

NOTICE OF MOTION

You and each of you, will please take notice that the undersigned will bring the foregoing motion on for hearing before the Honorable Chief Judge Elizabeth Banzalez, on the 31 day of March, 2017, at the hour of In Chambers AM/PM, or as soon as the defendant in proper person may be heard by this Honorable Court.



MELVYN P. SPROWSON, JR.

Defendant, Proper Person

POINTS AND AUTHORITIES

I. PERTINENT POINTS

On August 24, 2015, the defendant was granted Pro Se status and began representing himself.

October 12, 2015, the defendant had a hearing challenging that there were any search warrants issued in his name or on file. Note, to this day, no search warrants have been found under the defendant's name or in his case files in Justice or district court.

October 21, 2015, Judge Stefany Miley

3 of 12

1 conspired with the "state" through their
2 representative Jacqueline Bluth to submit
3 to the district court vault a forged search
4 and seizure warrant as an exhibit, as
5 none could be found on file in any court. The
6 defendant being attorney of record was
7 neither informed of the document, notified
8 of its submission, or allowed to oppose its
9 submission altogether, and without a hearing.
10 This document contains a sticker on the bottom
11 labeled, "Defendant exhibit A," suggesting it
12 was submitted by the defendant, HOWEVER,
13 it was not. The defendant learned of this
14 matter, after his court appointed investigator,
15 Richard Franky, brought it to the defendant's
16 attention (see exhibit B).

17 January 09, 2017, the defendant is granted
18 a court appointed investigator, Richard Franky,
19 L.P.I. # 797.

20 January 31, 2017, 7 days after submitting
21 to the court an affidavit to disqualify
22 Judge Stefany Miley for Bias and Misconduct,
23 the district court finally filed the affidavit.
24 The affidavit was denied on January 24, 2017
25 by the Honorable Chief Judge Elizabeth Gonzalez.

26 Also, On January 31, 2017, one day after
27 Judge Miley received her courtesy copy of
28 the affidavit to disqualify her, the defendant

1 is informed his trial date is being moved
2 up one-week, the defendant objected as
3 he was working with his investigator to be
4 ready for his scheduled trial date and
5 could not go sooner.

6 February 06, 2017, during a trial readiness
7 hearing, the defendant is told that his trial
8 is being moved up one week, whether he is
9 ready or not, the defendant again objected
10 and informed the judge he was still preparing
11 for trial with his investigator and needed
12 the week to prepare and was amenable to
13 moving the trial date later, if she could not
14 make the FIRM date.

15 February 09, 2017, the defendant's court
16 appointed investigator, Richard Franky, informed
17 the defendant that the search warrants the
18 defendant issued subpoenas for on February
19 02, 2017 to prove that the search warrants
20 have different cases and names altogether,
21 were intercepted by Judge Stefany Miley
22 (see attached affidavit of investigator, exhibit
23 D).

24 February 17, 2017, the defendant filed an
25 affidavit to reconsider disqualifying Judge
26 Stefany Miley for Bias and Misconduct as a
27 result of vindictive retaliation (see exhibit
28 A attached).

1 February 28, 2017, Judge Stefany Miley files
2 the courtesy copy of the affidavit to
3 reconsider disqualifying the Judge provided
4 to her by the defendant, to make it appear
5 as if the defendant submitted a second
6 copy to be filed, HOWEVER, he did not.

7 8 II. LEGAL ARGUMENT AND AUTHORITY

9
10 The defendant now brings this motion on for
11 hearing for good and justifiable cause,
12 as the defendant is guaranteed a fair
13 and impartial judge at trial, as implied
14 by the 6th amendment of the US constitution.
15 Also, the Supreme Court has pointed out,
16 "That it certainly violates the 14th amendment
17 and deprives a defendant in a criminal
18 case of due process of law to subject his
19 liberty or property to the judgment of
20 a Court, the Judge of which has a direct,
21 personal, substantial pecuniary interest
22 in reaching a conclusion against him in his
23 case." In the instant case, the forging of
24 search and seizure warrants by the District
25 Attorney's representative Jacqueline Bluth
26 would, if exposed by the defendant open
27 up a can of worms that would create a
28 ton of work for the Judge, as multiple

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1 cases would have to be reviewed in light
2 of the impropriety of the "State's"
3 representative, not to mention, bring into
4 serious question, the integrity of the
5 District Attorney's office, and the trust
6 of the people for and in the Nevada Justice
7 system (see Turney v. Ohio, 273 U.S. 510,
8 47 S. Ct. 437, 71 L. Ed. 749 (1927)).

9 EDCR 3.20 Motions. (a) Unless otherwise
10 provided by law or by these rules, all motions
11 must be served and filed not less than 15 days
12 before the date set for trial. The court
13 will only consider late motions based upon
14 an affidavit demonstrating good cause and
15 it may decline to consider any motion filed
16 in violation of this rule.

17 In the instant case, the defendant filed an
18 affidavit for good cause on February 17, 2017
19 and submits this motion as a supplemental
20 to that affidavit (see attached exhibit A).
21 Also, there is a 6th and 14th amendment US
22 constitutional right to be considered, as the
23 defendant is guaranteed a FAIR TRIAL
24 and DUE PROCESS OF LAW. If the defendant
25 were to go to trial prior to this matter
26 being heard, he would have neither of the
27 above. Therefore, the defendant's motion
28 must be heard.

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EDCR 3.60 Shortening time. Ex parte motions to shorten time may not be granted except upon an affidavit or certificate of counsel describing the circumstances claimed to constitute good cause and justify shortening of time. If a motion to shorten time is granted, it must be served upon all parties promptly

Though the Judge is not an adverse party, no affidavit or notice of rescheduling was filed with the Court, to justify for the record, the reason for moving the defendant's trial date up one week sooner. This consequently, after receiving the affidavit to be disqualified by the defendant. Thus, the moving of the trial date sooner is not justified for the record and is suggestive of vindictive retaliation, as the defendant is still at a loss, as to why he is being compelled to proceed early to trial, in violation of his US constitutional rights.

NRS 1.230 Grounds for disqualifying Judges other than Supreme Court Justices.
1. A judge shall not act as such in an action or proceeding when the judge entertains actual bias or prejudice for or against one of the parties to the action.

In the instant case, the defendant has

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1 attached his affidavit to reconsider
2 disqualifying Judge Stefany Miley. In the
3 defendant's affidavit filed on February 17,
4 2017, he details the facts pertaining to
5 bias and prejudice against the defendant
6 in the case (see exhibit A attached).

7 Brady v. Maryland, 373 U.S. 83 (1969).

8 The defendant has a right to exculpatory
9 evidence. In the instant case, the Judge,
10 Stefany Miley has intercepted search and seizure
11 warrants requested by the defendant from
12 the Court through subpoena. This was
13 intercepted on behalf of the "State," conspiring
14 with Jacqueline Bluth, the "State's" representative
15 to keep exculpatory evidence from the
16 defendant. The defendant has attached an
17 affidavit from his investigator, Richard
18 Franky, verifying that the subpoenas
19 were issued and the search warrants
20 forwarded to the Judge. These search
21 warrants prove that they belong to someone
22 else and other cases altogether (see exhibit
23 D for affidavit).

24 To clearly prove to this Honorable
25 Court that evidence has been ignored by
26 Judge Miley, the defendant has attached
27 two copies of the same original purported
28 search warrants given to him by the "State"

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1 that when compared, differ significantly
2 in regards to the position of the Justice
3 Court filed stamp on them. This is not
4 Knit picking as Judge Miley puts it, but
5 evidence of forgery committed by the "State,"
6 as you can only file a document once
7 with the exact date and time. Please
8 review exhibits B and C attached,
9 When the filed stamps are compared they
10 are in different places and positions,
11 showing them to be forged documents
12 (see and compare B and C exhibits pages
13 1, 5, and 7).

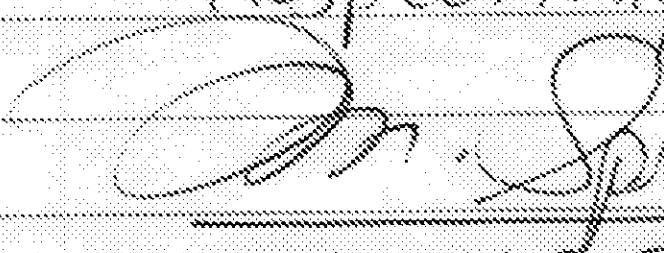
14 15 III. CONCLUSION

16
17 The defendant is entitled to a
18 fair trial. The actions of Judge Stefany
19 Miley most certainly reveal favorable bias
20 toward the "State" and extreme prejudice
21 toward the defendant. The Judge does
22 have a direct, personal, substantial pecuniary
23 interest in reaching a conclusion against
24 the defendant. The "State" has committed a
25 a crime, and if exposed, would have a
26 personal impact on the Judge, as she is
27 duty bound to report it, and this would
28 generate a substantial increase in work

10 of 12

1 to investigate each case Jacqueline Bluth
2 has prosecuted. Both for the Judge and
3 the District Attorney's office, which in
4 effect, costs money. Thus, the defendant
5 respectfully requests this Honorable Court
6 to grant him an impartial Judge that will
7 not put the blind eye to the telescope to
8 avoid work and government cost, but
9 administer Justice fairly on both sides,
10 regardless of the outcome. The defendant
11 will most certainly feel the sting of the
12 Judge's wrath, if she is not replaced, which
13 in and of itself, at this point, should be
14 enough to grant the defendant his
15 lawful request for fairness.

16
17 Respectfully submitted,

18
19  Sprawson

20 MELVYN F. SPRAWSON, JR.

21 Defendant, proper Person

1
2 CERTIFICATE OF SERVICE

3
4 I hereby certify that I served a
5 copy of the foregoing Supplemental
6 Motion to Affidavit to Reconsider Disqualifying
7 Judge Stefany Miley For Bias and Misconduct
8 to:
9

10 Judge Stefany Miley
11 Regional Justice Center
12 Dept. 23
13 200 Lewis Avenue
14 Las Vegas, NV 89155

Jacqueline Bluth
Office of the District Attorney
200 Lewis Avenue
P.O. Box 552212
Las Vegas, NV 89155

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16 By: M. Sprawson
17 MELVYN P. SPRAWSON, JR.
18 Defendant, Proper Person
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EXHIBIT

A

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PP

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1 MOTI
2 MELVYN P. SPROWSON, JR.

[Signature]

3 CCDC

CLERK OF THE COURT

4 330 S. Casino Center Blvd.

5 Las Vegas, NV 89101

6 Defendant, Proper Person

7

8 AFFIDAVIT TO RECONSIDER
9 DISQUALIFYING JUDGE STEFANY MILEY

10 FOR BIAS AND MISCONDUCT

11 (HEARING REQUESTED)

12 NRS 1.235

13

Hearing: 2-24-17

14 STATE OF NEVADA

In Chambers

15

SS: Case NO. C-14-295158-1

16 COUNTY OF CLARK

17

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

20

21 1. That Affiant is filing this affidavit to
22 reconsider pursuant to NRS 1.235 Procedure
23 for disqualifying Judges other than Supreme
24 court justices or Judges of the Court of
25 Appeals;

26 2. That Affiant is filing this affidavit in
27 good faith and not interposed for delay;
28

1 of 5

CLERK OF THE COURT #24

RECEIVED
FEB 17 2017

7

1 3. That Affiant is filing this affidavit
2 for reconsideration as a result of bias
3 in the form of retaliation committed by
4 Judge Stefany Miley and offers the following
5 facts:

6 4. That Affiant gave his original affidavit
7 to his Court appointed investigator, Richard
8 Franky, L.P.I # 797, to be filed on behalf
9 of the defendant on January 20, 2017. The
10 defendant learned that his affidavit was
11 never filed as instructed. The defendant
12 then sent via US mail another copy to be
13 filed on January 30, 2017. The Judge was
14 served on January 30, 2017 as well;

15 5. That Affiant on January 31, 2017, one
16 day after serving the affidavit to disqualify
17 the Judge, was informed via email by
18 defendant's stand-by Counsel, Mr. Yohay, that
19 the Judge wanted to move the trial date
20 from March 20, 2017 to March 13, 2017. The
21 defendant informed Mr. Yohay, that the
22 defendant's timeline was on schedule for
23 March 20, 2017 and could not go sooner.
24 The defendant was amenable to either
25 an over-flow Judge or to move the date
26 later, if Judge Miley could not make the
27 date;

28 6. That Affiant on February 06, 2017

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1 during a status check for trial readiness,
2 repeated that he could not go sooner. Judge
3 Miley then told the defendant his trial
4 is going to be moved regardless if he was
5 ready or not, again consequently after receiving
6 the affidavit to disqualify;

7 7. That Affiant has evidence that the
8 "State" through their representative Jacqueline
9 Bluth has forged search and seizure warrants
10 and has brought this to Judge Miley's attention,
11 but she continues to ignore the evidence. For
12 example, all the documents that were provided
13 by the "State", that are supposed to be certified
14 copies, of the search and seizure warrants,
15 lack the Justice Court seal as required by
16 NRS 1.180, to authenticate copies. Also, the
17 defendant has two copies of the same
18 original, both copies have the exact same
19 Justice Court filed stamp, but one stamp
20 is crooked, while the other is straight in
21 relation to the defendant's name;

22 8. That Affiant, seeking to prove that
23 the purported search and seizure warrants
24 are forgeries, issued subpoenas for the
25 following from Justice Court: SW20131957
26 barcode # 3643438, SW20131958 barcode #
27 3643443, SW2013 2044 barcode # 3643884,
28 and SW2015 0159 barcode # 4668870. These

3 of 5

1 subpoenas were served on February 02, 2017
2 by Richard Franky. Mr. Franky, informed
3 the defendant that Joanne Paterson,
4 Justice Court Supervisor, had forwarded
5 the requested documents to Judge Stefany
6 Miley, instead of giving them to the
7 defendant. This is nothing more than a
8 delay/prevention of the defendant getting
9 legally entitled evidence in his favor, and
10 shows the Justice system is being circumvented
11 at minimum;

12 9. That Affiant believes there is a definite
13 conflict of interest between Judge Stefany
14 Miley and the defendant Melvyn P. Sprowen, Jr.,
15 as a direct result of the filing of the
16 affidavit to disqualify the Judge. This is
17 evidenced by the fact that the defendant is
18 being forced to proceed early to trial, which
19 cuts short any chance of filing pretrial motions
20 to prove the forgery of documents, issue timely
21 subpoenas, and get expert witnesses in his
22 favor;

23 10. That Affiant, for the above reasons, pleads
24 for mercy with the Honorable Chief Justice
25 ELizabeth Gonzalez, to either look into
26 the matter, or appoint the defendant with
27 an impartial Judge. The defendant respectfully
28 request a hearing.

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1
2 FURTHER, your Affiant sayeth naught.

3
4 DATED this 12th day of February 2017.
5 I MELVYN P. SPROWSON, JR., do solemnly swear
6 under penalty of perjury, that the above
7 statement is accurate, correct, and true
8 to the best of my knowledge. NRS 171.102 and
9 NRS 208.165

10 Respectfully submitted,

11 
12

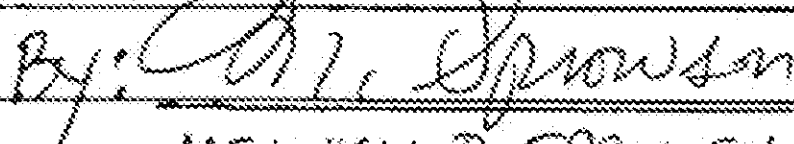
13 MELVYN P. SPROWSON, JR.

14 Affiant, Proper Person
15

16 CERTIFICATE OF SERVICE
17

18 I hereby certify that I served via US mail Judge
19 Stefany Miley with a copy of the foregoing Affidavit
20 to Reconsider pursuant to NRS 1.235 to:
21

22 Judge Stefany Miley
23 Regional Justice Center, Dept. 23
24 200 Lewis Avenue
25 Las Vegas, NV 89155

26 By: 

27 MELVYN P. SPROWSON, JR.

28 Defendant, Proper Person

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EXHIBIT

B

SW2013
APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

2044 13F17841X
FILED CAW

STATE OF NEVADA)

COUNTY OF CLARK)

ss: SPROWSON, Melvyn Perry Jr.

Dec 20 1 31 PM '13

JUSTICE COURT
LAS VEGAS NEVADA
BY: _____
DEPUTY

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

Digital Storage Devices, impounded under Clark County School District Police Department DR# 1311-05723, currently located in the CCSDPD Computer Forensics Lab, 120 Corporate Park Drive Henderson Nevada, specifically:

1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD.

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

1. Digitally stored records, information and data, which may constitute evidence of 200.310 - 1st Degree Kidnap, 200.710 - Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile, involvement in the planning or commission of the crime(s), between the dates of July 1, 2013 and November 1, 2013.

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

Definitions:

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

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

DEFENSE
EXHIBIT

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

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

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

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

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

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

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

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

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

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

stated that their relationship had developed into a dating relationship and they both told each other "I love you." Torres also told us they both slept in the same bed.

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

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

On December 5, 2013, I was informed by Chief Deputy District Attorney Jacqueline Bluth that Kathryn Smith (Torres' mother) had informed her that Torres had recently disclosed to Smith that Melvyn Sprowson Jr. had nude photographs of the said minor on his computer. Furthermore, Torres' stated Sprowson asked her to send him nude photos and told her how to pose in the photos. Attorney Bluth then spoke with Jaysenia Torres who confirmed all of this information and stated that these photos could be found on Sprowson's Jr.'s computer.

Based on the fact Torres had told us she had met Sprowson online through Craigslist.com which would be accessed via computer or smart phone and the fact Torres recently disclosed to her mother that Sprowson had nude pictures of her on his computer along with the fact Torres stated to us in her interview that she and Sprowson were the only two occupants of the apartment, a search warrant was applied for and obtained for Sprowson's residence to recover;

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

On December 6, 2013, the search warrant was served and two computers were recovered from Sprowson's apartment; 1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD. Also recovered in the search warrant were articles of

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

personal property which would tend to establish the identity of persons in control of said premises along with female clothing and personal hygiene products.

Based on the above information probable cause exists that there would be emails and other electronic evidence showing conversations between Melvyn Sprowson Jr. and Jaysenia Torres illustrating planning and/or enticing of Torres to leave her home. Furthermore, probable cause exists that there would be images of 16 year old Jaysenia Torres in various stages of undress to include nude images on Melvyn Sprowson Jr.'s computer.

Authority to Duplicate Electronic Media

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

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

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

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

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

Request for Off-Site Search Authorization

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

- a) It is unknown what operating system is running the computer(s) that is subject of this warrant and, therefore, it will take time to determine how the operating system permits access to data.
- b) The amount of data that may be stored in the hard drives and removable storage devices is enormous, and the number or size of the hard drives and removable storage devices that will have to be searched pursuant to this warrant is not known.
- c) The data to be seized may be located anywhere on the hard drives and removable storage devices, including hidden files, program files, and "deleted" files that have not been overwritten.
- d) The data may be encrypted, or inaccessible without a password, and may be protected by self-destruct programming, all of which take time to bypass.

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

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

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

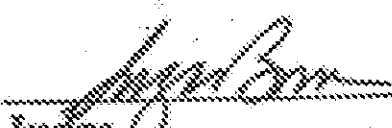
For this reason, your affiant prays for the authorization to seize and examine the aforementioned items.

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

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


Detective Jeff Schell # 295

Subscribed and sworn to before me this 10th day of December, 2013.


Judge

Reviewed by:


Deputy District Attorney

CERTIFIED COPY

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


Deputy
Date: DEC 13 2013

SW2013 2044
SEARCH WARRANT
NRS 179.045

FILED

Dec 20 1 39 PM '13

STATE OF NEVADA)

COUNTY OF CLARK)

SS: Sprowson, Melvyn Perry Jr.

JUSTICE COURT
LAS VEGAS NEVADA
BY _____
DEPUTY

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

Digital Storage Devices, impounded under Clark County School District Police Department DR# 1311-05723, currently located in the CCSDPD Computer Forensics Lab, 120 Corporate Park Drive, Henderson, Nevada, specifically:

1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD.

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

1. Digitally stored records, information and data, which may constitute evidence of 200.310 - 1st Degree Kidnap, 200.710 - Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile, involvement in the planning or commission of the crime(s), between the dates of July 1, 2013 and November 1, 2013.

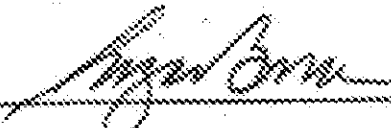
2. Digitally stored records, information and data which would tend to establish the identity of persons who were in sole or joint control of the aforementioned digital storage devices during the period of time between July 1, 2013 and November 1, 2013. and is presently located at:

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

SEARCH WARRANT
NRS 179.045

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

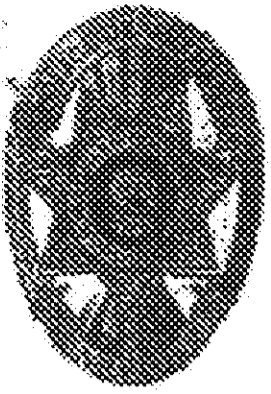
Endorsed this 10th day of December, 2013.


JUDGE

CERTIFIED COPY

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


Deputy



SW/2013 2044 **FILED**
 CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

Page ___ of ___

SEARCH & SEIZURE RETURN

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

DEC 20 1 37 PM '13

DR# 311-05723

JUSTICE COURT

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

BY HP PAVILION LAPTOP COMPUTER WITH SERIAL # 28710046 IT
AND IBM STU COMPUTER BEARING SERIAL # KCLV 87D.

was executed on: DECEMBER 17, 2013

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

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

COMPUTER FORENSICS REPORTS.

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

DET. J. SELLER # 295
 OFFICER / AFFIANT

DET. A. CORDELL # 346
 OFFICER

OFFICER

OWNER

SW-2012 (Rev. 06-12)

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

[Signature] Deputy
 Date: DEC 23 2013

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EXHIBIT

C

Exhibit C (1)

APPLICATION AND AFFIDAVIT SW2013
FOR SEARCH WARRANT

2044

FILED

STATE OF NEVADA)

COUNTY OF CLARK)

ss: SPROWSON, Melvyn Perry Jr.

Dec 20 1 37 PM '13

JUSTICE COURT
LAS VEGAS NEVADA

BY _____
DEPUTY

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

Digital Storage Devices, impounded under Clark County School District Police Department DR# 1311-05723, currently located in the CCSDPD Computer Forensics Lab, 120 Corporate Park Drive Henderson Nevada, specifically:

1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD.

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

1. Digitally stored records, information and data, which may constitute evidence of 200.310 - 1st Degree Kidnap, 200.710 - Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile, involvement in the planning or commission of the crime(s), between the dates of July 1, 2013 and November 1, 2013.

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

Definitions:

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

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

SW2013-2044
SW
Search Warrant
2042004

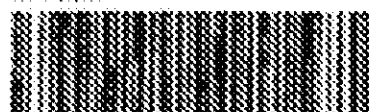


Exhibit C (2)

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

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

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

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

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

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

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

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

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

Exhibit C (3)

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

stated that their relationship had developed into a dating relationship and they both told each other "I love you." Torres also told us they both slept in the same bed.

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

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

On December 5, 2013, I was informed by Chief Deputy District Attorney Jacqueline Bluth that Kathryn Smith (Torres' mother) had informed her that Torres had recently disclosed to Smith that Melvyn Sprowson Jr. had nude photographs of the said minor on his computer. Furthermore, Torres' stated Sprowson asked her to send him nude photos and told her how to pose in the photos. Attorney Bluth then spoke with Jaysenia Torres who confirmed all of this information and stated that these photos could be found on Sprowson's Jr.'s computer.

Based on the fact Torres had told us she had met Sprowson online through Craigslist.com which would be accessed via computer or smart phone and the fact Torres recently disclosed to her mother that Sprowson had nude pictures of her on his computer along with the fact Torres stated to us in her interview that she and Sprowson were the only two occupants of the apartment, a search warrant was applied for and obtained for Sprowson's residence to recover;

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

On December 6, 2013, the search warrant was served and two computers were recovered from Sprowson's apartment; 1 HP Pavillion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD. Also recovered in the search warrant were articles of

Exhibit C (4)

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

personal property which would tend to establish the identity of persons in control of said premises along with female clothing and personal hygiene products.

Based on the above information probable cause exists that there would be emails and other electronic evidence showing conversations between Melvyn Sprowson Jr. and Jaysenia Torres illustrating planning and/or enticing of Torres to leave her home. Furthermore, probable cause exists that there would be images of 16 year old Jaysenia Torres in various stages of undress to include nude images on Melvyn Sprowson Jr.'s computer.

Authority to Duplicate Electronic Media

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

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

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

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

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

Request for Off-Site Search Authorization

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

- a) It is unknown what operating system is running the computer(s) that is subject of this warrant and, therefore, it will take time to determine how the operating system permits access to data.
- b) The amount of data that may be stored in the hard drives and removable storage devices is enormous, and the number or size of the hard drives and removable storage devices that will have to be searched pursuant to this warrant is not known.
- c) The data to be seized may be located anywhere on the hard drives and removable storage devices, including hidden files, program files, and "deleted" files that have not been overwritten.
- d) The data may be encrypted, or inaccessible without a password, and may be protected by self-destruct programming, all of which take time to bypass.

Exhibit C (5)

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT


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

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

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

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

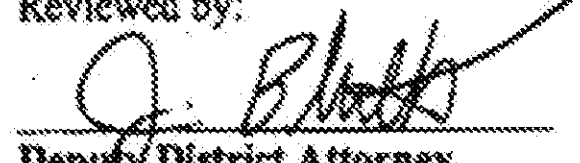
WHEREFORE, Affiant requests that a Search Warrant be issued directing a search for and seizure of the aforementioned items at the location set forth herein.


Detective Jeff Schell # 295

Subscribed and sworn to before me this 10th day of December, 2013.


Judge

Reviewed by:


Deputy District Attorney

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

By  Deputy
Date NOV 29 2013

Exhibit C (6)
2044SEARCH WARRANT
NRS 179.045

FILED

Dec 20 1 37 PM '13

STATE OF NEVADA)

) SS: Sprowson, Melvyn Perry Jr.

COUNTY OF CLARK)

JUSTICE COURT
LAS VEGAS NEVADABY _____
DEPUTY

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

Digital Storage Devices, impounded under Clark County School District Police Department DR# 1311-05723, currently located in the CCSDPD Computer Forensics Lab, 120 Corporate Park Drive, Henderson, Nevada, specifically:

1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD.

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

1. Digitally stored records, information and data, which may constitute evidence of 200.310 - 1st Degree Kidnap, 200.710 - Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile, involvement in the planning or commission of the crime(s), between the dates of July 1, 2013 and November 1, 2013.

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

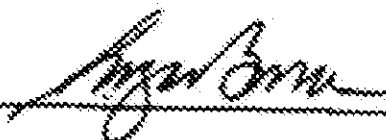
The Clark County School District Police Department Evidence Vault, located at 4260 Eucalyptus Las Vegas NV 89121

Exhibit C (7)

SEARCH WARRANT
NRS 179.045

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

Endorsed this 10th day of December, 2013.



JUDGE

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

By _____ Deputy
Date _____

NOV 19 2013

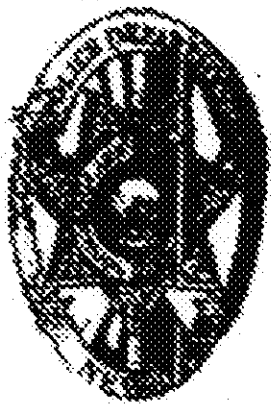


Exhibit C (8) 2044

SW2013

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

SEARCH & SEIZURE RETURN

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

FILED

DR# 131-05723

Dec 20 / 01 PM '13

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

HP PAVILION LAPTOP COMPUTER WITH SERIAL # KCLN 7013
AND IBM SRV COMPUTER BEARING SERIAL # KCLN 7013

was executed on: DECEMBER 17, 2013

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

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

COMPUTER EVIDENCE REPAIRS.

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

DET. J. SELLER # 295

OFFICER / AFFIANT

DET. M. CORNWELL # 366

OFFICER

OFFICER

OWNER

SPD-900 (Rev. 06-07)

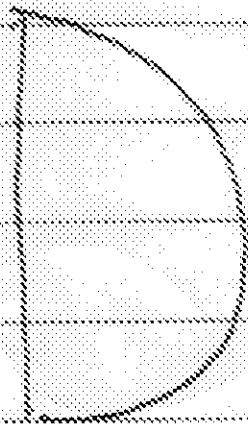
CERTIFIED COPY

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

By: NOV 09 2013 Deputy

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EXHIBIT



AFFIDAVIT OF RICHARD FRANKY

STATE OF NEVADA)
) ss.
CLARK COUNTY)

RICHARD FRANKY, being first duly sworn upon oath, deposes and says:

1. That affiant has personal knowledge of the facts set forth herein
and would be competent to testify thereto.

2. That affiant is doing business as RDF Investigative Agency. That
affiants' Nevada Private Investigator's Licensing Board license number is 797.

3. That affiant's place of business is located at 5258 South Eastern Ave.,
Suite #102, Las Vegas, Nevada 89119.

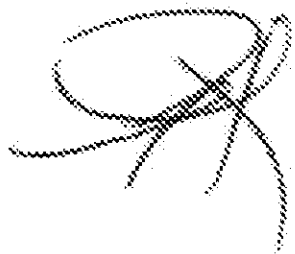
4. That Mr. Melvyn Sprowson provided to affiant the following search warrant numbers and
barcode numbers: SW 20150159, Barcode #4668870, SW 20131958, Barcode #3643443,
SW20132044, Barcode #3643884, and SW20131957, Barcode #3643438.

5. That affiant typed up subpoenas for each search warrant number and barcode number that
Mr. Sprowson provided to affiant.

6. That Mr. Sprowson signed each subpoena. That each subpoena was issued via District
Court with the clerk's signature and the Seal of District Court.

7. That all subpoenas were directed to Ms. JoAnn Paterson, the Supervisor.

8. That, on or about February 2nd, 2017, affiant served the above subpoenas duces tecum on
Justice Court Las Vegas Township.



1 9. That affiant served Mr. Cecil Silva, the Clerk, who was working work station / window
2 #10 at Justice Court Las Vegas Township.

3 10. That Mr. Cecil Silva instructed affiant to sit and wait.

4 11. That Mr. Cecil Silva walked away from his work station / window #10.

5 12. That Mr. Cecil Silva walked back to his work station / window #10.

6 13. That Mr. Cecil Silva stated that they would accept the subpoenas duces tecum.

7 14. That the above was done on or about February 2nd, 2017.

8 15. That affiant received a telephone call from supervisor JoAnn Paterson on or about
9 February 3rd, 2017.
10

11 16. That Ms. Paterson stated that she had located the documents under the search warrant
12 numbers provided and the barcode numbers provided in the subpoenas.
13

14 17. That Ms. Paterson sounded very excited to have actually located the documents.
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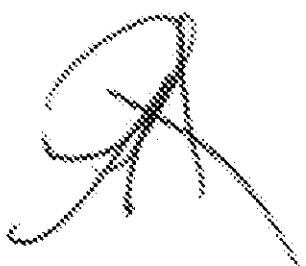
16 18. That affiant reminded Ms. Paterson to please make sure to sign each affidavit of
17 custodian of records for each subpoena.
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19 19. That affiant reminded Ms. Paterson to please provide the affidavit of custodian of
20 records for each subpoena provided.

21 20. That Ms. Paterson stated that she did not have access to a Notary Public.

22 21. That affiant stated that he would type new declarations so that Ms. Paterson would not
23 have to go before a Notary Public.

24 22. That affiant agreed to provide declarations for custodian of records. That the
25 declarations for custodian of records would replace the affidavit of custodian of records.
26



1 23. That, on or about February 9th, 2017, affiant did hand-deliver the declarations regarding
2 the custodian of records to Ms. JoAnn Paterson.

3 24. That supervisor JoAnn Paterson informed affiant that the documents that she had
4 retrieved had been submitted to the Honorable Judge that was presiding over the case of State
5 of NV vs. Melvyn Sprowson.

6 25. That Ms. Paterson stated that the Judge needed to review the documents before they
7 would be released.

8 26. That Ms. Paterson informed affiant that she would call affiant when the documents were
9 ready for pick up.

10 27. That Ms. Paterson never called affiant to pick up the documents that she had located.

11 28. That, on or about February 24th, 2017, affiant placed a follow up call to Ms. Paterson.

12 29. That affiant left a voicemail on Ms. Paterson's telephone.

13 30. That the above was a follow up phone call regarding the status of the records.

14 31. That, on or about February 24th, 2017, affiant received a call from a Mr. Brent Earl from
15 the legal department for Justice Court Las Vegas Township.

16 32. That Mr. Brent Earl stated that the court would respond directly to Melvyn Sprowson.

17 33. That Mr. Brent Earl made it very clear that due to the fact that affiant is not a lawyer
18 that he, Mr. Earl, would not provide any information to affiant.
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34. That Mr. Brent Earl would answer any questions from Mr. Melvyn Sprowson and/or his
Standby Counsel.

FURTHER AFFIANT SAYETH NAUGHT.

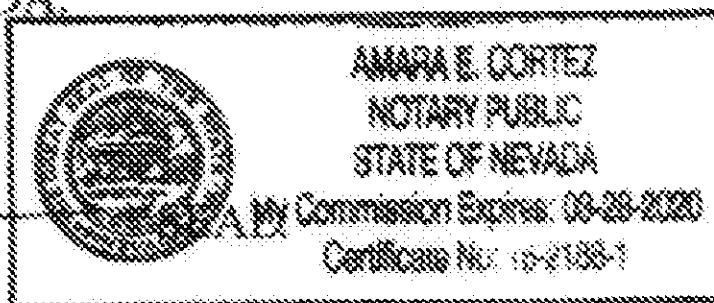


RICHARD FRANKY, LPI
Nevada State License #797
DBA,
RDF Investigative Agency
5258 S. Eastern Ave., Suite #102
Las Vegas, Nevada 89119
(702) 696-9701
RDFINVESTIGATIVE@AOL.COM

Date: 2/27/2017

SUBSCRIBED AND SWORN to before
me in the City of Las Vegas, County of Clark,

State of Nevada, this 27 day of February, 2017.
NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE OF NEVADA.


NOTARY OFFICER

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

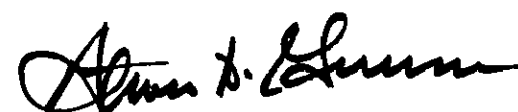
vs.

MELVYN P. SPROWSON, JR., ID 5996049,

Defendants

Case No. C-14-295158-1

Electronically Filed
02/17/2017 03:33:08 PM



CLERK OF THE COURT

SUPPLEMENTAL AFFIDAVIT OF
THE HONORABLE STEFANY A. MILEY
EIGHTH JUDICIAL DISTRICT COURT
DEPARTMENT 23

STATE OF NEVADA)
COUNTY OF CLARK)

STEFANY A. MILEY, being first duly sworn, deposes and says: I am the District Court Judge randomly assigned to hear the matter of *State of Nevada v. Melvyn Sprowson, Jr.*, ID 5996049, *Case C-14-295158-1*. I have presided over several motions in the above case, with the first motion being heard on April 14, 2014 and the last hearing being heard on February 6, 2017. This case is set for trial on March 13, 2017, at 1:00 pm.

I am competent to testify and have personal knowledge of the facts stated herein.

1. That I am responding to the *Defendant's Affidavit to Reconsider Disqualifying Judge Stefany A. Miley for Bias and Misconduct*, which has not, as of writing, been filed in the case.

2. That on Thursday, February 16, 2017, at approximately 10:30 a.m., one (1) unfiled original *Defendant's Affidavit to Reconsider Disqualifying Judge Stefany A. Miley for Bias and Misconduct* was received via mail in Department 23, on the 12th floor at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV 89101.

///

1 3. Pursuant to NRS §1.235(5)(b), I am required to file an answer denying or admitting the
2 allegations in the affidavit requesting my recusal for cause within 2 judicial days of being served.

3 4. That I incorporate paragraphs 4 through 34 of my *Affidavit of The Honorable Stefany A.*
4 *Miley*, filed on January 23, 2017, as if fully set forth herein.

5 5. That the COURT first received one (1) unfiled courtesy copy of Defendant's prior
6 *Affidavit to Disqualify Judge Stefany A. Miley for Bias and Misconduct* from Defendant's
7 investigator, Rick Franky, on Friday, January 20, 2017, at approximately 4:30 p.m, before ever
8 having received a courtesy copy via U.S. Mail.

9 6. That I responded to Defendant's *Affidavit to Disqualify Judge Stefany A. Miley for Bias*
10 *and Misconduct* via my *Affidavit of the Honorable Stefany A. Miley* which was filed on January
11 23, 2017, and Chief Judge Elizabeth Gonzalez entered her written *Order Denying Motion to*
12 *Disqualify* on January 24, 2017.

13 7. That trial in this matter is expected to last between one and two weeks, and is therefore
14 not eligible to be sent to the overflow program.

15 8. That the COURT's trial schedule could not accommodate a trial in the instant case
16 beginning on March 20, 2017, and the COURT therefore on January 31, 2017, inquired of both
17 parties via email as to their positions on moving the trial one week earlier, to March 13, 2017.

18 9. That this request was not made as a result of the Defendant serving me with his *Affidavit*
19 *to Disqualify Judge Stefany A. Miley for Bias and Misconduct*. Additionally, the request was sent
20 eight days after my *Affidavit of the Honorable Stefany A. Miley* was filed and seven days after
21 Chief Judge Gonzales entered her *Order Denying Motion to Disqualify*.

22 10. That trial in this case has been continued multiple times at Defendant's request, including
23 from prior trial settings on June 2, 2014, October 13, 2014, August 3, 2015, November 2, 2015,
24 and June 13, 2016.

25 11. That at the status check on February 6, 2017, counsel for the State of Nevada indicated
26 that the State would waive deadlines as necessary to accommodate the change in trial date.

27 ///

28 ///

1 12. That the Defendant, Melvyn Sprowson, Jr., indicated at the hearing that he would not be
2 available on March 13, 2017, although Defendant is incarcerated in the Clark County Detention
3 Center and there is no indication Defendant will be released from custody prior to trial.

4 13. That if the trial was continued, the next availability in the COURT's trial schedule would
5 have been in October of 2017, which would have been a continuance of seven months.

6 14. That upon hearing the parties' respective positions, including the State of Nevada's
7 stipulation to waive pretrial deadlines, and considering the number of prior continuances in
8 particular at the Defendant's request, the COURT determined the prejudice to the parties was
9 minimal, and the trial should not be continued another seven months.

10 15. That the COURT has no knowledge of any subpoenas that the Defendant has allegedly
11 submitted to the Justice Court regarding any search warrants in this case, and has not received
12 any search warrants or any other documents from Joanne Patterson, or directed Joanne Patterson
13 to deliver any such documents to the COURT in response to Defendant's alleged subpoenas.

14 16. That the COURT has never ignored any evidence of the State of Nevada committing
15 fraud or misconduct; rather, the COURT has indicated to the Defendant, Melvyn Sprowson, Jr.,
16 that the COURT does not believe Defendant's purported evidence is actually evidence of fraud
17 or misconduct.

18 17. That each case presented to Department 23 is decided on a case by case basis and on
19 the facts as presented in the matter. The court orders in case C-14-295158-1, State of Nevada vs
20 Melvyn Sprowson, Jr., are based on factual determinations that the COURT reached and the
21 proper course to challenge such decisions is to file a Motion for Reconsideration or an appeal
22 with the Nevada Supreme Court.

23 18. That I believe every action I have taken in case C-14-295158-1 has been based on the
24 facts and evidence of the case, as presented to the COURT.

25 19. That I do not believe that I have an actual or implied bias against the Defendant, Melvyn
26 Sprowson, Jr., or his standby counsel, Michael Yohay, Esq., in case number C-14-295158-1, nor
27 do I believe that I have an actual or implied bias against, or that I have a predisposition to decide
28 the motions/case in favor of the Plaintiff, the State of Nevada, or their attorneys, Jacqueline

1 Bluth, Esq. and James Sweetin, Esq., and will not voluntarily recuse from case C-14-295158-1.
2 My decision to not recuse should be given substantial weight by this Court. See *Kirksey v. State*,
3 112 Nev. 980, 923 P.2d 1102 (1996).


4 20. That I have an ethical obligation to hear the cases randomly assigned to my department
5 and do not believe that any actual or implied bias has been shown by Defendant, Melvyn
6 Sprowson, Jr. I believe the mandates from the Nevada Supreme Court require me to proceed in
7 all cases assigned to my department where I do not have a valid reason to recuse, such as actual
8 or implied bias toward one of the parties in a case. See *Ham v. Eighth Judicial District Court*, 93
9 Nev. 409, 566 P.2d 420 (1977).

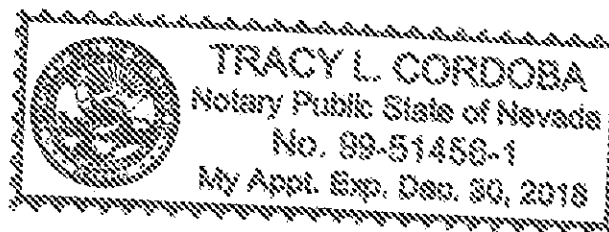
10 21. I have no bias toward any party or attorney in case C-14-295158-1. The Chief Judge
11 must be firm on this matter, so as not to encourage further Disqualification Demand and Motions
12 that are without merit.

13 Dated this 16th day of February, 2017.

14
15 
16 Stefany Miley
DISTRICT COURT JUDGE

17 SUBSCRIBED and SWORN to before me
18 this 16th day of February, 2017.

19 
20
21 NOTARY PUBLIC



22
23 CERTIFICATE OF SERVICE

24 On the 16th day of February, 2017, a copy of the foregoing Affidavit of Honorable
25 Stefany A. Miley was served electronically via Wiznet to the proper parties as follows:
26 Melvyn P. Sprowson, Jr.; Michael R. Yohay, Esq.; Jacqueline M. Bluth, Esq.; and James R.
Sweetin, Esq.

27
28 By: 

Carmen Alper
Judicial Executive Assistant

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 AFFIDAVIT TO RECONSIDER

8 DISQUALIFYING JUDGE STEFANY MILEY

9 FOR BIAS AND MISCONDUCT

10 (HEARING REQUESTED)

11 NRS 1.235

12

13 STATE OF NEVADA

14 SS: Case NO. C-14-295158-1

15 COUNTY OF CLARK

16

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

19

20 1. That Affiant is filing this affidavit to
21 reconsider pursuant to NRS 1.235 Procedure for
22 disqualifying Judges other than Supreme Court
23 Justices or Judges of the Court of Appeals;

24 2. That Affiant is filing this affidavit in
25 good faith and not interposed for delay;

26 3. That Affiant is filing this affidavit
27 for reconsideration as a result of bias in
28 the form of retaliation committed by

1 of 5

1 Judge Stefany Miley, and offers the following
2 facts:

3 4. That Affiant gave his original Affidavit
4 to his court appointed investigator, Richard
5 Franky L.P.I. #797, to be filed on behalf of
6 the defendant on January 20, 2017. The defendant
7 learned that his affidavit was never filed as
8 instructed. The defendant then sent via US
9 mail another copy to be filed on January 30,
10 2017. The Judge was served on January 30,
11 2017, as well;

12 5. That Affiant on January 31, 2017, one day
13 after serving the affidavit to disqualify the
14 Judge, was informed via email by defendant's
15 stand-by counsel, Mr. Yohay, that the Judge
16 wanted to move the trial date from March
17 20, 2017 to March 13, 2017. The defendant
18 informed Mr. Yohay, that the defendant's
19 time-line was on schedule for March 20, 2017
20 and could not go sooner. The defendant was
21 amenable to either an over-flow Judge or
22 to move the date later, if Judge Miley could
23 not make the date;

24 6. That Affiant on February 06, 2017, during a
25 status check for trial readiness, repeated that he
26 could not go sooner. Judge Miley then told the
27 defendant his trial is going to be moved regardless
28 if he was ready or not. Again, consequently after

1 receiving the affidavit to disqualify;

2 7. That Affiant has evidence that the
3 "State" through their representative Jacqueline
4 Bluth has forged search and seizure warrants
5 and has brought this to Judge Miley's attention,
6 but she continues to ignore the evidence. For
7 example, all the documents that were provided
8 by the "State", that are supposed to be certified
9 copies, of the search and seizure warrants
10 lack the Justice Court Seal as required by
11 NRS 1.180 to authenticate copies. Also the
12 defendant has two copies of the same original,
13 both copies have the exact same Justice Court
14 Filed Stamp, but one stamp is crooked, while
15 the other is straight in relation to the
16 defendant's name.

17 8. That Affiant seeking to prove that the
18 purported search and seizure warrants are forgeries,
19 issued subpoenas for the following from Justice
20 Court: SW2013 1957 barcode # 3643438, SW2013 1958
21 barcode # 3643443, SW2013 2044 barcode # 3643884,
22 and SW2015 0159 barcode # 4668870. These subpoenas
23 were served on February 02, 2017 by Richard
24 Franky. Mr. Franky, informed the defendant
25 that Joanne Paterson, Justice Court supervisor,
26 had forwarded the requested documents to
27 Judge Stefany Miley, instead of giving them
28 to the defendant. This is nothing more than

3 of 5

1 a delay/prevention of the defendant getting
2 legally entitled evidence in his favor, and
3 shows the Justice system is being circumvented
4 at minimum;

5 9. That Affiant believes there is a definite
6 conflict of interest between Judge Stefany
7 Miley and the defendant Melvyn P. Sprowson, Jr.,
8 as a direct result of the filing of the
9 affidavit to disqualify the Judge. This is
10 evidenced by the fact that the defendant is
11 being forced to proceed early to trial, which
12 cuts short any chance of filing pre-trial
13 motions to prove the forgery of documents,
14 issue timely subpoenas, and get expert witnesses
15 in his favor;

16 10. That Affiant, for the above reasons,
17 pleads for mercy with the Honorable Chief
18 Justice Elizabeth Gonzalez, to either look
19 into the matter, or appoint the defendant
20 with an impartial Judge. The defendant
21 respectfully requests a hearing.

22
23 FURTHER, your Affiant sayeth naught.

24
25 DATED this 12th day of February 2017.

26 I MELVYN P. SPROWSON, JR., do solemnly
27 swear under penalty of perjury, that
28 the above statement is accurate, correct,

4 of 5

1 and true to the best of my knowledge.
2 NRS 171.102 and NRS 208.165.

3
4 Respectfully submitted,
5 M. Sprowson Jr.
6

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

10 CERTIFICATE OF SERVICE
11

12 I hereby certify that I served via US
13 mail Judge Stefany A. Miley with a copy
14 of the foregoing Affidavit to Reconsider
15 pursuant to NRS 1.235 to:
16

17 Judge Stefany A. Miley
18 Regional Justice Center, Dept. 23
19 200 Lewis Avenue
20 Las Vegas, NV 89155

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

Alper, Carmen

From: Alper, Carmen
Sent: Friday, February 17, 2017 3:25 PM
To: Yohay, Michael; jacqueline.bluth@clarkcountyda.com; james.sweetin@clarkcountyda.com
Cc: Alper, Carmen
Subject: C295158 - State vs Melvyn Sprowson, Jr
Attachments: sprowson.pdf

Good afternoon,

Please see the attached Supplemental Affidavit. Thank you.

*Carmen Alper
Judicial Executive Assistant to
Honorable Stefany A. Miley
District Court Judge
Department 23
Tel (702) 671-0574
Fax (702) 671-0589*

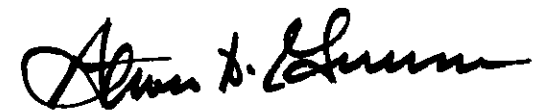
Alper, Carmen

From: Alper, Carmen
Sent: Friday, February 17, 2017 3:09 PM
To: Kutinac, Daniel
Cc: Alper, Carmen
Subject: C295158 - 1 - State vs Melvyn Sprowson, Jr.
Attachments: sprowson.pdf

Good afternoon,

Please see the attached Supplemental Affidavit of Judge Miley. Thank you.

*Carmen Alper
Judicial Executive Assistant to
Honorable Stefany A. Miley
District Court Judge
Department 23
Tel (702) 671-0574
Fax (702) 671-0589*



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**

FIFTH 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

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

1 COR or Designee; AT&T

2 *CALDWELL, MATT; CCSDPD#0368; Will testify as an expert as to the nature,
3 process and limitations of cellular technology forensic analysis, and/or as to the forensic
4 analysis of cell phones and/or related equipment acquired in the instant investigation.

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

9 COR or Designee; CCSD Records

10 COR or Designee; CCSDPD Records

11 COR or Designee; Cingular Wireless

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

13 COR or Designee; Fidelity Communications

14 COR or Designee; HPD Records

15 COR or Designee; Los Angeles Police Dept., 150 N. Los Angeles, Los Angeles, CA
16 90012

17 COR or Designee; Los Angeles Police Dept. Records, 150 N. Los Angeles, Los
18 Angeles, CA 90012

19 COR or Designee; MSN/Hotmail

20 COR or Designee; Red Rock Jewelers, 1325 W. Warm Springs, Henderson, NV89014

21 COR or Designee; Sprint

22 *COR or Designee; UNK Apartment complex, 4195 E. Russell Road, LVN

23 COR or Designee; Wells Fargo

24 COX, TROY; CCSDPD #UNK; Will testify as an expert as to the nature, process and
25 limitations of cellular technology forensic analysis, and/or as to the forensic analysis of cell
26 phones and/or related equipment acquired in the instant investigation.

27 //

28 //

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

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

14 FISCHER, MICHELLE; CAC

15 GATES, (Volunteer) #1503; Henderson PD

16 HARRIS, KATHY; c/o Clark County DA's Office

17 LEAVA, CHANTEL or Designee; Fidelity Communications

18 LINDSEY, GILBERT; c/o Clark County DA's Office

19 LOGIUDICE, Detective; HPD #983

20 LOMBARDO, NANCY; Lawton Police Department, Oklahoma

21 MACISZAK, MITCHELL; CCSDPD #0308

22 MALONE, Officer; HPD #1456

23 MARROQUIN, KENNY; 1932 ORCHARD AVE, LA, CA 90007

24 MARSHALL, MIKE; CCSDPD

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

1 O'LEARY, HEATHER; 5401 WELLS CATHEDRAL AVE, LVN 89130
2 O'LEARY, LISA; 5401 WELLS CATHEDRAL AVE, LVN 89130
3 PARENT/GUARDIAN of Patterson, Jessica; UNK
4 PATEL, BOB; Deluxe Inn, 1709 NW Cache Rd., Lawton, OK 73507
5 PATEL, USHA; Deluxe Inn, 1709 NW Cache Rd., Lawton, OK 73507
6 PATTERSON, JESSICA; UNK
7 PEREZ, EMILYANN; 1809 MAGNOLIA AVE, LA, CA 90006
8 PLATT, DAVID; CCSDPD #0217
9 REID, NOEL, CSW Intern, H.O.P.E. Counseling – (702) - Will testify as to his/her
10 practice and practice methods within his/her field of expertise. Additionally, will testify to the
11 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
12 case, Jaysenia Torres, including any plans for continued care.
13 RODRIGUEZ, DR. BRYN, LCSW, Monte Vista Hospital - Will testify as to his/her
14 practice and practice methods within his/her field of expertise. Additionally, will testify to the
15 examination, observations, counseling/therapy, treatment, and diagnosis of the Victim in this
16 case, Jaysenia Torres, including any plans for continued care. *(CV attached)
17 RODRIGUEZ, JENNIFER; 1832 S WEST MORELAND #5, LA, CA 90006
18 RODRIGUEZ, VERNICE; 1411 Menco AVE #1, LA, CA 90006
19 *ROSEMAN, DR. EUGENE – 2775 S. Jones Blvd., #101, Las Vegas, NV 89146 - Will
20 testify as to his/her practice and practice methods within his/her field of expertise.
21 Additionally, will testify to the examination, observations, counseling/therapy, treatment, and
22 diagnosis of the Victim in this case, Jaysenia Torres, including any plans for continued care.
23 SAVASANO, DENISE; CFSI, 8815 Barton St., Riverside, CA 92508
24 SCHELL, JEFFREY; CCSDPD #0295
25 SILSBY, MS, PA-C - Willow Springs, 690 Edison Way, Reno, NV 89502 – Will testify
26 as to his/her practice and practice methods within his/her field of expertise. Additionally, will
27 testify to the examination, observations, counseling/therapy, treatment, and diagnosis of the
28 Victim in this case, Jaysenia Torres, including any plans for continued care.

1 SMITH, CHERYL; c/o Clark County DA's Office

2 SMITH, KATHRYN; c/o Clark County DA's Office

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

7 SWARTWOOD, AMBER; HPD #1148

8 TORRES, JAYSENIA; c/o Clark County DA's Office

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/ JAMES R. SWEETIN for
17 JACQUELINE BLUTH
18 Chief Deputy District Attorney
Nevada Bar #010625

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CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing, was made this 27TH day of February, 2017, to:

MICHAEL YOHAY, DPD (Standby Counsel)
yohaymr@clarkcountynv.gov

MELVYN SPROWSON, ID#5996049
CLARK COUNTY DETENTION CENTER
330 S. CASINO CENTER BLVD.,
LAS VEGAS, NV 89101

/s/ HOWARD CONRAD

Secretary for the District Attorney's Office
Special Victims Unit

hjc/SVU


CLERK OF THE COURT

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)	April 10, 2017 at 9:30am
15	Defendant.	

16
17 DEFENDANT'S SECOND PRO SE
18 MOTION TO CONTINUE TRIAL
19

20 COMES NOW, the defendant, MELVYN P.
21 SPROWSON, JR., in proper person and respectfully
22 moves this Honorable Court to continue and
23 reset the March 20, 2017 trial date, as good
24 cause exists. The defendant after repeated
25 attempts still has not received exculpatory
26 evidence he has requested (Brady Material).
27 This evidence is necessary to insure the
28 defendant a fair trial. In addition,

1 of 9

1 this evidence is needed to challenge
2 and strike the Plaintiff's potential
3 evidentiary exhibits for trial, that
4 otherwise would taint and prejudice a
5 jury if introduced. The defendant
6 anticipated that the requested evidence
7 would be in his possession before the scheduled
8 trial date, but as of yet, has not obtained
9 it through no fault of his own. This
10 anticipated evidence prompted the defendant
11 to prematurely advise this Court he was
12 ready for trial. But, since it still has not
13 been provided, is now cautiously seeking a
14 continuance and resetting of the current
15 trial date, so that the defendant may
16 obtain the evidence requested and fully be
17 prepared to lawfully defend himself.

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

23 DATED this 16th day of March, 2017.

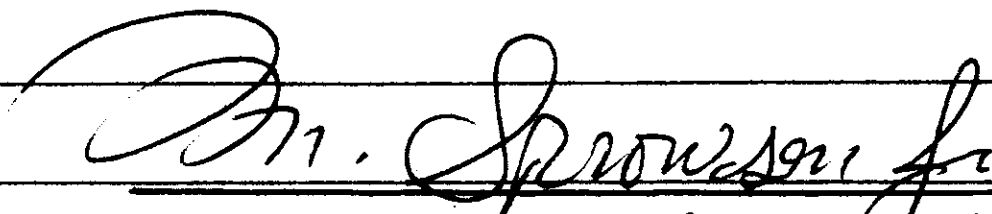
24
25 Respectfully submitted,

26 
27

28 MELVYN P. SPROUSON, JR.
29 Defendant, Proper Person

NOTICE OF MOTION

You and each of you, will please take notice, that the undersigned will bring the foregoing motion on for hearing before the above entitled Court on the 10th day of April, 2017, at the hour of 9:30 Am/~~PM~~, or as soon as the defendant in proper person may be heard by this Honorable Court.


MELVYN P. SPROUSON, JR.
Defendant, Proper Person

POINTS AND AUTHORITIES

I. PERTINENT POINTS

August 24, 2015, the defendant was granted Pro Se status by this Honorable Court.

November 02, 2016, the trial date was continued by this Honorable Court, as the Plaintiff's representative Jacqueline Bluth was pregnant and reluctant to conduct trial at that time, the defendant did not object. The trial was reset to June 08, 2016.

May 16, 2016, the defendant in Pro Se status makes his first request for a continuance

1 as outstanding discovery was an issue and
2 needed to be resolved. The defendant also
3 needed to obtain an investigator, so he
4 could properly prepare for trial. The
5 defendant's request was granted, and the
6 trial date reset to March 20, 2017.

7 February 02, ~~2013~~, the defendant issued
8 subpoenas for certified copies of search
9 and seizure warrants from the Las Vegas
10 Justice Court.

11 February 06, 2017, the trial date was
12 moved and reset from March 20, 2017 to
13 March 13, 2017 against the defendant's
14 objection to the earlier date.

15 March 06, 2017, the plaintiff requested
16 a continuance, as their representative
17 Jacqueline Bluth was conducting another
18 trial. The trial date was reset back to
19 the original trial date of March 20, 2017.
20 On the same day, the defendant, because
21 he still had not received the certified
22 copies of the search and seizure warrants,
23 from the Las Vegas Justice Court as
24 requested, mailed a notice of contempt
25 to be filed with the district court.

26 During the week of March 06, 2017, the
27 defendant through his investigator Richard
28 Franky L.P.I # 797, repeatedly requested

1 from the Plaintiff copies of any and all
2 Chain of Custody reports for the defendant's
3 and alleged victim's phones and computers.
4 The plaintiff advised that they were on
5 CD's provided. The defendant and Stand-
6 By Counsel Mr. Yohay, examined the
7 CD's and found no reports.

8 The defendant now brings this motion
9 for continuance on for hearing and for
10 good cause.
11

12 II. LEGAL AUTHORITY

13
14 Balistreri v. Pacifica Police Dept, 901
15 F.2d 696, 699 (9th Cir. 1990). Pro Se pleadings
16 must be liberally construed. The defendant
17 is incarcerated and is making every attempt
18 to meet all lawful requirements to the
19 best of his ability. He should not be penalized
20 simply because he is in shackles, so to say,
21 and does not have the unlimited power the
22 Plaintiff has, such as multiple attorneys
23 at their disposal and unhindered access to
24 the court. The defendant has a constitutional
25 right to defend himself and it should not
26 be frowned upon, because he has chosen
27 to do so.

28 Brady v. Maryland, 373 U.S. 83 (1969).

1 The defendant has a right to have all
2 exculpatory evidence prior to trial. The
3 defendant still has not received all the
4 evidence he has lawfully and repeatedly
5 requested as stated above.

6 EDCR 7.30 Motions to Continue


7 trial settings. Any party may for good
8 cause, move the Court for an order
9 continuing the date set for trial of any
10 cause. In the instant case, the defendant
11 because of the ping-ponging of the trial
12 date, has forfeited necessary filing time
13 that is necessary to file motions in
14 limine, to suppress or strike evidence, and
15 to dismiss charges, and potentially the case
16 itself. Subpoenas still need to be issued
17 for necessary witnesses to challenge the
18 Plaintiff's. Necessary discovery has not yet
19 been given to the defendant. Thus, the
20 defendant because he is sensitive to the
21 Court's time and cost to conduct a
22 trial, respectfully asks this Honorable
23 Court to set a date that is convenient
24 to this Honorable Court and allows the
25 defendant to be fully prepared to
26 lawfully defend himself.

27

28 III. CONCLUSION

6 of 9

1 The defendant should not have his
2 previous counsel's requests for a
3 continuance held against him, as
4 with any attorney replacing another,
5 the clock is usually reset to allow for
6 the change. This is only the defendant's
7 second request for a continuance,
8 and as explained above, has very good
9 cause and for reasons that are through
10 no fault of his own. The defendant
11 with all due respect to all parties
12 involved, respectfully requests this
13 continuance to be allowed, as he has
14 been gracious to the Plaintiff twice
15 already, once for a pregnancy and
16 again for a concurrent ongoing trial.
17

18 Respectfully submitted,
19 
20

21 MELVYN P. SPROUSON, JR.
22 Defendant, Proper Person
23

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 to continue and certifies that the
contents to be true and correct to the best of
the Affiant's knowledge;

2. That this motion to continue trial date
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 16th day of March 2017.

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

M. Sprowson Jr.
MELVYN P. SPROWSON, JR.
Affiant

1
2 CERTIFICATE OF SERVICE

3
4 I certify that I served a copy of the
5 foregoing Motion, Defendant's second Pro
6 Se Motion to Continue to:

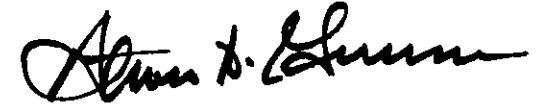
7
8 Jacqueline Bluth
9 Office of the District Attorney
10 200 Lewis Avenue
11 P.O. Box 552212
12 Las Vegas, NV 89155-2212

13
14 By: M. Sprouson Jr.
15 MELVYN P. SPROUSON, JR.
16 Defendant, Proper Person
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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

Electronically Filed
03/20/2017 10:12:57 AM



CLERK OF THE COURT

**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 SEVENTH MOTION TO
CONTINUE TRIAL**

DATE OF HEARING: March 21, 2017
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 POINTS AND AUTHORITIES

2 ARGUMENT

3 This is the Defendant's SEVENTH motion to continue his trial date.

4 Defendant was arraigned on this matter on January 29, 2014. On that day he was given
5 the trial date of March 24, 2014. However, on March 24, 2014, the defense wanted the trial
6 date continued for further briefing on the petition for writ of habeas corpus. The State would
7 have been ready for trial. The trial was then reset for June 2, 2014.

8 On May 28, 2014, Defendant filed a second motion to continue the trial date. The State,
9 again, would have been ready, but submitted the matter to the Court's discretion. The Court
10 granted Defendant's motion and the trial was reset for October 13, 2014.

11 On September 10, 2014, Defendant filed a third motion to continue trial date. The State
12 objected to this continuance. The Court granted the Defendant's request and the trial was reset
13 for **almost one year** later on August 3, 2015.

14 The Defense requested for a fourth time that the August 3, 2015 trial date be continued,
15 the State would have been ready. The Court granted Defendant's request and the trial was
16 reset for November 2, 2015.

17 On November 2, 2015, Defendant made his fifth request to continue the trial. The State
18 objected. At that point, one of the prosecutors was eight months pregnant and was willing to
19 trail the case for Defendant to be ready. The Court granted Defendant's request and the matter
20 was continued to June 13, 2016.

21 Defendant then filed his sixth motion to continue stating he needed three things: 1) An
22 independent forensic analysis on his cell phone and computer; 2) An expert to hire and review
23 the victim's medical records; and 3) Outstanding discovery. Though Defendant had already
24 been given seven additional months, it came at no surprise to the State that he was just then
25 claiming these necessities.

26 The State argued against the continuance, specifically in regards to the Defendant's
27 mention of outstanding discovery. The Court granted his request and set this matter for trial
28 nine months later.

1 Now, not shockingly, Defendant again is requesting a motion to continue. One month
2 ago at a status check trial readiness, the Court made the representation that the trial date would
3 need to be moved up a week to accommodate the court's trial schedule. Defendant adamantly
4 opposed that and said he could not possibly be ready on March 13, but could be ready on
5 March 20. Now, Defendant got what he wanted, and is still complaining.

6 This case will be four years old in August, the minor victim has now become an adult.
7 This is not a case that is overly complicated. It should certainly not take almost four years to
8 get this case to go to trial. If it were up to the Defendant this matter would never go to the
9 trial. He continues to come up with reasons as to why this matter should not go forward.

10 The State could not believe Defendant made representations that this is his second
11 request to continue and the State has requested this matter continued. Those are both
12 completely wrong. First, this is Defendant's seventh motion to continue. Second, the State
13 has never requested this matter continued. The Defendant stated that he agreed to a
14 continuance due to one of the State prosecutors being pregnant. That is not true, the State was
15 willing to try this case eight months pregnant, but Defendant asked for a motion to continue.

16 The State would like to bring a few things to the Court's attention. On March 8, 2017,
17 Defendant made representations proudly that he was ready for trial. At that time Defendant
18 knew that the main prosecutor on this case was involved in a trial, thus, he thought the State
19 was going to ask for a continuance. Mr. Sweetin made representations that the State was
20 ready, the case just needed to be trailed and could start as soon as the other prosecutor was out
21 trial. On March 13, Ms. Bluth contacted Defendant's investigator and stand-by counsel asking
22 if Defendant was REALLY announcing ready. Mr. Franky, Defendant's investigator, stated
23 that Defendant was ready but would be obliged to the State's motion to continue. (Attached
24 As Exhibit 1) Surprising to the Defendant, Ms. Bluth wrote that she was ready to go but thank
25 you. Again, on March 15, Defendant stated he was ready. Defendant knew that the State was
26 still in the other trial and believed the State was going to be asking for a continuance. Now,
27 after Defendant realizes his strategy has not worked and that the State is ready to go to trial,
28 he is back to his old tricks, since the new ones haven't worked.

Lastly, there is no outstanding discovery. The State has been diligent in keeping up with discovery. Any evidence turned over to the State in regards to this investigation has been handed over to Defendant's standby counsel. The Defendant has been given the property impound reports, three separate times. Once before preliminary hearing and twice up in the District Court.

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

CONCLUSION

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

DATED this 20th day of March, 2017.

Respectfully submitted,

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

BY


JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that service of the above and foregoing, was made this 20 day of
3 March, 2017, to:

4 MICHAEL YOHAY, DPD (Standby Counsel)
5 yohaymr@clarkcountynv.gov

6 MELVYN SPROWSON, ID#5996049
7 CLARK COUNTY DETENTION CENTER
8 330 S. CASINO CENTER BLVD.,
9 LAS VEGAS, NV 89101

10 
11 T. DRIVER
12 Secretary for the District Attorney's Office
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28 JB/tgd/SVU

Tess Driver

From: Jacqueline Bluth
Sent: Monday, March 20, 2017 9:16 AM
To: Tess Driver
Subject: FW: if you need a continuance. He has no problem with that. Let me know.
Attachments: Opp to Motion to Continue B.doc

Please attach this email string as Exhibit One to the motion, thank you!

From: Jacqueline Bluth
Sent: Monday, March 13, 2017 12:32 PM
To: 'RDF INVESTIGATIVE AGENCY' <rdfinvestigative@aol.com>
Subject: RE: if you need a continuance. He has no problem with that. Let me know.

Oh no I'm fine, thank you for asking.

From: RDF INVESTIGATIVE AGENCY [mailto:rdfinvestigative@aol.com]
Sent: Monday, March 13, 2017 12:30 PM
To: Jacqueline Bluth <Jacqueline.Bluth@clarkcountynv.gov>
Cc: rdfinvestigative@aol.com
Subject: Re: if you need a continuance. He has no problem with that. Let me know.

Rick Franky, LPI
RDF Investigative Agency
5258 S. Eastern Ave., Suite #102
Las Vegas, Nevada 89119
(702) 696-9701
(702) 696-9714 FAX#
rdfinvestigative@aol.com

-----Original Message-----

From: Jacqueline Bluth <Jacqueline.Bluth@clarkcountynv.gov>
To: Michael Yohay <YohayMR@ClarkCountyNV.gov>; RDF INVESTIGATIVE AGENCY
<rdfinvestigative@aol.com>
Sent: Mon, Mar 13, 2017 11:31 AM

Hello,

Just checking in to make sure Sprowson is still a go for Monday?

EXHIBIT "1"



Jacqueline Bluth
Clark County District Attorney's Office
Major Violator's Unit, Homicide
P: 702-671-2698
F: 702-868-2406

RECEIVED BY DISTRICT COURT

Electronically Filed
03/21/2017 10:24:00 AMMAR 14 2017
1 RAO
HUMAN RESOURCEEighth Judicial District Court
Clark County, Nevada
CLERK OF THE COURT

STATE OF NEVADA

Plaintiff,

vs.

Melvyn Sprowson Jr

Defendant

Case No.: C-14-295158-1

Dept No.: 23

MEDIA REQUEST AND ORDER FOR CAMERA
ACCESS TO COURT PROCEEDINGS

Jami Seymore of KSNV TV, requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in the courtroom of Dept. No. 23, the Honorable Judge Miley commencing on the 15 day of March, 2017.

I certify that I am familiar with the contents of Nevada Supreme Court Rules 229-249, inclusive, and understand this form MUST be submitted to the Court at least SEVENTY-TWO (72) hours before the proceedings commence, unless good cause can be shown. IT IS FURTHER UNDERSTOOD that approved media must arrange camera pooling prior to any hearing, without asking this Court to mediate disputes.

DATED this 14 day of March, 2017.

Jami Seymore

Media Representative

The Court determines camera access to proceedings, in compliance with the court's policy, ☐ WOULD ☒ WOULD NOT distract participants, impair the dignity of the court or otherwise materially interfere with the achievement of a fair trial or hearing herein;

Therefore, the Court hereby ☐ DENIES ☒ GRANTS permission for camera access to Jami Seymore of KSNV TV as requested for each and every hearing on the above-entitled case, at the discretion of the judge, and unless otherwise notified. This Order is in accordance with Nevada Supreme Court Rules 229-249, inclusive, and is subject to reconsideration upon motion of any party to the action.

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

DATED this 15th day of March 2017.
District Court Judge

Fax Form 72 hours prior to the hearing to (702)671-4535

JUDGE STEFANY A. MILEY

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

State of Nevada

PLAINTIFF

-VS-

Melvin Sprowson Jr

DEFENDANT

CASE NO: C-14-295158-1

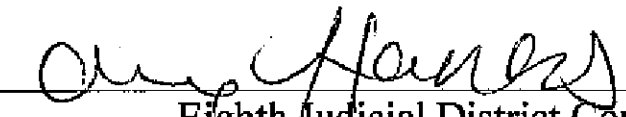
DEPT. NO: 23

**NOTIFICATION OF
MEDIA REQUEST**

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

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

DATED this 14 day of March, 2017.


Eighth Judicial District Court

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 14 day of March, 2017, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

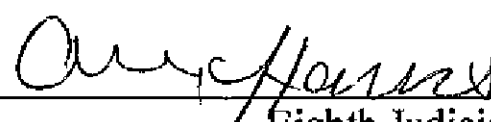
Plaintiff

District Attorney

(702) 455-2294

Defendant

Pro Se


Eighth Judicial District Court

1 NOTC
2 MELVYN P. SPROWSON, JR.

Ann L. Quinn
CLERK OF THE COURT

DA 3 CCDC
PP 4 330 S. Casino center Blvd.
PO 5 Las Vegas, NV 89101
6 Defendant, Proper Person
7

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10	THE STATE OF NEVADA,	Case NO. C-14-295158-1
11	Plaintiff,	Dept. No. XXIII
12	VS.	
13	MELVYN P. SPROWSON, JR.,	
14	(#5996049)	
15	Defendant,	

16
17 NOTICE OF CONTEMPT OF
18 COURT AND BRADY VIOLATION
19

20 You and each of you will please take
21 notice that the Las Vegas Justice Court
22 is in contempt of court for non-compliance
23 of Federal Rules of Criminal Procedure Rule 17(G)
24 for lawfully issued subpoenas through district
25 court on February 02, 2017 (see Attachments).
26 The material requested is exculpatory
27 evidence (Brady Material) for the defendant
28 named above and failure to provide such

1 of 2

1 material on demand is in violation of
2 Brady v. Maryland, 373 U.S. 83 (1969).

3 The defendant now demands the
4 requested material to be sent immediately
5 to the address above upon receipt of
6 this notice or within (5) days.

7 DATED this 12th day of March 2017.

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17 I hereby certify that I served a copy
18 of the foregoing notice of contempt to:

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Las Vegas Justice Court
200 Lewis Avenue, 2nd floor
P.O. Box 552511

Las Vegas, NV 89155-2511

Jacqueline Bluth
Office of the District
Attorney

200 Lewis Avenue

P.O. Box 552212

Las Vegas, NV 89155

By: M. P. Sprowson

MELVYN P. SPROWSON, JR.

Defendant, Proper Person

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EXHIBIT

A

ORIGINAL
DISTRICT COURT
CLARK COUNTY, STATE OF NEVADA

COPY

State of Nevada,
Plaintiff.

vs.

MELVYN SPROWSON, JR.,
Defendant.

Case No.: C-14-295158-1

Dept No.: 23

CRIMINAL SUBPOENA

X Duces Tecum

NOTICE: Upon receipt of this subpoena, you are to contact Richard Franky, LPI @ RDF Investigative Agency Tel.# (702) 696-9701.

THE STATE OF NEVADA SENDS GREETINGS TO:
LAS VEGAS JUSTICE COURT, ATTN.: JOANN PATERSON, SUPERVISOR
AND/OR ANY FLOOR SUPERVISOR OF THE CRIMINAL DIVISION
RECORDS AT LAS VEGAS JUSTICE COURT at REGIONAL JUSTICE
CENTER, 2nd FLOOR, RECORDS SECTION AT 200 Lewis Avenue, Las Vegas,
Nevada 89155.

YOU ARE HEREBY COMMANDED, that all and singular business and excuses be set aside, that you produce the requested documents on PAGE 2 of this subpoenas duces tecum by the date specified on page 2 of this subpoenas. **AND FOR FAILURE TO PROVIDE**, you will, upon application to the District Court, be deemed **guilty of CONTEMPT OF COURT**. Please note page two (2) of this subpoena, produce the documents / records requested on page two (2). Page two (2) of this subpoena is incorporated within this subpoena and its entirety. **PLEASE READ PAGE 2.**

STEVEN GRIERSON, CLERK OF THE COURT

BY:

Deputy Clerk **KADIR ABECKOM**

Date: **FEB 2 - 2017**

ISSUED AT THE REQUEST OF

MELVYN SPROWSON, JR.
PRO SE
Defendant's Scope ID# 5996049
330 S. Casino Center Blvd.,
Las Vegas, Nevada 89101
PRO SE

STATE OF NEVADA)

) ss.

COUNTY OF CLARK)

RICHARD FRANKY

, being duly sworn says: That at all times herein affiant was over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received this Subpoena on the 2 day of Feb

2017, and served the same on the 2 day of Feb of 2017 by delivering a copy

to the witness at

Cecil Silva window #10 clerk of

Criminal Window &
2:36 pm

[Signature]

Signature of Affiant/Investigator

SUBSCRIBED and SWORN to before me in the City of Las Vegas, County of Clark,

State of Nevada, this 21 day of February, 2017.

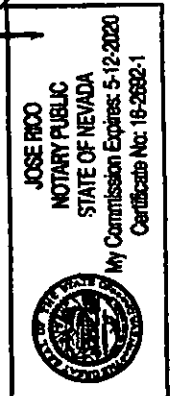
NOTARY PUBLIC IN AND FOR SAID

CLARK COUNTY AND STATE OF NEVADA.

[Signature]

Signature of Notary Officer

SEAL:



ITEMS TO BE PRODUCED

NOTICE: YOU ARE REQUIRED to produce the following; Certified COPIES of the following documents: search warrant and barcode #(s)

SW20131957, BARCODE #3643438.

Enclosed you will find an affidavit of custodian of records. Please sign the affidavit of custodian of records. Any questions, please contact Richard Franky, LPI at (702) 696-9701 and/or at **RDFINVESTIGATIVE@AOL.COM**.

IMPORTANT MESSAGE

NO COURT APPEARANCE IS NECESSARY. PLEASE PRODUCE THE REQUESTED DOCUMENTS no later than Tuesday, February 6th, 2017. Please call Richard Franky at (702) 696-9701 for pick-up of the above documents.

Richard Franky, LPI, DBA, RDF Investigative Agency is gathering ANY and ALL evidence for Mr. Melvyn Sprowson, Jr., PRO SE.

ORIGINAL
DISTRICT COURT
CLARK COUNTY, STATE OF NEVADA

COPY

State of Nevada,
Plaintiff.

vs.

MELVYN SPROWSON, JR.,
Defendant.

) Case No.: C-14-295158-1

) Dept No.: 23

) **CRIMINAL SUBPOENA**

) X Duces Tecum

) **NOTICE: Upon receipt of this**
) **subpoena, you are to contact**
) **Richard Franky, LPI @ RDF Investi-**
) **gative Agency Tel.,# (702) 696-9701.**

THE STATE OF NEVADA SENDS GREETINGS TO:
LAS VEGAS JUSTICE COURT, ATTN.: JOANN PATERSON, SUPERVISOR
AND/OR ANY FLOOR SUPERVISOR OF THE CRIMINAL DIVISION
RECORDS AT LAS VEGAS JUSTICE COURT at REGIONAL JUSTICE
CENTER, 2nd FLOOR, RECORDS SECTION AT 200 Lewis Avenue, Las Vegas,
Nevada 89155.

YOU ARE HEREBY COMMANDED, that all and singular business and excuses be set aside, that you produce the requested documents on PAGE 2 of this subpoenas duces tecum by the date specified on page 2 of this subpoenas. **AND FOR FAILURE TO PROVIDE**, you will, upon application to the District Court, be deemed **guilty of CONTEMPT OF COURT**. Please note page two (2) of this subpoena, produce the documents / records requested on page two (2). Page two (2) of this subpoena is incorporated within this subpoena and its entirety. **PLEASE READ PAGE 2.**

STEVEN GRIERSON, CLERK OF THE COURT

FEB 2 - 2017

BY:


KADIA BECKOM
Deputy Clerk

Date: _____

ISSUED AT THE REQUEST OF:


MELVYN SPROWSON, JR.
PRO SE
Defendant's Scope ID# 5996049
330 S. Casino Center Blvd.,
Las Vegas, Nevada 89101
PRO SE

STATE OF NEVADA)

) ss.

COUNTY OF CLARK)

RICHARD FRANKY

, being duly sworn says: That at all times herein affiant was over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received this Subpoena on the 2 day of FEB

2017, and served the same on the 2 day of FEB of 2017 by delivering a copy

to the witness at Cecil Silva window #10 Clerk.

Criminal window @
2:30 PM.

[Signature]

Signature of Affiant/Investigator

SUBSCRIBED and SWORN to before me in the City of Las Vegas, County of Clark,

State of Nevada, this 27 day of February, 2017.

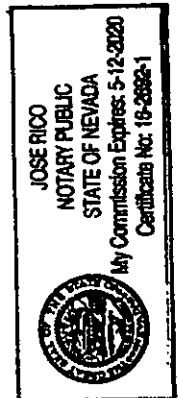
NOTARY PUBLIC IN AND FOR SAID

CLARK COUNTY AND STATE OF NEVADA.

[Signature]

Signature of Notary Officer

SEAL:



ITEMS TO BE PRODUCED

NOTICE: YOU ARE REQUIRED to produce the following; Certified COPIES of the following documents: search warrant and barcode #(s)

SW20131958, BARCODE #3643443.

Enclosed you will find an affidavit of custodian of records. Please sign the affidavit of custodian of records. Any questions, please contact Richard Franky, LPI at (702) 696-9701 and/or at **RDFINVESTIGATIVE@AOL.COM.**

IMPORTANT MESSAGE

NO COURT APPEARANCE IS NECESSARY. PLEASE PRODUCE THE REQUESTED DOCUMENTS no later than Tuesday, February 7th, 2017. Please call Richard Franky at (702) 696-9701 for pick-up of the above documents.

Richard Franky, LPI, DBA, RDF Investigative Agency is gathering ANY and ALL evidence for Mr. Melvyn Sprowson, Jr., PRO SE.

STATE OF NEVADA)

) ss.

COUNTY OF CLARK)

RICHARD FRANKY

, being duly sworn says: That at all times herein affiant was over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received this Subpoena on the 2 day of FEB

2017, and served the same on the 2 day of FEB of 2017 by delivering a copy

to the witness at

Cecil Silva window #10 clerk of

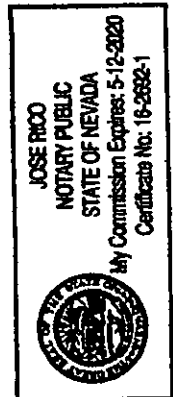
Criminal window
2:30 PM

[Signature]
Signature of Affiant/Investigator

SUBSCRIBED and SWORN to before me
in the City of Las Vegas, County of Clark,

State of Nevada, this 27 day of February, 2017.
NOTARY PUBLIC IN AND FOR SAID
CLARK COUNTY AND STATE OF NEVADA.

[Signature]
Signature of Notary Officer
SEAL:



ITEMS TO BE PRODUCED

NOTICE: YOU ARE REQUIRED to produce the following; Certified COPIES of the following documents: search warrant and barcode #(s)

SW20132044, BARCODE #3643884.

Enclosed you will find an affidavit of custodian of records. Please sign the affidavit of custodian of records. Any questions, please contact Richard Franky, LPI at (702) 696-9701 and/or at **RDFINVESTIGATIVE@AOL.COM**.

IMPORTANT MESSAGE

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Richard Franky, LPI, DBA, RDF Investigative Agency is gathering ANY and ALL evidence for Mr. Melvyn Sprowson, Jr., PRO SE.

ORIGINAL
DISTRICT COURT
CLARK COUNTY, STATE OF NEVADA

COPY

State of Nevada,
Plaintiff.

vs.

MELVYN SPROWSON, JR.,
Defendant.

Case No.: C-14-295158-1

Dept No.: 23

CRIMINAL SUBPOENA

X Duces Tecum

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LAS VEGAS JUSTICE COURT, ATTN.: JOANN PATERSON, SUPERVISOR
AND/OR ANY FLOOR SUPERVISOR OF THE CRIMINAL DIVISION
RECORDS AT LAS VEGAS JUSTICE COURT at REGIONAL JUSTICE
CENTER, 2nd FLOOR, RECORDS SECTION AT 200 Lewis Avenue, Las Vegas,
Nevada 89155.


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STEVEN GRIERSON, CLERK OF THE COURT

BY:  **NADIRA BECKOM**
Deputy Clerk

Date: FEB 2 - 2017

ISSUED AT THE REQUEST OF:


MELVYN SPROWSON, JR.
PRO SE
Defendant's Scope ID# 5996049
330 S. Casino Center Blvd.,
Las Vegas, Nevada 89101
PRO SE

STATE OF NEVADA)

) ss.

COUNTY OF CLARK)

RICHARD FRANKY being duly sworn says: That at all times herein affiant was over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received this Subpoena on the 2 day of Feb

2017, and served the same on the 2 day of Feb of 2017 by delivering a copy

to the witness at Coastal Silver Window 10 clerk

Minimal window @ 2:36 PM
Signature of Affiant/Investigator

SUBSCRIBED and SWORN to before me in the City of Las Vegas, County of Clark,

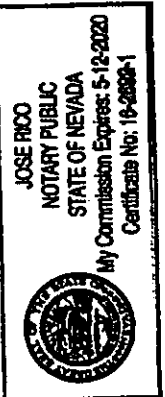
State of Nevada, this 27 day of February, 2017.

NOTARY PUBLIC IN AND FOR SAID

CLARK COUNTY AND STATE OF NEVADA.

[Signature]
Signature of Notary Officer

SEAL:



ITEMS TO BE PRODUCED

NOTICE: YOU ARE REQUIRED to produce the following; Certified COPIES of the following documents: search warrant and barcode #(s)

SW 20150159, BARCODE #4668870

Enclosed you will find an affidavit of custodian of records. Please sign the affidavit of custodian of records. Any questions, please contact Richard Franky, LPI at (702) 696-9701 and/or at **RDFINVESTIGATIVE@AOL.COM**.

IMPORTANT MESSAGE

NO COURT APPEARANCE IS NECESSARY. PLEASE PRODUCE THE REQUESTED DOCUMENTS no later than Tuesday, February 7th, 2017. Please call Richard Franky at (702) 696-9701 for pick-up of the above documents.

Richard Franky, LPI, DBA, RDF Investigative Agency is gathering ANY and ALL evidence for Mr. Melvyn Sprowson, Jr., PRO SE.

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



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

LEGAL
1116

SENT FROM CDC

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 21 2017

BY: 
KATHERINE STREUBER, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-vs-

SPROWSON, MELVYN

Defendant(s).

CASE NO. C295158

DEPT. NO. XXIII

COVER SHEET FOR AFFIDAVIT OF DEFENSE'S INVESTIGATOR

Steven D. Grierson, Clerk of the Court

By: 

Katherine Streuber, Deputy Clerk

C-14-295158-1

AFFT

Affidavit

4834501



1 AFFIDAVIT OF INVESTIGATOR
2 I RICHARD FRANKY being duly sworn,
3 deposes and says:
4

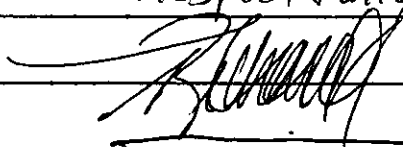
5 That Affiant filed and served a subpoena
6 to the Las Vegas Justice Court for any and all
7 search and seizure warrants on file and of
8 record for MELVYN P. SPROWSON, JR.,

9 That the Affiant was informed by the clerk
10 of the Las Vegas Justice Court that there is no
11 record of any search and seizure warrants
12 on file for MELVYN P. SPROWSON, JR., in the
13 Las Vegas Justice Court,

14 That the Affiant is the investigator for
15 MELVYN P. SPROWSON, JR., case # C-14295158-1
16 in the District Court.

17 DATED this 22 day of JANUARY 2017.
18 I RICHARD FRANKY do solemnly swear
19 under penalty of perjury, that the above
20 statement is accurate, correct, and true
21 to the best of my knowledge. NRS 171.102
22 and NRS 208.165.

23 Respectfully submitted,

24 

25
26 RICHARD D. FRANKY, L.P.I

27 NV License # 797
28

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

STATE OF NEVADA,

Plaintiff,

CASE NO.: C295158

DEPARTMENT XXIII

MELVYN SPROWSON, JR.

Defendant.

ORDER

COURT HEREBY ORDERES, the Custodian of Records or Person Most Knowledgeable for the Las Vegas Justice Court Criminal Records Division, being either Jo Ann Patterson or Anna Vasquez, to appear before District Court Department 23 on March 23, 2017 at 9:15 am, with items set forth in criminal Subpoena dated March 17, 2017, which is attached as an exhibit thereto.

Dated this 22th day of March, 2017.


HONORABLE STEFANY A. MILEY
DISTRICT COURT JUDGE
DEPARTMENT XXIII

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was electronically served and/or placed in the attorney's folders maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties as follows: Melvyn P. Sprowson, Jr., Jacqueline Bluth, Esq., James Sweetin, Esq., Ann Patterson, Anna Vasquez.

By: 

Carmen Alper
Judicial Executive Assistant

STEFANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408

ORIGINAL

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

State of Nevada,)	Case No.: C-14-295158-1
Plaintiff.)	Dept No.: 23
vs.)	CRIMINAL SUBPOENA
)	X Duces Tecum
MELVYN SPROWSON, JR.,)	
Defendant.)	NOTICE: Please read page
)	2 of this subpoena.

THE STATE OF NEVADA SENDS GREETINGS TO:

LAS VEGAS JUSTICE COURT CRIMINAL DIVISION RECORDS located at
REGIONAL JUSTICE CENTER, 2nd FLOOR, RECORDS SECTION AT 200
Lewis Avenue, Las Vegas, Nevada 89155. ATTN.: CUSTODIAN OF RECORDS.

YOU ARE HEREBY COMMANDED, that all and singular business and excuses be set aside. That you appear before the Honorable Judge Stefany Miley, Department 23 of District Court, CTRM 12C, 12th Floor in the County of Clark at 200 Lewis Ave., Courtroom 12C, Las Vegas, Nevada 89155 on TUESDAY the 21st day of MARCH of 2017 at 1:00 PM PST. AND FOR FAILURE TO ATTEND, you will, upon application to the District Court, be deemed guilty of CONTEMPT OF COURT and liable to pay all losses and damages caused by your failure to appear. Please note page two (2) of this subpoena, produce the documents / records requested on page two (2). ~~Page two (2) of this subpoena is incorporated within this subpoena and its entirety.~~ **PLEASE READ PAGE 2.**

STEVEN GRIERSON, CLERK OF THE COURT

BY

Deputy Clerk

SHIMAYA LADSON

MAR 17 2017

Date: _____

ISSUED AT THE REQUEST OF:

MELVYN SPROWSON, JR.

PRO SE

Defendant's Scope ID# 5996049

330 S. Casino Center Blvd.,

Las Vegas, Nevada 89101

PRO SE

TIME SENSITIVE MATTER

-1-

"Exhibit"

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

RICHARD FRANKY, being duly sworn says: That at all times herein affiant was over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received this Subpoena on the 17 day of MARCH,

2017, and served the same on the 17 day of March of 2017 by delivering a copy

to the witness at

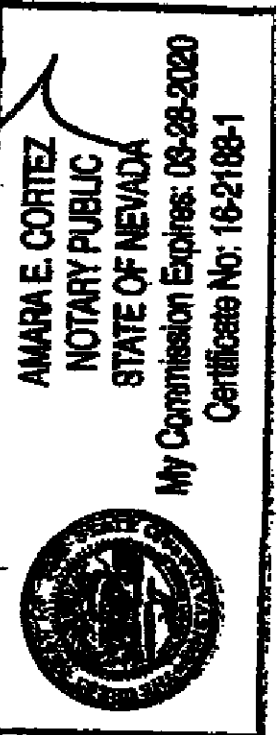
① Justice Court. 3/17/17 3:19 PM

Signature of Affiant/Investigator

SUBSCRIBED and SWORN to before me
in the City of Las Vegas, County of Clark,

State of Nevada, this 20 day of March, 2017.
NOTARY PUBLIC IN AND FOR SAID
CLARK COUNTY AND STATE OF NEVADA. SEAL:

Signature of Notary Officer



ITEMS TO BE PRODUCED

NOTICE: YOU ARE REQUIRED to appear before the Honorable Judge STEFANY MILEY of District Court, Department 23, CTRM# 12C, 12th Floor on or about Tuesday, March 21st, 2017 at 1:00 PM. You are required to bring with you the following items: produce the following: 1- the SCAN DATES for the following search warrant numbers:

- a)- SW20131957, BARCODE #3643438.
- b)- SW20131958, BARCODE #3643443.
- c)- SW20132044, BARCODE #3643884.
- d)- SW 20150159, BARCODE #4668870.

You are also required to provide the following: 2- the name of each Justice Court case file and 3- the actual Justice Court case number for the above search warrant numbers and barcode numbers provided.

You are required to provide a CERTIFIED COPY of your print out of the SCAN DATES, the file name(s), and the file number(s) with the Justice Court stamp seal and the actual Justice Court raised seal regarding the SCAN DATES. Melvyn Sprowson was granted FORMA PAUPERIS on 10/19/2015 at 9:30 AM in District Court. Any research fee, copy fee, and certification fee shall be waived. Thank you.

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 23 2017

BY *Katherine Streuber*
KATHERINE STREUBER, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

CASE NO. C295158

-vs-

SPROWSON, MELVYN

Defendant(s).

DEPT. NO. XXIII

JURY LIST

1. RAFFERTY, DIANE

8. FUNSTON, DOROTHY

2. LENTZ, DOUGLAS

9. SILVASY, MARTHA

3. JENSEN, RANDIE

10. HUGHES, DENNIS

4. CISNEROS, ANTOINETTE

11. PEETE, GWENDOLYN

5. LAWSON, GARY

12. ADAMS, JOHNETTE

6. MILLER, KAI

13. THOMAS, LESLIE

7. TAYLOR, CLARENCE

14. HINES, NATALIE

ALTERNATES SECRET FROM ABOVE

C-14-295158-1
JURL
Jury List
4834502



ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 30 2017

BY: *Katherine Streuber*
KATHERINE STREUBER/DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

PINU

STATE OF NEVADA

Plaintiff(s),

CASE NO. C295158

-vs-

DEPT. NO. XXIII

SPROWSON, MELVIN

Defendant(s).

DEFENDANT'S PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: This 30th day of March, 2017.

Steven D. Grierson, Clerk of the Court

By: *Katherine Streuber*

Katherine Streuber, Deputy Clerk

C - 14 - 295158 - 1

PINU

Proposed Jury Instructions Not Used At Trial
4637346



"Sexual portrayal" means the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political or scientific value.

object

Merriam Webster Dictionary (2005).

Sexual: adj. of, relating to, or involving sex or the sexes.

Sexy: adj. Sexually suggestive or stimulating.

"Sexy" is not to be confused with "sexual". Sexual involves sex, while sexy, is sexually suggestive. Though something maybe "sexy", it is not "sexual" unless it involves sex. Sexual

conduct or ^{a sexual} portrayal would be 11251
conduct or a portrayal that involves sex.

INSTRUCTION NO. _____

activity

"Sexual conduct" means sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person's body or of any object manipulated or inserted by a person into the anal opening of the body of another.

Merriam Webster Dictionary (2005)

Lewd: sexually unchaste; also:
obscene, vulgar.

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 30 2017

BY: *Katherine Streuber*
KATHERINE STREUBER, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

CASE NO. C295158

-VS-

DEPT. NO. XXIII

SPROWSON, MELVIN

Defendant(s).

STATE'S PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: This 30th day of March, 2017.

Steven D. Grierson, Clerk of the Court

By: *Katherine Streuber*

Katherine Streuber, Deputy Clerk

C - 14 - 295158 - 1

PINU

Proposed Jury Instructions Not Used At Trial

4637347



INSTRUCTION NO. _____

During the course of the trial, you have heard evidence that the victim learned she was diagnosed with the sexually transmitted disease chlamydia after being removed from the residence of Defendant on November 1, 2013. Such evidence was received and may be considered by you only for the limited purpose of determining the state of mind of the victim at the time such diagnosis was discovered.

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 30 2017

BY,

KATHERINE STREUBER, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

CASE NO. C295158

-vs-

SPROWSON, MELVYN

DEPT. NO. XXIII

Defendant(s).

JURY LIST

1. RAFFERTY, DIANE

8. FUNSTON, DOROTHY

2. LENTZ, DOUGLAS

9. SILVASY, MARTHA

3. JENSEN, RANDIE

10. HUGHES, DENNIS

4. CISNEROS, ANTOINETTE

11. PEETE, GWENDOLYN

5. LAWSON, GARY

12. ADAMS, JOHNETTE

6. THOMAS, LESLIE

7. TAYLOR, CLARENCE

ALTERNATES

1. HINES, NATALIE

2. MILLER, KAI

C-14-295158-1

JURL

Jury List

4637348



1 INST

2 FILED IN OPEN COURT
3 STEVEN D. GRIERSON
4 CLERK OF THE COURT

5 MAR 31 2017

6 DISTRICT COURT
7 BY, *Katherine Streuber*
8 KATHERINE STREUBER, DEPUTY
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -VS-

13 MELVYN PERRY SPROWSON, JR.,

14 Defendant.

CASE NO: C-14-295158-1

DEPT NO: XXIII

15 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

16 MEMBERS OF THE JURY:

17 It is now my duty as judge to instruct you in the law that applies to this case. It is your
18 duty as jurors to follow these instructions and to apply the rules of law to the facts as you find
19 them from the evidence.

20 You must not be concerned with the wisdom of any rule of law stated in these
21 instructions. Regardless of any opinion you may have as to what the law ought to be, it would
22 be a violation of your oath to base a verdict upon any other view of the law than that given in
23 the instructions of the Court.



If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an information that Defendant, on or between July 1, 2013 and November 1, 2013, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - FIRST DEGREE KIDNAPPING

did unlawfully, feloniously, and without authority of law, lead, take, entice, carry away or detain JAYSENIA TORRES, a minor, with the intent to keep, imprison, or confine said JAYSENIA TORRES, from her parents, guardians, or other person or person having lawful custody of said minor, or perpetrate upon the person of said minor, any unlawful act, to wit: child abuse with substantial mental harm and/or contributing to the delinquency of a minor.

COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH
SUBSTANTIAL BODILY OR MENTAL HARM

did willfully, unlawfully, and feloniously cause a child under the age of eighteen (18) years, to-wit: JAYSENIA TORRES, being approximately sixteen (16) years of age, to suffer unjustifiable mental suffering as a result of abuse or neglect, and/or cause the said JAYSENIA TORRES to be placed in a situation where she might have suffered unjustifiable mental suffering as a result of abuse or neglect, by said Defendant entering into a course of conduct to insure the continued isolation of said JAYSENIA TORRES from her parents and/or guardian; and/or sleeping in the same bed with the said JAYSENIA TORRES; and/or restricting access of the said JAYSENIA TORRES to others; and/or engaging in sexual intercourse with the said JAYSENIA TORRES; and/or promoting and/or encouraging the said JAYSENIA TORRES to quit school; and/or by engaging in controlling behavior toward the said JAYSENIA TORRES; and/or acting in a demeaning way toward the said JAYSENIA TORRES, resulting in substantial mental harm to the said JAYSENIA TORRES.

1 COUNT 3 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF
2 PORNOGRAPHY

3 did then and there, willfully, unlawfully, feloniously, and knowingly, use, encourage,
4 entice or permit JAYSENIA TORRES, a minor, to simulate or engage in sexual conduct to
5 produce a performance, and/or be the subject of a sexual portrayal in a performance to-wit: by
6 said Defendant requesting and directing JAYSENIA TORRES to take photographs in which
7 the said JAYSENIA TORRES posed in various stages of undress and exposed her breasts,
8 buttocks, and genital area for the purpose of producing a pornographic performance and that
9 said performance was recorded at the direction of the DEFENDANT on the cell phone of
10 JAYSENIA TORRES.

11 COUNT 4 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF
12 PORNOGRAPHY

13 did then and there, willfully, unlawfully, feloniously, and knowingly, use, encourage,
14 entice or permit JAYSENIA TORRES, a minor, be the subject of a sexual portrayal in a
15 performance to-wit: by said Defendant requesting and directing JAYSENIA TORRES to take
16 photographs in which the said JAYSENIA TORRES posed in various stages of undress and
17 exposed her breasts and buttocks for the purpose of producing a pornographic performance
18 and that said performance was recorded at the direction of the DEFENDANT on the cell phone
19 of JAYSENIA TORRES.

20 COUNT 5 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF
21 PORNOGRAPHY

22 did then and there, willfully, unlawfully, feloniously, and knowingly, use, encourage,
23 entice or permit JAYSENIA TORRES, a minor, to simulate or engage in sexual conduct to
24 produce a performance, and/or be the subject of a sexual portrayal in a performance to-wit: by
25 said Defendant requesting and directing JAYSENIA TORRES to take photographs in which
26 the said JAYSENIA TORRES posed in various stages of undress and exposed her genital area
27 for the purpose of producing a pornographic performance and that said performance was
28 recorded at the direction of the DEFENDANT on the cell phone of JAYSENIA TORRES.

1 COUNT 6 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF
2 PORNOGRAPHY

3 did then and there, willfully, unlawfully, feloniously, and knowingly, use, encourage,
4 entice or permit JAYSENIA TORRES, a minor, to be the subject of a sexual portrayal in a
5 performance to-wit: by said Defendant requesting and directing JAYSENIA TORRES to take
6 photographs in which the said JAYSENIA TORRES posed in various stages of undress and
7 exposed buttocks for the purpose of producing a pornographic performance and that said
8 performance was recorded at the direction of the DEFENDANT on the cell phone of
9 JAYSENIA TORRES.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 6

You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

Every person who leads, takes, entices, or carries away or detains any minor with the intent to

(1) Keep, imprison, or confine him or her from his or her parents, guardians, or any other person having lawful custody of the minor, or

(2) Perpetrate upon the person of the minor any unlawful act is guilty of Kidnapping in the First Degree.

The intent to "keep" requires an intent to keep a minor from his or her parents, guardians, or any other person having lawful custody of the minor permanently or for a protracted period of time.

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A person under the age of 18 cannot consent to being kidnapped.

STEFANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408

A "minor" is a person less than 18 years of age.

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INSTRUCTION NO. 9

While a guilty verdict must be unanimous, you need not be unanimous on the means or the theory of First Degree Kidnapping in arriving at your verdict.

A person who willfully, unlawfully and feloniously causes a child under the age of 18 years to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as a result of abuse or neglect is guilty of child abuse, neglect or endangerment.

If the child is found to have suffered substantial mental harm as a result of the abuse or neglect, the person is guilty of child abuse, neglect or endangerment with substantial mental harm.

As used in these instructions:

"Abuse or neglect" includes mental injury of a non-accidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years.

"Negligent Treatment" or "Maltreatment of a Child" occurs if a child has been abandoned, is without proper care, control and supervision or lacks subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

"Substantial Mental Harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

A person is guilty of Contributing to the Delinquency of a Minor if he or she:

- 1) Commits any act or omits the performance of any duty which act or omission causes or tends to cause or encourage any person under the age of 18 to become a "neglected child", "child in need of supervision" or "delinquent child" or which act or omission contributes thereto; or
- 2) Endeavors to induce any person under the age of 18 to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person who is a "neglected child", "child in need of supervision" or "delinquent child".

A "neglected child", "child in need of supervision" or "delinquent child" includes a person less than 18 years of age:

- 1) Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian or custodian, or who is beyond the control of such persons; or
- 2) Who is a habitual truant from school; or
- 3) Who is leading, or from any cause is in danger of leading, an idle, dissolute, lewd or immoral life.

A person who knowingly uses, encourages, entices, coerces or permits a minor to be the subject of a sexual portrayal in a performance is guilty of Use of a Minor in Production of Pornography.

A person who knowingly uses, encourages, entices or permits a minor to simulate or engage in or assist others to simulate or engage in sexual conduct to produce a performance is guilty of Use of a Minor in Production of Pornography.

“Sexual portrayal” means the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political or scientific value.

INSTRUCTION NO. 16

"Performance" means any play, film, photograph, computer-generated image,
electronic representation, dance or other visual presentation.

INSTRUCTION NO. 15

"Sexual conduct" means sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person's body or of any object manipulated or inserted by a person into the anal opening of the body of another.

1 Ignorance of the law is no excuse. Everyone is conclusively presumed to know the law,
2 and one accused of a crime is precluded from using as a defense his ignorance of the law.
3 Thus, when the evidence shows that a person voluntarily did that which the law declares to be
4 a crime, it is no defense that he did not know that his act was unlawful or that he believed it to
5 be lawful.
6

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his opinion as to any matter in which he is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

1
2 Although you are to consider only the evidence in the case in reaching a verdict, you
3 must bring to the consideration of the evidence your everyday common sense and judgment
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel
6 are justified in the light of common experience, keeping in mind that such inferences should
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your
9 decision should be the product of sincere judgment and sound discretion in accordance with
10 these rules of law.
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During the course of the trial, you have heard evidence pertaining to allegations that the defendant engaged in some other wrongs or bad conduct, other than those for which he is on trial. Evidence that the defendant committed offenses or engaged in bad conduct, other than that for which he is on trial, if believed, was not received and may not be considered by you to prove that he is a person of bad character or to prove that he has a disposition to commit crimes. Such evidence was received and may be considered by you only for the limited purpose(s) of proving the defendant's motive, intent, plan and preparation in committing the charged crimes.

You must weigh this evidence in the same manner as you do all other evidence in the case.

1
2 The defendant, MELVYN PERRY SPROWSON, JR., has a right to be represented by
3 an attorney in this trial, as do all criminal defendants in this country. He decided instead to
4 exercise his constitutional right to act as his own attorney in this case. Do not allow that
5 decision to affect your verdict.

6 The Nevada rules of evidence and procedure apply to a self-represented defendant just
7 as they do to a defendant represented by an attorney.
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The State has the burden of proving the voluntariness of any statement made by the defendant by a preponderance of the evidence. This burden of proof should lead the trier of fact to find that the existence of the contested fact is more probable than its nonexistence.

Voluntariness is a question of fact to be determined from the totality of the circumstances on the will of the accused. An involuntary statement is one made under circumstances in which the accused clearly had no opportunity to exercise a free and unconstrained will. A voluntary statement must be the product of rational intellect and a free will.

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

1
2 When you retire to consider your verdict, you must select one of your member to act as
3 foreperson who will preside over your deliberation and will be your spokesperson here in
4 court.

5 During your deliberation, you will have all the exhibits which were admitted into
6 evidence, these written instructions and forms of verdict which have been prepared for your
7 convenience.

8 Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it
9 signed and dated by your foreperson and then return with it to this room.

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2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed by
4 the foreperson. The officer will then return you to court where the information sought will be
5 given you in the presence of, and after notice to, the district attorney and the Defendant and
6 his/her counsel.

7 Playbacks of testimony are time-consuming and are not encouraged unless you deem it
8 a necessity. Should you require a playback, you must carefully describe the testimony to be
9 played back so that the court recorder can arrange his/her notes. Remember, the court is not
10 at liberty to supplement the evidence.

INSTRUCTION NO. 29

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:

DISTRICT JUDGE

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

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

13

ADAM LAXALT
Attorney General
100 North Carson Street
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DEBORAH L. WESTBROOK
HOWARD S. BROOKS

22
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1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 _____

3 MELVYN SPROWSON,) No. 73674

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

Electronically Filed
May 02 2018 04:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 _____)

10 **APPELLANT'S APPENDIX VOLUME V PAGES 912-1161**

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12 Clark County Public Defender
13 309 South Third Street
14 Las Vegas, Nevada 89155-2610

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Case No. 73674

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1 MOT
2 MELVYN P. SPROWSON, JR.

Ann D. Quinn
CLERK OF THE COURT

3 CCDC
4 330 S. CASINO center BLVD.
5 Las Vegas, NV 89101

MC 6 Defendant, Proper Person

DA 7

PP 8

PD 9

DISTRICT COURT
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)

Date: 01/04/17

15

Defendant.

Time: 9:30 AM

16

17

MOTION TO WITHDRAW THE ORIGINAL

18

RECORD OF SEARCH AND SEIZURE WARRANTS

19

ON FILE WITH THE DISTRICT COURT

20

21

COMES NOW, MELVYN P. SPROWSON, JR., defendant,

22

in proper person, requests this Honorable Court to

RECEIVED
DEC 9 2016

23

issue and enter a special order to withdraw

24

the original record of search warrants:

25

SW2013 1957 barcode # 3643438, SW2013 1958

26

barcode # 3643443, SW2013 2044 barcode # 3643884,

27

and SW2015 0159 barcode # 4668870 from the

28

district court vault pursuant to EDCR 7.28,

DEC 07 2016

1 of 12

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1 to be inspected in open court by the defendant
2 and this Honorable Court, in order to confirm
3 that the attached exhibits A, B, C, and D
4 are fraudulent.

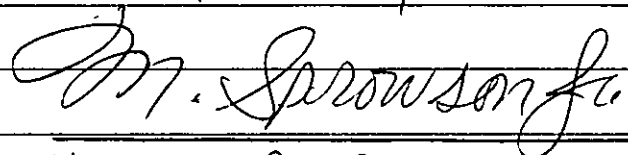
5 The request is made on the grounds that
6 NRS 52.235 and NRS 52.245, require an
7 original to be produced when there is a genuine
8 question of authenticity. Also, EDCR 7.28 allows
9 a party in a case to withdraw an original record
10 in custody of the court clerk by motion.

11 In addition, this motion is a request for
12 admittance by the "State", that exhibits A, B, C,
13 and D are in fact genuine as a whole and that
14 this admittance be included in the "State's"
15 opposition to this motion, or concede by non-admittance,
16 that exhibits A, B, C, and D are fraudulent.

17 This motion is made based upon all papers and
18 pleadings on file herein, the attached Memorandum
19 of Points and Authorities in support hereof, and oral
20 argument at the time of the hearing on this
21 matter, if deemed necessary by this Honorable Court.

22 DATED this 4th day of December, 2016.

23
24 Respectfully submitted,

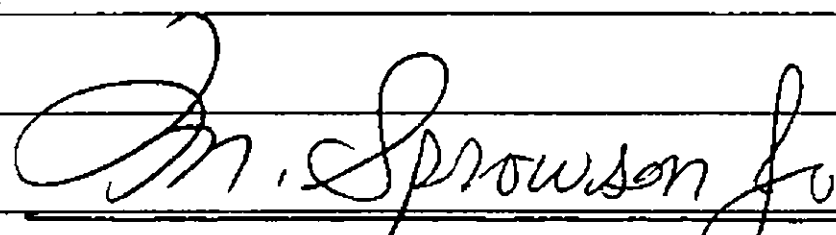
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26

27 MELVYN P. SPROWSON, JR.

28 Defendant, Proper Person

NOTICE OF MOTION

You and each of you, will please take notice that the undersigned will bring the foregoing motion on for hearing in the above entitled court on the 04 day of January, 2017, at the hour of 9:30 AM/PM, or as soon as the defendant in proper person may be heard by this Honorable Court.



MELVYN P. SPROWSON, JR.

Defendant, Proper Person

MEMORANDUM OF POINTS AND AUTHORITIES

I. HISTORY

On November 02, 2016 during the defendant's motion for discovery, this Honorable Court ordered the "State" through Mr. James Sweetin, whom was present, to provide to the defendant official certified copies of all search and seizure warrants.

On November 16, 2016, the continuance of the November 02, 2016 hearing, at which Jacqueline Bluth was present for the "State" the defendant received from Mr. Yohay (Defendant's stand-by counsel) exhibits A, B, C, and D in which Mr. Yohay received from

1 Howard Conrad (see exhibits F and G). Jacqueline
2 Bluth confirmed at the hearing, that Mr. Sweetin
3 did forward exhibits A, B, C, and D, to the
4 defendant. This is verified by the November
5 16, 2016 minutes.

6 The defendant then examined the purported
7 official certified copies, and found them to be
8 more than questionable, but outright fraudulent.
9 It is the defendant's position that the search warrant
10 numbers are indeed valid, but have been fraudulently
11 cut from valid search warrants and pasted onto
12 documents bearing the defendant's name, and as a
13 whole are presented to be valid search warrants, in
14 order to deceive the defendant and this Honorable
15 Court. This is why there is no record of search
16 warrants on file in the defendant's justice or
17 district court cases and register of actions.

18 The defendant now brings this motion on for hearing,
19 to confirm by way of comparison, the original search
20 warrant documents that bear the valid search warrant
21 numbers now on file in the district court vault, to the
22 attached exhibits A, B, C, and D.

23

24 II. LEGAL ARGUMENT

25

26 1. EDCR 7.28 allows a party to withdraw a record
27 by motion after notice to the adverse party, from
28 the custody of the clerk for a limited period of

4 of 12

1 time, by special order, and at the direction of
2 the court. The defendant sent notice to the
3 "State" as is required by law, and is requesting
4 by this motion the foregoing record to be produced
5 by special order and at the direction of the court.

6 Rule 7.28. Custody and withdrawal of papers,
7 records, and exhibits. (a) The clerk of the court
8 has custody of the records and papers of the court.
9 The clerk may not permit any original record, paper,
10 or exhibit to be taken from the court, Judge's Chambers,
11 or from the clerk's office, except at the direction
12 of the court or as provided by statute or these rules.

13 (b) Papers, records, or exhibits belonging to the filer
14 of the court may be temporarily withdrawn from the
15 office and custody of the clerk for a limited time
16 upon the special order of the judge, specifying the
17 record, paper, or exhibit and limiting the time the
18 same may be retained. A receipt must be given for
19 any paper, record, or exhibit so withdrawn from
20 the files. (c) Models, diagrams, and exhibits of
21 material forming part of the evidence taken in a
22 case may be withdrawn by order of the court in the
23 following manner: (1) By stipulation of the parties. (2)
24 By motion made ~~after~~ notice to the adverse party.
25 (3) . . .

26 2. NRS 52.235 Original required. To prove
27 the content of a writing, recording, or photograph,
28 the original writing, recording, or photograph is

1 required, except as otherwise provided in this
2 title.

3 NRS 52.245 Admissability of duplicates. ①

4 In addition to the situations governed by subsection
5 2, a duplicate is admissible to the same extent as
6 an original unless: (a) A genuine question is

7 raised as to the authenticity of the original; or (b)
8 In the circumstances it would be unfair to admit
9 the duplicate in lieu of the original. ② Except as

10 otherwise provided in NRS 52.247, a duplicate is
11 admissible to the same extent as an original if
12 the person or office having custody of the original
13 was authorized to destroy the original after preparing
14 a duplicate, and in fact did so.

15 In the instant case, the "State's" purported
16 official copies can not be a duplicate of the
17 original search warrants on file, because of
18 several reasons that raise a genuine question of
19 authenticity, which requires an original to be produced.
20 The defendant offers the following facts and
21 observations.

22 Fact # 1, both this court and the "State" confirmed
23 to the defendant that the originals are now in the
24 possession of the district court and in the district
25 court vault. The "State" in their opposition filed
26 on October 21, 2016 states on page 11, lines 2-5:

27 "Finally, as for the defendant's request
28 that this court order the justice court custodian

1 of records to provide the original applications,
2 affidavits, and warrants for his review; it
3 appears that this defendant does not comprehend
4 that those originals are now a part of the
5 district court record; and are not in possession
6 of the state or the justice court" (see exhibit E).
7 Also, this court on November 16, 2016, told the
8 defendant that the search warrant numbers
9 SW2013 1957, SW2013 1958, SW2013 2044, and
10 SW2015 0159 are in the district court vault.

11 Fact # 2, on pages 3, 5, 6, and 7 of exhibit A,
12 pages 4, 5, and 6 of exhibit B, pages 5, 7, and 8
13 of exhibit C, and pages 6, 8, and 9 of exhibit D
14 all bear a certified copy stamp from Justice
15 court, dated November 09, 2016, stating,
16 "The document to which this certificate is attached
17 is a full, true, correct copy of the original on file
18 and of record in justice court of Las Vegas
19 Township, in and for the county of clark,
20 State of Nevada" (see exhibits A, B, C, and D).

21 Observation #1, since the original search warrants
22 are now in the possession of the district court
23 and confirmed by both the "State" and this
24 Honorable Court to be in the district court vault,
25 and according to the "State" are no longer in the
26 possession of justice court, how then can the
27 purported official copies bear the justice court
28 stamp? How can justice court issue a full,

1 true, correct copy of an original no longer in
2 their possession? Also, for the record, the
3 criminal bindover was filed in district court
4 on January 10, 2014, and amended on November
5 03, 2015, which places the November 09, 2016
6 stamp after the bindover from justice to
7 district court.

8 Fact # 3 all papers, documents, and exhibits
9 that are in the district court vault have been filed
10 with the district court and bear a district court
11 filed stamp on them.

12 Fact # 4, exhibits A, B, C, and D all are missing
13 a district court filed stamp, though they bear
14 a justice court filed stamp.

15 Observation # 2, none of the exhibits A, B, C, and
16 D are filed with district court, though they
17 should be, if indeed are in the district court
18 vault. Keep in mind the November 09, 2016 date
19 on them, as indicated previously.

20 Fact # 5, when a search warrant is applied for and
21 issued, a search warrant number is generated on a
22 specific date. This number is on a label that is
23 placed on the search warrants indicating the year
24 and number. Also, there is a label generated for
25 the search and seizure return, to clock the
26 issue date; to the return date, to ensure the
27 10-day time period for execution and return
28 by the officer to the court.

1 Observation # 3, exhibits A, B, and C are all
2 missing the label for the return and officer
3 execution date. Exhibit D does have this
4 label, but does not indicate any date, but does
5 serve as an example for this Honorable Court
6 (see exhibit D, page 9). Note, this particular
7 label is significant, because it lawfully tracks
8 the return date and must be on the search and
9 seizure return.

10 Fact # 6, exhibits B and C both list on the
11 search and seizure return, that a forensic report
12 had been done on the defendant's computers and
13 iPhone (see exhibit B, page 6, C, page 8).

14 Fact # 7, on December 30, 2013 at the
15 preliminary hearing in justice court, Detective
16 Schell of the Clark County School District Police
17 Department, testified that a forensic report
18 was completed on the defendant's computers
19 and iPhone (see PHT, 251/15 - 253/11).

20 Fact # 8, in the "State's" opposition to the
21 defendant's Third Motion to Suppress Evidence, filed
22 on April 04, 2016, the "State" replied on page 3,
23 lines 17-19, "The only items relevant to this
24 motion were a HP Pavilion Entertainment Laptop
25 and IBM computer. After a forensic's analysis
26 was done, several nude photos of the victim
27 were found on these devices." And again on
28 page 4, line 1, "A complete forensic analysis

1 was done on defendant iPhone."

2 Fact #9, on November 16, 2016, this court
3 ordered the "State" to turn over the forensic
4 reports of the defendant's computers and
5 iPhone.

6 Fact #10, on November 28, 2016, the
7 "State" told the defendant and this court that
8 because of a password issues, no forensic
9 reports had been completed on the defendant's
10 computers and iPhone, and had none to turn
11 over to the defendant as ordered.

12 Observation #4, the "State" and their
13 agents have lied to the courts. The "State"
14 and their agents have lied on the purported
15 official copy of the search and seizure return.
16 Using hyperbole, if the "State" had Pinocchio's
17 nose, there would be enough wood to fence in
18 the entire US border, but setting this aside,
19 since the "State" and their agents have already
20 lied about the purported official copy of the
21 search and seizure return and to the courts,
22 the "State" simply can not be trusted in regards
23 to the rest of the purported official copy
24 of the search and seizure warrants.

25 In summary, taking all these facts and
26 observations together, there is such an
27 overwhelming stench of contradiction and an
28 ominous smell of deception, that any

1 reasonable person, prima facie, would be
2 able to conclude what the defendant has
3 been incessantly bringing to this Honorable
4 Court's attention, the exhibits A, B, C, and
5 D are fraudulent and because of their
6 obvious contradictions, must be proved as
7 required by NRS 52.235 and NRS 52.245(a).
8 The "State" is deceiving this Honorable Court
9 with their latest editions of new and improved
10 forgeries, which clearly violate the law
11 of non-contradiction. This defendant is
12 outraged, and so should be this Honorable
13 Court!

14 III. CONCLUSION

15
16 The defendant has shown by the preponderance
17 of the evidence, that the exhibits A, B, C, and D
18 are extremely doubtful and has given this
19 Honorable Court more than enough facts to formulate
20 an educated decision in his favor, "Post tenebras,
21 lux." EDCR 7.28 and both NRS 52.235 and NRS
22 52.245(a) allows the defendant to view and
23 examine the requested records, "Ad fontes."
24 The defendant is entitled to relief as a
25 matter of constitutional right and due process
26 of law. Therefore, in order to prevent
27 injustice from prevailing, the defendant's
28 motion must be granted.

1 Wherefore defendant prays for relief
2 against the plaintiff, as it is based upon
3 law.

4 Respectfully submitted,

5 M. P. Sprowson Jr.

6 MELVYN P. SPROWSON, JR.

7 Defendant, Proper Person
8
9

10 CERTIFICATE OF SERVICE

11
12 I hereby certify that on December 04th,
13 2016, I mailed via US mail, a correct, full,
14 and true copy of the foregoing Motion to
15 Withdraw the Original Record of Search and
16 Seizure Warrants on File with the District
17 Court to:

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 By: M. P. Sprowson Jr.

24 MELVYN P. SPROWSON, JR.

25 Defendant, Proper Person
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EXHIBIT

A

1957

FILED

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

DEC 10 3 26 PM '13

STATE OF NEVADA)

COUNTY OF CLARK)

ss: Melvyn Perry Sprowson Jr.

JUSTICE COURT
LAS VEGAS NEVADA

DEPUTY

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

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

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

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

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

SW2013 - 1957
SW
Search Warrant
3843438



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

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

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

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

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

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

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

Exhibit A (3)

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

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

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

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

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

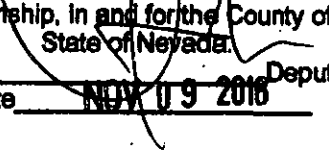

AFFIANT JEFF SCHELL

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


JUDGE

Reviewed by:

Deputy District Attorney

CERTIFIED COPY
The document to which this certificate is attached
is a full, true and correct copy of the original
on file and of record in Justice Court of Las
Vegas Township, in and for the County of Clark,
State of Nevada.
By  Deputy
Date NOV 09 2013

SW2013

1957

FILED

SEARCH WARRANT
NRS 179.045

Dec 10 3 26 PM '13

STATE OF NEVADA)

) SS. Melvyn Perry Sprowson Jr.

COUNTY OF CLARK)

JUSTICE COURT
LAS VEGAS NEVADA
BY _____ DEPUTY

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

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

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

is presently located at: (1)

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

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

Endorsed this 4th day of December, 20 13.



JUDGE

Page 1 of 2

CCSDPD DR# 1311-05723

CERTIFIED COPY
The document to which this certificate is attached
is a full, true and correct copy of the original
on file and of record in Justice Court of Las
Vegas Township, in and for the County of Clark,
State of Nevada.
By _____ Deputy
Date NOV 09 2013

Exhibit A (6)



CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT
SEARCH & SEIZURE RETURN

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

Page 1 of 1

DR# 1311-05723

Dec 10 3 26 PM '13

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

4915 E. WHEEL ROAD APARTMENT # 143 BY LAS VEGAS, NEVADA
 JUSTICE COURT
 LAS VEGAS, NEVADA
 DEPUTY

was executed on: 12-6-13

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

AT RESIDENCE.

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

1. PAIR OF WOMAN'S SUNGLASSES, LOCATED ON BOOK SHELF 1ST. FLOOR.
1. LETTER/STORY TITLED "CHOCOLATE LOVE", LOCATED 1ST FLOOR STAIR CLOSET.
1. HP PAVILION ENTERTAINMENT LAPTOP COMPUTER, S/N CNF004 BY ST. LOCATED 1ST FLOOR LIVING ROOM, WITH POWER CORD.
1. PAIR OF WOMAN'S SILVER IN COLOR SHOES, LOCATED IN 1ST. FLOOR STAIR CLOSET.
1. LETTER TITLED "MEL + JAY" LOCATED 1ST FLOOR KITCHEN COUNTER.
1. LETTER TITLED "HAPPY TWO MONTHS" WRITTEN TO "MEL", 1ST FLOOR KITCHEN COUNTER.
1. LETTER TITLED "DEAR MEL" 1ST FLOOR KITCHEN COUNTER.
1. CCSD I.D. CARD WITH PICTURE OF MELVYN SPRAWSON, 1ST FLOOR KITCHEN COUNTER.
- FIRST FLOOR RESTROOM, ALWAYS MAXI PADS, BOB WITH HAIR CLIPS, 2 COMBS, CONAIR NANO HAIR IRON, HAND MIRROR, CONAIR BRUSH, 1 GRAY/RED ARMY ROTC T-SHIRT, HAIR BRUSH + HAIR TIES, HOLLISTER LOTION, BEYOND THE ZONE PINK AND BLACK HAIR SPRAY, TRESEMME HAIR SPRAY.
1. RED/WHITE HOODED SWEAT SHIRT "LIFE GUARD", LOCATED 1ST. FLOOR LIVING ROOM, SIZE XS.
1. IBM COMPUTER WITH S/N KCLV 20, MODEL # 58U, LOCATED IN 2ND FLOOR BEDROOM/OFFICE.

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

OFFICER/AFFIANT DET. J. SCHILL # 295

OFFICER DET. D. PLATT # 217

OFFICER SGT. M. MACISZAK # 308

OWNER

CERTIFIED COPY

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

By NOV 09 2013 Deputy
 Date

1957



CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

Page ___ of ___

SEARCH & SEIZURE RETURN FILED

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

DR# 1311-05723

Dec 10 3 26 PM '13

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

4915 E. RUSSELL ROAD, APARTMENT # 143, BLVD, NV, 89120
 JUSTICE COURT
 LAS VEGAS, NEVADA 89120
 DEPUTY

was executed on: DECEMBER 6, 2013

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

RESIDENCE

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

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

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

OFFICER / AFFIANT

#295 DET. J. SCHILL

OFFICER

DET. A. PLOTT # 217

OFFICER

DET. G. HIBNER # 243

OWNER

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

By _____
 Date NOV 09 2013 Deputy

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EXHIBIT

B

EXhibit B (1)

SW2013

1958

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

FILED

STATE OF NEVADA)
)
COUNTY OF CLARK)

ss: SPROWSON, Melvyn Perry Jr.

DEC 10 3 26 PM '13

JUSTICE COURT
LAS VEGAS NEVADABY _____
DEPUTY

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

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

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

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

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

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

Definitions:

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

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

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

SW2013 - 1958
SW
Search Warrant
3843443

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

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

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

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

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

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

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

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

Exhibit B(3)
**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

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

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

Authority to Duplicate Electronic Media

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

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

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

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

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

Request for Off-Site Search Authorization

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

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

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

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


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

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

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

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


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


Detective Jeff Schell # 295

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


Judge

Reviewed by:


Deputy District Attorney

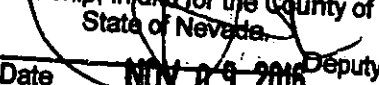
CERTIFIED COPY
The document to which this certificate is attached
is a full, true and correct copy of the original
on file and of record in Justice Court of Las
Vegas Township, in and for the County of Clark,
State of Nevada.
By  Deputy
Date NOV 8 9 2013

Exhibit B(5)

CCSD PD DR # 1311-05723

SW2013

1958

SEARCH WARRANT
NRS 179.045

FILED

Dec 10 3 26 PM '13

STATE OF NEVADA)

) SS: Sprowson, Melvyn Perry Jr.

COUNTY OF CLARK)

JUSTICE COURT
LAS VEGAS NEVADA
BY _____
DEPUTY

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

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

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

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

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

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

Endorsed this 6th day of December, 2013.



JUDGE

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

By _____ Deputy
Date NOV 09 2013



Exhibit B (6)

1958

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

SEARCH & SEIZURE RETURN

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

SW2013

Page 1 of 1

DR# 1311-05723

Dec 10 3 26 PM '13

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

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

was executed on: 12-6-13

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

N/A

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

IPHONE 4 FORENSICS REPORT.

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

DET. J. S. KELLY # 295

OFFICER / AFFIANT

OFFICER

OFFICER

OWNER

SPD-P432 (Rev. 06-12)

CERTIFIED COPY

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

By [Signature] Deputy
Date NOV 09 2013

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EXHIBIT

C

Exhibit C (1)

APPLICATION AND AFFIDAVIT SW2013
FOR SEARCH WARRANT

2044

FILED

STATE OF NEVADA)
COUNTY OF CLARK)

ss: SPROWSON, Melvyn Perry Jr.

Dec 20 1 37 PM '13

JUSTICE COURT
LAS VEGAS NEVADA
BY _____
DEPUTY

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

Digital Storage Devices, impounded under Clark County School District Police Department DR# 1311-05723, currently located in the CCSDPD Computer Forensics Lab, 120 Corporate Park Drive Henderson Nevada, specifically:

1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD.

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

1. Digitally stored records, information and data, which may constitute evidence of 200.310 - 1st Degree Kidnap, 200.710 - Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile, involvement in the planning or commission of the crime(s), between the dates of July 1, 2013 and November 1, 2013.

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

Definitions:

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

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

SW2013-2044
SW
Search Warrant
3843884



Exhibit C (2)

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

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

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

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

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

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

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

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

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

Exhibit C (3)
**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

stated that their relationship had developed into a dating relationship and they both told each other "I love you." Torres also told us they both slept in the same bed.

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

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

On December 5, 2013, I was informed by Chief Deputy District Attorney Jacqueline Bluth that Kathryn Smith (Torres' mother) had informed her that Torres had recently disclosed to Smith that Melvyn Sprowson Jr. had nude photographs of the said minor on his computer. Furthermore, Torres' stated Sprowson asked her to send him nude photos and told her how to pose in the photos. Attorney Bluth then spoke with Jaysenia Torres who confirmed all of this information and stated that these photos could be found on Sprowson's Jr.'s computer.

Based on the fact Torres had told us she had met Sprowson online through Craigslist.com which would be accessed via computer or smart phone and the fact Torres recently disclosed to her mother that Sprowson had nude pictures of her on his computer along with the fact Torres stated to us in her interview that she and Sprowson were the only two occupants of the apartment, a search warrant was applied for and obtained for Sprowson's residence to recover;

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

On December 6, 2013, the search warrant was served and two computers were recovered from Sprowson's apartment; 1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD. Also recovered in the search warrant were articles of

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

personal property which would tend to establish the identity of persons in control of said premises along with female clothing and personal hygiene products.

Based on the above information probable cause exists that there would be emails and other electronic evidence showing conversations between Melvyn Sprowson Jr. and Jaysenia Torres illustrating planning and/or enticing of Torres to leave her home. Furthermore, probable cause exists that there would be images of 16 year old Jaysenia Torres in various stages of undress to include nude images on Melvyn Sprowson Jr.'s computer.

Authority to Duplicate Electronic Media

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

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

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

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

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

Request for Off-Site Search Authorization

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

- a) It is unknown what operating system is running the computer(s) that is subject of this warrant and, therefore, it will take time to determine how the operating system permits access to data.
- b) The amount of data that may be stored in the hard drives and removable storage devices is enormous, and the number or size of the hard drives and removable storage devices that will have to be searched pursuant to this warrant is not known.
- c) The data to be seized may be located anywhere on the hard drives and removable storage devices, including hidden files, program files, and "deleted" files that have not been overwritten.
- d) The data may be encrypted, or inaccessible without a password, and may be protected by self-destruct programming, all of which take time to bypass.

Exhibit C (5)
APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

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

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

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

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


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

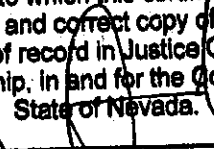

Detective Jeff Schell # 295

Subscribed and sworn to before me this 10th day of December, 2013.


Judge

Reviewed by:


Deputy District Attorney

CERTIFIED COPY
The document to which this certificate is attached
is a full, true and correct copy of the original
on file and of record in Justice Court of Las
Vegas Township, in and for the County of Clark,
State of Nevada.
By  Deputy
Date NOV 09 2013

SEARCH WARRANT
NRS 179.045

FILED

Dec 20 1 37 PM '13

STATE OF NEVADA)

) SS: Sprowson, Melvyn Perry Jr.

COUNTY OF CLARK)

JUSTICE COURT
LAS VEGAS NEVADA
BY _____
DEPUTY

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

Digital Storage Devices, impounded under Clark County School District Police Department DR# 1311-05723, currently located in the CCSDPD Computer Forensics Lab, 120 Corporate Park Drive, Henderson, Nevada, specifically:

1 HP Pavilion laptop computer with serial number CNF004B4JT and 1 IBM 58U computer bearing serial number KCLV8ZD.

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

1. Digitally stored records, information and data, which may constitute evidence of 200.310 - 1st Degree Kidnap, 200.710 - Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance, 200.508 - Child Endangerment and 201.110 - Contributing to Delinquency of a juvenile, involvement in the planning or commission of the crime(s), between the dates of July 1, 2013 and November 1, 2013.

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

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

Exhibit C (7)

SEARCH WARRANT
NRS 179.045

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

Endorsed this 10th day of December, 2013.



JUDGE

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

By _____ Deputy

Date NOV 09 2016



Exhibit C (8) 2044

SW2013

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

SEARCH & SEIZURE RETURN

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

FILED

DR#1311-05723

Dec 20 1 37 PM '13

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

HP PAVILION LAPTOP COMPUTER WITH SERIAL # KCLN 8 DEPUTY
AND IBM 58U COMPUTER BEARING SERIAL # KCLN 8 DEPUTY

was executed on: DECEMBER 17, 2013

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

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

COMPUTER FORENSICS REPORTS.

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

DET. J. SELLER # 295

OFFICER / AFFIANT

DET. M. CORNWELL # 368

OFFICER

OFFICER

OWNER

SFD-443 (Rev. 06-17)

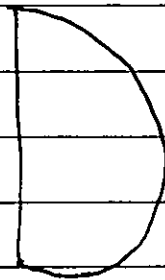
CERTIFIED COPY

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

By Date NOV 09 2016 Deputy

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EXHIBIT



FILED

SW2015

0159

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

JUN 23 2 24 PM '15

STATE OF NEVADA)

JUSTICE COURT

LAS VEGAS NEVADA)
COUNTY OF CLARK)

ss: Melvyn Sprowson Jr

JA DEPUTY

M. Caldwell P#368, being first duly sworn deposes and stated that he is the affiant herein and is a Detective with the Clark County School District Police Department (herein after referred to as CCSDPD). Your affiant has been in law enforcement for 8 years and is currently assigned to Detective Bureau. Probable cause exists to believe that the items listed below will be found at the following premises, to-wit:

FaceBook/ Instagram 1601 Willow Road, Menlo Park CA 94025, Instagram is owned by Facebook

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

- (1) Instagram user accounts "nowaydude555", "lisa_thomas04", "audrey_██████" and "jaysenia_malik".
- (2) Any and all communications to include photographs and data transmitted between the aforementioned accounts.
- (3) Any and all IP addresses used to access the aforementioned accounts.
- (4) Any and all Email addresses used to create and or access the aforementioned accounts.
- (5) Any and all user information not previously mentioned that would establish the owner of the aforementioned accounts.

The property hereinbefore described constitutes evidence which tends to demonstrate that the criminal offenses of Witness Tampering, violation of a court order, First Degree Kidnapping, and Child Abuse have been committed.

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

On or about 1/3/15 I, Detective M. Caldwell P#368 reviewed a report written by Officer J. Malone P#1456 HPD, report number LHP150102000656, which stated the following:

SW2015-0159
SW
Search Warrant
4868870



Exhibit D (2)

On 1/02/15 Malone was dispatched to [REDACTED] where he met with Kathryn Smith (01/22/79) mother of Jaysenia Torres [REDACTED].

Smith explained Torres is a victim in an active court case CC295158 wherein Melvyn Sprowson (DOB [REDACTED]) is the suspect. Sprowson is accused of kidnapping, child pornography production and child abuse.

Smith said she heard Torres scream "he found me." Torres showed Smith her iPod in which she had received several Instagram messages from username "audrey_[REDACTED]".

Torres stated she recently accepted a friend request from "audrey_[REDACTED]", without having knowledge of who the person was.

Torres sent "audrey_[REDACTED]" a message, "your name is the name I wanted to name my daughter and my birthday!!!"

"audrey_[REDACTED]" responded with, "is it or do we know someone in common;)." Torres responded by asking if "audrey_[REDACTED]" was "Mel?"

"audrey_[REDACTED]" responded with " :)"

In the following message "audrey_[REDACTED]" told her "it's me" and "[REDACTED]", which is Sprowson's birthdate.

Later "audrey_[REDACTED]" admits "It's me Mel", "I'll get in trouble if they find out I'm talking to you", "Please don't say anything to anyone."

"audrey_[REDACTED]" then makes mention of the fact they are in Oklahoma.

"audrey_[REDACTED]" sent several other messages about private issues, to include an argument about him giving her an STD.

Malone stated while he was taking the report "audrey_[REDACTED]" changed their username several times to the following "lisa_thomas04 and nowwaydude555".

Torres emailed screen shots of the messages to Malone, which were booked into evidence.

On 1/15/14 I, Detective M. Caldwell P#368, reviewed the messages between Torres as "jaysenia_malik", Melvyn Sprowson Jr. as "lisa_thomas04", "audrey_[REDACTED]" and nowaydude555."

The following messages contained information that establishes the probable user of the accounts as Melvyn Sprowson Jr:

audrey_[REDACTED]: "It's me Mel". "I am living in Oklahoma now". [REDACTED]

Exhibit D (3)

The account of audrey_6677 and lisa_thomas04 have the same profile picture and continue the conversation already begun.
The account "nowaydude555" also continues the conversation that had already begun.

Furthermore the different account names are consistent with Officer Malones observation at the time of report.

Based on the above information I believe Melvyn Sprowson Jr. is the owner/controller of the aforementioned accounts and did willfully violate a court order issued in (5/12/14) :

Sprowson is to have no access to the internet and or devices capable of accessing the internet.

Sprowson is to have no direct or indirect contact with children under the age of eighteen and or the victim's family. The underlying facts to the ongoing case where these orders come from are as follows:

Defendant, Melvyn Sprowson, is charged by way of Amended Criminal Complaint with the crimes of First Degree Kidnapping (Category A Felony – NRS 200.310, 200.320); Contributory Delinquency (Misdemeanor – NRS 201.110, 201.090); Child Abuse, Neglect, or Endangerment with Substantial Bodily Harm (Category B Felony – NRS 200.508(1)) and Obstructing a Public Officer (Misdemeanor – NRS 197.190). The victim is a minor female, hereinafter referred to as J.T. (DOB: [REDACTED]). The crimes occurred on or between August 30, 2013 and October 31, 2013.

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

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

On November 1, 2013, Officer Abbott went to Defendant's apartment to conduct and knock and talk. Officer Abbott knocked on the door of Defendant's apartment and recognized the juvenile female that opened the door as being the victim in this case.

Exhibit D(4)

Officer Abbott then contacted Sgt. Maciszak and informed him that the victim was at Defendant's residence.

Sgt. Maciszak and Detective Schell went to Defendant's residence and met with the victim, who informed them that she had run away from home because she did not like her mom's attitude. The victim began looking for roommates on Craigslist.com and came across an advertisement posted by Defendant. The victim began exchanging text messages with Defendant and a relationship started. On August 29, 2013, the victim text messaged the Defendant that she no longer wanted to live at her mom's house. Defendant picked the victim up from her mother's residence, without the consent of her parents, and took her to his apartment where she had been living ever since.

The victim indicated that she did not attend classes at school because she was listed as a runaway and she knew that if she went to school she would be taken back home. The victim further indicated that she and the Defendant talked about her going back to school when she was 18 years of age; and, discussed the idea of the victim becoming emancipated. The victim stated that her relationship with Defendant turned into a dating relationship and they both told each other "I love you." The victim further stated that she slept in the same bed with Defendant. Sgt. Maciszak and Detective Schell walked through the apartment and observed three rooms upstairs. One room was empty; another had a computer and printer; and, the master bedroom, which had a bed in it. The living room, kitchen, restroom and garage were all on the first floor.

Detectives Matt Caldwell and David Platt went to Wengert Elementary School to see if Defendant showed up for work. Upon learning that he had, Detective Platt asked to have Defendant brought up to the front office so that he could speak to him. Defendant told Detective Platt that he was not going to answer any questions that he had already answered the day before. Defendant further advised that he had never had contact with the victim's family or friends.

On November 8, 2013, Detectives Caldwell and Castro interviewed the victim's grandmother, Cheryl Smith and the victim's mother, Kathryn Smith. Cheryl Smith indicated that in the days prior to the victim leaving her behavior started to change. The victim's mother checked the victim's phone record and saw a number that she did not recognize. She tried calling the number but nobody answered. The day that the victim disappeared, the number was disconnected. The victim's mother researched the telephone number and found that it belonged to the Defendant. Both Cheryl and Kathryn continued to look for the victim, as well as speaking to her friends, the missing persons association and the police.

Cheryl further indicated that she and Kathryn went to the bank and checked the victim's account, where they discovered that Defendant had made a deposit in the amount of \$150.00.

When the victim was recovered and returned home to Cheryl and Kathryn she wanted to leave and go back to Defendant's house. The victim told them that she was in love with

Defendant and her demeanor was very agitated. Cheryl stated that Kathryn slept on the floor to block the front door so that the victim could not leave. The following day the victim was taken to Monte Vista Hospital as her behavior was irrational and she was threatening to harm herself.

While in the hospital, the victim told Cheryl that Defendant was not a bad person and she planned on staying at his house until she turned 18 so they could get married. The victim further stated that Defendant bought her board games and take out food nightly. The victim stated that Defendant became angry with her on one occasion when he could not see what she was doing on the computer. Defendant told the victim that if they were to be discovered he had \$30,000 and would come and get her. Defendant would only let the victim outside of the house at night and they would drive by the victim's house a lot. Defendant even went to Cheryl's work one night to order take-out food and check "the vibe" at her work.

The victim told Cheryl that Defendant would not permit the victim to sing or dance, and he told her that she "didn't talk right." The victim indicated that she had sexual relations with Defendant. While in treatment, the victim was diagnosed with an STD, which was transmitted to her by Defendant.

The weekend before the victim ran away, she was supposed to be at a friend's house. The victim's friend stated that she was with the victim at the mall in Boca Park and the victim told her that her uncle (Defendant) was going to pick her up because she had to baby sit.

The victim indicated that she had met Defendant online approximately one month before she ran away.

Cheryl indicated that while the victim and Kathryn were school shopping, Kathryn noticed a ring around the victim's neck and asked her about it. The victim gave a couple different stories about where the ring came from and Kathryn took the ring away from the victim. Cheryl and Kathryn later learned that Defendant purchased the ring from a friend who was going through a divorce for two thousand dollars. The ring was a white gold diamond solitaire. They took the ring to Jared and learned that it was internally flawless and that it had an IGA number. Cheryl and Kathryn took the ring Red Rock Jewelers on August 30, 2013, where they pawned it for \$450.00. Cheryl and Kathryn used the money to hire a private investigator to look for the victim. Kathryn was afraid the ring was stolen.

The victim told her mother that Defendant would sometimes give her alcohol and on one occasion she drank so much she could not walk.

On the victim's first day back home, she told her mother that she would rather kill herself than live with her mother. The victim stated that she wanted to go back to Defendant so that they could be together forever.

I further believe there is probable cause Instagram/Facebook will have the requested information at FaceBook/ Instagram 1601 Willow Road, Menlo Park CA 94025

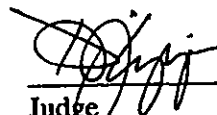
Your Affiant requests that Facebook/Instagram LLC be ordered not to disclose the existence of the above Search Warrant to wit: Proscribing the provider from in any way disclosing any information, directly or indirectly that might alert Melvyn Sprowson that a Search Warrant has been issued on his Instagram accounts because this may jeopardize the case and cause him to stop using and/or deactivate accounts.

This is an on-going investigation of child exploitation. If knowledge of the particular tactics and methods used to collect evidence were revealed, it could adversely affect the efficacy of the investigation targeted against Melvyn Sprowson and other potential related parties.

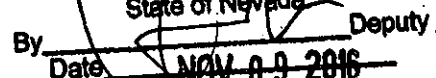
WHEREFORE, affiant requests that a Search Warrant be issued directing a search for and seizure of the aforementioned items at the location set forth herein.


Det. M. Caldwell P#368

Subscribed and sworn to before me this 15th day of January, 2015.


Judge

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

By  Deputy
Date NOV 09 2016

FILED

Exhibit D (7)

SW2015

0159

JUN 23 2 24 PM '15

SEARCH WARRANT
NRS 179.045

JUSTICE COURT
LAS VEGAS NEVADA

STATE OF NEVADA DEPUTY

COUNTY OF CLARK

) Melvyn Sprowson Jr
)

The State of Nevada, to any Peace Officer in the County of Clark. Proof having been made before me by Det. M. Caldwell, P#368, by Affidavit, incorporated by reference, that there is probable cause to believe that certain evidence, to wit:

Instagram user accounts "nowaydude555", "lisa_thomas04", "audrey_6697" and "jaysenia_malik".

Any and all communications to include photographs and data transmitted between the aforementioned accounts.

Any and all IP addresses used to access the aforementioned accounts.

Any and all Email addresses used to create and or access the aforementioned accounts.

Any and all user information not previously mentioned that would establish the owner of the aforementioned accounts.

Page 1 of 2

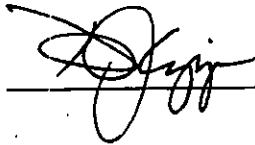
CCSDPD DR# 1311-05723

Exhibit D(8)

Facebook/ Instagram 1601 Willow Road, Menlo Park CA 94025, Instagram is owned by Facebook

As I am satisfied that there is probable cause to believe that said evidence is located as set forth above and based upon the Affidavit of Det. M. Caldwell P# 368 there are sufficient grounds for the issuance of this Search Warrant. You are hereby commanded to search said premises/vehicle for said property, serving this warrant **(between the hours of 7:00am and 7:00 pm)** and if the property is there to seize it and leave a written inventory and make a return before me within 10 days.

Endorsed this 15th day of January, 2015.



JUDGE

Page 2 of 2

CCSDPD DR# 1311-05723

CERTIFIED COPY
The document to which this certificate is attached
is a full, true and correct copy of the original
on file and of record in Justice Court of Las
Vegas Township, in and for the County of Clark,
State of Nevada.
By _____ Deputy
Date NOV 09 2016



Exhibit D (9)

SW2015

0159

CLARK COUNTY SCHOOL DISTRICT POLICE DEPARTMENT

Page 1 of 1

SEARCH & SEIZURE RETURN

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

DR# 1311-05723

JAN 23 2 24 PM '15

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

FACEBOOK / Instagram, 1601 Willow Road, Menlo Park CA 94025

DEPUTY

was executed on: 1/20/2015

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

Insatgram

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

Electronic records showing the IP and email Address of the user of accounts nowaydude555, lisa thomas04 and audrey_6697.

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

M. CALDWELL

OFFICER / AFFIANT

OFFICER

CERTIFIED COPY

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

By Date NOV 09 2015 Deputy

SW2015-0159

RD

Return Date (Officer Execution Date)

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EXHIBIT

E

1 is in compliance with NRS 179.045².

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 ² 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
or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and
naming or describing the person or place to be searched.
- 15 2. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection
16 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court may adopt rules not inconsistent
with the laws of this State to carry out the provisions of this subsection.
- 17 3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which
must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter
or by electronic means, transcribed, certified by the reporter if the reporter recorded it, and certified by the magistrate.
The statement must be filed with the clerk of the court.
- 18 4. Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given
pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be
unsealed.
- 19 5. After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under
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.
- 20 6. The warrant must be directed to a peace officer in the county where the warrant is to be executed. It must:
21 (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
22 (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.
- 23 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.
- 24 8. The warrant must designate the magistrate to whom it is to be returned.
- 25 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:
26 (a) No person other than the intended recipient receives the information;
27 (b) The identity of the sender of the information can be authenticated; and
28 (c) The information which is received by the intended recipient is identical to the information that was sent.

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EXHIBIT

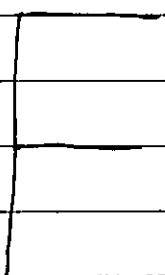


Exhibit F

Kristina Byrd

From: Michael Yohay
Sent: Monday, November 14, 2016 5:25 PM
To: Kristina Byrd
Subject: FW: C295158 - Sprowson

Can you please send a runner over to pick this up for me? Thanks.

From:
Sent: Thursday, November 10, 2016 3:26 PM
To: Michael Yohay
Cc: James Sweetin
Subject: re: C295158 - Sprowson

We have discovery available on this case, CCDA- SVU301 E Clark Ave, 9th flr.

Howard Conrad
Clark County District Attorney
Special Victims Unit
(7002) 671-2790

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EXHIBIT

G

DISCOVERY PROVIDED

STATE V. SPROWSON (C295158)

1. Copy of Certified Search Warrant, Affidavit and Return (SW20131957)
2. Copy of Certified Search Warrant, Affidavit and Return (SW20131958)
3. Copy of Certified Search Warrant, Affidavit and Return (SW20132044)
4. Copy of Certified Search Warrant, Affidavit and Return (SW20150159)

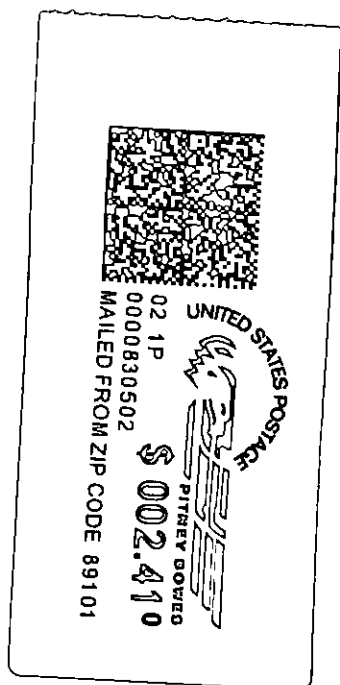
I ACKNOWLEDGE RECEIPT OF THE ABOVE DISCOVERY ON THE
BELOW REFERENCED DATE:

DATE: 11/14/16

RECEIVED BY: Sally Green

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

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



Ann L. Blum
CLERK OF THE COURT

1 APPL
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,
12 Plaintiff,

13 vs.

14 MELVYN P. SPROWSON, JR.,

15 (#5996049)

16 Defendant.

17

18 EX PARTE APPLICATION FOR
19 EXPERT WITNESS AND INVESTIGATOR
20 AND FUNDING THEREFOR

21

22 COMES NOW, MELVYN P. SPROWSON, JR.,
23 defendant, in proper person, and respectfully
24 requests from this Honorable Court the
25 assignment and funding of and for the
26 following expert witnesses for the defendant
in forma pauperis: an investigator, to
interview and subpoena witnesses, a
forensic expert to examine the defendant's

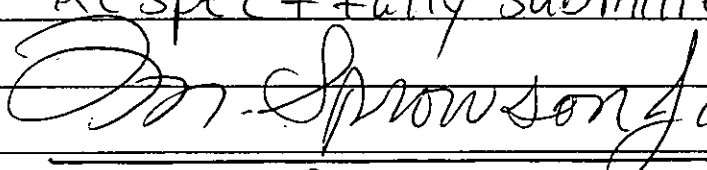
1 of 4

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RECEIVED
DEC 08 2016
CLERK OF THE COURT

1 Iphone 4, HP Pavilion Laptop, IBM Computer, the
2 victim's cellphone, and computer. The defendant
3 also requests an unbiased psychiatrist, to
4 evaluate and interview the victim,
5 Jaysenia Torres, whom is of legal age, being
6 19 years old, on behalf of the defendant.
7 The defendant request the expert witnesses
8 have a history of testifying for and behalf
9 of defendants to insure an unbiased
10 testimony. This Ex-Parte application is
11 made based upon all papers and pleadings on
12 file herein, the attached affidavit in
13 support hereof, and if a hearing is required,
14 any oral argument at the time of the
15 hearing on this matter, if deemed necessary
16 by this Honorable Court.

17 DATED this 5th day of December, 2016.

18
19 Respectfully submitted,
20 
21
22 MELVYN P. SPROWSON, JR.
23 Defendant, Proper Person
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AFFIDAVIT OF DEFENDANT

STATE OF NEVADA | SS.
COUNTY OF CLARK |

I, MELVYN P. SPROWSON, JR., defendant, in proper person, deposes and says:

1. That Affiant is a self-represented defendant, in the above entitled case # C-14-295158-1.

2. That Affiant makes this affidavit in support of the defendant's application for expert witnesses, an investigator, and funding therefor.

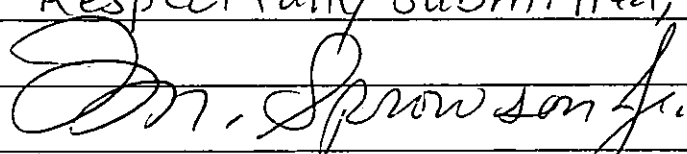
3. That the requested investigator, expert witnesses, and funding are necessary to insure the defendant a fair trial against the "state" and their expert witnesses.

4. That Affiant is indigent and in forma pauperis, and has no financial ability to fund the investigator, and expert witnesses.

5. That Affiant has been incarcerated at the Clark County Detention Center, since February 04, 2015 to present. Prior to that, from November 01, 2013 to May 04, 2014, having been released on bail, on the same case # C-14-295158-1

FURTHER, your Affiant sayeth naught.

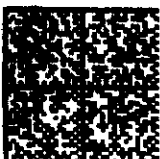
1
2 DATED this 5th day of December 2016. I
3 MELVYN P. SPROWSON, JR., do solemnly
4 swear, under penalty of perjury, that
5 the above statement is accurate,
6 correct, and true to the best of my
7 knowledge. NRS 176.102 and NRS 208.165.
8

9 Respectfully submitted,
10 
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12 MELVYN P. SPROWSON, JR.
13 Defendant, Proper Person
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M. Sprawson, JR. (5991049)
Clark County Detention Center
830 S. Casino Center Blvd.
Las Vegas, NV 89101

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

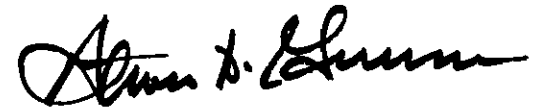


UNITED STATES POSTAGE
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LEGAL

SENT FROM CCDC



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 NOTICE OF REQUEST TO
WITHDRAW ORIGINAL RECORD OF SEARCH AND SEIZURE
WARRANTS AND DEFENDANT'S EX-PARTE APPLICATION
FOR EXPERT WITNESS AND FUNDING THEREFOR**

DATE OF HEARING: JANUARY 4, 2017
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 Notice of Request to Withdraw Original Record of Search and Seizure Warrants and Defendant's Ex-Parte Application for Expert Witness and Funding Therefor.

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.

//

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE 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 – NRS 200.700, 200.710(A)(B), 200.750). The crime
8 occurred on or about July 1, 2013 and November 1, 2013. The victim is J.T.

9 On December 9, 2016, Defendant filed a Notice of Request to Withdraw Original
10 Record of Search and Seizure Warrants and Ex-Parte Application for Expert Witness and
11 Investigator and Funding Therefor. The State's Opposition follows.

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

13 **I. Facts Regarding Defendant's Notice of Request to Withdraw Original Record**
14 **of Search and Seizure Warrants**

15 On September 20, 2016, Defendant filed a Motion for Discovery (of Original
16 Documents) in which he requested to inspect the original applications, affidavits, search
17 warrants and other papers attached therewith issued and filed with the Las Vegas Justice Court
18 in December 2013; among other things.

19 On October 21, 2016, the State filed its opposition noting specifically that Defendant
20 had previously been provided with the requested materials; and, in fact had used copies of
21 those materials as exhibits attached to his motion.

22 On November 4, 2016, Defendant filed a Response to the State's Opposition.

23 On November 2, 2016, the Court ordered the request for original search warrants
24 denied. Defendant requested the matter be continued for his response to the State's opposition
25 to reach the Court. The matter was continued.

26 On November 16, 2016, the State informed the Court that it had previously given
27 Defendant certified copies of the records requested. After extensive argument, the Court
28 denied defendant's motion.

1 **II. Facts Pertinent to Defendant’s Ex-Parte Application for Expert Witness and**
2 **Investigator and Funding Therefor**

3 In his Ex-Parte Application for Expert Witness and Investigator and Funding Therefor,
4 Defendant specifically requests “an unbiased psychiatrist, to evaluate and interview the victim,
5 J.T., who is of legal age, being 19 years old, on behalf of defendant.” *See*, Defendant’s Ex-
6 Parte Application, p. 2; lines 3-6.

7 As this Court may recall, on August 28, 2014, prior to Defendant’s self-representation,
8 counsel for Defendant, John Momot Esq., filed a Notice of Motion and Motion for Independent
9 Psychological/Psychiatric Examination of the Complaining Witness. On September 5,
10 2014, the State filed an Opposition.

11 On November 16, 2014, the Court denied Defendant’s Motion for Independent
12 Psychological/Psychiatric Examination of the Complaining Witness.

13 **LEGAL ARGUMENT**

14 The Eighth Judicial District Court has limited a defendant’s ability to raise the same
15 issues over, and over, again. In fact, matters that have been heard and disposed of shall not be
16 renewed in the same cause, nor shall such matters be reheard. EDCR 2.24.

17 Additionally, EJD CR 7.12 provides that a defendant cannot raise the same application,
18 motion, or petition which has been previously denied by the court unless the defendant gets
19 consent, in writing, from the judge who initially denied the application, motion, or petition.
20 Furthermore, in Hall v. State, 91 Nev. 314, 535 P.2d 797 (2000), the Nevada Supreme Court
21 stated that “[t]he law of a first appeal is the law of the case on all subsequent appeals in which
22 the facts are substantially the same”. Id., 91 Nev. 314, 315, 535 P.2d 797 (1975). *See also*,
23 Hogan v. Warden, 109 Nev. 952, 958, 860 P.2d 710, 715 (1993)

24 The Defendant in the instant case is attempting to revive the same issues presented
25 earlier in a Motion to Suppress Defendant’s Statement. Hall, *supra*, speaks specifically to this
26 type of action by stating “the law of the case cannot be avoided by a more detailed and
27 precisely focused argument subsequently made after reflection upon the previous
28 proceedings.” Id., at 316, 535 P.2d 797, 799.

1 If Defendant's position were to be embraced by this Court, any defendant who was
2 unhappy with a prior ruling of the court could simply file a successive motion on every
3 previously decided issue. This is the very core of the reason for the finality of decisions
4 embodied by EDCR 2.24 and EDCR 7.12. For these reasons Defendant's motion must be
5 denied.

6 The State has no position of the appointment of Expert Witness and Investigator
7 requested by this Defendant; however, the State opposes any reconsideration of a
8 psychiatric/psychological examination of J.T. First, because such a request has previously
9 been denied by this Court. Additionally, NRS 50.700 is now controlling and states:

10 1. In any criminal or juvenile delinquency action relating to the
11 commission of a sexual offense, a court may not order the victim
12 of or a witness to the sexual offense to take or submit to a
psychological or psychiatric examination.

13 2. The court may exclude the testimony of a licensed
14 psychologist, psychiatrist or clinical worker who performed a
psychological or psychiatric examination on the victim or witness
if:

15 (a) There is a prima facie showing of a compelling need for an
16 additional psychological or psychiatric examination of the victim
or witness by a licensed psychologist, psychiatrist or clinical
17 worker; and

18 (b) The victim or witness refuses to submit to an additional
19 psychological or psychiatric examination by a licensed
psychologist, psychiatrist or clinical worker.

20 3. In determining whether there is a prima facie showing of a
21 compelling need for an additional psychological or psychiatric
examination of the victim or witness pursuant to subsection 2, the
court must consider whether:

22 (a) There is a reasonable basis for believing that the mental or
23 emotional state of the victim or witness may have affected his or
her ability to perceive and relate events relevant to the criminal
24 prosecution; and

25 (b) Any corroboration of the offense exists beyond the testimony
of the victim or witness.

26 4. If the court determines there is a prima facie showing of a
27 compelling need for an additional psychological or psychiatric
examination of the victim or witness, the court shall issue a factual
28 finding that details with particularity the reasons why an additional

1 psychological or psychiatric examination of the victim or witness
2 is warranted.

3 5. If the court issues a factual finding pursuant to subsection 4 and
4 the victim or witness consents to an additional psychological or
5 psychiatric examination, the court shall set the parameters for the
6 examination consistent with the purpose of determining the ability
7 of the victim or witness to perceive and relate events relevant to
8 the criminal prosecution.

9 6. As used in this section, "sexual offense" includes, without
10 limitation:

11 (a) Sexual assault pursuant to NRS 200.366;

12 (b) Statutory sexual seduction pursuant to NRS 200.368;

13 (c) Battery with intent to commit sexual assault pursuant to NRS
14 200.400;

15 (d) Abuse of a child pursuant to NRS 200.508, if the abuse
16 involved sexual abuse or sexual exploitation;

17 (e) An offense involving pornography and a minor pursuant to
18 NRS 200.710 to 200.730, inclusive;

19 (f) Incest pursuant to NRS 201.180;

20 (g) Open or gross lewdness pursuant to NRS 201.210;

21 (h) Indecent or obscene exposure pursuant to NRS 201.220;

22 (i) Lewdness with a child pursuant to NRS 201.230;

23 (j) Sexual penetration of a dead human body pursuant to NRS
24 201.450;

25 (k) An offense involving the administration of a drug to another
26 person with the intent to enable or assist the commission of a
27 felony pursuant to NRS 200.405, if the felony is an offense listed
28 in this section;

(l) An offense involving the administration of a controlled
substance to another person with the intent to enable or assist the
commission of a crime of violence pursuant to NRS 200.408, if
the crime of violence is an offense listed in this section;

(m) Luring a child or a person with mental illness pursuant to
NRS 201.560;

(n) An offense that is found to be sexually motivated pursuant to
NRS 175.547 or 207.193;

(o) Pandering of a child pursuant to NRS 201.300;

//

1 (p) Any other offense that has an element involving a sexual act
2 or sexual conduct with another person; or

3 (q) Any attempt or conspiracy to commit an offense listed in this
4 subsection.

5 Emphasis added.

6 CONCLUSION

7 Based upon the aforementioned Points and Authorities, the State respectfully requests
8 that this Court deny Defendant's Notice of Request to Withdraw Original Record of Search
9 and Seizure Warrants and Ex-Parte Application for the Appointment of an Expert Witness and
10 Investigator and Funding Therefor to the extent that Defendant should not be entitled to an
11 expert to perform a psychological examination or interview of victim. The State leaves
12 Defendant's request for the appointment of an investigator and computer forensic expert to the
13 Court's discretion.

14 DATED this 14th day of December, 2016.

15 Respectfully submitted,

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

19 BY /s/ JAMES R. SWEETIN
20 JAMES R. SWEETIN
21 Chief Deputy District Attorney
22 Nevada Bar #005144
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CERTIFICATE OF SERVICE

I, hereby certify that service of the above and foregoing, was made this 9th day of
December, 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

Alvin L. Blum
CLERK OF THE COURT

RSPN
MELVYN P. SPROWSON, JR.

CCDC

330 S. Casino Center Blvd.

Las Vegas, NV 89101

Defendant, Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

MELVYN P. SPROWSON, JR.,

(#5996049)

Defendant.

Case No. C-14295158-1

Dept. No. XXIII

Hearing Date: 01-04-2017

Time: 9:30 am

RESPONSE TO STATE'S OPPOSITION TO
DEFENDANT'S MOTION TO WITHDRAW THE
ORIGINAL RECORD OF SEARCH AND SEIZURE
WARRANTS IN THE DISTRICT COURT

COMES NOW, MELVYN P. SPROWSON, JR.,
defendant in proper person, and responds to the
"State's" Opposition to the defendant's MOTION TO
WITHDRAW THE ORIGINAL SEARCH AND SEIZURE
WARRANTS IN DISTRICT COURT. The "State" contends
that the defendant's motion should be denied
because EDCR 7.12 does not allow a motion or

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1 matter to be reheard without the consent in
2 writing from the Judge. HOWEVER, the
3 defendant's motion is about new and different
4 documents that Mr. Sweetin provided to the
5 defendant on November 16, 2016, based upon a
6 different argument, and for a different set
7 of facts, which makes it an entirely different
8 motion. The only issue and matter that even comes
9 close to the defendant's motion for discovery, is
10 the "State's" continuous lies to this Honorable Court,
11 which should be reheard. If the "State" is going
12 to continue to lie to this court, then the defendant
13 is going to continue to point it out. Thus, EDCR 7.12
14 does not apply to the defendant's motion and has
15 no legal basis.

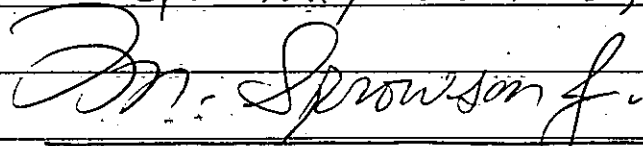
16 In addition, the "State" further argues that EDCR
17 2.24 does not allow a Judicial Review except as
18 prescribed. Again, the "State" is mistaken, the
19 defendant is not seeking a Judicial Review of any
20 previous motion or expanding upon one, but is
21 addressing different documents, based upon a
22 different argument, and for a different set of
23 facts. The "State" is milking a dry cow here,
24 with their straw man argument. EDCR 2.24 simply
25 does not apply and the "State's" arguments have no
26 basis in law in reference to the defendant's motion.

27 This response is based upon all papers and pleadings
28 on file herein, the attached Memorandum of Points

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

4 DATED this 19th day of December, 2016.

5
6 Respectfully submitted,

7 
8

9 MELVYN P. SPROWSON, JR.

10 Defendant, Proper Person

11
12 MEMORANDUM OF POINTS AND AUTHORITIES

13
14 I. HISTORY

15 On March 16, 2016, the defendant filed a
16 THIRD MOTION TO SUPPRESS EVIDENCE with
17 documents purporting to be certified copies of two
18 search and seizure warrants that were attached and
19 listed as exhibits A and B.

20 Then on September 20, 2016, the defendant filed
21 a motion for discovery to view the original documents
22 that were filed in the month of December 2013 in
23 the Las Vegas Justice Court for all applications, affidavits,
24 and search and seizure warrants. The defendant referred
25 specifically to exhibits A and B that were attached
26 to his THIRD MOTION TO SUPPRESS EVIDENCE.

27 Next, on November 02, 2016, the defendants'
28 motion for discovery was denied, but this Court

1 did order the "state" through James Sweetin,
2 to provide current certified copies of any
3 search and seizure warrants.

4 On November 16, 2016, the defendant received
5 four purported certified copies of search and
6 seizure warrants provided by James Sweetin. It
7 is important to note, that these purported certified
8 copies of search and seizure warrants differed
9 from the purported certified copies attached
10 as exhibits A and B in the defendant's THIRD
11 MOTION TO SUPPRESS EVIDENCE. A total of
12 four purported search and seizure warrants were
13 provided, as two additional warrants were added.

14 This difference between the two new purported
15 certified copies now attached as exhibits A and
16 B in this response's original motion and the attached
17 exhibits A and B of the defendant's THIRD MOTION
18 TO SUPPRESS EVIDENCE prompted the defendant
19 to file on December 09, 2016 a new motion
20 about the different documents, based on a different
21 argument, and for a different set of facts. Plainly
22 stated, "You can not have two separate documents"
23 purporting to be the same certified copies from
24 the same Justice Court Original, that have a
25 clear cut difference, making them different
26 documents altogether. The original and all the
27 certified copies must be the same or else they
28 are fraudulent.

1 The defendant now offers the following
2 contrast between his motion for discovery
3 and this response's original motion.
4

5 II. LEGAL ARGUMENT

6
7 The defendant's motion for discovery filed on
8 September 20, 2016, requested the Original of
9 all applications, affidavits, and search and seizure
10 warrants that were applied for and filed in the
11 month of December 2013, to prove that the
12 record was actually made based upon questions
13 of authenticity of exhibits A and B in the defendant's
14 THIRD MOTION TO SUPPRESS EVIDENCE. The defendant
15 argued that the originals did not exist.

16 In CONTRAST, the defendant's original motion
17 of this response is about different documents,
18 based upon a different argument, and for a
19 different set of facts.

20 First, the new purported certified copies of
21 the purported search and seizure warrants attached
22 and listed as exhibit A and B of this response's
23 original motion differ from the exhibits A and
24 B of the defendant's THIRD MOTION TO
25 SUPPRESS EVIDENCE. They purportedly are
26 the same documents, but the new purported
27 search and seizure warrants given to the
28 defendant on November 16, 2016, now have a

1 search and seizure label on the bottom of the
2 pages, whereas, the old purported search and
3 seizure warrants from the defendant's THIRD
4 MOTION TO SUPPRESS EVIDENCE, lack that
5 search and seizure label. Keep in mind they
6 both are supposed to be exactly the same
7 certified copy from the same original in Justice
8 Court as indicated by the Justice Court certified
9 stamp on both (see exhibits A of this response's
10 original motion and the attached exhibit H). The
11 bottom line is, because of the search and seizure
12 label, the documents now must be considered
13 different documents, and the new documents
14 are what this response's original motion is
15 about.

16 Second, it is the defendant's position and he
17 argues in this response's original motion that the
18 "State" did not give the defendant certified
19 copies of all search and seizure warrants as
20 ordered by this Court and the defendant
21 merely respectfully requested for a different
22 reason, from this Honorable Court the original
23 documents to confirm to this Honorable Court,
24 what Jacqueline Bluth, James Sweetin, and
25 the defendant already know. The purported
26 search and seizure warrants handed over to the
27 defendant on November 16, 2016 are fraudulent.
28 The defendant now restates from this

1 responses original motion the following
2 irrefutable set of facts.

3 Irrefutable fact #1, since the new purported
4 search and seizure warrants given to the defendant
5 on November 16, 2016 have a certified copy
6 stamp dated November 09, 2016 from Justice
7 court and this court and the "State" confirmed
8 to the defendant that the original record is no
9 longer in Justice court, but in the district
10 court vault, at least the numbers are, how can
11 Justice court issue a certified copy of an
12 original that they no longer have? They can not,
13 therefore, the purported documents must be
14 fraudulent.

15 Irrefutable fact #2, since this court and the
16 "State" confirmed to the defendant that the
17 original search and seizure warrant numbers are
18 now in the district court vault, and all papers,
19 documents, and exhibits in the district court
20 vault are filed with the district court, and
21 bear a filed stamp, the new purported search
22 and seizure warrants provided to the defendant
23 on November 16, 2016 must be fraudulent, because
24 they have no district court filed stamp, which
25 indicates that they are not filed with the district
26 court, as they must be (November 09, 2016 Justice court
27 stamp) to be in the district court vault.

28 Irrefutable fact #3, exhibits A and B

7 of 11

1 from the defendants' THIRD MOTION TO
2 SUPPRESS EVIDENCE are clearly different
3 from the exhibits A and B of this response's
4 original motion, which contain a search and
5 seizure warrant label on them. The problem
6 here is that both sets of exhibits A and B
7 purport to be the same certified copies of
8 the original on file in Justice Court. This can
9 not be since it is impossible to have differing
10 certified copies of the same original, and the
11 only conclusion that can be reached is that the
12 purported certified copies are fraudulent.

13 Third, the "State's" confusion arises from the
14 fact that the defendant in both his motion for
15 discovery and this response's original motion use the
16 same laws, such as EDCR 7.28, NRS 52.235, and
17 NRS 52.245(a), to support the motions arguments.
18 Again, the motions are different, and just
19 because they use the same authorities, does
20 not make them the same motion or matter, and
21 as already pointed out, this response's original
22 motion is about different documents, based upon
23 a different argument, and for a different set
24 of facts. Just because two shirts are green,
25 does not make them the same shirt.

26 Fourth, the "State" inappropriately included the
27 defendant's Ex-parte application for expert
28 witnesses and funding therefor. The defendant

1 filed and mailed this Ex-Parte application
2 Separately from this response's original
3 motion and therefore, the defendant's
4 Ex-Parte application should be treated
5 and addressed separately.

6 Last, the "State" failed to reply to any
7 of this response's original motion content,
8 nor did they admit as lawfully requested by
9 the defendant that the purported search and
10 seizure warrants as a whole are genuine.
11 No doubt, the "State" can not answer the
12 defendant's motion and will not admit to what
13 they know to be true, that the purported search
14 and seizure warrants are fraudulent as proven
15 by the defendant's motion, and the fraudulent
16 search and seizure warrants themselves.

17 18 III CONCLUSION

19
20 This response's original motion is about
21 entirely different documents, based upon an
22 entirely different argument, and for an
23 entirely different set of facts. The defendant
24 should not be penalized, because the "State's"
25 philosophical belief that the end justifies the
26 means! The "State" has forged documents
27 and just because it is assumed to hold the
28 highest level of integrity, does not mean

1 that they always do so. The irony of it
2 all is, that the "state" is supposed to
3 protect rights; yet they have been the
4 biggest proponent of violating them.
5 Therefore, in order to prevent injustice
6 from prevailing, the defendant's motion
7 must be granted, so that this Honorable
8 Court will finally see and confirm, that
9 the defendant is speaking the truth and
10 the "state" has not.

11
12 Respectfully submitted,

13 M. Sprowson Jr.
14

15 MELVYN P. SPROWSON, JR.

16 Defendant, Proper Person
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1
2 CERTIFICATE OF SERVICE

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4
5 I certify that on December 21,
6 2016, the defendant, mailed via the US
7 mail the foregoing Response to the "State's"
8 Opposition to the Defendant's Motion to Withdraw
9 the Original Record of Search and Seizure
10 Warrants in the District Court to:

11
12 James Sweetin
13 Office of the District Attorney
14 200 Lewis Avenue
15 P.O. Box 552212
16 Las Vegas, NV 89155-2212

17
18 By: M. Sprouson Jr.
19 MELUYN P. SPROUSON, JR.
20 Defendant, Proper Person
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EXHIBIT

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H

("Exhibit A" (1)) Exhibit H (1)
example copy

SW2013

1457

FILED

13F178414

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

Dec 10 3 26 PM '13

C.A.W.C.

bluty

STATE OF NEVADA)

)

ss: Melvyn Perry Sprowson Jr.

BY

JUSTICE COURT
LAS VEGAS NEVADA

DEPUTY

COUNTY OF CLARK)

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

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

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

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

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

(Exhibit A (3) ") Exhibit H(2)
example copy

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

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


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

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

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

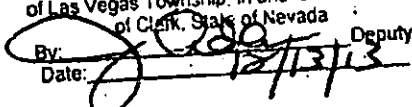

AFFIANT JEFF SCHELL

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


JUDGE

Reviewed by:

Deputy District Attorney

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

987-992

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Ann L. Lamm
CLERK OF THE COURT

1 AFFT

2 MELVYN P. SPROWSON, JR.

3 CCDC

4 330 S. Casino Center Blvd.

5 Las Vegas, NV 89101

6 Defendant, Proper Person

8 AFFIDAVIT TO DISQUALIFY JUDGE
9 STEFANY A. MILEY FOR BIAS AND
10 MISCONDUCT

11 NRS 1.235

13 STATE OF NEVADA

14 SS: Case NO. C-14-295158-1

15 COUNTY OF CLARK

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

20 1. That Affiant is filing this affidavit
21 pursuant to NRS 1.235 Procedure for disqualifying
22 Judges other than supreme court justices or
23 Judges of the Court of Appeals;

24 2. That Affiant is filing this affidavit in
25 good faith and not interposed for delay;

26 3. That Affiant offers the following examples
27 of bias and misconduct committed by Judge
28 Stefany A. Miley in the course of the

1 of 5

defendant's case # C-14-295158-1 :

(A) EDCR 3.20 motions. The Judge on at least two occasions allowed the "state" unfairly to file their opposition past the 7-day deadline without just cause. As much as 16 days on one hearing. The defendant's motions both had lawful merit and entitled to be granted, yet the Judge favored the "state." This is an unfair advantage for the "state."

(B) Revised Nevada Code of Judicial Conduct "Hereafter, (RNCJC)" Canon 2, Rule 2.2 Impartiality and Fairness; Rule 2.3 Bias, Prejudice and Harassment; Rule 2.4 External Influences on Judicial Conduct. On October 21, 2015, Judge Miley allowed the "state" to unlawfully submit an exhibit of a copy of a purported search and seizure warrant under seal into the district court vault to pose as an original.

The defendant on October 12, 2015 during a hearing questioned that there were any search warrants on file, because none could be found filed in either the defendant's justice or district court files. This copy of the search and seizure warrant submitted by the "state" has a sticker on the bottom stating, "Defendant exhibit A", yet the defense never submitted it. In fact, the defendant never was given an opportunity

1 to oppose its submission by the "state", and
2 the exhibit was not part of any hearing.

3 To this date no search and seizure warrants
4 for the defendant can be found filed in any
5 court. This is an unlawful cover-up by the
6 "state" and with the full knowledge of Judge
7 Stefany Miley. Not only is this unlawful, but
8 extremely unfair to the defendant, for
9 Judge Miley to allow the "state" to alter
10 the official record in order to mask their
11 impropriety.

12 (C) (RNCJC) Canon 2, Rule 2.6 Ensuring
13 the Right to Be Heard. During the course of the
14 defendant's hearings on motions, the defendant
15 exercising his lawful right to argue orally, was
16 immediately shut down and not allowed to voice
17 his arguments for the record. The marshal was
18 prompted to intimidate the defendant to
19 remain silent. On the other hand, the "state"
20 was allowed as much time as they needed.

21 (D) (RNCJC) Canon 2, 2.6 Ensuring the Right
22 to Be Heard. The Judge does not allow the
23 defendant his lawful right to object to rulings
24 and opposing arguments, in order to preserve the
25 record. Once again, Judge Miley gives the "state"
26 this advantage unfairly.

27 (E) (RNCJC) Canon 2, Rule 2.9 Ex Parte
28 Communications. On several hearing dates, the

1 defendant observed, the "State" engage in
2 ex parte communication with the Judge Miley,
3 unfairly. Prior to the hearings, the "State"
4 was allowed to discuss the matter apart
5 from the defense, and without any knowledge
6 as to the discussion. This gives the "State"
7 access to the Judge unfairly, as the defendant
8 is not allowed to oppose or challenge what the
9 "State" has said. On these occasions the
10 defendant's case was the case for the "State"
11 in that court. This has been an ongoing practice,
12 once again to the disadvantage to the defendant.
13 4. That for the reasons set forth above,
14 the Court is requested to disqualify Judge
15 Stefany A. Miley, as the defendant is
16 entitled and guaranteed by the 6th
17 amendment of the US Constitution a fair
18 and impartial Judge, not to mention trial.
19

20 FURTHER, your Affiant sayeth naught.
21
22
23

24 DATED this 19th day of January 2017.
25 I MELVYN P. SPROWSON, Jr., do solemnly
26 swear under penalty of perjury,
27 that the above statement is accurate,
28 correct, and true to the best

4 of 5

1 of my Knowledge. NRS 171.102 and NRS
2 208.165.

3
4 Respectfully submitted,
5 M. Sprowson Jr.
6 MELVYN P. SPROWSON, JR.
7 Defendant, Proper Person
8
9

10 CERTIFICATE OF SERVICE
11

12 I hereby certify that on January 20, 2017,
13 I served Judge Stefany A. Miley with a
14 copy of the foregoing Affidavit to
15 disqualify pursuant to NRS 1.235 to:
16

17 Judge Stefany A. Miley
18 Regional Justice Center,
19 Department 23
20 200 Lewis Avenue
21 Las Vegas, NV 89155
22

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

8

1 AFFT

2 MELVYN P. SPROWSON, JR.

Alvin L. Lamm

NC

3 CCDC

CLERK OF THE COURT

PP

4 330 S. Casino Center Blvd

DA

5 Las Vegas, NV 89101

MR

6 Defendant, Proper Person

PD

7
8 AFFIDAVIT TO DISQUALIFY JUDGE
9 STEFANY A. MILEY FOR BIAS AND

RECEIVED

MISCONDUCT

JAN 3 2017

NRS 1.235

CLERK OF THE COURT

13 STATE OF NEVADA

15 COUNTY OF CLARK

SS: Case NO: C-14-295158-1

17 MELVYN P. SPROWSON, JR., being duly
18 sworn, deposes and says:
19

20 1. That Affiant is filing this affidavit
21 pursuant to NRS 1.235 Procedure for disqualifying
22 judges other than Supreme court justices or
23 Judges of the Court of appeals;

24 2. That Affiant is filing this Affidavit in
25 good faith and not interposed for delay;

26 3. That Affiant offers the following examples
of bias and misconduct committed by Judge
Stefany A. Miley in the course of the

1 of 5

CLERK OF THE COURT
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1 defendant's case # C-14-295158-1.

2
3 (A) EDCR 3.20 Motions. The Judge on at least
4 two occasions allowed the "State" unfairly to
5 file their opposition past the 7-day deadline
6 without just cause. As much as 16-days
7 on one hearing. The defendant's motions both
8 had lawful merit and entitled to be granted, yet
9 the Judge favored the "State". This is an unfair
10 advantage for the "State".

11 (B) Revised Nevada Code of Judicial Conduct
12 "Hereafter, (RNCJC)" Canon 2, Rule 2.2 Impartiality
13 and Fairness; Rule 2.3 Bias, Prejudice and Harassment;
14 Rule 2.4 External Influences on Judicial conduct.
15 On October 21, 2015, Judge Miley allowed the
16 "State" to unlawfully submit an exhibit of a
17 copy of a purported search and seizure warrant
18 under seal into the district court vault to
19 pose as an original.

20 The defendant on October 12, 2015 during
21 a hearing questioned that there were any search
22 warrants on file, because none could be found
23 filed in either the defendant's justice or district
24 court files. This copy of the search and seizure
25 warrant submitted by the "State" has a sticker
26 on the bottom stating, "Defendant exhibit A",
27 yet the defense never submitted it. In fact,
28 the defendant never was given an opportunity

1 to oppose its submission by the "state"; and
2 the exhibit was not part of any hearing.

3 To this date no search and seizure warrants
4 for the defendant can be found filed in any
5 court. This is an unlawful cover-up by the
6 "State" and with the full knowledge of Judge
7 Stefany Miley. Not only is this unlawful, but
8 extremely unfair to the defendant, for
9 Judge Miley to allow the "State" to alter
10 the official record in order to mask their
11 impropriety.

12 (C) (RNCJC) Canon 2, Rule 2.6 Ensuring
13 the Right to Be Heard. During the course of the
14 defendant's hearings on motions, the defendant
15 exercising his lawful right to argue orally, was
16 immediately shut down and not allowed to voice
17 his arguments for the record. The marshal was
18 prompted to intimidate the defendant to
19 remain silent. On the other hand, the "State"
20 was allowed as much time as they needed.

21 (D) (RNCJC) Canon 2, 2.6 Ensuring the Right
22 to Be Heard. The Judge does not allow the
23 defendant his lawful right to object to rulings
24 and opposing arguments, in order to preserve the
25 record. Once again, Judge Miley gives the "State"
26 this advantage unfairly.

27 (E) (RNCJC) Canon 2, Rule 2.9 Ex Parte
28 Communications. On several hearing dates, the

defendant observed, the "State" engage in
ex-parte communication with the Judge Miley,
unfairly. Prior to the hearings, the "State"
was allowed to discuss the matter apart
from the defense, and without any knowledge
as to the discussion. This gives the "State"
access to the Judge unfairly, as the defendant
is not allowed to oppose or challenge what the
"State" has said. On these occasions the
defendants' case was the case for the "State"
in that court. This has been an ongoing practice,
once again to the disadvantage to the defendant.
4. That for the reasons set forth above,
the court is requested to disqualify Judge
Stefany A. Miley, as the defendant is
entitled and guaranteed by the 6th
amendment of the US Constitution a fair
and impartial Judge, not to mention trial.

Further, your Affiant sayeth naught.

DATED this 19th day of January 2017.
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.

Defendant, Proper Person

CERTIFICATE OF SERVICE

I hereby certify that on January 30 2d7,
I served Judge Stefany A. Miley with a
copy of the foregoing Affidavit to
disqualify pursuant to NRS 1.235 to:

Judge Stefany A. Miley
Regional Justice Center
Department 23
200 Lewis Avenue
Las Vegas, NV 89155

By: M. Sprowson Jr

MELVYN P. SPROWSON, JR.

Defendant, Proper Person

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

1.19



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

LEGAL

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SENT FROM CCDC

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

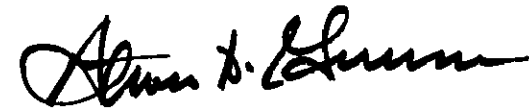
vs.

MELVYN P. SPROWSON, JR., ID 5996049,

Defendants

Case No. C-14-295158-1

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CLERK OF THE COURT

AFFIDAVIT OF
THE HONORABLE STEFANY A. MILEY
EIGHTH JUDICIAL DISTRICT COURT
DEPARTMENT 23

STATE OF NEVADA)

COUNTY OF CLARK)

STEFANY A. MILEY, being first duly sworn, deposes and says: I am the District Court Judge randomly assigned to hear the matter of *State of Nevada v. Melvyn Sprowson, Jr.*, ID 5996049, *Case C-14-295158-1*. I have presided over several motions in the above case, with the first motion being heard on April 14, 2014 and the last hearing being heard on January 9, 2017. This case is set for trial on March 20, 2017, at 1:00 pm.

I am competent to testify and have personal knowledge of the facts stated herein.

1. That I am responding to the *Defendant's Affidavit to Disqualify Judge Stefany A. Miley for Bias and Misconduct*, which has not, as of writing, been filed in the case.
2. That on Friday, January 20, 2017, at approximately 4:30 p.m., one (1) courtesy copy of the *Defendant's Affidavit to Disqualify Judge Stefany A. Miley for Bias and Misconduct* was hand-delivered to Department 23 by Defendant's investigator, Rick Franky, on the 12th floor at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV 89101.

///

1 3. Pursuant to NRS §1.235(5)(b), I am required to file an answer denying or admitting the
2 allegations in the affidavit requesting my recusal for cause within 2 judicial days of being served.

3 4. That I have no personal bias toward the parties in this action and have made every
4 decision in this matter based upon the facts as they were presented in court. I believe that
5 NRS §1.230(1)(A) requires Defendant, Melvyn Sprowson, Jr., to demonstrate actual or implied
6 bias against him, or in favor of the State of Nevada. I do not know Melvyn Sprowson, Jr., or any
7 of the attorneys involved in this case, outside the court proceedings. My sole dealings with the
8 Defendant, Melvyn Sprowson, Jr., relate to the litigation in Department 23 of the Eighth Judicial
9 District Court.

10 5. That I have no personal bias toward the Defendant, Melvyn Sprowson, Jr. I do not
11 believe that Defendant, Melvyn Sprowson, Jr., has demonstrated any actual bias toward either
12 party in this action, and in particular, against himself.

13 6. That I do not have any actual bias against or favoritism for the Plaintiff, The State of
14 Nevada, or for its attorneys, Jacqueline Bluth, Esq. and James Sweetin, Esq.

15 7. That I do not have any bias against or favoritism toward the Defendant's standby counsel,
16 Michael Yohay, Esq., for any past cases he may have had in my department.

17 8. That I have reviewed the Affidavit of Melvyn Sprowson, Jr. I do not see any evidence
18 from Melvyn Sprowson, Jr., indicating that I am biased in this action.

19 9. That at all times during the court proceedings, I have abided by the Nevada Code of
20 Judicial Conduct and its canons and I have treated all parties with the utmost respect and
21 fairness.

22 10. That I have considered oppositions filed beyond the 7 judicial day period as I am allowed
23 to do under the permissive language of EDCR 3.20(c).

24 11. That I have never declined to consider any oppositions filed by Defendant, Melvyn
25 Sprowson, Jr., regardless of whether they were filed on time.

26 12. That the copies of the search and seizure warrants currently lodged with the District
27 Court vault were lodged there for ease of access due to the challenges to their validity repeatedly
28 made by Defendant.

1 13. That the copies of the search and seizure warrants currently lodged with the District
2 Court vault were never stated to be "originals" or made to "pose as an original" in any way.

3 14. That the policy of the Eighth Judicial District Court is to be "paperless" in that once a
4 document is initially scanned by the clerk's office, and the digital scan is confirmed to be
5 identical to the physical paperwork, the physical paperwork is eventually destroyed and the
6 digital copy on file with the Court is then considered to be the "original."

7 15. That because of this policy and process, the only way to view an "original" of the search
8 and seizure warrants would be to request and obtain certified copies from the clerk's office.

9 16. That Defendant, Melvyn Sprowson, Jr., has been informed he may obtain them from the
10 Justice Court Records Department if he chooses to do so.

11 17. That the Court has confirmed with a representative of the Justice Court Records
12 Department that the search and seizure warrants relevant to this case, SW2003 1957, SW2003
13 1958, and SW2003 2044, are in fact on file with the Justice Court Records Department, although
14 they were not filed in the Justice Court case. Rather, they are filed by warrant number. There is
15 no requirement that the warrants be filed in the Justice Court *case*, and such a requirement would
16 be impracticable because in general search and seizure warrants are executed and returned before
17 any Justice Court case related to the warrants is ever opened.

18 18. That Defendant has been specifically informed of each of the above pieces of information
19 regarding the court records system.

20 19. That the COURT observed the State of Nevada attempt to provide the Defendant, Melvyn
21 Sprowson, Jr., with embossed, certified copies of the search and seizure warrants, but Defendant
22 rejected and returned them without explanation.

23 20. That the Defendant, Melvyn Sprowson, Jr., has repeatedly expressed to the COURT his
24 belief that the search and seizure warrants mentioned above are fraudulent or in some way
25 invalid, but has never presented any actual evidence showing fraud or invalidity.

26 21. That if the COURT had any actual evidence showing that an investigator, officer, or any
27 other representative of the State of Nevada had falsified documents, the COURT would order
28 appropriate remedial measures. This would include excluding all evidence obtained pursuant to

1 any fraudulent or invalid search and seizure warrants, consistent with the requirements of the
2 U.S. Constitution, if the warrants had ever been shown to be fraudulent or invalid.

3 22. That the COURT has been presented no actual evidence of any "unlawful cover-up," and
4 furthermore, has no independent knowledge of any "cover-up."

5 23. That the COURT has always allowed Defendant ample time to argue and make his
6 record. On several occasions, the COURT has entertained redundant argument from Defendant,
7 Melvyn Sprowson, Jr., to allow the Defendant the ability to make a record.

8 24. That the Court has stopped Defendant, Melvyn Sprowson, Jr., from continuing to make
9 redundant argument, particularly after the COURT had already issued its oral decision.

10 25. That the Court Marshal instructed Defendant, Melvyn Sprowson, Jr., to stop speaking
11 when Defendant continued speaking after the COURT had issued its ruling and indicated the
12 hearing had ended.

13 26. That if the State of Nevada had continued to make redundant argument despite the
14 COURT's indication that the hearing had ended and thus the parties should stop arguing, the
15 COURT would have instructed the State to end argument as well.

16 27. That the COURT has allowed Defendant, Melvyn Sprowson, Jr., ample time to disagree
17 with and object to its rulings, and Defendant has in fact strenuously done so, although the
18 COURT disagrees with Defendant's arguments and objections. As stated above, the COURT or
19 the Court Marshal has instructed Defendant to stop arguing if the argument was redundant and/or
20 the COURT had already made its ruling.

21 28. That the COURT has entertained bench conferences at some hearings. Defendant,
22 Melvyn Sprowson, Jr., is representing himself in this case, but because he is incarcerated in the
23 Clark County Detention Center, he is not able to approach the bench. Therefore, his standby
24 counsel, Michael Yohay, Esq., does so in Defendant's place.

25 29. That the COURT has never entertained improper ex parte communications. The contents
26 of any communications made to the COURT outside of the presence of either party have been
27 communicated to all parties as soon as possible.

28 ///

1 30. That each case presented to Department 23 is decided on a case by case basis and on
2 the facts as presented in the matter. The court orders in case C-14-295158-1, State of Nevada vs
3 Melvyn Sprowson, Jr., are based on factual determinations that the COURT reached and the
4 proper course to challenge such decisions is to file a Motion for Reconsideration or an appeal
5 with the Nevada Supreme Court.

6 31. That I believe every action I have taken in case C-14-295158-1 has been based on the
7 facts and evidence of the case, as presented to the COURT.

8 32. That I do not believe that I have an actual or implied bias against the Defendant, Melvyn
9 Sprowson, Jr., or his standby counsel, Michael Yohay, Esq., in case number C-14-295158-1, nor
10 do I believe that I have an actual or implied bias against, or that I have a predisposition to decide
11 the motions/case in favor of the Plaintiff, the State of Nevada, or their attorneys, Jacqueline
12 Bluth, Esq. and James Sweetin, Esq., and will not voluntarily recuse from case C-14-295158-1.
13 My decision to not recuse should be given substantial weight by this Court. See *Kirksey v. State*,
14 112 Nev. 980, 923 P.2d 1102 (1996).

15 33. That I have an ethical obligation to hear the cases randomly assigned to my department
16 and do not believe that any actual or implied bias has been shown by Defendant, Melvyn
17 Sprowson, Jr. I believe the mandates from the Nevada Supreme Court require me to proceed in
18 all cases assigned to my department where I do not have a valid reason to recuse, such as actual
19 or implied bias toward one of the parties in a case. See *Ham v. Eighth Judicial District Court*, 93
20 Nev. 409, 566 P.2d 420 (1977).

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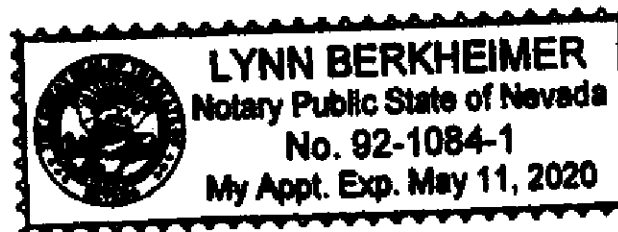
1 34. I have no bias toward any party or attorney in case C-14-295158-1. The Chief Judge
2 must be firm on this matter, so as not to encourage further Disqualification Demand and Motions
3 that are without merit.

4 Dated this 23rd day of January, 2017.

5
6 
7 Stefany Miley
8 DISTRICT COURT JUDGE

9 SUBSCRIBED and SWORN to before me
10 this 23rd day of January, 2017.

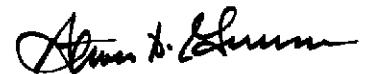
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12 
13 NOTARY PUBLIC



14
15 **CERTIFICATE OF SERVICE**

16 On the 23rd day of January, 2017, a copy of the foregoing Affidavit of Honorable
17 Stefany A. Miley was served electronically via Wiznet to the proper parties as follows:
18 Melvyn P. Sprowson, Jr.; Michael R. Yohay, Esq.; Jacqueline M. Bluth, Esq.; and James R.
19 Sweetin, Esq.

20
21 By: 
22 Carmen Alper
23 Judicial Executive Assistant
24
25
26
27
28



CLERK OF THE COURT

1 ORDR

3 EIGHTH JUDICIAL DISTRICT COURT

4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

Case No. C-14-295158-1

8 MELVYN P. SPROWSON, JR., ID #5996049,

Dept. No. XXIII

9 Defendant.

10
11 ORDER DENYING MOTION TO DISQUALIFY

12
13 This Court, having considered all pleadings filed in relation to the Affidavit to Disqualify
14 Judge Stefany A. Miley for Bias and Misconduct served 1/20/17¹; and the Affidavit of the
15 Honorable Stefany A. Miley filed 1/23/17 ("Judge Miley's Affidavit"); (collectively "the Motion to
16 Disqualify Judge Miley") decides this limited matter assigned to it upon the pleadings and without
17 oral argument pursuant to EDCR 2.23.

18 NRS 1.230² provides the statutory grounds for disqualifying district court judges. The
19 Revised Nevada Code of Judicial Conduct ("NCJC") provides substantive grounds for judicial
20

21
22
23 ¹ While Defendant's Investigator served Judge Miley, it does not appear that the Affidavit was filed. As such the
Court marks it as Court's Exhibit "1".

24 ² That statute provides in pertinent part:

25 1. A judge shall not act as such in an action or proceeding when the judge entertains actual bias or prejudice for or
against one of the parties to the action.

2. A judge shall not act as such in an action or proceeding when implied bias exists in any of the following
respects:

- (a) When the judge is a party to or interested in the action or proceeding.
- (b) When the judge is related to either party by consanguinity or affinity within the third degree.
- (c) When the judge has been attorney or counsel for either of the parties in the particular action or proceeding before
the court.

1 disqualification. Pursuant to NCJC 2.11(A) ³ a judge shall disqualify himself or herself in any
2 proceeding in which the judge's impartiality might reasonably be questioned.⁴ The test for whether a
3 judge's impartiality might reasonably be questioned is objective and courts must decide whether a
4 reasonable person, knowing all the facts, would harbor reasonable doubts about a judge's
5 impartiality.⁵

6 The burden is on the party asserting the challenge to establish sufficient factual and legal
7 grounds warranting disqualification.⁶ A judge has a duty to preside to the conclusion of all
8 proceedings, in the absence of some statute, rule of court, ethical standard or compelling reason
9 otherwise.⁷ A judge is presumed to be unbiased.⁸ A judge is presumed to be impartial, and the
10
11
12

13 (d) When the judge is related to an attorney or counselor for either of the parties by consanguinity or affinity within
14 the third degree. This paragraph does not apply to the presentation of ex parte or uncontested matters, except in fixing
15 fees for an attorney so related to the judge.

16 * * *

(Emphasis added.)

17 ³ That rule provides in pertinent part:

18 Rule 2.11. Disqualification.

19 (A) A judge shall disqualify himself or herself in any proceeding *in which the judge's impartiality might reasonably*
20 *be questioned*, including but not limited to the following circumstances:

21 (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of
22 facts that are in dispute in the proceeding.

23 * * *

(Emphasis added.)

24 ⁴ *Ybarra v. State*, 127 Nev. 47, 50-51 (2011).

25 ⁵ *Id.* at 51.

26 ⁶ *Las Vegas Downtown Redevelopment Agency v. District Court*, 116 Nev. 640, 643 (2000).

27 ⁷ *Id.*, at 643.

28 ⁸ *Millen v. District Court*, 122 Nev. 1245, 1254 (2006).

1 burden is on the party asserting the challenge to establish sufficient factual grounds warranting
2 disqualification.⁹

3 The Nevada Supreme Court has stated “rulings and actions of a judge during the course of
4 official judicial proceedings do not establish legally cognizable grounds for disqualification.”¹⁰
5 “The personal bias necessary to disqualify must ‘stem from an extrajudicial source and result in an
6 opinion on the merits on some basis other than what the judge learned from participation in the
7 case.’”¹¹

8
9 The Nevada Supreme Court has noted that while the general rule is that what a judge learns
10 in his or her official capacity does not result in disqualification, “an opinion formed by a judge on
11 the basis of facts introduced or events occurring in the course of the current proceedings, or of prior
12 proceedings, constitutes a basis for a bias or partiality motion where the opinion displays ‘a deep-
13 seated favoritism or antagonism that would make fair judgment impossible.’” However, “remarks of
14 a judge made in the context of a court proceeding are not considered indicative of improper bias or
15 prejudice unless they show that the judge has closed his or her mind to the presentation of all the
16 evidence.”¹²

17
18 “The personal bias necessary to disqualify must ‘stem from an extrajudicial source and
19 result in an opinion on the merits on some basis other than what the judge learned from participation
20 in the case.’”¹³ “To permit an allegation of bias, partially founded upon a justice’s performance of
21 his [or her] constitutionally mandated responsibilities, to disqualify that justice from discharging
22

23
24 ⁹ *Ybarra*, 127 Nev. at 51.

25 ¹⁰ *In re Pet. to Recall Dunleavy*, 104 Nev. 784, 789 (1988).

26 ¹¹ *Id.* at 790.

27 ¹² *Cameron v. State*, 114 Nev. 1281, 1283 (1998).

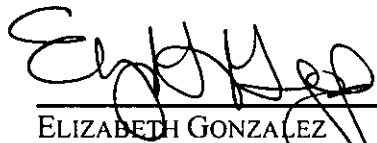
28 ¹³ *Id.* at 790.

1 those duties would nullify the court's authority and permit manipulation of justice, as well as the
2 court."¹⁴

3 The Court finds that Defendant has failed to establish a basis sufficient for disqualification of
4 Judge Miley. Judge Miley's Affidavit reflects her ability to continue to be fair and impartial to
5 Defendant in this matter.¹⁵ The claims, assertions, and beliefs set forth in Defendant's motion
6 clearly demonstrate that Defendant seeks disqualification of Judge Miley based on her judicial
7 action.¹⁶ The facts presented by Plaintiff do not support a finding that a reasonable person might
8 reasonably question the judge's impartiality under NCJC 2.11.
9

10 IT IS HEREBY ORDERED that Motion to Disqualify Judge Miley is denied.

11 DATED this 24th day of January, 2017.

12
13
14 

15 ELIZABETH GONZALEZ
16 CHIEF DISTRICT COURT JUDGE

17 Certificate of Service
18

19 I hereby certify that on or about the date filed, this document was served on the parties
20 identified on Wiznet's e-service list, a copy of this Order was placed in the attorney's folder on the
21 1st Floor of the RJC or mailed as follows:

22 Stefany A Miley, District Court Judge, Dept XXIII

23 Jacqueline M Bluth, Esq. – Chief Deputy DA
24
25

26 ¹⁴ *Id.*

27 ¹⁵ Judge Miley's Affidavit at paragraph 5 - 7.

28 ¹⁶ *Dunleavy*, 104 Nev. at 789.

MELVYN P. SPROWSON, JR., ID #5996049
CLARK COUNTY DETENTION CENTER
330 SO. CASINO CENTER BLVD.
LAS VEGAS, NV 89101



Dan Kutinac

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1 MOTI
2 MELVYN P. SPROWSON, JR.

Alvin L. Blum

3 CCDC

CLERK OF THE COURT

4 330 S. Casino Center Blvd.

5 Las Vegas, NV 89101

6 Defendant, Proper Person

7

8 AFFIDAVIT TO RECONSIDER

9 DISQUALIFYING JUDGE STEFANY MILEY

10 FOR BIAS AND MISCONDUCT

11 (HEARING REQUESTED)

12 NRS 1.235

13

Hearing: 2-24-17

14 STATE OF NEVADA

In Chambers

15

SS: Case NO. C-14-295158-1

16 COUNTY OF CLARK

17

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

20

21 1. That Affiant is filing this affidavit to
22 reconsider pursuant to NRS 1.235 Procedure
23 for disqualifying Judges other than Supreme
24 Court Justices or Judges of the Court of
Appeals;

25 2. That Affiant is filing this affidavit in
26 good faith and not interposed for delay;
27
28

1 of 5

CLERK OF THE COURT #24

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1 3. That Affiant is filing this affidavit
2 for reconsideration as a result of bias
3 in the form of retaliation committed by
4 Judge Stefany Miley and offers the following
5 facts:

6 4. That Affiant gave his original affidavit
7 to his Court appointed investigator, Richard
8 Franky, L.P.I # 797, to be filed on behalf
9 of the defendant on January 20, 2017. The
10 defendant learned that his affidavit was
11 never filed as instructed. The defendant
12 then sent via US mail another copy to be
13 filed on January 30, 2017. The Judge was
14 served on January 30, 2017 as well;

15 5. That Affiant on January 31, 2017, one
16 day after serving the affidavit to disqualify
17 the Judge, was informed via email by
18 defendant's stand-by Counsel, Mr. Yohay, that
19 the Judge wanted to move the trial date
20 from March 20, 2017 to March 13, 2017. The
21 defendant informed Mr. Yohay, that the
22 defendant's timeline was on schedule for
23 March 20, 2017 and could not go sooner.
24 The defendant was amenable to either
25 an over-flow Judge or to move the date
26 later, if Judge Miley could not make the
27 date;

28 6. That Affiant on February 06, 2017

1 during a status check for trial readiness,
2 repeated that he could not go sooner. Judge
3 Miley then told the defendant his trial
4 is going to be moved regardless if he was
5 ready or not, again consequently after receiving
6 the affidavit to disqualify;

7 7. That Affiant has evidence that the
8 "State" through their representative Jacqueline
9 Bluth has forged search and seizure warrants
10 and has brought this to Judge Miley's attention,
11 but she continues to ignore the evidence. For
12 example, all the documents that were provided
13 by the "State", that are supposed to be certified
14 copies, of the search and seizure warrants,
15 lack the Justice Court seal as required by
16 NRS 1.180, to authenticate copies. Also, the
17 defendant has two copies of the same
18 original, both copies have the exact same
19 Justice Court filed stamp, but one stamp
20 is crooked, while the other is straight in
21 relation to the defendant's name;

22 8. That Affiant, seeking to prove that
23 the purported search and seizure warrants
24 are forgeries, issued subpoenas for the
25 following from Justice Court: SW20131957
26 barcode # 3643438, SW20131958 barcode #
27 3643443, SW2013 2044 barcode # 3643884,
28 and SW2015 0159 barcode # 4668870. These

1 subpoenas were served on February 02, 2017
2 by Richard Franky. Mr. Franky, informed
3 the defendant that Joanne Paterson,
4 Justice Court Supervisor, had forwarded
5 the requested documents to Judge Stefany
6 Miley, instead of giving them to the
7 defendant. This is nothing more than a
8 delay/prevention of the defendant getting
9 legally entitled evidence in his favor, and
10 shows the Justice system is being circumvented
11 at minimum;

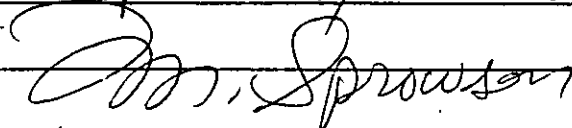
12 9. That Affiant believes there is a definite
13 conflict of interest between Judge Stefany
14 Miley and the defendant Melvyn P. Sprowon, Jr.,
15 as a direct result of the filing of the
16 affidavit to disqualify the Judge. This is
17 evidenced by the fact that the defendant is
18 being forced to proceed early to trial, which
19 cuts short any chance of filing pretrial motions
20 to prove the forgery of documents, issue timely
21 subpoenas, and get expert witnesses in his
22 favor;

23 10. That Affiant, for the above reasons, pleads
24 for mercy with the Honorable Chief Justice
25 ELizabeth Gonzalez, to either look into
26 the matter, or appoint the defendant with
27 an impartial Judge. The defendant respectfully
28 request a hearing.

4 of 5

1
2 FURTHER, your Affiant sayeth naught.

3
4 DATED this 12th day of February 2017.
5 I MELVYN P. SPROWSON, JR., do solemnly swear
6 under penalty of perjury, that the above
7 statement is accurate, correct, and true
8 to the best of my knowledge. NRS 171.102 and
9 NRS 208.165

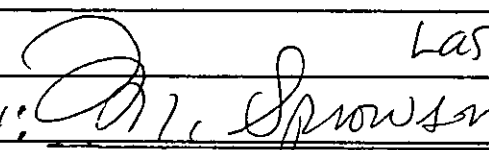
10 Respectfully submitted,
11 
12

13 MELVYN P. SPROWSON, JR.
14 Affiant, Proper Person
15

16 CERTIFICATE OF SERVICE

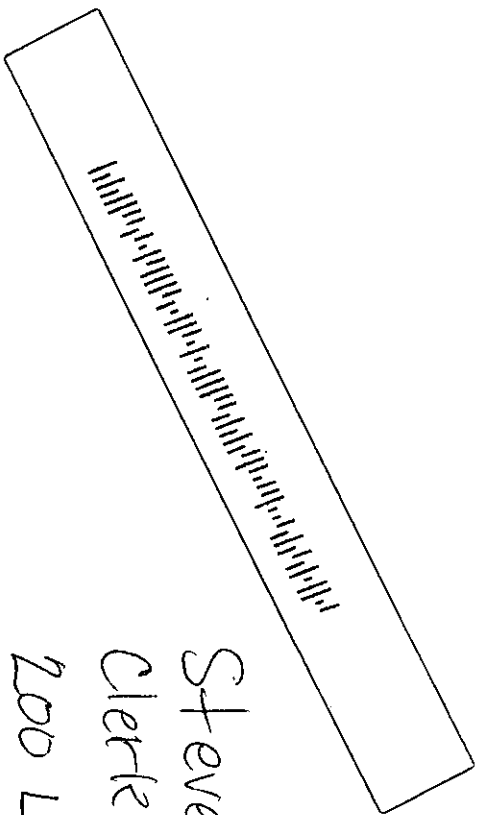
17
18 I hereby certify that I served via US mail Judge
19 Stefany Miley with a copy of the foregoing Affidavit
20 to Reconsider pursuant to NRS 1.235 to:
21

22 Judge Stefany Miley
23 Regional Justice Center, Dept. 23
24 200 Lewis Avenue
25 Las Vegas, NV 89155

26 By: 
27 MELVYN P. SPROWSON, JR.
28 Defendant, Proper Person

5 of 5

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



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

SENT FROM CCDC

Ann L. Shuman
CLERK OF THE COURT

1 MOT
2 MELVYN P. SPROWSON, JR.

3 CCDC

4 330 S. Casino Center Blvd.

MC 5 Las Vegas, NV 89101

DA 6 Defendant, Proper Person

PP 7 AFFIDAVIT TO RECONSIDER

PD 8 DISQUALIFYING JUDGE STEFANY MILEY

9 FOR BIAS AND MISCONDUCT

10 (HEARING REQUESTED)

11 NRS 1.235

12

13 STATE OF NEVADA

14 SS: Case NO. C-14-295158-1

15 COUNTY OF CLARK

16

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

19

20 1. That Affiant is filing this affidavit to
21 reconsider pursuant to NRS 1.235 Procedure for
22 disqualifying Judges other than Supreme Court
23 Justices or Judges of the Court of Appeals;

24 2. That Affiant is filing this affidavit in
25 good faith and not interposed for delay;

26 3. That Affiant is filing this affidavit
27 for reconsideration as a result of bias in
28 the form of retaliation committed by

1 of 5

CLERK OF THE COURT

FEB 28 2017

RECEIVED

1 Judge stefany Miley, and offers the following
2 facts:

3 4. That Affiant gave his original Affidavit
4 to his court appointed investigator, Richard
5 Franky L.P.I. # 797, to be filed on behalf of
6 the defendant on January 20, 2017. The defendant
7 learned that his affidavit was never filed as
8 instructed. The defendant then sent via US
9 mail another copy to be filed on January 30,
10 2017. The Judge was served on January 30,
11 2017, as well;

12 5. That Affiant on January 31, 2017, one day
13 after serving the affidavit to disqualify the
14 Judge, was informed via email by defendant's
15 stand-by counsel, Mr. Yohay, that the Judge
16 wanted to move the trial date from March
17 20, 2017 to March 13, 2017. The defendant
18 informed Mr. Yohay, that the defendant's
19 time-line was on schedule for March 20, 2017
20 and could not go sooner. The defendant was
21 amenable to either an over-flow Judge or
22 to move the date later, if Judge Miley could
23 not make the date;

24 6. That Affiant on February 06, 2017, during a
25 status check for trial readiness, repeated that he
26 could not go sooner. Judge Miley then told the
27 defendant his trial is going to be moved regardless
28 if he was ready or not. Again, consequently after

1 receiving the affidavit to disqualify;

2 7. That Affiant has evidence that the
3 "State" through their representative Jacqueline
4 Bluth has forged search and seizure warrants
5 and has brought this to Judge Miley's attention,
6 but she continues to ignore the evidence. For
7 example, all the documents that were provided
8 by the "State", that are supposed to be certified
9 copies, of the search and seizure warrants
10 lack the Justice Court Seal as required by
11 NRS 1.180 to authenticate copies. Also the
12 defendant has two copies of the same original,
13 both copies have the exact same Justice Court
14 Filed Stamp, but one stamp is crooked, while
15 the other is straight in relation to the
16 defendant's name.

17 8. That Affiant seeking to prove that the
18 purported search and seizure warrants are forgeries,
19 issued subpoenas for the following from Justice
20 Court: SW2013 1957 barcode # 3643438, SW2013 1958
21 barcode # 3643443, SW2013 2044 barcode # 3643884,
22 and SW2015 0159 barcode # 4668870. These subpoenas
23 were served on February 02, 2017 by Richard
24 Franky. Mr. Franky, informed the defendant
25 that Joanne Paterson, Justice Court supervisor,
26 had forwarded the requested documents to
27 Judge Stefany Miley, instead of giving them
28 to the defendant. This is nothing more than

1 a delay/prevention of the defendant getting
2 legally entitled evidence in his favor, and
3 shows the Justice system is being circumvented
4 at minimum;

5 9. That Affiant believes there is a definite
6 conflict of interest between Judge Stefany
7 Miley and the defendant Melvyn P. Sprowson, Jr.,
8 as a direct result of the filing of the
9 affidavit to disqualify the Judge. This is
10 evidenced by the fact that the defendant is
11 being forced to proceed early to trial, which
12 cuts short any chance of filing pre-trial
13 motions to prove the forgery of documents,
14 issue timely subpoenas, and get expert witnesses
15 in his favor;

16 10. That Affiant, for the above reasons,
17 pleads for mercy with the Honorable Chief
18 Justice Elizabeth Gonzalez, to either look
19 into the matter, or appoint the defendant
20 with an impartial Judge. The defendant
21 respectfully requests a hearing.

22
23 FURTHER, your Affiant sayeth naught.

24
25 DATED this 12th day of February 2017.

26 I MELVYN P. SPROWSON, JR., do solemnly
27 swear under penalty of perjury, that
28 the above statement is accurate, correct,

4 of 5

1 and true to the best of my knowledge.
2 NRS 171.102 and NRS 208.165.

3
4 Respect fully submitted,
5 *M. Sprowson Jr.*
6 MELVYN P. SPROWSON, JR.
7 Affiant, Proper Person
8
9

10 CERTIFICATE OF SERVICE
11

12 I hereby certify that I served via US
13 mail Judge Stefany A. Miley with a copy
14 of the foregoing Affidavit to Reconsider
15 pursuant to NRS 1.235 to:
16

17 Judge Stefany A. Miley
18 Regional Justice Center, Dept. 23
19 200 Lewis Avenue
20 LAS Vegas, NV 89155

21 By: *M. Sprowson Jr.*
22 MELVYN P. SPROWSON, JR.
23 Defendant, Proper Person
24
25
26
27
28

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

Attn:

Judge Stefany Miley
Regional Justice Center
Department 23
200 Lewis Avenue
Las Vegas, NV 89155



LEGAL

Allen D. Quinn

CLERK OF THE COURT

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. XXIII

13 MELVYN P. SPROWSON, JR.,

14 (#5996049)

15 Defendant.

16
17 SUPPLEMENTAL MOTION TO
18 AFFIDAVIT TO RECONSIDER DISQUALIFYING
19 JUDGE STEFANY MILEY FOR BIAS
20 AND MISCONDUCT
21 (NRS 1.235)
22

23 COMES NOW, the defendant, MELVYN
24 P. SPROWSON, JR., in proper person and
25 respectfully moves this Honorable Court to
26 reconsider disqualifying Judge Stefany Miley
27 and requests this Honorable Court to appoint
28 the defendant with a new and impartial

1 of 12

1 Judge.

2 Also, the defendant respectfully requests
3 a hearing on this matter before the Chief
4 Judge Elizabeth Gonzalez. The defendant
5 was never notified prior to, or allowed to
6 attend, or have representation for the in
7 chamber's hearing conducted on February 24,
8 2017. The defendant was not informed of
9 the outcome nor did he have a chance to
10 oppose what was discussed at the in chamber's
11 hearing, as it appears it was conducted ex-parte.

12 In addition, the defendant respectfully
13 requests this Honorable Court to waive the
14 15-day deadline for filing motions prior to
15 the trial date of March 13, 2017. The
16 defendant did file an affidavit for
17 good cause on February 17, 2017, as is
18 acknowledged by the in chamber's hearing
19 (see attached exhibit A).

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

26 DATED this 5th day of March, 2017.

27 Mel Sprawson

28 MELVYN P. SPRAWSON, JR.

29 Defendant, Proper Person