

1 MS. BLUTH: What is the first?

2 THE COURT: January.

3 THE CLERK: The first week of our stack begins January 5th; the last
4 week of the stack is February 2nd. Thereafter, the next stack begins March 16th
5 and it ends the week of April 13th.

6 MR. MOMOT: March 16th.

7 THE COURT: Counsel, does March 16th work with you as well?

8 MS. BLUTH: I actually have a firm on March 16th, but I could -- when is
9 the April setting?

10 THE CLERK: It begins -- it would begin the week of March 30th.
11 Thereafter, it would be April 6th or April 13th.

12 THE COURT: Is that where we just put Indico? [Court addresses Court
13 Clerk]

14 MS. BLUTH: If we could do -- if the Court has the April 13th still open.
15 Unfortunately, January and February, I'm double set almost every week.

16 THE COURT: You know what, hold one a second. I thought we had set
17 Indico at the end of April.

18 MS. BLUTH: Oh.

19 THE CLERK: We set her April 6th.

20 THE COURT: April 6th. And then how long did -- didn't even say how
21 long it's going to be. There's no way they're going to finish that in one week
22 with that publicity in that case. I'm sorry; we're talking. Mr. Stanton set
23 another case this morning on the 6th.

24 MS. BLUTH: Oh, yeah. That's not going to be --

25 THE COURT: I don't think we're even -- there's no way we'll be finished

1 in a week. What else on that stack works for both counsels?

2 MR. SWEETIN: On the April stack, how far does the April stack go?

3 THE CLERK: April 13th is the last week. Thereafter, it would start
4 May 26th.

5 THE COURT: I mean the beginning of March or January if you want
6 earlier.

7 MS. BLUTH: Okay. I know that one is driving you crazy, but the first
8 week of January was what?

9 THE CLERK: It begins January 5th; the last week of that stack is
10 February 2nd.

11 MS. BLUTH: We can -- the State can do January 5th.

12 MR. MOMOT: I can't do that, Your Honor. Can we do that March 8th?
13 That was available at the beginning of March.

14 THE COURT: But the State has a conflict.

15 MS. BLUTH: How about this, we will -- I'll get the dates and then we'll
16 speak. Otherwise, we're going to take up too much of the Court's time, so I'll
17 get that handled this week.

18 THE COURT: That's fine. You don't need to come back. I mean we can
19 just --

20 MS. BLUTH: Well, we have motions next week.

21 THE COURT: Oh, we can just put it next week anyways.

22 MS. BLUTH: Yeah.

23 THE COURT: Oh, and the one issue I wanted the State to be prepared to
24 address next week is I was reviewing the motions and you -- I saw where you
25 opposed the request for a psychological evaluation. You did not address his

1 alternative request which was for an interview of the victim. So just be
2 prepared to address that at hearing.

3 MS. BLUTH: Yes, Your Honor.

4 THE COURT: All right.

5 MS. BLUTH: And may I approach with just some -- a motion for the
6 release of records in the case.

7 THE COURT: Yeah. You want to show it to Mr. Momot?

8 MS. BLUTH: Yeah, it's just a motion for the release of records.

9 [The District Attorney and Defense counsel confer]

10 THE COURT: So we need her on calendar so we don't forget setting of
11 the trial. [Court addresses the Clerk].

12 Thanks. Hold on. Jacqueline, hold on a second. Let me give it to
13 you, please. Or do you want to file it in here?

14 MS. BLUTH: Yes.

15 THE COURT: Okay. Then I'll go ahead and file it.

16 MS. BLUTH: Okay.

17 THE COURT: Thanks.

18 All right. Anything else counsel? I'll see you next week on the 15th.

19 MR. MOMOT: Yes, Your Honor.

20 THE COURT: Thank you.

21 MR. MOMOT: What date is that next week, please?

22 THE CLERK: September 10th, 9:30.

23 THE COURT: No, no, no, September 15th.

24 MR. MOMOT: Oh, September 15th at 9:30.

25 THE CLERK: Yes, sorry, strike that. September 15th at 9:30.

1 THE COURT: All right.

2 MR. MOMOT: Judge, can I ask you this. I'm sorry; I interrupted the
3 Court, I'm sorry. We want to have an opportunity to file replies to their
4 responses.

5 THE COURT: Mm-hmm.

6 MR. MOMOT: If we argue it on the 15th, maybe it'd be too short. Can
7 we have one more week?

8 THE COURT: Is that okay, move it to the 22nd?

9 MS. BLUTH: That's fine.

10 MR. SWEETIN: That's fine.

11 MS. BLUTH: If they want to file a reply.

12 THE COURT: Okay.

13 THE CLERK: September 22nd, 9:30.

14 PROCEEDINGS CONCLUDED AT 10:28 A.M.

15 * * * * *

16 ATTEST: I do hereby certify that I have truly and correctly transcribed the
17 audio/video recording in the above-entitled case to the best of my ability.

18 
19 MARIA L. GARIBAY
20 Court Recorder/Transcriber
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1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7
8 THE STATE OF NEVADA,) CASE #: C-14-295158-1
9)
10 Plaintiff,) DEPT. XXIII
11)
12 vs.)
13)
14 MELVYN PERRY SPROWSON, JR.,)
15 Defendant.)

16 BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

17 WEDNESDAY, NOVEMBER 5, 2014

18 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
19 **STATE'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF VICTIM'S PRIOR**
20 **SEXUAL ABUSE AT TRIAL; DEFENDANT'S MOTION FOR DISCOVERY;**
21 **DEFENDANT'S MOTION FOR INDEPENDENT PSYCHOLOGICAL/PSYCHIATRIC**
22 **EXAMINATION OF THE COMPLAINING WITNESS**

23 APPEARANCES:

24 For the State:

JACQUELINE M. BLUTH, ESQ.
JAMES SWEETIN, ESQ.
Chief Deputies District Attorney

25 For the Defendant:

YI LIN ZHUENG, ESQ.

RECORDED BY: MARIA GARIBAY, COURT RECORDER

1 WEDNESDAY, NOVEMBER 5, 2014 AT 10:28 A.M.

2
3 THE COURT MARSHAL: C295158, Sprowson.

4 THE COURT: Hi, Good morning.

5 MS. ZHENG: Good morning, Your Honor.

6 MS. BLUTH: Good morning.

7 THE COURT: Hi, Good morning.

8 So, we have several motions today. We have State's motion in limine
9 to preclude evidence of victim's prior sexual abuse at trial, Defendant's motion for
10 discovery, and Defendant's motion for an independent psychological/psychiatric
11 exam of the complaining witness and/or an interview of the complaining witness.
12 Which one do you want to start with?

13 MS. ZHENG: Your pleasure.

14 THE COURT: Oh, my pleasure. Let me just pick -- Defendant's notice of
15 motion and motion for independent psychological examination of complaining
16 witness. So, counsel, hi. Do you have anything to add? I mean, obviously the big
17 thing as the State's pointed out as of this time they have not hired a psychiatrist or
18 psychologist to testify at trial. So, you're not able to satisfy some of the factors for
19 *Koerschner*.

20 MS. ZHENG: I think that all -- well I disagree with the State's characterization
21 of that.

22 THE COURT: Okay.

23 MS. ZHENG: I think all of the *Koerschner* factors are satisfied in a sense that
24 it is not essential that the State must call an expert to in order to prove up -- in order
25 for us to get an independent psych examination.

1 In *Abbott*, the Court stated that any witness that is -- a witness's action
2 as an expert witness for the purposes of *Koerschner* when he does more than
3 merely relate the facts and instead analyzes the facts and/or states whether there
4 was evidence that the victim was coached or biased against the Defendant and if
5 the State intends to have that witness testify beyond the facts of the case and will
6 provide his own experiences and assessments with the victim. And in this case the
7 State has out and out right stated that we don't need an expert witness to prove this.
8 We're going to use Jaysenia's mother, Kathryn Smith, to prove up this element.
9 Well the defense's position is that I absolutely cannot imagine anyone who is more
10 biased in the world to be used to be put on the stand to prove up the element of
11 substantial mental harm.

12 Kathryn Smith, Jaysenia's mother, they are constantly embroiled in a
13 conflict. The conflict existed prior to her leaving the home to stay with Mr.
14 Sprowson. That conflict existed after she returned home to stay with Kathryn Smith.
15 She did not want to be returned to the home. She was seeking to leave yet again
16 which is why the mother had her committed. So, now the mother's testimony --
17 she's going to have to testify to the differences that she sees in Jaysenia, her
18 interactions with Jaysenia --

19 THE COURT: Which is lay testimony.

20 MS. ZHENG: But according to the *Abbott* decision, her experiences and her
21 interactions with Jaysenia beyond the facts of the case constitutes expert testimony.
22 So, now her testimony is being bolstered to that of an expert, for one, and she's the
23 person that's being used to prove the substantial mental harm. And I think
24 ultimately I'd get back to the position that substantial mental harm, the way that the
25 State has charged it in count two, is an essential element of the crime. So, it's much

1 like what we normally have say in a battery case, a battery with substantial bodily
2 harm. And it would be unimaginable in a battery case with substantial bodily harm
3 that I wouldn't get hospital records, medical records.

4 And in this case, the State is now claiming well we're just going to use
5 the mother so we're not give you any of these medical records even though clearly
6 Jaysenia has been enrolled in all types of intensive counseling, she's been
7 committed to a long term care facility specifically to treat what this is alleged
8 substantial mental harm.

9 So, there are medical records treating the condition yet the State does
10 now argue well you're not entitled to access to that and, second, we're not going use
11 that because we're going to use the mother's testimony to prove the substantial
12 mental harm.

13 THE COURT: Okay.

14 MS. BLUTH: May I just clarify one thing, Your Honor, in regards to what we
15 plan to present at trial because I think that that might have an affect one way or the
16 other.

17 At preliminary hearing we chose to use the testimony of the mother and
18 the child just to get past the slight or marginal evidentiary standard at preliminary
19 hearing. However, at trial, you know, I can't say with a hundred percent certainty
20 but it will be expected probably that we would bring in one of the doctors that has
21 seen her. Now that's a little bit different than hiring an expert and asking an expert
22 to do an evaluation which was talked about in *Koerschner*. What we normally do in
23 this child abuse with substantial mental harm cases is have a mental professional
24 come in and discuss the treatments that is given, how often they see the child, but
25 we don't have the expert opine as to this conduct created this issue with the child.

1 THE COURT: Okay. As far as the treatment records from the doctor, did you
2 -- of the doctor who may be called at trial, are you going to turn those over?

3 MS. BLUTH: Well I think that that's something that when you talk about as
4 the -- in the discovery records, but I do think that the -- as it related to this case
5 which would be the Monte Vista records and the health records that would be, you
6 know --

7 THE COURT: Well this is a -- you're saying it's a treating doctor versus an
8 expert.

9 MS. BLUTH: Correct.

10 THE COURT: Retained expert.

11 MS. BLUTH: Correct.

12 THE COURT: But usually with those, I mean, you'd have to turn over --

13 MS. BLUTH: The medical records.

14 THE COURT: -- the medical records that correspond --

15 MS. BLUTH: I mean, I can't do that. You have to order --

16 THE COURT: -- to the testimony.

17 MS. BLUTH: Correct.

18 THE COURT: Okay.

19 MS. BLUTH: I just wanted to make sure we were clear that it wasn't just
20 solely the mother and the grandmother that we were going to be bringing in to prove
21 the substantial mental harm charges.

22 THE COURT: Okay. But you're not hiring expert?

23 MS. BLUTH: Absolutely not.

24 THE COURT: Because then you'd have to fulfill the report requirement.

25 All right. Counsel, if you want to continue.

1 MS. ZHENG: I think beyond just hiring the experts, the other factors for
2 *Koerschner* are also satisfied. You know, the second factor is whether or not there's
3 marginal evidence to believe this. And as of this point the victim herself, her
4 testimony and her statements thus far have contradicted the State's theory. Her
5 testimony is that there was no harm, that she wanted to be with Mr. Sprowson, that
6 he did not harm her, and there's no substantial mental harm.

7 Now obviously our concern was the underlying treatment and the
8 reason why we want an independent psychological examination is because she has
9 been submitted to so much counseling that she is committed to treatment in
10 essence to change her perception of her relationship with Mr. Sprowson. So, all of
11 this therapy is to get her to conform with the State's theory of the case that Mr.
12 Sprowson is the predator, Mr. Sprowson is the person who harmed her, and Mr.
13 Sprowson is a person who put her in this position.

14 So, this treatment that she's receiving, it's no different than a medically
15 sanctioned form of coaching the victim. So, while she's undergoing all of this we're
16 entitled to have somebody independently examine all of that. And I think that the
17 *Koerschner* factors are all met with respect to the request for an independent psych
18 examination.

19 THE COURT: All right. Is there anything else? You also requested in the
20 alternative an interview with the victim.

21 MS. ZHENG: I did. That was with respect to that --

22 THE COURT: Or the complaining witness.

23 MS. ZHENG: Correct. And with respect to that, she had testified at the
24 preliminary hearing that at the time that she was committed that no one had relayed
25 anything to her that the Defense had requested to speak to her, and the victim

1 herself has said on the record that she'd be willing to speak to us, however, in this
2 case because she is a minor the mother has said no at the time. And because the
3 mother technically has custody of the minor because she's willing and also I think
4 that we're entitled to do so. The victim in this case is not any more property of the
5 State than she is to the mother and if she's willing we'd ask that she be produced to
6 speak with us.

7 THE COURT: Okay. And the State.

8 MS. BLUTH: And in regard to the *Koerschner* factors, Your Honor, the
9 second prong is, you know, whether the State has any corroborating evidence.
10 Normally in these cases where the second factor is really discussed is when it's kind
11 of a sex assault on a minor and there's no findings. It's a just a he said versus she
12 said, but I'd just remind Your Honor that in this case it means the evidence in
13 regards to the kidnapping is, you know, overwhelming. I mean, she's found in his
14 house, the missing signs are found in this house, her property is found in his house.
15 She admits to being there for ten weeks. So, I don't actually think that any of the
16 three factors in *Koerschner* had been met at all. So, I think an independent psych
17 evaluation at this stage in the game is -- they just haven't met the prong.

18 With all due respect, I don't believe that Your Honor has the authority to
19 tell any victim that they -- or complaining witness that they have to meet with either
20 side. I mean, that's a choice. They have to be present at trial but they don't have to
21 meet with me and they don't have to meet with Ms. Zheng. And when it is a case
22 where we have a minor child, we have to respect the mother's wishes. If the mother
23 changes her mind then obviously I always tell all of my witnesses and all of my
24 victims you don't have to speak to them but you're more than -- if you're more than
25 willing to then you can. And I just think that we have to respect the mother's

1 decision at this point.

2 THE COURT: Okay. Is there anything else?

3 MS. ZHENG: Your Honor, if that's the case then I would ask for contact
4 information, for the State to turn over contact information for Jaysenia. I think that's
5 exactly the [indiscernible] here. I, you know, understand what the State is saying
6 with respect to that, is that if the mother now changes her mind well the mother's not
7 going to change her mind. The mother is the biggest proponent of this prosecution.
8 Jaysenia's not. She's willing to cooperate and to work with the defense, however,
9 now it's now left up to the mother whose position is directly adverse to the defense.
10 So, if that's the case, she said on the record that she's willing to do so. We ask for
11 the information for us to be able to contact her specifically to be turned over. At this
12 point, she's 17 going on 18. At some point she has to be given the ability to make
13 her own decisions as to how she wants to proceed with this.

14 THE COURT: I guess at 18 she gets to make that decision.

15 All right. Is there anything else?

16 MS. BLUTH: No, Your Honor.

17 THE COURT: Okay. So, I'm going to deny it finding that Defendant hasn't
18 made an adequate showing under *Koerschner*. Again, the State has indicated that
19 they will not have an expert to testify regarding the mental harm allegedly suffered
20 by the complaining witness. Also, the Court finds that there is more than de minimis
21 evidence of Defendant's crimes outside the testimony of the victim. Again, there's a
22 lot of other circumstantial evidence which has previously been presented to the
23 Court in other motions and at other hearings.

24 As far as the other thing that was brought up by the Defendant in their
25 brief is that the victim is being prescribed mood disorder medication, but I believe

1 that's what she's taking now. I don't have any evidence she was taking medications
2 at the time of the event that would affect her ability to perceive; was she?

3 MS. BLUTH: I honestly don't remember at the time, Judge. I'm sorry. I can
4 reach out and --

5 THE COURT: Well I think that if she was taking some kind of psychiatric
6 medicines at the time of the events in question, then it may be appropriate to
7 provide that information because it could potentially -- what she's taking could
8 potentially affect her perception of events.

9 MS. BLUTH: Are you speaking about the event or the preliminary hearing or
10 all of it just so when I ask the questions I can make sure I have it?

11 THE COURT: Actually I think that both are relevant. I mean, I think it's
12 completely relevant when an individual testifies at trial any medications they may be
13 taking because that could affect their ability to perceive the questions and to answer
14 truthfully and I think that's appropriate for the defense to find out.

15 MS. BLUTH: Sure.

16 THE COURT: So, the answer is all -- yeah, both all. Okay.

17 As far as the request to interview the victim, I agree with the defense
18 that it doesn't belong -- she doesn't belong to one side or the other. So, the State
19 will provide the contact information. If she or -- if she turns 18 soon or her mother
20 decides to allow her then to talk, then she can honestly talk to the defense.

21 MS. BLUTH: Yes, Your Honor.

22 THE COURT: Okay. Next one. This is plaintiff's notice of motion and motion
23 in limine to preclude evidence of victim's prior sexual abuse at trial and the
24 Defendant's opposition thereto. So, it's the State's motion.

25 MS. BLUTH: That's correct, Judge.

1 My main issue, Your Honor, with this -- and if you have any specific
2 questions I'd be happy to answer them -- you know, consent is not an issue to the
3 crime of kidnapping. If it was -- the consent of a minor. So, if it was I would agree
4 with the defense that I think in some way that could be relevant, but in this particular
5 statute since she can't consent I don't see how the other case is relevant at all
6 because you can't bring in, per rape shield, any of the prior sex stuff. Period.

7 So, then we're basically left with talking about the element of the
8 kidnapping and whether, you know, she went so willingly. It doesn't matter. I
9 understand, you know, defense counsel always has an issue with how the
10 kidnapping statute is written, you know, in our statute, but because she can't
11 consent to the conduct, I don't see how the other case is relevant at all because the
12 point is to say well she went with Mr. Scholmann who is the Defendant in other case
13 and she went with Mr. Sprowson as well. So, she did it once she did it again, but it
14 doesn't really matter because in either case she could not consent.

15 So, based on the fact that she can't consent to the kidnapping and that
16 they can't get into any of the previous sexual conduct, I don't see it being relevant in
17 this case at all.

18 THE COURT: Okay. Counsel.

19 MS. ZHENG: Your Honor, I don't see that rape shield applies. This isn't a
20 sex assault prosecution and the rape shield statute doesn't apply. However, I think
21 that the motion from the State is premature because it's a speculation as to how the
22 defense is going to present its theory of events and how it's going to be used. I
23 think the Schlomann matter is admissible pursuant to NRS 48.035, subsection 3. It
24 is an event that is so closely related so what's happening here that it doesn't just go
25 to the kidnapping charge; it goes to the entirety of the events. The statute states

1 that evidence of another crimes which is so closely related to an act in controversy
2 or crime charged that the ordinary witness cannot describe the acts in controversy
3 or the crime charged without referring to the other act or crime shall not be excluded
4 but at the request of the interested party a cautionary instruction shall be given
5 explaining the reason for its admission.

6 Here, it is because of this prior case that it has impacted the actions of
7 everybody in this case. It's because of the prior case that Jaysenia's mom acted the
8 way that she did. It's everything that precipitated the point that she left the house.
9 It's because of this prior case that her computer was taken away, her cell phone was
10 taken away. It was because of this prior case that Jaysenia felt that she was a
11 mistake, that she could not exist. Ultimately the computer and the cell phone was
12 given back when she was 16. It would still be monitored because of the caution
13 from the prior case.

14 THE COURT: So, you want to use -- just use it to show whether there's
15 conflict between the victim and her mother that resulted in her moving in with Mr.
16 Sprowson? Is that how you want to use it?

17 MS. ZHENG: No, not just the fact that there is a conflict between the two of
18 them, but it also shows her understanding as to what her intent was, as to what her
19 plan was, her knowledge, the absence of the State, and the actions that she --

20 THE COURT: Well how are they so inextricably intertwined? I mean, I think
21 that anyone who has teenagers is going to understand that there's conflict and that
22 the level of that conflict varies in the teenager's response to that conflict varies from
23 individual to individual. I don't know how the crime -- the prior crime itself.

24 MS. ZHENG: Because -- it is because of this prior incident that has colored
25 the way that everyone has acted since.

1 You know, the testimony from the mom is that because of the prior case
2 that she was under so much trauma as to the prior case that they themselves
3 engaged in family counseling and that it was for a span of two years, and that
4 basically covers the range of from when the incident happened with the Schlomann
5 case which was in April of 2012 to the time of his sentencing which was June of
6 2014. That two year period that she's talking about where Jaysenia is belaboring
7 under the trauma of that prior case encompasses the entirety of her interactions with
8 Mr. Sprowson. So, she's belaboring under the trauma of that and now Mr.
9 Sprowson is here, he's charged, she's saying, listen, he didn't harm me; he treated
10 better than my own parents did. He obviously treated her better than Mr.
11 Schlomann did, but she's belaboring under that trauma and now Mr. Sprowson is
12 the person that's charged with causing her so much trauma that it rises to the level
13 of substantial mental harm while she's belaboring under that.

14 So, if I have trauma from that incident, an alleged trauma from this
15 incident, how do you separate the two? That trauma can't exist in its own vacuum.
16 They completely -- they affect her, they've affected her family. The Schlomann case
17 has affected Jaysenia, it's affected her family, it's affected the way her family has
18 treated her, it's affected the choices that she's made in this case and continuing on.
19 The two are intertwined. I don't think that you can separate it and especially when
20 you have testimony from the mother saying that she's suffering under that and now
21 Mr. Sprowson is charged with causing that harm also.

22 THE COURT: Okay. Is there anything else? How is the mother going to
23 testify? I mean --

24 MS. BLUTH: Sure.

25 THE COURT: I guess what I'm getting at is how is this going to be utilized?

1 MS. BLUTH: How is what going to be utilized?

2 THE COURT: Well --

3 MS. BLUTH: How are we going to dance around the previous mental
4 treatment?

5 THE COURT: Yeah.

6 MS. BLUTH: Okay.

7 THE COURT: Because where I thought honestly the defense was going with
8 it is this girl is so incredibly traumatized and she was still traumatized from the prior
9 event and there was no additional -- there was no new trauma from Sprowson, it all
10 stemmed from a prior event which I think is relevant. But I'm not so much seeing
11 the other argument, I'll be honest with you.

12 MS. BLUTH: In regards to 48035 which is the res gestae statute, Judge, I
13 mean, the facts has to be so intertwined that an individual isn't able to tell the facts
14 of this case without getting into that prior case. That's not what we have here.
15 Sure, can they on cross-examination discuss had she had some, you know, mental
16 issues before, had she previously been treated by a physician, had she been
17 suffering, blah, blah, blah. But you still don't get to get into the other case. Those
18 are all questions that can be asked. We don't have to say isn't it true that she was
19 sexually assaulted both vaginally and anally by Schlomann and dah, dah, dah, year.
20 I mean, they can still -- those questions are still open to cross-examination about
21 having treatment before and having mental issues before. But if you look at the
22 testimony that the mother presented at preliminary hearing she discussed the fact
23 that she had been doing so much better and her mental health was so much better
24 that she was able to get back things like a phone, like a computer, like those things,
25 and that she was able to go to school. She was doing well in school.

1 So, those are things that, you know, we'll be able to present and then
2 obviously they'll be able to say, yeah, but wasn't it true that she had had some
3 mental issues beforehand. That's stuff that can be brought up on cross-examination
4 and argued to the jury, but that doesn't mean they get to go into the underlying facts
5 of the Schlomann case. And just because this isn't a sex assault case doesn't mean
6 rape shield doesn't apply. Rape shield applies in every case no matter what. I
7 mean, I don't have to have a sex assault victim on the stand to invoke the rights of
8 rape shield.

9 THE COURT: Okay. Is there anything else?

10 MS. ZHENG: Yes. But ultimately if we're going to dance around this because
11 all of this happened, that she was previously suffering from this trauma, and this that
12 and the other, and then the question ultimately why, why was she suffering from this
13 previous trauma. And the facts of the Schlomann case speak to that because in a
14 prior incident she was -- the conduct was egregious. She was sexually assaulted
15 vaginally and she was sexually assaulted anally and that that's terrible, but that's the
16 root of the trauma. And then now to say that Mr. Sprowson has compounded on top
17 of that, that he's the person that's causing this additional substantial mental harm, I
18 don't see how we can get there without talking about the root of why she was
19 suffering from trauma in the first place. And now to have the mother to come and
20 testify, well the mother's going to dance around it that she was in fact doing so much
21 better in the year in between that they had family counseling. Well obviously not
22 that much better. That's the difference of opinion here is that Jaysenia herself as to
23 the facts of this case has a difference of opinion with her mother. She wasn't doing
24 that much. If she was doing that much better, her desire was still to leave the home
25 ultimately. So, not that much better. And that's the rub in this case is that those two

1 are diametrically opposed yet the mother is going to be in the position specifically to
2 speak for Jaysenia as to what her mental state is.

3 MS. BLUTH: We'll have several witnesses.

4 But, Judge, one thing I think that we can do to cure this would be after
5 the Court has released the medical records, if the Court does grant our motion, our
6 motion in limine, after the looking at the medical records perhaps both parties could
7 come up with a jury instruction discussing that there were past, you know, medical
8 mental issues and we might be able to come to a meeting of the minds on that and
9 present that to the jury.

10 THE COURT: Okay. I was going to grant the motion. I'll tell you what. I
11 don't think the why is important, however, I do think that the psychological issue she
12 had before are relevant to the defense's case because I guess there's always a
13 theory you could argue she's no worse off after the Sprowson incident than she was
14 before, she was mess before, and I think that is entirely relevant since it's an
15 element of one of the charges. But, again, at this point I don't think that the why is
16 important. But I obviously let the defense get into the fact that she was suffering
17 some emotional --

18 MS. BLUTH: Sure.

19 THE COURT: -- distress.

20 MS. BLUTH: And is the Court ordering -- well I guess we get that to the
21 discovery.

22 THE COURT: Oh, the records from the doctor who is going to be called to
23 testify?

24 MS. BLUTH: From the treating facility since this event, yeah.

25 THE COURT: Yes.

1 MS. BLUTH: And what about previously, Your Honor?

2 THE COURT: Previous to what?

3 MS. BLUTH: So, that there would be mental medical records related to the
4 Schlomann case to show her mental health status before the Sprowson event.

5 THE COURT: Whether or not I'll allow those.

6 MS. BLUTH: Or I'm just asking would you like to see them in camera?

7 THE COURT: Yes.

8 MS. BLUTH: Okay.

9 THE COURT: Although -- I'm just thinking through this.

10 See, that's a problem is I think the mental state is relevant because it's
11 something that's charged in this case, but I don't want to get into the prior event.

12 MS. BLUTH: And that's why I was saying I think that their entitled to look at
13 what her mental status was prior to the Sprowson incident, and then they will know
14 where she sat mentally before this case. And so having Your Honor look through
15 those and having the defense be able to see the difference in the mental state, I
16 think we can probably all come to an agreement on how the jury can be instructed on
17 what questions we can get into and therefore we don't have to go into the facts of
18 Schlomann but we can discuss what her mental status was at that time.

19 THE COURT: All right. Well let's get the records because I'm guessing
20 what's in the records at this stage.

21 MS. BLUTH: Okay.

22 THE COURT: Okay. And those will be an in camera review.

23 MS. BLUTH: Yes, Judge.

24 MS. ZHENG: For both the current treating records and the prior treating
25 records?

1 THE COURT: No, I think the current treating records are directly relevant to
2 the case because you're going to call a witness to testify regarding that treatment.
3 So, I don't know that I need to see the in camera. The only thing would be the ones
4 pertaining to the Schlomann incident.

5 MS. BLUTH: Okay, got it.

6 THE COURT: Because that's a question of how that will come into evidence.

7 MS. BLUTH: Okay.

8 THE COURT: But they're entitled to the other one. I don't need those.

9 Okay. So, the next one would be the motion for discovery. Did you get
10 which one we did?

11 MS. ZHENG: Oh, well I ultimately it was -- when we were last here there is
12 additional discovery that the State has said that they possibly were in the
13 possession of also in particular the [indiscernible] reports, and there were some
14 interviews that we had the audio but not the transcription, and then there were some
15 interviews that we had the transcription and not the audio. So, I'm sure that I can
16 get together with the State ultimately to resolve that as to whatever it is.

17 MS. BLUTH: Okay. And then refile anything until we have something --

18 THE COURT: So, do you want to say at this stage the State has complied
19 with its requirements under *Brady* or is there stuff that you still need?

20 MS. ZHENG: I don't know what it is. What do you want to do with your
21 motion?

22 MS. BLUTH: Let's take it off calendar.

23 MS. ZHENG: I think the biggest issue with the discovery motion was as it
24 pertains to the medical documents.

25 THE COURT: Yes.

1 MS. ZHENG: And I think the Court just made a ruling.

2 THE COURT: So, as a housekeeping matter what do you want to do with
3 your motion?

4 MS. ZHENG: I think we can take it off calendar.

5 THE COURT: Okay.

6 MS. ZHENG: I think the Court's made a ruling as to the medical documents
7 which is essentially --

8 THE COURT: Okay.

9 MS. ZHENG: -- the biggest issue that was in contention. However, as to rest
10 of the stuff in terms of just getting transcripts and audio, I'm sure that we can work
11 that out with the State.

12 THE COURT: Okay. So, the motion will be off calendar. Okay.

13 MS. BLUTH: Your Honor, the last thing we have to do, we don't have a trial
14 setting, do we, or did that happen when I wasn't here?

15 MS. ZHENG: No.

16 THE COURT: No, we don't have a trial setting. So, when would you like to
17 go to trial?

18 MS. BLUTH: So, you have a stack in January and then when is after that?
19 What are we looking at?

20 THE COURT CLERK: The stack starts March 16th.

21 THE COURT: Oh, who was on that stack? January is like the month of
22 murder. Why don't you tell me this? When do you want to go trial? I mean, there's
23 a lot of old cases with serious charges.

24 MS. BLUTH: Ms. Zheng doesn't have her federal trial calendar with her. So,
25 may I email Carmen after Court and get a list of possible dates and the parties will

1 work it out?

2 THE COURT: Yeah, that's fine.

3 MS. BLUTH: Okay.

4 THE COURT: Because as it stands now that stack -- if things go that I expect
5 to go you're too young to go that stack and I'd have get this entire case reassigned
6 because it's more than what can go into overflow. But let's deal with it when we get
7 there.

8 MS. BLUTH: Which stack are you referring to, the January one?

9 THE COURT: No, January is full of murders and you wouldn't have any party
10 on that stack. That would be the March April stack.

11 MS. BLUTH: Okay. All right . We'll look at it.

12 MS. ZHENG: Thank you, Your Honor.

13 MS. BLUTH: Thank you, Judge.

14 THE COURT: Okay.

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16 [Proceedings concluded at 10:57 a.m.]
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21 ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I
22 acknowledge that this is a rough draft transcript, expeditiously prepared, not
proofread, corrected, or certified to be an accurate transcript.

23 
24 PATRICIA SLATTERY
25 Court Transcriber



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
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7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
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)
) CASE NO. C295158-1
)

) DEPT. NO. XXIII
)

) **TRANSCRIPT OF PROCEEDINGS**
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14

15 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

16 WEDNESDAY, FEBRUARY 4, 2015

17 **STATE'S MOTION TO REVOKE DEFENDANT'S BAIL**
18

19 APPEARANCES:

20 For the Plaintiff:

JACQUELINE M. BLUTH, ESQ.
JAMES SWEETIN, ESQ.
Chief Deputy District Attorneys

22 For the Defendant:

JOHN J. MOMOT, JR., ESQ.
YI LIN ZHENG, ESQ.

24
25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 WEDNESDAY, FEBRUARY 4, 2015, 9:35 A.M.

2
3 THE MARSHAL: Bottom of page 12, C295158, Sprowson.

4 THE COURT: All right. Good morning everybody. It looks like
5 Mr. Sprowson's present with his attorneys. And I did receive a brief response
6 from Mr. Momot; I don't know if it was filed. My copy was not filed-stamped.

7 MS. ZHENG: It was.

8 THE COURT: Did the State receive it?

9 MS. ZHENG: It was electronically filed yesterday, but because the -- it
10 had not generated in the system yet, I had a courtesy copy delivered and it was
11 a receipt to the State also.

12 THE COURT: All right. So the State has it?

13 MS. BLUTH: I actually did not get it, but I can retrieve it.

14 Did you have a copy?

15 MS. ZHENG: Yeah.

16 MS. BLUTH: Thank you.

17 THE COURT: All right. Let the State look at that.

18 [Pause in proceedings]

19 THE COURT: All right. So this is the State's notice and motion to revoke
20 the Defendant's bail. Counsel.

21 MS. BLUTH: Thank you, Your Honor. I think that my motion was pretty
22 exhausted in regards to the State's position on this case. I just would like to
23 point out a few things. Number one, Mr. Momot and I fought over bail for
24 months and months, not only in the Justice Court but then once we went up
25 into the District Court. Obviously, the Defendant posted the bail of \$150,000.

1 When we found out that information, we made clear, and I know that Your
2 Honor made clear to the Defendant the most important request from the State
3 was that there would be no contact with this minor victim. And I remember
4 Your Honor going through, at my request, all of the forms of contact because
5 we have to that now with social media, you know, no phone contact, no in-
6 person contact, no Instagram, Facebook and everything. And one of the
7 State's main concern and something that Mr. Sprowson was very aware of was
8 the minor's emotional state. The fact that she in an inpatient therapy program
9 outside Las Vegas, and that was the State's biggest concern is to make sure
10 that she was able to deal with those issues in a healthy way, and Mr. Sprowson
11 sat, went through hearings, listened to the hearings, listened to the State's
12 concerns, and to think that he would even contemplate contacting her is
13 beyond the State's wildest dreams.

14 I mean to be out on bail is one thing, but then to go against the
15 State and this Court's number one request, and then I read this email this
16 morning or this statement from the Defendant stating it wasn't him but it was
17 some woman named Lisa, but now we have no way of contacting Lisa and it
18 was Lisa who was contacting the victim. I don't know why some lady named
19 Lisa would want to contact the victim, and it just so happened he's never seen
20 her since. I mean that to me that story is ridiculous. The Defendant knew
21 exactly what he was doing. They had a plan if he ever gotten into trouble what
22 their plan would be and how they would meet up. The victim has not stuck
23 with that plan, and the Defendant evidently still is. So I think now he has
24 proven once again that he can't be trusted, that he's a danger to the victim and
25 to the community at large in regards to minor victims and I'd ask that he be put

1 in custody with no bail pending the trial.

2 THE COURT: Counsel.

3 MR. MOMOT: Can I respond? Thank you, Your Honor. Just as an
4 administrative clean up on these statements of the prosecution. When we
5 made application for bail, this Court graciously granted that amount for bail.
6 Mr. Sprowson made the bail and the State put it back on calendar because they
7 wanted to particularize conditions. I appeared as well as Ms. Zheng did, and
8 Mr. Sprowson was already out of the state and the Court imposed these
9 conditions. I'm not coming here to weasel word the Court's orders or
10 Mr. Sprowson was not present at that hearing.

11 Our office then communicate to Mr. Sprowson the Court's orders.
12 Towards that [indiscernible], the Court had ordered that he was not to be
13 around any minor children. He's living at his brother's house and when his
14 brother has visitation with his children the Defendant has to move out of the
15 house. That could be for weekends or whatever to go and check in to a motel.
16 And consequently, during this period of time over the holidays his brother was
17 going to be visiting with his children so now then moved out of the house and
18 secured a room at a hotel/motel and that's where his statement comes into
19 play of what occurred.

20 In addition, it's interesting to note that while he's been out on bail
21 he's been finally able to secure a job, contacts our office constantly. Upon
22 receipt of the State's motion, it was emailed immediately to Mr. Sprowson. If I
23 remember correctly, when the State was bringing this matter on there was a
24 meeting in chambers with this Court where the State was adamant that he was
25 going to leave the jurisdiction if he ever found out that this motion was going to

1 be filed. Well, obviously with him being here he did not leave and did not flee.
2 But what he did was instead of taking a plane, he could only afford buses, so
3 he takes a bus and comes to this jurisdiction and knowing what he's facing. So
4 he is complying with the Court's orders. But I can say this: If the Court feels
5 that there was a breach in a condition, and is a question before this Court, I
6 think that the proper resolution is contempt time as opposed to revocation of
7 bail, but he is sure -- he's here before this Court from Oklahoma, that's where
8 he stays with his brother and he took a bus to come here to face the Court's
9 motion and this Court, so I think that holds well Mr. Sprowson.

10 MS. ZHENG: And, Your Honor, can I briefly add one thing?

11 THE COURT: Yes.

12 MS. ZHENG: With respect to the email, when Mr. Momot says that we
13 emailed the motion to Mr. Sprowson, he is very careful in trying to be compliant
14 with the Court's orders. When we've had communications where we've had to
15 send him things, I've sent them to the email of his brother. And as a result of
16 the Court's order, the reality of the situation is that upon moving to Oklahoma
17 he did try to get a job. Much of those job application processes must be done
18 online and there needs to be a corresponding email address to it. That is why
19 he has an email address that's set. He does not specifically check it. He asks
20 his brother or friends of that nature to help him check his emails so to comply
21 with the Court's order as much as possible. When I sent the motion to
22 Mr. Sprowson, I did so by sending it to his brother so that his brother could pull
23 it and print it to him. And from there, that's how we discussed the case,
24 worked on it and he worked on it, explanation, immediately then booked a bus
25 ticket to come out here to make this appearance here today.

1 THE COURT: All right. Is there anything else to add?

2 MR. MOMOT: No.

3 MS. BLUTH: No, Your Honor.

4 THE COURT: All right. Mr. Sprowson, the Court does find that you did
5 violate the terms of your bail, which means you were contacting the victim
6 despite the no contact order by the State. You will be remanded into custody
7 pending the trial without bail. Jason is going to take you into custody at this
8 time, sir.

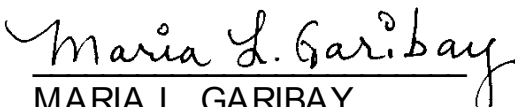
9 Counsel, we have the trial set for August 3rd, 2015. Thank you.

10 MS. BLUTH: Thank the Court.

11 PROCEEDINGS CONCLUDED AT 9:46 A.M.

12 * * * * *

13 ATTEST: I do hereby certify that I have truly and correctly transcribed the
14 audio/video recording in the above-entitled case to the best of my ability.

15 
16 MARIA L. GARIBAY
17 Court Recorder/Transcriber
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Case Number: C-14-295158-1

1 MONDAY, JULY 20, 2015 AT 11:05 A.M.

2
3 THE COURT: Sprowson.

4 MR. SPROWSON: Yes, Judge.

5 THE MARSHAL: C-295158, Sprowson.

6 MS. BLUTH: Good morning, Your Honor, Jacqueline Bluth --

7 THE COURT: Hi, good morning.

8 MS. BLUTH: -- on behalf of the State.

9 MR. MOMOT: John Momot on behalf of the defendant who's present, in
10 custody, Your Honor.

11 THE COURT: Hi. Good morning. So this is Defendant's Motion to
12 Continue the Trial Date.

13 MS. BLUTH: That's correct, Judge, and if I may, I didn't file an
14 opposition. I had spoken to Ms. Zheng early last week. And just to have
15 complete candor with the Court, I had told Ms. Zheng that we wouldn't be
16 opposing their request to continuance, but we had two concerns, basically
17 stipulations that we did not want them to be making any motions in relation to
18 his release or his custody status.

19 And number two, that we would be able to try on the very next
20 stack or the stack after I come back from leave. Those were our stipulations. I
21 believe they went to speak with Mr. Sprowson on Friday, and so, I was never
22 told if they were in agreement or not. If they weren't, the State was going to
23 be --

24 THE COURT: When do you go out on leave?

25 MS. BLUTH: January 7th.

1 [Colloquy between Court and Clerk]

2 THE DEFENDANT: Your Honor, I actually directed my attorney to quash
3 the motion, and that was my recommendation to him. He, he seemed to not
4 agree with me, but I still stand. I'd like to quash the motion and feel that this
5 can be handled at calendar call. This -- particularly because we're waiting on
6 the evident -- I mean, the suppression hearing motion. And in that, I was told
7 by my attorney that we would have instructions on how to proceed with the
8 case.

9 And so, I think it would be better -- think it's kind of premature to
10 file a continuance right now when, if we need to do that, at calendar call we
11 could do that. I'm amenable to that, to both of these, my attorney and the
12 district attorney at that point. But I would like to have the, the results of the
13 suppression hearing first so I could see how we could proceed.

14 THE COURT: I'll be honest with you, I have a draft on my desk and I'm
15 editing it right now. It should be out within days.

16 MR. MOMOT: You're what, Your Honor?

17 THE COURT: I have a draft of the decision from the suppression hearing,
18 I'm just in the process of editing it. So I have to get it out in the next couple of
19 days.

20 MR. MOMOT: May I address the Court, Your Honor?

21 THE COURT: Of course, sir.

22 MR. MOMOT: Mr. Sprowson is correct, that's what he restated to me on
23 the last visit in the jail; however, by way of a little bit of history, we argued the
24 suppression motion on July 1st, then at that time the State did indicate that
25 they may be in a murder case and request a short continuance of the trial at

1 that time.

2 In addition, it was my information and belief that the -- that there
3 were various documents regarding the treatment of the complaining witness in
4 this case. And namely, those documents had been provided to the Court for an
5 in camera review and had to be ultimately provided to the defense pursuant to
6 our request in our discovery motion, which was argued on or about
7 November 5th, 2014.

8 And in compliance with the Court's order I, I was -- I was led to
9 believe that these documents were provided to the Court and the Court was still
10 in the process of reviewing it in camera and they would be provided to the
11 defense. Out of an abundance of caution, you know, the rule is I have to
12 provide the State notice of any expert witnesses that I wish to call, and in light
13 of the data that would be turned over to me, by way of the, the documents that
14 were provided to the Court in camera, would require an expert to review those
15 documents of any psychiatric psychologist's reports, to better inform me to
16 represent Mr. Sprowson.

17 The 21-day -- I filed the motion on July 6th. So July 1st I got the
18 information at -- the Court still had these documents under review. July 6th I
19 generated the motion to continue the trial date setting forth what I'm saying
20 right now. And on July 13th the Court provided the defense a banker's box
21 with documents and a court order which was provided to Mr. Sprowson as to --
22 those documents were to be handled under seal, not to be shared with the
23 defendant.

24 The documents appear to be approximately a thousand pages worth
25 of data that has to be assimilated by the defense and with an expert. The date

1 that I received it, ironically was July 13th, which is exactly 21 days before the
2 trial. It would be impossible for me to provide an expert witness by just all
3 those documents to be ready for trial to be competent. I felt that if I didn't file
4 that motion in advance of that time when this -- that it could be stricken and I'd
5 be forced to go forward with trial on August 3rd without the benefit of these
6 expert witnesses.

7 Be that as it may, out of an abundance of caution, I thought it'd be
8 the better practice to file the motion to advise all the parties of where the
9 defense stood in this matter; however, Mr. Sprowson has a different take on
10 this and he stated that -- those matters for the record already. So I submit it to
11 the Court.

12 THE COURT: So do you want to move it or not?

13 MR. MOMOT: I don't have any choice. I have to move the trial date.
14 Mr. Sprowson, what I'm hearing is that he wants this motion to be made at
15 calendar call, for some reason.

16 MR. SPROWSON: My, my only reason, Your Honor, is because I wanted
17 to have the results from the suppression hearing first, because in that,
18 according to my attorney, we will have instructions from you on how to
19 proceed with the case. I thought it was premature to file a motion until --
20 before we would even have your instructions on how to proceed with the case.
21 Because we don't know what the results are of that suppression motion and
22 that was my concern.

23 THE COURT: Regardless of the results it sounds like Mr. Momot's going
24 to need more time. Regardless of the decision, I think you're going to need
25 more time. What I was looking at is on the 29th of July it won't be me, either

1 you'll have a senior judge. So I'm concerned that the senior judge won't be
2 sure what to do with this.

3 Do you want to go into October? Did you want to go later in
4 August? What were you thinking, October?

5 MS. BLUTH: What are -- what is the stack in October? Like when does it
6 start and when does it end?

7 COURT CLERK: I'm sorry, can you repeat that?

8 MS. BLUTH: In -- the stack in October, when does it begin and when
9 does it end?

10 COURT CLERK: It begins October 12th and it is through November 9th.

11 [Colloquy from Court to Clerk]

12 COURT CLERK: What's the length of the trial? Estimated?

13 MS. BLUTH: It's -- I believe that it would be a little bit over a week
14 because of the media attention, but not much. I'm not sure what Mr. Momot's
15 take is on it.

16 MR. MOMOT: I think it's going to be more like the two weeks.

17 THE COURT: Probably. I feel like it would take two days to get a jury
18 since this has the media coverage.

19 MR. MOMOT: And --

20 COURT CLERK: Probably the best setting would be the week of
21 October 12th.

22 MR. MOMOT: I'm in a -- I -- I don't think I'll get this done.

23 THE COURT: By then? Well, what about --

24 MR. MOMOT: That's correct.

25 THE COURT: -- January would be the next stack after that, but --

1 MR. MOMOT: That'd be fine.

2 MS. BLUTH: And my --

3 THE COURT: And Mr. Sweetin can try it without Ms. Bluth.

4 MS. BLUTH: I mean, this is the defense request to continue, Judge, and
5 so was the previous one. We've been ready both times, and so, I think it's
6 unfair to the victim who's only ever had contact with me as well as her family.

7 MR. MOMOT: I can't control the way I receive the data --

8 THE COURT: I understand.

9 MR. MOMOT: -- to do --

10 THE COURT: And I understand there was a, a box, a large box. It took
11 me a tremendous amount of time to go through.

12 MS. BLUTH: I under -- I, I understand that too. But I'm not
13 understanding why we couldn't do it in November or the last week of October.

14 MR. MOMOT: I'm in a -- I'm in a in custody trial the beginning of
15 November which is -- must go.

16 THE COURT: I'm in civil but I have to --

17 [Colloquy between Court and Clerk]

18 [Colloquy between Atty. Bluth and Atty. Momot]

19 [Colloquy between Court and Clerk]

20 THE COURT: Could you hold on please. Excuse me so I can get my
21 secretary because that's my civil stack, so I'd have to make sure I don't have
22 anything else that has to go.

23 [Colloquy between Court and Clerk]

24 [Colloquy between Court and Assistant]

25 THE COURT: That's an easy case to reset in a different department.

1 Okay. You want to give them the dates?

2 COURT CLERK: Calendar call, November 9th at 9:30; jury trial
3 November 16th at 1:00 p.m.

4 MR. MOMOT: Your Honor, I can't do that.

5 THE COURT: You can't do those dates?

6 MR. MOMOT: I'm on November 9th. I start a trial in District Court 20 on
7 Cadmiri [phonetic] which is a two-week trial.

8 THE COURT: I just honestly don't know when -- time I'll give you, it's
9 going to have to be January.

10 MS. BLUTH: I --

11 THE COURT: I've set my criminal over my civil all -- for the remainder of
12 the year.

13 MS. BLUTH: And I recognize that, Your Honor, but I am saying I am
14 ready from this point on until January, so I don't think it's fair to the State that
15 the months that I'm asking that Mr. Momot --

16 THE COURT: When will you be back?

17 MS. BLUTH: Early March.

18 [Colloquy between Court and Assistant]

19 THE COURT: You're going to have to -- we're going to have to -- I'm
20 going to have to play off my calendar. I'm sorry, because --

21 MS. BLUTH: Okay. Do you want to just send us the date?

22 THE COURT: I do. I'm going to have to give you a status check to come
23 back because I'm so double booked, and my Spring is filled with capital cases
24 that are 8th, 10th setting.

25 MS. BLUTH: That's fine.

1 THE COURT: So we have to find out whether they're going to go next
2 Spring or not.

3 MS. BLUTH: And I was going to say if you want -- my team is the one
4 who handles all the capital cases, so if you -- if it'd be easier for you I can just
5 ask my teammates if you give me the names.

6 COURT CLERK: Do you just want to do a status check?

7 THE COURT: Yeah, let's just do a status check and Kathy will kind of
8 email.

9 MS. BLUTH: Okay.

10 [Colloquy between Court and Clerk]

11 COURT CLERK: Okay. July 22nd at 9:30.

12 MR. MOMOT: July 22nd, 9:30.

13 THE COURT: Yeah, just for a status check. And like I said, "We're going
14 to email the attorneys and see who's really going to go on those capital cases."

15 MR. MOMOT: Okay. Is the August 3rd date vacated?

16 THE COURT: For the trial date?

17 COURT CLERK: Yeah.

18 THE COURT: Yes. So it'll be resetting of trial on Wednesday. Thank
19 you.

20 MS. BLUTH: Thank you.

21 THE DEFENDANT: Your Honor, can I ask one question? I just --

22 THE COURT: You could ask Mr. Momot the question, sir.

23 THE DEFENDANT: Mr. Momot -- if Mr. Momot could ask you -- when can
24 we have the results from the suppression motion?

25 THE COURT: I told you I have a draft of it. I have to -- I'll have it out

1 within days.

2 THE DEFENDANT: Days, okay, thank you.

3 THE COURT: Thank you.

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5 [Proceeding concluded at 10:19 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/visual recording in the above entitled case to the best of my ability.

23 
24 _____
25 Kerry Esparza, Court Recorder/Transcriber
District Court, Department XXVI



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
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7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
13

)
) CASE NO. C295158-1
)

) DEPT. NO. XXIII
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) **TRANSCRIPT OF PROCEEDINGS**
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14

15 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

16 WEDNESDAY, JULY 22, 2015

17 **STATUS CHECK: RESETTING OF TRIAL**
18

19 APPEARANCES:

20 For the Plaintiff:

JACQUELINE M. BLUTH, ESQ.
JAMES SWEETIN, ESQ.
Chief Deputy District Attorneys

22 For the Defendant:

JOHN J. MOMOT, JR., ESQ.
YI LIN ZHENG, ESQ.

24
25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 WEDNESDAY, JULY 22, 2015, 9:30 A.M.

2
3 THE MARSHAL: Bottom of page 10, C295158, Sprowson.

4 THE COURT: Good morning everybody.

5 MR. MOMOT: Good morning, Your Honor.

6 THE COURT: So we had previously set this to reset a trial date. In the
7 interim, I'm aware that Defendant has filed a motion to withdraw his counsel,
8 defense counsel has. I don't know if that's received to date since it was merely
9 filed with master calendar.

10 MS. ZHENG: It was, Your Honor. And it was -- apparently that motion
11 was set for August 10th.

12 THE COURT: All right. So that's after our current trial date; isn't it?

13 MS. BLUTH: I think our trial date was vacated.

14 THE COURT: Oh, it was vacated?

15 MS. BLUTH: Mm-hmm.

16 THE COURT: Okay. No wonder it's not on our calendar. All right.

17 So on Mr. Sprowson, have you looked into -- are you going to retain
18 new counsel? What are you going to do?

19 THE DEFENDANT: I would need probably at least 30 days to consult with
20 a couple of people that I would like to retain. I'm still weighing my options on
21 that, so I need some time.

22 THE COURT: So you're --

23 THE DEFENDANT: I just got the -- excuse me. I just got the notice
24 yesterday. So I've had discussions with Mr. Momot about certain things that I
25 disagree with. I wasn't aware that he was going to withdraw. He didn't make

1 any efforts to meet me halfway on anything, so. I don't have any problem with
2 that, but I would like some time to consult with other attorneys that I can hire.

3 THE COURT: All right.

4 So what do you want to do with this? Do you want to put this --
5 just leave this where it is for the August date?

6 MR. MOMOT: I rather just -- if the Court could dispose of it now.

7 THE COURT: Does the State have any objection?

8 MS. BLUTH: No. And if we could just set it -- if what I'm hearing
9 Mr. Sprowson say is that he would like 30 days to secure private counsel, so if
10 we could have a 30-day status check to see who's hired.

11 THE COURT: That's it.

12 So Kathy, put the motion to withdraw counsel just put it on
13 calendar today. By agreement of the parties, we're going to allow Mr. Momot
14 to withdraw as attorney of record.

15 MR. MOMOT: Thank you.

16 THE COURT: We'll set it for a 30-day status check in order for you to
17 look into retaining new counsel, okay? And then at that time, if you have new
18 counsel, we'll also reset the new trial date.

19 THE DEFENDANT: I would also like to ask one request from the Court.

20 THE COURT: Yes.

21 THE DEFENDANT: You said on Monday that you would have the answer
22 for the suppression motion. Since Mr. Momot is --

23 THE COURT: I said I was working on it.

24 THE DEFENDANT: You're still working on it. Well, can I -- my request
25 would simply be since he's withdrawn as my counsel, when you're finished

1 with it, could you have it sent to me if I don't have counsel within the -- before
2 the -- even if I have to wait for the 30 days or?

3 THE COURT: You want me to send it directly to him? I mean he can --
4 he's obviously entitled to see it.

5 MR. MOMOT: Say what?

6 THE DEFENDANT: That's his withdrawal.

7 THE COURT: The decision.

8 MR. MOMOT: Well, the decision is not going to impact my motion.

9 THE COURT: No, no, it doesn't. He just wants to have us send it to him
10 at the jail, which I don't have an issue with that.

11 MR. MOMOT: That's fine.

12 THE COURT: I don't really see a problem with that. He's entitled to see
13 it, of course.

14 MS. BLUTH: That's fine with the State.

15 THE COURT: So we'll just make a note of that.

16 THE CLERK: Okay.

17 MR. MOMOT: That's so I could get a copy of it myself.

18 THE COURT: Okay.

19 MR. MOMOT: Thank you.

20 THE CLERK: August 19th at 9:30.

21 THE COURT: Thank you.

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MR. MOMOT: Thank you, Your Honor.

PROCEEDINGS CONCLUDED AT 9:33 A.M.

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video recording in the above-entitled case to the best of my ability.



MARIA L. GARIBAY
Court Recorder/Transcriber



1 RTRAN

2
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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
13

)
) CASE NO. C295158-1
)

) DEPT. NO. XXIII
)

) **TRANSCRIPT OF PROCEEDINGS**
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14

15 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

16 WEDNESDAY, AUGUST 19, 2015
17

18 **STATUS CHECK: NEW COUNSEL / RESETTING OF TRIAL**

19 APPEARANCES:

20 For the Plaintiff:

JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

21
22 For the Defendant:

Pro Se

23
24
25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 WEDNESDAY, AUGUST 19, 2015, 9:36 A.M.

2
3 THE MARSHAL: Page 7, C295158, Sprowson.

4 THE COURT: Good morning, Mr. Sprowson.

5 THE DEFENDANT: Good morning, Your Honor.

6 THE COURT: So this was the time set for you to retain new counsel.

7 THE DEFENDANT: Yes.

8 THE COURT: Have you had the opportunity to do that?

9 THE DEFENDANT: What I've decided to do is to waive the assistance of
10 counsel, and I've actually written a motion to proceed Pro Se. I'd like to submit
11 it to the Court with your permission for filing. I'm prepared to do a *Faretta*
12 hearing as well if you need to do that.

13 THE COURT: All right. We can't do a *Faretta* canvas at this moment
14 because there's a bunch of people in the courtroom and it takes a bit of time.

15 THE DEFENDANT: Right.

16 THE COURT: Jason, would you get the motion, please?

17 THE MARSHAL: I will.

18 THE DEFENDANT: And can I ask you to provide a copy to the State as
19 well?

20 THE COURT: Mm-hmm. I need to file it.

21 THE DEFENDANT: And I also have an affidavit there for you, Your Honor.

22 THE COURT: All right. So why don't we do this? I'm kind of full this
23 morning. So why don't we go ahead and get this filed and set it for, I guess
24 you'll call it a hearing. It's going to be a *Faretta* canvas.

25 MS. BLUTH: Sure.

1 THE COURT: We'll do it Monday and we'll do it at the end of calendar at
2 11:00 o'clock because it does take a little bit of time and I really do need
3 everyone else to leave the room --

4 MS. BLUTH: Yes, Your Honor.

5 THE COURT: -- so I can go over it with you. So we'll file that.

6 And by the State, we need to get them a copy.

7 THE CLERK: Okay. So Monday you said?

8 THE COURT: Monday at 11:00, please.

9 THE CLERK: August 24th at 11:00 a.m.

10 THE DEFENDANT: Thank you, Your Honor.

11 MS. BLUTH: Thank you.


12 THE CLERK: I'll get you, State, a copy.

13 MS. BLUTH: Okay, I'll just wait. Thanks.

14 PROCEEDINGS CONCLUDED AT 9:37 A.M.

15 * * * * *

16 ATTEST: I do hereby certify that I have truly and correctly transcribed the
17 audio/video recording in the above-entitled case to the best of my ability.

18 
19 MARIA L. GARIBAY
20 Court Recorder/Transcriber
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1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 MELVYN PERRY SPROWSON, JR.

9 Defendant.
10
11

CASE NO. C295158-1

DEPT. XXIII

12 BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE
13 MONDAY, AUGUST 24, 2015

14 **RECORDER'S TRANSCRIPT OF**
15 **STATUS CHECK: FARETTA CANVASS,**
16 **RESETING OF TRIAL AND**
17 **DEFENDANT'S MOTION TO PROCEED PRO SE**

18 APPEARANCES:

19 For the State:

JAMES SWEETIN, ESQ.
Chief Deputy District Attorney
JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

22 For the Defendant:

MICHAEL R. YOHAY, ESQ.
Deputy Public Defender

24
25 RECORDED BY: MARIA GARIBAY, COURT RECORDER

1 Monday, August 24, 2015 - 11:05 a.m.

2
3 THE MARSHAL: Judge, this is at the bottom of page 9, C295158,
4 Sprowson.

5 THE COURT: All right. Good morning, everyone.

6 MS. BLUTH: Good morning, Judge.

7 THE COURT: Hi, Mr. Sprowson.

8 THE DEFENDANT: Good morning, Your Honor.

9 THE COURT: Let me get to my *Faretta* canvass. All right, Mr.
10 Sprowson, I'm required to go over certain things with you before I make a
11 decision in your request to represent yourself. That's why we're here today.

12 [Court and Clerk confer]

13 THE COURT: All right. And these questions are based upon the case
14 of *Faretta v. California*, which is 422 U.S. 806. Mr. Sprowson, I have to ask
15 you, do you understand what you're charged with, sir?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: I want you to understand that you're charged with some
18 very serious crimes, sir. On Count 1, you're charged with first degree
19 kidnapping, a felony. On Count 2, you're charged with child abuse, neglect or
20 endangerment with substantial bodily and/or mental harm. And on Counts 3
21 through 6, you're charged with unlawful use of a minor in the production of
22 pornography, all felonies. Do you understand that you're charged with these
23 crimes, and do you understand these crimes?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: And, sir, do you understand the potential sentence for

1 each of these crimes?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: All right. And I want you to understand that you do have
4 a constitutional right and a statutory right to be represented by competent
5 counsel free of charge if you cannot afford to retain your own attorney. Do
6 you understand that, sir?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: And do you also understand that if you have an attorney
9 assigned to represent you at the taxpayers' expense, that attorney would be a
10 member of the State Bar of Nevada and would have trial experience in
11 handling criminal jury trials such as yours?

12 THE DEFENDANT: Yes, I understand.

13 THE COURT: And do you also understand that you have a right to call
14 witnesses on your own behalf, and do you have any idea of -- and I want you
15 to understand that if an attorney is involved, obviously, it would be the
16 attorney's responsibility to get witnesses into court on your behalf.

17 Do you understand that if you are representing yourself, the
18 obligation will be solely on you to get any witnesses into court that you want
19 to have testify on your behalf? It will not be the obligation of the State. Do
20 you understand that?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: All right. And do you understand that to get witnesses
23 to come into court, you will have to prepare a subpoena, and the responsibility
24 for preparing a subpoena and serving a subpoena will be on you? It will not be
25 the obligation of the State, and it will not be the obligation of the Court. Do

1 you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: All right. And do you understand that when you're
4 representing yourself just as if you had a lawyer, that you will have the right to
5 confront and cross-examine the witnesses called against you by the State of
6 Nevada? Do you understand that?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: So you understand you'll be the one doing the cross-
9 examination, correct?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And do you understand that -- I know that you're being
12 held at the detention center and that -- currently. Do you understand that you
13 will not be given any special privileges by the Court or any special library
14 privileges in jail simply because you're representing yourself?

15 THE DEFENDANT: I understand. Yes, I do.

16 THE COURT: And do you realize that, in general, it's unwise to
17 represent yourself and that it could enure to your extreme detriment?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: And you do recognize that the State will have probably
20 at least two lawyers who will be prosecuting the case against you, and those
21 lawyers will be very experienced in criminal trials? Do you understand that?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: And do you understand that during the course of the
24 trial, you'll be held to the same rules as the State -- as the State or any other
25 lawyer would be held to?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: And do you understand that you will be responsible for
3 presenting written jury instructions at the end of the trial if you disagree with
4 any proposed by the State?

5 So I don't know if you're done jury duty, but at the very end
6 the State will provide the Court will the law that they would like to be
7 presented to the jury. And the Defense also has the opportunity to present any
8 law they want to be presented to the jury. Do you understand that you will
9 have that responsibility since you are representing yourself?

10 THE DEFENDANT: Yes, I do, and I hope that I do.

11 THE COURT: Okay. And, sir, have you ever participated in a jury trial
12 before either by way of being a juror, being a party to a jury trial?

13 THE DEFENDANT: I have observed courtrooms before.

14 THE COURT: Okay. Was that in just a civilian capacity --

15 THE DEFENDANT: Yes.

16 THE COURT: -- where you just came in to watch the proceedings?

17 THE DEFENDANT: Yeah. As an observer, yes.

18 THE COURT: Okay. And how old are you, sir?

19 THE DEFENDANT: I am 46.

20 THE COURT: And what is your education, sir?

21 THE DEFENDANT: I have a bachelor of arts in liberal studies.

22 THE COURT: Okay. And, presumably, you read, write and understand
23 the English language?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: And you gave me some paperwork that led to us going

1 over this canvass today for you to represent yourself. Did you research and
2 write the motion on yourself -- I mean, on your own?

3 THE DEFENDANT: Yes, I did.

4 THE COURT: Okay. Do you understand that if I grant your motion to
5 represent yourself, that I will probably appoint standby counsel? That would
6 probably be the Public Defender's Office or one of my appoint -- my track
7 attorneys if the Public Defender's Officer cannot act as standby counsel. Do
8 you understand that?

9 THE DEFENDANT: I understand.

10 THE COURT: And that the -- whatever lawyer I appoint to represent as
11 standby counsel will sit with you at counsel table and will be available to ask
12 you -- he or she will be available that you can ask questions of during the
13 course of the trial; however, they cannot offer you any assistance or take any
14 part of the proceedings unless you specifically want counsel to assist you
15 during the proceedings?

16 THE DEFENDANT: I understand. Yes, I do.

17 THE COURT: All right. And that because they're not your counsel,
18 they may not be prepared as they otherwise would if you need them to step in
19 during the course of trial; do you understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. And do you understand that if you do represent
22 your trial -- if you do represent yourself at trial and you're ultimately convicted,
23 that you can't complain that you were ineffective in representing yourself?
24 You can't use that as a basis for appeal; do you understand that?

25 THE DEFENDANT: Yes. I do believe I submitted an affidavit to that

1 effect as well.

2 THE COURT: Sir, and I need to make sure -- I'm going to go over this.
3 I want to make sure you tell me that you do understand. First of all, do you
4 understand all of your rights?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: And do you understand your obligations at trial?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: And do you understand -- and are you freely and
9 voluntarily waiving your right to counsel?

10 THE DEFENDANT: Yes, I am.

11 THE COURT: And are you making this decision to represent yourself
12 freely and voluntarily?

13 THE DEFENDANT: Yes, I am.

14 THE COURT: And do you understand that you're going to have to
15 come up with any defenses you may have to the charges presented by the
16 State?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And what is it for -- if he's convicted, is it ten days for
19 notice of appeal? Twenty? I can't remember.

20 MR. SWEETIN: It's 30 days, Judge.

21 THE COURT: Thirty days? I'm sorry. I'm just blanking. Thank you.
22 And I want you to understand that, sir, if you are convicted at trial, you'll have
23 30 days to file a notice of appeal so that you can get the appellate process to
24 begin in front of either the Nevada Court of Appeals or the Nevada Supreme
25 Court.

1 THE DEFENDANT: Yes.

2 THE COURT: So, sir, you will be allowed to represent yourself. It does
3 appear that you understand the charges -- the nature of the charges against
4 you. You understand the pros and cons of representing yourself, first as being
5 represented by a licensed and skilled attorney, and that you understand your
6 obligations during the course of the trial. So you will be allowed to represent
7 yourself.

8 There's a secondary issue that I'm looking into, and we're going
9 to have to come back into court to discuss. First of all, I am still working on
10 the decision. Secondly, in this particular case, there's been medical records
11 pertaining to the victim which were turned over to Mr. Momot. Okay? The
12 issue for this Court, and I'm trying to work out the details, is, obviously,
13 you're going to have access to those records in order to be able to represent
14 yourself.

15 The question is is you're not really entitled to keep those
16 records, and there's a lot of -- they cannot go over to the jail. They cannot
17 remain over at the jail for a multitude of reasons. And there's also issues as
18 to -- there's information within those records that we've got to decide what
19 we're going to do with them, such as the victim's social security number,
20 address, et cetera.

21 So I am conferring with other judges, and we're determining the
22 appropriate way to handle that and also balance your right to adequately
23 prepare for trial. And I'm -- and we're still trying to come up with a game plan
24 for that. So I probably will need to have them come back Monday before I
25 got.

1 THE CLERK: August 31st, 9:30.

2 THE COURT: Okay.

3 THE DEFENDANT: And, Your Honor, I had submitted the motion to
4 the Court. I never received my original -- my original back. Did the State get a
5 copy of that as well?

6 THE COURT: What motion? To represent yourself?

7 THE DEFENDANT: Yeah.

8 THE COURT: That would've been filed.

9 THE DEFENDANT: Okay. It was filed.

10 THE COURT: It should've been filed, yes.

11 THE DEFENDANT: Right. I never received a copy back from that.

12 THE CLERK: Oh, I didn't realize he didn't have a copy. I can print one
13 out now.

14 THE COURT: We can print out a copy.

15 THE DEFENDANT: I'd appreciate that, if you could, Your Honor.

16 THE COURT: Sure.

17 THE DEFENDANT: Now, did the State -- did the State get a copy?

18 MS. BLUTH: I did. Thank you.

19 THE CLERK: Actually, it's not actually in Odyssey yet. I'll make a note
20 to get a copy over to him.

21 THE COURT: Okay. So far we can't see it in the computer system.
22 Sometimes there's a delay in the Clerk's Office as far as scanning everything
23 in. So Kathy is making a note. So as soon as it shows in our system, we'll
24 print out and get it over to you at the jail.

25 THE DEFENDANT: Okay. Thank you.

1 THE COURT: Thank you. I'll see you Monday --

2 MS. BLUTH: Your Honor, would that be the correct time to set a trial
3 date? Because right now we don't have a trial date.

4 THE COURT: No, we can go ahead and set a trial date right now.

5 MS. BLUTH: Okay.

6 THE COURT: No -- well, we can't do a trial -- the only time we have is
7 at -- are either -- we don't really have much time.

8 MS. BLUTH: And in speaking with Mr. Sweetin, Your Honor, and
9 looking at the evidence before I came here today -- I mean, obviously, it's my
10 preference to try it in this department, but in previous discussions, I recognize
11 how full Your Honor's schedule is until the end of the year. I do believe this is
12 overflow eligible, so --

13 THE COURT: You want to try it this year?

14 MS. BLUTH: That would be -- that's my preference, but I know in
15 speaking with Your Honor last time we were here, it seemed like you're pretty
16 full --

17 THE COURT: Full. Let me see --

18 MS. BLUTH: I thought that there was --

19 THE COURT: -- what's in October.

20 MS. BLUTH: Oh, is October open or is it November?

21 THE COURT: Nothing's really open for a while, but -- he is overflow
22 eligible?

23 MS. BLUTH: It should be. I mean, it's my preference to stay in here,
24 but, yeah, I can get this done in a week.

25 [Court and Clerk confer]

1 THE CLERK: We can do October 26th. It will only be a week trial or --

2 MS. BLUTH: I believe it -- it should be done within a week. I mean, I
3 think once we get past the whole jury selection process, which might be a
4 little bit of an issue, I mean, it's going to fly. There are not that many
5 witnesses to this case.

6 THE DEFENDANT: Well, I only have one question --

7 THE COURT: Uh-huh.

8 THE DEFENDANT: -- as pertaining to that particular date, is, obviously,
9 I'm going to need time to prepare because I don't have all of the evidence that
10 the State has and Mr. Momot has. So I would need a minimum at least two
11 and half months.

12 THE COURT: Then you'd have to be in January.

13 THE DEFENDANT: January would be fine.

14 MS. BLUTH: And I'm not going to be able to do January. We --

15 THE COURT: I'm sorry, we're -- I mean, he may have to get someone
16 else to try it with Mr. Sweetin.

17 MR. SWEETIN: Well, actually, Judge, Ms. Bluth has been involved with
18 the victim in this case since the beginning, and it would be very problematic
19 for us if she came off the case.

20 MS. BLUTH: I'm the only person --

21 THE COURT: You have hundreds of lawyers over there.

22 MS. BLUTH: Your Honor, but this always happens with the Defense
23 counsel, and they're never -- the Public Defender's Office has never said, well,
24 get another public defender on. I mean, the fact of the matter is, I'm a special
25 victim's unit. These are children. I'm the only person who's ever had any

1 contact with her. She's been to Montevista multiple times. When I mention
2 to them that I might be forced off the case -- I mean, I have been here three --

3 THE COURT: When will you be back?

4 MS. BLUTH: I have been here three times, ready every single time. I
5 won't be back until the end of March.

6 THE COURT: I mean, obviously, you can't really compare
7 considerations of the Court on Defense counsel's availability versus the
8 State's. They're totally different things, so they can't. March.

9 THE CLERK: March 28th?

10 MS. BLUTH: Yeah, I can do March 28th. I mean, is -- well, is there
11 any other date in -- would you be ready -- or would Defense be ready by
12 November, and then we could go to overflow?

13 THE COURT: I don't have -- I have a staff in November -- do I? I
14 have -- well, I have two weeks in November, November 2nd.

15 MS. BLUTH: Because that's within the time frame that Mr. Sprowson
16 is asking.

17 THE COURT: Would that be enough time?

18 THE DEFENDANT: Perfect.

19 THE COURT: There you go.

20 MS. BLUTH: Thank you.

21 THE CLERK: October 28th at 9:30 for calendar call. Jury trial,
22 November 2nd at 1:00 p.m.

23 MR. SWEETIN: Thanks, Judge. And just for the record, the Court is
24 making a finding then that the Defendant is competent to waive his
25 constitutional right to be represented by an attorney, and the Defendant is

1 waiving the right to counsel freely, voluntarily and knowingly and has a full
2 appreciation and understanding of the waiver and its consequences.

3 THE COURT: That is a correct statement.

4 MR. SWEETIN: Thank you, Judge.

5 THE COURT: And a good clarification of the terms. As I've already
6 said, we are appointing the Public Defender as the standby counsel. I'll ask
7 that the Public Defender's Office please send a representative on Monday for
8 this hearing, and we'll -- and I'll have a --

9 MR. YOHAY: We will be here, Judge. I spoke already --

10 THE COURT: Oh, Mr. Yohay. See you on Monday. And then I'll figure
11 out what to do about the records in this case.

12 MS. BLUTH: Okay.

13 THE COURT: Okay? See you then.

14 [Proceeding concluded at 11:19 a.m.]
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19 ATTEST: I hereby certify that I have truly and correctly transcribed the
20 audio/video proceedings in the above-entitled case to the best of my ability.

21 
22

23 _____
24 Renee Vincent, Transcriber
25



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
13

)
) CASE NO. C295158-1
)

) DEPT. NO. XXIII
)

) **TRANSCRIPT OF PROCEEDINGS**
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)
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14

15 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

16 MONDAY, AUGUST 31, 2015

17 **STATUS CHECK: DISCOVERY**
18

19 APPEARANCES:

20 For the Plaintiff:

JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

21 For the Defendant:

MICHAEL R. YOHAY, ESQ.
Deputy Public Defender
22
23
24

25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 MONDAY, AUGUST 31, 2015, 9:58 A.M.

2
3 THE MARSHAL: Top of page 9, C295158.

4 THE COURT: Mr. Sprowson, Mr. Yohay.

5 MR. YOHAY: Yes, ma'am.

6 THE COURT: Hi, Ms. Bluth. Good morning.

7 MS. BLUTH: Good morning.

8 THE COURT: All right. So we continued this over because I wanted to
9 cogitate regarding what to do with number one, the photographs of the victim
10 in this case; and number two, the victim's medical records. Upon talking with
11 Judge Barker and others, we believe that the best course of action is
12 obviously, we have to weigh the interest of you being able to prepare an
13 adequate defense in your behalf, but we also have to take into consideration
14 there are certain HIPPA concerns with those medical records and some other
15 issues with having photographs of a minor down at the jail. They just simply
16 can't go over to the jail.

17 So what we felt was the best course of action would be Mr. Yohay
18 is going to be standby counsel. The Public Defender's Office is going to
19 facilitate --

20 MR. YOHAY: Could we approach, Judge?

21 THE COURT: Yeah.

22 MR. YOHAY: Thank you.

23 [Bench conference – not transcribed]

24 THE COURT: Okay. Mr. Sprowson, so apparently there's been a wrinkle
25 in the records and that Public Defender's Office at this time does not want to

1 take custody and control of the psychiatric records of the victim, nor the
2 photographs of the victim, okay? So we need -- again, we do need to --
3 obviously you do need to have access to them because I understand you need
4 to prepare your defense for the trial that's coming up this Fall. So at this point,
5 we've got to go back to square one. I've got to put my heads together with
6 some of the other judges and figure out what an -- an alternative way of making
7 sure you have access to those records, okay?

8 I will be gone for a bit of time, so we're going to have a hearing on
9 the 21st. By then, I believe my understanding is Mr. Yohay is going to speak
10 with his supervisors to see if we could come up with an alternative solution as
11 is Ms. Bluth, she's going to speak to her supervisors, okay? At some point, you
12 will have access to view those records. Did you get a copy of the Court's
13 decision on your motion to suppress?

14 THE DEFENDANT: No, I didn't.

15 THE COURT: Okay. It -- you were named a person. You should've
16 gotten a copy and perhaps it just hasn't made its way over to you at the jail.
17 The State has printed out an additional copy which they're going to give you
18 today. Eventually, the copy of the Court sent to you should make its way to
19 you. The other issue is -- and I know I'm going to order Mr. Yohay to do this,
20 there are -- there is -- I don't have -- did you ever get your discovery from
21 Mr. Momot?

22 THE DEFEDANT: No, I haven't received anything.

23 THE COURT: Okay.

24 THE DEFENDANT: Nothing.

25 THE COURT: Well, at least we want to get you the discovery that you

1 can have over at the jail and get you started on looking at it, so Ms. Bluth has
2 made an extra copy for you and Mr. Yohay is going to get that to you at the
3 jail.

4 THE DEFENDANT: Okay. And then there's an issue of the search
5 warrant, Your Honor. Did you ever -- I know that when we were here last time
6 during the motion to -- when you were hearing that motion, you and the Clerk
7 didn't find that search warrant on file. I actually checked with the Clerk, they
8 didn't find it on file either. There's a search warrant that was supposedly --
9 there's a lot of felonies attached to that search warrant. This is why it's
10 important for me. Now, do I need to file a motion to bring that up?

11 THE COURT: You would need to file a motion.

12 THE DEFENDANT: Okay. I will.

13 THE COURT: I don't have an independent recollection of what you're
14 talking about, but just file a motion and we'll look into the matter, okay, as well
15 as the State. Is there anything we need to address today?

16 MR. YOHAY: Judge, just for the record, I just want to at least put on the
17 record; apparently it's the Public Defender's -- the position of the Public
18 Defender's Office that we're not to take custody of any of the discovery in this
19 case. Thus, that our job is basically as a standby counsel. It's totally to be
20 basically a consultant for Mr. Sprowson if he so desires. However, I understand
21 I think the Court just said you ordering me to turn over that discovery to him,
22 and since it's the Court's order, I will certainly follow through. But I just want
23 to make the record of the position of the Public Defender's Office.

24 THE COURT: I appreciate it. Thank you.

25 MS. BLUTH: Thank you, Your Honor.

1 THE COURT: All right. Thank you. We'll see you on the 21st at 9:30 in
2 the morning, sir.

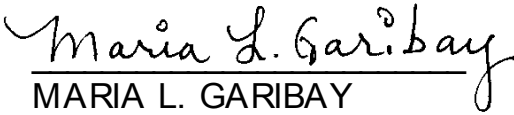
3 THE DEFENDANT: Thank you.

4 MS. BLUTH: Thank you.

5 PROCEEDINGS CONCLUDED AT 10:07 A.M.

6 * * * * *

7 ATTEST: I do hereby certify that I have truly and correctly transcribed the
8 audio/video recording in the above-entitled case to the best of my ability.

9 
10 MARIA L. GARIBAY
11 Court Recorder/Transcriber
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1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
13

)
) CASE NO. C295158-1
)

) DEPT. NO. XXIII
)

) **TRANSCRIPT OF PROCEEDINGS**
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14

15 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

16 MONDAY, SEPTEMBER 21, 2015

17 **STATUS CHECK: DISCOVERY**
18

19 APPEARANCES:

20 For the Plaintiff:

JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

21 For the Defendant:

MICHAEL R. YOHAY, ESQ.
Deputy Public Defender
22
23
24

25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 MONDAY, SEPTEMBER 21, 2015, 10:43 A.M.

2
3 THE MARSHAL: Page 3, C295158, Sprowson.

4 THE COURT: Hi, Mr. Sprowson. Good morning.

5 THE DEFENDANT: Good morning, Your Honor.

6 THE COURT: Okay. So you have something in your hand. Is that the
7 discovery from the State?

8 THE DEFENDANT: It appears that it is, yes. I have some more with
9 Mr. Yohay.

10 THE COURT: Okay.

11 THE DEFENDANT: So he's going to bring it by probably during the week.

12 THE COURT: Okay. So since we last met in court, my understanding is
13 that the State and the Public Defender's Office had come to an agreement
14 about the records in this case that can't be left over at the jail. So do you want
15 to put that on the record?

16 MR. YOHAY: That's correct, Your Honor. Our office policy apparently
17 has now changed. So now the State has provided me a copy of the redacted
18 medical records which I've now taken possession of. Additionally, there's the
19 DVD of some of the pictures that will be provided once, Your Honor, signs off
20 on the stipulation. Our office policy is now I will hold on to them. They'll be in
21 my custody. I'm providing Mr. Sprowson a copy -- or my phone number. And
22 we'll certainly be in contact when he needs to to be able to review them. I
23 asked him just to give me 48 hours worth of notice. I'll be able to make it over
24 there and I'll be able to provide a computer so he can view -- there's a couple of
25 disks. I think one is the search warrant, one was something else. So I'll be

1 able to provide a computer for him to review it, and I'll be there with him while
2 he reviews it and it'll remain in my custody. But certainly, we'll make every
3 arrangement that we can to make sure he's able to view them and have the
4 appropriate time to do so.

5 THE COURT: Okay. Is there anything else?

6 THE DEFENDANT: I just have one question. It's kind of not in relation to
7 this. It's in relation to your written order from the evidentiary hearing that we
8 had.

9 THE COURT: I can't address that, sir.

10 THE DEFENDANT: You can't address it? Can I address it in writing?

11 THE COURT: Yes.

12 THE DEFENDANT: Okay. That's fine.

13 MS. BLUTH: And, Judge, may I just make a complete record of
14 everything that I turned over so the record is clear?

15 THE COURT: Yes.

16 MS. BLUTH: So this morning what I did, Your Honor, I made a complete
17 copy of everything in my file and I divided it into sections, you know, like police
18 reports, you know, and I handed that over to Mr. Yohay who handed it over to
19 Mr. Sprowson. Additionally, per agreement with our office, the medical records
20 which contains psych records of a juvenile, those have been handed over and
21 those can go over to the jail. They can't remain at the jail with the Defendant,
22 but an investigator can take them over so he can go through with him. It's a
23 little bit different for the pictures. And once, Your Honor, signs that stipulation
24 and order, I'll hand these two disks over to Mr. Yohay. These can never leave
25 Mr. Yohay's presence. So while an investigator may go over and look over at

1 the medical records with the Defendant, Mr. Yohay can never lose possession
2 of these disks. So I just want to make sure that's clear.

3 THE COURT: Okay. And the investigator is going to stay with
4 Mr. Sprowson when he goes through the records; correct?

5 MR. YOHAY: Yes, either an investigator or myself, one of the two.

6 THE COURT: And obviously, there would be a privilege there anyways,
7 so that would protect Mr. Sprowson as well. And then just, you know, on the
8 record, as far as the redactions, those redactions are usually standard. It's
9 usually, I don't know, it's usually social security number, identifying information
10 that would not be relevant to what you would present in court. They're
11 basically --

12 THE DEFENDANT: Yeah, I understand that.

13 THE COURT: What?

14 THE DEFENDANT: I understand.

15 THE COURT: Yeah, it's just the stuff, you know, that you normally take
16 out of records nowadays.

17 THE DEFENDANT: Yeah, I know [indiscernible] documents.

18 THE COURT: Okay. So --

19 MS. BLUTH: And then just so you -- I apologize, Your Honor.

20 THE COURT: No. What is it?

21 MS. BLUTH: There's only one outstanding matter. Oh, there's two
22 actually. Mr. Sprowson filed a motion for the search warrant. I have provided
23 a copy of that search warrant in the discovery.

24 THE COURT: Okay.

25 MS. BLUTH: And so I think that that matter should -- I don't know if

1 there was a calendaring date set for that motion, but I believe now that he has
2 it in his possession. We can take it off calendar if that's okay with, Your
3 Honor.

4 THE COURT: Is it on calendar?

5 MS. BLUTH: Or was it today maybe?

6 THE DEFENDANT: October 5th is the date at 9:30.

7 THE COURT: It's not on my calendar, but -- oh, wait, wait.

8 [Indiscernible] motion to suppress. He has a motion to suppress.

9 THE CLERK: It is a motion to [indiscernible].

10 THE COURT: Oh, you know what, hold on. When is -- his motion to
11 suppress is on October 5th.

12 MS. BLUTH: I think that's the search warrant. That was based on him
13 not believing that was the search warrant, but I've now provided the search
14 warrant.

15 THE COURT: So if you have the search warrant, do you still need to have
16 your -- I haven't read your motion to suppress 'cause it's not on calendar 'till
17 October.

18 THE DEFENDANT: Well, Your Honor, I still would like to have the hearing
19 because I haven't actually viewed the search warrant itself to verify the
20 contents and I'd like to examine it. I'd still like to have the -- since I filed the
21 motion, I'd still like to have motion hearing.

22 THE COURT: Can you give me the rundown on what that says?

23 THE DEFENDANT: Pretty much the issue is I'm using NRS 179.095 as
24 far as like the search warrant and any papers in connection that happen to be
25 on file with the Clerk of the Court that has a jurisdiction over the property that

1 was seized. I investigated; I didn't find anything on file. The courts that I
2 contacted didn't find anything on file. Then the -- going to NRS 179.085, any
3 evidence that is seized from an unlawful search is entitled to have that
4 suppressed as evidence in trial. So that's what my motion was mainly about.

5
6 THE COURT: Then we would need -- you'd have to file a response. He's
7 challenging the validity of the warrant.

8 MS. BLUTH: Well, he -- he -- no, he's challenging that there wasn't one
9 and so I've now provided him one. And I'll do a quick response with that
10 attached as an exhibit, but there was a search warrant. There's always been a
11 search warrant, so.

12 THE COURT: I guess I misunderstood him. And then I thought you're
13 also attacking the validity of the warrant. Just -- are you just attacking the fact
14 that there was or was not a warrant?

15 THE DEFENDANT: Well, the validity of it is no because if it's not on file
16 then it's not valid. And when I contacted the courts, they didn't have anything
17 on file. Now I have documents that have something that appear to be that it's
18 filed, but I'd still like to investigate that.

19 THE COURT: All right. Then the State needs to just file a quick
20 response. We'll have the hearing on October 5th.

21 MS. BLUTH: And then the only remainder issue, Your Honor, is is when
22 Mr. Momot was of counsel, the State I believe, I can't remember if Mr. Momot,
23 but I don't know if the State brought up the motions because there's been so
24 many motions filed in this case, but the victim had a previous case where she
25 was a victim in front of Judge Abbi and --

1 THE COURT: Judge Silver?

2 MS. BLUTH: Yes, sorry, Judge Silver. I don't know why I said Judge
3 Abbi, yes. And it was my understanding from that ruling that, Your Honor,
4 stated that that evidence was not coming in. You did look at in camera records
5 and stated to defense counsel if they thought anything was relevant, you know,
6 to bring in another motion on whether or not that case could come in. That's
7 my recollection, Your Honor. I'm not saying it's 100% accurate, but that leads
8 me to my second point is I do believe that the Defendant -- I do believe, Your
9 Honor, should look at the other case. The discovery is very minimal for an in
10 camera review. And anything you find either exculpatory or relevant to this
11 case should be handed over to the defense. So I'm just in the process of
12 ordering that file because it's been closed out. And so I just wanted to let,
13 Your Honor, know that that's what I thought would be appropriate. I can't -- I
14 obviously can't hand it all over because it's actually sexual assault on a minor
15 case and so it's very sensitive material. But because of arguments made by
16 Mr. Momot previously, I know Mr. Momot did have that discovery.

17 THE COURT: I do not remember making a ruling on Judge Silver's case.

18 MS. BLUTH: See and I could've sworn -- and I was -- I was trying to look
19 through at all the minutes.

20 THE COURT: I just don't recall. And I don't believe that it was addressed
21 in the order that I did.

22 THE DEFENDANT: What I remember, Your Honor, what I can recollect, is
23 that the State filed I think a motion in limine in regards to that evidence. If I'm
24 not mistaken, there was a partial order where we were allowed to anything
25 when she was in my custody, so to say, or however you want to say that.

1 THE COURT: Mm-hmm.

2 THE DEFENDANT: There was medical records that were privileged to me.
3 And anything before that, I believe you ruled was excluded or something to that
4 effect. I'm just paraphrasing. I'm not exactly sure if that's how it went, but
5 something to that effect. That's how Mr. Momot explained it to me.

6 THE COURT: I don't -- I just -- I'm sorry. I don't remember anything
7 about Judge Silver.

8 MS. BLUTH: That's okay.

9 THE COURT: So what are you suggesting might be as far as what
10 exactly in that case should I look at as far as turning it over potentially to the
11 Defendant.

12 MS. BLUTH: Well, and that's what I -- I think I should just go back and
13 look at the arguments between Mr. Momot and I and then your ruling because I
14 just didn't want to be in violation of any of the Court's orders because there
15 was a previous case. And I believe Mr. Momot felt that he was entitled to that
16 discovery, and I think that he actually got a portion of that discovery from the
17 defense attorney. So if, Your Honor, is okay with it, I will just go and I'll look
18 back at the minutes and the orders and I'll get some clarity and then I'll bring it
19 up on the 5th or file something beforehand.

20 THE COURT: Okay. That would work. I mean, again, I don't recall
21 making a ruling. I'm just kind of briefly -- I mean there's only certain ways you
22 could even use anything that come up in that case, but it doesn't mean he's not
23 necessarily --

24 THE DEFENDANT: I believe that if you look in the --

25 THE COURT: -- entitled to see it.

1 THE DEFENDANT: Excuse me. I didn't mean to interrupt you.

2 THE COURT: What?

3 THE DEFENDANT: In the record, in my record, I believe it does have
4 something there in relation to that, what the State is talking -- referring to that,
5 so.

6 THE COURT: That you wanted the discovery in Judge Silver's case?

7 THE DEFENDANT: No, in the ruling that you made in regards to that
8 particular situation that the State is referring to.

9 THE COURT: I think I said that Mr. Momot would have to put that in
10 writing. I don't think we went into it, but why don't you look.

11 MS. BLUTH: The reason why it became relevant was because of the
12 psych records and the med records because in our case we had charged child
13 abuse with substantial mental harm, and I think Mr. Momot was stating how
14 can we tell if the harm was from this case or that case. And so that's where it
15 came in context with the medical records. So I'm just going to look back, Your
16 Honor, and I'll put it back on calendar so we can have a clear memory, 'cause it
17 was -- I believe it was done orally and it was some months ago, so I just want
18 to make sure I have a clear recollection.

19 THE COURT: Do you have Judge Silver's case number?

20 MS. BLUTH: I do not. I apologize; I do not. I just ordered the file to
21 come out of the closed section.

22 THE COURT: Okay. So do we need to put a date on for just so it doesn't
23 fall in the cracks since obviously the Defendant's limit is the ability to file
24 things?

25 MS. BLUTH: Sure; yeah. I mean on October 5th we can definitely

1 address this since we're coming back in two weeks.

2 THE COURT: Okay. So put on there discussion regarding -- well --

3 MS. BLUTH: Victim's prior case.

4 THE COURT: Victim's prior case in Judge Silver, probably.

5 MS. BLUTH: And I'll research that this week.

6 THE COURT: Okay. Is there anything else?

7 THE DEFENDANT: I believe that was it as far as like those previous cases
8 where she was involved in, the ones introduced. So actually at least look at
9 some of that evidence because our case basically uses that as a jump for some
10 of the things and things that happened in regards to my case on a particular
11 night basically were the cause, or actually I should say the effect of some of
12 those things. And that's why we are arguing for that to be introduced because
13 it's relevant to a certain point and then there was some parts that weren't
14 relevant. And that's why I think the State is trying to clarify, Your Honor.

15 THE COURT: Okay. Sounds good.

16 MS. BLUTH: So we'll deal with that on the 5th.


17 THE COURT: Bye. See you on the 5th.

18 MS. BLUTH: Okay.

19 PROCEEDINGS CONCLUDED AT 10:54 A.M.

20 * * * * *

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video recording in the above-entitled case to the best of my ability.

23 
24 MARIA L. GARIBAY
25 Court Recorder/Transcriber



1 RTRAN

2
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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.

CASE NO. C295158-1

DEPT. NO. XXIII

TRANSCRIPT OF PROCEEDINGS

13 BEFORE THE HONORABLE DAVID BARKER, DISTRICT COURT CHIEF JUDGE
14

15 MONDAY, OCTOBER 12, 2015

16 **DEFENDANT'S PRO SE MOTION TO PROCEED ON APPEAL IN FORMA**
17 **PAUPERIS...DEFENDANT'S PRO SE MOTION TO SUPPRESS**
18 **EVIDENCE...STATE'S MOTION FOR CLARIFICATION REGARDING STATE'S**
19 **PREVIOUSLY FILED MOTION IN LIMINE TO PRECLUDE EVIDENCE OF VICTIM'S**
20 **PRIOR SEXUAL ABUSE AT TRIAL...STATUS CHECK**

21 APPEARANCES:

22 For the Plaintiff:

JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

23 For the Defendant:

MICHAEL R. YOHAY, ESQ.
Deputy Public Defender

24
25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 MONDAY, OCTOBER 12, 2015, 9:27 A.M.

2
3 THE MARSHAL: Page 4, C295158, Sprowson.

4 THE COURT: Record should reflect the absence of Mr. Sprowson who's
5 in the Nevada Department of Corrections.

6 MS. BLUTH: Oh, he's here, Judge.

7 THE COURT: Oh, he's present. Very good. Mr. Sprowson is present
8 here looks like. Counsel, could you state an appearance, please?

9 MR. YOHAY: Michael Yohay from the Public Defender's Office as
10 standby counsel, Judge.

11 THE COURT: Mr. Yohay as standby counsel.

12 MS. BLUTH: Good morning, Your Honor, Jacqueline Bluth on behalf of
13 the State.

14 THE COURT: All right. This is time set status check and a series of
15 Pro Per motions and State's motion. Per Court's staff, it was indicated to me
16 that the matter would probably be continued for Judge Miley's attention.

17 MS. BLUTH: That's correct, Judge, only because it's a motion to clarify
18 on her previous ruling, and so both parties agree that's probably in the best
19 interest of the case to have her be here when we decide these motions. If the
20 following Monday is okay with the Court, that's the date that we're requesting.

21 THE COURT: Mr. Sprowson, you are currently Pro Se with standby
22 counsel.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that request?

25 THE DEFENDANT: Your Honor, I was --

1 THE COURT: The question, Mr. Sprowson, is do you understand? Do
2 you understand the request of the State to continue this effort until next
3 Monday so Judge Miley can participate and preside over this effort; yes or no?

4 THE DEFENDANT: Yes, I understand that, Your Honor.

5 THE COURT: Okay. Do you have any objection to that?

6 THE DEFENDANT: Yes, I do, Your Honor.

7 THE COURT: What is your objection?

8 THE DEFENDANT: Well, I just want to clarify some things on why we're
9 here today. I was under the impression -- well, first of all, this was supposed to
10 be heard on October 5th. It was continued 'till today and there's supposed to
11 be -- I just want to clarify, there was three things that were to be addressed
12 today, a motion to --

13 THE COURT: I have a defense -- let me -- that's a fair question to ask.
14 Let me answer it. Per Odyssey review, this is a time set or pending are defense
15 Pro Per motion to proceed on appeal in Forma Pauperis, Defendant's Pro Se
16 motion to suppress evidence, State's motion for clarification regarding State's
17 previously filed motion in limine to preclude evidence of victim's prior sexual
18 abuse at trial. So those are the three things. Two defense motions and one
19 State's that are pending. Does that make sense to you?

20 THE DEFENDANT: Yes.

21 THE COURT: Or are there things you --

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: All right. Are there additional items that you believe should
24 be on the calendar that aren't reflected there?

25 THE DEFENDANT: No, I just want to clarify that, Your Honor, just to

1 make sure 'cause it's kind of been -- these past two weeks has been kind of
2 crazy, I've been moved around three or four different times.

3 THE COURT: I understand. It can be challenging to represent yourself
4 and so I'm trying to answer your questions. Noting that everything the defense
5 believes, and I think, counsel, you have one motion pending; is that what you
6 believe is pending?

7 MS. BLUTH: That's correct.

8 THE COURT: Now, I want to make sure everybody's been served with
9 each other's motions. And so when Judge Miley is here next Monday, the
10 effort can be -- can move forward efficiently.

11 MS. BLUTH: Sure.

12 THE COURT: So we've got responses. Briefing's done?

13 MS. BLUTH: Well, I wrote my motion in limine and clarification. I have
14 not received an opposition by Mr. Sprowson. I didn't know if he was going to
15 be doing that or --

16 THE COURT: Mr. Sprowson, were you served with that motion?

17 THE DEFENDANT: Just recently. Like I said, I've been moved from three
18 different locations.

19 THE COURT: Right.

20 THE DEFENDANT: And currently, I have no access to the law library
21 where I'm located.

22 THE COURT: Okay.

23 THE DEFENDANT: And I'll be kept in seclusion, so.

24 THE COURT: That, frankly, is one of the challenges of being Pro Se
25 litigant. What I need to confirm is that you've received a copy of the motion

1 and you've had an opportunity to review and respond to it. And it sounds like
2 you've received it.

3 THE DEFENDANT: I have received it; yes, Your Honor.

4 THE COURT: Okay, good.

5 THE DEFENDANT: But I'm going to respond to it orally in court.

6 THE COURT: All right. And you'll speak to Judge Miley then on
7 Monday?

8 THE DEFENDANT: Yes.

9 THE COURT: Let's grant the oral request to continue the status check
10 and the three pending motions 'till next Monday, if that's convenient to the
11 Court.

12 MR. YOHAY: And, Judge, I was going to make a request. I don't know
13 if, Your Honor, would be able to basically order him that he remain at Clark
14 County Detention Center as opposed to the North Valley Complex. Part of the
15 issue here is I have some of the discovery that he's basically to have access to
16 whenever he basically calls and we're able to set up a meeting. It's much more
17 convenient and much easier to deliver everything. I mean it's a full banker's
18 box full of documents, and just walk it over to the Clark County Detention
19 Center. They just recently moved him out to North Valley, which has caused
20 more of a difficulty of communication between the two of us. And I would just
21 ask if, Your Honor, has any ability to basically just order him to be housed at
22 the Clark County Detention Center.

23 THE COURT: It -- I'm looking at transport, the officer now. Is there
24 any --

25 THE CORRECTIONAL OFFICER: He's at the Clark County Detention

1 Center now.

2 THE COURT: All right. He needs to be.

3 MR. YOHAY: He's out of North Valley then?

4 THE CORRECTIONAL OFFICER: Yeah, he's at CCDC right now.

5 THE DEFENDANT: Like I said, they moved me three different times.

6 MR. YOHAY: Okay. So now they've moved you back.

7 THE DEFENDANT: They just moved me back here. But, Your Honor, if I
8 may ask one more question.

9 THE COURT: Okay.

10 THE DEFENDANT: I have -- 'cause I'm supposed to be getting discovery
11 from the State and there's some items that I still need to request. I don't know
12 if Mr. Yohay had the opportunity to ask that of the State, but may I ask the
13 State for the requested discovery?

14 THE COURT: Absolutely. You have a right to have all that discovery, all
15 that information and reports.

16 MS. BLUTH: And for the record, Your Honor, Mr. Yohay did write me a
17 detailed email letting me know what Mr. Sprowson's requests were. I did an
18 in-depth file review with the detectives last week and I provided Mr. Yohay with
19 the complete copy of the detective's files and the things that Mr. Sprowson
20 were requesting.

21 THE COURT: And I just saw -- I just saw you hand Mr. Sprowson some
22 documents. I don't know what they were.

23 MR. YOHAY: I did. I rode up the elevator with Ms. Bluth this morning.
24 She handed them to me.

25 THE COURT: Okay.

1 MR. YOHAY: I don't know what they were either. I just handed them
2 straight to Mr. Sprowson. Additionally, there were two DVDs. I was going to
3 keep them because the only way he has access to computers is when I bring
4 the computer over to view them. So I was going to hold on to these and we'll
5 go through them. I'll be over there sometime this weekend.

6 THE COURT: The minutes should reflect that Mr. Sprowson should
7 remain in CCDC pending this trial because you need to have access to counsel,
8 unless there's some type of security issue or something that is unknown to the
9 Court that Metro's concerned about, and then Metro needs to reach out and
10 communicate to counsel and Mr. Sprowson. There needs to be the ability to
11 have contact as appropriate, all right?

12 THE DEFENDANT: Also, Your Honor, could I have one request from the
13 Court? I need to have access to the law library so I can actually --

14 THE COURT: Now, I -- you -- remember when you did the *Faretta* canvas
15 you were told that you don't have any special privileges or more privileges than
16 anyone else, so.

17 THE DEFENDANT: I was under the assumption that that's not a privilege.
18 That's something that you're allowed to do to have a law library which is during
19 certain times. I don't have any access to the law library is the problem that I'm
20 having. And I was under the impression that I would be able to do research
21 during designated times. I thought that was part of the law.

22 THE COURT: And you should have access to resources.

23 THE DEFENDANT: I don't have any access is what I'm complaining
24 about, Your Honor.

25 THE COURT: Well, that would be extraordinary in my mind. You should

1 have the access that anyone would. And use your standby counsel as well if
2 there's information, legal information you want that you're frustrated in not
3 getting to, talk to your standby.

4 THE DEFENDANT: That's one of the reasons why I haven't been able to
5 respond. The other thing is there's still additional discovery that I haven't been
6 able to bring up, if I may request it.

7 THE COURT: Okay.

8 THE DEFENDANT: There's a conversation. I was remanded back in
9 February as a result of an alleged conversation that I allegedly had with the
10 alleged victim and I would like to have that conversation. It was an Instagram
11 conversation. And that's -- I guess -- I received a witness statement on Friday
12 so I'm assuming that that's going to be part of the State's presentation. I
13 would like to have that discovery if it's in their possession.

14 THE COURT: It would be discoverable if it's considered evidence that
15 you're going to seek to admit against Mr. Sprowson pursuant to 174.235, Ms.
16 Bluth.

17 MS. BLUTH: That is in the documents that were provided this morning.

18 THE COURT: Okay.

19 MS. BLUTH: And also, the State on Friday filed a motion to admit other
20 bad acts under 48.052 or whatever it is, Your Honor. That motion he should be
21 served with if not on Friday, early this week. But that I don't believe has been
22 calendared yet.

23 THE COURT: All right. So the answer to your question is I'm going to
24 grant that. She says it's already provided and it's information you should
25 already have.

1 THE DEFENDANT: Okay.

2 THE COURT: All right. So let's give you a date on Monday for Judge
3 Miley to move forward on the three motions that we've addressed here.

4 THE CLERK: That date will be October 19th at 9:30.

5 THE COURT: All right. Thank you all. Next case.


6 MS. BLUTH: Thank you.

7 THE DEFENDANT: Thank you.

8 PROCEEDINGS CONCLUDED AT 9:35 A.M.

9 * * * * *

10 ATTEST: I do hereby certify that I have truly and correctly transcribed the
11 audio/video recording in the above-entitled case to the best of my ability.

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13 MARIA L. GARIBAY
14 Court Recorder/Transcriber
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MELVYN SPROWSON,) No. 73674
)
 Appellant,)
)
 v.)
)
 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
Carson City, Nevada 89701-4717
(702) 687-3538

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DEBORAH L. WESTBROOK
HOWARD S. BROOKS

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stated he would not have time to prepare for questioning. Court pointed out rulings had been made on the search warrants, stated it did not understand why Deft's investigator could not obtain said warrants and advised Deft. could cross-exam witnesses. Deft. argued scan dates versus file dates and stated he requested scan dates. Mr. Yohay stated they had not been provided to standby counsel. Further argument by Deft. Court stated it did not see the relevance and believed argument to be tenuous. Further argument by Deft. requesting time to file Motion in Limine and further requested a brief trial continuance. Court pointed out Custodian of Records for Justice Court would be arriving at 1:00 p.m. Additional argument by Deft. Argument by the State. COURT ORDERED, Motion to Continue Trial is DENIED as there being no new information.

OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. Justice Court Custodian of Records, Brent Earl present, SWORN and TESTIFIED. Testimony and exhibits presented. (See worksheets) Outburst by Deft. Deft. stated he did not want records provided by custodian. Court admitted them as Court's exhibits. State placed offer on the record. Deft. rejected offer. State noted Deft's counter offer on the record. Colloquy regarding jury selection. POTENTIAL JURY PANEL PRESENT. Voir Dire began. COURT ORDERED, matter CONTINUED. Evening recess.

03-22-17 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

March 22, 2017 1:00 PM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT: Bluth, Jacqueline Attorney for the State
 Sprowson, Melvyn Perry, Jr. Defendant in Proper Person

 Sweetin, James R Attorney for the State
 Yohay, Michael R. Public Defender/Standby Counsel

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. Statement by Deft. regarding property report and advised there is an issue with subpoena issued from the previous Friday. COURT ORDERED, Custodian of Records for the Las Vegas Justice Court Criminal Division of Records appear in Department 23 at 9:15 a.m. on March 23, 2017, with items set forth in criminal subpoena dated March 17, 2017. State stated their concern with trial start time as they had flow in victim to testify and noted she would only be able to testify on Friday as she needed to return to school. COURT SO NOTED. Colloquy regarding jury selection and challenges for cause. POTENTIAL JURY PANEL PRESENT. Voir Dire continued. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. Challenges for cause presented. Mr. Yohay advised the Order for the presence of Custodian Records had been served and accepted for JoAnn Patterson. COURT SO NOTED. POTENTIAL JURY PANEL PRESENT. Voir Dire continued. COURT ORDERED, matter CONTINUED. Evening recess.

03-23-17 9:30 AM TRIAL BY JURY

PRINT DATE: 04/21/2017

Page 1 of 1

Minutes Date: March 22, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 23, 2017**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

March 23, 2017 9:30 AM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant in Proper Person
	Sweetin, James R	Attorney for the State
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. Upon Court's inquiry, Deft. advised he did receive documents and stated he had an understanding of process once explained by Ms. Patterson. Deft. stated he had an issue regarding his direct examination of the victim. Ms. Bluth noted Deft. did not serve them with notice of any witnesses. Court noted it is Deft's responsibility to subpoena witnesses and advised victim could return at Deft's expense. Argument by Deft. State then argued Deft. is held at the same standard as the State. Further argument by Deft. regarding his restrictions. Court agreed with Deft. on his limitations, however, agreed with the State regarding standards. Additional argument by Deft. Potential Juror #643 present and questioned regarding familiarity with the case. Outside presence of juror, Deft. stated juror could remain. Colloquy regarding scheduling. POTENTIAL JURY PANEL PRESENT. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. Potential Juror #698 present and disclosed issue. POTENTIAL JURY PANEL PRESENT. Voir Dire continued. CONFERENCE AT THE BENCH. Voir Dire continued. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Peremptory Challenges exercised. Jury selected and SWORN. Clerk read Information to the Jury. Court instructed the Jury. COURT ORDERED, matter CONTINUED. Evening recess.

PRINT DATE: 04/21/2017

Page 1 of 2

Minutes Date: March 23, 2017

C-14-295158-1

03-24-17 9:00 AM TRIAL BY JURY

PRINT DATE: 04/21/2017

Page 2 of 2

Minutes Date: March 23, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 24, 2017**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

March 24, 2017 9:00 AM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant in Proper Person
	Sweetin, James R	Attorney for the State
	Yohay, Michael R.	Public Defender/ Standby Counsel

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. State noted all evidence had been brought in for Deft's review and believed all of Deft's questions were answered by detectives. Statement by Deft. Colloquy regarding opening statements, direct examination and cross examination. Arguments by parties. Clarifications made by parties. JURY PANEL PRESENT. Open Statement by the State. Opening Statement by Deft. OUTSIDE THE PRESENCE OF THE JURY. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Argument by the State. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) COURT ORDERED, matter CONTINUED. Evening recess.

03-27-17 1:00 PM TRIAL BY JURY

PRINT DATE: 04/21/2017

Page 1 of 2

Minutes Date: March 24, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 27, 2017**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

March 27, 2017 1:00 PM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant in Proper Person
	Sweetin, James R	Attorney for the State
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Deft. argued Rape Shield. Argument by the State. Further argument by Deft. State argued regarding Deft's commentaries after asking questions of witness of Friday. Further arguments by parties. Court advised it gave Deft. some leeway in questioning, however, the issues of suicide and dating of older men was not allowed. Deft. made an oral motion for reporter to have contact. Court Services Officer advised Deft. would need to sign a media release. Court stated Deft. can speak to media if he desires as it is no concern to the Court and noted Deft. would need to follow the detention center's protocols. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding juror #6. Parties agreed to exchange first alternate juror with juror #6. JURY PRESENT. Testimony and exhibits presented. (See worksheets) COURT ORDERED, matter CONTINUED. Court admonished Deft. of his right to testify or not to testify. Evening recess.

03-28-17 10:30 AM TRIAL BY JURY

PRINT DATE: 04/24/2017

Page 1 of 2

Minutes Date: March 27, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 28, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

March 28, 2017 10:30 AM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT: Bluth, Jacqueline Attorney for the State
 Sprowson, Melvyn Perry, Jr. Defendant in Proper Person

 Sweetin, James R Attorney for the State
 Yohay, Michael R. Public Defender/Standby Counsel

JOURNAL ENTRIES

- JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PANEL PRESENT. CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. State noted redaction of statement. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. COURT ORDERED, matter CONTINUED. Jury Instructions argued OFF THE RECORD.

03-29-17 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

March 29, 2017 1:00 PM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant in Proper Person
	Sweetin, James R	Attorney for the State
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding Wells Fargo subpoena received in Chambers and Jury Instructions. Arguments by parties regarding previous therapy of victim and Rape Shield. Court noted it agreed with both parties to certain extent. Further argument by Deft. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) State RESTED. OUTSIDE THE PRESENCE OF THE JURY. Statement by Deft. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury questions. JURY PANEL PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Defense RESTED. COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding Jury Instructions. Jury Instructions SETTLED. Evening recess.

03-30-17 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 30, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

March 30, 2017 9:30 AM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT: Bluth, Jacqueline Attorney for the State
 Sprowson, Melvyn Perry, Jr. Defendant in Proper Person

 Sweetin, James R Attorney for the State
 Yohay, Michael R. Public Defender/Standby Counsel

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding legal definitions. Statement by Deft. Argument by the State. JURY PANEL PRESENT. Court Instructed the jury. Closing Argument by Mr. Sweetin. OUTSIDE THE PRESENCE OF THE JURY. JURY PANEL PRESENT. Closing Argument by Deft. CONFERENCE AT THE BENCH. Deft. continued with Closing Argument. OUTSIDE THE PRESENCE OF THE JURY. Argument by the State. JURY PANEL PRESENT. Rebuttal Closing Argument by Ms. Bluth. At the hour of 2:12 p.m., the Jury retired to deliberate.

03-31-17 8:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

March 31, 2017 8:00 AM Jury Trial - FIRM

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT: Bluth, Jacqueline Attorney for the State
 Sprowson, Melvyn Perry, Jr. Defendant in Proper Person

 Sweetin, James R Attorney for the State

JOURNAL ENTRIES

- The Honorable District Court Judge Carolyn Ellsworth present. At the hour of 10:31 a.m., the jury returned the following Verdict: Deft. found GUILTY of COUNT 1 - FIRST DEGREE KIDNAPPING; COUNT 2 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY OR MENTAL HARM; COUNT 3 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY; COUNT 4 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY; COUNT 5 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY; and COUNT 6 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY. Jury thanked and excused. COURT ORDERED, Deft. REMANDED without bail, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

CUSTODY

05-17-17 9:30 AM SENTENCING - COUNTS 1 - 6

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 24, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

May 24, 2017

9:30 AM

Sentencing

**SENTENCING -
COUNTS 1-6**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT:

Bluth, Jacqueline
Sprowson, Melvyn Perry, Jr.

Attorney for the State
Defendant

Sweetin, James R
Yohay, Michael R.

Attorney for the State
Public Defender/Standby Counsel

JOURNAL ENTRIES

- Deft. advised he had only received presentence report the day before, noted errors on page four of report and stated he had not had opportunity to review the report in its entirety. Standby counsel requested a 30 day continuance. Colloquy regarding specific errors in report. State advised they could strike the use of deadly weapon from the charge and stated they did not know where parole and Probation had by this information. Deft. stated he still needed to review the entire report. COURT ORDERED, matter SET for status check and sentencing CONTINUED.

CUSTODY

05-31-17 9:30 AM STATUS CHECK: PSI CORRECTIONS

06-26-17 9:30 AM SENTENCING - COUNTS 1 - 6

PRINT DATE: 05/26/2017

Page 1 of 1

Minutes Date: May 24, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 31, 2017**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

May 31, 2017**9:30 AM****Status Check****Status Check: PSI
Corrections****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**PARTIES****PRESENT:**

Sprowson, Melvyn Perry, Jr.

Defendant

Turner, Robert B.

Attorney for the State

Yohay, Michael R.

Public Defender/Standby Counsel

JOURNAL ENTRIES

- Deft. advised there were issues on page four regarding arrest/remand dates. Mr. Yohay believed it should be a re-book date. Deft. further advised there were no charges containing "with use of deadly weapon" in this case. Court agreed the deadly weapon would need to be removed. State advised Deputy Bluth agreed to removal of deadly weapon enhancement. Colloquy regarding needed corrections. COURT ORDERED, file to be sent to Parole and Probation (P&P) for an updated/corrected presentence report. Sentencing date STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 26, 2017**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

June 26, 2017**9:30 AM****Sentencing****SENTENCING -
COUNTS 1-6****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**PARTIES****PRESENT:**

Bluth, Jacqueline
Sprowson, Melvyn Perry, Jr.

Attorney for the State
Defendant in Proper Person

Yohay, Michael R.

Public Defender/Standby Counsel

JOURNAL ENTRIES

- Deft. advised he was satisfied with the Supplemental Presentence Report. Court noted an evaluation would need to be completed prior to release on parole. Argument by the State. Argument by Deft. Victim Speakers SWORN and ADDRESSED the Court. DEFT. SPROWSON ADJUDGED GUILTY of COUNT 1 - FIRST DEGREE KIDNAPPING (F); COUNT 2 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY OR MENTAL HARM (F); COUNT 3 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (F); COUNT 4 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (F); COUNT 5 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (F); and COUNT 6 - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee and \$8,000.00 Fine, Deft. SENTENCED as to COUNT 1 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served; COUNT 2 - to a MAXIMUM of NINETY-SIX (96) MONTHS and MINIMUM of THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC), to run CONSECUTIVE to COUNT 1; COUNT 3 - to LIFE in the Nevada Department of

PRINT DATE: 06/26/2017

Page 1 of 2

Minutes Date: June 26, 2017

Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served, to run CONSECUTIVE to COUNT 2; COUNT 4 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served, to run CONCURRENT with COUNT 3; COUNT 5 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served, to run CONCURRENT with COUNT 4; and COUNT 6 - to LIFE in the Nevada Department of Corrections (NDC) with parole eligibility after FIVE (5) YEARS have been served, to run CONCURRENT with COUNT 5 with ONE THOUSAND FIFTY-SEVEN (1,057) DAYS credit for time served. The AGGREGATE TOTAL SENTENCE of a MAXIMUM of LIFE with ONE HUNDRED FIFTY (150) MONTHS MINIMUM. COURT ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. FURTHER, Register as a sex offender in accordance with NRS 179D.460 within 48 hours after any release. At the request of Deft. and agreement by Public Defender's Office, COURT ORDERED, Public Defender's Office SUBSTITUTED IN as counsel for Appeal. BOND, if any, EXONERATED.

NDC



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE NO. C-14-295158-1
)	
Plaintiff,)	DEPT. XXIII
)	
vs.)	(ARRAIGNMENT HELD IN DEPT. LLA)
)	
MELVYN PERRY SPROWSON, JR.,)	
)	
Defendant.)	

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
WEDNESDAY, JANUARY 15, 2014

**RECORDER'S TRANSCRIPT OF HEARING RE:
INITIAL ARRAIGNMENT**

APPEARANCES:

For the State: BART G. PACE, ESQ.,
Chief Deputy District Attorney

For the Defendant: YI LIN ZHENG, ESQ.,
Attorney at Law

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 WEDNESDAY, JANUARY 15, 2014

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: State of Nevada versus Melvyn Sprowson, C295158.
6 Ms. Zheng is here on his behalf. He is present in custody. Counsel?

7 MS. ZHENG: Good morning, your Honor -- or good afternoon. Yi Lin
8 Zheng for John Momot on behalf of the defendant Melvyn Sprowson. With
9 respect to this matter, this is our first appearance. We are asking for two
10 additional weeks for confirmation of counsel, please.

11 THE COURT: Two weeks.

12 THE CLERK: January 29th at 1:30.

13 THE COURT: All right.

14 MS. ZHENG: Thank you.

15 THE COURT: Thank you.

16 (Whereupon, the proceedings concluded.)

17 * * * * *

18 ATTEST: I do hereby certify that I have truly and correctly transcribed the
19 audio/video proceedings in the above-entitled case to the best of my ability.

20 

21 Kiara Schmidt, Court Recorder/Transcriber



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE NO. C-14-295158-1
)	
Plaintiff,)	DEPT. XXIII
)	
vs.)	(ARRAIGNMENT HELD IN DEPT. LLA)
)	
MELVYN PERRY SPROWSON, JR.,)	
)	
Defendant.)	

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
WEDNESDAY, JANUARY 29, 2014

**RECORDER'S TRANSCRIPT OF HEARING RE:
ARRAIGNMENT CONTINUED**

APPEARANCES:

For the State: BART G. PACE, ESQ.,
Chief Deputy District Attorney

For the Defendant: JOHN J. MOMOT, JR., ESQ.,
YI LIN ZHENG, ESQ.,
Attorneys at Law

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 WEDNESDAY, JANUARY 29, 2014

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: State of Nevada versus Melvyn Sprowson, C295158.
6 He is present in custody. Ms. Zheng and Mr. Momot. Counsels?

7 MR. MOMOT: Good afternoon, your Honor. I just need a copy of the
8 Information.

9 MR. PACE: Which defendant again?

10 MR. MOMOT: Sprowson, Page 2. We'll be waiving the reading,
11 entering a plea of not guilty, and invoking.

12 (Whereupon, Mr. Pace handed Mr. Momot a document.)

13 MR. MOMOT: Thank you.

14 THE COURT: All right. Sir, do you understand the charges against
15 you?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Do you want to waive a formal reading of the
18 charges?

19 THE DEFENDANT: Yes.

20 THE COURT: How do you plead?

21 THE DEFENDANT: Not guilty.

22 THE COURT: You do have a right to a trial within 60 days. It's my
23 understanding you want to invoke that right. Is that correct?

24 THE DEFENDANT: That is correct.

25 THE COURT: Speedy trial.

1 THE CLERK: Yes, your Honor. Calendar call, March 19th
2 at 9:30 a.m. Jury trial, March 24th at 1:00 p.m., Department 23.

3 THE COURT: Counsel, pursuant to statute you have 21 days from
4 today for the filing of any writs. If the transcript has not been filed as of today, you
5 have 21 days from the filing.

6 MR. MOMOT: Thank you very much, your Honor.

7 THE COURT: Thank you.

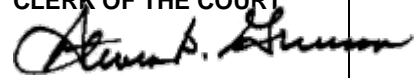
8 (Whereupon, the proceedings concluded.)

9 * * * * *

10 ATTEST: I do hereby certify that I have truly and correctly transcribed the
11 audio/video proceedings in the above-entitled case to the best of my ability.

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13 Kiara Schmidt, Court Recorder/Transcriber
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1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
13

)
) CASE NO. C295158-1
)

) DEPT. NO. XXIII
)

) **TRANSCRIPT OF PROCEEDINGS**
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)
)
14

15 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

16 WEDNESDAY, MARCH 19, 2014
17

18 **CALENDAR CALL**

19 **APPEARANCES:**

20 For the Plaintiff:

JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

21
22 For the Defendant:

YI LIN ZHENG, ESQ.

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25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 WEDNESDAY, MARCH 19, 2014, 10:24 A.M.

2
3 THE CLERK: Bottom of page 1, Sprowson, C295158.

4 MS. ZHENG: Good morning, Your Honor, Yi Lin Zheng for John Momot
5 on behalf of Defendant Melvyn Sprowson. He is present in custody.

6 MS. BLUTH: Good morning, Jacqueline Bluth on behalf of the State.

7 THE COURT: Okay, it's the time set for calendar call. There is a petition
8 for habeas set next week.

9 MS. ZHENG: Correct.

10 THE COURT: So I think you indicated that you weren't going to be ready
11 to go to trial because you wanted to have the habeas heard first. The only
12 thing is he's invoked.

13 MS. ZHENG: He has invoked. And pursuant to that, pursuant to NRS
14 34.700 --

15 THE COURT: Oh, that would waive it.

16 MS. ZHENG: -- statutorily. If the writ has not been decided, he has to
17 wait a certain amount of time until it can be decided within 15 days prior to
18 trial, so to the extent that he has that understanding. And we've discussed
19 that with Mr. Sprowson multiple times. We are waiving for that limited
20 purpose. We would ask however for a short trial setting. As of this point, the
21 petition was filed on March 7th. I know that the State has not had a chance to
22 answer yet. I believe that the State is asking for some additional time to do
23 that. And I would ask for some additional time to be able to do a reply. So as
24 of this point, I'm not sure that the 24th date is all that realistic.

25 THE COURT: Okay. Sir, did you hear all that? You're invoked, which

1 means -- and you have a petition for habeas pending, which means you're going
2 to have to waive.

3 THE DEFENDANT: Yes, I understand that. I talked with my attorney
4 already.

5 THE COURT: Okay. And that's what you want to do so your petition
6 could be heard?

7 THE DEFENDANT: Yes.

8 THE COURT: Yes? Okay, great. Then tell me what you want. Let me
9 first of all give you this information: My criminal stack, this criminal stack ends
10 the week of April 7th.

11 MS. ZHENG: Okay.

12 THE COURT: Thereafter, we start at criminal again May 19th. And I think
13 we can get him on in May; can't we? So we can get you in on May.

14 MS. BLUTH: How long is that stack, Your Honor?

15 THE COURT: That goes through the third week in June. Thereafter,
16 you'd be August. So please tell me what you'd like.

17 MS. ZHENG: We were hoping maybe to look at resetting it early June.

18 MS. BLUTH: That is correct. And, Your Honor, I did speak with
19 Ms. Zheng this morning. I -- my June is like packed. I have people double set
20 almost every week, and so I did let her know that I have two other cases set on
21 June 2nd, kind of as a warning. And I'm not sure, you know, I never know
22 which one is going, so.

23 THE COURT: You want to do the last two weeks of May?

24 MS. BLUTH: The problem with the last two weeks in May is I have a firm
25 set in DC 8 on May 27th. That's a two-week trial.

1 THE COURT: Okay. So do you want June 2nd, June 9th or June 16th?
2 MS. BLUTH: June 2nd I think would be our best bet.
3 MS. ZHENG: Please, Your Honor.
4 THE COURT: Okay. Move it to that date.
5 THE CLERK: Calendar call will be May 28th at 9:30; jury trial June 2nd at
6 1:00 p.m.
7 THE COURT: Okay. And when do you want to move the hearing on the
8 petition for writ of habeas corpus?
9 MS. BLUTH: It's currently set for next week; is that correct?
10 THE COURT: It is. It's set for next Monday. Yeah, next Monday.
11 MS. BLUTH: How long would you need if I get my response to you
12 within a week; how long would you need?
13 MS. ZHENG: A week.
14 MS. BLUTH: So set three weeks out?
15 MS. ZHENG: Yes. Could we set -- maybe set it three weeks out from
16 today?
17 MS. BLUTH: Yeah, that would be perfect.
18 THE CLERK: April 9th, 11:00 a.m.
19 THE COURT: Okay, so that's a Wednesday. Just make sure I have
20 everything no later than April 7th, okay?
21 MS. BLUTH: Yes.
22 MS. ZHENG: Okay.
23 MS. BLUTH: And did you say 11:00 a.m.?
24 THE CLERK: Yes.
25 MS. BLUTH: Okay. Thank you, Your Honor.

1 THE COURT: Anything else we need to address on Mr. Sprowson's case?

2 MS. ZHENG: No, not at this time, Your Honor.

3 THE COURT: And I should put on the record he's waived. Thank you.

4 All right, so we'll see you then.

5 MS. BLUTH: Thank you, Judge.

6 PROCEEDINGS CONCLUDED AT 10:27 A.M.

7 * * * * *

8 ATTEST: I do hereby certify that I have truly and correctly transcribed the
9 audio/video recording in the above-entitled case to the best of my ability.

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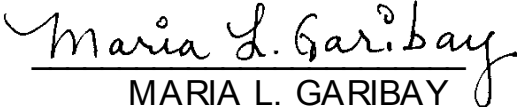
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MARIA L. GARIBAY
Court Recorder/Transcriber



1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
13

)
) CASE NO. C295158-1
)

) DEPT. NO. XXIII
)

) **TRANSCRIPT OF PROCEEDINGS**
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15 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

16 MONDAY, APRIL 14, 2014
17

18 **MOTION FOR BAIL REDUCTION**

19 **APPEARANCES:**

20 For the Plaintiff:

CHARLES W. THOMAN, ESQ.
Deputy District Attorney

21
22 For the Defendant:

YI LIN ZHENG, ESQ.
JOHN J. MOMOT, JR.
23
24
25

RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 MONDAY, APRIL 14, 2014, 10:13 A.M.

2
3 THE MARSHAL: Top of page 10, Sprowson, C295158.

4 THE COURT: Sprowson.

5 MR. MOMOT: Good morning, Your Honor.

6 THE COURT: Hi. Good morning. So --

7 MR. THOMAN: We're waiting for a special deputy on this. I'd ask you to
8 trail the matter.

9 MR. MOMOT: Well --

10 THE COURT: Who are we waiting for?

11 MR. MOMOT: That's not right.

12 MR. THOMAN: It's either Mr. Sweetin or Ms. Bluth from our office.
13 They were notified.

14 MR. MOMOT: Can I make representations, Your Honor?

15 THE COURT: Yeah.

16 MR. MOMOT: I talked to Mr. Sweetin late Friday.

17 THE COURT: And he was just here too.

18 MR. MOMOT: Ms. Bluth was in trial and Mr. Sweetin [indiscernible] on
19 time. He wasn't going to be here so we were going to pass it to Wednesday. I
20 understood that the Court wasn't going to have calendar on Wednesday so it
21 was going to be passed to Monday.

22 THE COURT: I'll do that.

23 MR. MOMOT: Well, no. That's what the State wanted. And that's what
24 we're here for to get the next Monday date.

25 THE COURT: Okay.

1 MR. MOMOT: Unless I'm told otherwise.

2 THE COURT: I'm assuming that's fine.

3 MR. THOMAN: I have no information, Your Honor. I anticipated
4 Mr. Sweetin to be here.

5 THE COURT: He was. I thought. I thought I had seen him around.

6 THE MARSHAL: No, we haven't seen Mr. Sweetin today.

7 [Colloquy by the Court and Court staff]

8 MR. MOMOT: Mr. Sweetin was out of the jurisdiction. That's why I was
9 [indiscernible] you told me.

10 THE COURT: Okay. Well, then I was wrong, I did not see him apparently
11 so passing it 'till Monday is fine.

12 MR. MOMOT: Both prosecutors are not available so that's what I was
13 told as of late Friday.

14 THE COURT: Okay, so Monday it is.

15 MR. MOMOT: So I was going to ask to pass it to Wednesday, but
16 Wednesday I understand you're dark so it would have to be next Monday.

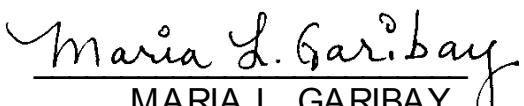
17 THE COURT: Okay.

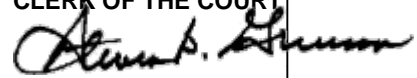
18 THE CLERK: April 21st, 9:30.

19 PROCEEDINGS CONCLUDED AT 10:15 A.M.

20 * * * * *

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video recording in the above-entitled case to the best of my ability.

23 
24 MARIA L. GARIBAY
25 Court Recorder/Transcriber



1 RTRAN

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
5

6 STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 MELVYN PERRY SPROWSON, JR.,

10 Defendant.
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) CASE NO. C295158-1
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) DEPT. XXIII
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) **TRANSCRIPT OF PROCEEDINGS**
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13 BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE
14 MONDAY, APRIL 21, 2014
15

16 ***MOTION FOR BAIL REDUCTION***
17

18 **APPEARANCES:**

19 For the State:

JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

20
21 For the Defendant:

JOHN MOMOT, ESQ.

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25 RECORDED BY: MARIA GARIBAY, COURT RECORDER

Monday, April 21, 2014 - 9:47 a.m.

THE MARSHAL: C295158-1, Sprowson. Sprowson.

THE COURT: Mr. Momot, sir.

MS. BLUTH: Good morning, Judge.

THE COURT: Hi. Good morning.

MS. BLUTH: Jacqueline Bluth on behalf of the State.

THE COURT: Hi. Good morning.

MR. MOMOT: Good morning, Your Honor.

THE COURT: And I believe -- this is Mr. Sprowson, right?

THE DEFENDANT: Yes. Good morning.

THE COURT: Okay. Good morning. It's Defendant's motion for a bail reduction and the State's opposition thereto. Mr. Momot, sir, I show that bail is set at \$650,000.

MR. MOMOT: That's correct.

THE COURT: That didn't transfer?

MR. MOMOT: That's what the bail is set at right now, Your Honor, from Justice Court.

THE COURT: Okay.

MR. MOMOT: So a bit of a tortured history from Justice Court. Initially, it was -- may I address the Court?

THE COURT: Of course, sir.

MR. MOMOT: Initially, it was recommended by the State for a \$56,000 bail, and the magistrate below on his own reset it to 530,000. I brought a writ on the bail to Judge Gonzalez, District Court. She reduced it

1 back down to 130,000. Went back down to Justice Court, then the
2 magistrate re-upped it to 650,000. So it's been a little bit of a history.

3 At the conclusion of the preliminary hearing, the case was
4 bound over to Your Honor's courtroom. We already filed the pretrial writ of
5 habeas corpus. There's been a response by the State. Argument is currently
6 set for April 30th on this matter. We have a trial date set in June sometime.

7 But in any event, as to the bail situation, Mr. Sprowson, I'm
8 asking for some relief because I think he is entitled to it for various reasons,
9 which I set forth in the motion for the bail reduction. But just to highlight just
10 a few of them, if I may.

11 He's an individual. He's 44 years of age. No prior record
12 whatsoever. Primarily lived in California his entire life; has parents living there.
13 Has various brothers, one of which is a United States Army Master Sergeant,
14 three tours in Iraq, and he's been in the service for 23 years. Likewise,
15 Mr. Sprowson has been a teacher all his life.

16 In any event, his parents have been married for some -- 30
17 some-odd years. So it's a good established family in California, which the
18 federal cases recognize as stability for residential purposes, not just the
19 particular community which you are arrested in.

20 Moving on from there, the Court is aware of the type of charges
21 here. This is a type of -- a unique type of case in which you have a 16-year-
22 old young lady who has sought Mr. Sprowson out through the Internet, and
23 they met with each other. And through the overt actions of this young lady,
24 they did meet and established a relationship. She ended up living in his
25 apartment and ultimately was found out.

1 She did not want to live in her own home. She was having
2 serious disagreements with her own mother. She lived in a home in which the
3 grandmother lived, the mother and two other children by way of some other
4 marriage. This young lady and the grandmother were working. The young
5 lady also was attending school and doing very well. To my knowledge still
6 doing well. The mother and the daughter just had great differences of opinion
7 on a constant basis. This young lady just did not want to stay in that house.

8 She sought out Mr. Sprowson, and he had an emotional
9 attachment to this young lady, and they commenced living together. He
10 would go out to work during the day. She remained at home, free to go
11 wherever she wanted to go. She had that ability. The transcript will bear me
12 out on her day-to-day activities, what she did. Ultimately, the mother, who
13 wanted her back, through law enforcement, ultimately through the School
14 District law enforcement, found the young lady at Mr. Sprowson's house --
15 apartment, and she was returned.

16 As I have attached exhibits to my motion at the pleadings, the
17 papers through the Clark County District, the detectives, they found her well-
18 nourished, well cared for. She wanted to stay there. She did not want to go
19 home. When she was ultimately returned home, there was even conflict there
20 about her staying there. She wanted to return to Mr. Sprowson. She wanted
21 to be emancipated.

22 She ultimately wanted to become a school teacher and to
23 continue her education, but through him. She even said she was treated
24 better by him than her own mother. So that's the situation. There wasn't this
25 so-called main focus on any sexual context, although there was some, but she

1 was of an age of consent, and that's not why we're here today.

2 So based upon the above, we have these charges that we're
3 dealing with, I think there's a lot of room for argument regarding them, and as
4 such, I'm asking the Court to please consider some type of reduction in bail.

5 THE COURT: Okay. Hi.

6 MS. BLUTH: Hi, Judge. Just so I can give a little bit more background
7 on the way that bail got set.

8 THE COURT: Okay.

9 MS. BLUTH: When it was originally set at initial arraignment, Mr.
10 Sweetin went down and did ask for a \$56,000 bail.

11 THE COURT: Uh-huh.

12 MS. BLUTH: At that time we had a two-page police report that was
13 not even completed. The issue with this case is, in the beginning it was
14 investigated by Henderson Police Department, and then the Clark County
15 School District took over the investigation, and so it's kind of confusing as to
16 where the information was being reported and who was doing the
17 investigation.

18 So when Mr. Sweetin went in and argued for the \$56,000 bail,
19 he really had a completely incomplete file. Now I wish I had brought my file
20 because it's about as big as this box right here. Once he received the
21 information, he went back in because Mr. Momot filed an OR motion, and at
22 that point in time, we had all of the police reports.

23 And so we argued that the current bail setting, which I believe
24 was at \$530,000, was appropriate at that time. Judge Kephart agreed, and
25 that's when Mr. Momot filed the petition, and we went up to District Court in

1 front of Judge Gonzalez, who lowered it to \$130,000.

2 THE COURT: Why did you go in front of Judge Gonzalez?

3 MS. BLUTH: Because Mr. Momot filed a writ, which you can do if you
4 feel like the bail is set --

5 THE COURT: And it went to Judge Gonzalez. Okay.

6 MS. BLUTH: Yeah. It gets randomly -- it gets randomly tracked, and
7 so it went to Judge Gonzalez. She lowered to \$130,000 at the preliminary
8 hearing, stayed on the date that it was currently set for. Between those two
9 periods of time, the State learned two things.

10 Number one, the State learned that the Defendant had on his
11 phone about 18 to 20 photo -- child porn on his cellphone and on his
12 computer. And, secondly, we learned about his case in California, which is in
13 our response, which I don't necessarily need to go into the facts. But while he
14 was a teacher, I think six to eight fourth, fifth and sixth graders accused him
15 of touching them and making him -- making them touch him.

16 We learned those two things. So we went back down, we
17 amended the criminal complaint, and the bail was at \$650,000 because of the
18 additional charges and the --

19 THE COURT: So he's pending trial in California?

20 MS. BLUTH: He's not pending trial. That was being investigated by
21 the greivance of L.A. County Sheriff's Office, and, ultimately, they closed the
22 case finding that the children were inconsistent with one another. I'd like to
23 find a SVU case where children weren't inconsistent with themselves, let
24 alone each other, number one.

25 But there was a civil suit, which Mr. Momot probably knows a

1 little bit more than I do about, with his client and some of those children's
2 parents that was ultimately settled. The Clark County School District had
3 absolutely no idea about the charges that had happened in California or that
4 suit. So when we went back --

5 MR. MOMOT: Your Honor, an objection. There were no charges and --
6 but I'll address this --

7 THE COURT: So it was investigated, but never submitted for
8 prosecution.

9 MR. MOMOT: I'll address that.

10 THE COURT: Okay.

11 MS. BLUTH: But I would ask Your Honor to consider that Judge
12 Kephart listened to this preliminary hearing, listened to the multiple witnesses
13 who testified, listened to the child, the effect that she talked about that had
14 on her, as well as her mother coming in and speaking about the effect that this
15 had on the child.

16 And I think it's a lot difficult now for Your Honor to read, you
17 know, black and white on paper and kind of make a ruling in retrospect to
18 Judge Kephart who heard all of the facts -- I mean, it was a very long
19 preliminary hearing. It took us all day. And he still found that that bail was an
20 appropriate setting.

21 But a couple of things that Mr. Momot stated I find to be
22 factually inaccurate. The fact that she sought him out, and he posted lonely
23 millionaire, 34 years old, and she started speaking to him. Within the very
24 next text or email, she told him how old she is. So it's not like, you know, she
25 was out trolling the Internet looking for an older guy, and he still continued to

1 seek her. And the fact that Mr. Momot says he didn't seek her out for sexual
2 contact, the very first night he has her in his home, he's having sex with her,
3 so I completely disagree with that.

4 She was having disagreements with her mom, but it was
5 about -- because her mom found out she was speaking to an older individual
6 on the phone and on the computer, so she took those -- she took the phone
7 and the computer away from the little girl. That's what those disagreements
8 were. And she's not doing well, Judge. She's in an inpatient psychiatric
9 hospital to this day as we speak. So the fact that Mr. Momot says she's
10 doing well, she's not doing well at all.

11 In the Defense's motion, they talk about such strong ties to the
12 Defendant's home. One of the things the child talked about in the
13 investigation was that the Defendant's brother knew that this was going on
14 and knew that the girl was staying at his home and knew that he was hiding
15 her and talked to him about how that wasn't a good idea. So I have issues
16 with having confidence in family members who knew this was going on and
17 yet did nothing about it.

18 The Defendant's use of deception on four different occasions,
19 detectives and private investigators went to him, not only at the home, but at
20 the school saying, if you know where she is, let us know. She's been gone
21 two months. We have to find her. We have to get her back to her family.
22 And every single time he lied to them and said he didn't know where she was.
23 At one point she's hiding in the room upstairs. He goes back up to her and
24 says, don't worry about it. They don't have a clue that you're here.

25 So I'd ask Your Honor to look at the history from California, I

1 would ask Your Honor to look at the fact that the ties that the Defense is
2 speaking about are ties that knew that this crime was going on yet did nothing
3 about it, and, lastly, when the little girl was found, she said, that's okay, he'll
4 find me. He told me he has \$30,000 saved, and he'll come and get me, and
5 we'll leave this area.

6 THE COURT: So is the only additional thing that Judge Kephart knew
7 that Judge Gonzalez didn't know is the investigation in California?

8 MS. BLUTH: The investigation in California and then the 18 to 20
9 pictures of the child pornography on his phone and on his computer.

10 THE COURT: That was subsequent to Judge Gonzalez?

11 MS. BLUTH: Yes. I got those things -- well, like within two days.

12 THE COURT: Okay. Anything else, Counsel?

13 MR. MOMOT: I do.

14 THE COURT: Mr. Momot.

15 MR. MOMOT: Yes, Your Honor. First of all, about these photographs,
16 these are photographs that the young lady took at her own home, a selfie, and
17 then she sends them to the Defendant. And in those photographs, I think
18 there are -- 90 percent of them, she's clothed in different poses, and he -- and
19 she says, but it wasn't like he was forcing me to do them. I wanted to.
20 That's her words. And the other two photos she takes of -- a picture of her
21 breasts and her butt.

22 Whether or not this ever reaches child porn is -- is another
23 mystery that we're going to argue about at the time of the writ of habeas
24 corpus. I think one judge says that when you see it, you'll know it, but I got a
25 feeling that there may be a different approach to looking at these photographs

1 because -- I mean, in my humble opinion, it's not even close. It's not even an
2 issue. It's not any sexual performance. It's nothing. That's number one.

3 As far as this young lady is concerned -- the transcript will bear
4 me out -- is that she wanted to move in with him, and she did not want to
5 stay in that household with her mother, and that's why she says to him, if you
6 don't come and pick me up, I'm going to kill myself. I want -- I want to get
7 picked up. I want to go with you. That was her position.

8 You know, this unfortunate young lady has problems with her
9 mother, but more so than that, she was 16 when she met him. She's had a
10 lot of prior relationships, this young lady has. One of them was a previous
11 case in which she was 14 years of age. And I attached arrest reports as an
12 exhibit to the Court to review what occurred in that case with this other
13 individual who was 39 years of age and prosecuted in this jurisdiction over
14 multiple offenses, far more egregious than what we're here for in this case.
15 He had a bail of \$100,000, prosecuted, made bail and has been given
16 probation. I'm asking for parity at least in this case.

17 Now, that's all before Your Honor as well, and that's the
18 situation with this young lady when she was 14. She now has become 16,
19 doing well, doing well in her relationship at that time. She was with
20 Mr. Sprowson.

21 When she left the home and she comes back, she wanted to --
22 she says that there's a suicide attempt. There's a balcony inside the house,
23 and she's on a second floor balcony, and she was going to jump off that
24 balcony to get away from her mother. And the reason is because she wanted
25 to get her phone back so she could contact another 19-year-old boy, not just a

1 situation that we're dealing with this young lady and Mr. Sprowson.

2 She may be a troubled girl, but I think it's not at his insistence
3 that she's a troubled young lady, and that's why I'm asking for some type of
4 relief as to the bail.

5 THE COURT: Okay. Anything else?

6 MS. BLUTH: Just that the photos were taken at his direction.

7 THE COURT: All right. I'm going set bail at 150,000.

8 MR. MOMOT: Thank Your Honor.

9 THE COURT: Thank you.

10 [Proceeding concluded at 10:08 a.m.]

11 * * * * *

12 ATTEST: I hereby certify that I have truly and correctly transcribed the
13 audio/video proceedings in the above-entitled case to the best of my ability.

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15 MARIA GARIBAY
16 Recorder/Transcriber
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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
13

CASE#: C-14-295158-1

DEPT. XXIII

14 BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE
15 WEDNESDAY, APRIL 30, 2014

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
17 **PETITION FOR WRIT OF HABEAS CORPUS**

18 APPEARANCES:

19 For the State:

JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

20 For the Defendant:

21 JOHN J. MOMOT, ESQ.
YI LIN ZHENG, ESQ.
22
23
24

25 RECORDED BY: MARIA GARIBAY, COURT RECORDER

1 WEDNESDAY, APRIL 30, 2014, AT 11:15 A.M.

2
3 THE COURT MARSHAL: Top of page 14, C295158, Sprowson.

4 THE COURT: All right. Good morning, Mr. Momot. It is your petition for writ
5 of habeas corpus, the State's opposition. I also have a reply from the defense.
6 Whenever you're ready, sir. Yes, sir.

7 MR. MOMOT: Your Honor, I filed the writ and a reply to the State's return on
8 this case. I think that in summary, I think what we have here is a young lady ran
9 away from home and lived with Mr. Sprowson for a period of two months. And out
10 of that we find ourselves in Court here with a kidnapping, child abuse and neglect or
11 endangerment with substantial bodily or mental harm, and then several counts of
12 use of a minor in production of pornography.

13 And, you know, first, I'm looking at the pleading itself and the way this is
14 pled. It has the minor, Jaysenia Torres, a minor. Mr. Sprowson was to lead, take,
15 entice, carry away, or detain Ms. Torres, a minor, with the intent to keep, imprison,
16 or confine Ms. Torres from her parents, guardians, or other person or persons
17 having lawful custody of said minor, or perpetrate upon the person said minor any
18 unlawful act. So, a child abuse with substantial mental harm and/or contributing to
19 the delinquency of a minor. Now, in taking that apart, in this pleading what you have
20 is the State's contention that Mr. Sprowson kept this minor, imprisoned her, or
21 confined her from her parents or guardians or any other person having lawful
22 custody of her. That's the first section.

23 In this case which is a little unusual because it's the -- it is the minor
24 herself who is the actor, who does not want to stay home with her mother. She is a
25 runaway. She has done so on numerous occasions. At this point in time in her life,

1 at the age of 16, she does not want to stay there. She lives with her grandmother
2 and two other siblings of a prior relationship that her mother had. She does -- she
3 cannot talk to her mother. She does not like her mother, does not want to listen to
4 her.

5 MS. BLUTH: I'm sorry, judge, I'm going to have to object because these
6 aren't things that are brought out in the preliminary hearing and that's what this is
7 about. And there is nothing in the preliminary hearing about any of this really,
8 especially about her not liking her mother. And so, I'm going to have to ask that Mr.
9 Momot keep his argument within the confines of the transcripts if this is a petition for
10 writ of habeas corpus.

11 MR. MOMOT: The facts there --

12 THE COURT: She's right.

13 MR. MOMOT: -- speak for themselves at the preliminary hearing transcript
14 because I asked the young lady about that. She did not want to stay home with her
15 mother at all costs. She was fine with the grandmother, but not her mother. Now,
16 based upon that, she wished to leave the home.

17 Unfortunately, she was in contact with Mr. Sprowson. Mr. Sprowson's
18 problem in this case is that he was a school teacher at the time. That's the bottom
19 wrong -- the bottom problem to this whole case. Now, he was a teacher at a
20 different school. This young lady wanted to live with him. She contacts him to come
21 to get her. He doesn't sneak up on her in the middle of the night with the trench
22 coat on and grab her and entice her; come on little girl, come with me, I'm going to
23 give you drugs or cigarettes or something else to entice her to come and live with
24 him. She wants to stay with him.

25 Every day during the two months what did Mr. Sprowson do? He went

1 out and he went to work. All during the day this young lady stayed at the house, at
2 this apartment. She was there. She was readily available to leave at any point in
3 time. She had her cellphone. She had her own computer. She could text anybody
4 she wanted to; communicate with anybody that she wanted to. She could leave that
5 place at any given time. That does not sound like kidnapping to me.

6 When she was arrested -- and I attached this as an exhibit, and I'll just
7 quote from the interview of the police officer who came into contact with her. And in
8 my Exhibit A this was the police: however, found the missing teen at his home the
9 following day. CCSD Police Sergeant Mitch Macisczak said the girl had been
10 staying at Sprowson's home for the past couple of months. She was a willing
11 participant in the whole ordeal.

12 MS. BLUTH: Again, Your Honor, I cannot --

13 MR. MOMOT: No force was used --

14 MS. BLUTH: -- I'm sorry. Mr. Momot, I don't mean to disrespect --

15 MR. MOMOT: -- she was found in good health and unharmed said
16 Macisczak. Now, this is the document that states --

17 MS. BLUTH: Okay. I'm going to object to that because -- he could speak
18 over me all he wants, but we have to stay within the confines of the transcript.

19 THE COURT: I agree. I mean, it's just the sufficiency of the evidence at the
20 lower court so we do have to stay within it.

21 MR. MOMOT: Your Honor, the police officers testified at the preliminary
22 hearing. They all -- there was no harm to this young lady, no physical harm to this
23 young lady. They've met this young lady and they found that she stayed at the -- at
24 his place under her own volition. Now, that's in the transcript. I just took this
25 document as a first response, of a newspaper, generic. Nobody's talked to anybody

1 in the case and that was the first response by the police. She had -- she wanted to
2 stay there. She didn't even want to talk to the police. She didn't want to talk to her
3 mother. She didn't want her phone on or to contact anybody because she did not
4 want to be found. That's the status of the case with this young lady. Now, for --
5 because of that, this -- and this States elects to charge Mr. Sprowson with
6 kidnapping.

7 Kidnapping statute says that it carries away a person by any means
8 whatsoever with the intent to hold or detain, or holds or detains a person for ransom
9 or reward, or for the purpose of committing sexual assault, extortion, robbery upon
10 or from the person, or for the purpose of killing the person or inflicting substantial
11 bodily harm upon the person, or to exact from relatives, friends, or any other person
12 any money or valuable thing for the return or disposition of the kidnapped person.
13 And a person who leads, takes, entices, or carries away or detains any minor with
14 the intent to keep, imprison, or confine the minor from his or her parents, guardians,
15 or any other person having lawful custody of the minor, or the intent to haul the
16 minor to unlawful service, or perpetrate upon the person of the minor any unlawful
17 act is guilty of kidnapping in the first degree which is a Category A felony.

18 So, the State's theory is they want you to believe that they -- that he
19 had her and kept her in that apartment to keep her away from her parents or
20 guardian. It's not him that's keeping this child away from any parent or guardian.
21 She herself is a runaway. She is a child in need of supervision.

22 Which statute fits better in this case? The statute I just read this Court
23 as to kidnapping or how about NRS 201.090. Any child who is a runaway,
24 unmanageable or habitual truant is a child in need of supervision as that term is
25 used in Title 5 of NRS, and is not a delinquent child. She's not a really a problem

1 child as far as education is concerned. She's done excellent at school. As a matter
2 of fact, what she wants to do is to become a teacher.

3 THE COURT: But, sir, isn't there a little bit more to that? I mean, it's kind of
4 set forth in the transcript as far as, you know, number one, the consent issue. The
5 State cites NRS 200.350 which says someone above -- under the age of 18 cannot
6 consent. It's not a defense to kidnapping. And also, more than the runaway in that
7 there is evidence in the transcript below that they were engaging in some kind of
8 sexual relations.

9 MR. MOMOT: Well, the sexual relation is legal because she, at the age of 16,
10 can consent. That's not charged here that there's any unlawful sexual activity
11 because that's not a crime. So, now, what is the crime -- what is the underlying
12 crime here? They're bootstrapping it because in the pleading it says --

13 THE COURT: And I think there's also evidence below that there was no
14 consent of the appearance that he has possession of the child at issue, rather, it
15 appears that the mother did not know, nor did she consent because she was
16 actively looking for the child until she -- until they finally found her.

17 MR. MOMOT: But that's fine, Your Honor. That's the mother's obligation of
18 looking for the child. This child is a runaway, and she was a runaway and sought
19 Mr. Sprowson out. That's the difference. He didn't seek her out to force her to
20 become a runaway. She's seeking him out to become a runaway. And the
21 transcript bears [indiscernible] out that that is the reason why she was concealing
22 herself so she would not be caught to be returned back to her mother. And that is
23 the basis of this case.

24 MS. BLUTH: May --

25 MR. MOMOT: Not that Mr. Sprowson sought her out to keep her away from

1 her parents.

2 MS. BLUTH: And Judge -- I'm sorry to interrupt you, Mr. Momot. In -- just in
3 this case because we have so many counts would it be okay with Your Honor if I
4 responded to the kidnapping, and we went back and forth? Otherwise, it's going to
5 be --

6 THE COURT: That's fine. It's easier for my notetaking.

7 MS. BLUTH: Thank you.

8 THE COURT: So, we're still on the kidnapping count.

9 MR. MOMOT: We're still on the kidnapping count. Now, they also pleaded,
10 to keep her away from the parents or guardians, which is not the case, that's not in
11 the transcript, or other person or persons having lawful custody of said minor. That
12 is not -- the transcript does not bear it out that that child was kept from the parents
13 or the guardians. That was not his purpose. That was the young lady's purpose.
14 That's the problem in this case. Or perpetrate upon the person of said minor any
15 unlawful act to wit. That's the catch all with the State.

16 Child abuse with substantial mental harm, let's take a look at that.
17 There was no mental harm or physical harm to this child. The child was found in
18 perfect health; nothing wrong with the child and there is no mental harm. The only
19 problem that this young lady had, I suggest to the Court and it's in the transcript, that
20 she was a victim of -- in a case with --

21 MS. BLUTH: Objection.

22 MR. MOMOT: -- another gentleman --

23 MS. BLUTH: Objection.

24 THE COURT: But it's not --

25 MS. BLUTH: Not --

1 THE COURT: -- if it's not part of the record I can't consider it. I mean, we're
2 just testing the sufficiency of the lower court's evidence.

3 MR. MOMOT: I -- what we have is she was a victim in another case that's in
4 the record --

5 MS. BLUTH: Objection.

6 MR. MOMOT: -- the district court case. The name and the case number --

7 MS. BLUTH: Not in the preliminary hearing transcript.

8 MR. MOMOT: -- is in the district court records.

9 MS. BLUTH: Not in the preliminary hearing transcript.

10 THE COURT: Where on the transcript?

11 MS. BLUTH: It was denied multiple times.

12 MR. MOMOT: Your Honor, it's a matter of fact that she was a victim in
13 another case.

14 MS. BLUTH: It is a matter of fact, but it's not a matter of fact within the
15 transcript which is the issue here.

16 THE COURT: Whenever you're ready, Mr. Momot. I'm just looking at the
17 record.

18 MR. MOMOT: She was a victim in another case. That is -- that was that
19 young lady's problem. There's nothing in the record about any mental harm or
20 physical harm done to this child as a result of Mr. Sprowson.

21 THE COURT: All right. Anything else?

22 MR. MOMOT: And then the other and/or is contributing to the delinquency of
23 a minor. And the contributing to a delinquency of a minor is a misdemeanor. So,
24 they want you to find that there's first degree kidnapping because he's supposed to
25 have contributed to the delinquency of a minor, a misdemeanor. And if we look at

1 that statute, under NRS 201.090, 1 through 14 doesn't appear to fit any of the facts
2 and circumstances of this case. And then they say any child who is a runaway,
3 unmanageable or a habitual truant is a child that needed supervision as that term is
4 used in Title 5 of NRS, and is not a delinquent.

5 Then you have to refer to 201.100 and 201.110, except as otherwise
6 provided in this section, any person who commits any act or omits the performance
7 of any duty which act or omission causes or tends to cause or encourage any
8 person under the age of 18 to become a neglected child, a child in need of
9 supervision, or a delinquent child as defined in NRS 201.090 and other cites, or
10 which act or omission contributes thereto, or any person who, by any act or
11 omission, or by threats, command, or persuasion, induces or endeavors to induce
12 any person under the age of 18 to perform any act or to follow any course of
13 conduct or to so live as would cause or manifestly tend to cause any such person to
14 become or to remain a person who is a neglected child, a child in need of
15 supervision, or a delinquent child as defined in this statute is guilty of contributory
16 neglect or contributory delinquency. Contributory neglect or contributory
17 delinquency is a misdemeanor.

18 Now, that's the way this pleading is couched. So, we have all the
19 elements of first degree kidnapping then we talk about child abuse and substantial
20 mental harm that is not located in this transcript or contributing to the delinquency of
21 a minor. Let the State respond.

22 MS. BLUTH: Okay. Thank you. Your Honor, if you look at 200.310,
23 kidnapping can be proven by three different types of theories. The first very long
24 one, you know, the sexual assault, the extortion, the robbery, that is not applicable
25 in this situation. However, the second and third theories are. If you lead, take,

1 entice, or carry away a minor with the intent to keep them from their parents, you
2 have committed the crime of first degree kidnapping. So, when Melvyn Sprowson
3 went in the middle of the night to the minor's home, took her from that home with her
4 consent -- I mean, that's the only thing that Mr. Momot and I can agree on in this
5 case is that the child did consent to going with him. But when he took her from her
6 home and drove her to his house with the intent to keep her from her mother, he
7 committed the crime of first degree kidnapping. I mean, if you want to look at the
8 transcript, the whole point which the girl talks about in the preliminary hearing was to
9 avoid detection by her mom, and both of them agreed on that.

10 She calls him in the middle of the night. She talks about the fact that
11 they had been caught by her mom. And he comes and gets her and he tells her,
12 which is the most telling piece of evidence in all of this, bring your social security
13 card and your birth certificate because when you turn 17 ½, then we can get you
14 into proper school or we can get you a job. Why does that child need to bring her
15 birth certificate and her social security number if his plan isn't to keep that child from
16 her family? As soon as he gets to his house he changes the phone number so they
17 can't be detected.

18 For nine weeks he is approached on four different occasions by police
19 officers and private investigators saying do you know where this child is, her family
20 is looking for her. All four times, nope, I don't. I talk to a lot of people on the
21 internet, don't know where she is. In one of those occasions, he marches back
22 upstairs to the room to tell the child don't worry they're not -- they haven't caught
23 onto us; we're fine. If he's not trying to confine her from her parents, then why is he
24 taking all of these actions?

25 I understand that Mr. Momot doesn't like the way the law is written, but

1 it still is the law. It's like when a juvenile prostitute wants to run away with her pimp.
2 And I'm not saying the facts are the same, but it's the -- the same type of law is
3 applicable. When a juvenile prostitute wants to run away with her pimp, and her
4 pimp goes and picks her up and then they go, you know, and stay at his house or
5 they go work the strip for a period of time, he's guilty of first degree kidnapping. You
6 cannot take a child away from their home, away from their parents with the intent to
7 confine them, without being guilty of this crime.

8 If you look at the transcript, Your Honor -- and I know that you read it
9 and I listed so many things. He really went to great lengths to confine her. The
10 dressing her up, only taking her out at night, and when she did go out she had to
11 wear a hat and baggy clothes and glasses. She asked to call her parents on
12 multiple times and she was told not now, it's not a good idea, we'll get caught. I
13 mean, those types of things are everywhere in the record.

14 The child wanted to go. I'm not going to argue with Mr. Momot, but she
15 can't consent. A 16-year-old can't consent so it doesn't matter. And I know he
16 wants to keep saying it's the 16-year old, she wanted this she wanted that. That's
17 what this law is designed to protect children. Children don't get to make those
18 decisions. You don't get to go pick who you want to live with. Mr. Sprowson had
19 the opportunity to tell her no, to contact her mom, to contact the police. He didn't do
20 those things. He went in the middle of the night and took her from her home, Judge.
21 So, I think that at, you know, at the preliminary hearing I think we introduced more
22 than slight or marginal evidence for that theory.

23 And then we have the additional theory which is if you lead, take,
24 entice, carry away a child and you perpetrate upon the child any unlawful act. It
25 doesn't say with the intent to do those things, but if you take the child and then you

1 perpetrate an unlawful act upon them you're also guilty of first degree kidnapping.

2 And I think that the transcript is very clear about the substantial mental
3 harm that this child has suffered. I also believe that that's a question for the jury to
4 decide. But she's in a long-term treatment facility as we speak for these mental
5 issues, and that was introduced at the preliminary hearing that she would be in a
6 long-term program outside of Las Vegas.

7 And so, I think that for Mr. Momot to say that the -- it's void -- the
8 transcript is void of showing substantial mental harm -- she talked about, you know,
9 trying to commit suicide. The fact that she was alone for nine weeks with only
10 having contact with Mr. Sprowson that when she was kind of released or
11 reintegrated back into society, she didn't really know how to behave and it was very
12 difficult for her.

13 And so, I think that the transcript is very clear with the substantial
14 mental harm and as well as the contributing to the delinquency of a minor; he fed
15 her alcohol on two separate occasions and he also kept her out of school for nine
16 weeks. And that was part of their plan because if she went to school she would be
17 detected.

18 So, I mean, I just think that there was an abundance of evidence at the
19 preliminary hearing level to meet the standard of slight or marginal evidence. So, I
20 think that the first degree kidnapping should stand on both theories listed in my
21 Information.

22 MR. MOMOT: May I briefly respond, Your Honor?

23 THE COURT: Yes.

24 MR. MOMOT: I'd like the Court's attention to page 96 of the transcript and
25 line 21. It starts off with a question by the prosecutor.

1 When you met Melvyn on Craigslist?

2 Answer, no, it wasn't. I wasn't meeting him to run away. I was bored

3 and wanted to meet people. And then I met him and then we became more.

4 And question, and then things developed?

5 Yeah. And then I wouldn't, like -- pre-planned for me to run away. It

6 was the day of that I was, like, can I come stay with you, and then that happened.

7 It -- question, then it happened that way? Okay. So, it wasn't the pre-

8 planned?

9 Answer, no, it just happened.

10 Question, it just happened and then you said I want to come and move

11 and live with you, and he said yes?

12 Answer, well, he didn't just say yes. I said I want to come stay with you

13 and he was, like, quote, is this kind of like -- is your mom -- do you guys just want

14 money? Is this like a set-up? Like something like that?

15 Question, so it was very -- he was cautious about this?

16 Answer, yeah.

17 Question, and you said no, I just want to go live with you?

18 Answer, yeah.

19 Question, and?

20 Answer, we talked about it a little more back and forth and then he said

21 he would come get me.

22 Question, but he wasn't committing initially, there was you talking to him

23 about it?

24 Answer, yeah.

25 Question, and he was asking you questions?

1 Answer, yeah.

2 In a way that cautiously -- he did not -- was not anxious to have you
3 come live with him?

4 Answer, no.

5 And then you kept on saying that this is what you wanted to do, but he
6 agreed to it?

7 Yes.

8 Am I saying it right? As the question by the prosecutor.

9 MS. BLUTH: No. Those are your questions, Mr. Momot.

10 MR. MOMOT: Answer, yeah.

11 Question, okay. So, it wasn't Melvyn's idea, hey, come on over and live
12 with me?

13 Answer, no.

14 Question, and you went over to work at the Omelet House with your
15 grandmother at times?

16 Answer, yeah.

17 That's the State's direct examination of this child of how this whole thing
18 developed. That doesn't put the onus on Mr. Sprowson that he's asking this child to
19 come live with him. She's the active participant, the active party, the moving party
20 on this relationship.

21 The State always comes to the conclusion that if there's consent
22 involved with a person under the age of 18 that they can't consent. So, it's de facto.
23 There is no defense whatsoever. This child is the active participant and there is
24 absolutely no defense because she's 16. She could have sex with somebody, but
25 she can't determine who she wants to live with, and they keep on relying on this.

1 Under 200.350, subsection 2, upon the triable violation of NRS 200.310
2 to 200.350 inclusive, the consent thereto of the person kidnapped or confined shall
3 not be a defense unless it appears satisfactorily to the jury that such person was
4 above the age of 18 years, and that the person's consent was not extorted by
5 threats, duress, or fraud. So, they say that there's -- there could be no consent. I'm
6 not -- we're not agreeing on the consent issue, plus this isn't a consent case. This is
7 a case where she's the active person, she wants to leave the house, she wants to
8 move in and live with Mr. Sprowson, and I just mentioned the transcript that says all
9 that by the direct examination of the State.

10 MS. BLUTH: The fact that -- the facts that he didn't read, Your Honor, is that
11 the mother had caught on to their relationship, and the child called him and said
12 we've been caught. I have to come live with you. She's never going to let me see
13 you again. So, he knew when he went and got her and took her away, which is all
14 the statute requires, that her mother did not want her with him. That's all this statute
15 requires. If you take a child from their home, it doesn't have to be in some trench
16 coat and in the middle of the night. If you take a child from their home, they're under
17 18, with the intent to keep them from their parents, game over. And that's what we
18 have here. I mean, it can be a case of jury nullification, you know, maybe they don't
19 like the facts. But it meets the standards of the law and that's all we're here for.

20 MR. MOMOT: She didn't ask that question of this young lady. Did you tell
21 your mother and did your mother said no, I don't want you living with Mr. Sprowson.
22 And then she left the house and got into his car. She didn't ask that question. On
23 the sequence of questions and answers that I just read to this Court that question
24 was not asked --

25 MS. BLUTH: The --

1 MR. MOMOT: -- at all.

2 MS. BLUTH: The transcript's like 300 pages. I mean, I can find it if you want,
3 but it's -- she spoke about it. She spoke about her mom taking away her phone and
4 her computer because she found about the relationships. And the mother testified
5 at that at preliminary hearing. It's clearly in the mother's testimony as well.

6 MR. MOMOT: But it's not communicated to the Defendant. The mother is not
7 saying to Mr. Sprowson, hey, fella, I don't want you to do this with my daughter, and
8 that because you're keeping her away from me. That's not the case here. This is all
9 after the fact. This young lady is the proponent. She's the moving party that wants
10 to live with him and that's what's in this transcript. It's undeniable of what I just
11 called to this Court that that's what she wanted to do and he was cautious about it.
12 Even he said wait a minute. Is this a set-up? I don't understand.

13 THE COURT: Okay. Anything else on this charge? Are we moving on to
14 child abuse neglect?

15 MR. MOMOT: I didn't hear you.

16 THE COURT: Are we finished addressing kidnapping?

17 MR. MOMOT: Yes, Your Honor.

18 THE COURT: All right. Are we going to move on to child abuse neglect? We
19 kind of already touched on it as far as the psychological harm when the State's
20 already indicated that she attempted to commit suicide. She had difficulty
21 reintegrating back into society. She's currently in a long-term -- I don't know if it's a
22 psychiatric care facility, but she's in a long-term facility for emotional disorders.

23 MR. MOMOT: The -- it's not pertaining to this conduct with Mr. Sprowson.
24 What you had here is she wanted to commit suicide. She was brought home initially
25 then she went to this Montevista Hospital. Then she came home and the first thing

1 that she said was something about a 19-year-old boy and she wanted to go out and
2 meet him. And she couldn't get down the stairs.

3 There's a balcony. It's within this home. It's a two story home. And
4 as -- I asked her because I had looked from the outside -- strike that. There's no
5 balcony on the outside of this house. So, I asked her where this balcony is. She
6 says it's in the house, and it's on the second floor to go down to the first floor.
7 There's a lower balcony. And her mother didn't want her -- to let her past -- to get
8 past. So, she was going to jump off the balcony to get to the door to leave because
9 she doesn't want to stay home with the mother. And she's talking about a 19-year-
10 old boy that she wants to communicate with. And if she jumped off the balcony --
11 she even testified, no, not if you're going to die. Oh, maybe I was going to maybe
12 break a leg, but that's the worst it would ever be. And she had no fear about it.

13 The suicide attempt is communicator, a roundabout via the mother
14 that this is some type of a suicide attempt. The young lady testified of what this
15 actually was. It had nothing to do with Mr. Sprowson. It's this young lady
16 desperately not wanting to live with her mother. And from there on, to draw some
17 conclusion that the -- that there's some type of mental harm as a result of Mr.
18 Sprowson you have to look at the letter that was given by the doctor from
19 Montevista --

20 MS. BLUTH: Again, objection. Not in evidence --

21 MR. MOMOT: -- which was attached and part of the Court record because
22 of -- this was produced by the State --

23 MS. BLUTH: Objection. Not in evidence at preliminary hearing --

24 MR. MOMOT: -- of why there was going to be a continuance.

25 MS. BLUTH: -- I'd ask to strike this type of discussion.

1 THE COURT: Again, I can't go outside the lower court's transcript.

2 MR. MOMOT: Well, there was this -- and just for -- it's -- well, it was

3 presented by the State as a reason for a continuance of a preliminary hearing.

4 MS. BLUTH: That's not the prelim transcript though. We --

5 MR. MOMOT: That's part of the Court record.

6 MS. BLUTH: We --

7 THE COURT: But I understand the standard --

8 MR. MOMOT: Now --

9 THE COURT: -- I mean, we're testing the sufficiency of what was presented

10 to the lower court.

11 MR. MOMOT: That's right. And where is the sufficiency? Where is the

12 record that there's mental harm? Just coming to a conclusion that she's got to go

13 away for some counseling doesn't bring to the Court sufficient evidence of mental

14 harm. If you had a doctor testify at the preliminary hearing that there was an

15 examination and there was mental harm, I wouldn't be making the argument. Oh,

16 will you come to a conclusion that there's mental harm in this case. The record is

17 devoid of it.

18 MS. BLUTH: Oh, sorry. Normally, when I charge the substantial mental

19 harm, Your Honor, on this Special Victim's Unit, I have a child who goes and sees a

20 therapist once a month. I mean, here I have a child who is in Montevista twice for a

21 ten day period and is now in a long-term psychiatric care where it's not voluntary; it's

22 involuntary. She doesn't have a --

23 MR. MOMOT: I have a -- in a long-term care that she's put there by the

24 mother?

25 MS. BLUTH: No, if -- she has --

1 THE COURT: Well, wouldn't this all be questions of fact though?

2 MS. BLUTH: Yes.

3 THE COURT: For the jury.

4 MS. BLUTH: Yes.

5 MR. MOMOT: I don't think that that's -- there's a conclusion being said here

6 in Court that she suffered from some type of mental harm. What is a mental harm?

7 That's not in the record.

8 MS. BLUTH: Okay. I'd ask to be able to finish my argument, Your Honor.

9 When a child attempts to commit suicide and is -- then is put in Montevista for ten

10 days and then gets -- or -- so she actually was put in Montevista for ten days, and

11 then she goes home, then she attempts to commit suicide, and then mentally she

12 just can't handle it so has to be, you know, put in a care facility outside of Las

13 Vegas, that is more than enough for slight or marginal evidence. And that is a

14 decision that the jury is going to have to make. But for purposes of the preliminary

15 hearing and for purposes of this proceeding, the proper amount of evidence was

16 established at the lower court level.

17 THE COURT: Okay.

18 MR. MOMOT: Your Honor, the resulting harm has to be non-accidental and it

19 has to be attributable to Mr. Sprowson. What we have in this transcript is that she

20 was found well, she was happy, and she was in perfect condition. The young lady

21 was happy living there. She loved him. That's what's in the transcript before this

22 Court.

23 MS. BLUTH: That's why 16-year-olds don't get to make these types of

24 decisions because this is what happens when they do.

25 MR. MOMOT: Well, then they better change the statute because a 16-year-

1 old can have sex.

2 MS. BLUTH: But that's my point, is I know he doesn't like the law and I know
3 he doesn't like the statute, but that doesn't matter.

4 MR. MOMOT: What?

5 MS. BLUTH: It is what it is.

6 THE COURT: Okay. So, are we finished with the child abuse neglect --

7 MS. BLUTH: We are.

8 THE COURT: -- charge?

9 MS. BLUTH: The State is.

10 THE COURT: All right. And then the other one you are challenging, sir, is the
11 production of child pornography. And I did have the pictures and I did review them.
12 And we've made them a Court exhibit for purpose of this hearing, under seal
13 because of the nature of the photographs.

14 MS. BLUTH: Thank you.

15 MS. ZHENG: Your Honor, if the Court would permit to address that. I
16 understand what the State is saying. The State went on quite a bit in their answer.
17 And I understand that Counts 3, 4, and 5 are charged slightly differently towards the
18 end, but in the most inclusive faction, what it charges is that it was that he used this
19 minor in the production of child pornography. And by statute it's done one of two
20 ways; it's either through the sex conduct and/or the sexual portrayal. The statute
21 delineates out those two things. And whether or not if we're talking about a breast
22 shot, a genital shot, an entire body shot, that's essentially what it delineates out. So,
23 regardless of the -- I'm just going to group the argument together --

24 THE COURT: Okay.

25 MS. ZHENG: -- with respect to that. In terms of how this is going to parse

1 out, is that the State absolutely does not have sex conduct. Sex conduct is the
2 portion of the statute that is clearly delineated and it is clearly defined. Quite frankly,
3 the State admits, and they write in their own opposition, that in most of these
4 pictures she's clothed; she's fully clothed. She has her underwear on. She has her
5 panties on. Booty shorts as you call it, whichever it is, but she has a bottom on.
6 And there's two shots here that she's topless, alleging that it's her, but you cannot
7 see the face. It's from the neck down and there's two shots with exposed breasts.
8 With respect to that, those do not constitute sex conduct.

9 Quite frankly, those pictures do not include intercourse, there is no
10 fellatio depicted, there is no cunnilingus depicted, there is no bestiality depicted,
11 there is no anal depicted, there is no sadist or masochistic imagery depicted, there
12 is no masturbation depicted, there is no penetration depicted. And the State is
13 hinging it on a loose exhibition of the genitals. They don't have that. If you break
14 those two things apart, there is quite simply no exhibition. There is no exposure.
15 The genitals are not seen. And as to the State's argument that there is some pubic
16 hair visible outside of the panty line area, that is not a standard for an exposure of a
17 genital for those purposes.

18 THE COURT: What about -- and I would tend to agree with you on the sexual
19 conduct, but I'm looking at the sexual portrayal, the prurient interest in sex in which
20 does not have serious literary, artistic, political, or scientific value.

21 MS. ZHENG: And quite frankly, I don't think that the State sufficiently pled it
22 and I think the statute is defective with respect to that, and it's defective in respect to
23 the fact that it's constitutionally vague. The test for constitutional vagueness deals
24 with whether or not there's fair notice as to what is prohibited and whether or not
25 there was standard.

1 There are standards that can be delineated out for what constitutes an
2 appeal to the prurient interest. What excessively appeals to the prurient interest and
3 what doesn't? What is the standard for something that has serious artistic, literary,
4 political, or scientific value? None of the NRS statutes delineate that out and none
5 of the case law delineates that out. Quite frankly, that definition for sexual portrayal
6 is something that's kind of distilled out a long line of cases that we have in regards
7 to obscenity laws. And there are factors. There are factorial tests for those issues,
8 but none of that exists here, and not in this case, and not in the State's answer to
9 the writ with respect to that.

10 The State simply says that well, clearly this has no scientific value, this
11 has no artistic value, this has no literary value. That's not the standard. That's the
12 State's judgement. That's precisely the problem with the statute is that it's
13 standardless, it's subjective, and it's up to the State. And at this point -- and their
14 distaste for the relationship that these two people had for each other; the
15 relationship that they were in, that's what constitutes this.

16 Quite frankly, there's nothing for the common person that is reading this
17 statute to know what is prohibited and what is not. So, prurient interest in sex in
18 terms of appealing to the interest in sex, it is absolutely permissible to have sex with
19 her, but somewhere in the middle of that, she cannot appeal to his sexual interest
20 even though the two of them can consensually and legally have sex with each other.
21 The conduct that is prohibited is not something that is in the can of the normal
22 person that is reading that, something that can be understood.

23 And I think, ultimately, the underlying conduct of all of this has to be
24 something that is examined when we say that he used this child in the production of
25 child pornography. These two are communicating. They are in a romantic

1 relationship. He said he wanted pictures of her. There might have been some
2 mention that he wanted a picture of her butt or whatever it is, but nonetheless these
3 pictures are selfies that she took that she sexted to him. That's how the chain of this
4 goes. He is not there in a room and saying to her okay now take off your top, now
5 stand in the mirror, now take it this way, don't put your head in the picture. None of
6 these things are happening. He said that he wanted pictures of her, and in her
7 determination, in her word she said I didn't have to, he didn't force me, I wanted to.
8 I took these pictures. They were in the privacy of my own home. I did them on my
9 own and I sent them to him.

10 THE COURT: Yeah, but --

11 MS. ZHENG: That's her testimony.

12 THE COURT: -- you know, I hear what you're saying. And I get it to a certain
13 extent the argument of it's -- it seems a little bit silly that you can have sex with
14 someone you just -- and they can obviously look at you while they're having sex, but
15 then you can't take pictures because that's child pornography, and that's specifically
16 prohibited by statute if they're a minor. But the bottom line is there is a statute
17 which, you know, for child pornography --

18 MS. ZHENG: And you're right --

19 THE COURT: -- it doesn't say --

20 MS. ZHENG: -- but they're charging --

21 THE COURT: -- if they're still -- if they're having sex with a person then it's
22 okay to have pictures, but otherwise it's not. I mean, the statute says what it says.

23 MS. ZHENG: Correct. And that's as to the possession, but what they're
24 charging him with is the production of it that he is using her to produce this.

25 THE COURT: I think he's saying --

1 MS. ZHENG: She --

2 THE COURT: -- they're going under subsection 2 which would be uses,
3 encourages probably, entices, coerces, or permits.

4 MR. MOMOT: That's not the way it's pled.

5 THE COURT: And I believe there is testimony in the lower court that he told
6 her the types of pictures he want. He asked her to send pictures to him. And it's
7 such a low standard of proof down at the preliminary hearing.

8 MS. ZHENG: And they're charging him with sexual conduct to produce a
9 performance and be the subject of sexual portrayal in a performance. Here, they're
10 charging him with the production of it and asking her to produce it. Ultimately, she
11 takes these pictures. She can take these pictures of herself, that's fine. None of
12 this is a crime until she distributes it. But no one's here saying that she's a
13 pornographer in this. No one's calling --

14 THE COURT: But isn't the question more of -- and it'd be a question, if I'm
15 right, for the jury whether or not he encouraged her, he enticed her to take those
16 photographs. I understand what you're saying may be defenses at the time of trial,
17 but, I mean, it's just now a matter of the sufficiency of the evidence and what the
18 statute says.

19 MS. ZHENG: I think her testimony was that, in the sense that she told the
20 State outright that I wanted to. This is what I wanted to do. I took pictures of myself,
21 and I sexted it to him.

22 THE COURT: Okay.

23 MS. BLUTH: Judge, if you look at the way I pled these, I pled these with very
24 specific particularity. First of all, the wording I used was knowingly use, encourage,
25 entice, or permit which is language I got out of the statute. The child's testimony at

1 preliminary hearing was that he said take some pictures; she sent him two. They
2 weren't in the position that he wanted them, and from that point on he then directed
3 her on the positions and body parts he wanted. That is encouraging -- using,
4 encouraging, enticing, or permitting her to do so. When she sends him two, and he
5 says yeah, that's not good enough this is what I want, then that becomes him doing
6 that. I understand the defense's concerns and their argument, but what I hear from
7 them on almost every count in this information is that they don't like the statute, but
8 that's -- it doesn't matter, quite frankly.

9 And, you know, I know that Your Honor saw the pictures, but I -- it's not
10 my job to figure out whether there's any serious literary, artistic, scientific value, but I
11 fail to see any of those types of factors in pictures like Exhibit 14 that are of a child in
12 a G-string. Pictures taken from her in -- I don't -- I'm not going to use the word
13 though -- a bent over position on her hands and knees or the next one, a crotch shot
14 of just her underwear. I mean, don't -- this is for the jury to decide between -- or
15 what is serious literary, artistic, scientific value.

16 And the reason why it's pled in the alternative, any -- most of them, I
17 would agree with the defense are sexual -- or I actually would agree with Your
18 Honor, are sexual portrayals which the difference is the depiction of a person in a
19 manner which appeals to the prurient interest in sex. That's different from sexual
20 conduct which is lewd exhibition of the genitals. That's why I pled it in the
21 alternative for each count.

22 So, even if you don't think that those are lewd exhibition of the
23 genitals -- and I submit to Your Honor the only ones I were alleging were lewd
24 exhibition of the genitals were -- I'm sorry for the term, but lack of a better shot --
25 word would be what we would term the crotch shots at the preliminary hearing. It

1 doesn't say anything about the genitals have to be clothed, and I do think it is a lewd
2 exhibition of the genitals to have a child spread their legs even with underwear on
3 and take a picture of their vagina. I think that's a question for the jury to decide. But
4 even if you don't like the fact that I'm calling it sexual conduct it still meets the
5 standard at preliminary hearing for sexual portrayal.

6 THE COURT: Okay. Anything else on this count?

7 MS. ZHENG: Yes, Your Honor, if I can respond briefly. What the State's
8 arguing is that well, it meets the slight to marginal evidence for the standard of
9 sexual portrayal. That's the problem, is that there is absolutely no standard. There
10 is no delineated or defined standard as to that definition for sexual portrayal as to
11 what constitutes an arousal to the prurient interest or as to what constitute what is
12 something that lacks serious value. It's a standardless definition that the normal
13 person cannot understand because this is actually legal term of art. The legal term
14 of art that does not define, that there is no standard for, and the statute is vague.
15 It's unconstitutional and they don't get to charge him that way with something that
16 nobody can understand what it means to -- for the conduct to be prohibited.

17 MS. BLUTH: Well, that means that no one would ever be able to charge that
18 crime then. So, if your problem is with the law, that's a different motion that needs
19 to be had up at the Supreme Court, but this is the state of the law now, otherwise,
20 no, I wouldn't -- I would never be able to charge that at all.

21 MS. ZHENG: You could under sexual conduct --

22 MS. BLUTH: Okay. But sexual --

23 MS. ZHENG: -- but that doesn't exist here.

24 THE COURT: But we're just here on a petition for habeas. We're not here on
25 a constitutional challenge of that statute. Is there anything else to add by either

1 side?

2 MS. BLUTH: No, Your Honor.

3 THE COURT: All right. I am going to deny the petition on all counts. I do find
4 that reviewing the record in the lower court there was slight or marginal evidence to
5 bind the Defendant over on all the charges. When do we have a -- do we have a
6 trial set already?

7 MS. BLUTH: We do. I believe it's June 2nd.

8 THE COURT: All right. Then I'll see you guys for trial. Thank you.

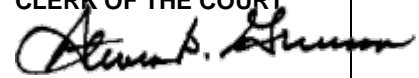
9 MS. BLUTH: Thank you, Your Honor.

10
11 [Proceedings concluded at 12:05 p.m]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 

24 _____
25 Trisha Garcia
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MELVYN PERRY SPROWSON, JR.,

Defendant.

CASE NO. C295158-1

DEPT. NO. XXIII

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

MONDAY, MAY 12, 2014

**STATE'S MOTION TO SET CONDITIONS OF DEFENDANT'S RELEASE UPON
DEFENDANT POSTING BAIL**

APPEARANCES:

For the Plaintiff:

EMELY H. MONTGOMERY, ESQ.
Deputy District Attorney
JAMES SWEETIN, ESQ.
JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorneys

For the Defendant:

JOHN J. MOMOT, JR., ESQ.
YI LIN ZHENG, ESQ.

RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 MONDAY, MAY 12, 2014, 9:27 A.M.

2
3 THE MARSHAL: Top of page 31, C295158, Sprowson.

4 THE COURT: Hi, Mr. Momot. Good morning.

5 All right. So this is Defendant's motion to set --

6 MR. MOMOT: No.

7 THE COURT: -- I think it's State's, actually. It's just incorrect on the
8 calendar, State's motion to set conditions of Defendant's release upon
9 Defendant posting bail.

10 MS. MONTGOMERY: Your Honor, this is Mr. Sweetin's case. I don't see
11 him.

12 THE MARSHAL: Jacqueline is outside I think.

13 THE COURT: Is Mr. Sprowson here? Is he out of custody?

14 MR. MOMOT: He's posted bail, Your Honor.

15 THE COURT: Okay. Is he here?

16 MR. MOMOT: No, Your Honor, I just got this Friday.

17 THE COURT: Okay.

18 [Colloquy]

19 MR. MOMOT: Jaqueline was here.

20 MS. MONTGOMERY: I haven't seen her yet. I'd ask to trail it until the
21 deputy gets here.

22 THE COURT: Do you want to continue it 'till Wednesday so that you
23 have a chance to respond or look it up with your client? You just received it
24 Friday.

25 MR. MOMOT: I've just --

1 THE COURT: What do you guys want to do? I have a busy calendar this
2 morning.

3 MR. MOMOT: They want to set some conditions. He already bonded
4 out.

5 THE COURT: I just need to wait for the deputy that's assigned to it,
6 Mr. Momot.

7 MR. MOMOT: Okay. All right, Your Honor.

8 THE COURT: So I can either trail it or move you guys to Wednesday.

9 MR. MOMOT: We'll trail it, please, Your Honor.

10 THE COURT: Okay.

11 [Matter trailed and recalled]

12 THE MARSHAL: Recalling bottom of page 31, C295158, Sprowson.

13 THE COURT: All right. Good morning. So this is the State's motion to
14 set conditions of Defendant's release upon Defendant posting bail. The
15 Defendant is not present; however, Mr. Momot previously represented he just
16 received this motion toward the end of the day on Friday. So by the State.

17 MR. SWEETIN: Judge, the reason we put this on calendar is we're
18 concerned in regards to the safety to the community. The Court's well aware
19 of the Defendant's history not only here in the State of Nevada, the allegations
20 here, but also allegations in California. For that reason, the State would submit
21 we don't know what the Defendant's risk level is at this point. He poses a
22 threat to the community based upon what we know now. I would note one
23 thing that I didn't put in my motion was that I believe that there was similar
24 conditions that the Justice Court imposed underlying. We are merely asking
25 that there be conditions imposed upon the Defendant's release. We've already

1 argued about bail and bail is currently set at \$150,000. We're asking that there
2 be conditions imposed that would minimize the risk that the Defendant would
3 pose to the community, including those detailed in my motion which would
4 include house arrest, no access to the internet or devices capable of accessing
5 the internet. We know from this case, or the allegations in this case, that
6 certainly that played a significant part with making contact with the child in our
7 case, not allow to view or have access to pornography of any kind. We know
8 from the facts of this case he certainly has an interest in that. He's even
9 photographed the child in this case, not have contact direct or indirect with
10 children under the age of 18. We think that's significant and important -- or the
11 victim's family in this case, and that he remain here in Clark County, Nevada.

12 The State would submit that as we've indicated before that we
13 believe the proof in this case is strong. The Defendant faces significant
14 sentences if convicted. And he certainly does beyond being a threat to the
15 community poses a flight risk. I'll submit it on that.

16 THE COURT: Mr. Momot.

17 MR. MOMOT: Thank you, Your Honor.

18 Your Honor, first of all, the Defendant has posted bail in accordance
19 with this Court's last order. The Court entered its order three weeks ago. He
20 posted bail about a week ago and with the concurrence of the bonding
21 company is living in Oklahoma with his brother who was in the military 23
22 years, Master Sergeant, United States Army, retired. That's the brother that
23 he's living with currently. This is a little late. This is part of an argument three
24 weeks ago when the Defendant was present. If that was part of a concern, it
25 should've been argued in the bail motion at that time, not today.

1 These conditions, I'm not going to start arguing the facts or
2 circumstances of these conditions because I think they're overboard.

3 THE COURT: Does his brother have minor children living at residence?

4 MR. MOMOT: I don't know, but that's not -- he's not -- it's charges here
5 with a young lady that was 16 years old at the time.

6 MS. BLUTH: Your Honor, may I address one thing in regards to his
7 brother? At the preliminary hearing, there was testimony brought out that the
8 Defendant -- that the Defendant's brother knew about his relationship with the
9 minor. And you know for that period of time when family and police were
10 looking for that child, the brother knew that the Defendant had her at his home.
11 Now, I'm not sure if Mr. Sprowson has multiple brothers, but I know that that --

12 MR. MOMOT: He does.

13 MS. BLUTH: -- came in as evidence. So that's a great concern to the
14 State as well.

15 THE COURT: Okay.

16 MR. MOMOT: He has three brothers, Your Honor. I don't know what the
17 State's talking about. The only condition that there was a no contact order
18 with the complaining witness in the case, that was set forth in the lower court.
19 That was the only other condition out there. Judge Gonzalez didn't set any
20 conditions, just set the bail at \$130,000 previously. And this Court didn't set
21 any conditions either. But if you want a no contact order with the victim, that's
22 okay with me.

23 MR. SWEETIN: Well, Judge, I would just note that, you know, based
24 upon what Mr. Momot has just represented, I'm not sure there's any children in
25 the household of the brother. I'm not sure what sort of connections he has or

1 what's he's doing in that particular jurisdiction. He could be getting jobs as a
2 school teacher for all we know. I'm not sure that we have anything in place
3 that would actually prevent that from happening. That's why the State would
4 submit based upon the facts of this case as well as what we know about the
5 Defendant at this point --

6 MR. MOMOT: It's not --

7 MR. SWEETIN: -- that significant conditions underlying any bail is
8 appropriate.

9 MR. MOMOT: It's not a lewdness with a minor case or a sex assault with
10 a minor, anything of that nature type of case.

11 MR. SWEETIN: He's accused of sexually touching multiple children in
12 California between the ages of 10 and 12 years old.

13 MR. MOMOT: No, he's not accused of that. There have been no charges
14 in California.

15 MR. SWEETIN: In our juris --

16 THE COURT: All right. Is there anything else, counsel, on this motion? I
17 mean I was here at the bail hearing. I know what you're referencing. We
18 talked a bit about that at the bail hearing. So anything else?

19 MR. SWEETIN: On this motion, the State would just submit that there
20 should be additional conditions upon the Defendant to protect society.

21 THE COURT: I'm going to grant some of the conditions requested. Based
22 upon the nature of this case and how he came into contact with the victim, I
23 am going to put a clause in that he has no access to the internet or devices
24 capable of accessing the internet. Also, because he was working in a school
25 and he is charged with crimes involving someone under the age of 18, the

1 Court is going to order that he do not have contact direct or indirect with
2 children under the age of 18 or the victim's family. Obviously, since he's
3 outside of Clark, he can remain in Oklahoma so long as his bail bondsman is
4 okay with that. So I'm going to add these conditions.

5 As far as the passport, I mean is he really a flight risk?

6 MR. MOMOT: No.

7 MR. SWEETIN: I think he's a flight risk either substantial -- the State
8 would submit he's absolutely a flight risk for substantial time he's looking at on
9 this case if convicted. And the State would submit that in this particular case,
10 I'm not sure that a lot of the facts are even in dispute. He was holding a young
11 child at his home having sex with her while numerous people were looking for
12 her and he was aware of that.

13 THE COURT: Okay.

14 MR. MOMOT: Judge, he's had various contacts with our office about
15 two to three times last week since he bailed out.

16 THE COURT: Okay.

17 MR. MOMOT: And this guy is always in contact with us.

18 MR. SWEETIN: I mean if he plans out taking a trip out of the country, I
19 think that's concerning. So I'm not sure what that --

20 MR. MOMOT: Who's going out of the country?

21 THE COURT: Okay. I'm just going to say he surrenders his passport to
22 Mr. Momot. Mr. Momot will hold it pending the outcome of the trial. Are you
23 gentlemen and ma'ams going to be able to go to trial soon, the beginning of
24 June?

25 MR. MOMOT: I don't believe so, Your Honor, because there's some other

1 motions.

2 MR. SWEETIN: State's ready to go, Judge. And we're anxious to try this
3 case.

4 MR. MOMOT: We're going to be --

5 THE COURT: I'll do whatever I can to accommodate the motion if you
6 guys want to go in June. Otherwise, we can look for a new date. Do you guys
7 just want to wait to calendar call?

8 MR. MOMOT: That's fine, Your Honor. I'd like to.-

9 THE COURT: It's up to you. I mean --

10 MR. MOMOT: I'm not going to be ready for this in June.

11 THE COURT: Okay. I mean this is relatively a new case. The
12 information is in January 2014. So is the State agreeable to continue this now
13 so you don't have to subpoena your witnesses?

14 MR. MOMOT: That's what Ms. Bluth and I talked about. That was my
15 understanding that it was going to be continued.

16 THE COURT: Okay.

17 MS. BLUTH: I --

18 MR. SWEETIN: Judge, I don't think that the State can agree to a
19 continuance upon this case, so.

20 MR. MOMOT: This is what Ms. Bluth and I talked about.

21 MS. BLUTH: We -- Judge, we did have a conversation about that. I
22 asked them their preference. I mean we can be ready to go. Mr. Momot
23 discussed several issues with me and I knew that they were going to be asking
24 for a continuance which I thought Your Honor would grant because of the case
25 being so new in the system. But I always let them know we would be

1 announcing ready.

2 MR. MOMOT: Well --

3 THE COURT: Okay. Well, I got to move along. So we can either
4 continue it now or later. I would be inclined to grant it. I mean this is the
5 first -- I think it's the first setting. And the Information, again, it was just in
6 January, so 5 months ago. So do you want to leave it on or do you want to
7 move it to a new date? If we move to a new date it'd either be August or
8 October if you want to try it this year.

9 MR. MOMOT: 'Till October, Your Honor.


10 MR. BLUTH: Let's just do it calendar call, Judge.

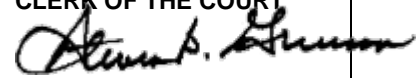
11 THE COURT: Okay. See you at calendar call. We'll leave the dates on.

12 PROCEEDINGS CONCLUDED AT 9:58 A.M.

13 * * * * *

14 ATTEST: I do hereby certify that I have truly and correctly transcribed the
15 audio/video recording in the above-entitled case to the best of my ability.

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17 MARIA L. GARIBAY
18 Court Recorder/Transcriber
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1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.
13

CASE NO. C295158-1

DEPT. NO. XXIII

TRANSCRIPT OF PROCEEDINGS

14
15 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

16 WEDNESDAY, MAY 28, 2014
17

DEFENDANT'S MOTION TO CONTINUE JURY TRIAL

18
19 APPEARANCES:

20 For the Plaintiff:

JAMES SWEETIN, ESQ.
Chief Deputy District Attorney

21
22 For the Defendant:

JOHN J. MOMOT, JR., ESQ.
YI LIN ZHENG, ESQ.

23
24
25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 WEDNESDAY, MAY 28, 2014, 11:06 A.M.

2
3 THE MARSHAL: Top of page 3, C295158, Sprowson.

4 THE COURT: All right. Mr. Sprowson is present in custody. Good
5 morning, Mr. Momot.

6 MR. MOMOT: Good morning, Your Honor.

7 THE COURT: It is the time set for calendar call. Hi, counsel. Good
8 morning. I also have Defendant's motion to continue the jury trial. Anything by
9 the parties on the motion to continue the jury trial?

10 MR. SWEETIN: We'll submit it to the Court.

11 THE COURT: All right. So I'm going to grant it. Did the State and the
12 defense counsel -- did you have a chance to talk about when you'd like a new
13 date?

14 MR. MOMOT: I checked with the clerk, October 13th.

15 MR. SWEETIN: You know, Jacqueline Bluth, she was going to be here.
16 She's in another court. I'm not sure what her calendar is and we haven't
17 discussed that.

18 MR. MOMOT: We will -- could we set it that date? If there's a problem
19 with that exact date we could work it out with Jacqueline.

20 THE COURT: That's fine. We're pretty easy going. So if you guys think
21 on a different date that corresponds with my criminal calendar then we'll
22 accommodate each of you to the best of our ability. So can we just set you the
23 13th and then we'll change it if need be?

24 MR. MOMOT: Thank you very much, Your Honor.

25 MR. SWEETIN: That's fine, Your Honor.

1 THE COURT: So Antoinette.

2 THE CLERK: Calendar call will be October 8th at 9:30; jury trial
3 October 13th at 1:00 p.m.

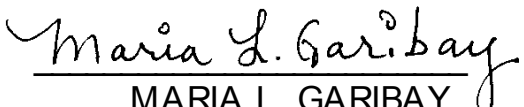
4 THE COURT: All right. See you then. Thank you.

5 MS. ZHENG: Thank you, Your Honor.

6 PROCEEDINGS CONCLUDED AT 11:08 A.M.

7 * * * * *

8 ATTEST: I do hereby certify that I have truly and correctly transcribed the
9 audio/video recording in the above-entitled case to the best of my ability.

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1 RTRAN

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4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
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7 STATE OF NEVADA,

8 Plaintiff,

9 vs.
10

11 MELVYN PERRY SPROWSON, JR.,

12 Defendant.

CASE NO. C295158-1

DEPT. NO. XXIII

TRANSCRIPT OF PROCEEDINGS

13 BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE
14

15 WEDNESDAY, SEPTEMBER 10, 2014

16 **DEFENDANT'S MOTION FOR DISCOVERY...DEFENDANT'S MOTION FOR**
17 **INDEPENDENT PSYCHOLOGICAL/PSYCHIATRIC EXAMINATION OF THE**
18 **COMPLAINING WITNESS**

19 APPEARANCES:

20 For the Plaintiff:

JAMES SWEETIN, ESQ.
JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorneys

22 For the Defendant:

JOHN J. MOMOT, JR., ESQ.
YI LIN ZHENG, ESQ.

24
25 RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 WEDNESDAY, SEPTEMBER 10, 2014, 10:15 A.M.

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3 THE MARSHAL: Top of page 6, C295158, Sprowson.

4 THE COURT: Good morning.

5 MR. MOMOT: Good morning, Your Honor.

6 MS. BLUTH: Good morning, Your Honor. Mr. Sprowson's out of
7 custody.

8 THE COURT: Oh, he is?

9 MR. MOMOT: He's out of custody, yes.

10 THE COURT: Okay. I'd forgotten that. All righty.

11 MS. BLUTH: It's okay.

12 THE COURT: So this was a motion for discovery, motion for an
13 independent psychological/psychiatric examination. I have a note, though, that
14 that has been moved to September 15th and that it's a motion to continue trial
15 at this point.

16 MS. BLUTH: That's correct, Judge. We -- the parties agree to move all
17 of our motions, besides the motion to continue until next week if that's okay
18 with the Court. We'll just give them a respond orally to their motion to
19 continue today because I believe they wanted a decision on that earlier rather
20 than later.

21 THE COURT: Sure. You're supposed to start trial very soon.

22 MS. BLUTH: Yes.

23 THE COURT: All right. Mr. Momot.

24 MR. MOMOT: Basically, Your Honor, we're not ready on this case for
25 trial for several reasons. There are certain matters in discovery about

1 transcribed statements or audio statements that I'm sure would be addressed
2 with the State and would be cured sometime between now and trial date.
3 That's for sure. But more importantly, during the course of the investigation of
4 this case there was a search warrant that was executed in the Defendant's
5 residence which is going to be subject to a motion to suppress evidence that's
6 going to be filed shortly. In any event, certain items, mainly computers, were
7 taken out of the residence, another electronic data that was examined by the
8 State, and Ms. Zheng can address the Court as to the data that we have not --
9 we haven't received anything regarding that, and that examination is important
10 to our case.

11 Number two, and most important are the medical records of this
12 young lady for the psychological/psychiatric testing that she has undergone in
13 this case. There was a letter filed with this Court as a Court Exhibit from
14 Justice Court, I think it was from Montevista Hospital, in which it discusses the
15 troubling nature and the status of this young lady and which also caused the
16 young lady to be under the care of physicians or psychiatrists or psychologists.
17 The State would better able to address that, what she's been in an ongoing
18 care up to and I believe including today to the extent that she's been placed up
19 in a Reno facility during the pendency of this case.

20 And our position is is that although the State may say well, we're
21 not going to use an expert; so therefore, expert testimony is not needed, so
22 why do you need all these medical records? In their allegations they allege that
23 my client as a result of his conduct caused her mental harm and that this
24 mental harm is a element of the offense which we have to defend against.
25 Mental harm goes into the mental state of the complaining witness who really

1 wasn't complaining until her mother or grandmother got -- her mother got
2 involved in this because she wanted to be with my client. And the mother who
3 is going to be testifying for the State, and I'm sure the State wants to qualify
4 her as the expert as to the mental state of her daughter as in -- was an adverse
5 position with the child, and the mother's position was that this child had to be
6 reprogrammed.

7 THE COURT: All right. Are we going into -- we're kind of going into the
8 motion.

9 MR. MOMOT: Well --

10 THE COURT: So you need more time to -- you need a ruling on that.

11 MR. MOMOT: I've got to get a ruling on that which is critical in the case
12 and it has a dovetail into -- I can't be ready on October 3rd --

13 THE COURT: Okay.

14 MR. MOMOT: -- for this trial.

15 THE COURT: Got it. By the State.

16 MS. BLUTH: Thank you, Judge. I'm going to save my arguments in
17 regards to the med records and psych records per our discovery argument if
18 that's okay with the Court, and I just want to talk about the motion to continue.
19 In regards to some of the things that the defense is requesting on the audio
20 interviews and those sorts of things, they either have A, audio or B, a transcript
21 of every witness. So I just want to make sure Your Honor is clear on that, so I
22 don't think that that would be a basis for a continuance. And as well as the
23 defense actually got a continuance of the Justice Court preliminary hearing for
24 the forensics on the cellphone because that was used as evidence in the
25 preliminary hearing. Everything else I can get them as soon as possible. I have

1 all the files. Obviously, we'll be fighting the medical and psych records. And
2 I'll leave that for a different date. But in regards to you know, this is -- this in
3 October will actually be our third setting. We had an initial setting in March of
4 2014, but the defense filed a petition for writ of habeas corpus so that kicked
5 out our trial date in May. And in May, the defense had asked for a
6 continuance. The Court granted it. And then if you remember last time we
7 were here at that calendar call, we actually had the opportunity I believe to
8 have another trial setting in August, but we said to the defense, "We'll give you
9 enough time because when the next court date is set for trial, we want to go to
10 trial. So we'll skip the next trial setting so you have enough time by October to
11 prepare and get ready." And so we've done that. We've stayed good to our
12 promise and we're ready to proceed to trial in October. And that's actually on
13 October 13th. So I mean the State's ready. We've been ready. And we're
14 asking, Your Honor, to decline the defense motion to continue. I'll be happy to
15 get all the things in this motion, besides the med and psych records, to defense
16 within the coming days. I believe I have everything. If I don't, the police will
17 get it to me as soon as possible and I'll hand it over.

18 THE COURT: Okay.

19 MS. ZHENG: Your Honor, with respect to that, and I do understand that
20 there was an original setting, but Mr. Sprowson was also in custody at the time
21 and as a result of us filing a writ, which was argued in this court, it's a
22 statutory requirement that he waives speedy trial. And as a result, that's why
23 it was kicked over. Subsequent to that, there was a filing of a motion to
24 continue. We had filed a motion for discovery throughout in Justice Court also.
25 And these medical records has been something that we have been asking for

1 throughout the duration of this case. And while I understand that that's going
2 to be argued later, but that's one of the primary issues of our concern is that
3 with respect to the child abuse and neglect count, that is a major element of
4 the crime. That needs to be addressed in terms of our ability to best defend
5 that. And with respect to the forensic, I do have one of the Cellebrite reports
6 from one of the cellphones. However, it was not just a singular cellphone that
7 was taken. There were three computers that were taken and two cellphones
8 that were taken. Based on the reports that I have forensics were done on all of
9 them. I have the Cellebrite report on one of them, but not the rest of them.
10 And that dovetails into the fact as to one of the counts, it's a child -- it's a
11 production of child pornography count. And there were certain testimony that
12 was given at the preliminary hearing as to the dates that certain photos were
13 taken and things like that. I'm just looking for those reports to be able to
14 confirm that because the data contained within the forensic reports should be
15 able to confirm that.

16 THE COURT: Got it. Anything else?

17 MS. BLUTH: No, Your Honor.

18 THE COURT: I am going to grant the motion for continuance. I mean in
19 the grand scheme of things, this isn't really an old case and the concern always
20 to the Court is that the defense's had adequate time to prepare its case. He's
21 waived. You're going to be next year. So what works for everyone's calendar?
22 Or you want me to just give you options for next year and you tell me what
23 works?

24 MS. BLUTH: Can we have options?

25 THE COURT: Yeah.

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 04:30 p.m.
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Clerk of Supreme Court

9 _____)

10 **APPELLANT'S APPENDIX VOLUME VI PAGES 1162-1403**

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34	and Defendant's Motion to Proceed Pro Se	
35	Date of Hrg: 08/24/15	1367-1379
36	Recorder's Transcript	
37	Status Check: New Counsel/Resetting of Trial	
38	Date of Hrg: 08/19/15	1364-1366
39	Recorder's Transcript	
40	Status Check: PSI Corrections	
41	Date of Hrg: 05/31/17	3126-3133

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

1 VER

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT 10:31 am

MAR 31 2017

5 THE STATE OF NEVADA,

6 Plaintiff,

7 -vs-

8 MELVYN PERRY SPROWSON, JR.,

9 Defendant.

BY 
KATHERINE STREUBER, DEPUTY

CASE NO: C-14-295158-1

DEPT NO: XXIII

11 VERDICT

12
13 We, the jury in the above entitled case, find the Defendant MELVYN PERRY
14 SPROWSON, JR., as follows:

15 COUNT 1 - FIRST DEGREE KIDNAPPING

16 *(Please check the appropriate box, select only one)*



Guilty of FIRST DEGREE KIDNAPPING



Not Guilty

19
20 COUNT 2 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL
21 BODILY OR MENTAL HARM

22 *(Please check the appropriate box, select only one)*



Guilty of CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH
24 SUBSTANTIAL BODILY OR MENTAL HARM



Guilty of CHILD ABUSE, NEGLECT OR ENDANGERMENT



Not Guilty

27 C-14-295158-1

VER

Verdict
4637350



62

3

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

3 *(Please check the appropriate box, select only one)*

4 ☒ Guilty of UNLAWFUL USE OF A MINOR IN THE PRODUCTION
5 OF PORNOGRAPHY

6 ☐ Not Guilty

7 **COUNT 4** - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF
8 PORNOGRAPHY

9 *(Please check the appropriate box, select only one)*

10 ☒ Guilty of UNLAWFUL USE OF A MINOR IN THE PRODUCTION
11 OF PORNOGRAPHY

12 ☐ Not Guilty

13
14 **COUNT 5** - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF
15 PORNOGRAPHY

16 *(please check the appropriate box, select only one)*

17 ☒ Guilty of UNLAWFUL USE OF A MINOR IN THE PRODUCTION
18 OF PORNOGRAPHY

19 ☐ Not Guilty
20
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1 **COUNT 6** - UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF
2 PORNOGRAPHY

3 *(please check the appropriate box, select only one)*

4 ☒ Guilty of UNLAWFUL USE OF A MINOR IN THE PRODUCTION
5 OF PORNOGRAPHY

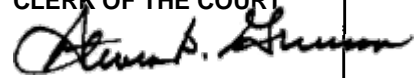
6 ☐ Not Guilty

7
8 DATED this 31 day of March, 2017

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11 FOREPERSON
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
5/19/2017 4:54 PM
Steven D. Grierson
CLERK OF THE COURT



STATE OF NEVADA

CASE NO: C-14-295158-1

vs.

MELVYN SPROWSON, JR.

DEPARTMENT XXIII

NOTICE RESETTING DATE and TIME OF HEARING

Please be advised that the date and time of the Sentencing hearing has been reset from

May 22, 2017 to May 24, 2017 at 9:30 a.m.

DATED this 27th day of April, 2017.

HONORABLE STEFANY A. MILEY

By: 

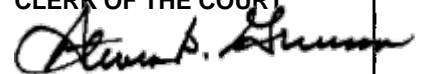
Carmen Alper
Judicial Executive Assistant t

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this notice 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: Jacqueline Bluth, Esq., Michael Yohay, Esq., and Melvyn Sprowson, Jr.

By: 

Carmen Alper
Judicial Executive Assistant



DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

MELVYN SPROWSON, JR.

Defendant.

CASE NO.: C295158

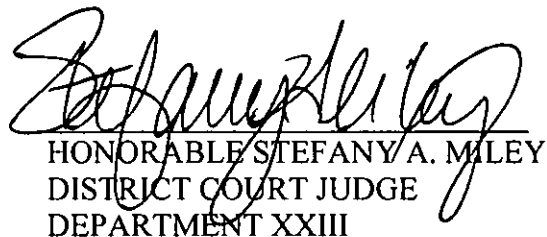
DEPARTMENT XXIII

ORDER

COURT FINDS Defendant was not arrested for two counts of child abuse and neglect with substantial bodily harm with a deadly weapon. Defendant was arrested for two counts of child abuse and neglect with substantial bodily and/or mental harm.

COURT ORDERS Parole and Probation shall remove the deadly weapon language from the Defendant's Presentence Investigation Report.

Dated this 14th day of June, 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: Jacqueline Bluth, Esq.; Michael R. Yohay, Esq.; Melvyn P. Sprowson, Jr., CCDC, 330 S. Casino Center Blvd., Las Vegas, NV 89101.

By: 

Carmen Alper
Judicial Executive Assistant

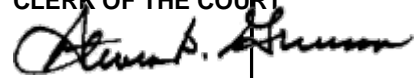
CLERK OF THE COURT

JUN 19 2017

RECEIVED

STEFANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408



JOC

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

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – FIRST DEGREE KIDNAPPING (Category A Felony) in violation of NRS 200.310, 200.320; COUNT 2 – CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY AND/OR MENTAL HARM (Category B Felony) in violation of NRS 200.508(1); and COUNTS 3, 4, 5, and 6 – UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF PORNOGRAPHY (Category A Felony) in violation of NRS 200.700, 200.710(A)(B), 200.750; and the matter having been tried before a jury and the

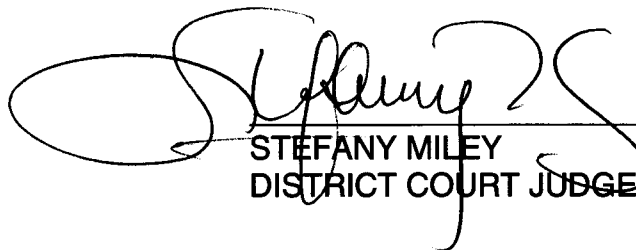
1 Defendant having been found guilty of the crimes of COUNT 1 – FIRST DEGREE
2 KIDNAPPING (Category A Felony) in violation of NRS 200.310, 200.320; COUNT 2 –
3 CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY
4 AND/OR MENTAL HARM (Category B Felony) in violation of NRS 200.508(1); and
5 COUNTS 3, 4, 5, and 6 – UNLAWFUL USE OF A MINOR IN THE PRODUCTION OF
6 PORNOGRAPHY (Category A Felony) in violation of NRS 200.700, 200.710(A)(B),
7 200.750; thereafter, on the 26th day of June, 2017, the Defendant was present in court
8 for sentencing with standby counsel MICHAEL YOHAY, Deputy Public Defender, and
9 good cause appearing,
10

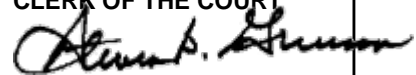
11
12 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
13 addition to the \$25.00 Administrative Assessment Fee, \$8,000.00 Fine and \$150.00
14 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA
15 Collection Fee, the Defendant is SENTENCED to the Nevada Department of
16 Corrections (NDC) as follows: **COUNT 1** – LIFE with parole eligibility after serving a
17 **MINIMUM** of FIVE (5) YEARS; **COUNT 2** - a **MAXIMUM** of NINETY-SIX (96) MONTHS
18 with a **MINIMUM** Parole Eligibility of THIRTY (30) MONTHS, CONSECUTIVE to
19 **COUNT 1**; **COUNT 3** - LIFE with parole eligibility after serving a **MINIMUM** of FIVE (5)
20 YEARS, CONSECUTIVE to **COUNT 2**; **COUNT 4** – LIFE with parole eligibility after
21 serving a **MINIMUM** of FIVE (5) YEARS, CONCURRENT with **COUNT 3**; **COUNT 5** -
22 LIFE with parole eligibility after serving a **MINIMUM** of FIVE (5) YEARS,
23 CONCURRENT with **COUNT 4**; and **COUNT 6** - LIFE with parole eligibility after serving
24 a **MINIMUM** of FIVE (5) YEARS, CONCURRENT with **COUNT 5**; with ONE
25 THOUSAND FIFTY-SEVEN (1,057) DAYS credit for time served.
26
27
28

1 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
2 is imposed to commence upon release from any term of imprisonment, probation or
3 parole. In addition, before the Defendant is eligible for parole, a panel consisting of
4 the Administrator of the Mental Health and Development Services of the Department
5 of Human Resources or his designee; the Director of the Department of corrections or
6 his designee; and a psychologist licensed to practice in this state; or a psychiatrist
7 licensed to practice medicine in Nevada must certify that the Defendant does not
8 represent a high risk to re-offend based on current accepted standards of assessment.
9
10

11 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
12 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
13 release from custody.

14 DATED this 30 day of June, 2017.

15
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19 STEFANY MILEY
20 DISTRICT COURT JUDGE
21
22
23
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DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

MELVYN SPROWSON, JR.

Defendant.

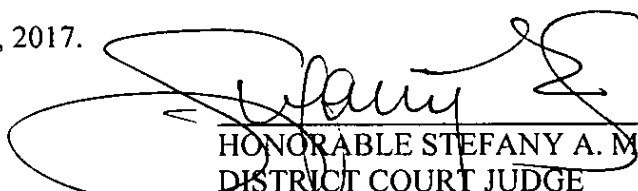
CASE NO.: C295158

DEPARTMENT XXIII

ORDER

Having discovered a typographical error in the order filed on June 19, 2017, the Court hereby corrects the finding in that order such that COURT FINDS Defendant was arrested for one count, not two counts, of child abuse and neglect with substantial bodily and/or mental harm.

Dated this 23rd day of June, 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: Jacqueline Bluth, Esq.; Michael R. Yohay, Esq.; Melvyn P. Sprowson, Jr., CCDC, 330 S. Casino Center Blvd., Las Vegas, NV 89101.

By:



Carmen Alper
Judicial Executive Assistant

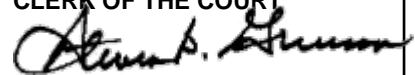
CLERK OF THE COURT

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STEFANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408



1 NOAS
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8
9 DISTRICT COURT
10 CLARK COUNTY, NEVADA
11

12 THE STATE OF NEVADA,)
13)
14 Plaintiff,) CASE NO. C-14-295158-1
15)
16 v.) DEPT. NO. XXIII
17)
18 MELVYN PERRY SPROWSON, JR.)
19)
20 Defendant.)
21)

22 NOTICE OF APPEAL
23

24 TO: THE STATE OF NEVADA

25 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
26 NEVADA and DEPARTMENT NO. XXIII OF THE EIGHTH JUDICIAL
27 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
28 COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Melvyn Perry
Sprowson, presently incarcerated in the Nevada State Prison,
appeals to the Supreme Court of the State of Nevada from the
judgment entered against said Defendant on the 5th day of July,
2017 whereby he was convicted of Ct. 1 - First Degree Kidnapping
(Category A Felony); Ct. 2 - Child Abuse, Neglect or Endangerment
with Substantial Bodily and/or Mental Harm; Cts. 3, 4, 5 and 6 -
Unlawful Use of Minor in the Production of Pornography and
sentenced to \$25 Admin. Fee; \$8,000 fine and \$150 DNA analysis fee
including genetic testing plus \$3 DNA collection fee; Ct. 1 - Life
with parole eligibility after serving five (5) years; Ct. 2 - 30-
96 months consecutive to Ct. 1 - Ct. 3 - Five years to Life in

1 prison, consecutive to Ct. 2; Ct. 4 - Five years to Life
2 concurrent with Ct. 3; Ct. 5 - Five years to Life concurrent with
3 Ct. 4 and Ct. 6 - Five years to Life concurrent with Ct. 5; 1,057
4 days CTS. Special sentence of lifetime supervision; order to
5 register as a sex offender in accordance with NRS 179D.460 within
6 48 hours after any release from custody.

7 DATED this 1st day of August, 2017.

8 PHILIP J. KOHN
9 CLARK COUNTY PUBLIC DEFENDER

10
11 By: /s/ Howard S. Brooks
12 HOWARD S. BROOKS, #3374
13 Deputy Public Defender
14 309 S. Third Street, Ste. 226
15 Las Vegas, Nevada 89155
16 (702) 455-4685
17
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 1st day of August, 2017, by Electronic Filing to:

District Attorneys Office
E-Mail Address:

PDMotions@clarkcountyda.com

Jennifer.Garcia@clarkcountyda.com

Eileen.Davis@clarkcountyda.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 15, 2014

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

January 15, 2014 1:30 PM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Monique Alberto

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Pace, Barter G.	Attorney
	Sprowson, Melvyn Perry, Jr.	Defendant
	Zheng, Yi Lin	Attorney

JOURNAL ENTRIES

- Ms. Zheng requested matter be continued 2 weeks to confirm as counsel. COURT SO ORDERED.

CUSTODY

1/29/14 1:30 P.M. ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2014

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

January 29, 2014 1:30 PM Arraignment Continued

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Phyllis Irby

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Momot, John Joseph	Attorney for the Deft
	Pace, Barter G.	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant
	State of Nevada	Plaintiff
	Zheng, Yi Lin	Attorney for the Deft

JOURNAL ENTRIES

- DEFT. SPROWSON JR. ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, counsel has 21 days after the filing of the Preliminary Hearing Transcript or today s date, whichever is later, to file the Writ. State reserves all procedural objections in relation to the filing of the Writ.

CUSTODY

3-19-14 9:30 AM CALENDAR CALL (DEPT. XXIII)

3-24-14 1:00 PM JURY TRIAL (DEPT. XXIII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 19, 2014

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

March 19, 2014 9:30 AM Calendar Call

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

PARTIES Jacqueline Bluth, Deputy District Attorney, present for the State of Nevada.
PRESENT: Deft. Sprowson, present in custody, with Yi Lin Zheng, Esq.

JOURNAL ENTRIES

Ms. Zheng advised Deft. will make a limited waiver, pursuant to NRS 34.700, since the Writ hasn't been decided. Ms. Zheng requested additional time for the State to respond to the Petition and the Defense to reply. Upon Court's inquiry, Deft. WAIVED the 60-day rule. Colloquy regarding trial dates. COURT ORDERED, trial date VACATED and RESET, 3/24/14 Petition RESET. Court directed counsel to make sure it has everything by 4/7/14.

CUSTODY

4/9/14 11:00 AM PETITION FOR WRIT OF HABEAS CORPUS (PRE-TRIAL)

5/28/14 9:30 AM CALENDAR CALL

6/2/14 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 14, 2014

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

April 14, 2014 9:30 AM Motion for Bail Reduction

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

PARTIES Charles Thoman, Deputy District Attorney, present for the State of Nevada,
PRESENT: Deft. Sprowson, present in custody, with John Momot, Esq., and Yi Lin Zheng, Esq.

JOURNAL ENTRIES

Mr. Momot advised he spoke with Mr. Sweetin and Mr. Sweetin needs additional time. At request of Mr. Momot, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 4/21/14 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 21, 2014

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

April 21, 2014 9:30 AM Deft's Motion for Bail Reduction

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Debbie Winn

PARTIES Jacqueline Bluth, Deputy District Attorney, present for the State of Nevada.
PRESENT: Deft. Sprowson, present in custody, with John Momot, Esq.

JOURNAL ENTRIES

Court noted bail was set at \$650,000.00. Arguments by counsel. COURT ORDERED, Motion GRANTED, Bail RESET to \$150,000.00.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 30, 2014

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

April 30, 2014 11:00 AM Petition for Writ of Habeas Corpus

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

PARTIES Jacqueline Bluth, Deputy District Attorney, present for the State of Nevada.

PRESENT: Deft. Sprowson, present in custody, with John Momot, Esq., and Yi Lin Zheng, Esq.

JOURNAL ENTRIES

Arguments by counsel. COURT FINDS slight or marginal evidence at the lower court to bindover Deft. on all counts and ORDERED, Petition DENIED on all counts, trial dates STAND.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 12, 2014

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

**May 12, 2014 9:30 AM State's Motion to Set Conditions of Deft's Release
Upon Deft. Posting Bail**

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller; Melissa Murphy/anm

RECORDER: Maria Garibay

PARTIES PRESENT: Emily Montgomery, Jacqueline Bluth, and James Sweetin, Deputy District Attorneys,
present for the State of Nevada.
John Momot, Esq., and Yi Lin Zheng, Esq., present on behalf of Deft. Sprowson.

JOURNAL ENTRIES

Deft., Ms. Bluth and Mr. Sweetin not present. Mr. Momot noted he just received this on Friday and the State wants conditions; however, Deft. has bonded out. MATTER TRAILED.

MATTER RECALLED. All parties present as before. Ms. Bluth and Mr. Sweetin now present. Argument by Mr. Sweetin, Mr. Momot, and Ms. Bluth. COURT stated its FINDINGS and ORDERED, Motion GRANTED IN PART; Deft. is to have no access to the internet or devices capable of accessing the internet, Deft. is to have no direct or indirect contact with children under the age of eighteen or the Victim's family, and Deft. is to surrender his passport to Mr. Momot and Mr. Momot is to hold it pending trial. COURT FURTHER ORDERED, Deft. may remain in Oklahoma so long as his bail bondsman is okay with it. Colloquy regarding trial dates.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 28, 2014

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

May 28, 2014 11:00 AM All Pending Motions

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

PARTIES James Sweetin, Deputy District Attorney, present for the State of Nevada.

PRESENT: Deft. Sprowson, present in custody, with John Momot, Esq., and Yi Lin Zheng, Esq.

JOURNAL ENTRIES

CALENDAR CALL...DEFT'S MOTION TO CONTINUE JURY TRIAL

With respect to the Motion, Mr. Sweetin submitted. COURT ORDERED, Motion GRANTED.
Colloquy regarding trial date. COURT FURTHER ORDERED, trial date VACATED and RESET.

CUSTODY

10/8/14 9:30 AM CALENDAR CALL

10/13/14 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 10, 2014

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

September 10, 2014 9:30 AM Deft's Motion to Continue Jury Trial

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller/anm
Marwanda Knight

RECORDER: Maria Garibay

PARTIES James Sweetin and Jacqueline Bluth, Deputy District Attorneys, present for the State
PRESENT: of Nevada.
John Momot, Esq., and Yi Lin Zheng, Esq., present on behalf of Deft. Sprowson.

JOURNAL ENTRIES

Ex-Parte Motion and Order for Release of Medical Records FILED IN OPEN COURT

Ms. Bluth advised the parties agree to move the Motions to next week but will orally argue the Motion to Continue. Mr. Momot advised he is not ready for trial and argued they have not received the data from the examination of the computers taken from the residence and will be filing a motion to suppress the search warrant. Counter argument by Ms. Bluth noting this is the third setting, the Defense asked for a continuance in May, and the State is ready to proceed to trial. Ms. Bluth noted she will provided everything to the Defense in the coming days, except the medical records. Argument by Ms. Zheng. COURT ORDERED, Motion GRANTED, trial dates VACATED. Colloquy regarding trial dates. COURT FURTHER ORDERED, trial setting SET. Mr. Momot requested Deft's Motion for Discovery and Deft's Motion for Independent Examination reset to 9/22/14. Ms. Bluth had no objection. COURT ADDITIONALLY ORDERED, Deft's Motion for Discovery and Deft's Motion for Independent Psychological/Psychiatric Examination of the Complaining Witness RESET. Order SIGNED IN OPEN COURT.

BOND

PRINT DATE: 09/11/2014

Page 1 of 2

Minutes Date: September 10,
2014

9/22/14 9:30 AM TRIAL SETTING...DEFT'S MOTION FOR DISCOVERY...DEFT'S MOTION FOR INDEPENDENT PSYCHOLOGICAL/PSYCHIATRIC EXAMINATION OF THE COMPLAINING WITNESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2014

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

November 05, 2014	9:30 AM	All Pending Motions	Defendant's Notice of Motion and Motion for Independent Psychological/Psychiatric Examination of the Complaining Witness; State's Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial; Deft's Motion for Discovery
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	District Attorney
	Sprowson, Melvyn Perry, Jr.	Defendant
	Sweetin, James R	District Attorney
	Zheng, Yi Lin	Attorney for Defendant

JOURNAL ENTRIES

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

PRINT DATE: 11/07/2014

Page 1 of 2

Minutes Date: November 05,
2014

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

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2015

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

**February 04, 2015 9:30 AM Motion to Revoke Bail State's Motion to
Revoke Defendant's
Bail**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline District Attorney
 Momot, John Joseph Attorney for Defendant
 Sprowson, Melvyn Perry, Jr. Defendant

 Zheng, Yi Lin Attorney for Defendant

JOURNAL ENTRIES

- State reviewed defense's response and argued contact with minor victim. Argument by counsel. Court FINDS Deft. violated condition of bail and ORDERED, motion GRANTED. Deft. REMANDED without bail. Trial date STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 27, 2015

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

May 27, 2015	3:54 PM	Motion	Defendant's Ex Parte Application for Court Approval of Payment of Specific Categories of Ancillary Defense Costs - MOTION GRANTED SUMMARILY - NO HEARING - DECISION ISSUED BY JUDGE - SEE DECISION FILED ON MAY 27, 2015
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HEARD BY:

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- **Please refer to Decision and Order filed on May 27, 2015**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 01, 2015**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

**July 01, 2015 11:00 AM All Pending Motions Evidentiary Hearing ;
Defendant's Motion
to Suppress Evidence**

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

PRESENT:	Bluth, JacquelineA	District Attorney
	Momot, John Joseph	Attorney for Defendant
	Sprowson, Melvyn Perry, Jr.	Defendant
	Zheng, Yi Lin	Attorney for Defendant

JOURNAL ENTRIES

- Testimony and exhibits presented. (See worksheets) Off the Record. Back on the Record.
Testimony and exhibits presented. (See worksheets) Argument by counsel. Argument by the State.
Further arguments by counsel. Court advised it would need the search warrant issued thirty days
after victim was removed from residence and it will render a written decision. Additional argument
by counsel regarding illegal entry into apartment and stated they were looking to suppress entry into
apartment along with any items seized by officers. State argued issues not contained in Deft's
motion, stated they would locate the warrant and provide to the Court. Court advised a written
decision will follow review of in-camera documents.

CUSTODY

PRINT DATE: 07/07/2015

Page 1 of 2

Minutes Date: July 01, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 20, 2015**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

July 20, 2015	9:30 AM	Motion to Continue Trial	Defendant's Motion To Continue Trial Date
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Bluth, Jacqueline	District Attorney
	Momot, John Joseph	Attorney for Defendant
	Sprowson, Melvyn Perry, Jr.	Defendant
	Sweetin, James R	District Attorney

JOURNAL ENTRIES

- State advised they had not filed an opposition, however, they stated their two concerns for counsel not to file motions for release and trial not be set in January due to State's leave of absence. Deft. stated he wanted motion quashed as he would like to wait for Court's ruling regarding suppression hearing. Court advised decision would be made within the next few days. Argument by counsel noting voluminous amount of in-camera documents had been provided and stated time would be needed in order to obtain an expert. Statement by Deft. Colloquy regarding trial schedules. COURT ORDERED, motion GRANTED and matter SET for status check. Clerk to e-mail parties list of available trial dates.

CUSTODY

PRINT DATE: 07/20/2015

Page 1 of 2

Minutes Date: July 20, 2015

C-14-295158-1

07-22-15 9:30 AM STATUS CHECK: RESETTING OF TRIAL

PRINT DATE: 07/20/2015

Page 2 of 2

Minutes Date: July 20, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 22, 2015**

C-14-295158-1

State of Nevada

vs

Melvyn Sprowson, Jr.

July 22, 2015**9:30 AM****All Pending Motions**

**Status Check:
Resetting of Trial;
John Momot Esq.'s
Motion to Withdraw
as Counsel**

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

Bluth, Jacqueline

District Attorney

Sprowson, Melvyn Perry, Jr.

Defendant

JOURNAL ENTRIES

- John Momot Esq. present. Court noted Mr. Momot had filed a Motion to Withdraw. Statement by counsel. Deft. requested time to speak with other attorneys, stated he disagreed with Mr. Momot, however, had no problem with counsel withdrawing. COURT ORDERED, motion GRANTED. FURTHER, matter SET for status check. Deft. inquired whether the Court had made decision regarding Motion to Suppress. Court stated it is being worked on and it would be distributed once completed. Deft. requested he receive a copy. Mr. Momot also requested a copy of decision. COURT SO NOTED.

CUSTODY**08-19-15 9:30 AM STATUS CHECK: NEW COUNSEL/RESETTING OF TRIAL**

PRINT DATE: 07/23/2015

Page 1 of 2

Minutes Date: July 22, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 19, 2015

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

**August 19, 2015 9:30 AM Status Check Status Check: New
Counsel/Resetting of
Trial**

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline District Attorney
 Sprowson, Melvyn Perry, Jr. Defendant

JOURNAL ENTRIES

- Deft's Motion to Proceed Pro Se FILED IN OPEN COURT. Deft. advised he was prepared for Faretta Canvas. COURT ORDERED, matter SET for status check.

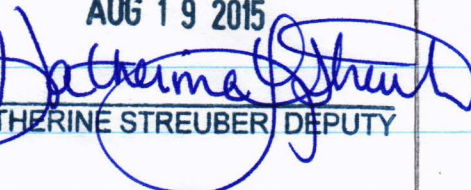
CUSTODY

08-24-15 11:00 AM STATUS CHECK: FARETTA CANVAS/RESETTING OF TRIAL

ORIGINAL

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

AUG 19 2015

BY 
KATHERINE STREUBER, DEPUTY

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

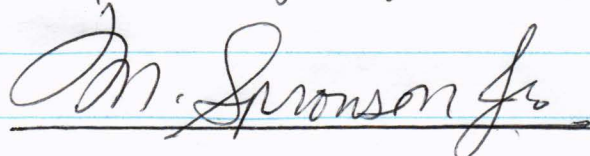
8 EIGHTH JUDICIAL DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA, 11 Plaintiff, 12 vs. 13 MELVYN P. SPROWSON, JR. 14 #5996049 15 Defendant	Case No. C-14-295158-1 Dept. NO. XXIII
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16
17 MOTION TO PROCEED PRO SE

18
19 COMES NOW MELVYN P. SPROWSON, JR.,
20 Defendant, and moves to proceed pro se.
21 This motion is based on the Affidavit and
22 Memorandum of Points and Authorities attached
23 hereto.

24
25 DATED this 19th day of August, 2015.

26 
27
28

MELVYN P. SPROWSON, JR. 1196

MEMORANDUM OF POINTS AND AUTHORITIES

The sixth amendment of the United States Constitution permits the right to counsel to be waived if the waiver is knowingly and intelligently made.

The protection of counsel is not to be forced upon the accused who voluntarily chooses to represent himself unless it appears during the course of proceedings that counsel should be present either to advise or conduct the defense (Miller vs. State 86 Nev. 503, 471 p. 2d 213).

REASONS FOR PROCEEDING PRO SE

In the instant matter, the Defendant was misled by his former attorney, John J. Momot, in regards to the case at hand. Mr. Momot, on July 01, 2015, during the Motion to Suppress Evidence hearing, handed on the Honorable Court's cameras, to the Defendant, an envelope that contained documents alleged to be search and seizure warrants. The alleged search warrants are not on file with any court, and in fact, were not found on file with this Honorable Court, by the Honorable Judge Stefany A. Miley and

1 the court's clerk Katherine Streuber.
2 These fraudulent search warrants
3 were used to illegally search and seize
4 the Defendant's home and property and
5 have yet to be presented to this
6 Honorable Court by the "State," as
7 requested by the Honorable Judge Stefany
8 A. Miley on July 01, 2015. When an attorney
9 hands to a client false documents to
10 prove or authenticate an illegal search
11 and seizure done by the "State," this
12 raises ethical issues, as well as, violates
13 the most basic attorney-client trust.

14 Secondly, on Friday, July 17, 2015, about
15 2:00pm, Mr. Momot met with the Defendant
16 to discuss a Motion to continue the trial,
17 that was to be heard on Monday, July 20, 2015,
18 at 9:30am. Prior to the discussion, the
19 Defendant apprehended the motion to continue
20 trial, to be a tactic by Mr. Momot to keep
21 the Defendant in jail for at least another
22 six to eight months, in order to create a
23 situation that tends to promote a desire
24 for the Defendant to negotiate a plea
25 bargain, rather than to sit in jail. Accordingly,
26 during the conversation, suspicions were confirmed,
27 as Mr. Momot did indeed advocate untimely
28 negotiations with the "State." The trust

1 of a client for his attorney should
2 never be compromised to please the
3 "State," and is essential for a proper
4 defense.

5 Lastly, the Defendant's former attorney,
6 John J. Momot, moved this Honorable Court
7 to withdraw as counsel of record for
8 the Defendant. Mr. Momot alleged irreconcilable
9 differences among other alleged reasons.

10 This coincidentally followed the Defendant's
11 discovery and confrontation about Mr. Momot's
12 unethical actions as discussed above. This
13 Honorable Court, granted Mr. Momot his
14 motion to withdraw through no fault
15 of the Defendant.

16 In conclusion, all the above facts have
17 created a disposition for the Defendant to
18 be extremely cautious of attorneys who
19 work closely with the "State." In light of
20 those facts, the Defendant has prudently
21 weighed the disadvantages as well as the
22 advantages of self-representation.

23 Therefore, it is respectfully requested
24 that this Honorable Court, grant the
25 Defendant his right to waive the assistance
26 of counsel and proceed pro se.

27 In addition, in order to adequately
28 present a defense at trial, the

1 Defendant respectfully requests
2 this Honorable Court to provide, without
3 cost, because of indigent status, all
4 discovery previously given to Mr.
5 Momot. This includes all files with
6 the court, any testimony (written and
7 recorded), transcripts, sealed and
8 unsealed documents, any and all
9 warrants and affidavits, police reports,
10 and most important, the judgement
11 results from the Motion to Suppress
12 Evidence hearing, and to provide the
13 above, as soon as this Honorable Court
14 deems reasonable. The Defendant is
15 currently in custody at Clark County
16 Detention Center, and would need
17 all the above material delivered to him.

18
19 Respectfully Submitted,

20 M. Sprowson Jr
21

22 MELVYN P. SPROWSON, JR.
23 Defendant
24
25
26
27
28

1 AFFIDAVIT OF DEFENDANT

2
3 STATE OF NEVADA | SS.
4 COUNTY OF CLARK |
5

6 MELVYN P. SPROWSON, JR, being duly
7 sworn, deposes and says:
8

9 I am knowingly, voluntarily, and intelligently
10 through Motion to Proceed Pro Se, waiving
11 my right to the assistance of counsel. I
12 hold a Bachelor of Arts degree in Liberal
13 studies. I have discussed with an attorney,
14 John J. Momot, the seriousness of and the
15 range of penalties for which I am being
16 charged. I understand the disadvantages of
17 self-representation. I understand that I
18 can not appeal the trial judgement based
19 on inefficiency of counsel.
20

21 Dated this 19th day of August, 2015. I
22 MELVYN P. SPROWSON, JR., do solemnly swear, under
23 penalty of perjury, that the above statement is
24 accurate, correct, and true to the best of my
25 knowledge. NRS 171.102 NRS 208.165
26

27 Respectfully Submitted,
28

M. Sprowson Jr

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 24, 2015**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

August 24, 2015	9:30 AM	All Pending Motions	Status Check: Faretta Canvas/Resetting of Trial; Deft's Motion to Proceed Pro Se
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Bluth, Jacqueline	District Attorney
	Sprowson, Melvyn Perry, Jr.	Defendant
	Sweetin, James R	District Attorney

JOURNAL ENTRIES

- Faretta Canvass CONDUCTED. COURT ORDERED, Motion to Proceed Pro Se GRANTED and Public Defender's Office APPOINTED as standby counsel. Court advised it is still working on decision, noted Deft. is not entitled to keep medical records while in the detention center and stated it is conferring with Chief Judge regarding the issue of release of discovery. Colloquy regarding setting of trial. COURT ORDERED, trial date SET and matter SET for status check.

CUSTODY

08-31-15 9:30 AM STATUS CHECK: DISCOVERY

10-28-15 9:30 AM CALENDAR CALL

PRINT DATE: 08/26/2015

Page 1 of 2

Minutes Date: August 24, 2015

C-14-295158-1

11-02-15 1:00 PM TRIAL BY JURY

PRINT DATE: 08/26/2015

Page 2 of 2

Minutes Date: August 24, 2015

1203

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 2015

C-14-295158-1	State of Nevada
	vs
	Melvyn Sprowson, Jr.

August 31, 2015	9:30 AM	Status Check	STATUS CHECK: DISCOVERY
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HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	District Attorney
	Yohay, Michael	Public Defender/Standby Counsel
	Sprowson, Melvyn Perry, Jr.	Defendant

JOURNAL ENTRIES

- Court advised it is still in discussion with Chief Judge regarding release of photographs of victim and victim's medical records as there are H.I.P.A.A. concerns and issues with having such discovery at the jail. CONFERENCE AT THE BENCH. Court advised the Public Defender's Office will not take control of photographs or medical records and noted an alternative would need to be figured out. Statement by Mr. Yohay regarding discovery. COURT ORDERED, matter CONTINUED.

CUSTODY

09-21-15 9:30 AM STATUS CHECK: DISCOVERY

CLERK'S NOTE: Clerk advised JEA at the direction of the Court, parties were to meet with Judge Miley at 9:00 a.m. on September 21, 2015. 09/02/15 kls

PRINT DATE: 09/02/2015

Page 1 of 2

Minutes Date: August 31, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 21, 2015

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

September 21, 2015 9:30 AM Status Check

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber/kls
 Robin Thomas

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline District Attorney
 Sprowson, Melvyn Perry, Jr. Defendant in Proper Person

 Yohay, Michael R. Public Defender/Standby Counsel

JOURNAL ENTRIES

- Stipulation and Order Regarding Discovery of Child Pornographic Materials SIGNED and FILED IN OPEN COURT. Counsel placed the agreement on the record noting they have redacted medical records, a CD containing photographs, advised they would only need 48 hour notice from Deft. when he needs to review discovery and also noted the medical records and photographs will remain in their possession. Deft. inquired of Court's decision on Evidentiary Hearing. State advised they had made a complete copy of the file which includes the Search Warrant. Argument by Deft. State advised they would file a Response to Deft's Motion to Suppress. Arguments by State and counsel/Deft. Court stated it did not recall making a decision on Judge Silver case. Deft. stated it was part of State's Motion in Limine. State advised they would go back and review argument and noted they would file a motion if needed. Colloquy regarding victim's other case. COURT ORDERED, matter SET for status check.

CUSTODY

PRINT DATE: 09/23/2015

Page 1 of 2

Minutes Date: September 21, 2015

10-05-15 9:30 AM STATUS CHECK: DISCUSSION REGARDING VICTIM'S PRIOR CASE BEFORE
JUDGE SILVER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 12, 2015

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

October 12, 2015	9:30 AM	All Pending Motions	State's Motion for Clarification Regarding State's Previously Filed Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial; Deft's Pro Per Motion to Proceed on Appeal in Forma Pauperis; Deft's Pro Per Motion to Suppress Evidence; Status Check
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HEARD BY: Barker, David

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber/cls
Robin Thomas

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	District Attorney
	Sprowson, Melvyn Perry, Jr.	Defendant
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

PRINT DATE: 10/16/2015

Page 1 of 2

Minutes Date: October 12, 2015

- State requested matters be continued in order for Judge Miley to heard motions. Objection by the Deft. State advised no opposition had been received as to their motion. Deft. advised he had been moved three times thus he was unable to file an opposition and requested to respond orally. Mr. Yohay requested Deft. stay at the detention center as it is difficult to locate and meet with him as they keep moving him to North Valley. Deft. requested an item of discovery. State advised they received a detailed e-mail from stand by counsel and stated they had provided complete detective file. Mr. Yohay advised they had received two DVDs and stated he would be going over to show to Deft. COURT ORDERED, Deft. to remain in the detention center unless there is an security issue. Colloquy regarding Deft's access to the law library. Deft. requested more discovery regarding Instagram message with alleged victim. State advised document had been provided this morning to stand by counsel. COURT ORDERED, matters are CONTINUED.

10-19-15 9:30 AM State's Motion for Clarification Regarding State's Previously Filed Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial; Deft's Pro Per Motion to Proceed on Appeal in Forma Pauperis; Deft's Pro Per Motion to Suppress Evidence; Status Check

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 19, 2015

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

October 19, 2015	9:30 AM	All Pending Motions	Deft's Pro Per Motion to Proceed on Appeal in Forma Pauperis; Deft's Pro Per Motion to Suppress Evidence; State's Motion for Clarification Regarding State's Previously Filed Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial; Status Check
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber/kl
Robin Thomas

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	District Attorney
	Sprowson, Melvyn Perry, Jr.	Defendant
	Sweetin, James R	District Attorney
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

PRINT DATE: 10/23/2015

Page 1 of 3

Minutes Date: October 19, 2015

- Court advised warrant had now been filed and noted the clerical error made by the Clerk's Office filing said warrant in the wrong case. Argument by Deft. regarding Motion to Suppress quoting the State from December 5, 2013 stating photographs could be found on Deft's computer and they were to collect any and all items including any computers along with any female products and clothes. Deft. stated he had four exhibits in which he wanted the State to verify. Argument by the State. Court reviewed exhibits A, B, C & D and inquired whether they were documents received by the State. Argument by Deft. regarding Fourth Amendment and probable cause. Court noted Deft's Motion regarding search warrant was very narrow. Deft. stated he was still questioning the validity of the search warrant. Argument by the State. Court pointed out they are limited on what they can address, ORDERED, Motion to Suppress is DENIED and stated Deft. would have to put probable cause issue in writing as this is new argument. Argument by Deft. Court reiterated argument would have to be put in writing thus parties can prepare. Additional argument by Deft. noting State had seven days to file their opposition, pointed out they filed opposition in 10 days and requested motion be granted. Court noted Deft's other motion had no merit and advised if Deft. could file a motion immediately, then it could be heard prior to trial. State suggested motion be set the same day as calendar call and their motion. Argument by Deft. noting the time it takes for Deft's motions to be filed and stated they kept moving him around which makes it difficult for him to get to law library. Court advised it could do nothing regarding housing. Further argument by Deft. advising he had no access to law library in four weeks. Colloquy regarding Deft's readiness for upcoming trial. Deft. stated he would be ready no matter what. Court directed Deft. to file motion and it would be read even if it is late. Further argument by Deft. Court re-stated its ruling regarding mental issue of victim and its relevance. Court then stated it would allow Deft. to go into the issue, however, not in regards to mental issue in the other case. State argued victim had been victimized before which they believed was not relevant, pointed out Deft. is being charged with Child Abuse, Neglect or Endangerment with Substantial Bodily and/or Mental Harm and whether parties would stipulate to jury instruct regarding previous mental health care. State then noted if Court will allow said jury instruction, they would work with Deft. and Mr. Yohay. Argument by Deft. Court advised the minute orders that have been prepared, indicate what parties were present. Further argument by Deft. stating the State is trying to limit discussion of sexual assault, pointed out in the other case the charge was illegal which this case is not and stated the issue with sexual activity of a person. Arguments regarding Rape Shield. State argued kidnapping, keeping victim away from her parents, noted intent to commit sexual assault and advised this not the theory of their case. Argument by Deft. regarding photographs and requested to able to bring up issue at to sexual conduct in the other case. Court inquired why Deft. would want to bring up the other case were victim was assaulted. Argument by Deft. Court stated it was not relevant that she was a victim in another case, however, parties could get into conflict with victim's mother. Further argument by Deft. Court stated again it would not allow Deft. to bring up the other case. Argument by the State regarding Rape Shield. Additional argument by Deft. Court directed Deft. to review the statute as he is limited as to what he can get into. Argument by Deft. stating Court had denied request for copy of transcripts. Colloquy regarding Court Recorder. Court Recorder advised a ruling was needed before transcript could be

completed. COURT ORDERED, request GRANTED. FURTHER, Deft's Motion to Proceed on Appeal in Forma Pauperis is GRANTED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 28, 2015**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

October 28, 2015	9:30 AM	All Pending Motions	Calendar Call; State's Motion to Admit Evidence of Other Bad Acts
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Bluth, Jacqueline	District Attorney
	Sprowson, Melvyn Perry, Jr.	Defendant
	Sweetin, James R	District Attorney
	Yohay, Michael R.	Public Defender/Standby Counsel for Defendant

JOURNAL ENTRIES

- Deft. advised he needed additional time to address State's bad acts motion, stated more discovery was needed such as forensic reports regarding cellphone and his computer and noted he did not have the e-mails between him and alleged victim. State advised all documents needed by Deft. were provided on the CD given to Public Defender's Office a few months ago. Mr. Yohay advised he had met with Deft. a few times to review discovery and pointed out there are many items to review. Argument by Deft. State adamantly advised all discovery had been produced including the file of Las Vegas Metropolitan Police Department. Deft. advised he did not have time to review all documents nor review documents with standby counsel as he had been moved six times and noted he now had access to law library. Colloquy regarding trial setting. COURT ORDERED, matter SET

PRINT DATE: 10/28/2015

Page 1 of 2

Minutes Date: October 28, 2015

for status check regarding setting of trial. FURTHER, matter SET for hearing regarding bad acts motion. Court stated Deft. had two weeks in which to file an Opposition to State's motion.

CUSTODY

11-02-15 9:30 AM STATUS CHECK: TRIAL SETTING

12-10-15 9:30 AM PETROCELLI HEARING; STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2015

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

**November 02, 2015 9:30 AM Status Check STATUS CHECK:
RESETTING OF
TRIAL**

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline District Attorney
 Sprowson, Melvyn Perry, Jr. Defendant

 Yohay, Michael R. Public Defender/Standby Counsel

JOURNAL ENTRIES

- Colloquy regarding trial scheduling. Deft. requested a June 2016 setting. COURT ORDERED, matter SET for trial.

CUSTODY

06-08-16 9:30 AM CALENDAR CALL

06-13-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 10, 2015**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

December 10, 2015	9:30 AM	All Pending Motions	Petrocelli Hearing; State's Motion to Admit Evidence of Other Bad Acts
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Bluth, Jacqueline	District Attorney
	Sprowson, Melvyn Perry, Jr.	Defendant in Proper Person
	Sweetin, James R	District Attorney
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

- State advised the victim is now eighteen years of age, still high school and requested her face not be shown. COURT ORDERED, request GRANTED. Colloquy regarding questioning of witness. Defendant stated he might not ask any questions of witness, stated he had no objection to the State's exhibits and believed there to be no reason for this hearing. COURT SO NOTED and advised the Defendant will be able to approach witnesses during trial. Testimony and exhibits presented. (See worksheets) State rested. No defense presented. Argument by the State. Argument by Deft. COURT ORDERED, State's Motion to Admit Evidence of Other Bad Acts is GRANTED as there is clear and convincing evidence. Court found the detective, victim and hotel owner credible and also found evidence relevant as it shows intent. State to prepare the order.

PRINT DATE: 01/08/2016

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Minutes Date: December 10, 2015

C-14-295158-1

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 13, 2016

C-14-295158-1	State of Nevada
	vs
	Melvyn Sprowson, Jr.

April 13, 2016	9:30 AM	Motion	Deft's Third Motion to Suppress Evidence
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	District Attorney
	Sprowson, Melvyn Perry, Jr.	Defendant in Proper Person
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

- Argument by Deft. regarding affidavits as to search warrants and exculpatory evidence. Court clarified reason for search of phones and computers. Further argument by Deft. Argument by the State. Additional argument by Deft. Court noted judge who had signed the warrant believed there to be probable cause and ORDERED, motion DENIED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 16, 2016**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

May 16, 2016	9:30 AM	All Pending Motions	Deft's Pro Per Motion to Continue Trial; State's Opposition to Defendant's Sixth Motion to Continue Trial
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

- Deft. requested continuance of trial for six to eight months as he is having difficulty with getting Mr. Yohay to review discovery and noted he wanted to go to trial but needed to be prepared. Argument by the State. Court inquired why State did not want to move trial out six months. Further argument by the State. Mr. Yohay advised he was having difficulty with meeting with Deft. as he is not a client and pointed out he has been working on cases of actual clients. COURT ORDERED, Deft's Pro Per Motion to Continue Trial is GRANTED. Trial date VACATED and RESET.

CUSTODY

PRINT DATE: 05/24/2016

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Minutes Date: May 16, 2016

C-14-295158-1

03-15-17 9:30 AM CALENDAR CALL

03-20-17 1:00 PM TRIAL BY JURY (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2016

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

**November 02, 2016 9:30 AM Motion for Discovery Defendant's Pro Per
Motion for Discovery**

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Sprowson, Melvyn Perry, Jr. Defendant

 Sweetin, James R Attorney for the State
 Yohay, Michael R. Standby Counsel for Defendant

JOURNAL ENTRIES

- Argument by Deft. regarding three search warrants and stated there was no chain of custody. Argument by the State noting the search warrants were attached to Deft's Motion to Suppress. COURT ORDERED, request for original search warrants is DENIED. Deft. requested matter be continued for his response to reach the Court. COURT ORDERED, matter CONTINUED.

CUSTODY

11-16-16 9:30 AM DEFT'S PRO PER MOTION FOR DISCOVERY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2016

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

November 16, 2016 9:30 AM Motion for Discovery

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Phyllis Irby

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline Attorney for the State
 Sprowson, Melvyn Perry, Jr. Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Banks is present as stand-by counsel. Ms. Bluth informed the Court she has spoken with Mr. Sweetin and he has given Deft certified copies of the records. Following extensive argument by Deft. COURT ORDERED, MOTION DENIED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 04, 2017**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

January 04, 2017	9:30 AM	Motion	Defendant's Pro Per Motion to Withdraw the Original Record of Search and Seizure Warrants on File with District Court
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**PARTIES**

PRESENT:	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant

JOURNAL ENTRIES

- Court advised due to the size of today's calendar, Deft's Motion to Withdraw the Search and Seizure Warrants is CONTINUED. However, the request for an Investigator is GRANTED and the Court will notify Mr. Christensen. Court pointed out the issue of expert is a difficult situation and directed Deft. to speak with investigator. Deft. inquired whether the Court received his Response which had been sent in December 21, 2016. Court stated it had not been received. FURTHER, matter SET for status check.

CUSTODY

01-09-17 9:30 AM STATUS CHECK: INVESTIGATOR; DEFT'S PRO PER MOTION TO WITHDRAW THE ORIGINAL RECORD OF SEARCH AND SEIZURE WARRANTS ON FILE WITH THE DISTRICT COURT

PRINT DATE: 01/06/2017

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Minutes Date: January 04, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 09, 2017**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

January 09, 2017	9:30 AM	All Pending Motions	Status Check: Trial Readiness; Defendant's Pro Per Motion to Withdraw the Original Record of Search and Seizure Warrants on File with District Court; Status Check: Investigator
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**PARTIES**

PRESENT:	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant in Proper Person
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

- Appointed Investigator Richard Franky present and advised he had spoken with Deft. Argument by the State regarding warrants noting they were provided electronically and noted search warrants were as victim's laptop, the Deft's banker computer and victim's cellphone and iPod. State provided DVD once again to standby counsel. Argument by Deft. State advised forensic dumps could not be printed. Mr. Yohay advised they had given the DVD to their IT department to print and stated he attempted to meet with Deft. on December 30, 2016, however, Deft. refused to meet with standby counsel. Argument by Deft. Mr. Yohay pointed out that he had priority clients as they are actual clients and advised he would be able to meet with Deft. this Thursday afternoon. Colloquy regarding

PRINT DATE: 01/27/2017

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Minutes Date: January 09, 2017

schedule. Argument by Deft. Argument by the State. COURT ORDERED, Deft's Motion to Withdraw the Original Record of Search and Seizure Warrants is DENIED and status check regarding trial readiness is CONTINUED.

CUSTODY

02-06-17 9:30 AM STATUS CHECK: TRIAL READINESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2017

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

February 06, 2017 9:30 AM Status Check: Trial Readiness

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT:	Berkley, Maxwell	Public Defender/Standby Counsel
	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant

JOURNAL ENTRIES

- Court advised due to its schedule, it would need to reschedule trial to begin one week sooner than current setting. Argument by Deft. noting he could not proceed one week earlier as he has experts and other witness from out of state. Court noted the soonest it could try this case would be in October stack. Argument by the State. Court noted it could only proceed with one trial at a time. Further argument by Deft. Court stated trial will be moved forward one week. Additional argument by Deft. Court pointed out Deft. could file motion regarding this Court violating his constitutional rights and ORDERED, trial RESCHEDULED. Deft. stated his objection on the record. COURT SO NOTED.

CUSTODY

03-08-17 9:30 AM CALENDAR CALL

03-13-17 1:00 PM TRIAL BY JURY

PRINT DATE: 02/24/2017

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Minutes Date: February 06, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 24, 2017

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

**February 24, 2017 3:00 AM Motion: Affidavit to Disqualify Judge Stefany A.
Miley For Bias and Misconduct NRS 1.235**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

PARTIES None. Minute order only - no hearing held.
PRESENT:

JOURNAL ENTRIES

- See written Order Denying Motion to Disqualify entered on January 24, 2017.

CLERK'S NOTE: A copy of this minute order was distributed to Melvyn Sprowson, Jr., Deft in Pro Se, at ID # 5996049, Clark County Detention Center (CCDC), 330 S. Casino Center Blvd, Las Vegas, NV 89101, and a copy placed in the attorney folder for the District Attorney - Criminal Division, attn. Deputy D.A. Jacqueline Bluth. / dr 3-6-17

CLERK'S NOTE: Minutes corrected to reflect that this hearing entry relates to the order entered on January 24, 2017. Please see separate minute order entered on March 7, 2017 denying Deft's motion for reconsideration of the denial. Corrected minute order distributed to Melvyn Sprowson, Jr., Deft in Pro Se, at ID # 5996049, Clark County Detention Center (CCDC), 330 S. Casino Center Blvd, Las Vegas, NV 89101, and via electronic mail to Deft's standby counsel Deputy Public Defender Michael Yohay and Deputy District Attorney Jacqueline Bluth. / dr 3-7-17

PRINT DATE: 03/07/2017

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Minutes Date: February 24, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 07, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

**March 07, 2017 2:30 PM Defendant's Supplemental Motion to Affidavit to
Reconsider Disqualifying Judge Stefany Miley for
Bias and Misconduct**

HEARD BY: Gonzalez, Elizabeth

COURTROOM:

COURT CLERK: Dulce Romea

PARTIES None. Minute order only – no hearing held.

PRESENT:

JOURNAL ENTRIES

- The Court has reviewed the Affidavit filed by Defendant in which he requests the Court to reconsider the January 24, 2017 decision denying his motion to disqualify Judge Miley and the Supplemental Affidavit of Judge Miley. The Defendant has failed to provide any new information which would provide the Court with a basis to reconsider the January 24, 2017 decision. Accordingly the motion to reconsider is DENIED.

CLERK'S NOTE: A copy of this minute order was mailed to Melvyn Sprowson, Jr., Deft in Pro Se, at ID # 5996049, Clark County Detention Center (CCDC), 330 S. Casino Center Blvd, Las Vegas, NV 89101, and via electronic mail to Deft's standby counsel Deputy Public Defender Michael Yohay and Deputy District Attorney Jacqueline Bluth. / dr 3-7-17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 08, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

March 08, 2017 9:30 AM Calendar Call

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT: Sprowson, Melvyn Perry, Jr. Defendant

 Sweetin, James R Attorney for the State
 Yohay, Michael R. Standby Counsel/Public Defender

JOURNAL ENTRIES

- State advised Deputy Bluth is handling this case, however, she is currently in a trial which will go through the following week and requested a continuance of trial to following week. Deft. announced ready for trial. COURT ORDERED, trial RESCHEDULED. State requested subpoenas be continued. COURT SO ORDERED.

CUSTODY

03-15-17 9:30 AM CALENDAR CALL

03-20-17 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2017

C-14-295158-1 State of Nevada
 vs
 Melvyn Sprowson, Jr.

March 15, 2017 9:30 AM Calendar Call

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

PARTIES

PRESENT: Bluth, Jacqueline Attorney for the State
 Sprowson, Melvyn Perry, Jr. Defendant in Proper Person

JOURNAL ENTRIES

- Deputy Public Defender Pandora Leven stood in for Mr. Yohay, as standby counsel. State advised they would need a Tuesday start date and announced ready for trial. Deft. announced ready for trial. Court advised this case would be re-assigned to another department as it will be trying a complex two defendant case and stated parties would be contacted when information was received from Chief Judge Gonzalez. After Court Proceedings: Chief Judge Gonzalez advised this Court will preside over trial in this case and complex two defendant trial would be reassigned to another department. JEA notified the parties.

CUSTODY

03-21-17 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 21, 2017**

C-14-295158-1 State of Nevada
vs
Melvyn Sprowson, Jr.

March 21, 2017	9:30 AM	All Pending Motions	Defendant's Second Pro Se Motion To Continue Trial; Jury Trial
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**PARTIES**

PRESENT:	Bluth, Jacqueline	Attorney for the State
	Sprowson, Melvyn Perry, Jr.	Defendant in Proper Person
	Sweetin, James R	Attorney for the State
	Yohay, Michael R.	Public Defender/Standby Counsel

JOURNAL ENTRIES

- Court noted Deft. is stating issues with search warrants and chain of custody. Deft. advised he had subpoenaed Justice Court, noted he reviewed CDs and did not find chain of custodies, stated he anticipated having the information prior to trial, argued U.S. vs. Farrius and pointed out he wanted to go to trial, however, he wanted to be prepared. Court stated it agreed with 9th Circuit, noted Deft. had been provided with funds for an investigator and also funds for experts if needed, pointed out this case has been on-going since 2013, stated all parties announced ready at calendar call then in turn the State lined up their witnesses and believed there not to be any new issues which would delay trial. Mr. Yohay advised everything in there possession had been presented to Deft., noted he did not review CDs thoroughly, however, he did not see chain of custodies. Argument by Ms. Bluth noting there is no such thing as chain of custody, only property impound reports and search warrant returns which reflect everything taken from apartment and noted everything had been given to John Momot. Argument by Deft. as to who had handled the evidence/property. Argument by the State. Deft.

PRINT DATE: 04/21/2017

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Minutes Date: March 21, 2017