'S opposition to Defendants

27 THIRD MOTION TO SUPPRESS EVIDENCE.

1 of 17

RECEIVED

APR 11 2016

CLERK OF THE COURT

8281

1 This response is made and based upon  
2 all the papers and pleadings on file herein,  
3 the attached memorandum of points and  
4 authorities in support hereof, and  
5 oral argument at the time of the  
6 hearing, if deemed necessary by this  
7 Honorable Court.

8 DATED this 7th day of April, 2016.

9  
10 *M. Sprowson* for  
11 Defendant - Proper Person  
12 MELVYN P. SPROWSON, JR.

13  
14 MEMORANDUM OF POINTS AND AUTHORITIES

15  
16 I. HISTORY AND BACKGROUND

17  
18 On December 06, 2013, not December 10,  
19 2013, two search and seizure warrants  
20 were issued by Judge Suzan Baucum, one  
21 for the Defendant's Apple iPhone 4 Serial  
22 #88123FJSA4T and two of the Defendant's  
23 Computers, an HP Pavilion laptop serial #  
24 CNF00484JT and an IBM/584 desktop serial #  
25 KCLV82D (Exhibits A and B).

26 In the Defendant's THIRD MOTION TO  
27 SUPPRESS EVIDENCE, the Defendant argued  
28 that the "State" lacked sufficient probable

1 cause to seize and search the items listed  
2 above. The "State" opposed the Defendant's  
3 motion on April 04, 2016 and served the  
4 Defendant on April 05, 2016. The Defendant  
5 now responds to the "State's" opposition.  
6

## 7 II. LEGAL ARGUMENT

8

9 According to the United States and Nevada  
10 Constitution:

11 "The right of the people to be secure in  
12 their persons, houses, papers and effects against  
13 unreasonable seizures and searches shall not  
14 be violated; and no warrant shall issue but  
15 on probable cause, supported by oath or  
16 affirmation, particularly describing the  
17 place to be searched and the person, and  
18 thing to be seized." US Const. Amend. IV  
19 Nev Const. Art. 1 Sec. 18.

20 The "State" argues the Defendant  
21 was absent a reasonable expectation of  
22 privacy. The Defendant will demonstrate  
23 that he had a reasonable, subjective,  
24 expectation of privacy as required  
25 under United States v. Bautista, 362 F.3d  
26 584, 589 (9th Cir. 2004). Also, the Defendant  
27 will demonstrate he had "standing" to  
28 challenge a search and seizure under the

1 Fourth Amendment. United States v. Dorais,  
2 241 F.3d 1124, 1128 (9th cir. 2001). In addition,  
3 the Defendant will prove by a preponderance  
4 of the evidence that the search and  
5 seizure of the Defendant's items  
6 listed above were unlawfully searched  
7 and seized. United States v. Richardson,  
8 943 F.2d 547, 548 (5th cir. 1991) and also,  
9 United States v. Wapnick, 60 F.3d 948, 955  
10 (2nd cir. 1995).

11  
12 1. THE DEFENDANT HAD A REASONABLE  
13 EXPECTATION OF PRIVACY AND DID  
14 NOT LACK STANDING TO INVOKE  
15 FOURTH AMENDMENT PROTECTIONS  
16 AGAINST AN UNLAWFUL SEARCH AND  
17 SEIZURE OF THE DEFENDANT'S  
18 IPHONE 4 SERIAL # 88123FJSA4T.

19  
20 The officers on November 01, 2013 had  
21 taken into evidence the alleged victim's  
22 Samsung Galaxy phone and Lenovo Laptop  
23 Computer (Exhibit K) prior to seizing  
24 the Defendant's Apple iPhone 4 and  
25 arresting the Defendant for 1st degree  
26 kidnapping. Since the officers (CCSDPD) of  
27 Clark County School District Police Department  
28 already had the alleged victim's (J.T.)



1 Samsung Galaxy phone and Lenovo Laptop  
2 computer and verified that the Defendant  
3 did not send any text messages or emails  
4 indicative of evidence for 1st degree  
5 Kidnapping, there was no lawful reason  
6 to seize the Defendant's Iphone 4 a  
7 few hours later upon arrest, as it  
8 would be unreasonable in light of the fact  
9 they had the receiving devices already.

10 This is proved by the police report and  
11 both affidavits (Exhibits A and B) lacking  
12 any suggested probable cause based on the  
13 alleged victim's Samsung Galaxy phone and  
14 Lenovo Computer. Also, without a legal  
15 reason to seize the Defendant's Iphone, there  
16 is a definite expectation of subjective  
17 privacy, by the Defendant, and society.

18 Further, if the alleged victim's Samsung  
19 Galaxy was not enough proof that there wasn't  
20 criminal evidence on the Defendant's  
21 Iphone 4, as already argued, a subpoena  
22 Duces Tecum would have been an easy  
23 remedy, which in fact, was never done.

24 In addition, since the Defendant's Apple Iphone 4  
25 had a passcode protection in place, what more  
26 would a reasonable person conclude, except,  
27 "Stay out of my Iphone?"

28 Next, the "State" defines probable

1 cause using a "Totality of Circumstances  
2 approach." Note, this approach fences in  
3 all the factual context, to what goes  
4 before the magistrate, and that only.

5 Illinois v. Gates, 462 U.S. 213 (1983). Any probable  
6 cause not submitted to the magistrate, can  
7 not be considered. So, what happens if  
8 exculpatory evidence is purposely left out  
9 of the affidavit? It would mislead the  
10 magistrates' judgement. A magistrates'  
11 decision should be given great deference,  
12 assuming all the available facts are before  
13 them. Illinois v. Gates, 462 U.S. 213, 103 S. Ct.  
14 2317 (1983).

15 In the instant case, nothing was stated in  
16 the affidavits of exhibits A and B about  
17 the known exculpatory evidence the officers  
18 had in their possession. Such as the alleged  
19 victim's Samsung Galaxy phone was in  
20 the officers' control and produced no evidence,  
21 and also, that Ofc. Abbott of CCSD PD  
22 on November 01, 2013 witnessed the alleged  
23 victim, JT, state to Michelle Fisher of  
24 Child Haven, that, "It was more I made  
25 him take me ... or I'm going to kill  
26 myself kind of thing" (Exhibit I, pg. 1  
27 lines 21-25, pg. 2, lines 1-6). These important  
28 facts, would have most assuredly affect

1 any magistrates' decision in regards to  
2 seizing and searching property.

3 The searching of the Defendant's Apple  
4 Iphone 4 was based on the same probable  
5 cause, that is that there supposedly were  
6 text messages that would yield evidence of  
7 1st degree Kidnapping (Exhibit 8). The  
8 scope of charges did not include the  
9 unlawful use of a minor in the Production  
10 of Pornography and there was nothing  
11 stated about nude/semi-nude photos  
12 of the alleged victim in the affidavit,  
13 which is the factual context, and fences  
14 in the "totality of circumstances." Also,  
15 the "State's" claim that officers had  
16 ample evidence from the victim's mouth,  
17 evidence, which only establishes probable  
18 cause, that the alleged victim and Defendant  
19 communicated, and since the alleged  
20 victim's Samsung Galaxy phone and  
21 Lenovo Computer, yielded no criminal  
22 evidence, it clearly contradicts the  
23 "State's" theory about criminal evidence.  
24 This begs the question, what evidence were  
25 the officers hoping to gain? Was it more  
26 likely than not that the specific items to  
27 be searched are seizable and will be  
28 found in the place to be searched?

1 Carrolle v. United States, 267 U.S. 132, 45 S.  
2 Ct. 280, 69 L. Ed. 543 (1925). If you  
3 did not find any criminal evidence on  
4 the alleged victim's Samsung Galaxy phone,  
5 or Lenovo computer, what would lead a  
6 reasonable person or officer to believe  
7 there would be any criminal evidence of  
8 1st degree Kidnapping of the Defendants'  
9 Apple iPhone 4 or the computers of  
10 the Defendant? The preponderance of  
11 the evidence is clear that the seizing and  
12 searching of the Defendant's Apple iPhone  
13 4 was both unlawful and lacked sufficient  
14 probable cause, in light of the previous  
15 argument. Therefore, any evidence  
16 (tangible, derivative, or testimonial) from the  
17 unlawful seizing and search of the Defendant's  
18 Apple iPhone 4 serial # 88/23FJSA4T, on  
19 November 01, 2013 and any date thereafter,  
20 must be suppressed and excluded, as evidence  
21 against the Defendant.

22 In regards to Det. Schell's inconsistent  
23 preliminary hearing testimony about the chain  
24 of custody of the Defendant's Apple iPhone 4,  
25 the record clearly speaks for itself (CPHT  
26 251/15-252/8, Exhibit F, pgs 1-2).

27 In addition, the "state" again is attempting  
28 to mislead this Court in their opposition,

1 In reference to the Defendant's Apple iPhone 4,  
2 and states, "The nude images found on the"  
3 Defendant's "property", precisely where  
4 the [Alleged] victim said they would be  
5 found..." is misleading, the alleged victim  
6 never states anything in regards to the  
7 Defendant's Apple iPhone 4 about nude  
8 photos. This tactic places the word "property"  
9 under the heading of the Defendant's  
10 Apple iPhone incorrectly, there simply is  
11 no testimony to support this claim.

12 Finally, in connection with the Defendant's  
13 iPhone 4, the "State" misquotes the Defendant  
14 and states, "Defendant's assertion that there is  
15 a conspiracy" against him and Detective Schell  
16 placed these images on Defendant's computer  
17 is asinine." The Defendant in his motion,  
18 merely pointed out the contradiction in the  
19 PHT record, in reference to Det. Schell's  
20 testimony, and analyzed the "possibility"  
21 of tampering. The Defendant is confident  
22 that Det. Schell is a competent detective,  
23 and refuses to degrade Det. Schell or  
24 the "State", they both hold an honorable  
25 office and the Defendant respects that.  
26 Since the "State" needs to resort to  
27 name calling, the Defendant will let this  
28 "Honorable Court" examine the PHT record,

1 and let the record speak for itself. (Exhibit  
2 F pgs. 1-2).

3  
4 2. THERE WAS NOT SUFFICIENT  
5 PROBABLE CAUSE TO SEIZE THE  
6 DEFENDANT'S COMPUTERS.

7  
8 The "State's" insistence that the alleged  
9 victim testified about emails on the  
10 Defendant's computer is unfounded. The  
11 alleged victim merely states that the alleged  
12 victim and the Defendant emailed each  
13 other and that is all that is stated in  
14 the affidavit of Exhibit A and B in  
15 regards to emailing. The affidavit fences  
16 in the totality of circumstances of  
17 factual context, this is what goes before  
18 the magistrate issuing the warrant and  
19 leaves out anything not attached.

20 In regards to nude/semi-nude photos, the  
21 alleged victim has "no testimony" in reference  
22 to photos stated in the affidavit of  
23 Exhibits A and B, again the factual context  
24 before the issuing magistrate. The "State",  
25 continues to blur the issue of probable  
26 cause by stating things outside of the  
27 affidavits of Exhibits A and B. The  
28 issue is not that probable <sup>cause</sup> existed about  
10 of 17

1 some things, but what was the actual  
2 probable cause that went before the  
3 issuing magistrate, whom authorizes  
4 what is to be seized and searched. The  
5 Defendant maintains his position and  
6 when the record of Exhibits A and B  
7 is examined, probable cause is lacking,  
8 and for the following reasons.

9 First, emails through or not through  
10 craigslist.com, are not kept on a  
11 computer, but a separate database  
12 by the email service provider, such as  
13 Hotmail, Gmail, MSN, and others. The  
14 fact that emails are accessed via  
15 the internet, makes it very difficult  
16 to establish the computer source without  
17 internet service provider records. The  
18 "State" did not include anything about  
19 any records such as email or internet  
20 service provider records in the affidavit  
21 of Exhibit A or B. There is no testimony  
22 directly connecting the Defendant's  
23 computer and emails either in the  
24 affidavits. By the "State's" own admission  
25 they can not establish whether it was by  
26 smart phone or computer, so how could the  
27 issuing magistrate? In fact, it's not even  
28 established in the affidavits, whether the

1 Defendant even had an internet service or  
2 connection in his home where the computers  
3 were kept.

4 Second, the "State" had in its possession  
5 and control the alleged victim's Lenovo computer  
6 as of November 01, 2013, 35 days prior to  
7 the writing of Exhibits A and B. (Exhibit K).  
8 If there were any evidence of 1st degree  
9 Kidnapping, via email or otherwise, on  
10 the computer of the alleged victim, that  
11 most certainly would have been in the  
12 police report and affidavits of Exhibits  
13 A and B. In fact, this absence of  
14 criminal evidence was left out. The  
15 "State" had half the equation, that is,  
16  $\textcircled{1} = 1$ , if the "State" had the alleged  
17 victim's computer and phone, they already  
18 had before them any possible evidence  
19 that may or may not be on the Defendant's  
20 computers, in regards to criminal evidence.  
21 So, why seize the Defendant's computers?  
22 They had no lawful reason to believe there  
23 was evidence of any kind on the Defendant's  
24 computers.

25 Third, the "State" insists that they had  
26 information about nude/semi-nude photos  
27 on the Defendant's computer. In the  
28 affidavits of both exhibits A and B,



1 there is absolutely nothing in regards to photos  
2 of the alleged victim or any charges  
3 in relation to the nude/semi-nude photos.  
4 Once again, the "State" is blurring the  
5 issue of probable cause and should  
6 practice what they preach, that is, the  
7 totality of the circumstances of factual  
8 context in the affidavit only! The  
9 "State" claims, they had this information  
10 on December 05, 2013 (Exhibits G and H),  
11 one-day prior to the writing of the  
12 affidavits of exhibits A and B by  
13 Det. Schell, whom the "State" claims  
14 knew of the photos on December 05, 2013.  
15 If so, why was it not included in the  
16 affidavits of exhibits of A and B, and  
17 why have the mother of the alleged victim,  
18 write a statement in regards to the nude  
19 semi-nude photos one hour after the  
20 execution of the search warrant of  
21 exhibit A (see times of exhibits C and D).  
22 The Defendant's computers were inventoried  
23 into evidence at 14:20 (2:20pm) and the  
24 statement written at 15:25 (3:25pm)  
25 on December 06, 2013. Also, the "State"  
26 continues to mistakenly put forth, that  
27 the alleged victim told the mother and  
28 "State" about these photos before December

13 of 17

8284

1 06, 2013. But, when the direct-examination of  
2 the PHT record is flushed out, it states:

3 The Court: If she knows, Do you  
4 know how the police found out about  
5 these photos?

6 The witness: They had his computer.

7 (PHT 150/11-150/13, Exhibit E). Notice, the  
8 alleged victim does not state, "I told my  
9 mom," or "I told Ms. Bluth," But, that the  
10 police had his (Defendants') computer.

11 When pressed further by Ms. Bluth, the  
12 record reads:

13 Q: Did you -- I'm sorry Judge. Did  
14 you ever tell me that there would be photos  
15 on the phone and the computer?

16 A: I told you about the computer  
17 after I found out that they took the  
18 Computer (PHT 150/15-150/19, Exhibit E).

19 The record does not make false  
20 allegations. Take notice, that there is no  
21 testimony about the Defendants' iPhone 4  
22 from the alleged victim in the previous.

23 Take notice, that the police had the Defendants'  
24 Computer before the alleged victim said  
25 anything to Ms. Bluth. Take notice, there  
26 was nothing in the affidavit or search warrant  
27 of exhibit A in regards to nude/semi-nude  
28 photos of the alleged victim. The Search

1 warrant was executed on December 06, 2013,  
2 one day after the "State" claims they had  
3 this information from the mother, Kathryn  
4 Smith. It would be safe to make a conclusion  
5 about the mother from the record. The  
6 mother K. Smith did not state anything about  
7 the photos, until the writing of the statement,  
8 (Exhibit D) one hour after the execution  
9 of the search warrant and unlawful  
10 seizing of the Defendant's computers. Take  
11 notice, the alleged victim clearly states  
12 that the police found out about the  
13 photos because they had the Defendant's  
14 computers in their possession. Since, the  
15 officers seized the Defendant's computers  
16 without probable cause as defined and  
17 discussed earlier, the very possession of  
18 the photos of the alleged victim, implies  
19 a definite unlawful Search and Seizure  
20 of those photos.

21 Finally, the Defendant highly respects  
22 the Judicial process, he respects the Court,  
23 the District Attorney's office, the attorneys,  
24 the detectives, the police officers, and  
25 especially MS. Bluth. But, when unlawful  
26 activity bubbles to the surface, should the  
27 Defendant ignore it, and not seek Justice  
28 from those whom uphold the law, and

1 hold the Defendant's life in their hands?  
2

3 III Conclusion  
4

5 The Defendant has proved that his Apple iPhone  
6 4 was unlawfully seized, because it was  
7 unreasonable to seize it based upon the fact,  
8 the officers had the alleged victim's Samsung  
9 Galaxy phone already, and it produced no  
10 criminal evidence. The Defendant has proved  
11 that the seizing and search of his computers  
12 was unlawful, in light of the fact, the  
13 officers already had the alleged victim's  
14 Lenovo laptop computer, and it yielded no  
15 criminal evidence. The Defendant has proven  
16 his arguments by the preponderance of the  
17 evidence, the record, common sense, and  
18 the law.

19 Based upon the above and foregoing Points  
20 and Authorities, the Defendant's THIRD  
21 MOTION TO SUPPRESS EVIDENCE must be  
22 granted, and the charges of NRS 200.700,  
23 200.710(A)(B) and NRS 200.750 dismissed with  
24 prejudice, as they are the fruit of the  
25 unlawfully seized evidence which must  
26 be suppressed against the Defendant.  
27  
28

1  
2 Respectfully Submitted,

3  
4 M. Sprowson, Jr.

5 MELVYN P. SPROWSON, JR.

6 Defendant-Proper Person  
7  
8

9 CERTIFICATE OF SERVICE  
10

11 I hereby certify that on the 8th day  
12 of April, 2016, I mailed through the  
13 U.S. mail, a copy of the Defendant's  
14 Response to the State's Opposition to the  
15 Defendant's Third Motion to Suppress Evidence  
16 to:

17 Jacqueline Bluth

18 Office of the District Attorney

19 200 Lewis Avenue

20 P.O. Box 552212

21 Las Vegas, NV 89155  
22

23 By:

M. Sprowson Jr.

24 MELVYN P. SPROWSON, JR.

25 Defendant-Proper Person  
26  
27  
28

PROPERTY ROOM ONLY

PROPERTY #

**"Exhibit K"**  
**CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT**  
**PROPERTY REPORT**

Page 1 of 2

INCIDENT: KIDNAPPING

DR# 1311-05723

GENERAL INFORMATION									
<input checked="" type="checkbox"/> Check appropriate box(es)		<input type="checkbox"/> Recovered		<input checked="" type="checkbox"/> Evidence		<input type="checkbox"/> Found		<input checked="" type="checkbox"/> Felony	
		<input type="checkbox"/> Safekeeping		<input type="checkbox"/> Seizure				<input type="checkbox"/> Gross	
								<input type="checkbox"/> Misd.	
<input checked="" type="checkbox"/> Custodial Arrest					<input type="checkbox"/> Citation / Complaint #				
Reporting Officer's Name & P# M. MARSHALL 517					Reporting Officer's Signature: <i>[Signature]</i> 517				
SUSPECT INFORMATION									
Suspect #	Last Name	First	MI	DOB	<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile				
1	SPROWSON JR.	MELVYN	P	11/19/1968	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female				
Street Address		City	State	Zip	Charge(s)				
4915 E. RUSSELL RD. # 143		LAS VEGAS	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:				
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		MARSHALL		517			
Street Address		City	State	Zip	Home Phone:		Business Phone:		
Owner Notified:		Notified By:		Date Notified:		Method Notified:		Released to Owner?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		SGT. MACISZAK 308		11/01/2013		VERBAL		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Complete chain of custody for items released to owner									
PROPERTY LIST									
Pkg. #	# of Items	Make / Brand / Model			Caliber Size	Barrel Length	Serial # / Msc.		
1	1	SAMSUNG GALAXY PHONE					UNKNOWN		
Description of Contents:					Location of Recovery:				
WHITE IN COLOR WITH SPARKLE CASE					4915 E. RUSSELL RD #143 LAS VEGAS, NV 89120				
Pkg. #	# of Items	Make / Brand / Model			Caliber Size	Barrel Length	Serial # / Msc.		
1	1	LENOVO LAPTOP COMPUTER					CB22413560		
Description of Contents:					Location of Recovery:				
BLACK IN COLOR					4915 E. RUSSELL RD #143 LAS VEGAS, NV 89120				
Pkg. #	# of Items	Make / Brand / Model			Caliber Size	Barrel Length	Serial # / Msc.		
Description of Contents:					Location of Recovery:				
Pkg. #	# of Items	Make / Brand / Model			Caliber Size	Barrel Length	Serial # / Msc.		
Description of Contents:					Location of Recovery:				

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

8287

Melvin P. Sprewsen, Jr. (5996049)  
CCDC  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

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



UNITED STATES POSTAGE  
FIRST CLASS  
\$001.42  
02 1P  
0000830502  
MAILED FROM ZIP CODE 89101

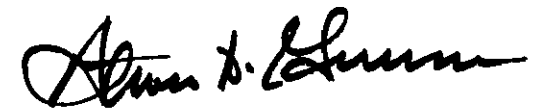
LEGAL

828aa

11/17/91 11:11 AM 11/17/91 11:11 AM

SENT FROM CCDC





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

DISTRICT COURT  
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 DENYING DEFENDANT'S THIRD MOTION TO  
17 SUPPRESS EVIDENCE

18 DATE OF HEARING: 4/13/16  
19 TIME OF HEARING: 9:30 A.M.

20 THIS MATTER having come on for hearing before the above entitled Court on the  
21 13<sup>th</sup> day of April, 2016, the Defendant being present, in Proper Person, the Plaintiff being  
22 represented by STEVEN B. WOLFSON, District Attorney, through JACQUELINE BLUTH,  
23 Chief Deputy District Attorney, and the Court having heard the arguments of counsel and  
24 Defendant and good cause appearing therefor,

25 //

26 //

27 //

28 //

1 IT IS HEREBY ORDERED that the Defendant's Third Motion to Suppress  
2 Evidence, shall be, and it is DENIED.


3  
4 DATED this 18 day of April, 2016.

5  
6   
DISTRICT JUDGE

JUDGE STEFANY A. MILEY *KSS*

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

9  
10 BY


  
JACQUELINE BLUTH  
11 Chief Deputy District Attorney  
12 Nevada Bar #002698

13  
14  
15  
16  
17  
18 CERTIFICATE OF SERVICE

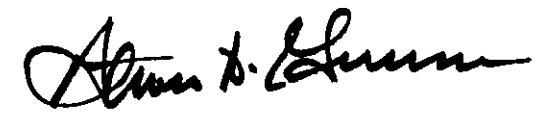
19 I certify that on the 21<sup>st</sup> day of April, 2016, I mailed a copy of the foregoing Order  
20 to:

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

24  
25 BY

  
26 T. DRIVER  
27 Secretary for the District Attorney's Office

28 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

**FOURTH 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

O'LEARY, LISA 5401 WELLS CATHEDRAL AVE, LVN 89130

PARENT/GUARDIAN of UNK  
Patterson, Jessica

PATEL, BOB Deluxe Inn  
1709 NW Cache Rd., Lawton, OK 73507

PATEL, USHA Deluxe Inn  
1709 NW Cache Rd., Lawton, OK 73507

PATTERSON, JESSICA UNK

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

SHELL, 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

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  
Nevada Bar #001565

15  
16 BY /s/ JACQUELINE BLUTH  
17 JACQUELINE BLUTH  
18 Chief Deputy District Attorney  
Nevada Bar #010625  
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 9th day of May,  
3 2016, by e-mail to:

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

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

9  
10 /s/ T. DRIVER  
11 Secretary for the District Attorney's Office  
Special Victims Unit

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 tgd/ MVU



## **Robyn Donaldson, Ph.D.**

### **Curriculum Vita**

**PHONE:** (702) 885-8812  
**EMAIL:** drrobyndonaldson@gmail.com

4505 S. Maryland Parkway  
Las Vegas, Nevada 89154

---

#### **EDUCATION**

2004 to 2011	PhD in Clinical Psychology	University of Nevada, Las Vegas
2004 to 2007	Masters in Psychology	University of Nevada, Las Vegas
1999 to 2002	Bachelors of Science, Psychology	College of Charleston

#### **CONTINUING EDUCATION**

2013	10-Day Comprehensive Training led by Dr. Alan Fruzzetti on Dialectical Behavioral Therapy
------	---

#### **CREDENTIALS**

September 30, 2012	Licensed as a Psychologist in Nevada, Number PY0662
--------------------	---

#### **EMPLOYMENT**

October 2014 - present	Staff Psychologist, Full Time Counseling and Psychological Services, UNLV <ul style="list-style-type: none"><li>• Individual psychotherapy with adults</li></ul>
June 2014 - September 2014	Contracted Staff Psychologist, Part Time Counseling and Psychological Services, UNLV <ul style="list-style-type: none"><li>• Individual psychotherapy with adults</li></ul>
October 2012 - September 2014	Licensed Psychologist at Healthy Minds, Part Time <ul style="list-style-type: none"><li>• Conducting disability assessments for the Bureau of Disability Adjudication</li><li>• Individual psychotherapy with adults</li></ul>
October 2012 - 2015	Private Practice, Part Time <ul style="list-style-type: none"><li>• Individual psychotherapy with adults</li><li>• DBT weekly skills group</li></ul>

#### **CLINICAL TRAINING**

2011-2012	<u>Psychological Assistant</u> <i>Healthy Minds, Las Vegas, Nevada</i> <i>Primary Supervisor: Ken McKay, Ph.D</i>
-----------	---

R. Donaldson 1

- Conducted psychological assessments with adults and children for disability evaluations using a structured interview, a mental status exam, and the following measures: WAIS-IV and WISC-IV.
- Conducted psychological assessments for vocational rehabilitation utilizing the WAIS-IV, WRAT, SASSI, and the MMPI.
- Provided individual psychotherapy to children and adults
- Ran psychoeducational and some process groups for foster children at Child Haven as well as provided psychotherapy to individual foster children
- Participated in multidisciplinary consultation with other providers at Healthy Minds which included psychologists, marriage and family therapists, and psychiatrists.
- Helped to create psychoeducational and process group manuals for anger management, social skills, self-esteem and life transitions.

*Reference: kenmckayphd@gmail.com*

2009-2010

Pre-Doctoral Intern

*Counseling and Psychological Services, Oregon State University*

- Conducted intake assessments (including MMPI-2, Brown ADHD screening), crisis, individual, couples, group, career, and outreach interventions with diverse student population.
- Identified accurate diagnoses, developed treatment plans, and provided appropriate referrals to campus and community resources, as needed.
- Maintained accurate, thorough, and timely clinical service documentation utilizing Titanium software.
- Consulted with Student Health Services psychiatric and health care staff, when appropriate.
- Groups: Co-led an interpersonal psychotherapy group and an LGBT support group; independently led a Mindfulness- and CBT-based group for anxiety and depression.
- Outreach: Produced original and tailored outreach presentations
- Supervision: Supervised practicum students by providing developmentally appropriate positive and constructive feedback regarding clinical skills and professional identity.
- Evaluated staff psychologist and pre-doctoral intern candidates and provide feedback to permanent staff.
- Developed specialty areas of expertise emphasizing on Men & Masculinity and LGBT-related issues.
- Engaged in liaison activities with the campus's LGBT community and the Pride Center.
- Participated in extensive training seminars focused on diversity, groups, outreach, and professional issues.

*Training Director: Brett Vicario, Ph.D.*

*Reference: [brett.vicario@oregonstate.edu](mailto:brett.vicario@oregonstate.edu)*

2008-2009

Clinical Psychology Trainee

*Counseling and Psychological Services, University of Nevada, Las Vegas*

- Provided psychotherapeutic services to clients with a variety of Axis I and Axis II disorders at a university-based mental health center.

R. Donaldson 2

- Prepared and attended educational outreach functions for campus organizations and student groups.
- Co-led an interpersonal therapy group for graduate students.
- Participating on the multidisciplinary team for eating disorder cases.

*Primary Supervisor:* Shauna Landis, Psy.D.

*Reference:* [shauna.landis@unlv.edu](mailto:shauna.landis@unlv.edu)

2008 summer

Clinical Supervision Trainee

*Center for Individual, Couple, & Family Counseling, University of Nevada, Las Vegas*

- Held one-hour weekly meetings with graduate-level supervisee from the psychology department for consultation of psychotherapy cases
- Attended one-hour weekly meetings for supervision of supervision and group supervision.

*Primary Supervisor:* Michelle Carro, Ph.D.

*Reference:* [michelle.carro@unlv.edu](mailto:michelle.carro@unlv.edu)

2007 - 2008

Clinical Psychology Trainee

*Neuropsychological Assessment, Dr. Schmidt*

- Conducted cognitive and personality assessments with incarcerated individuals which involved administering a variety of measures.
- Wrote integrative reports and attended meetings with legal counsel.

*Primary Supervisor:* David Schmidt, Ph.D.

2006 - 2007

Clinical Psychology Trainee

*Counseling and Psychological Services, University of Nevada, Las Vegas*

- Provided psychotherapeutic services to clients with a variety of Axis I and Axis II disorders at a university-based mental health center.

*Primary Supervisor:* Vicky Genia, Psy.D.

*Reference:* [vicky.genia@unlv.edu](mailto:vicky.genia@unlv.edu)

2005 - 2006

Clinical Psychology Trainee

*Center for Individual, Couple, & Family Counseling, University of Nevada, Las Vegas*

- Provided psychotherapeutic services to clients with a variety of Axis I and Axis II disorders at a university-based community mental health center.

*Primary Supervisor:* Jeffrey Kern, Ph.D.

*Reference:* [jkern@unlv.nevada.edu](mailto:jkern@unlv.nevada.edu)

2005 - 2006

Clinical Psychology Trainee

*Center for Individual, Couple, & Family Counseling, University of Nevada, Las Vegas*

Psychological Assessment Provider.

- Conducted cognitive and personality assessments for those suspected of having learning and/or developmental deficits:

*Primary Supervisor:* Michelle Carro, Ph.D.

*Reference:* [michelle.carro@unlv.edu](mailto:michelle.carro@unlv.edu)

## **OUTREACH PRESENTATIONS AND TRAINING WORKSHOPS**

- Donaldson, R. (May, 2010). *Living in the Margins: Bisexuality in America*. Presentation offered as part of awareness program for Pride Week, Oregon State University, Corvallis, OR.
- Donaldson, R., & Hoffman, T.L. (April, 2010). *Helping Students in Distress*. Invited presentation for College of Liberal Arts faculty, Oregon State University, Corvallis, OR.
- Donaldson, R. (April, 2010). *Pillow Talk: How to talk to your partner about sex*. Presentation offered to general student population, Oregon State University, Corvallis, OR.
- Donaldson, R. & Ribeiro, M. (March, 2010). *Health Benefits of Mindfulness*. Invited presentation for local group of individuals affected by mental illness, Oregon State University, OR.
- Donaldson, R. (February, 2010). *Self-Esteem*. Invited presentation for the Power Up Challenge Program, Oregon State University, OR.
- Donaldson, R., & Vicario, B. (February, 2010). *Mindfulness*. Invited presentation for a professional development workshop, Oregon State University, OR.
- Donaldson, R. (January, 2010). *Mindfulness and You*. Invited presentation for the Power Up Challenge Program, Oregon State University, OR.
- Donaldson, R., Hoffman, T.L., Sun, J.T., Vicario, B., & Wasylow, B. (September, 2009). *Work Life Balance as a Leader at OSU*. Presentation for University Housing and Dining Services Resident Directors and Assistants, Oregon State University, Corvallis, OR.

## **RESEARCH EXPERIENCE**

- 2007 - 2011      University of Nevada, Las Vegas  
Supervisor: Dr. Marta Meana  
Reference: [meana@unlv.nevada.edu](mailto:meana@unlv.nevada.edu)
- As part of dissertation, created a measure for help-seeking behaviors for dyspareunia and administered as part of a battery of other measures to assess validation.
  - Supervised one research assistant, Wilkerson, K., which involved orienting her to ethics of psychological research and statistics and the administration of measures.
- 2004 - 2007      University of Nevada, Las Vegas  
Supervisor: Dr. Marta Meana  
Reference: [meana@unlv.nevada.edu](mailto:meana@unlv.nevada.edu)
- As part of thesis, conducted open-ended interviews with women who have dyspareunia regarding their experience with the disorder.
  - Supervised two research assistants, Swallow, C. and Fernandez, J., which involved orienting them to the ethics of psychological research, providing education opportunities through lab meetings and instructing them on transcription of data.
- 2005, spring      University of Nevada, Las Vegas  
Supervisor: Dr. Kern, Shera Bradley, M. A.  
Reference: [jkern@unlv.nevada.edu](mailto:jkern@unlv.nevada.edu)
- Ran psychoeducational and assertiveness training groups as part of dissertation on date rape prevention.
- 2003 - 2004      University of Nevada, Las Vegas  
Supervisor: Dr. Kim Barchard

R. Donaldson 4

Reference: [kim.barchard@unlv.edu](mailto:kim.barchard@unlv.edu)

- Trained on LEAS scoring. Examined and analyzed measures of relationship quality, shyness, social phobia, and social anxiety. Set up IQ study on Event Handler and Dream Weaver for online data collection.

2003 - 2004

University of Nevada, Las Vegas

Supervisor: Dr. Christopher Heavey/Dr. Russell Hurlburt

References: [chris.heavey@unlv.edu](mailto:chris.heavey@unlv.edu)

[russ@unlv.nevada.edu](mailto:russ@unlv.nevada.edu)

- Assisted in the revision of *To beep or not to beep: Obtaining accurate reports about awareness* for journal submission.

## **TEACHING EXPERIENCE**

2010 - 2011

Instructor

University of Nevada, Las Vegas

Psychology 420: The Psychology of Learning

Department of Psychology

2009, fall

Recitation Instructor

Oregon State University

ALS 113: Career Decision-Making

2007-2008

Instructor

University of Nevada, Las Vegas

Psychology 101: Introduction to Psychology

Department of Psychology

2005-2006

Teaching Assistant

Instructor: Dr. Charles Rasmussen

Psychology 403: Physiology of Psychology

University of Nevada, Las Vegas

2005-2006

Teaching Assistant

Instructor: Dr. Ronald Drabman

Psychology 481: Principles of Psychological Assessment

University of Nevada, Las Vegas

## **PUBLICATIONS**

Donaldson, R. & Meana, M. (2011). Early dyspareunia experience in young women: Confusion, consequences, and help-seeking barriers. *The Journal of Sexual Medicine*, 8, 814-823.

Meana, M., Benuto, L. & Donaldson, R. (2008). The relevance of dyspareunia. In A. Goldstein, I. Goldstein, & C. Pukall (Eds.), *Female sexual pain disorders: Evaluation and management*. New York: Blackwell Publishing.

## **CONFERENCE PRESENTATIONS**

Donaldson, R. & Meana, M. (2010). Barriers to treatment-seeking for dyspareunia in young women. Oral platform at the Society for the Scientific Study of Sexuality (SSSS) in Las Vegas, Nevada.

R. Donaldson 5

- Donaldson, R. & Meana, M. (2008).** A painful path to treatment-seeking: The plight of young women with early dyspareunia. Oral platform at the Graduate and Professional Student Association (GPSA) Research Forum in Las Vegas, Nevada.
- Benuto, L., Dyer, F., Torres, B., Pomeranz, R., Villar-Mendez, C., Donaldson, R., & Meana, M. (2008).** Fantasy by fantasy: Exploring gender differences in specific sexual fantasies. Poster presented at the Western Psychological Association conference, April, Irvine, California.
- Donaldson, R. L. & Meana, M. (2008).** From onset to treatment seeking: A cognitive-behavioral model of early dyspareunia. Oral platform at the Society for Sex Therapy and Research conference, March, Chicago, Illinois.
- Benuto, L., Donaldson, R., & Meana, M. (2007).** Sexual function in an ethnically diverse sample of women. Poster presented at the Society for the Scientific Study of Sexuality conference, November, Indianapolis, Indiana.
- Donaldson, R. L. & Meana, M. (2007).** A cognitive-behavioral model of early dyspareunia experience. Poster presented at the Nevada State Psychological Association conference, May, Las Vegas, Nevada.
- Donaldson, R. L. & Barchard, K. A., (2003).** *Assessing the quality of the Best Friend Questionnaire.* Poster presented at the Nevada State Psychological Association conference, May, Las Vegas, Nevada.

### **AWARDS**

2013                      Early Career Psychologist Delegate  
Scholarship Recipient  
State Leadership Conference in Washington, D.C.

### **SERVICE**

2015 – present	President Nevada Psychological Association	
2014 - 2015	President-elect Nevada Psychological Association	
2013 - 2015	Treasurer Nevada Psychological Association	
2009 - 2010	Education and Training Committee CAPS	Oregon State University
2009 - 2010	Diversity Committee CAPS	Oregon State University
2009 - 2010	Liaison to the LGBT community: Member of the Pride Week Planning Committee Member of the Pride Advisory Board	Oregon State University

R. Donaldson 6

### **CAPS**

2007 - 2009	Campus Representative American Psychological Association-Graduate Students	University of Nevada, Las Vegas
2007 - 2009	Campus Representative Nevada State Psychological Association	University of Nevada, Las Vegas
2006 - 2007	Third Year Representative Clinical Student Committee	University of Nevada, Las Vegas
2005 - 2007	Treasurer Psychology Club/PsiChi	University of Nevada, Las Vegas

### **ORGANIZATIONAL MEMBERSHIPS**

American Psychological Association (APA)

Nevada Psychological Association (NPA)

American Group Psychotherapy Association (AGPA)

Psi-Chi

*Ann D. Shuman*  
CLERK OF THE COURT

MC 1 MOT  
PP 2 MELVYN P. SPROWSON, JR.  
DA 3 CCDC  
PD 4 330 S. Casino center Blvd.  
5 Las Vegas, NV 89101  
6 Defendant - Proper Person  
7

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA  
10

11 THE STATE OF NEVADA,  
12 Plaintiff,  
13 vs.  
14 MELVYN P. SPROWSON, JR,  
15 (5996049) Defendant.

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

6-06-16  
9:30am

16  
17 DEFENDANT'S MOTION TO CONTINUE  
18 TRIAL DATE  
19

20 COMES NOW, Defendant, MELVYN P.  
21 SPROWSON, JR., by way of Proper Person,  
22 and moves this Honorable Court to  
23 continue and reset the Calendar call  
24 and trial date in the above case in the  
25 ordinary course as is convenient for the  
26 Court. The calendar call is presently  
27 set for June 08, 2016 and the trial  
28 date is presently set for June 13, 2016.

1 of 5

CLERK OF THE COURT  
CLERK OF THE COURT

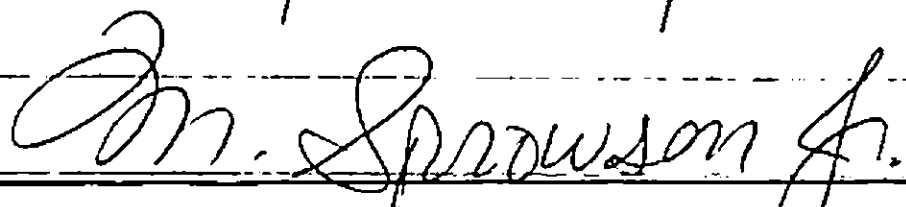
RECEIVED  
MAY 09 2016

RECEIVED  
MAY 12 2016



1 This motion is based upon the Memorandum  
2 of Points and Authorities and Affidavit  
3 of Defendant attached hereto.

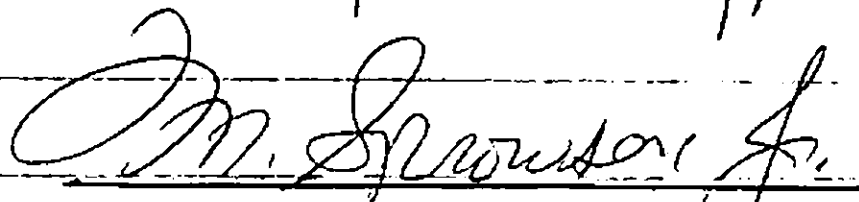
4 DATED this 3rd day of May 2016.

5  
6   
7 MELVYN P. SPROWSON, JR.  
8

9 NOTICE OF MOTION  
10

11 You and each of you, will please take  
12 notice that the undersigned will bring the  
13 foregoing motion on for hearing in the  
14 ordinary above entitled Court on the  
15 6 day of June, 2016, at the  
16 hour of 9:30a AM/PM or as soon as the  
17 Defendant in Proper Person may be heard by this  
18 Honorable Court.

19 DATED this 3rd day of May, 2016.

20  
21   
22 MELVYN P. SPROWSON, JR.  
23

24 MEMORANDUM OF POINTS AND AUTHORITIES  
25

26 EDCR 7.30 provides that any party  
27 may, for good cause, move the Court  
28 for an order continuing the day set

2 of 5

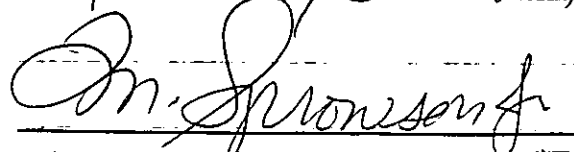
1 for trial for any cause.

2 That this matter is presently set  
3 for trial on June 13, 2016, at 1:00pm,  
4 with calendar call on June 08, 2016, at  
5 9:30 am, the defense is requesting that  
6 the calendar call and trial dates in  
7 this case be continued. A continuance  
8 is being sought, because the discovery  
9 process has not yet been completed, and  
10 the defense requires time to hire  
11 and consult a Forensic's expert to  
12 examine the Defendant's Apple Iphone  
13 4 Serial # 88123EJSA4T, HP Laptop  
14 Computer serial # CNF004B4JT, and IBM  
15 58U computer serial # KCLV82D.

16 In addition, because of the lengthy  
17 amount of psychological evaluations  
18 pertaining to the alleged victim,  
19 Jaysenia Torres, the defense as  
20 required by this Court to go through  
21 Mr. Yohay (back-up counsel), to review  
22 the documents in short time periods  
23 in a visiting room, is severely restricted,  
24 to meet the current trial date. Even  
25 if the documents mentioned above were  
26 already reviewed by the defense, the  
27 defense would not be able to have enough  
28 time to consult with, hire, and give notice

1 of an expert witness(es) to comply with  
2 the 21 day notice requirement, as  
3 mandated by statute. That for the  
4 reasons above, the Court is requested  
5 to reset the trial date in this case  
6 to be continued to a date, as convenient  
7 to this court.

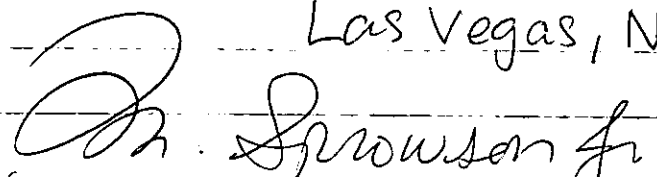
8  
9 Respectfully Submitted

10   
11  
12 MELVYN P. SPROWSON, JR.  
13

14 CERTIFICATE OF SERVICE  
15

16 I certify that on the 3rd day of  
17 May, 2016, I mailed a copy through  
18 the U.S. mail of the Defendant's  
19 Motion to Continue Trial to:  
20

21 Jacqueline Bluth  
22 Office of the District Attorney  
23 200 Lewis Avenue  
24 P.O. Box 552212  
25 Las Vegas, NV 89155  
26

27 By:   
28 MELVYN P. SPROWSON, JR.

AFFIDAVIT OF DEFENDANT

STATE OF NEVADA

ss.

COUNTY OF CLARK

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

1. That Affiant has reviewed the foregoing motion and certifies that the contents to be true and correct to the best of Affiant's knowledge;
2. That this Motion is made in good faith and not for purposes of delay;
3. That for the above reasons set forth above, the Court is requested to reset the trial date in this case and to be continued in the ordinary course, as convenient to this Court.

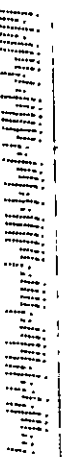
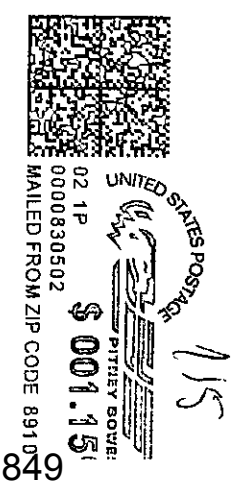
DATED this 3rd day of May, 2016. I,  
MELVYN P. SPROWSON, JR. do solemnly swear,  
under penalty of perjury, that the above  
statement is accurate, correct, and true  
to the best of my knowledge.

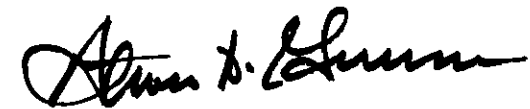
NRS 171.102 and NRS 208.165

Respectfully Submitted,  
M. Sprowson Jr.  
MELVYN P. SPROWSON, JR.

MELVYN SPROUSON, JR. (5996049)  
CCDC  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

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





CLERK OF THE COURT

OPPS  
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

*Ju ca / DC23*

THE STATE OF NEVADA,  
Plaintiff,

-vs-

MELVYN PERRY SPROWSON, JR.  
#5996049  
Defendant.

HEARING REQUIRED  
DATE: 5/16/16  
TIME: 9:30am

CASE NO: C-14-295158-1

DEPT NO: XXIII

STATE'S OPPOSITION TO DEFENDANT'S SIXTH MOTION TO CONTINUE TRIAL

DATE OF HEARING: \_\_\_\_\_, 2016  
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in opposition to Defendant's Motion to Continue Trial.

This opposition 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
- 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

3

4  
5  
6  
7

8  
9  
0

1  
2  
3

4  
5  
6

17  
18  
19

20  
21  
22

23  
24  
25  
26  
27  
28

1 years old in August, the minor victim has now become an adult. This is not a case that is  
2 overly complicated. It should certainly not take three full years to get this case to go to trial.  
3 If it were up to the Defendant this matter would never go to the trial. He continues to come  
4 up with reasons as to why this matter should not go forward.

5 Lastly, there is no outstanding discovery. The State has been diligent in keeping up  
6 with discovery. Any evidence turned over to the State in regards to this investigation has been  
7 handed over to Defendant's standby counsel. If this matter does go forward the State is happy  
8 to sit and do a file review with Defendant.

9 The State is respectfully requesting that this Court deny Defendant's motion and the  
10 order the trial to go forward.

11  
12 **CONCLUSION**

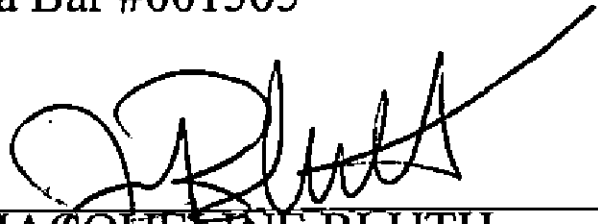
13 Based upon the above and foregoing Points and Authorities, Defendant's Sixth Motion  
14 to Continue must be denied.

15 DATED this 12th day of May, 2016.

16 Respectfully submitted,

17 STEVEN B. WOLFSON  
18 Clark County District Attorney  
Nevada Bar #001565

19  
20 BY

  
21 JACQUELINE BLUTH  
22 Chief Deputy District Attorney  
23 Nevada Bar #10625  
24  
25  
26  
27  
28



## CERTIFICATE OF SERVICE

I, hereby certify that service of the above and foregoing, was made this 12<sup>th</sup> day of May, 2016, by e-mail to:

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

MELVYN SPROWSON, ID #5996049  
Clark County Detention Center  
330 S. Casino Center Blvd., LV, NV 89101  
(hand delivery)

/s/ T. Driver  
Secretary for the District Attorney's Office

JB/tgd/SVU

TRUE COPY  
JTB

1 MOT

2 MELVYN P. SPROWSON, JR.

3 CCDC

4 330 S. Casino Center Blvd.

5 Las Vegas, NV 89101

6 Defendant - Proper Person

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

11 THE STATE OF NEVADA,  
Plaintiff,

Case NO. C-14-295158-1

12 vs.

Dept. NO. XXIII

13 MELVYN P. SPROWSON, JR.,

14 (5996049) Defendant.

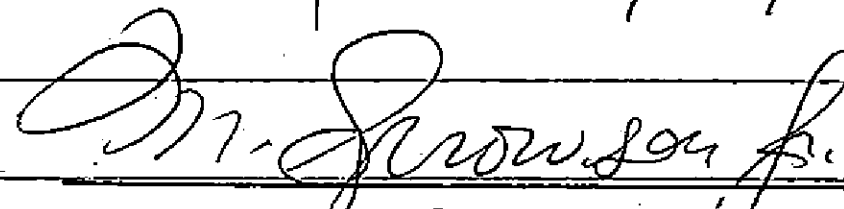
17 DEFENDANT'S MOTION TO CONTINUE  
18 TRIAL DATE

20 COMES NOW, Defendant, MELVYN P.  
21 SPROWSON, JR., by way of Proper Person,  
22 and moves this Honorable Court to  
23 continue and reset the Calendar call  
24 and trial date in the above case in the  
25 ordinary course as is convenient for the  
26 Court. The calendar call is presently  
27 set for June 08, 2016 and the trial  
28 date is presently set for June 13, 2016.

1 of 5

1 This motion is based upon the Memorandum  
2 of Points and Authorities and Affidavit  
3 of Defendant attached hereto.

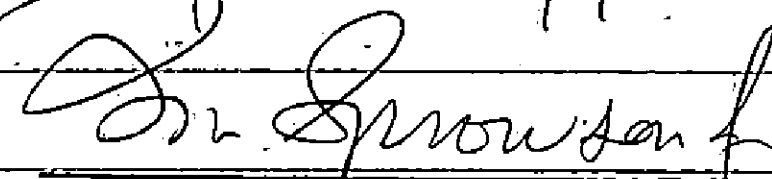
4 DATED this 3rd day of May, 2016.

5  
6   
7 MELVYN P. SPROUSON, JR.  
8

9 NOTICE OF MOTION  
10

11 You and each of you, will please take  
12 notice that the undersigned will bring the  
13 foregoing motion on for hearing in the  
14 above entitled Court on the 1st day of  
15 June, 2016, at the hour of 9:30 (AM/PM)  
16 or as soon as the Defendant in Proper  
17 Person may be heard by this Honorable  
18 Court.

19 DATED this 3rd day of May, 2016.

20  
21   
22 MELVYN P. SPROUSON, JR.  
23

24 MEMORANDUM OF POINTS AND AUTHORITIES  
25

26 EDCR 7.30 provides that any party  
27 may, for good cause, move the Court  
28 for an order continuing the day set

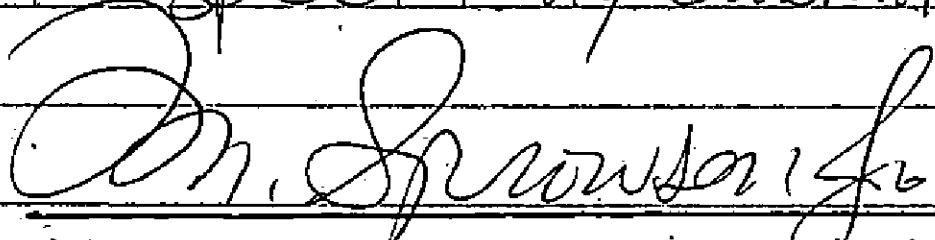
1 for trial of any cause.

2 That this matter is presently set  
3 for trial on June 13, 2016, at 1:00pm,  
4 with Calendar call on June 08, 2016, at  
5 9:30 am, the defense is requesting that  
6 the Calendar call and trial dates in  
7 this case be continued. A continuance  
8 is being sought, because the discovery  
9 process has not yet been completed, and  
10 the defense requires time to hire  
11 and consult a forensic's expert to  
12 examine the Defendant's Apple Iphone  
13 4 Serial # 88123FJSA4T, HP Laptop  
14 Computer Serial # CNF004B4JT, and IBM/  
15 58U Computer Serial # KC2V820.

16 In addition, because of the lengthy  
17 amount of psychological evaluations  
18 pertaining to the alleged victim,  
19 Jay Senia Tarres, the defense as  
20 required by this Court to go through  
21 Mr. Yohay (back-up Counsel), to review  
22 the documents in short time periods  
23 in a visiting room, is severely restricted,  
24 to meet the current trial date. Even  
25 if the documents mentioned above were  
26 already reviewed by the defense, the  
27 defense would not have enough time  
28 to consult with, hire, and give notice

1 of an expert witnessed to comply with  
 2 the 21 day notice requirement, as  
 3 mandated by statute. That for the  
 4 reasons above, the Court is requested  
 5 to reset the trial date in this case  
 6 to be continued to a date, as convenient  
 7 to this court.

8  
 9 Respectfully Submitted,

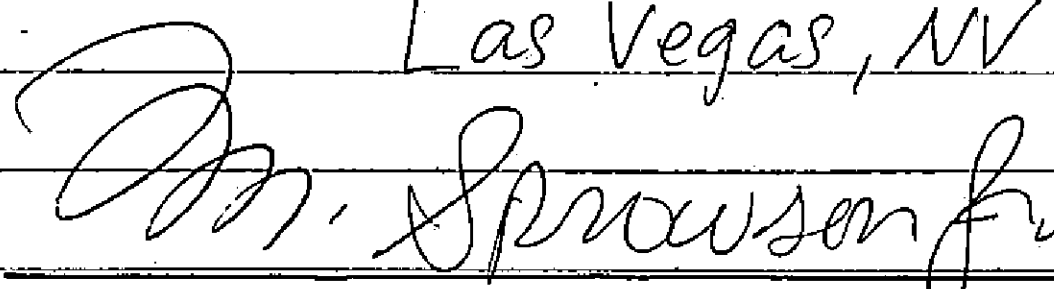
10   
 11

12 MELVYN P. SPROWSON, JR.  
 13

14 CERTIFICATE OF SERVICE  
 15

16 I certify that on the 3rd day of  
 17 May, 2016, I mailed a copy through  
 18 the U.S. mail of the Defendant's  
 19 Motion to Continue Trial to:

20  
 21 Jacqueline Bluth  
 22 Office of the District Attorney  
 23 200 Lewis Avenue  
 24 P.O. BOX 552212  
 25 Las Vegas, NV 89155

26 By:   
 27  
 28 MELVYN P. SPROWSON, JR.

AFFIDAVIT OF DEFENDANT

STATE OF NEVADA

SS.

COUNTY OF CLARK

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

1. That Affiant has reviewed the foregoing motion and certifies that the contents to be true and correct to the best of Affiant's knowledge;

2. That this Motion is made in good faith and not for purposes of delay;

3. That for the above reasons set forth above, the Court is requested to reset the trial date in this case and to be continued in the ordinary course, as convenient to this Court.

DATED this 3rd day of May, 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,  
*Mel Sprawson Jr.*

MELVYN P. SPROWSON, JR.

AFFIDAVIT OF DEFENDANT

STATE OF NEVADA

SS.

COUNTY OF CLARK

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


1. That Affiant has reviewed the foregoing motion and certifies that the contents to be true and correct to the best of Affiant's knowledge;

2. That this Motion is made in good faith and not for purposes of delay;

3. That for the above reasons set forth above, the Court is requested to reset the trial date in this case and to be continued in the ordinary course, as convenient to this Court.

DATED this 3rd day of May, 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.

13

*Ann D. Johnson*  
CLERK OF THE COURT

MC  
DA  
PP

1 MOT  
2 MELVYN P. SPROWSON, JR.  
3 CCDC  
4 330 S. Casino Center Blvd.  
5 Las Vegas, NV 89101  
6 Defendant, Proper Person  
7

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA  
10

11	THE STATE OF NEVADA, Plaintiff,	Case NO. C-14-295158-1
12	VS.	Dept. NO. XXIII
13	MELVYN P. SPROWSON, JR.,	
14	(5996049)	hearing Date: 10-12-16
15	Defendant.	@ 9:30AM

16  
17 MOTION FOR DISCOVERY  
18

19 COMES NOW, MELVYN P. SPROWSON, JR.,  
20 the defendant, in proper person, and moves  
21 this Honorable Court for an Order requiring  
22 the plaintiff to reveal, produce, and  
23 permit, the defendant within 30-days  
24 of the hearing on this matter, to inspect  
25 and copy the ORIGINAL, not copies, of  
26 the application(s), affidavit(s), search  
27 and seizure warrants, and any other  
28 papers attached therewith, that were

RECEIVED  
SEP 20 2016  
CLERK OF THE COURT  
SEP 19 2016  
RECEIVED  
CLERK OF THE COURT



1 applied, issued, and filed with the Las  
2 Vegas Justice Court on or about the  
3 month of DECEMBER, in the year  
4 of 2013.

5 Further, the defendant requests this  
6 Honorable Court to enter an Order  
7 requiring the Plaintiff within 30-days  
8 of this hearing, or that this Honorable  
9 Court on behalf of the defendant, to  
10 subpoena the custodian of records  
11 for the Las Vegas Justice Court, to  
12 appear before this Honorable Court, for  
13 the direct examination by the defendant,  
14 and to submit an affidavit in the  
15 form of a certificate of custodian  
16 of records (NRS 52.260), so that the  
17 defendant may verify and authenticate  
18 that the above record was officially  
19 made and filed with the Las Vegas  
20 Justice Court on or about the  
21 said date(s).

22 In addition, since the District Attorney  
23 has provided the defendant with purported  
24 official copies of the requested documents  
25 above, the defendant is formally  
26 requesting that the District Attorney  
27 submit for the official record an  
28 admission that the application(s),

1 affidavits), search and seizure warrants  
2 given to the defendant (see exhibits  
3 "A" and "B" in the defendant's Third  
4 Motion to Suppress Evidence) are in  
5 fact genuine, and to do so within  
6 30-days of this hearing. Any failure  
7 to do so, must by law be considered  
8 an admission that the documents in  
9 question in fact are not genuine. (see  
10 Federal Rules of civil Procedure Rule 36).

11 Defendant states that the said inspection  
12 of ORIGINAL documents listed above,  
13 the direct examination of the custodian  
14 of records for the Las Vegas Justice  
15 Court, the affidavit in the form of a  
16 Certificate of custodian of records  
17 (NRS 52.260), and the District Attorney's  
18 admission, that the purported official  
19 copy of documents given to the  
20 defendant and submitted by him as  
21 exhibits "A" and "B" in his Third Motion  
22 to Suppress Evidence, are in fact, genuine,  
23 are necessary for the preparation of  
24 his defense and for the defendant  
25 to obtain a fair trial and constitutional  
26 due process of law. This motion is made  
27 based upon all papers and pleadings on  
28 file herein, the attached Memorandum

1 of Points and Authorities in support  
2 hereof, and oral argument at the time  
3 of the hearing on this matter, if  
4 deemed necessary by this Honorable  
5 Court.

6 DATED this 15th day of September  
7 2016.

8 Respectfully submitted,  
9 Mr. Sprowson Jr.  
10 MELVYN P. SPROWSON, JR.  
11 Defendant, Proper Person  
12

13  
14 NOTICE OF MOTION

15 You and each of you, will please take  
16 notice that the undersigned will bring the  
17 foregoing motion on for hearing in the  
18 above entitled Court on the \_\_\_\_\_ day  
19 of \_\_\_\_\_, 2016 at the hour of  
20 \_\_\_\_\_ AM/PM, or as soon thereafter  
21 as defendant in Proper Person may be  
22 heard by this Honorable Court.

23 DATED this 15th day of September  
24 2016.

25 Respectfully submitted,  
26 Mr. Sprowson Jr.  
27 MELVYN P. SPROWSON, JR.  
28 Defendant, Proper Person

4 of 12

# MEMORANDUM OF POINTS AND AUTHORITIES

## I. LEGAL ARGUMENT

1. NRS 174.245, EDCR 3.24, FRCP Rule 16.1(e), states, "Other books, papers, documents, tangible objects or places. Upon motion of a defendant the court may order the District Attorney to permit the defendant to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody, or control of the State, upon a showing of materiality to the preparation of his defense and that the request is reasonable. Except as provided in subsection 2 of NRS 174.235 and NRS 174.087, this section does not authorize the discovery or portions of reports, memoranda, or other internal state documents made by State agents in connection with the investigation or prosecution of the case, or of statements made by witnesses or prospective state witnesses (other than the defendant) to agents of the State."

2. The prosecution has the duty to disclose to the defendant all exculpatory evidence. Brady v. Maryland. 373 U.S.

1 83 (1963); see also Giles v. Maryland.  
2 386 U.S. 66 (1967); Dennis v. U.S. 384  
3 U.S. 855, 873 (1966).

4 3. The trial court has wide discretion  
5 in permitting discovery. See, Marshall  
6 v. District Court. 80 Nev. 478, 396 P.2d  
7 680 (1964); Marshall v. District Court. 79  
8 Nevada 280, 382 P.2d 214 (1963).

9 4. In the instant case, the "State"  
10 has previously provided the defendant  
11 with purported official copies of the  
12 above requested documents. It is  
13 these purported official copies that  
14 have raised several genuine questions  
15 of authenticity, and for the following  
16 reasons:

17 (i) The defendant has several copies  
18 of the documents, and while ~~examining~~  
19 the documents, a difference in the  
20 content was noticed when compared  
21 to each other.

22 (ii) NRS 179.045(7) states, "The warrant  
23 must designate the magistrate to  
24 whom it is to be returned." None of  
25 the purported official copies the  
26 "State" has provided to the defendant  
27 designate the magistrate at all any  
28 where in the documents, in fact, any

6 of 12

1 reasonable person reading the documents  
2 would be at a loss as to whom actually  
3 authorized and issued the search and  
4 seizure warrants, and is only left to  
5 guess.

6 (iii) When a court receives an official  
7 document into their possession, the document  
8 is stamped with "Date received." In the  
9 instant case, there is none indicated  
10 anywhere on the purported official  
11 copy of the documents. There is no  
12 "Filed in open court" stamp and none  
13 of the documents were telephonically  
14 applied for either. Once again, when  
15 were they received by the court?

16 (iv) On the purported official copy of  
17 the documents, there is stamped, "Las  
18 Vegas Justice Court," but no clerk's  
19 signature included and is missing the  
20 signature on all the documents stamped.  
21 Who actually was responsible for filing  
22 the documents, if they were filed by a  
23 clerk at all, is left to the imagination,  
24 and unverified as officially filed with  
25 the Las Vegas Justice Court, as implied  
26 by the stamp.

27 (v) According to NRS 179.095  
28 Return of papers to clerk. The

1 magistrate who has issued a search  
2 warrant shall attach to the warrant  
3 the duplicate original warrant, if any,  
4 and a copy of the return, inventory  
5 and all other papers in connection therewith  
6 and shall file them with the clerk of  
7 the court having jurisdiction where the  
8 property was seized. In the instant case,  
9 just how many papers and search warrants  
10 were actually filed, if at all with the  
11 court, is unknown and unverified, as  
12 the defendant's copies vary in the  
13 number of pages. There are supposedly  
14 "Forensic reports" as part of the search  
15 and seizure return, but none attached  
16 or included as required as part of the  
17 "papers in connection."

18 (VI) In the defendant's "Third Motion to  
19 Suppress Evidence", the defendant provided  
20 copies as exhibits "A" and "B" of the above  
21 requested documents. These copies proved  
22 that the "State" misled and purposely distorted  
23 the truth in regards to the information  
24 contained in the affidavits. The "State" told  
25 the Court that they had probable cause  
26 based upon "Nude photos" of the alleged  
27 victim, but when you read the documents,  
28 there is nothing included about these "Nude

1 photos," or charges in relation to them at  
2 all. This, in and of itself should be  
3 sufficient to raise a question of  
4 authenticity in reference to the above  
5 requested documents. It seems the "state"  
6 is becoming the innovator of the "Dynamic  
7 document," make it up as you go and need  
8 to, to get charges to stick. This is the  
9 heart of the defendant's point, with the  
10 documents in question.

11 Therefore, because there are several  
12 questions in regards to the authenticity of  
13 the above requested documents, the defendant  
14 has a legitimate, lawful, and reasonable  
15 right to inspect the ORIGINAL documents,  
16 directly examine the custodian of records  
17 of the Las Vegas Justice Court, and to be  
18 provided with an affidavit in the form of  
19 a certificate of custodian of records, in  
20 regards to the official record being made,  
21 as required by NRS 52.260.

22 **5. In support of the previous**  
23 argument, according to NRS 52.245  
24 Admissability of duplicates. 1. In addition  
25 to the situations governed by subsection  
26 2, a duplicate is admissable to the same  
27 extent as an original unless: (a) A  
28 genuine question is raised as to the

9 of 12



1 authenticity of the original; or (b) In  
2 the circumstances it would be unfair  
3 to admit the duplicate in lieu of the  
4 original. 2. Except as otherwise  
5 provided in NRS 52.247, a duplicate is  
6 admissible to the same extent as an  
7 original if the person of office having  
8 custody of the original was authorized  
9 to destroy the original after preparing  
10 a duplicate, and in fact did so.

11 In the instant case, the defendant  
12 has pointed out and raised ample genuine  
13 questions ~~as~~ to the authenticity  
14 of the documents requested by the  
15 defendant, and according to NRS 52.235  
16 Original required. To prove the content  
17 of a writing, recording, or photograph,  
18 the original writing, recording, or  
19 photograph is required, except as  
20 otherwise provided in this title. The  
21 "State" has the burden to prove that  
22 the record was made and that there is  
23 actually an original that "authorized"  
24 their agents to search and seize the  
25 defendant's property and to invade the  
26 sanctity of his home and to trample  
27 his constitutional right to privacy. Based  
28 on the previous, the defendant's

1 requests are reasonable and are  
2 material to the preparation of his  
3 defense.

4  
5 II. Conclusion

6  
7 The "State" has charged the defendant  
8 with very serious charges that carry a life  
9 sentence penalty as a direct result  
10 of the documents requested above. It is  
11 in the interest of the defendant's  
12 constitutional rights, due process of law,  
13 and justice, that the original documents  
14 of the application(s), affidavits, search and  
15 seizure warrant(s), and any other papers  
16 in connection therewith, to be revealed,  
17 produced, authenticated, and admitted to  
18 by the Las Vegas Justice Court, custodian  
19 of records and the District Attorney  
20 as formally requested by the defendant.

21  
22 Wherefore defendant prays for  
23 relief against the plaintiff, as it  
24 is based upon law.

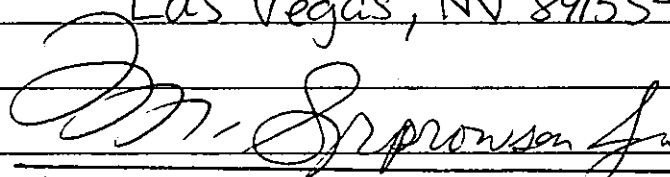
25 Respectfully submitted,  
26 Mr. Sprowson Jr.  
27 MELVYN P. SPROWSON, JR.  
28 Defendant, Proper Person

1  
2 CERTIFICATE OF SERVICE

3  
4 I hereby certify that on  
5 September 16th, 2016 I mailed  
6 via U.S. mail, a copy of the  
7 foregoing motion for discovery to:  
8

9 Jacqueline Bluth  
10 Office of the District Attorney  
11 200 Lewis Avenue  
12 P.O. Box 552212  
13 Las Vegas, NV 89155-2212  
14

15 By:

16   
17 MELVYN P. SPROWSON, JR.  
18 Defendant, Proper Person  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

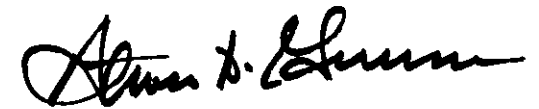
M. Sprowson, Jr. (5996049)  
Clark County Detention Center  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

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

SENT FROM CCDC

LEGAL





CLERK OF THE COURT

OPPS  
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: C295158

DEPT NO: XXIII

**STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY**

DATE OF HEARING: NOVEMBER 2, 2016  
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Opposition to Defendant's Motion for Discovery.

This opposition 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 POINTS AND AUTHORITIES

2 STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION

3 Defendant, MELVYN SPROWSON, is charged by way of Criminal Information with  
4 the crimes of First Degree Kidnapping (Category A Felony – NRS 200.310, 200.320); Child  
5 Abuse, Neglect, or Endangerment with Substantial Bodily and/or Mental Harm (Category B  
6 Felony – NRS 200.508(1)) and Unlawful Use of a Minor in the Production of Pornography  
7 (Category A Felony – NSR 200.700, 200.710(A)(B), 200.750). The crime occurred on or about  
8 July 1, 2013 and November 1, 2013.

9 On September 20, 2016, Defendant filed a Motion for Discovery. The State's  
10 Opposition follows.

11 The State will refer to the preliminary hearing testimony of the witnesses in this case  
12 to establish the factual background for the Court.

13 J.T.

14 J.T. (victim in this case) was 16 years old when she began speaking to the Defendant.  
15 She met him online on "Craigslis". PHT p. 14. The Defendant had posted an ad that stated,  
16 "Lonely Millionaire" and listed a fake age of 30 years old. PHT p. 15. J.T. replied that she  
17 was 16 years old and the two continued talking online and getting to know each other. For  
18 a few days they continued to contact each other on Craigslis and then moved to a program  
19 called "Kik", they also exchanged photographs. PHT p. 17. J.T. testified that in the beginning  
20 they were just friends but that changed around August 1st when the Defendant asked her to  
21 "go out" and they became boyfriend/girlfriend. PHT pp. 18, 19. J.T. later learned that  
22 Defendant was actually 44 years old PHT p. 19.

23 During their "relationship" the Defendant asked J.T. to send him pictures and told her  
24 how to pose in those pictures. PHT p. 20.

25 The first time J.T. and the Defendant actually physically met each other was at the roller  
26 skating rink where J.T. was hanging out with her friend Jessica. PHT p. 22. J.T. told her  
27 friend that the Defendant was an old teacher of hers. Id. J.T. also testified that her mother did  
28 not know that she was meeting the Defendant at the rink. PHT p. 23. J.T. felt like she could

1 not tell her mom because her mom would tell her that she couldn't communicate with the  
2 Defendant. J.T. even told the Defendant that she couldn't tell her mom because her mom  
3 "wouldn't be happy at all" with this type of situation. PHT p. 23. J.T. and the Defendant  
4 used precautionary methods so that J.T.'s mom would not find out about the relationship. J.T.  
5 would make sure that the Defendant wouldn't call and they wouldn't video chat when her  
6 mom was home. PHT p. 24. The two devised a plan that if anybody ever found out about  
7 their relationship she "would just keep coming back to him." Id.

8 At some point J.T. told her mom that she was going to be staying the night at her  
9 friend's house. Instead of going to her friend's house, J.T. was picked up by the Defendant  
10 and they went to his house. PHT p. 26. After spending the first night at the Defendant's home,  
11 J.T. called her mom and told her that she wanted to spend another night at her friend's home  
12 and her mother said that was fine. PHT p. 26. During these two nights J.T. and the Defendant  
13 were intimate once or twice. The Defendant did not wear a condom and told J.T. that he could  
14 not have kids so they didn't need to use a condom. PHT p. 27. After they spent those nights  
15 together the Defendant gave her a promise ring and promised they would be together. Id.  
16 When J.T. returned home her mom saw the ring that the Defendant had given her. J.T. first  
17 told her mom that she had found the ring and then changed her story and stated that a boy  
18 named Joshua had given it to her. J.T.'s mom did not believe her and had basically figured  
19 out that J.T. had not been sleeping over at Jessica's. J.T.'s mom then went through J.T.'s  
20 phone records. After going through J.T.'s phone records her mother decided to take away the  
21 ring, J.T.'s phone and J.T.'s computer. PHT, 27-29. J.T. told her mom that she needed to do  
22 a project for school so she needed her computer. She then e-mailed the Defendant asking him  
23 to come and pick her up, because if he didn't she wouldn't be able to be with him. Defendant  
24 agreed to come and get J.T. and told her to bring her birth certificate and social security card,  
25 because she would need them to get a job and other things when she got older. J.T. and  
26 Defendant had a plan for her to stick it out, in the house, until she was 17 and a half, and then  
27 they were going to get married and she was going to go to school. PHT, pp. 30-31.

28 ///

1 J.T. took her birth certificate and social security card and Defendant picked her up at  
2 3:00 or 4:00 in the morning, while her mom was asleep. J.T. snuck out the front door and told  
3 the Defendant that he could leave her there if he wanted to. Defendant told J.T. it was ok and  
4 took her to his house, in Henderson, Clark County. PHT, pp. 32-33.

5 J.T. testified that when they got to the Defendant's house he changed his telephone  
6 number because she told him that her mom figured out what his number was. J.T. lived with  
7 Defendant for two months, from August 28th until November 1st. J.T. testified that Defendant  
8 was a teacher and while he was at work, she would watch TV, play video games or read a  
9 book. J.T. testified that before she lived with the Defendant, she attended school at A-Tech.  
10 J.T. did not go to school while living with Defendant. PHT, pp. 33-34.

11 J.T. testified that Defendant felt bad about her not going to school, yet he never offered  
12 to take her to school. Instead they made an agreement for her not to attend school because she  
13 would be found if she did go. J.T. testified that it was her and the Defendant's plan together,  
14 that she would go undetected until she was 17 and a half, when she would be old enough to  
15 get married and go to school. PHT, p. 35. While J.T. was at Defendant's house he gave her  
16 things to do, books to read, and board games. J.T. testified that she had rules when she lived  
17 with the Defendant that included having no guys in the house and for her not to go outside  
18 because she could be found. J.T. would sometimes ask Defendant to take her out of the house  
19 but he would be too tired. J.T. and Defendant sometimes went out of the house at night, but  
20 she would dress like a boy with a hat, glasses, and baggier clothing. PHT, pp. 35-37.

21 J.T. testified that she considered Defendant to be a little bit of a jealous person because  
22 he would accuse J.T. of cheating on him. Defendant would tell J.T. that he knew she was a  
23 cheater; that he should not have trusted her; that his brother was right; and, for her to pack her  
24 bags he was taking her home. J.T. would pack her bags and Defendant would become sad and  
25 cry. PHT, pp. 37-38. Defendant would ask J.T. to stay because he loved her. J.T. testified  
26 that Defendant cried twice; and, that three or four times they just weren't communicating right  
27 or something, so she would pack her bags and he would apologize and ask her to stay. During  
28 the eight or nine weeks that J.T. was with Defendant she and Defendant stumbled upon her



1 family on Twitter, looking for her. PHT, p. 39.

2 J.T. discovered that her mom was looking for her after a post her aunt made on Twitter  
3 indicating that she was missing and to please repost. J.T. also testified that she and the  
4 Defendant saw posts on Facebook as well. J.T. testified that when Defendant saw those things  
5 he told her that her mom wanted control over her. J.T. further testified that she missed her  
6 mom and her family and she told the Defendant that; but, she felt it was worth it and she would  
7 see them in two years. J.T. testified that she asked the Defendant to drive her by her family's  
8 house at night, which he did. When J.T. asked Defendant if she could call her family he would  
9 tell her that they would call the following week, but she never called her family. PHT, pp. 41-  
10 43.

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

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

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

28 ///

1 On November 1st, the police came to the door while J.T. was home alone. J.T. spoke  
2 with them but she was not honest with them, in regards to her and the Defendant having sex.  
3 She also told the police that they were just roommates. PHT, p. 53.

4 **Officer Gary Abbott**

5 Officer Abbott testified that he was employed as a patrol officer with the Clark County  
6 School District Police Department, and has been so employed for sixteen years, nine months.  
7 Officer Abbott testified that he became involved in the investigation into this case after  
8 receiving a missing person's flyer of the victim in this case. One day, Officer Abbott happened  
9 to run into the victim's mother at one of the schools that he patrols. Officer Abbott overheard  
10 her talking with the counselor at the school and asked if her daughter was still missing. PHT,  
11 pp. 213-214. Officer Abbott volunteered to assist Kathryn by speaking to J.T.'s friends and  
12 was given some names of people to talk to. None of the leads Kathryn gave him provided  
13 fruitful. PHT, p. 215.

14 Officer Abbott made contact with the Henderson Police Department to inquire how the  
15 case was going, which is how he found out Defendant's name, the fact he had contact with  
16 J.T. through e-mail, and the fact that he was a school teacher. Officer Abbott talked to one of  
17 his supervisors and asked if could go out and speak to Defendant. Officer Abbott first  
18 contacted HPD missing persons and asked if they had a problem with it and the response to  
19 him was that they would take all the help they could get. PHT, pp. 215-216.

20 On October 31st, Officer Abbott made contact with Defendant at Wengert Elementary.  
21 Officer Abbott stated that Defendant was hostile, stating that he had already spoken to HPD  
22 and a private investigator. Defendant told Officer Abbott that he had not had any contact with  
23 J.T. PHT, pp. 216-217. Defendant told Officer Abbott that his contact with J.T. had been  
24 through either telephone, e-mails or texting. When asked if he was aware of J.T.'s age,  
25 Defendant told Officer Abbott that he was not sure that ever came up. Defendant told Officer  
26 Abbott that J.T. contacted him through the ad on Craigslist and stated that a lot of people  
27 contacted him over the ad. PHT, p. 222. Defendant had hopes of meeting people because he  
28 was new to the area. Defendant stated that he loaned J.T. \$150.00, but denied ever meeting

1 her in person and stated that he did not know where she was at. PHT, pp. 223-224.

2 On November 1st, Officer Abbott made contact with J.T. at the Defendant's home,  
3 located on Russell Road at the Mesa Ridge apartments. Officer Abbott went and spoke with  
4 the manager and asked how many people were on the lease where Defendant lived. After  
5 being told only one person was on the lease, Officer Abbott asked whether the manger had  
6 noticed any comings and goings of other people, specifically a female. The manager told  
7 Office Abbott that a private investigator had been by asking questions about a missing person  
8 named J.T. In his conversation with the manager, Officer Abbott was told that there may or  
9 may not be a smoke detector alarm going off and she would be sending her maintenance person  
10 to check the two apartment buildings that were side by side. The maintenance person went to  
11 check and radioed back that he had found a young girl in the apartment, after knocking on the  
12 door and having her answer it. PHT, pp. 224-225.

13 On cross-examination, Officer Abbott testified that he went over to the apartment and  
14 knocked on the door at which time J.T. answered it. J.T. told Officer Abbott that he could not  
15 enter the apartment because he did not have a warrant. Officer Abbott told J.T. that he did not  
16 need a warrant because she was a missing person. Officer Abbott then called for other officers  
17 to come. Officer Miller, a female; Detectives Schell and Marshal; and, Sergeant Maciszak  
18 arrived. Eventually, Officer Abbott's immediate supervisor, Sergeant Valdez, also arrived.  
19 PHT, pp. 230-231.

20 **Detective David Platt**

21 Detective Platt testified that he was detective for the Clark County School District  
22 Police Department and had been so employed for 16 to 17 years. PHT, p. 236. On November  
23 1, 2013, Detective Platt had contact with the Defendant at Wengert Elementary, on two or  
24 three occasions. The first time contact was made with Defendant was to ascertain if he had  
25 anything to add to a conversation he had with Detective Platt and Officer Abbot the previous  
26 day. Detective Platt testified that Defendant was hostile and had nothing to add. PHT, p. 237.

27 Detective Platt testified that on November 1st, he went back to Wengert a second time,  
28 to place Defendant into custody after the other detectives working on the case had gotten

1 additional information from the victim. At the time Defendant was arrested he had an iPhone  
2 and some school keys in his possession. The keys were given back to the school and the  
3 iPhone was booked into evidence. PHT, p. 238.

4 **Detective Jeff Schell**

5 Detective Schell testified that he worked for the Clark County School District Police  
6 Department and had been employed with them for about 11 years. Detective Schell testified  
7 that he was the case agent in this case. PHT, p. 244.

8 Detective Schell testified that on November 1 [2014] J.T. was found at the Defendant's  
9 home. PHT, p. 244. Subsequent to J.T. being found at Defendant's address, a search warrant  
10 was done for the residence. In the search warrant, the School District Police were looking for  
11 and all computer devices and personal effects of J.T., including her retainer. PHT, p. 245.  
12 During the interview with J.T. it was learned that she met Defendant on Craigslist and they  
13 began communicating through text messaging and the computer. PHT, p. 246.

14 Detective Schell identified photographs of a copy Defendant's Social Security card and  
15 a Southwest Gas bill that were found in the office area of Defendant's residence when the  
16 search warrant was executed on December [2014]. Detective Schell testified that Sgt.  
17 Macizsak, Detective Platt, Detective Hibner and Detective Marshall were also present when the  
18 search warrant was executed. PHT, p. 247.

19 Detective Schell testified that a photo of the missing person's flyer of the victim was  
20 found on the counter, in the kitchen. They also found a story or letter that talked about J.T.  
21 and Defendant. Detective Schell identified a photograph of a laptop computer that was seized  
22 from the Defendant's residence.

23 **LEGAL ARGUMENT**

24 In his most recent Motion for Discovery, Defendant requests:

- 25 1. To inspect and copy the ORIGINAL, not copies, of the  
26 application(s), affidavit(s), search and seizure warrant(s), and any  
27 other papers attached therewith, that were applied, issued and filed  
28 with the Las Vegas Justice Court on or about the Month of  
DECEMBER, in the year of 2013; and,

1 2. An Order requiring the Plaintiff, within 30-days of this  
2 hearing, or that this honorable court on behalf of the defendant, to  
3 appear before this Honorable Court, for the direct examination by  
4 the defendant, and to submit an affidavit in the form of a certified  
5 of custodian of records (NRS 52.260) so that the defendant may  
6 verify and authenticate that the above record was officially made  
and filed with the Las Vegas Justice Court on or about the said  
dates; and,

7 3. That the District Attorney's Office submit for the official  
8 record an admission that the application(s), affidavit(s), search and  
9 seizure warrant(s) given to the defendant (see exhibit's "A" and  
10 "B" in the defendant's Third Motion to Suppress Evidence, are in  
fact genuine, and to do so with 30 days of this hearing.

11 See Defendant's Motion, p. 1; p. 2; lines 1-28; p. 3; lines 1-6.

12 NRS 174.235(1)(a)-(c)<sup>1</sup> applies and outlines what discovery is to be provided by the  
13 State of Nevada, as follows:

14 1. Except as otherwise provided in NRS 174.233 to 174.295,  
15 inclusive, at the request of a defendant, the prosecuting attorney  
16 shall permit the defendant to inspect and to copy or photograph  
any:

17 a. Written or recorded statements or confessions made by the  
18 defendant or any witness the State intends to call during the case  
in chief of the State, within the custody of the State or which the  
State can obtain by an exercise of due diligence. (1)(a).

19 b. Results or reports of physical or mental examinations,  
20 scientific tests or scientific experiments made in connection to the  
21 case, within the control of the State, or which the State may learn  
of by an exercise of due diligence. (1)(b).

22 c. Books, papers, documents, tangible objects which the State  
23 intends to introduce during its case in chief, within the possession  
of the State, or which the State may find by an exercise of due  
24 diligence. (1)(c).

25 Additionally, EDCR 3.24 provides:

26 (a) Any defendant seeking a court order for discovery pursuant  
27 to the provisions of NRS 174.235 or NRS 174.245 may make an

28 <sup>1</sup> Defendant cites to NRS 174.345 in support of his request. NRS 174.245 is not applicable in that it delineates the  
disclosure of evidence relating to defense by a defendant.

1 oral motion for discovery at the time of initial arraignment. The  
2 relief granted for all oral motions for discovery will be as  
3 follows:

4 (1) That the State of Nevada furnish copies of all written or  
5 recorded statements or confessions made by the defendant which  
6 are within the possession, custody or control of the State, the  
7 existence of which is known or by the exercise of due diligence  
8 may become known to the district attorney.

9 (2) That the State of Nevada furnish copies of all results or  
10 reports of physical or mental examinations, and of scientific tests  
11 or experiments made in connection with this case which are  
12 within the possession, custody or control of the State, the  
13 existence of which is known or by the exercise of due diligence  
14 may become known to the district attorney.

15 (3) That the State of Nevada permit the defense to inspect and  
16 copy or photograph books, papers, documents, tangible objects,  
17 buildings, places, or copies or portions thereof, which are within  
18 the possession, custody or control of the State, provided that the  
19 said items are material to the preparation of the defendant's case  
20 at trial and constitute a reasonable request.

21 (b) Pursuant to NRS 174.255, the court may condition a  
22 discovery order upon a requirement that the defendant permit the  
23 State to inspect and copy or photograph scientific or medical  
24 reports, books, papers, documents, tangible objects, or copies or  
25 portions thereof, which the defendant intends to produce at the  
26 trial and which are within the defendant's possession, custody or  
27 control provided the said items are material to the preparation of  
28 the State's case at trial and constitute a reasonable request.

20 Defendant has been provided with copies of the requested materials in this case. This  
21 is demonstrated by his admission of the same wherein he directs this this Court to his Third  
22 Motion to Suppress Evidence, filed with the Court on April 8, 2016; specifically, Exhibit's  
23 "A" and "B", which consist of copies of the search warrant application, affidavit and returns  
24 that were executed in this matter and filed with the Justice Court. Each of those documents  
25 clearly reflects a filing date of December 10, 2013 at 3:26 p.m. Additionally, each document  
26 reflects that it is a certified copy and contains the name of deputy clerk who certified it. As  
27 for the Search Warrant(s) in particular, it is clear by the signature located on the signature line  
28 that it was Suzan Baucum, who was the magistrate who authorized those warrants; all of which

1 is in compliance with NRS 179.045<sup>2</sup>.

2 Finally, as for the Defendant's request that this Court order the Justice Court custodian  
3 of records to provide the original applications, affidavits and warrants for his review; it appears  
4 that this Defendant does not comprehend that those originals are now a part of the district court  
5 record; and, are not in possession of the State or the Justice Court. Defendant has failed to  
6 demonstrate that there are any actual discrepancies in the certified copies of the original  
7 documents that have been provided to him. However, should this Court determine that  
8 Defendant is entitled to inspect the original documents in the possession of the District Court;  
9 it would be best for the Court to determine a time and date convenient to the Court for this  
10 Defendant to inspect those items.

11  
12 <sup>2</sup> NRS 179.045 state:

- 13 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds  
14 for issuing the warrant or as provided in subsection 3. If the magistrate is satisfied that grounds for the application exist  
15 or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and  
16 naming or describing the person or place to be searched.
- 17 2. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection  
18 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court may adopt rules not inconsistent  
19 with the laws of this State to carry out the provisions of this subsection.
- 20 3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which  
21 must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter  
22 or by electronic means, transcribed, certified by the reporter if the reporter recorded it, and certified by the magistrate.  
23 The statement must be filed with the clerk of the court.
- 24 4. Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given  
25 pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be  
26 unsealed.
- 27 5. After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under  
28 oath, the magistrate may orally authorize a peace officer to sign the name of the magistrate on a duplicate original  
warrant. A duplicate original search warrant shall be deemed to be a search warrant. It must be returned to the magistrate  
who authorized the signing of it. The magistrate shall endorse his or her name and enter the date on the warrant when it  
is returned. Any failure of the magistrate to make such an endorsement and entry does not in itself invalidate the warrant.
6. The warrant must be directed to a peace officer in the county where the warrant is to be executed. It must:
- (a) State the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in  
support thereof; or
- (b) Incorporate by reference the affidavit or oral statement upon which it is based.
- The warrant must command the officer to search forthwith the person or place named for the property specified.
7. The warrant must direct that it be served between the hours of 7 a.m. and 7 p.m., unless the magistrate, upon a  
showing of good cause therefor, inserts a direction that it be served at any time.
8. The warrant must designate the magistrate to whom it is to be returned.
9. As used in this section, "secure electronic transmission" means the sending of information from one computer system  
to another computer system in such a manner as to ensure that:
- (a) No person other than the intended recipient receives the information;
- (b) The identity of the sender of the information can be authenticated; and
- (c) The information which is received by the intended recipient is identical to the information that was sent.

1 **CONCLUSION**

2 Based upon the above and foregoing Points and Authorities, Defendant's Motion for  
3 Discovery be DENIED.

4 DATED this 21st day of October, 2016.

5 Respectfully submitted,

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

9 BY /s/ JACQUELINE BLUTH  
10 JACQUELINE BLUTH  
11 Chief Deputy District Attorney  
12 Nevada Bar #10625

13 **CERTIFICATE OF E-MAIL**

14 I, hereby certify that service of the above and foregoing, was made this 21st day of  
15 October, 2016, by e-mail to:

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

18 MELVYN SPROWSON, ID #5996049  
19 Clark County Detention Center  
20 330 S. Casino Center Blvd.,  
Las Vegas, Nevada 89101

21  
22 /s/ J. MOSLEY  
23 Secretary for the District Attorney's Office  
24  
25  
26  
27  
28



"ORIGINAL"

Electronically Filed  
11/04/2016 03:53:19 PM

55

*Allen T. Spruill*

CLERK OF THE COURT

1 RSPN  
2 MELVYN P. SPROWSON, JR.

DA  
PP 3 CCDC  
4 330 S. Casino Center Blvd.

5 Las Vegas, NV 89101.

6 Defendant- Proper Person

7

8

9

DISTRICT COURT  
CLARK COUNTY, NEVADA

10

11 THE STATE OF NEVADA,  
Plaintiff,

Case No. C-14295158-1

12

VS.

Dept. No. XXIII

13

MELVYN P. SPROWSON, JR.,

14

(5996049)

HEARING DATE: 11-02-2016

15

Defendant.

TIME: 9:30 AM

16

17 RESPONSE TO STATE'S OPPOSITION TO  
18 DEFENDANT'S MOTION FOR DISCOVERY  
19 (OF ORIGINAL DOCUMENTS)

20

21

22

23

24

25

26

27

28

In response to "state's" opposition COMES  
NOW, MELVYN P. SPROWSON, JR., the defendant,  
in proper person, to correct the defendant's  
original motion for discovery of original  
documents. The "State" graciously pointed  
out to the defendant, that the Original  
documents requested by the defendant are now  
in the possession of the District Court, and

1 of 9

884

11

CLERK OF THE COURT

NOV 04 2016

RECEIVED

RECEIVED

NOV 20 2016

1 he now corrects that error. Instead of  
2 requesting the "State" to produce the  
3 Original documents requested, the defendant  
4 now requests pursuant to EDCR 7.28 that this  
5 Honorable Court to subpoena the District  
6 Court clerk (custodian of records) to  
7 appear before the defendant in this Honorable  
8 Court within 14 days, to present the  
9 Original application(s), affidavits, search  
10 and seizure warrants) and any other papers  
11 in connection that were applied, issued, and  
12 filed with the Las Vegas Justice Court in the  
13 month of December 2013.

14 In addition, the defendant also requests that  
15 this Honorable Court enter an Order requiring  
16 the District Court clerk to provide to the  
17 defendant an affidavit in the form of a  
18 certificate of custodian of records as  
19 required by NRS 52.260, to authenticate  
20 that the record was made, on or about the  
21 said date(s). This motion is based upon all  
22 papers and pleadings on file herein, the  
23 attached Memorandum of Points and Authorities  
24 in support hereof, and oral argument at the  
25 time of the hearing on this matter  
26 if deemed necessary by this Honorable  
27 Court.

28 DATED this 26th day of October,

2016.

Respect Fully submitted,

*M. Sprowson Jr.*

MELVYN P. SPROWSON, JR.

Defendant, Proper Person

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. HISTORY

On September 20, 2016, the defendant filed the original motion. Then, on October 21, 2016, 31 days later, the "State" filed an opposition to the defendant's Motion for Discovery (of Original Documents).

### II. CORRECTION OF FACTS

First, the defendant raised six valid questions of authenticity pursuant to NRS 52.245(a) about the purported official copy of the documents (see original motion i-VI). The main issues were: (a) Content varies from one copy to another. (b) There is no Judge's stamp with a signature to validate the Order or any court indicated. (c, d) Though there is a filed stamp on the document, with a date, it still lacks a clerk's signature to validate receipt and that it was filed.

1 (e) The purported official copy of the  
2 documents are incomplete, where is the  
3 forensic's report or the chain of custody  
4 form, which would be the papers in connection?  
5 Bottom line, how many papers are there in  
6 connection as required by NRS 179.095?

7 (f) The "State" claimed to have probable cause  
8 in the form of information about "Nude photos"  
9 of the alleged victim, but in the purported  
10 official copy of the documents, there is nothing  
11 stated about nude photos or any charges in  
12 relation to them.

13 Second, there is a question of actually  
14 how many search and seizure warrants there  
15 are on file, if any. The defendant has a  
16 third search and seizure warrant that has  
17 NO OFFICIAL STAMPS on them at all.  
18 This other questionable document, the  
19 defendant will provide to the Court  
20 at the Court's request.

21 Third, the "State" in their opposition  
22 purposely misquotes the defendant by stating  
23 on page 9, number 2:

24 "An Order requiring the Plaintiff within  
25 30-days of this hearing, or that this  
26 Honorable Court on behalf of the defendant,  
27 to appear before this Honorable Court, for  
28 the direct examination by the defendant,

1 and to submit an affidavit in the form of  
2 a certified of custodian of records  
3 (NRS 52.260) so that the defendant may  
4 verify and authenticate that the above  
5 record was officially made and filed with  
6 the Las Vegas Justice Court on or about  
7 the said date(s); and," HOWEVER, the  
8 defendant actually stated:

9 "An Order requiring the plaintiff within  
10 30-days of this hearing, or that this  
11 Honorable Court on behalf of the defendant,  
12 to subpoena the custodian of records for  
13 the Las Vegas Justice Court, to appear before  
14 this Honorable Court, for the direct examination  
15 by the defendant, and to submit an  
16 affidavit in the form of a Certificate  
17 of custodian of records (NRS 52.260), so  
18 that the defendant may verify and  
19 authenticate that the above record.....

20 Thus, the "State" in their opposition  
21 continues to misrepresent the defendant  
22 in an attempt to mislead this Honorable  
23 Court in believing the requested documents  
24 actually exist.

### 25 26 III. LEGAL ARGUMENT

27  
28 First, according to EDCR 3.20(c):

1 "Within 7 days after the service of the motion,  
2 the opposing party must serve and file written  
3 opposition thereto. Failure of the opposing  
4 party to serve and file written opposition  
5 may be construed as an admission that the  
6 motion is meritorious and a consent to granting  
7 of the same." In the instant case, the "State"  
8 filed their opposition 16 days past the 7-day  
9 deadline. Though this court rescheduled the  
10 hearing, the "State" has taken liberties, and it  
11 does not reset the given deadline. Therefore,  
12 the defendant's corrected motion should be  
13 granted.

14 Second, if the District Court has the  
15 requested Original documents the defendant ~~is~~  
16 is requesting, why does the "State" oppose the  
17 defendant from viewing them? Why not settle the  
18 issue once and for all and show them? Why play  
19 hide the peanut under the shell game with  
20 this Honorable Court and the defendant? Plus,  
21 there are really only two issues at hand.  
22 One, the defendant has now corrected his  
23 original motion thanks to the "State", with  
24 this response to the "State's" opposition. Two,  
25 the defendant is legally entitled to view  
26 the originals, as a matter of discovery,  
27 especially if there is a genuine question  
28 of authenticity, as the defendant has

1 clearly raised.

2 Third, according to EDCR 7.28 Custody  
3 and Withdrawal of papers, records, and  
4 exhibits. (a) The clerk of the court has  
5 custody of the records and papers of the court.  
6 The clerk may not permit any original record,  
7 paper, or exhibit to be taken from the  
8 court, Judge's Chambers or from the clerk's  
9 office, except at the direction of the court  
10 or as provided by statute or these rules. (b)  
11 Papers, records, or exhibits belonging to the files  
12 of the court may be temporarily withdrawn from  
13 the office and custody of the clerk for a  
14 limited time upon the special order of the  
15 Judge, specifying the record, paper, or exhibit,  
16 and limiting the time the same may be retained.  
17 A receipt must be given for any paper, record,  
18 or exhibit so withdrawn from the files. In  
19 the instant case, this Honorable Court can end the  
20 discovery issue simply by letting the defendant  
21 and this Honorable Court view the originals of  
22 the documents requested, directly examine the  
23 clerk of the District Court, and to subpoena  
24 the clerk of the District Court to produce an  
25 affidavit in the form of a certificate of  
26 custodian of records as required by NRS 52.260.  
27 The defendant's requests are both reasonable  
28 and material to the preparation of his

1 defense, provides transparency for this  
2 Honorable Court, and therefore in the  
3 interest of justice, should be granted.

4 Fourth, Compounding my suspicions, the  
5 Register of Actions for the root case #  
6 13F17841X has no record of any Search and  
7 Seizure warrants or any papers in relation  
8 thereto. The search warrants were purportedly  
9 issued 30 or more days into the case and should  
10 be part of the files. Yet, the "State" continues  
11 to advance its misrepresentation by telling  
12 this Honorable Court that the requested original  
13 documents were lost in the bindover from  
14 Justice Court to District Court. To be  
15 lost they would have to be there in the  
16 first place! The bindover itself has been  
17 amended on November 03, 2015 and certified  
18 as correct by the Honorable Judge Saragoza  
19 and to no surprise, there are no search  
20 and seizure warrants or any other papers  
21 in connection, listed therein.

#### 22 23 IV. CONCLUSION

24 As the defendant continues to suspect, and  
25 this Honorable Court will find, that the original  
26 documents the defendant is requesting do  
27 not exist and are not on file with this  
28 or any other court.



1 Wherefore, defendant prays for relief,  
2 as it is based on law.

3  
4 Respectfully submitted,  
5 M. Sprowson Jr  
6

7 MELVYN P. SPROWSON, JR.  
8 Defendant, Proper Person  
9

10 CERTIFICATE OF SERVICE  
11

12 I hereby certify that on October  
13 28th, 2016, I mailed via the U.S. mail,  
14 a copy of the foregoing Response to the  
15 State's Opposition to the Defendant's Motion  
16 for Discovery (of original documents) to:  
17

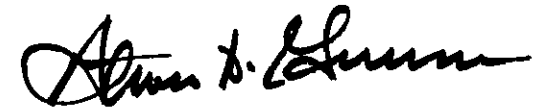
18 Jacqueline Bluth  
19 Office of the District Attorney  
20 200 Lewis Avenue  
21 P.O. Box 552212  
22 Las Vegas, NV 89155-2212  
23

24 By: M. Sprowson Jr.  
25 MELVYN P. SPROWSON, JR.  
26 Defendant - Proper Person  
27  
28

M. Sprowson, Jr. (5996049)  
Clark County Detention Center  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

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

SENT FROM CCBC



CLERK OF THE COURT

1 NOCH  
2  
3

4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

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 12, 2016 at 9:30 a.m. to November 2, 2016 at 9:30 a.m. for  
15 Defendant's Pro Per Motion for Discovery.  
16

17 DATED: October 11, 2016.

18 HONORABLE STEFANY A. MILEY

19 By:

20   
21 Carmen Alper  
22 Judicial Executive Assistant

23 CERTIFICATE OF SERVICE

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

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

28 By:

  
Carmen Alper  
Judicial Executive Assistant

STEFANY A. MILEY  
DISTRICT JUDGE

mc  
DA  
PP  
~~APR~~  
PD

1 MOT  
2 MELVYN P. SPROWSON, JR.

*Ann D. Johnson*  
CLERK OF THE COURT

3 CCDC  
4 330 S. Casino Center Blvd.  
5 Las Vegas, NV 89101  
6 Defendant, Proper Person  
7

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA  
10

11 THE STATE OF NEVADA,  
Plaintiff,

Case No. C-14295158-1

12 vs.

Dept. No. XXIII

13 MELVYN P. SPROWSON, JR.,

11-28-16 @ 9:30 am

14 (5996049)

15 Defendant.

16

17 MOTION TO DISMISS MISDEMEANOR  
18 CHARGES FOR LACK OF  
19 ORIGINAL JURISDICTION  
20

21 HERE COMES NOW, the defendant,  
22 MELVYN P. SPROWSON, JR., in proper person,  
23 and hereby moves this Honorable Court  
24 to enter an Order to dismiss with  
25 prejudice all misdemeanor charges  
26 currently stayed in the Las Vegas Justice  
27 Court under root case # 13F17841X,  
28 particularly CONTRIBUTORY

1 of 7

RECEIVED

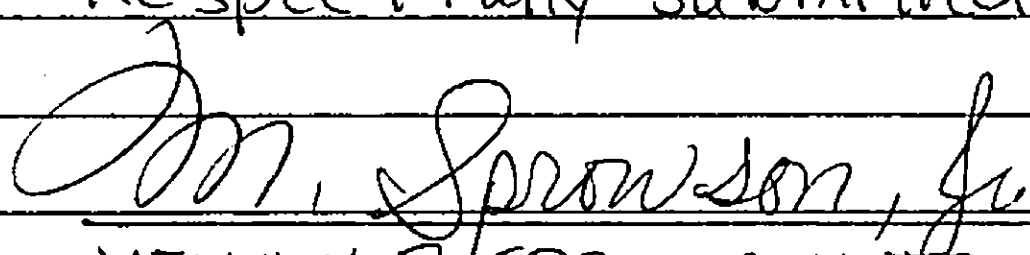
OCT 26 2016

CLERK OF THE COURT

1 DELINQUENCY (Misdemeanor - NRS 201.110,  
2 201.090) and OBSTRUCTING A PUBLIC  
3 OFFICER (Misdemeanor - NRS 197.190) on  
4 the grounds that the Charges stayed  
5 are a violation of Article 6, Section 6,  
6 of the Nevada State Constitution. This  
7 motion is made based upon all papers  
8 and pleadings on file herein, the  
9 attached Memorandum of Points and  
10 Authorities in support hereof, and  
11 oral argument at the time of the  
12 hearing on this matter, if deemed  
13 necessary by this Honorable Court.

14 DATED this 22nd day of October,  
15 2016.

16 Respectfully submitted,

17   
18

19 MELVYN P. SPROWSON, JR.

20 Defendant, Proper Person

21

22 NOTICE OF MOTION

23 You and each of you, will please take  
24 notice that the undersigned will bring the  
25 foregoing motion on for hearing in the above  
26 entitled court on the <sup>28</sup> day of

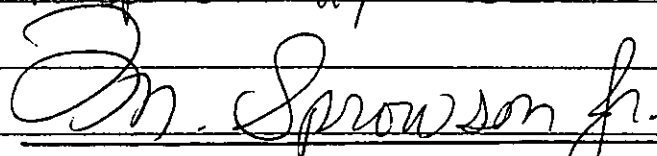
27 Nov. , 2016 at the hour of

28 9:30 am AM/PM, or as soon thereafter,  
2 of 7

1 as defendant in proper person may be  
2 heard by this Honorable Court.

3 DATED this 22nd day of October,  
4 2016.

5 Respectfully submitted,

6   
7

8 MELVYN P. SPROWSON, JR.

9 Defendant, Proper Person

10  
11 MEMORANDUM OF POINTS AND AUTHORITIES

12  
13 I. HISTORY

14  
15 On November 05, 2013, a Criminal  
16 Complaint was filed against the defendant  
17 under root case # 13F17841X in the  
18 Las Vegas Justice Court. December 09,  
19 2013 the charges were amended and  
20 Once again, on December 19, 2013.

21 Then on January 08, 2014 the charges  
22 were bound over to District Court  
23 under case # C14295158-1, with the  
24 exception of the two misdemeanors,  
25 CONTRIBUTORY DELINQUENCY (NRS 201.110,  
26 201.090) and OBSTRUCTING A PUBLIC  
27 OFFICER (NRS 197.190). In addition,  
28 On November 03, 2015, the bind over

3 of 7

1 was amended. Now, as a matter of  
2 fact, Case # 13F17841X in the Las  
3 Vegas Justice Court is the root for  
4 Case # C14295158-1 in the District Court  
5 and are the same case.

## 6 7 II. LEGAL ARGUMENT

8  
9 In the instant case, the criminal  
10 complaint and information contained two  
11 misdemeanor charges and six felony charges.  
12 On January 08, 2014, the felonies were  
13 bound over to District Court, leaving  
14 the misdemeanors under the Original  
15 Jurisdiction of the Las Vegas Justice  
16 Court. Once bound over, the District  
17 Court obtained Original Jurisdiction  
18 over the case. This bifurcation of  
19 Charges, created a concurrent  
20 jurisdiction between the Las Vegas  
21 Justice Court and District Court,  
22 and concurrent jurisdiction over the  
23 overall criminal complaint and information.  
24 This consequently, is in direct violation  
25 of Article 6, Section 6, of the  
26 Nevada State Constitution.

27 Prior to 1978, the Nevada State  
28 Constitution allowed the District  
4 of 7



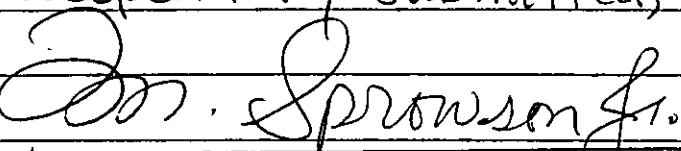
1 Courts and the Justices' Courts to  
2 exercise Concurrent Jurisdiction in  
3 some areas, including unlawful detainer  
4 actions. In 1978, however, Article 6,  
5 Section 6, of the Nevada State  
6 Constitution was amended to provide in  
7 part: "The District Courts... Shall have  
8 Original Jurisdiction in all cases excluded  
9 by law from the Original Jurisdiction of  
10 the Justices' Courts." Therefore, the  
11 district courts have no Original Jurisdiction  
12 in matters in which the Justices' Courts have  
13 Original Jurisdiction, which, in the instant case,  
14 are the aforementioned misdemeanors. In  
15 short, it is unlawful for concurrent Jurisdiction  
16 between the district courts and Justices'  
17 courts to exist. (Nevada State Constitution,  
18 Article 6, Section 6). See The State of  
19 Nevada v. Timothy Jack Kopp. 118 Nev.  
20 199; 43 P.3d 340; (2002); also see K.J.B.  
21 Inc. v. District Court. 103 Nev. 473, 745 P.2d  
22 700 (1987).

### 23 24 III. CONCLUSION

25  
26 Therefore, Since the District Court  
27 now has the Original Jurisdiction of the  
28 case, which excludes by Nevada

1 Constitutional law, the misdemeanors, in the  
2 Las Vegas Justice Court, mentioned above under  
3 root case # 13F17841X, the Charges, must  
4 by law, according to Article 6, Section 6,  
5 of the Nevada State Constitution, be  
6 dismissed with prejudice for lack of  
7 Original Jurisdiction in the District Court.

8  
9 Wherefore, defendant prays for  
10 relief against the plaintiff, as it is  
11 based on law.

12  
13 Respectfully submitted,  
14   
15 MELVYN P. SPROWSON, JR.  
16  
17 Defendant - Proper Person  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2 CERTIFICATE OF SERVICE

3  
4 I hereby certify that on the 24th  
5 day of October, 2016, I mailed  
6 via U.S. mail, a copy of the foregoing  
7 Motion to Dismiss Misdemeanor Charges  
8 For Lack of Jurisdiction to:

9 Jacqueline Bluth  
10 Office of the District Attorney  
11 200 Lewis Avenue  
12 P.O. Box 552212  
13 Las Vegas, NV 89155-2212

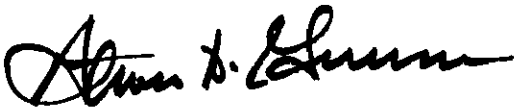
14  
15 By:

16 Melvin P. Sprowson Jr.  
17 MELVYN P. SPROWSON, JR.  
18 Defendant, Proper Person  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

M. SPROWSON, JR. (5996049)  
Clark County Detention Center  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

SENT FROM CCDC

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

  
CLERK OF THE COURT

**OPPS**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JAMES R. SWEETIN  
Chief Deputy District Attorney  
Nevada Bar #005144  
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**

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**  
**MISDEMEANOR CHARGES FOR LACK OF JURISDICTION**

DATE OF HEARING: NOVEMBER 28, 2016  
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JAMES R. SWEETIN, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion to Dismiss Misdemeanor Charges for Lack of Original Jurisdiction.

This opposition 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 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION**

3 Defendant, MELVYN SPROWSON, is charged in this matter, by way of Criminal  
4 Information, with the crimes of First Degree Kidnapping (Category A Felony – NRS 200.310,  
5 200.320); Child Abuse, Neglect, or Endangerment with Substantial Bodily and/or Mental  
6 Harm (Category B Felony – NRS 200.508(1)) and Unlawful Use of a Minor in the Production  
7 of Pornography (Category A Felony – NSR 200.700, 200.710(A)(B), 200.750). The crime  
8 occurred on or about July 1, 2013 and November 1, 2013.

9 In addition to the aforementioned felony charges, Defendant also has misdemeanor  
10 charges that properly remained in the Justice Court, at the conclusion of the preliminary  
11 hearing, which consist of Contributory Delinquency (Misdemeanor – NRS 201.110, 201.090)  
12 and Obstructing a Public Officer (Misdemeanor – NRS 197.190), under the original Justice  
13 Court case number 13F17841X. The Justice Court case is still pending.

14 On November 1, 2016, the State received a copy of Defendant's Motion to Dismiss  
15 Misdemeanor Charges for Lack of Original Jurisdiction. The State's Opposition follows.

16 **LEGAL ARGUMENT**

17 **I. THE JUSTICE COURT HAS JURISDICTION OVER THE MISDEMEANOR**  
18 **CHARGES PENDING AGAINST DEFENDANT**

19 The Justice Court has the authority to administer criminal probable cause reviews,  
20 felony and misdemeanor arraignments, Preliminary Hearings, and trial for misdemeanor cases.  
21 NRS 4.370; NRS 171.206.

22 NRS 4.370(3), specifically states that “[J]ustice Courts have jurisdiction of all  
23 *misdemeanors and no other criminal offenses except as otherwise provided by specific*  
24 *statute*. Upon approval of the district court, a justice court may transfer original jurisdiction  
25 of a misdemeanor to the district court for the purpose of assigning an offender to a program  
26  
27  
28

1 established by NRS 176A.250<sup>1</sup> or 176A.280<sup>2</sup>”

2 There is no statute granting Justice Courts the jurisdiction to try gross misdemeanor or  
3 felony offenses. For those offenses, the Defendant in Justice Courts “shall not be called upon  
4 to plead.” NRS 171.196(1). Justice Courts only have the limited statutory authority to conduct  
5 Preliminary Hearings to determine if there is probable cause to find that an offense has been  
6 committed and the Defendant committed said offense. NRS 171.196 to 171.206; Justice Court,  
7 112 Nev. at 806, 919 P.2d at 402.

8 The pending misdemeanor charges against Defendant are properly before the Justice  
9 Court; and, the felony charges against Defendant, originating in Justice Court case  
10 #13F17841X, were properly bound over to the District Court for trial. Additionally, there  
11 would be absolutely no reason for the Justice Court to transfer original jurisdiction of the  
12 misdemeanor charges to the District Court, as Defendant’s misdemeanor charges do not  
13 qualify him to be assigned to a program established by NRS 176A.250 or 176A.280.

14 The State submits that this Court lacks the jurisdiction to dismiss the misdemeanor  
15 charges properly pending, pursuant to jurisdiction provable by statute, before the Justice Court.  
16 It is apparent that his instant motion is frivolous and without a basis in law. As such, the State  
17 respectfully requests this Court to deny Defendant's motion.

18 //

19 //

20 //

21 //

22 //

---

23  
24 <sup>1</sup> NRS 176A.250 states: “A court may establish an appropriate program for the treatment of mental illness or  
25 intellectual disabilities to which it may assign a defendant pursuant to NRS 176A.260. The assignment must include  
the terms and conditions for successful completion of the program and provide for progress reports at intervals set  
by the court to ensure that the defendant is making satisfactory progress towards completion of the program.”

26 <sup>2</sup> A court may establish an appropriate program for the treatment of veterans and members of the military to which  
27 it may assign a defendant pursuant to NRS 176A.290. The assignment must include the terms and conditions for  
28 successful completion of the program and provide for progress reports at intervals set by the court to ensure that the  
defendant is making satisfactory progress towards completion of the program.

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

**CONCLUSION**

Based upon the above Points and Authorities, the State respectfully requests Defendant’s Motion to Dismiss Misdemeanor Charges for Lack of Original Jurisdiction be DENIED.

DATED this 9th day of November, 2016.

Respectfully submitted,

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

BY /s/ JAMES R. SWEETIN  
JAMES R. SWEETIN  
Chief Deputy District Attorney  
Nevada Bar #005144

**CERTIFICATE OF SERVICE**

I, hereby certify that service of the above and foregoing, was made this 9th day of November, 2016, by e-mail to:

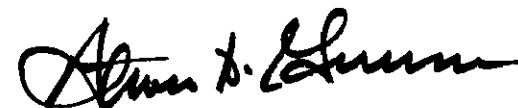
MICHAEL YOHAY, Dep. Public Defender  
(Standby Counsel)  
yohaymr@clarkcountynv.gov

MELVYN SPROWSON, ID #5996049  
Clark County Detention Center  
330 S. Casino Center Blvd.,  
Las Vegas, Nevada 89101

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

hjc/SVU





CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\*\*\*\*\*

STATE OF NEVADA

Case No.: C295158

VS

Department XXIII

MELVYN SPROWSON, JR.

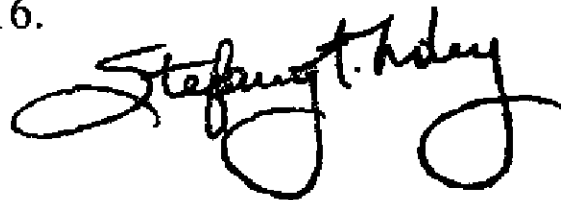
**ORDER SCHEDULING STATUS CHECK RE:**

**TRIAL READINESS**

TO: Jacqueline Bluth, Esq. and Michael Yohay, Esq.:

YOU ARE HEREBY ORDERED TO APPEAR in District Court, Department XXIII, at 200 Lewis Avenue, 12<sup>th</sup> floor, Courtroom 12C, on **November 28, 2016 at 9:30 a.m.** to give status regarding the above matter. Failure to appear may result in the dismissal of this action.

DATED this 18th day of November, 2016.



HONORABLE STEFANY A. MILEY  
DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of November, 2016, I caused a copy of the within Order Scheduling Status Check to be placed in the attorney's folder in the Clerk's Office, faxed, or mailed a copy to Jacqueline Bluth, Esq. and Michael Yohay, Esq.

By: 

Carmen Alper  
Judicial Executive Assistant

1 NOTC  
2 MELVYN P. SPROWSON, JR.

*[Signature]*

3 CCDC

CLERK OF THE COURT

4 330 S. Casino Center Blvd.

5 Las Vegas, NV 89101

DA 6 Defendant, Proper Person

PP 7

PD 8

DISTRICT COURT  
CLARK COUNTY, NEVADA

9

10

11

THE STATE OF NEVADA,  
Plaintiff,

Case NO. C-14-295158-1

12

VS.

Dept. NO XXIII

13

MELVYN P. SPROWSON, JR.,

14

(5996049)

15

Defendant.

16

17

18

19

20

NOTICE OF REQUEST TO  
WITHDRAW ORIGINAL RECORD OF  
SEARCH AND SEIZURE WARRANTS

21

22

23

24

25

26

27

28

You and each of you will please take notice  
that the undersigned is requesting the following  
Original record: SW2013 1957, SW2013 1958,  
SW2013 2044, and SW2015 0159, from the  
District court, by way of motion in the above  
entitled court.

*[Signature]*

MELVYN P. SPROWSON, JR.

RECEIVED

DEC 07 2016

CLERK OF THE COURT

1 of 2

RECEIVED  
DEC 09 2016  
CLERK OF THE COURT

1  
2 CERTIFICATE OF SERVICE

3  
4 I hereby certify that on December 04,  
5 2016, I mailed via US mail, a copy of  
6 the foregoing notice to:  
7

8 Jacqueline Bluth  
9 Office of the District Attorney  
10 200 Lewis Avenue  
11 P.O. Box 552212  
12 Las Vegas, NV 89155-2212

13  
14 By: M. Sprowson Jr  
15 MELVYN P. SPROWSON, JR.  
16 Defendant, Proper Person  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

M. Sprowson, JR (5996049)  
Clark County Detention Bldg, Center  
330 S. Casino Center Blvd  
Las Vegas, NV 89101

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



UNITED STATES  
AIRMAIL  
02 1P  
000830502  
\$ 000.940  
MAILED FROM ZIP CODE 8910105

LEGAL

- 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

MELVYN SPROWSON, ) No. 73674  
 )  
 Appellant, )  
 )  
 vi. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )  
 \_\_\_\_\_)

<b>PHILIP J. KOHN</b> Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610  Attorney for Appellant	<b>STEVE WOLFSON</b> Clark County District Attorney 200 Lewis Avenue, 3 <sup>rd</sup> Floor Las Vegas, Nevada 89155  <b>ADAM LAXALT</b> Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538  Counsel for Respondent
---	---

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 2 day of May, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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